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CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-THIRD CONGRESS, SECOND SESSION.

VOLUME LI.

WASHINGTON
1914

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VOLUME LI, PART IX.

CONGRESSIONAL RECORD,

SIXTY-THIRD CONGRESS, SECOND SESSION.

SENATE.

SATURDAY, *May 9, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, it has been said of old where there is no vision the people perish. Every question presented to us is impressive with its future consequences. Every problem bears heavy upon us, because it bears in its train the welfare of those coming after us. We pray that we may realize the importance of every issue that is presented, and that there may be no disposition in any of us to tax the future for present gain. Where duty calls may we be enabled to make the supreme sacrifice. Hear us to-day for Thy blessing upon us in guiding us in thought, in heart, in purpose, in will, that Thy will may be done and Thy righteousness may be established among this people. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. JONES. Mr. President, before any business is transacted, there being only half a dozen Senators on the other side, I think we ought to have a quorum. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Page	Stone
Brady	James	Perkins	Sutherland
Brandegee	Johnson	Poindexter	Swanson
Bristow	Jones	Pomerene	Thornton
Bryan	Kenyon	Ransdell	Tillman
Burleigh	La Follette	Saulsbury	Vardaman
Burton	Lane	Sheppard	Walsh
Chamberlain	Lodge	Shields	Warren
Chilton	McLean	Shively	West
Clapp	Martine, N. J.	Simmons	Williams
Clark, Wyo.	Norris	Smith, Ga.	Works
Gallinger	Overman	Smoot	
Goff	Owen	Sterling	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

SALARIES OF COLLECTORS OF INTERNAL REVENUE (S. DOC. NO. 480).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, recommending an increase in the estimates submitted by the Treasury Department for salaries and expenses of collectors of internal revenue from $2,150,000 to $2,190,000, which was referred to the Committee on Appropriations and ordered to be printed.

ESTATE OF GEORGE WRIGHT, DECEASED.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Court of Claims, requesting, pursuant to an order of the court, the return of the order of dismissal in the cause of the Estate of George Wright, deceased, *v.* United States. The communication will be referred to the Committee on Claims, and, there being no objection, the papers will be returned to the Court of Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16294. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16345. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors;

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of W. H. Derwin Camp, No. 5, United Spanish War Veterans, of Manchester, N. H., praying for the enactment of legislation to grant pensions to widows and minor children of veterans of the War with Spain and the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. BRISTOW. I have the following telegram from C. L. Brokaw, of Kansas, sent from Hutchinson. It reads:

Kansas State Sunday School Convention petition earnestly for speedy enactment of greatly needed Smith-Hughes bill, to establish Federal censorship of motion pictures.

I desired to read the telegram, and I wish to state that I believe the proposition is a good one and the measure ought to be passed. I ask that the telegram may be referred to the Committee on Education and Labor.

The VICE PRESIDENT. The telegram will be referred to the Committee on Education and Labor.

Mr. WORKS presented a telegram in the nature of a petition from sundry organizations and churches in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, and for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a telegram in the nature of a memorial from an executive committee representing 52 importers and wholesale liquor merchants of San Francisco, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Colonel Ashbury Steele Post, No. 39, and of General Shunk Post, No. 23, Grand Army of the Republic, Department of Indiana, of Marion, and of Fred D. Ballou Camp, No. 32, Spanish War Veterans, of Marion, all in the State of Indiana, remonstrating against the enactment of legislation to abolish the National Military Home at that place, which were referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Trinity Swedish Evangelical Lutheran Church, of Elkhart, Ind., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Lebanon, Ind., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Methodist Episcopal Church of Wolcott, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WARREN presented a telegram in the nature of a memorial from sundry banks and commercial houses in the State of Wyoming, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Retail Liquor Dealers' Association of New London, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

CLARENCE HAZELBAKER.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 2630) for the relief of Clarence Hazelbaker, reported it with an amendment and submitted a report (No. 503) thereon.

HENRY LA ROQUE.

Mr. CLAPP. From the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 14229)

for the relief of Henry La Roque, and I submit a report (No. 502) thereon. This is a measure which has passed the House, giving a right of appeal to an Indian allottee, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That Henry La Roque, an Indian of the White Earth Indian Reservation, in the State of Minnesota, be, and he is hereby, permitted to appeal within 90 days after the passage of this act from the decree entered in the United States Circuit Court of Appeals for the Eighth Circuit on the 8th day of July, 1912, in a suit wherein the United States is the appellant and Henry La Roque the appellee, to the Supreme Court of the United States, giving such notice or notices and taking such proceedings as are required by law and practice in such cases to effect such appeal. To enable such appeal to be taken and perfected the time therefor and for all notices and proceedings provided in the law or practice to be given or taken is hereby extended until the expiration of the period of 90 days from and after the passage of this act.

Mr. CLARK of Wyoming. For what purpose was the bill read?

The VICE PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. CLARK of Wyoming. If I understand the bill, I think I shall have to object to it.

Mr. CLAPP. I hope the Senator will not object to this bill. It is the case of an Indian allottee, where the decision was made, and for want of funds he was unable to take his appeal within the time. It is in defense of an Indian's right, not aggressively against the Indian. The bill simply grants him the right of an appeal.

Mr. CLARK of Wyoming. I understand the general law provides for all cases of this sort, and I think we ought to go very moderately in restoring the right to appeal where the right to appeal does not exist. I myself believe that the bill ought to have been considered by the Judiciary Committee. I do not know whether it has been or not.

Mr. CLAPP. If the bill would confer the right of appeal upon a full citizen, I would not think for a moment of asking for its passage. It is in behalf of one of the wards of the Nation. The bill was referred to the Judiciary Committee, and when I called the attention of some members of the Judiciary Committee to the fact they very readily conceded, and the chairman conceded at once, that the bill should go to the Committee on Indian Affairs. We are dealing with a ward, not changing the right of appeal as to citizens of this country.

Mr. CLARK of Wyoming. It is not changing the general law, but changing the rules which have been laid down and the law as it now exists in regard to court procedure. I do not believe that should be done in this way. I shall have to ask the Senator to let the bill go over to-day at least.

Mr. SUTHERLAND. Let me ask the Senator from Minnesota whether the rights of any third parties are involved in the case, or is it simply a question between the United States and the Indian?

Mr. CLAPP. As I understand it, it is simply a question between the United States and the Indian. He brought suit under the statutes to enforce his right to an allotment, and the Secretary refused to make the allotment.

Mr. SUTHERLAND. It is against the Government?

Mr. CLAPP. It is against the Government.

Mr. SUTHERLAND. The rights of no private person are involved in the matter whatever?

Mr. CLAPP. Not as I understand. The bill was favorably reported on by the department and it passed the House. If the bill undertook to interfere with the judiciary laws or to give the right of appeal to a citizen, of course it should go to the Committee on the Judiciary, but the question whether we shall confer upon a ward this particular right, where it has lapsed because of his inability for want of means to bring his appeal, it seems to me is clearly within the purview of the Committee on Indian Affairs.

Mr. SUTHERLAND. I suppose, Mr. President, if we choose to do so we could pass an act granting to the Indian this particular land.

Mr. CLAPP. Why, certainly; and such a bill would not go to the Judiciary Committee.

Mr. CLARK of Wyoming. And to a bill of that sort, Mr. President, I should not raise the slightest objection.

Mr. CLAPP. Well, the Senator can enter his objection and let the bill go to the calendar.

The VICE PRESIDENT. The bill will go to the calendar.

FRANK ELLSWORTH M'CORKLE.

Mr. BRISTOW. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 3432) to reinstate Frank Ellsworth McCorkle as a cadet at the United States Military Academy, and I submit a report (No. 504) thereon. I ask unanimous consent for the present consideration of the bill. It will not take much time.

Mr. JONES. I should like to ask the Senator what is the reason for this bill?

Mr. BRISTOW. This bill is for the relief of one of the six boys who were discharged some time ago for drinking beer, as the Senator will remember. All of them, except this one, have been reinstated, and this bill proposes to reinstate him and it has passed the House. He was in the same party and did exactly the same thing as the other boys, nothing more and nothing less.

Mr. JONES. Why was he not included in the other bill?

Mr. BRISTOW. He was just omitted; that is all.

Mr. JONES. I suppose, under the circumstances and in view of the passage of the other bill, he should be put upon the same basis as the others, of course.

Mr. BRISTOW. Certainly.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to reappoint as cadet at the United States Military Academy, without regard to age or the existence of vacancies, Frank Ellsworth McCorkle.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE ECONOMIC VALUE OF MAN.

Mr. CHILTON. On April 15 the Senator from Utah [Mr. SUTHERLAND] presented an article on "The Economic Value of Man," prepared by Dr. Chauncey Rea Burr, of Portland, Me., and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, and I ask that it may be read.

The resolution (S. Res. 351) was read, as follows:

Resolved, That the manuscript submitted by Mr. SUTHERLAND on April 15, 1914, entitled "A Treatise on the Economic Value of Man, Together with Rules for Determining His Economic Loss in Every Case of Injury or Disease," by Dr. Chauncey Rea Burr, of Portland, Me., late assistant surgeon, United States Navy, be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

THE ROCKEFELLER FOUNDATION.

Mr. CHILTON. On April 14 the Senator from Iowa [Mr. KENYON] presented a communication from the Secretary of Agriculture relating to the general education board of the Rockefeller Foundation, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 352) was read, as follows:

Resolved, That the communication from the Secretary of Agriculture in response to the resolution submitted by Mr. KENYON and adopted by the Senate on April 1, 1914, calling for information in regard to the relation of the general education board of the Rockefeller Foundation to the work of the Department of Agriculture, be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

EFFECT OF PANAMA CANAL ON SEA TRAFFIC.

Mr. CHILTON. On April 1 the Senator from California [Mr. WORKS] presented an article of Russell L. Dunn, of San Francisco, on the effect of the Panama Canal on sea traffic, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 353) was read, as follows:

Resolved, That the manuscript submitted by Mr. WORKS on April 1, 1914, entitled "Effect of the Panama Canal on Sea Traffic," by Mr. Russell L. Dunn, of San Francisco, Cal., be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

COAL-LAND LEASES.

Mr. CHILTON. On March 27 the Senator from Washington [Mr. JONES] presented an article prepared by T. P. McDonald on the leasing of coal lands in the United States and other countries, and asked that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, and ask that it be read.

The resolution (S. Res. 355) was read, as follows:

Resolved, That the manuscript submitted by Mr. JONES on March 27, 1914, entitled "Leasing Coal Lands in the United States and Other Countries," by T. P. McDonald, be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

WORKMEN'S COMPENSATION.

Mr. CHILTON. I am directed by the Committee on Printing, to which was referred the Senate resolution 326, to authorize the printing of Senate Document No. 419, workmen's compensation report, submitted by Mr. BRADY on April 4, to report it favorably.

The VICE PRESIDENT. The resolution will be placed on the calendar.

THE CONSULAR SERVICE.

Mr. CHILTON. On March 5 the Senator from South Dakota [Mr. STERLING] presented an article entitled "The American Consular Service and Commercial Attachés," written by Mr. J. J. Slechta, of New York, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 356) was read, as follows:

Resolved, That the manuscript submitted by Mr. STERLING on March 5, 1914, entitled "The American Consular Service and Commercial Attachés," by Mr. J. J. Slechta, of New York, be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

ADDRESS BY JUDGE WALTER CLARK.

Mr. CHILTON. On March 25 the Senator from North Carolina [Mr. OVERMAN] presented a copy of an address by Chief Justice Walter Clark, of the Supreme Court of North Carolina, and asked that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 357) was read, as follows:

Resolved, That the manuscript submitted by Mr. OVERMAN on March 25, 1914, entitled "Government by Judges," an address delivered by Chief Justice Walter Clark, of the North Carolina Supreme Court, at Cooper Union, New York City, January 27, 1914, be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

THE MISSISSIPPI RIVER.

Mr. CHILTON. On March 5 the Senator from Nevada [Mr. NEWLANDS] presented an article by Barnett E. Moses, on the problem of the Mississippi River, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 358) was read, as follows:

Resolved, That the manuscript submitted by Mr. NEWLANDS on March 5, 1914, entitled "The Problem of the Mississippi River," by Mr. Barnett E. Moses, of the Memphis bar, be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

TREATY-MAKING POWER UNDER THE CONSTITUTION.

Mr. CHILTON. On April 22 the Senator from California [Mr. WORKS] presented an article on the treaty-making power under the Constitution of the United States, prepared by Henry St. George Tucker, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 359) was read, as follows:

Resolved, That the article submitted by Mr. WORKS on April 22, 1914, entitled "The Treaty-Making Power Under the Constitution of the United States," by Henry St. George Tucker, of Lexington, Va., be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

MARKETING OF APPLES.

Mr. CHILTON. On December 19 the Senator from Washington [Mr. POINDEXTER] presented an article on Western Apples: How and When to Use Them, by Mr. John P. Hartman, of Seattle, Wash., and requested that it be printed as a Senate document. I am directed by the Committee on Printing to report the following resolution, which I ask may be read. I call the attention of the Senator from Washington [Mr. POINDEXTER] to the resolution, who, I think, is in a hurry for it.

The resolution (S. Res. 354) was read, as follows:

Resolved, That the manuscript submitted by Mr. POINDEXTER on December 19, 1913, entitled "Western Apples: How and When to Use Them," by Mr. John P. Hartman, of Seattle, Wash., be printed as a Senate document.

Mr. POINDEXTER. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, I shall not object to the resolution, as it is a small matter; but I will object to other similar requests, because I think that if we are ever to get rid of the business on the calendar we must have the bills as they are reported go to the calendar. Then Senators will become sufficiently interested in them to enforce the consideration of bills on the calendar.

Mr. POINDEXTER. I realize the force of what the Senator says, and I would not make the request only from the fact that this matter has been unreasonably delayed.

The resolution was considered by unanimous consent and agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 5518) granting an increase of pension to John F. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5519) to reestablish the Circuit Court of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. McLEAN:

A bill (S. 5520) granting an increase of pension to Elizabeth R. Frink (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5521) granting an increase of pension to Maggie Daugherty (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 5522) for the relief of James W. Kingon; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SWANSON submitted an amendment proposing to appropriate $200,000 for a new dry dock at Norfolk Navy Yard, Norfolk, Va., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. JONES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. GORE submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

SENATE OFFICE BUILDING COMMISSION.

Mr. GALLINGER. Mr. President, I desire to make a brief statement.

In the sundry civil appropriation act of April 28, 1904 (Stat. L., vol. 33, pt. 1, p. 481), a commission was created to acquire a site and construct the building known as the Senate Office Building. The commission, as created, was composed of Senators Cullom, of Illinois; GALLINGER, of New Hampshire; and Cockrell, of Missouri. When Senator Cockrell left the Senate, Senator Teller, of Colorado, was appointed to the vacancy. Since then Senators Cullom and Teller have died, so that I am now the only surviving member of the commission.

The law provides that—

Any vacancy occurring by resignation or otherwise in the membership of the said commission shall be filled by the presiding officer of the Senate.

I am informed, Mr. President, by the Superintendent of the Capitol Building and Grounds that it is important that the vacancies on the commission shall be filled, as the work has not been completed, and it is necessary that the commission shall be consulted from time to time. In view of that fact I venture to suggest that the vacancies be filled by the Vice President, as provided by law.

The VICE PRESIDENT. The Vice President fills the vacancies on the commission by the appointment of the Senator from North Carolina [Mr. OVERMAN] and the Senator from Indiana [Mr. KERN].

PANAMA CANAL TOLLS.

Mr. CHILTON. Mr. President, I desire to give notice that on Thursday next, the 14th instant, at the conclusion of the remarks of the Senator from New Hampshire [Mr. GALLINGER],

I shall submit some observations on the Panama Canal tolls question.

ESTATE OF THOMAS B. M'CLINTIC, DECEASED.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased.

Mr. BRYAN. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. BRYAN, Mr. MARTIN of Virginia, and Mr. CRAWFORD conferees on the part of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4168) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4552) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4260) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4352) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4657) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 16294. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16345. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

DEPOSITS OF STATE BANKS AND TRUST COMPANIES.

The VICE PRESIDENT. Morning business is closed.

Mr. OWEN. I ask unanimous consent for the consideration of the bill (S. 4966) proposing an amendment as to section 19 of the Federal reserve act relating to reserves, and for other purposes. If the bill involves any debate whatever I shall not press it at this time. It simply modifies the Federal reserve act by inserting these words:

> If a State bank or trust company is required or permitted by the law of its State to keep its reserves either in its own vaults or with another State bank or trust company or with a national bank, such reserve deposits so kept in such State bank, trust company, or national bank shall be construed within the meaning of this section as if they were reserve deposits in a national bank in a reserve or central reserve city for a period of three years after the Secretary of the Treasury shall have officially announced the establishment of a Federal reserve bank in the district in which such State bank or trust company is situate.

Under the law as it stands it would remove some of the deposits which now are held by State banks and trust companies, being the deposits and reserves of other State banks and trust companies, and it was thought best not to disconcert or interfere with the present order more than was necessary in the establishment of the Federal reserve system.

Mr. SMOOT. Mr. President, I have not had time to examine the bill, and I do not particularly make objection to its consideration now on my own account, but I do feel that there ought to be some questions asked in regard to the measure, and I understand that a number of Senators are interested in it.

Mr. OWEN. I ask that the bill go over, in view of the Senator's statement.

Mr. BURTON. Mr. President, before the bill goes over, I call the attention of the Senator from Oklahoma to one point in it which seems not to have attracted notice. The existing law provides:

> Any Federal reserve bank may receive from the member banks as reserves, not exceeding one-half of each installment, eligible paper as described in section 14 properly indorsed and acceptable to the said reserve bank.

There was considerable discussion upon that provision of the law when the bill was pending last year. It was thought by some of us altogether objectionable to allow commercial paper to be used for the reserves of banks. This proposed amendment changes the existing law, so that eligible paper as described in section 13, properly indorsed and accepted by the said reserve bank, may be used. The quantity of paper available for discount under section 13 is much greater than that under section 14. I have only hastily compared this bill with the existing law, but I think it proposes a very material change; and as the bill is to go over, I ask the attention of the Senator from Oklahoma to that fact.

Mr. OWEN. I thank the Senator for calling attention to it.

Mr. WILLIAMS. Mr. President, this matter being up reminds me of another related matter, about which I want to make just one observation. I ask the attention of the chairman of the Banking and Currency Committee, and I hope that the committee will remedy the evil to which I am about to refer. I am satisfied that it was an oversight.

The currency bill as it passed provides that to the extent to which member banks can lend upon real estate they must lend upon real estate situated in the reserve district. The lines of the districts run very uncertainly. For example, take the line that runs through the State of Mississippi; it goes from the northern border of Hinds County. The banks below there do business at one place and are members of one district, and those above are members of another. I suggest to the Senator from Oklahoma that he bring to the attention of his committee an amendment permitting the banks to lend upon real estate either in the reserve district within which a particular bank is situated or in the State in which it is situated. For example, a bank at Jackson can not lend on real estate in Madison County or in Yazoo County—adjoining counties. I give an illustration in my own State, because I am better acquainted with the situation there than anywhere else. It seems to me that condition ought to be remedied at the very earliest opportunity.

These banks have been lending money as State banks upon real estate in these and in the adjoining counties. All that it is necessary to do is at the proper place in the law to insert the words "or the State." It reads now, "the reserve bank district," and if the words "or the State" be inserted I think it will remove the objection.

PANAMA CANAL TOLLS.

Mr. WALSH. Mr. President, I ask unanimous consent that the Panama Canal tolls bill be now laid before the Senate, the Senator from Louisiana [Mr. THORNTON] having given notice that he desires to discuss that matter this morning.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. THORNTON. Mr. President, I rise to speak in advocacy of the pending bill to repeal that provision of the Panama Canal bill approved August 24, 1912, which exempts from the payment of tolls vessels engaged in the coastwise trade of the United States.

I am, of course, aware that on August 6, 1912, I said in the debate that I did not think such exemption was in violation of the treaty between the United States and Great Britain, known as the Hay-Pauncefote treaty, and that on March 2 of the present year I gave out a statement to the press saying I adhered to that view, although I had decided, for reasons I gave therein, to vote for the repeal of the exemption, and that on March 10 following I had the same statement inserted in the CONGRESSIONAL RECORD.

Inasmuch as it has been charged by some parties in Louisiana and also on this floor that I had changed my *convictions* on this subject in order to meet the views of the President, I deem it proper at this time to allude to the motives that controlled me in 1912 and to those that influenced me in 1914 up to the time of the beginning of the hearings of the Interoceanic Canals Committee.

When I approached the consideration in 1912 of what I may call the legal aspect of the question—the right of the United States to exempt under the provisions of the Hay-Pauncefote treaty the vessels of her citizens engaged in the coastwise trade—I was conscious of the *wish* to find that she had that right.

I was influenced in this wish by my strong desire to do what I could conscientiously to stimulate the growth of the merchant marine of our country, the decadence of which I had long regretted, and without making any special examination of the question I hoped that toll exemption might have this effect.

I was also influenced by the desire of the New Orleans commercial bodies, who seemed to think that toll exemption would have the effect of increasing the commercial importance of that port, a result that I would certainly wish to help bring about if I could do so without injury to other sections of my State and country.

It was in this spirit that I approached the consideration of the question of the meaning of rule 1 of article 3 on which the controversy hinged, and which reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

I think it can be readily admitted that there is no patent ambiguity in this language and that the ordinary mind would conclude that under its terms the United States could *not* give any privilege to any ships of any of its citizens that it did not also give to every ship of every citizen of every other nation. In other words, that the language means what it says. To arrive at any other conclusion it is necessary to read something into the paragraph that is not now there or to construe its language with reference to laws not mentioned therein.

As stated in my Senate speech of 6th August, I arrived at my conclusion by reasoning that the spirit and object of the article must be sought for in construing it, and while the first part of the disputed paragraph explicitly declared the canal must be free and open to the vessels of all nations on terms of entire equality, yet the second part of it indicated that the spirit and object of it was that there should be no discrimination against any nation, and inasmuch as to my knowledge the existing laws of the United States prevented foreign ships from engaging in her coastwise trade, I drew the general conclusion—a conclusion too hastily drawn as it has since developed—that the exemption of such ships from the payment of tolls charged the ships of other nations, would not operate as a discrimination against such nations or their citizens or subjects.

While my interpretation of the clause may have been somewhat strained, yet it satisfied me and I could advance it without a violation of my intellectual integrity.

I went no further than this in reaching my conclusion, not attempting the feat of mental gymnastics involved in the assumption that the expression "all nations" meant "all *other* nations."

But after determining that I could honestly uphold the treaty right of the United States to exempt her coastwise shipping from the payment of tolls, I was troubled by the further question whether she *ought* to do so; whether justice to *all* her citizens who had contributed to the great expense of building the canal and would contribute to the expense of its operation would permit her to relieve a *part* of them, the owners of the coastwise vessels, from contributing through the payment of tolls to the present expense of its operation and the future expense of paying for its construction as well as operation, especially as the parties sought to be thus favored were already so greatly favored by the laws of the country and would in addition be the principal direct pecuniary beneficiaries of this most expensive work.

I very distinctly remember telling my esteemed friend and colleague and deskmate, the junior Senator from New York, of the trouble this phase of the question was causing me, but I finally determined that I could justify myself in giving them this additional governmental favor.

I gave no further particular thought to the subject until about February of the present year, when persistent rumors began to emanate from the public press to the effect that the President believed the exemption clause was not only a violation of the treaty but also economically wrong, and that its retention in the law would most seriously cripple the foreign policies of our Government, and for these reasons he was very anxious for its repeal.

I brooded in my sick chamber over these reports and ended by writing to the President to ask if he would give me a direct expression of his views on the question as to whether he really thought that the retention of the exemption clause would injure our standing with foreign nations and thereby injure our national interests through the prevention of the success of our foreign policies.

I said if he so honestly believed, I would consider it my duty to my country and to him to vote for repeal, without, however, abandoning my convictions as to the legal and moral right of the United States to exempt her coastwise shipping from the payment of tolls if she so desired, which he could not expect me to abandon just because his view of that question differed from my own.

I received a most courteous reply thanking me for the perfect frankness with which I had expressed myself to him, assuring me that, of course, he could not expect me or anyone to change their views of the construction of the treaty because it did not coincide with his own, and advising me that in his judgment the repeal of the exemption clause was absolutely necessary for the continuance of our present friendly relations with foreign powers and the success of our foreign policies; and I then wrote back that I saw it as my duty to uphold his hands in this matter, and that duty I would discharge; and then, in justice to myself, I gave out the press statement of March 2 in order to show why I would support the repeal, which, as taken from CONGRESSIONAL RECORD of March 10, I ask to append hereto as part of my remarks without reading them again to the Senate:

SIGNED STATEMENT BY SENATOR THORNTON FOR THE PRESS.

WASHINGTON, D. C., *March 2, 1914.*

When the question of exempting American vessels engaged in our coastwise trade from the payment of Panama Canal tolls was before the Senate, I spoke and voted in favor of the exemption.

I did so believing that the United States had the legal and moral right under the Hay-Pauncefote treaty to enact such legislation, and hoping its passage might stimulate the upbuilding of our merchant marine and help our Atlantic, Gulf, and Pacific seaport cities, and without any injury to the interior sections of our country.

Having now concluded after careful thought that when the question of repealing this exemption clause comes again before the Senate it will be my duty to advocate its repeal, I wish in justice to myself to give the reason for my changed attitude.

I believe now just as firmly as before that the exemption clause of the Panama Canal act is not a violation of our treaty obligations, but I recognize now, as I always did, the substantial difference between our right of exemption and our enforcement of that right.

Understanding through newspaper reports only that the President believed our national interests would be subserved by the repeal of the exemption clause in the present law, I have appealed to him directly for an expression of his views.

Responding to my request, he has answered that in his judgment the repeal of the exemption clause is necessary for the continuance of our

present friendly relations with foreign powers and the success of our foreign policies.

Considering the canal-tolls-exemption law previously enacted to be a question of policy and not of principle, and recognizing the great responsibility resting on the President for the successful conduct of our foreign relations, and also the delicacy of the present trying situation in regard to those relations, I feel it my public duty to assist the President in carrying out his wishes in this matter.

Of course, my change of attitude, based on my conception of duty, must not be construed as the slightest criticism of my brother Senators who think it their public duty to maintain their former attitude on this question.

J. R. THORNTON.

It was three days later that the President delivered his address to the joint session of the Congress asking for the repeal of the tolls-exemption clause of the Panama bill; and if I had known that he planned doing this, I would not have troubled him in February by asking for an expression of his views to me individually; and if I had not prior to that address decided to vote for repeal, I would certainly have so decided after its utterance.

I shall vote for it now for other reasons than those given in my published statement; but without the acquisition of knowledge subsequently acquired by me, I should certainly vote for repeal on account of the reasons given by the President in his private letter to me and in his address to the Congress. And for so voting for such reasons, I have no apologies to make to any of my critics in Louisiana or elsewhere.

The question of exempting our coastwise ships from the payment of tolls was not, in my opinion, a question of principle, but of policy only.

Moreover, holding, as I then did, that the United States had the legal right under the treaty to exempt from the payment of tolls the ships of her citizens engaged in coastwise trade, I did not consider that the failure to insist on that right in any way abrogated it, for, as I expressed it in the published statement heretofore mentioned, "I recognize now, as I always did, the substantial difference between our right of exemption and our enforcement of that right," a concrete expression of a general principle applied first by myself on this floor to this special case and since applied to it in the debate by other Senators.

Holding such views, when the President assured me that in his judgment the repeal of the exemption clause was necessary for the continuance of our present friendly relations with foreign powers, and the consequent success of our foreign policies, I considered it was my public duty to the country and to him to assist him in the effort to bring about such a result.

It was not necessary that the President should go into details with me as to how the retention of this exemption clause might endanger our present friendly relation with foreign powers and the success of our foreign policies.

I did not ask for details, but claiming to possess at least ordinary comprehension, I could readily see that the feeling against us among other nations, due to their belief that we were discriminating against them through what they considered a perversion of the treaty on our part, might naturally lead them to discriminate against us in commercial relations that it was greatly to our interest to preserve in order that we could maintain and enhance if possible the opportunities of increasing the sales of our home products in the markets of those foreign nations, a matter of much greater importance to the general prosperity of our country than the matter of permitting a limited number of our citizens engaged in one industry to increase their profits through the tolls exemption.

And my position that the opinion of the President, that from motives of policy we should repeal the exemption, justified me in agreeing to his wish, is backed up by the opinion of ex-Senator J. B. Foraker, who appeared before the Interoceanic Canals Committee to speak against repeal, and who is considered by the friends of free tolls here as one of their star witnesses, who said to the committee:

It is a question of what our power is; and if President Wilson had said as good policy he thought we ought to repeal the exemption clause, I would not have felt like opposing it; I would have been satisfied with his judgment on the subject. In view of what he said. But when he put it on the ground that we did not have the power to do what had been done, that made it a different sort of a proposition.

In this connection I wish to deny most emphatically the statements made in the toll-exemption press, and also by Senators who should know better, that the President, in his address to the joint session of Congress, asked that the exemption clause be repealed because he considered it a violation of the treaty, and that he claimed we should accede to the English view whether it was right or wrong on our part to do so; and that Senators were weakly surrendering their convictions or opinions on the question because of the personal views of the President thereon; and these unjustifiable charges have been widely disseminated for the purpose of influencing sentiment against repeal and also for discrediting the administration.

As for the "right-or-wrong" proposition that has been harped on here and elsewhere, anyone who heard or will read the address, and who has an ordinary regard for his own intellectual perception, should be very careful about making such a loose statement as that the President said we should take this step whether it was "right or wrong."

The most ordinary mind can see that the point made by the President was that in view of the conditions previously mentioned by him we should reverse our action in the exemption matter without raising the question whether we were right or wrong in our interpreting the treaty as authorizing us to relieve our coastwise vessels from the payment of tolls.

As for asking that the clause be repealed because he thought it contravened the treaty, the President made no such request.

I have already said that in his private letter to me he expressly disclaimed the idea of asking me to change my view on that question because it differed from his own, and in his public address to the joint session, while frankly stating that in his opinion the exemption was not only a violation of the treaty but an economic error as well, he said in express language that he had not come to urge his personal views on the Congress, but asked that in support of the foreign policy of the administration we voluntarily withdraw from a position which was questioned by every foreign nation.

That was the ground on which he asked for the repeal, and that was the reason he gave for his request.

I repeat that it was a sufficient reason for me to be willing to accede to it, and I am not conscious that in so doing I was surrendering either my intelligence or my independence.

All this happened before the recent report of the House Committee on Merchant Marine and Fisheries on "Investigation of Shipping Combinations" had been brought to my attention and before the recent hearings of the Senate Interoceanic Canals Committee had been held.

This report and these hearings have completely changed my views on the moral and economic questions involved in the exemption from tolls of the ships of American citizens engaged in the coastwise trade, and I now believe that the President is right on both the legal or moral and on the economic side of this question.

I knew before, of course, that these vessels had under the law a complete monopoly of the great coastwise carrying trade of this country, and I knew that there was no Government regulation of their rates, as there is in the case of the railroads of the country; but I did not know before that, with reference now to the Atlantic and Gulf coastwise trade, it was practically a trust-controlled interest through private understandings between the vessel owners that could not be reached by law, and that practically no competition exists among them either as to territory served or rates charged, with the resultant effect that their charges are regulated not by the cost of operation but by the ability of the owners to make the traffic pay all it will bear, and that this is the rule followed by these coastwise shipping interests.

I know that in view of this showing, which places this coastwise shipping interest in a very unenviable light before the country, the advocates of tolls exemption for it would like to have it appear that this combination is due to railroad control of these ships, and either directly or indirectly they strive to convey that impression when alluding to it; but the report shows that only 54.5 per cent of the total number of steamers and 61.9 per cent of the tonnage is railroad owned, while the great proportion of the remainder belongs to shipping consolidations which have their private agreements as to rates and territory, and the small remainder to independent lines, which, however, rarely serve the same ports, so that competition is practically eliminated.

The same condition is shown to prevail on the Pacific coast, except that a greater proportion of the ships is owned by the shipping consolidations than by the railroads, and there is somewhat more of competition among the independent lines.

The coastwise shipping business of the country is shown to be in a most flourishing condition, declaring large dividends and with all the ships necessary to transact all the coastwise trade, which is of great extent.

This is the interest which, in addition to the monopoly it already enjoys, we are asked to subsidize to the extent of the tolls which it is proposed to donate them.

Subsidy is a word that rather grates on the sensibilities of many men of all present political parties in this country, though perhaps it is more obnoxious generally to those reared in the principles of the Democratic Party than to those who owe allegiance to other political parties; and it is not surprising

that the Democratic members of this body who are inclined to vote against repeal should balk at the idea of calling this toll remission to coastwise vessels a subsidy.

Yet it can not be denied that it is a subsidy for all practical purposes, and ex-President Taft says he approved of the measure because it was a subsidy, and two Senators, one from New Hampshire and the other from Massachusetts, one favoring the tolls-exemption law and the other opposing it, have in the recent debate on this question frankly claimed that it would be a subsidy, an economic policy, however, which each of them considers justifiable.

As for myself, I do not hesitate to say that the effect of remitting tolls to American coastwise vessels using the Panama Canal is to subsidize an existing trust-controlled monopoly.

Just as the report of the House Committee on Merchant Marine and Fisheries in the "Investigation of Shipping Combinations" changed my views on the economical aspect of this question, so has the recent testimony produced before the Senate Interoceanic Canals Committee changed my views on the moral or legal side of it, for they are combined.

The testimony, oral and written, of Mr. White and Mr. Choate, the first our chargé d'affaires at London and the second our ambassador there at the time of the negotiation of the second Hay-Pauncefote treaty, and who conducted it with the representatives of Great Britain, shows conclusively to any mind open to conviction that the understanding of both sides was that under the terms of the treaty the United States would not have the right to exempt any of the ships of her citizens, coastwise or foreign, from the payment of tolls if the ships of the citizens of other nations were made to pay them.

This point had already been brought out through letters of these gentlemen to Senator McCUMBER, written in response to letters of inquiry from himself, and were made public by being made a part of his great and illuminating speech, delivered in the Senate on the 6th April last; and these letters also declared that the words of the treaty, "all nations" and "equal terms," were understood to refer to the United States as well as to all other nations by every one of those, American or British, who had anything to do with its negotiation from its inception to its close.

Mr. White appeared in person before the committee and fully confirmed his written statement.

On account of a temporary illness Mr. Choate could not appear, but wrote that his position was clearly set forth in his letter to Senator McCUMBER and in a recent letter to Mr. White, which was filed; and in further corroboration of his position, by permission of the Department of State, he submitted copies of the entire correspondence between himself and Mr. Hay, our Secretary of State, giving full details of the negotiations from beginning to end.

This correspondence can be found in No. 6 of the committee hearings, and throws a flood of light on the situation.

If this knowledge had been in my possession when I advocated tolls exemption in the Senate in 1912, it would have been impossible for me to arrive at the conclusion I did, for the very course of reasoning that impelled me to arrive at that conclusion would necessarily have forced me to arrive at a diametrically opposite conclusion.

Moreover, the testimony before the committee shows conclusively that under our present laws it is entirely possible for discrimination to be practiced against other nations by exemption of American coastwise vessels from the payment of tolls, showing that the position of Great Britain on this question, as contained in the note of Mr. Innes to Mr. Knox—

> If the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken. But it appears to my Government that it would be impossible to frame regulations which would prevent the exemption from resulting, in fact, in a preference to United States shipping, and consequently in an infraction of the treaty—

was well taken.

I have noticed that the advocates of free tolls have, with a rather reckless disregard for facts, always, when speaking of this statement, mentioned it as a direct acquiescence by Great Britain in our right to exempt our coastwise vessels from the payment of tolls, in spite of the fact that it is qualified by the words "may be," which they never mention except when obliged to do so in quoting the exact language; and then they invariably leave off the conclusion of the paragraph which states that the British Government thinks it would be impossible to frame such regulations.

I am, therefore, now convinced that we have not the moral right to grant this exemption, and would vote for repeal on that ground alone, but reiterate my previous statement that I could find ample justification for myself in voting for it on the grounds mentioned by the President in his private letter to me and in his public address to the joint session of the Congress—the maintenance of the success of our present foreign policies which is dependent on the preservation of our present friendly relations with foreign powers.

If I understand the position of the advocates of free tolls for American coastwise ships, which seems, however, to shift as often as the necessities of their inherently weak and rapidly failing cause before the country requires new positions to be taken, their principal grounds of opposition to repeal are:

First. That the exemption does not violate the terms of the Hay-Pauncefote treaty, because the term "all nations" does not include the United States, but means "all other nations"; and even if it does include the United States, our coastwise ships would not be barred from the exemption of payment of tolls, because it would not operate as a "discrimination" against other nations, due to the fact that their ships are forbidden by law to engage in our coastwise trade.

Second. That owing to the change of conditions since the ratification of the Hay-Pauncefote treaty, at which time it was contemplated by the contracting parties that the Nicaraguan route would be used, and as we have built by the Panama route, having acquired the sovereignty by purchase, the provisions of the Hay-Pauncefote treaty do not apply, and we can use the canal without any limitations whatever.

Third. As we built the canal with our own money, we can do as we please with it.

Fourth. That tolls exemption will stimulate the growth of our merchant marine.

Fifth. That tolls exemption will enable the American vessels using the canal to compete successfully with the transcontinental railroads, which they can not do otherwise, and thereby freight rates will be lowered and the public get the benefit; and as a corollary to this, if you do not agree to tolls exemption, you are under railroad influence.

Sixth. That to repeal the present tolls-exemption provision would be a "cowardly act" and "an abject surrender" to the demand of a foreign power amounting to "national dishonor" and "dragging the flag in the dirt," and as a corollary to this, those who will so vote are not patriots, but "traitors."

I think this is a fairly comprehensive statement of the grounds used by the opponents of repeal in the public press and oral argument, which I shall now alude to in the order mentioned.

First. I have already said in this address that when I thought in 1912, with the lights then before me, that we could without violation of the treaty relieve our coastwise vessels it was on the ground solely, as I then stated, that it would not be a discrimination against other nations for the reason I mentioned, and that I did not attempt the feat of mental gymnastics involved in the assumption that the expression "all nations" meant "all other nations," and I now freely confess my inferiority in mental agility to those of my colleagues who hold that view; but, as I have also said, the recent letters and statements of Mr. White and Mr. Choate expressly declare that all the parties on both sides who negotiated the treaty understood at all times that the term "all nations" included the United States as well as other nations.

As to the question of no discrimination by the exemption of our coastwise vessels, I have stated that the evidence taken before the Senate committee very distinctly shows that such discrimination could exist.

Second. As to the question of change of conditions since the treaty and the abandonment of the contemplated Nicaraguan route for the present Panama route and our acquisition of sovereignty over the canal and the consequent abrogation of the Hay-Pauncefote treaty, it seems to me most strange that such a position can be gravely taken.

Those who heard or have read the evidence before the Senate Canals Committee in the shape of the letters sent by Ambassador Choate to Secretary Hay will see that the very contingency was suggested and provided for; that it was considered by the representatives of Great Britain that the United States might finally conclude to build through Panama and acquire territory for that purpose; but it was agreed that the words inserted in the treaty—

> The construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient—

covered the possible contingency.

Moreover, the treaty between the United States and Colombia to admit of our building a canal through Panama, entered into on January 22, 1903, distinctly provided in article 16:

> The canal, when constructed, * * * shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity

with, all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901—

which was the Hay-Pauncefote treaty.

And the treaty with Panama entered into on the 18th of November, 1903, to permit of the building of the canal, in article 18 repeated verbatim the language of article 16 of the Colombian treaty just quoted; and yet some contend that now the provisions of the Hay-Pauncefote treaty have no application whatever to the management of the canal by the United States.

Third. I do not know how to answer the statement that as we built the canal with our own money we therefore have the right to do as we please with it, except by saying that, even if we did build it with our own money, we did so on certain conditions prescribed in advance in solemn treaty obligations.

Yet a great number of the people of this country who are not informed on the subject are influenced by this argument as those opponents of repeal who are better informed wish them to be influenced.

Fourth. If tolls exemption would really stimulate the growth of our merchant marine, the proposition would, in my judgment, be well worthy of consideration; but how will it stimulate it? It can not stimulate the growth of American vessels engaged in the foreign trade, because these ships that have to compete on most unequal terms with the ships of all other nations are denied the privilege of tolls exemption which is sought to be accorded to the ships of the coastwise trade that have no competition whatever with the ships of other nations, which are forbidden our coastwise trade.

If I could only see my way to give tolls exemption to our foreign ships without a violation of our treaty obligations, I might be willing to do so; but, with the lights that are now before me, I would never consent to giving tolls exemption to our coastwise ships.

All the vessels needed for our present coastwise commerce are now in use transporting that commerce; and, of course, if the business is increased, as it will be, by the use of the canal, all the vessels needed for the increased commerce will be forthcoming.

This is so because no other vessels can be used in that trade, and it stands to reason that as many boats will be used as found profitable to use; and, as no other ships can be used, it necessarily follows that the question of the imposition or nonimposition of tolls can cut no possible figure in the number of ships that will be built, that fact depending entirely on the amount of trade developed by the opening of the canal, though I admit that it might have some effect on the rates charged by these coastwise boats if their owners wished to regulate their freight charges solely by their operating expenses.

Fifth. The claim that tolls exemption is necessary to permit the coastwise ships to compete successfully with the transcontinental railroads or to make the railroads reduce their rates for coast-to-coast freight, which, of course, is the only freight that could be moved by the water route, is one that is greatly relied on to spread the tolls-exemption propaganda.

It is, however, more of an appeal to prejudice than to reason and when examined in the light of the evidence submitted is shown to be without merit; yet it largely answers the purpose of the advocates of tolls exemption.

The testimony submitted to the Senate committee establishes the fact that the all-water route for freight will be not only shorter in point of time but also about one-third cheaper, provided the rate is judged by operating expenses.

This establishes the fact that the railroads can not possibly compete with the boats on anything like even terms on this species of freight, but it by no means establishes the fact that the boats will charge in proportion to the expense of transportation.

On the contrary, the testimony of the Government experts indicates most strongly the fact that the boats will fix their rates just sufficiently below the railroad rates as to secure the traffic, and a small margin will do this.

In other words, that the boats will charge all the traffic will bear, just as they do now in the coastwise trade, through the Government monopoly that is given them and the shipping consolidations they have formed among themselves whereby competition among themselves has been eliminated.

The natural business idea with them will be to charge all they can get, just as they are doing now and just as the railroads did before they were placed under governmental supervision, and just as they would do again if that supervision was withdrawn.

But the freedom from payment of tolls will not make the boats charge less, for they will proceed on business principles to charge all they can get and will simply make as much more for their profit as the tolls cost would amount to.

That is the opinion of the experts, founded on most excellent reasoning, and it is almost certainly what will happen.

The experts seriously doubt if the railroads will lower their rates on coast-to-coast articles that would naturally go by water, but would let that go if necessary rather than disarrange their present organized freight rates everywhere, as would result from their lowering of the through rates.

And just as the qualified experts believe that no fewer boats will be built for the coastwise trade on account of the imposition of tolls, and no cheaper rates will be charged on account of their imposition, so do they believe that even if tolls are charged, the ultimate consumer would not have to pay more for the goods he bought, for the margin would be so small that it would be lost in the general distribution.

From no angle that can be seen by the experts does it appear that it will be to the interest of the great bulk of the people of this country to grant tolls exemption to these coastwise vessels, and there seems no sufficient reason for further enriching this monopoly at the expense of the remainder of the people, but every reason why they should pay their proportion of the expense of building and operating the canal.

But prejudice against railroads can generally be successfully invoked, and it is being used in this case for all it is worth.

I presume there is no doubt that when they had a free hand the railroads of the country charged exorbitant rates, but it should be remembered that for years they have not had that power.

They are bound hand and foot, as it were, by the various railroad commissions, interstate and State, and can neither of their volition raise rates to increase their profits or lower them to stifle competition.

I believe in the wisdom of Government supervision of railroads.

I was the chairman of the committee of the Louisiana constitutional convention of 1898 that reported favorably the ordinance creating the first railroad commission of Louisiana.

I said on the floor of that convention that in my judgment corporations that were given by the State such extraordinary privileges ought to be placed under State regulation. I have never changed that opinion, and I express it now on the floor of the United States Senate.

I believe that the men selected for commissioners of the Interstate Commerce Commission can be relied on to do justice as between the railroads and the people, not permitting the injury of the public by undue charges and not destroying the efficiency of the railroads, with whose prosperity the prosperity of the whole country is bound up, as was well said by President Wilson in a public address to the Congress, by forcing rates under which the railroads can not successfully operate.

But the old-time prejudice lingers, though the reason for it is removed, and, as I have said, the advocates of tolls exemption would like to have it appear to the country that the members of the American Congress who are opposed to such a law are dominated by railroad influence.

That might be expected of unscrupulous editors, but it should not be intimated on this floor without proof of the truth of the charge; yet as late as last Monday a Senator said in the debate on this question that—

> No fear of or hope of reward from powerful railroad corporations * * * will control my action.

This statement of negation, so far as he was concerned, is pregnant with an affirmation that the vote of other Senators on this question may be controlled by such influences; either that, or he said it with the idea that some Senators might, in consequence of this statement, be frightened off from voting against tolls exemption; but in either event it would indicate a lack of respect for his colleagues. I greatly regret that the Snator should have said this, all the more because it was not said in the heat of debate but written out deliberately in advance.

If the Senator knows of any of his colleagues who would so far forget his public duty that he is or could be influenced in his vote by any railroad influence—intrastate, interstate, or transcontinental—it is his duty to the Senate to make the fact known, so that the offending Member can be driven from the body he disgraces.

If he does not know it he should be more careful of his utterances, for we can not blame outsiders for making such charges against Senators if they are made or strongly implied by one of our own body.

I do not believe the Senator really thinks what his language indicates, but if he does he can not serve his free-tolls cause better than by giving the name or names.

The same Senator claims, as I understand, that a railroad lobby has been very much in evidence here lately working against tolls exemption.

I have seen none of these parties, nor have I heard of any of them; and if the Senator knows of this fact he should call it to the attention of the lobby investigating committee, and if he can prove his statement he will have again done good work for the tolls-exemption cause which he so ardently upholds.

The Senator says also that he knows of no shipowners who have asked for tolls exemption, and does anyone know they want tolls exemption?

Yes; it was testified before the House committee by Mr. Dearborn and others that they wanted it, but did not need it, and could get along without it.

It was testified to by them before the Senate committee in 1912 that they wanted it, and again before the same committee last month; but neither in 1912 or 1914 did a railroad representative appear before that committee protesting against tolls exemption.

The zeal of Senators for their cause should not betray them into making assertions the correctness of which can not be proved.

There is nothing disclosed by the record to prove that tolls exemption is necessary for the competition of coastwise vessels with the transcontinental railroads, or that it will cause the owners of such ships to lower their rates, or that the ultimate consumer will be benefited by tolls exemption, but very much to indicate the contrary.

So much for the transcontinental railroad hullaballoo, as I choose to call it, which will not or at least should not keep any Senator from voting on this question according to his honest convictions.

In connection with this branch of the subject, I will briefly allude to the claim made by the tolls-exemption advocates, that because on our interior rivers and canals improved by Government aid no tolls are charged our vessels, therefore none should be charged them in the Panama Canal.

I can only answer this by saying that, in my opinion, it is not possible to assimilate one of our interior rivers, carrying our interior commerce only, to a great international highway like the Panama Canal, which is really, for practical purposes, a part of the ocean, and which serves to carry the commerce of the world; and any such comparison, with all respect to those who think there is no difference in principle, seems to me to be grotesque, yet no one favors the improvement of our interior waterways more strongly than myself.

Sixth. This brings me to the last general ground of opposition to repeal, that which I may call the appeal to patriotism, one of the strongest emotions of our nature, and one that appeals to every true American; and if the premise laid down by the opponents of repeal were correct, their cause would meet with no opposition; but the trouble with the case is that their premise is not correct, but is wholly and unqualifiedly incorrect.

No American can truthfully be charged with a lack of patriotism or with a disregard of the national honor because he wishes the abolition of the tolls-exemption law; nor is it true that it would be a cowardly act or an abject surrender to the demand of a foreign power.

There is not a Senator in this body who does not know, even if he does not wish to admit it, that no sort of coercion has been threatened by any foreign power, and that none will be attempted if we refuse to repeal the tolls-exemption law.

Every one of them knows that all Great Britain has asked is a courteous request that we repeal the provision because she thinks it contravenes the treaty we made with her; or, if we are unwilling to do that, to submit the question to arbitration, as expressly provided in another treaty to cover such a disagreement.

Only this and nothing more; and every Senator knows that if we decline to accede to the request of Great Britain nothing more will be said, and the only danger we will have to fear is the danger of retaliatory commercial measures against us by the other great nations of the world and the feeling on their part that this country has not kept its plighted word.

It is idle to urge that England is the only nation that has objected to our action. England is the only nation that can formally object, for she is the only other signatory power to the Hay-Pauncefote treaty.

But all other nations are affected by our action and question our position, as the President said in his address to the joint session; and the fact that an isolated article may be found in a foreign law review or elsewhere indicating the opinion of the individual writer that our action does not violate the treaty can not change the fact that the world is against us on our interpretation of this question.

It is the rankest injustice to those who wish to repeal the law to charge them with lack of patriotism, and the rankest perversion of truth. I would not dream of charging anyone with conniving at national dishonor because he was unwilling to vote for repeal, believing that we had the right under the treaty to grant the exemption; but no such consideration has been shown for us who believe that the law should be repealed because we think it contravenes the treaty or is economically wrong.

The abuse and vituperation has been on their side, but I think they have seen that it was finally injuring their cause, and some of them are now declaring that we are the ones who have been hurling the abuse.

This is the case with the same Senator who spoke on 4th of May to whom I have previously alluded, who charged our side with applying offensive epithets and attributing dishonorable motives to our opponents.

Did he not see in the strongest journalistic opponent of repeal in this country, a paper sent, I think, to every Member of this body gratuitously since the tolls-exemption fight began, a column of its space headed "The Black List," and then saying these were the little presidential parasites who voted to abandon their country's rights, and that they had betrayed the Nation, and that it intended to keep these names before the public; and then followed the names of all the Representatives of all parties who had voted for repeal with black lines down their names, and at the bottom, in big black letters, the words "Turn the traitors out"?

I think all Senators saw it, but I hold it now in my hand for the inspection of any who have not seen it, and when the repeal bill has passed the Senate I presume we may expect to see the names of all Senators who voted for repeal placarded in a similar way.

There is nothing in the cry that patriotism requires us to vote against repeal, but it has served the purpose for which it was intended.

But the great body of the people of this country are being continually educated on this question, and they are not to be hoodwinked forever.

And if the fall elections go against the Democratic Party it will not be on account of the repeal of tolls exemption, but for other reasons.

The great independent press of the country is practically solid in its demand for repeal, and that is a good index of the general feeling.

The greatest papers of the Republican as well as Democratic Party are for repeal, for this is not a party question. A great majority of the people of the East and of the great Middle West are for repeal, and the South, which is supposed to so greatly profit by the operation of the canal, is practically solid for it.

Recently the resolution of a New Orleans meeting calling on the seaports of the Gulf and all the business interests of the South and of the Mississippi Valley to join in a united protest against repeal before the Senate Interoceanic Canals Committee on April 20 was filed with the committee, but not a single representative of a single business organization of a single Gulf or South Atlantic port, or any other portion of the South, except New Orleans, appeared for tolls exemption, while Pensacola appeared urging repeal; and surely the New Orleans delegation could not have been called by any resident of that city a representative business delegation.

New Orleans and the Pacific coast were in a class by themselves; and the burden of the cry of the Pacific coast people was that they wanted tolls exemption in order to better compete in the eastern markets with the lumber of the Gulf and South Atlantic States, which were thousands of miles nearer to that market than they were, thus wishing this Government aid to allow them to compete with other sections in defiance of the natural and economic laws that govern trade.

There is a stronger sentiment in Louisiana for tolls exemption than in any other Southern State, due to the extraordinary efforts of the New Orleans Association of Commerce, many people taking its assertions for proof, but the sentiment in Louisiana for repeal is very strong, and steadily growing stronger.

My days of public life will soon be over, and I do not desire to hold public office longer, and I go with pleasure to the retirement of private life, where I can enjoy the companionship of my family, of which, on account of my financial condition, I have been deprived during my official life in Washington; and I leave this great body without a single regret except that of severing the ties I have formed here with my brother Senators of all political parties, whose confidence, respect, and esteem, as evidenced by their steadfast treatment of me during my stay with them, will linger with me during the remainder of

my life as one of its most fragrant memories, and which has been more prized by me than the honor of being a United States Senator, as great as that honor is.

But if I wished to be a candidate for any office again before the people of Louisiana, I would not wish to go before them on any better issue than this repeal measure; for they are both honest and intelligent, and I am sure that when the question was fully and fairly presented to them they would ratify my course on it.

AGRICULTURAL APPROPRIATIONS.

Mr. WALSH. I ask now, Mr. President, unanimous consent that the pending bill be laid aside and that the Senate proceed to the consideration of the Agricultural appropriation bill.

The VICE PRESIDENT. In the absence of objection that action will be taken.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment of the Committee on Agriculture and Forestry which was passed over, on page 18, line 13, to strike out "$80,580" and insert "$180,580: *Provided*, That of the sum thus appropriated, $100,000 shall be used for furnishing the primary markets in the cotton-growing States with a set of the samples as standardized by the Government, and a sample of the bleached and unbleached yarns made from the different grades, showing the waste, tensile strength, and bleaching quality thereof."

Mr. SMOOT. Mr. President, I have pending a point of order against this amendment, but I understand that the Senator from South Carolina [Mr. SMITH] was compelled to leave the city, and can not be here until Monday. I presume he desires to be here when that point of order is discussed, and therefore I ask the Senator who has the bill in charge if he is willing to let the amendment be passed over at this time?

Mr. GORE. Mr. President, I apprehend that we will not be able to finish the bill to-day. In that view I consent to this amendment going over, with the point of order, unless we should finish the other amendments to-day.

Mr. SMOOT. Of course the Senator understands that I do not make that request on my own account, but on account of the absence of the Senator from South Carolina.

Mr. GORE. I understand.

Mr. McCUMBER. Mr. President, I desire to say that the Senator from South Carolina before he left spoke to me and requested to have that matter passed over until he could return. The Senator from Indiana [Mr. KERN], I believe, is also absent, but will be here Monday. I hope that the whole matter may go over, because, following that same matter, I have an amendment that I wish to offer to the following paragraph, and I would rather have both of them taken up at that time.

The VICE PRESIDENT. Without objection, the amendment stated by the Secretary in the paragraph beginning in line 9, page 18, together with the two other amendments in that paragraph, will be passed over. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment of the Committee on Agriculture and Forestry which was passed over is on page 23, after line 3, to strike out:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $257,000. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided, also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided, also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. KENYON. Mr. President, I should like to ask the chairman of the committee if the action of the committee restores the old custom of the congressional distribution of seeds?

Mr. GORE. Mr. President, the object of this amendment is to abolish and abandon the custom of congressional distribution of seeds.

Mr. KENYON. As the bill came from the House, then, it contained, as formerly, the provision for the congressional distribution of seeds?

Mr. GORE. Mr. President, the House bill carried an appropriation, I believe, of $256,000 to continue the congressional distribution of seeds.

Mr. KENYON. And the committee proposes to strike that out?

Mr. GORE. When the bill was under consideration a year ago the Senate voted to strike that appropriation from the bill—voted to discontinue the practice of congressional distribution of seeds. It was out of deference to that expressed sentiment on the part of the Senate that the Committee on Agriculture and Forestry felt constrained to strike this provision from the bill.

Mr. KENYON. I think that the committee is to be commended for that action, and I hope in conference no action will be taken to restore the silly and useless custom of sending out seeds.

Mr. SMOOT. Mr. President, a year ago I voted to strike from the bill the provision for the purchase and distribution of valuable seeds. I simply wish to state that if good results ever came from the distribution of seeds, I think the policy of distributing them to-day in many States is doing more good than it ever has done before, for this reason: The seeds are now distributed to the school children in all of the States of the Union, particularly those of the Middle West and West. I know this is the case in my own State, and I know that this year has shown wonderful results from the distribution of seeds among the school children of my State. They are planted by the children of nearly all the homes, in flower gardens, back yards, and in little patches where vegetables are raised; and the children have become interested in that line of work.

If it were not for that fact, I never should have said a word at this time. I believe, however, that striking out this provision is going to interfere greatly with the splendid work which has been accomplished within the last year or two.

If the Senate still thinks it is proper that these seeds should not be distributed I shall not even ask for a record vote on the item, but I thought it my duty to call the attention of the Senate to this particular phase of the distribution of our seeds.

Mr. BRADY. Mr. President, I fully agree with what the Senator from Utah says relative to the benefits that lately have been derived from the distribution of both garden seeds and flower seeds. At the same time I do not believe sufficient benefit is derived to justify this large appropriation to be used in this way.

Of late years we have commenced work along lines of demonstrations on farms, and have made large appropriations for that purpose. In the West and South, and in many of the States in the North, we have organizations, with State agents and county agents, for the purpose of demonstrating what can be done in an agricultural way on the farms. In addition to that, we have organized a great many girls' and boys' clubs. That organization is growing greater and greater every day in my State. We commenced a little over a year ago with only a few members, and to-day we have 15,000 boys and girls in my State who are doing work in the boys' and girls' clubs.

I believe that instead of the Senators and Congressmen sending out these seeds it is better to have the distribution made directly from the Agricultural Department, and to have it done for the very splendid purpose that the Senator from Utah suggests—through the boys' and girls' clubs. Instead of making this large appropriation for promiscuous distribution, let us make a reasonable and fair appropriation for the girls' and boys' clubs of the different States and have the work done through them.

I have taken a special interest in this boys' and girls' club work in the United States, and I find that its benefits are very great and far-reaching. I hope before we finish this bill we will make some provision for the boys' and girls' clubs, especially of the Western States. Quite a number of States there have already made appropriations and in many ways raised funds to comply with the requirements of these bills, so that they can take advantage of any appropriation that we make here.

I believe the same purpose the Senator suggests can be reached through the boys' and girls' clubs and through the farm demonstration work, and that it will be more beneficial, for the reason that it will be done through channels that are well organized for that purpose.

Mr. JONES. Mr. President, I simply wish to say a word about this paragraph.

I hope the action of the committee in this case means the end of the congressional distribution of seeds; and I hope the conference committee, when appointed, will not recede from the amendment made here, or at least that it will not recede from it without coming back to the Senate so that the matter can have further consideration.

I do think, however, that the suggestion made by the Senator from Utah [Mr. SMOOT] and by the Senator from Idaho [Mr. BRADY] can be made a splendid basis for an agreement in conference and that they can take care of that proposition. I think the distribution of seeds along the lines suggested there would be a splendid line of work. I think it would really accomplish great benefit and would bring about splendid results.

I should be very glad, indeed, to see a liberal appropriation made for the distribution of seeds by the Department of Agriculture itself to schools and organizations such as those mentioned by the Senator from Idaho. That can be arranged and done well through the Department of Agriculture and will result in very great good.

I do hope, however, that the conference committee will at least do away with the congressional distribution of seeds and provide something along the lines suggested by the Senator from Utah and the Senator from Idaho.

Mr. SMOOT. Mr. President, I thought I had at my desk a number of petitions that I have received from high and district schools in my State and from students of many other schools in different parts of the State, asking that this distribution be continued. It was upon those petitions that I based the statement I made to the Senate a short time ago.

I am opposed to the present way of the distribution of seeds; but I heartily agree with the suggestion made by the Senator from Washington [Mr. JONES] that when the bill goes into conference, if possible, the conferees shall agree upon some kind of an appropriation—and I should like to see it a reasonable one—authorizing the distribution of rare seeds by the Secretary of Agriculture directly to all of the public schools of the United States that may request them. If that is done, it will result, I believe, in great benefit; and I believe the limitation on the distribution will prevent the abuse, as in the past, in the promiscuous and unwarranted distribution of seeds.

Mr. MCCUMBER. Mr. President, there are few questions in this world that have not two sides. I think something may be said in favor of the custom that has prevailed, and I think some criticism may be made of the custom that the Senator from Utah [Mr. SMOOT] and the Senator from Washington [Mr. JONES] now seek to have prevail in the future.

I do not know whether or not the country has received a value equivalent to the expenditure involved in sending out these seeds. We have no method of telling whether or not we have received such value. I know one thing, however, and that is that I can take any kind of a cereal or any kind of a vegetable seed from one section of the country and plant it in another section of the country, and, as stated here by the Senator from Mississippi the other day, you always get better results in your crops, at least for a few years. If you raise the same crop from the same seed in the same section of the country, it is found to deteriorate in a short time. So this constant shifting of seeds from one section of the country to another has been most beneficial in its results.

Most of the correspondence I get from my own home State is not from the public schools in the little towns and cities. It is from the children, the boys and the girls, and the parents out in the country. They do not belong to any high-school association in the city. They have no association whatever; but they will write me that the lettuce I sent them last year worked very finely; that it was splendid, and so much better than any they had ever had before; and they will write me the same kind of letters about other things they have tried.

It may be that only a few of these people get any benefit from this distribution; but I do know that you will not get much benefit away out in the country from providing the schools in the towns with seeds to plant in their back yards and having them try to raise crops at those places. The great agricultural population of the country that will use the seeds is in the country, and those people have no organization of that kind.

I conscientiously believe that the transfer of seeds through this system has given us a value in the whole United States considerably in excess of the cost to the Government. While it may be subject to criticism in the matter of buying seeds that have not proven to be good, and so on, the general result has been beneficial. We are spending millions upon millions of dollars of the Government's funds that are not doing as much good as the distribution of these seeds is doing.

Mr. WEEKS. Mr. President, I desire to congratulate the Committee on Agriculture and Forestry for the course it has taken in leaving out of the pending bill the appropriation for seeds.

When the Senator from North Dakota [Mr. MCCUMBER] commenced his remarks just now by saying that most questions have two sides, I supposed he was going to take the other side of this question. In my judgment, there never has been any excuse for the Government furnishing common, everyday garden seeds, purchasable anywhere, to the people of the country under the methods which have been followed for the last 20 years.

I do not know any agricultural community that is not opposed to following the system which has been in vogue. If the secretaries of Senators and Congressmen had devoted to some useful occupation the time which they have devoted to sending out seeds in the past, in my judgment, they would have earned more than enough money to purchase the seeds which the Government has bought and has been distributing gratis to the people of the country.

I hope the Committee on Agriculture and Forestry will not be influenced by the suggestion which has been made by the Senator from Utah [Mr. SMOOT], seconded by other Senators here. They should insist on cutting out this whole appropriation at this time. There is no more reason why we should furnish seeds to high schools or to the children attending high schools because they use them in making gardens, than there is for our furnishing pianos to high schools or furnishing any other instruments or any other methods of development which are used in connection with the high schools of the country. If they desire to make gardens, the local appropriations should provide seeds for that purpose. By an appropriation of $50 the State of Utah could buy probably all the seeds that would be necessary for the purpose which the Senator from Utah has instanced.

I sincerely hope the Committee on Agriculture and Forestry will not be influenced by such suggestions, but that we will cut out now this distribution of seeds, which has been denounced and scoffed at and laughed at by the country as long as I can remember.

Mr. SHAFROTH. Mr. President, inasmuch as I think I was the only member of the Committee on Agriculture and Forestry who voted against striking out this provision, I wish to say a word with relation to it.

I have examined to some extent the effect of the distribution of seeds. I fully concur in what the Senator from North Dakota [Mr. MCCUMBER] said with relation to the distribution of even ordinary seeds from one part of the country to the other. The results have been enormous; and it seems to me any person who has looked into the question must recognize the fact that great results have come about. Seeds from the East, when transplanted into the West, often produce a great development, even common seeds. There is no better illustration that I know of than the distribution in my State of common, ordinary cantaloupe seeds, which have produced the luscious cantaloupes known as the Rocky Ford cantaloupes. That was due simply to transplanting in a different soil. This matter of taking seed from one part of the country and transplanting it, under different conditions, in another part of the country has produced enormous benefit in the development of plants and in the development of grain.

No better development would occur, perhaps, than in the case of fruits. We all know that the peach tree has risen from what

was almost a little weed, regarded as a poisonous plant, and which on account of its bitter taste was regarded as not good for anything, yet by reason of the fact that it has been transplanted and cultivated there have grown up over 500 different varieties of the most luscious fruit in the world. That has come about to a large extent by reason of transplanting seeds from one portion of the country and from one portion of the world to another. When we produce such results we can not help but think there is some benefit, at least, in the distribution.

Take the apple. The apple rose from what? The wild crab. That is what it was, and nothing else, simply growing wild; yet by reason of cultivation, and by reason of transplanting, there have grown to be over 3,500 different varieties of apples. That has come about by reason of the distribution of seeds and by transplanting seeds from one portion of the country, under certain conditions of climate, to another portion. When we consider this bagatelle of an appropriation as compared with what we appropriate in many other ways, it seems to me it is a wise appropriation and a wise policy which has been pursued by the Government for many years.

I believe transplanting the ordinary cereal from a country that raises cereals under conditions of ordinary rainfall into a country where, by reason of irrigation, there has been great development in grain, is producing wonderful benefits in the way of an immense change even in the varieties and even in the size and even in the character of the product itself.

Something has been said about a political distribution of seeds. I do not suppose there is a Senator here who ever treats the distribution of seeds as a matter of politics. The rule is that we get a list from the postmaster. We ask the postmaster to give a list of farmers in the community, and no one ever regards the question whether he is a Democrat or whether he is a Republican. The object of sending the seeds is to give them to people who want them, and the result has been that it is generally regarded as something of benefit to the person to whom they are sent, and he generally receives them with thanks.

There is one feature that I do not like about it, and that is the fact that it puts Senators to a great deal of trouble. That is true, but nevertheless it seems to me that it is worth what it costs in the way of trouble.

I am, perhaps, the only one who voted to retain this provision in the bill, and I hope it will be retained. I believe the sentiment of the Senate is almost unanimous against it, but I believe that the House of Representatives will retain it. There are good reasons and good grounds in my judgment for retaining it.

Mr. MARTINE of New Jersey. Mr. President, I sincerely trust that the provision may not be stricken out. I have seen the benefit of seed distribution. I know it is a common saying that the seeds are good for nothing; and I had some one tell me that if swept off an old haymow and sent out they would prove to be just as good fertile seeds. Yet the fact is that the large consensus of opinion among those to whom I have sent seeds has been the other way; they have expressed themselves to me as very favorable to the fruition of the seeds so distributed.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. JONES. The Senator from New York [Mr. O'GORMAN] advised me that he will be away for the day, and he requested me to ask that the unfinished business might be temporarily laid aside when it was laid before the Senate in its regular order.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GORE. I ask that the Senate may proceed with the consideration of the Agricultural appropriation bill.

The VICE PRESIDENT. Without further formality, the appropriation bill is before the Senate.

Mr. MARTINE of New Jersey. May I be permitted to continue the few remarks I rose to make?

The VICE PRESIDENT. The Senator from New Jersey has the floor, and he will proceed.

Mr. MARTINE of New Jersey. Reference has been made laughingly to the fact that seeds have been sent to school children. That, in my judgment, is one of the best features of the bill. I have sent seeds to school children—scores of packages—and to the principals of schools, and I have received from the principals of schools letters stating that the seeds had inculcated a habit and a desire to nurture plants and plant life that had been infinitely valuable to the children.

I want to say as to myself that 20 or 25 years ago I received a half pint of wheat. I can not now recall from whom I received it, but I took a little patch in my garden and planted it in drills, and the fruition was great. I sowed that and kept on multiplying it until I had raised over 200 bushels of wheat that was of an entirely new variety and seemed to resist rust and was fruitful and rich in its production. I spread that quite widely. I sold it to my farmer neighbors and friends. Each one of them in turn bore testimony as to the value of the seed.

To say that there is no value and that naught comes from it except a little political favor that may come to the man who sends it is too narrow a position. We squander many millions in directions that are unwise and improvident, and I do say it is a verification of the saying that "he who makes two blades of grass grow where one grew before is a benefactor of the human race."

In heaven's name I appeal to the Senator from Massachusetts [Mr. WEEKS] to change his tack and rather urge the planting of garden seed as well as farm and field seed. Senators, we vote millions of money for purposes that will never bring a tithe of the blessings to our land this distribution of seeds and plants brings to this fair land.

Mr. GALLINGER. Mr. President, at a former time when this subject was before the Senate I took occasion to voice my opposition to a proposal similar to that which is before us to-day. I think this is a bad place to commence economy. The appropriation is a bagatelle compared to the appropriations that we make for almost every conceivable object in our legislation.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I yield to the Senator.

Mr. THOMAS. The Senator from New Hampshire has stated that this is a bad place in which to commence economy, and I do not know but that he is right. However, I wish some one—and the Senator has been here longer than any of us—would tell me just where the right place is for the commencement of economy. I have been trying to find it ever since I have been here, and it has been impossible so far to place it anywhere, except in the barber shop and one or two other places of similar national importance, and in the bathroom, as is suggested to me. I have not yet discovered the point where we can economize. Sometimes when we feel very poor we offer an amendment to cut down the salary of some official a few hundred dollars, or something of that sort, and also to arrange for doing away with the expense consequent upon the official telegrams of Senators. Of course, we can not commence with the battleships, because the Armor Plate Trust is behind that; we can not start with the river and harbor bill, because there are so many interested in those matters.

Mr. WARREN. Will the Senator allow me?

Mr. GALLINGER. I must not lose the floor.

Mr. THOMAS. I would be glad if the Senator could inform me where I can begin. I will quit opposing these other matters and concentrate all my energies at the point of attack.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. GALLINGER. I yield to the Senator.

Mr. WARREN. I simply wish to suggest that we have already commenced. We no longer are to have nailbrushes, hairbrushes, or pure water for our committee rooms, or sufficient towels and sundry items in the barber shop, or the little items of supply such as medicines, remedies, and appliances for first aid to the sick and injured as we used to have. Think of the great saving, the great economy, effected in this way.

Mr. THOMAS. I have referred to that. I have wanted to economize as much as I could ever since I have been here. I think that we have set before us a good example now. I wish to know where we should begin in earnest to do something.

Mr. GALLINGER. Recalling the declaration in the Democratic national platform in favor of economy——

Mr. THOMAS. I recall that.

Mr. GALLINGER. Recalling that, I sympathize with the Senator from Colorado and his party in this matter. I think I can point out some directions in which economy might more properly be practiced, but which has apparently been overlooked.

I have forgotten how the Senator himself voted on an appropriation of $40,000,000 or thereabouts for the Government to build a railroad in Alaska. I voted against it, because I do

not believe the Government ought to engage in that kind of business.

Mr. THOMAS. I voted for it. I thought it would be better for the Government to build a railroad than to give $40,000,000 to corporations up there, and I have no apology to make for that vote. Besides, I voted for a bond issue and not for an appropriation, as the bill came from the House.

Mr. GALLINGER. I have noticed, if I cared to take the time to enumerate them, various other matters in various other directions in which some degree of economy might have been practiced; but I am not going to enter upon that, because the Democratic Party is in power and they are responsible for the legislation. The Democratic Party can legislate on this matter of economy as it sees proper. Even though everyone of us on this side should oppose an effort to economize in governmental expenditures, the Senators on the other side can vote us down, and either become economical or extravagant as they see proper.

Therefore, Mr. President, I say that while I sympathize to a large degree with the desires of my Democratic friends to practice perhaps unreasonable economy even, I think this is a bad place to commence it. There is a little annoyance to all of us in sending out so-called congressional seeds, though it never has disturbed me very much from that point of view. I have distributed the seeds during my somewhat protracted term of service without reference to whether they went to Democrats or Republicans. Every package that was my due has been sent out, and it has reached some farmer in New Hampshire, not an agricultural State in the broad sense of the term, and has resulted, as I have observed, in very much good to the people.

It is true, as has been suggested, that the farmer can write to a man or a corporation engaged in the raising of seeds, and for 5 or 10 cents get a package or two, but the farmer does not write many letters, and the farmer does not get the seeds unless he receives them under the existing condition of things. So far as I have observed, this small appropriation—because it is but a moiety as compared with the appropriations that we are making all along the line—has resulted in better gardens for the people and in the entertainment of the children, who take an interest in the cultivation of flowers and of vegetables. That fact to my mind absolutely outweighs the appropriations for this purpose which we have heretofore made, and which the House placed in the bill as it came to the Senate.

I know, Mr. President, it is fashionable for the great newspapers of the country to scoff at this matter, as the Senator from Massachusetts [Mr. WEEKS] has suggested. I know that gentlemen representing great cities have very little interest in this matter comparatively. But I know, on the other hand, so far as my section of the country is concerned, and as I said before it is not an agricultural region in the broad sense, the people take a very great interest in this matter, and, in my judgment, if they had an opportunity, they would not permit this provision to be stricken from the bill.

Mr. President, I presume I am in the minority in the Senate on this question. I have been in the minority heretofore; but I want to voice my own convictions that this is a proper appropriation, that it is a wise appropriation, and I trust the suggestion which has been made by other Senators that if the provision is stricken from the bill it shall be insisted upon by the conferees on the part of the Senate may not control the committee on conference.

I can go through this bill, Mr. President, and point out appropriation after appropriation that is far less worthy than this provision. I can go through other bills that will come before us for consideration and point out where millions upon millions of dollars of the public funds are wasted in the interest of other projects than agriculture, that we might well give very careful consideration to.

Let us, Mr. President, scan carefully the river and harbor bill, which will soon be before us for consideration. Let us ask ourselves honestly whether or not many of the appropriations are wise that are in that bill. Let us ask ourselves whether a million dollars, more or less, should be appropriated for a river that might better have been improved for an automobile course, or, as a gentleman in another body suggested, might better have been insured against fire than to undertake to put water enough in it to float craft that will be of service in the commerce of the country. Let us go through all the bills that will come here; and if we really want to economize, let us economize in those matters rather than strike down this little appropriation, which, whatever may be said to the contrary, is of interest and value to the farmers of the United States.

I am not going to pose, Mr. President, as an economist, because my views are very liberal as to appropriations that concern the people of the country generally; but I do want to register my protest against a proposition that, in my judgment, strikes a blow at the interests of the farmers of this country, and which deprives the boys and girls who are interested in raising vegetables and flowers in the little patches around their homes of a great pleasure. I never shall agree to the proposition that this is an appropriation that ought to be stricken out, either here or elsewhere, or that it is doing any harm to the people of the United States.

Mr. President, I will express the hope, which I fear will not be gratified, that the Senate will not agree to striking out this appropriation; but, however that may be, I want the privilege as one Member of this body of recording my vote against striking it out.

Mr. BURTON. Mr. President, the original idea which prompted seed distribution among the farmers was the circulation of seeds and plants imported from other countries which had not come into use and the development of which might be of material benefit to the farmer and to the country at large. In view of the fact that agriculture was crude in its beginnings in this country and the desirability of a diversity of products, Mr. Jefferson at an early date advocated this seed distribution. That reason does not now exist. The reason having ceased, the policy should cease.

The custom in vogue is to purchase seeds which are available at any seed store and distribute them among the farmers indiscriminately, without knowing what their preferences are and without knowing whether they desire them or not. The question is raised, Who is the best judge to decide whether seeds will be useful, the farmer who is to plant them or the Congressman who is to send them out from Washington?

Mr. WARREN. Mr. President, may I interrupt the Senator?

Mr. BURTON. Yes.

Mr. WARREN. I know the Senator wants to be right, and he is right as to a part of the apportionment of seeds; but a large amount of this money is expended in the direction the Senator first indicated, in obtaining seeds from abroad and distributing them in this country—for instance, from a country where there is dry farming, in taking dry-land seeds and sending them to a section of this country where dry farming may be productive and remunerative. In effect, it is to get the seeds by exchange or purchase and send them out to farmers and gardeners where needed.

Mr. KENYON. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I wish to suggest, in reply to the suggestion of the Senator from Wyoming, that this particular provision stricken out by the committee does not cover the point he suggests. On page 22 provisions are made that are untouched by the committee for the distribution of rare and valuable seeds from foreign countries—grasses and alfalfa—and an appropriation of about $200,000 is made therefor.

Mr. WARREN. The Senator corrected me, and I will correct him in return. There has been a large proportion of the general fund, to which he alludes, used for rare seeds, but it was believed that there was not enough of it used for certain dry-land seeds, as was the case in the last Agricultural appropriation bill, and we have provided an additional amount.

Mr. KENYON. That may be true.

Mr. WARREN. A quantity of this general appropriation may be used in the manner I have indicated.

Mr. KENYON. But there is an appropriation for the purchase of rare and valuable seeds abroad.

Mr. WARREN. A small one.

Mr. KENYON. That the amount is not sufficient is the Senator's objection?

Mr. WARREN. It is not sufficient.

Mr. BURTON. Mr. President, the conditions in that regard are altogether different now from what they were when the policy of seed distribution was first adopted. Then it was difficult for the farmer in a region where special qualities of seed were required to obtain what was needed. Now every farmer subscribes for an agricultural journal, and the Agricultural Department, which is like a great university, sends out bulletins showing the qualities of soil which are adapted to particular seeds, and showing what kind of seeds and what plants should be used in the different localities. For instance, wheat suitable for macaroni is discovered abroad. It is brought into this country and is sold in the localities in which it can be used. Thus all the reasons which have afforded arguments for the purchase of these seeds by the Government and their distribution have practically ceased to exist.

This distribution has too much the appearance of petty graft. I am always very doubtful of any appropriation which has a multitude of beneficiaries. I am always afraid of any benefit

which may be conferred upon a large number for which they have nothing to pay. You can not lay the blame upon the farmers for this appropriation, for I do not believe any considerable number of farmers desire this seed distribution.

I have through many years distributed my quota. I have sent out letters in many instances accompanying the package, and I have no doubt received quite a number of responses; but I fail to find any enthusiasm for these seeds or any strong desire to receive them. Indeed, in view of the long time in which the custom has been in vogue, it is quite surprising that requests are so few.

I regard this distribution, Mr. President, as useless, as in a measure demoralizing, and for this reason I shall vote to sustain the action of the Senate committee.

Mr. WEST. Mr. President, I have been entertained somewhat by the Senator from Colorado [Mr. SHAFROTH] and other Senators giving their experience. What I know in connection with the seed distribution is not very favorable. Now and then the seeds we get in the extreme southern part of this country, say in south Georgia, do very well, but generally they are a failure. For instance, if we get corn from the far West and plant it in the same field, with the character of the soil the same, with corn that has been acclimated, and plant it at the same time, it is an absolute failure.

I know, too, the circumstances that used to exist before the war among the farmers in South Carolina. It was the custom there for one farmer in a remote section of the State to load a carload of seed and send it to another farmer in another section of the State, and he in turn would load a car back, and just exchange seed in the different sections; and they said it brought about a great improvement in the cotton seed. All this was confined to a State; but my experience is that where the sections are very far removed it is not profitable to plant the seed from a remote section.

Mr. GALLINGER. Mr. President, I suggest to the Senator from Georgia that the complaint he makes might well be submitted to the Secretary of Agriculture, who in this provision that is proposed to be stricken out is required to furnish seed adapted to each locality in the country.

Mr. McCUMBER. Mr. President, in answer to the suggestion made by the Senator from Goergia [Mr. WEST], I wish to say that it is one of the most customary things in the agricultural world to exchange seed of the same kind. About every four or five years in my State we will send over to Canada and get exactly the same kind of wheat, but raised in a different section, and for a few years at least it will produce a better yield. I have had in my State this year a demand for alfalfa which has been grown by the Government. The most I could get for any one farmer was 20 pounds. I could have used in my State, having demand enough to absorb it, the entire quantity available for the entire United States.

Mr. WEST. Will the Senator from North Dakota yield for an interruption?

Mr. McCUMBER. Certainly.

Mr. WEST. Where you get wheat in North Dakota from Canada, the climatic conditions are about the same, are they not?

Mr. McCUMBER. No.

Mr. WEST. And the soil conditions?

Mr. McCUMBER. Not necessarily. As a rule, for instance, if in a dry section we would like that which was also raised more or less in a dry section of Canada. But the point I want to make is that the change in the climate of a grain for a few years is always beneficial. It is, as the Senator from Mississippi [Mr. WILLIAMS] indicated the other day, the same as was the effect of bringing rabbits from England into Australia, where they increased in such enormous quantities; and so it is with certain fruits, as was indicated by the Senator from Colorado [Mr. SHAFROTH] in regard to melons. They brought to Colorado from different sections of the country the same kind of seed, and they have produced there, and for years will produce, even better melons than were produced where they were grown before. I am a great believer in changing the locality of the same seed; and by this method of seed distribution we are securing that result to some extent.

Mr. WEST. Mr. President, I illustrated that in the case from South Carolina in the exchange of cotton seed; but so far as I have been able to ascertain, in my section, where we have gotten corn from the West and planted it in the southern part of Georgia, it does not do well.

Mr. McCUMBER. Whether the distribution is through the Agricultural Department or otherwise, I know that practically all kinds of vegetables raised in my State, if we were able to grade them, raised 20 years ago have increased in character 20 per cent, or 50 per cent, probably, or over. Take the lettuce that we used to raise. It was nothing but a little green leaf. It is now crisp, and there is much more in a single head. All that has been developed in the Agricultural Department; and that is now the lettuce seed that is being sent all over the country. We can take every kind of vegetable and follow it up, and we find that that which is raised now is generally very much superior to that which was raised 15 or 20 years ago.

Mr. SHAFROTH. Mr. President, I should like to suggest to the Senator, in relation to his reference to what I said that not only the planting of ordinary seed produced a great development in the line of product, such as the Rockyford cantaloupe, but when that melon is grown and the seed sent back to other portions of the country it produces a superior melon, better than could ever have been produced by simply having it raised in that locality. The mere selection of something that is produced that is better will make the farmer and make any person planting seed retain it for replanting. If it turns out to be bad, of course it will be discarded. The experiment will prove beneficial, notwithstanding it was a loss; but the fact is the farmer naturally, when he finds he has produced a superior product from a seed, retains that seed, and it is used for planting in their own particular localities.

Mr. McCUMBER. I think the Senator is right. I might carry the wheat illustration just a little further. I could take bluestem wheat, for instance, from Canada, bring it down into my State, and grow it side by side with blue stem that I have been raising in the State for 5 or 10 years and produce a better crop with the same cultivation and the same rainfall. After a few years the seed will not produce any better crop. I can take that same seed again that I have used for a few years, transplant it back to Canada, and it will produce a better crop in Canada than the grain that has been raised there a few years. That is only one illustration, and I might give hundreds, where transporting seeds from different sections of the country is most beneficial.

Mr. WEST. Mr. President, I do not at all doubt the contention which the Senator from North Dakota makes. You can improve grain and seeds of every kind at home. Take cotton. If you select the best bolls on the best stalks, year in and year out, you can improve your own cotton. It is the same way with grain. Where the climatic conditions are the same, or where the soil is somewhat of a like character, I have not the least doubt that in transplanting these seeds and in transferring them from one section to another there is great benefit; but I do know—and I speak from experience from the use of a great many of the seeds that are sent out—that they do not do well in the South. Where they came from I do not know, but I have planted corn which I knew was transported from the West to the South which would not produce on land in the southern part of Georgia.

Mr. CHILTON. Mr. President, I rise principally for the purpose of encouraging the Senator from New Hampshire [Mr. GALLINGER]. I am thoroughly in sympathy with him, and I hate to see him give up a battle before it has fairly been begun. I think the Senator is mistaken as to the feeling on this side of the Chamber, and if he will just show somewhat of his usual spirit in starting into a battle of this kind I think he will find reinforcements over here, which will please him when the final vote shall be taken.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. CHILTON. With pleasure.

Mr. GALLINGER. I am not in the habit of giving up a fight until I am beaten; but from certain utterances that have been made I was rather of the opinion that I was in the minority. I did intimate that I should ask for the yeas and nays on this amendment, and I shall do so, because I wish to go on record myself. I am extremely gratified at the encouraging words uttered by the Senator from West Virginia, and I now revise the view I expressed, and say that I am of the opinion that we can beat the committee and retain this provision in the bill.

Mr. CHILTON. Mr. President, I listened to the argument when this matter was up in the Senate on a former occasion, and I have given careful attention to the argument to-day. After all that has been said in reference to the situation, it is about this: Immediately preceding this appropriation is an item, "In all, for general expenses, $2,688,455." It is quite a discriminating mind that can take all of the items which comprise that large sum and distinguish all of them in principle from this small item of $257,000. The only difference is that one has precedent and age and experience behind it, and there has not been any sufficient evidence of the failure of this experience, in my judgment, up to the present time to justify the

Senate in changing the well-established rule in making these appropriations.

What does this appropriation amount to? It amounts to less than half a cent per family in the United States. We are going to take the chance of injuring the farmers, injuring a lot of poor people, injuring those who are dependent upon the Government and have become dependent upon the Government for this little help, for this encouragement; we are going to take that chance when it amounts really to less than one-half a cent to a family in the whole United States.

What is the ground on which we are doing it? The ground is that the Secretary of Agriculture is better able, is more capable, of reaching the people of the United States than are Senators and Representatives. It is a ridiculous proposition, and its mere statement shows it to be such. We all know, in fact, that it can not be true. I have long ago passed up the argument as not really worthy of being mentioned on this floor that there is any graft in this; that any Senator or Representative would seriously rely upon the distribution of seeds to help him in his race for the House of Representatives or the Senate. We all know that every Senator and every Representative pays no attention to politics in the distribution of seeds.

It is likewise untrue, Mr. President, that the people are not interested in this question of distribution. Beginning in the early spring—so has been my experience—my people write to me. The poor man out on the hillside writes to me to make a selection of seeds for him; he wants them, and relies upon them. Neither do we take the postmaster's list of those to whom we shall send seeds; we can find in every neighborhood plenty of people who want the seeds, who will experiment with them, and who rely upon getting them in a sufficient amount to exhaust the supply of each Senator and Representative.

What is the real ground against this distribution of seeds? The only reason I have heard urged against it is that the seeds are no account; in other words, we are going to stop a great humanitarian experiment that we are making, so to speak, simply because the Government can not get good seeds. The Government can get good seeds if it will try; if it will exhaust all of its resources it can get just as good seeds as can the individuals who make a business of selling seeds to the people. We can not plead our incompetence; we can not plead the ignorance of the Department of Agriculture or of any other department of this Government as a reason why we should stop now, after twenty-odd years of experiment, this plan of distributing seeds to the people.

Mr. President, it does seem to me that we are commencing our work of economy at the wrong end. I do not believe that the Senate of the United States is going to make this experiment, certainly not for the reasons that have been urged upon this floor or upon any other occasion, that I am aware of.

Mr. GORE. Mr. President, I think I ought to say that the pending bill carries an appropriation of $166,500 for the purchase, propagation, testing, and distribution of new and rare seeds. It also carries an appropriation of $74,600 for the investigation, introduction, and distribution of foreign plants and seeds. The pending amendment is leveled at seeds which would be considered as neither rare nor valuable.

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from West Virginia?

Mr. GORE. I yield.

Mr. CHILTON. The Senator from Oklahoma is mistaken in his statement. I have looked at the provision, and what I said was not said carelessly. If the Senator will look on page 22, he will find these words:

> For the purchase, propagation, testing, and distribution of new and rare seeds—

That is not all; the provision does not stop there, but continues—

> and for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, $166,500.

Then there is this proviso:

> *Provided*, That of this amount not to exceed $100,000 may be used for the purchase and distribution of such new and rare seeds.

Grasses, alfalfa, clover, and forage crops are not rare, and could not hide behind the words, "new and rare seeds."

Mr. GORE. They are not rare and valuable seeds.

Mr. CHILTON. They are not. In other words, by adopting the amendment we would be making a discrimination, and we could not justify the appropriation of $166,500 on the ground that it is, as the Senator from Ohio said, for experimenting as to "rare seeds," and cut out the $257,000 on the argument that the latter can be thus distinguished. I deny that there is any politics or thought of politics in my position. There has not been presented any sufficient reason for changing our present system of distributing seeds. I am not willing, for the reasons given, to deprive my people of what I conceive to be a substantial benefit.

Mr. GORE. Mr. President, under the language of the bill $66,500 is supposed to be used for administrative purposes and for the testing and experimentation with these plants, and $100,000 would be directly available for the distribution of the seeds. A policy of that sort might get us somewhere; it might lead to the introduction and dissemination of seeds that would be really valuable, but the seeds which are purchased and distributed under the clause which is proposed to be stricken out by the pending amendment, are neither rare nor valuable. They get us nowhere; they have to be distributed each and every year. That was the feeling of the committee in regard to the appropriation.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. GORE. I yield.

Mr. POMERENE. The Senator from Oklahoma has just stated that the seeds provided for in the clause which it is sought to strike out were neither rare nor valuable. The language of the bill is for the purchase——

Mr. GORE. I am aware of the language of the bill, but I was stating the practice which usually prevails. It is true that each Senator can commute these seeds and get any particular kind of seeds he desires; but in small quantities it is not really worth while or worthy of attention to do so.

Mr. POMERENE. What I desired to call attention to was the fact that the language is "valuable seeds."

Mr. GORE. Yes, sir. Of course, I did not mean to state that they were absolutely valueless, but I intended to use the expression in the larger sense of scientific or improved agriculture or horticulture. Of course, seeds cost a little something, and anything that costs anything has value in a technical sense; but I may say that the real motive which actuated the committee was this. The Senate by an overwhelming majority last year decided to cut out this appropriation from the agricultural appropriation bill. I believe the sentiment was so overwhelming that the yeas and nays were not even demanded. The committee felt that it ought to be governed by that authoritative expression of the sense of the Senate. We also indulged the illusory hope that by striking out this provision in committee we should avoid a protracted, if not an illuminating, discussion upon this subject.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

Mr. GALLINGER. I ask for the yeas and nays, Mr. President.

Mr. GRONNA. Mr. President, I do not oppose the proposition of striking out the paragraph so far as it relates to common garden seeds. I believe that it is an expensive proposition not only in furnishing the seeds, but it is burdening the mails; it is costing the Government of the United States a great amount of money not only for the purchase of the seeds, but to carry the seeds in the mails.

I am a firm believer in the appropriation of a sum of money sufficient to permit the Agricultural Department to experiment with rare seeds, and after that department has made those experiments, to have a sufficient amount of money to distribute them over the United States. I do not believe, however, that we should insist upon the continuance of this old custom of sending out common garden seeds.

It is true, especially is it true in the newer States, that settlers on the public lands, for instance, appreciate a package of garden seed. Many of them in the western part of my State, or where the settlements have recently been made, write me for garden seed; but I can see no good reason why we should appropriate hundreds of thousands of dollars simply because a few people are anxious to get common garden seed for nothing.

Mr. President, I believe that we could make better use of this money if we increased the appropriation for rare and valuable seeds, and then permitted the Secretary of Agriculture to send such seeds directly to the people. I was not present when the discussion came up on this paragraph in the committee, and I have not heretofore heard the paragraph discussed. It is true, however, that a great many of these seeds that are sent out by the Agricultural Department are practically of no value, not because they are inferior seeds, but because they are seeds grown in a certain climate, say in a warm climate, and then sent to a cold climate. Under such circumstances seeds are absolutely valueless.

Anyone who has any practical knowledge of growing seeds or plants must know that to get perfect results the seed must be sown under the same climatic conditions and in similar soil.

Take grim alfalfa, for instance. Grim alfalfa was discovered by the Agricultural Department away over in Siberia. I have sent out to my State 188 portions of that grim alfalfa, but not a single portion has gone to the Red River Valley. Why? Because in the Red River Valley they have an abundance of rain, while grim alfalfa is a drought-resistant plant. I, therefore, sent it to the western portions of my State, which are classed as among the semiarid regions of the West. Seeds grown in a warm climate and in a certain kind of soil are not adapted to a far-away country where the climatic and soil conditions are different.

Mr. President, I had not intended to take any time in discussing this provision. I shall make no objection to striking it out, and the committee has recommended that it be stricken out; but I am not in favor of reducing the appropriation that can be used by the Secretary of Agriculture in buying rare and valuable seeds. If I had my way, Mr. President, I would increase the appropriation in the paragraph on page 22 which provides:

For the purchase, propagation, testing, and distribution of new and rare seeds, and for the investigation and improvement of grasses, alfalfa, clover and other forage crops, $166,500: *Provided*, That of this amount not to exceed $100,000 may be used for the purchase and distribution of such new and rare seeds.

That amount ought to be increased to at least $266,000, of which $200,000 should be available for the distribution of rare seeds to the farmers of the United States.

You will find clovers suitable for Oklahoma that are absolutely worthless in North Dakota. Take again the grim alfalfa, which was sent out by the Agricultural Department to the semiarid and to the arid regions of the West. That variety of alfalfa, although well adapted to the arid and the semiarid regions, is absolutely valueless in the South, and in every instance where drought-resistant seeds, which should be sent to the arid or semiarid regions of the North and Northwest, are sent to the South it is money thrown away.

Mr. President, I believe the chairman of the committee ought to accept an amendment to the paragraph on page 22, which I have just read, to increase the amount to be used by the Secretary of Agriculture in the purchase and distribution of rare and valuable seeds. We ought to appropriate $300,000, or at least $266,000, for such rare and valuable seeds, allowing the department to use $66,000 for the propagation of the seeds and then $200,000 for their distribution.

Mr. KENYON. Mr. President, the Senator from North Dakota [Mr. GRONNA] is the most practical farmer in this body, as well as the most distinguished. I am glad that he does not feel insulted or injured by the proposition to cut out free seeds. I feel, Mr. President, that this battle is hopeless, as the Senator from West Virginia [Mr. CHILTON] has assured the Senator from New Hampshire [Mr. GALLINGER] that if the Senator from New Hampshire will simply put on his fighting clothes the forces of free seed can win. In that mighty union I fear this matter will be defeated. I am sufficiently acquainted with the fighting ability of the Senator from New Hampshire to know that our cause now is nearly hopeless. Free trade, free silver, and free tolls have all been mighty shibboleths, and I am afraid we can not defeat free seeds. Anything free is elusive and seductive.

I made an investigation last year of the expense to this Government involved in the free distribution of seed. Let me say now that I am not speaking against the proposition of sending out valuable seeds and grasses and valuable plants, such as Senators have spoken of; but this action of the committee is directed against political seeds, and that is all they are. I have not the figures here which were obtained as the result of the investigation I made, but taking into account the burden on the mail service, the Postmaster General——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. KENYON. In just a moment; I should like to finish the sentence. The Postmaster General pointed out, some years ago, some of the reasons for the deficit in the Post Office Department; and one of the reasons was the expense of the free-seed distribution. I understand also that various Secretaries of Agriculture have suggested the elimination of this provision. Taking that into consideration, my investigation showed that we had spent in four years practically a million dollars to carry on this matter. If we are ever going to commence on economy, it seems to me that here is a good time to commence. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, the Senator has repeated what one other Senator uttered a moment ago, that this was a political matter. I do not know what other Senators do or what Members of another body do in the matter of distributing seeds, but it never occurred to me that a Democrat or a Progressive or a Prohibitionist was not as much entitled to his share of the seeds which are distributed as is a Republican; and I know that in my State they have gone to farmers absolutely without any reference to their political feelings. I think we ought to eliminate that feature from the discussion, because I do not believe any Member of this body or of the other body ever differentiates in the distribution of this bounty of the Government to the farmers so as to deprive his political opponents from getting as much consideration as his political friends. I think that must be so.

Mr. KENYON. I think that is entirely true, Mr. President. The seeds are not sent to Republicans by Republicans or to Democrats by Democrats or to Prohibitionists by Prohibitionists; the bounty falls equally on all. I suggest, however, that it would be far better if we would use this appropriation to disseminate among our people some of the delightful maple sugar that comes from New Hampshire. I think it would do them vastly more good——

Mr. GALLINGER. I appreciate that.

Mr. KENYON. Which the Senator now so kindly distributes freely among his senatorial friends.

Mr. BRADY. Mr. President, the Senator said a few moments ago that in the last four years it has cost a million dollars to distribute seeds. Do I understand that amount to be in addition to the original appropriations, or that it includes the annual appropriations?

Mr. KENYON. I mean including everything in what we call the congressional seed distribution. It costs the Government that much money—buying the seed, packing the seed, and transporting the seed through the mails.

Mr. BRADY. But this appropriation in this paragraph alone calls for $257,000.

Mr. KENYON. I think the appropriation has not been as high in past years, although I am not certain as to that.

Mr. GALLINGER. It has been increased of late years.

Mr. BRADY. The Senator thinks, on the average, the Government has spent about $250,000 a year?

Mr. GALLINGER. The appropriation was doubled a few years ago.

Mr. KENYON. I wish to say as to the political aspect——

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. KENYON. I do.

Mr. WEST. Does not the Senator think that the seeds would be more widely distributed by the Agricultural Department than by a representative of the people sending out at random the seed that is apportioned to him?

Mr. KENYON. I certainly do. Mr. President, there is another view of this matter. This system is unfair; it is a discrimination against the man who is not in office but who is running for office. The man who is in office has his 20,000 packages of seeds, and he sends those packages out under the frank of the Government. People are highly delighted and highly honored to get an envelope with the name of a Senator or Representative in the corner. If they get those and do not plant them before the primary or before the election, the man who has sent out the seeds has a great advantage over his opponent. If they plant them, however, and they grow before election, he is at no advantage over his opponent. The Government might just as well appropriate money to send out cheap cigars to the electors of this country; the principle would be just the same. It would give the man in office——

Mr. POMERENE. Mr. President——

Mr. KENYON. Just a moment. I want to finish this illustration. It would give the man in office an advantage provided the cigars were received the night before election and not used until after the election was over. But if used before the election he would be at no advantage. But there would be just as much sense in that proposition as there is in free distribution of seeds.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I yield to the Senator.

Mr. POMERENE. Mr. President, I can hardly consent to the proposition that the Senator was elected over his opponent by reason of the fact that he had certain seed advantages. [Laughter.]

Mr. KENYON. I do not grasp the humor in the Senator's remark; but, as for my part, I send out none of the seed.

Mr. President, there is just as much——

Mr. CHILTON. Mr. President, I should like to ask if the Senator has disposed of his quota to another Senator?

Mr. KENYON. I do not understand the Senator.

Mr. CHILTON. Has the Senator disposed of his quota of seeds?

Mr. KENYON. I will turn a portion of my quota over to the Senator from West Virginia, who is the great champion of the cause of free seeds.

Mr. CHILTON. I will say, Mr. President, that I could use them to good advantage. I would certainly send them to some Progressives, some Republicans, and some Democrats; and I can assure the Senator that there is not, within my knowledge, a voter in West Virginia who ever has been or who could be influenced by such a bagatelle as a package of seeds, nor do I believe it of the Senator's people in Iowa.

Mr. KENYON. I think the farmers of my State resent it as a cheap method of currying favor at the expense of the Government. You might just as well, as the Senator from Massachusetts has said, send a piano out; you might just as well send grape juice out to instruct the youth of the country as to the beneficial use of grape juice. It would accomplish just as much good and possibly more as sending out free seeds. What I am objecting to, Mr. President, is the useless extravagance of this practice, and I will join with the Senator from New Hampshire as to the river and harbor bill, which I believe is generally iniquitous——

Mr. GALLINGER. Or the public-buildings bill.

Mr. KENYON. And the public-buildings bill, and all these other matters; and then try to cut down the expense of this Government to some reasonable basis.

All I meant to do, however, was to put into the RECORD this statement as to expense. I imagine this amendment will be defeated. As the Senator from West Virginia has suggested, this battle will go on; and the seed battle, once begun, is never left until it is won.

Mr. BRADY. Mr. President, I wish to say a word relative to the section commencing on line 17, and my reasons for believing that that will be more beneficial than it would be for us to leave in the bill the section for the purchase and distribution of valuable seeds.

The provision commencing on line 17, page 22, reads:

> For the purchase, propagation, testing, and distribution of new and rare seeds, and for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, $166,500: *Provided*, That of this amount not to exceed $100,000 may be used for the purchase and distribution of such new and rare seeds.

I take it that the term "new and rare seeds" does not mean new and rare seeds in this country, but new and rare seeds in the community to which they are to be sent, and in which they are received. As was correctly said by the Senator from North Dakota, who is a practical farmer, it certainly will not do any good to send seeds from one climate to another where the climatic conditions are not somewhat similar. In other words, it will not do at all to take corn raised in a high altitude on arid lands, where the corn is produced by artificial moisture, such as irrigation, and send it down to Georgia, for it will not grow there. That fact has been established very clearly.

My thought is that even this small appropriation of $166,500, of which $100,000 is to be used for the purchase and distribution of new and rare seeds, will be more beneficial to the farmers of this country than $257,000 used through congressional distribution.

The Senators and Representatives, as a general thing, do not have the time to give attention to this matter; and I believe that those who do have the time to give it attention are not working any more for the interest of the farmer than they are for themselves, for they do not have time to investigate the proper distribution of the seeds. The packages are made up of a stated number of different varieties, and seeds may be sent to one man or one family that would not or could not be beneficial to them at all.

Mr. LANE. Mr. President, if the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BRADY. I do.

Mr. LANE. I wish to make the suggestion that I do not care whether this item is kept in the bill or not; but last year I distributed nearly all of my quota of seeds to the county school superintendents, and induced them to take charge of distributing them among the children in the rural schools all over the State. They had gotten up a sort of a contest among themselves for prizes. That disposed of the matter easily, and I really think a good use was made of the seed distribution.

Mr. BRADY. I think the suggestion is a splendid one. However, I believe that can be done much better by the Secretary of Agriculture, who has a department that can handle this very thing, than by a Member of the House or a Member of the Senate.

I have the same quota of seeds to distribute as other Senators. I have followed the plan of writing to the postmasters and different farmers' organizations and asking them for a list of names. I gave no thought whatever to the question whether they were Democrats, Republicans, Progressives, or Socialists. All I wanted to know was that they were farmers and that they desired the seeds.

I believe that the better plan, even better than that suggested by the Senator from Utah [Mr. SMOOT] or the Senator from Oregon [Mr. LANE], will be to have the distribution handled not only through the schools but through the boys' and girls' clubs of the State. The boys' and girls' clubs are formed for the purpose of agriculture and for the purpose of demonstrating what can be done with a certain allotment of land.

In conducting the boys' and girls' club work in our State we set aside an acre that we allowed to be farmed by a boy or girl for the purpose of seeing how much wheat they can raise on that amount of ground, an acre for corn, and half an acre for sugar beets, and other crops that may be assigned to them. The boy or girl who is a member of the club takes that acre or half acre, or whatever amount it is, and cultivates it in the best possible way. They generally receive a prize; in fact, they always receive a prize for the best acre or the best production on a less amount of ground that they cultivate.

The way to have this seed reach the farmer is through a definite organization, which, in my judgment, should be primarily that of the State. The State should have control of the distribution in reality, but it should always be in close touch with the Agricultural Department of our Government, so that the information that the Government secures by testing the seeds can go on down through the channel of these clubs or schools to the man on the farm. That is where we desire to have the information finally go, and where the benefits primarily must be derived if we are going to succeed.

My reason for supporting the amendment striking out the section as it appears in the bill, is not for any political purpose. I am not one of those who believe that men who distribute seeds or do different things of that kind do so with ulterior motives. I believe they do it because they believe it is for the best interests of their constituents. My only reason for favoring the striking out of this section is because I believe you can take $166,500 for the purposes named in the section on line 17, page 22, use $100,000 of it for the distribution of seeds, and secure better results than you can by having $257,000 in the bill for promiscuous distribution.

I am very much in favor of increasing from $100,000 to $200,000 the amount on line 21, that may be used for the purchase and distribution of new and rare seeds. I do not think there is a Senator in the Chamber at this moment who does not realize that the Agricultural Department certainly can secure better results with that amount than it possibly can do in any other way. For that reason I favor striking out the section.

Mr. GALLINGER. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BRISTOW. Mr. President, before the vote is taken, on account of the absence of Senators who necessarily had to have lunch, and so forth, I suggest the absence of a quorum, in order that they may be able to reach here in time to vote.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. GORE. Mr. President, before the roll call begins, I wish to ask the Senator not to do that, because——

The PRESIDING OFFICER. The Chair will state to the Senator that the suggestion of the absence of a quorum already has been made, and the Chair thinks it probably can not be withdrawn.

Mr. GORE. The Senator from Kansas can withdraw it. I wish to say to him that one bell will bring more Senators into the Chamber than two bells, so that there is no economy of time in calling for a quorum.

Mr. BRISTOW. I will say to the Senator from Oklahoma that a number of Senators have told me they had to leave to attend to necessary business, and they are in the Senate Office Building. A single call does not give them time to reach here in order to vote. I am doing this at their request.

Mr. GALLINGER. Let the roll be called.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Overman	Smith, Ga.
Borah	Hughes	Owen	Smoot
Brady	Johnson	Page	Sterling
Bristow	Jones	Perkins	Swanson
Bryan	Kenyon	Pomerene	Thomas
Burleigh	Lane	Ransdell	Thompson
Burton	Lee, Md.	Robinson	Walsh
Chilton	McCumber	Saulsbury	Warren
Clark, Wyo.	McLean	Shafroth	Weeks
Dillingham	Martin, Va.	Sheppard	West
Gallinger	Martine, N. J.	Sherman	
Gore	Norris	Shively	
Gronna	Oliver	Simmons	

Mr. BRISTOW. I desire to say that the senior Senator from Kentucky [Mr. BRADLEY] has been called to Kentucky on a very important matter and can not be here to-day. I desire to have this announcement stand for the day.

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is away on official business of the Senate.

Mr. CHILTON. I desire to announce that the senior Senator from New Mexico [Mr. FALL] is away on business of the Senate. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce the absence of the junior Senator from Missouri [Mr. REED] on account of important business.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

The question is on the amendment of the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. CHILTON. Is the vote being taken on the adoption of the amendment of the committee?

The PRESIDING OFFICER. Yes.

Mr. SHAFROTH. I ask that the question may be stated.

The PRESIDING OFFICER. The Secretary will state the question.

The SECRETARY. The question is on the adoption of the amendment proposed by the committee on pages 23, 24, and 25, where the committee proposes to strike out the item relative to the purchase and distribution of valuable seeds.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRYAN (when his name was called). I am paired to-day with the junior Senator from Michigan [Mr. TOWNSEND]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and will vote. I vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], but under the terms of the pair I am allowed to vote on this matter. I therefore vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. Not knowing how he would vote, and in his absence, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SHEPPARD (when Mr. CULBERSON'S name was called). I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON], and that he is paired with the senior Senator from Delaware [Mr. DU PONT].

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not seeing the Senator in the Chamber, I withhold my vote. If privileged to vote, I should vote "nay."

Mr. McLEAN (when his name was called). I am paired with the junior Senator from Montana [Mr. MYERS], and therefore withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Louisiana [Mr. THORNTON], and will vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). While I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], I am advised by him that if present he would vote as I would vote. Therefore I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT.] I do not see the Senator in the Chamber, and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I am advised that the junior Senator from Wisconsin [Mr. STEPHENSON], with whom I am paired, if he were present, would vote as I shall. I therefore vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I announce my pair with the senior Senator from Florida [Mr. FLETCHER] and withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. JAMES] and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the senior Senator from New Mexico [Mr. FALL] and will vote. I vote "nay."

Mr. CLARK of Wyoming. I transfer my pair with the senior Senator from Missouri [Mr. STONE] to the junior Senator from Wisconsin [Mr. STEPHENSON], and will vote. I vote "nay." Otherwise, I desire to announce my pair with the senior Senator from Missouri and let the announcement stand for the day.

Mr. SIMMONS (after having voted in the negative). Since voting I have noticed that my pair, the junior Senator from Minnesota [Mr. CLAPP], is absent. I transfer my pair to the junior Senator from Tennessee [Mr. SHIELDS] and will allow my vote to stand.

Mr. KENYON. I rise to announce the absence of my colleague [Mr. CUMMINS]. He is paired with the junior Senator from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. On this question I am paired with the senior Senator from Iowa [Mr. CUMMINS] and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. KENYON. I should like to announce to the Senator from Arkansas that if my colleague [Mr. CUMMINS] were present he would vote "yea," which I understand is the way the Senator from Arkansas would vote.

Mr. ROBINSON. Upon that statement I ask to be recorded as voting. I vote "yea."

Mr. WALSH. I rise to announce that the absence of my colleague [Mr. MYERS] is due to illness. He is paired with the junior Senator from Connecticut [Mr. McLEAN].

Mr. MARTINE of New Jersey. I was requested to announce the pair existing between the junior Senator from South Carolina [Mr. SMITH] and the senior Senator from Minnesota [Mr. NELSON]. I do not know how my colleague would vote if he were present.

Mr. SHIVELY. I desire to announce the necessary absence from the Senate of my colleague [Mr. KERN]. He is paired with the senior Senator from Kentucky [Mr. BRADLEY].

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH] is paired with the junior Senator from New Mexico [Mr. CATRON].

Mr. DILLINGHAM (after having voted in the affirmative). I have ascertained that the senior Senator from Maryland [Mr. SMITH] is absent. As I have a pair with that Senator, I withdraw my vote.

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is away on business of the Senate.

The result was announced—yeas 32, nays 21, as follows:

YEAS—32.

Ashurst	Clarke, Ark.	Lane	Robinson
Borah	Crawford	Lee, Md.	Sheppard
Brady	Gore	Norris	Sherman
Brandegee	Gronna	Oliver	Smith, Ga.
Bristow	Hughes	Owen	Smoot
Bryan	Jones	Page	Thompson
Burton	Kenyon	Perkins	Walsh
Chamberlain	La Follette	Ransdell	West

NAYS—21.

Bankhead	Lewis	Pomerene	Swanson
Burleigh	McCumber	Saulsbury	Tillman
Chilton	Martin, Va.	Shafroth	Williams
Clark, Wyo.	Martine, N. J.	Shively	
Gallinger	Overman	Simmons	
Johnson	Pittman	Sterling	

NOT VOTING—42.

Bradley	Hitchcock	O'Gorman	Stone
Catron	Hollis	Penrose	Sutherland
Clapp	James	Poindexter	Thomas
Colt	Kern	Reed	Thornton
Culberson	Lea, Tenn.	Root	Townsend
Cummins	Lippitt	Shields	Vardaman
Dillingham	Lodge	Smith, Ariz.	Warren
du Pont	McLean	Smith, Md.	Weeks
Fall	Myers	Smith, Mich.	Works
Fletcher	Nelson	Smith, S. C.	
Goff	Newlands	Stephenson	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

Mr. GRONNA. Mr. President, I wish to ask the chairman of the committee if the provision on page 22, relating to the purchase, propagation, testing, and distribution of new and rare seeds, has been disposed of.

Mr. GORE. That paragraph has been agreed to. In fact the committee reported no amendment on the subject, and it has been agreed to, as far as the Committee of the Whole is concerned. I might suggest to the Senator that when we finish the consideration of the committee amendments any amendment he desires to offer will at that time be in order.

Mr. GRONNA. I was just going to suggest that we finish the subject of seeds, and I ask permission of the chairman to offer an amendment.

Mr. GORE. I desire to say that I have agreed with the Senator from Connecticut [Mr. McLEAN] to call up for consideration the amendment relating to migratory birds. The Senator from Connecticut desires to be absent on Monday and Tuesday next. I therefore would request the Senator from North Dakota to defer the presentation of his amendment at this time.

Mr. GRONNA. I should be very glad to do so, but I expect to be absent, and I should like to have it disposed of now. I do not believe that it will take more than a minute. I shall not ask for a record vote, I will say to the Senator. I simply want to consider the particular provision at this time.

Mr. GORE. I may say to the Senator that the amendment which the Senator intends to propose, I understand, has not been estimated for; it would be subject to a point of order, and I shall feel constrained to make a point of order against any amendment of that character exceeding the amount estimated by the department. But at this juncture I feel obliged to insist upon the consideration of the migratory-bird amendment, in order that several Senators may be heard on that subject who will be away on Monday and Tuesday next. Does the Senator expect to be away on Monday and Tuesday next?

Mr. GRONNA. I am not quite sure that I will be here. I was simply going to suggest that we consider the provision, and I wanted permission to offer an amendment to increase the amount from $166,500 to $266,500.

Mr. GORE. I shall be obliged to make a point of order against the amendment.

Mr. GRONNA. Of course, with that statement, as the amendment is clearly subject to a point of order, not having been estimated for, I shall not press it; but I was in hopes that after we had eliminated the item of $257,000, the amount for the propagation and distribution of rare and valuable seeds could be increased $100,000. Of course, if the chairman of the committee insists on making a point of order it would be of no use for me to propose the amendment, because I take it that it would go out on a point of order.

Mr. GORE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the amendment on page 53, line 22, reducing the appropriation relative to migratory birds.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 53, beginning at line 17, the paragraph reads as follows:

For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stat. L., pp. 847, 848), relating to the protection of migratory game and insectivorous birds, $50,000.

The Senate committee proposes to strike out $50,000 and to insert in lieu $10,000.

Mr. McLEAN. Mr. President, I ask that this amendment be not agreed to. I do not care to discuss the question unless it is necessary. I simply wish to call the attention of the Senate to the fact that the Secretary of Agriculture, in his estimate, requested an appropriation of $100,000. That estimate was cut down in the House to $50,000, and the Committee on Agriculture of the Senate has reduced it to $10,000.

I want to call the attention of the Senate to the fact that two months ago the Senate, without a dissenting vote, adopted a resolution requesting the President to negotiate treaties with foreign nations for the protection of useful birds. A treaty has been prepared in our State Department and approved by the Secretary of State and by the President and forwarded by the British ambassador to his Government for its approval. There is every reason to expect that this treaty will be returned to the Senate for ratification at an early day. I also think there is every reason to expect that the treaty will be ratified, inasmuch as the treaty is coming here at the request of the Senate. I think it unsafe to assume that the Senate will repudiate and disown its own offspring.

The effect of adopting the amendment as reported by the Senate committee and of reducing the appropriation to $10,000 will be tantamount to a declaration that this Government does not intend to enforce the law. It seems to me it would be a most unwise proceeding, at this juncture especially, because of the effect it might have upon the British Government while considering the treaty.

I do not care to say anything more unless there is argument made in opposition to my position; and, Mr. President, I hope when the vote is taken that it will be taken by yeas and nays.

Mr. ROBINSON. Mr. President, the item now under consideration relates to the act of March 4, 1913, declaring all migratory game and insectivorous birds which do not remain permanently within any State to be under the protection of the Federal Government, and forbidding the killing of the same contrary to the regulations made by the Department of Agriculture fixing closed seasons. The act made it unlawful to kill or capture migratory birds within the closed season, and provided as the penalty a fine of not more than $100 or imprisonment not more than 30 days, or both, in the discretion of the court.

The original act of 1913 appropriated $10,000 for the enforcement of the so-called migratory-bird law. The department proceeded under the act to make rules and regulations prescribing closed seasons for the killing of migratory and insectivorous birds in the various States. Violations of these regulations are punishable by fine or imprisonment, or both. These rules and regulations may be changed from time to time upon application to the Secretary of Agriculture, so that what the act actually does is to give to the Secretary of Agriculture power to prescribe rules and regulations, violations of which are made criminal. Under this act the department has prescribed closed seasons in conflict with the laws of the several States.

The bill under consideration passed the House carrying an appropriation of $50,000 for the enforcement of this act, and the department is providing for the employment of a clerical force under the civil service in connection with the statute.

The Senate Committee on Agriculture, believing that the act is unconstitutional and will be so held when tested, reduced the appropriation to $10,000, with a view to having the validity of the act determined.

Ardent advocates of the measure have challenged this action as unfair. They insist that the appropriation of at least $100,000 should be made, and have severely criticized the action of the Senate committee in reducing the appropriation as an unwarranted effort to discredit the law.

Believing that the course pursued by the Senate committee is justifiable and proper, I feel it my duty to present briefly some of the reasons for this conclusion. There is no occasion for intemperate utterances regarding the subject. If the measure is clearly unconstitutional, it is absurd to organize a large force and appropriate any considerable sum of money for the enforcement of the act. Whenever it is tested it will be held invalid. Doubt as to the validity of the act did not originate with the Committee on Agriculture. It was frankly expressed by the author of the bill in his speech on January 14, 1913, in this body in the following language:

Mr. McLEAN. I frankly said that I did not myself find authority for it in any express clause of the Constitution, but I thought it was one of the implied attributes of sovereignty, based upon the incompetency of any State to accomplish the results desired, and that it is absolutely necessary that any nation worthy of the name shall have this power; and I cited instances of treaties and conventions between European nations. They have there a very complete code for the protection of game birds, and my hope is that the nations of the Western Hemisphere will, when the United States sets the example, quickly follow it.

The Senator will admit that a great many things have been decided as constitutional for which our fathers, at least, found no special constitutional grant, and that is my position. I agree it is fallow ground, and I cited but one case in which the Supreme Court clearly intimated that it was a dormant right that the Nation has a right to exert any time it chooses.

The Senator from New York [Mr. ROOT] on that occasion impliedly expressed his disbelief in the constitutionality of the measure by offering a resolution calling upon the President to propose a treaty with the governments of other North American countries for the mutual protection of migratory birds. Concerning this resolution at the time of offering it, he made the following statement:

Mr. ROOT. I think, sir, that that—

Referring to the resolution—

I think, sir, that that may furnish a pathway along which we can proceed to some practical relief in regard to the very urgent and pressing evil which the Senator from Connecticut has described. We already have a treaty regarding migratory fish in the Great Lakes and in that system of waters, and it may be that under the treaty-making power a situation can be created in which the Government of the United States will have constitutional authority to deal with this subject. At all events, that is worthy of careful consideration, and for that purpose I open it by the offer of this resolution.

During the course of the address in the Senate by the author of the bill other Senators, including the Senator from Missouri [Mr. REED], expressed the opinion that the act was unconstitutional, and, if I read the RECORD correctly, the Senator from Idaho [Mr. BORAH] also had grave doubts as to the power of Congress to rightfully pass the measure.

On January 22, 1913, the bill was passed by unanimous consent and practically without discussion, the Senator from Connecticut [Mr. MCLEAN], however, making a brief statement, from which I quote the following:

Mr. MCLEAN. Mr. President, I shall detain the Senate for a moment only. I gave notice last week that I would this morning call the attention of the Senate to S. 6497, a bill to protect migratory game and insectivorous birds in the United States, with the hope of securing the consent of the Senate to a vote upon the bill in the near future. I think perhaps I ought to say that at the time the bill was reported in April last I was advised by the friends of the measure not to press for a vote during the first part of the Sixty-second Congress. It seemed to me to be good advice then, and I hope I shall not have occasion to change that opinion. But under the circumstances, Mr. President, inasmuch as the method of conducting the business of the Senate has reached that stage of refinement where it is utterly impossible to secure affirmative legislation without the consent of every Member of the body, there is nothing for me to do but appeal to the Senate to consent to a vote upon this bill.

After that speech, and a slight short additional statement, the bill was passed without further discussion at that time.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Arkansas yield to the Senator from New Hampshire?

Mr. ROBINSON. I take pleasure in yielding.

Mr. GALLINGER. My memory may be at fault, but it is my impression that during the discussion on the bill I myself made a few feeble remarks in favor of it.

Mr. ROBINSON. No. The Senator from New Hampshire did make some remarks at the time of the speech made by the Senator from Connecticut [Mr. MCLEAN], a few days prior to the time when the bill was passed; and it was passed as a great many other measures are—by unanimous consent, practically without consideration. I do not mean to imply that the Senator from Connecticut [Mr. MCLEAN] did not fully discuss the measure in his speech several days prior thereto; and during the course of that speech the Senator from New Hampshire [Mr. GALLINGER] did make some remarks, which I have no doubt added greatly to the illumination of the subject.

Mr. GALLINGER. Possibly not; but my recollection is that the Senator from Connecticut debated the bill at considerable length on some occasion. It may not have been the day the bill was passed.

Mr. ROBINSON. I have stated that on the 13th of January the Senator from Connecticut made a speech; and during the course of his very able discussion of the subject the Senator from New Hampshire did make some remarks; but the bill was afterwards called up and considered and passed on January 22, 1913, by unanimous consent without any discussion whatever, except a statement from the Senator from Connecticut [Mr. MCLEAN], the principal part of which statement I have quoted in this discussion.

Mr. GALLINGER. And, if the Senator will permit me, the Senator will recall the fact that in the other House, after debate, there were only 15 votes cast against the bill. The vote was almost unanimous there as well as here.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. ROBINSON. I want to reply to the statement made by the Senator from New Hampshire first. I do not think that fact, if it be a fact, is of controlling consideration. It is not material by what majority the bill passed.

I yield to the Senator from Ohio.

Mr. BURTON. I desire to ask a question for information. The bill to which reference has been made, which passed the Senate by unanimous consent, passed the House?

Mr. ROBINSON. Certainly. Otherwise it could not have become a law.

Mr. GALLINGER. It passed the House with 15 dissenting votes.

Mr. BURTON. The appropriation suggested in the pending bill is based upon the provision in the agricultural appropriation act of last year. Was the provision in the bill passed in the House and Senate repeated and carried into that agricultural bill?

Mr. ROBINSON. I think not. My information is that the act itself of March 4, 1913—the so-called migratory-bird law—carried an appropriation of $10,000, and if my memory is correct the agricultural appropriation act of last year carried no appropriation for the enforcement of that act.

Mr. BURTON. The language of the bill as passed was carried into the agricultural appropriation bill, was it not?

Mr. ROBINSON. I think so.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. ROBINSON. I yield to the Senator from Massachusetts.

Mr. WEEKS. I simply wanted to confirm the recollection of the Senator from New Hampshire about the bill passing the House. It did pass the House of Representatives after considerable discussion, and as the result of a yea-and-nay vote. I have not the vote before me, but there was a considerable majority in favor of its passage.

Mr. GALLINGER. There were 15 votes against it.

Mr. ROBINSON. Of course every Senator knows that a bill before it becomes a law must pass both Houses of Congress, and it is immaterial by what majority it passes if it passes by any majority at all.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Idaho?

Mr. ROBINSON. I yield.

Mr. BORAH. I was going to ask the Senator from Massachusetts if in the debate in the House anyone suggested upon what clause of the Constitution the bill could be made constitutional.

Mr. WEEKS. There was a time limit on the debate, and that question was not very generally discussed, but there was no question that there was doubt in the minds of some Members of the House as to the constitutional authority to pass the bill.

Mr. ROBINSON. Now, Mr. President, I will resume.

On November 5, 1913, Attorney General Carmody, of the State of New York, issued an opinion to the conservation commission of that State discussing the act in detail and declaring it invalid. The Department of Agriculture, it appears to me, has sought to avoid testing the constitutionality of the measure. The Secretary of Agriculture, while in thorough sympathy with the purposes of the act, indicates that he does not believe it constitutional. On April 22, 1914, I addressed to him the following letter:

APRIL 22, 1914.

Hon. DAVID F. HOUSTON,
Secretary of Agriculture, Washington, D. C.

MY DEAR MR. SECRETARY: Your attention is called to the fact that the Senate Committee on Agriculture, having under consideration the agricultural appropriation bill, reduced the appropriation for the enforcement of the so-called "migratory-bird law" to $10,000, with the understanding that the department would as speedily as possible test the validity and constitutionality of the measure. I presume that the chairman of the committee has, or will, communicate with you regarding this matter. It has recently been suggested, however, that the legal features of this measure are under the control of the Department of Justice. I would be pleased to know what the facts are as to this and what action has heretofore been taken, if any, and what decisions have been made by the courts touching the constitutionality or validity of this measure. The attitude of the Senate committee is that it is not advisable to create a large force and incur great expense in the enforcement of this measure, its constitutionality being in very great doubt.

Very truly, yours,

JOE T. ROBINSON.

To this letter he promptly replied under date of April 24, 1914, as follows:

APRIL 24, 1914.

Hon. JOE T. ROBINSON,
United States Senate.

MY DEAR SENATOR ROBINSON: I have your letter of April 22, in reference to the migratory-bird law. I think this a most beneficent law and that it would be a misfortune if it were repealed, declared invalid, or not enforced. I appreciate the thought in the minds of the committee that the law may be declared invalid and that it would be embarrassing to have a large number of individuals employed who would be dropped with consequent hardship.

I referred to this matter recently when I was before the Senate committee and expressed appreciation of the difficulty, but also stated that, in my judgment, it would be desirable to have a larger appropriation than $10,000.

In that connection the chairman of the committee stated that the Secretary of Agriculture claimed that $20.000 would be entirely adequate for the purposes of the department in the enforcement of this measure.

We could use a larger appropriation without creating a staff so large that we could not take care of it in case the law was declared invalid. I think it would be a mistake not to have a reasonable enforcement of the law, so long as it is on the statute books, and I hope it will continue to stay on the statute books.

You have been correctly informed as to the legal phases of the matter. The prosecution of cases arising under the law is under the jurisdiction of the Department of Justice. So far no case has been presented to this department which our solicitor has deemed it advisable to present to the Department of Justice. I can not say when such a case will be found. A number of violations of the act have been prosecuted, however, in various States in which the defendants have pleaded guilty, but these cases have not come to this department or afforded an opportunity for a test of the law. In January last the State game

warden of Oregon reported to the United States attorney for that district a violation of the law. An information was filed by the United States attorney on January 7. The defendant pleaded guilty and was fined $10. Four prosecutions for violation of this law have occurred in the northern district of California, which resulted, within the past three months, in pleas of guilty and the imposition of fines. These prosecutions were instituted by the United States attorney cooperating with the game and fish commissioners of the State of California. Five prosecutions in the eastern and western districts of Arkansas in the past three months have resulted in pleas of guilty and the imposition of fines. Another prosecution is now pending in Arkansas.

The department is just in receipt of a newspaper clipping from the Argus-Leader, of Sioux Falls, S. Dak., dated April 18, 1914, containing a report of the conviction of one Alfred M. Shaw for violation of the migratory-bird law. Shaw's attorney objected to the indictment on the ground that the law was unconstitutional. The court overruled the objection, the defendant pleaded guilty, and was fined $100.

The department itself, so far, has not reported a case to the Attorney General, but has investigated numerous alleged violations, and in every case has found that the facts did not warrant indictments.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. WEST. I know nothing about the law which is being discussed here. Upon what ground is the unconstitutionality of the law based?

Mr. ROBINSON. I am going to discuss that right now.

Mr. WEST. All right.

Mr. ROBINSON. The attorney general of the State of New York, in his opinion, I believe, in the main, clearly sets forth the true doctrine governing the subject. I quote from that opinion:

This statute clearly announces the doctrine of Federal control of migratory birds within the borders of any State or Territory upon its face. To this extent it is a plain violation of the sovereign power vested in the respective States, and heretofore unquestioned on the part of the Federal Government. No decision can be found either of the Federal courts or of State courts of any recognized import that supports a Federal right of property in migratory game such as is claimed in this act. To this extent the question is new, but by analogy it is, to my mind, a well-settled question.

The property right of individuals in wild animals has been from the earliest cases at common law defined as a common right to pursue them, when the sovereign State permits, and a qualified property in their bodies when captured or killed. Conversely, the absolute authority of a State, using its police power and acting as trustee for the people of the State at large, to thus superimpose as between itself and individual limitations upon the right to pursue and possess game has been long past contention. (Geer *v.* Connecticut, 161 U. S., 519; Silz *v.* Hesterburg, 211 U. S., 31.)

It is elementary that the Federal Government is one of delegated powers; that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people" (Art. X, amendments of the Constitution); and that "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." (Art. IX, amendments of the Constitution.)

Attorney General Carmody, of New York, in discussing this feature of the subject, stated as follows:

If the Federal Government has the power to legislate in regard to migratory birds while within the territory of a State or Territory, we should be able to find the source of this power in the Federal Constitution itself. If it is not there it does not exist. I am at a loss to discover any provision in the Federal Constitution that supports this assumed power. It is claimed, I understand, by the patrons of this bill that the act is based upon section 8 of Article I, which gives to Congress power to provide for the common defense and general welfare of the United States. Migratory birds, they say, destroy insects harmful to crops and vegetation. If Federal control of matters ordinarily under State jurisdiction could be based upon such reasoning as this, then there is no function of the State government that can not be superseded by Federal control. Just as well could you extend upon this authority Federal control over divorces, over matters of public health generally, over crimes, over the subject of extradition. Indeed, it is hard to place a limit to the exercise of such power if you recognize its existence.

Mr. President, it was upon the general-welfare clause of the Constitution that the Senator from Connecticut [Mr. MCLEAN] impliedly, in that portion of his speech which I have already read, based the power of the Federal Government to legislate upon this subject. It seems to me to be the accepted doctrine that the general-welfare clause of the Constitution can not be construed to give any specific power or any power which some one may think necessary to be exercised by the Federal Government. In order to set at rest that contention, I will quote from a recognized authority on constitutional law, one whose commentaries have become textbooks in the law schools and universities of the country. Says Mr. Story:

The preamble never can be resorted to to enlarge the powers conferred on the General Government or any of its departments. It can not confer any power per se. It can never amount by implication to an enlargement of any power expressly given. It can never be the legitimate source of any implied power when otherwise withdrawn from the Constitution. Its true office is to expound the nature and extent and application of the powers actually conferred by the Constitution and not substantively to create them.

It does not seem to me, therefore, that the act can be sustained on the theory that the Federal Government can deal with the subject more adequately than can the States, and, therefore, has the implied power inherent in its sovereignty, as stated by the Senator from Connecticut, to pass such legislation. Discussing this subject Attorney General Carmody, in his opinion, said in part:

The assumption that the power being one within the scope of governmental authority is within the United States and denied the States, for the reason that the States have no extra-territorial jurisdiction and will not act uniformly, is unavailing in the face of the decisions of our courts that the protection of all game has been from earliest time a State police power. We have no sanction to shift the subject to one of incompetency or noncooperative action on the part of the States, nor to justify the statute on the ground that the laws of one State may seriously affect citizens of other States, for under such an argument Congress would have had power over commerce and bankruptcies.

No necessity for a broad power in Congress can create it. The "pressure of a supposed general welfare" can not constitute Congress the legislative arbiter of all interstate troubles or of all affairs over which State laws fail through inadequacy. As the court makes clear in Kansas *v.* Colorado (206 U. S., 46, p. 90):

"The framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act."

The conclusion of the attorney general of New York is:

I conclude that this law is an unwarranted invasion by the Federal Government of a power that belongs, under the Federal Constitution, to the State exclusively. It is paternalistic in character and entirely inconsistent with the theory upon which is regulated the relative functions of State and Federal powers. It is not to be found either in express terms or implication in the Federal Constitution. It is contrary to a long and unbroken line of decisions of Federal and State courts. It is true that the law contains a provision that it shall be construed in harmony with the local laws of States for the protection of nonmigratory birds. Were the principle of the law reconcilable with this declaration, or were the terms of the law placed in harmony with the State law, there would be no occasion for this opinion. The fact is, however, that notwithstanding this declaration that the provisions of the Federal statute shall be harmonized with the local laws, the Agricultural Department has fixed open and closed seasons that differ from our own, and it is this that makes the principle of the law in its application particularly vicious.

Mr. President, if the fact that birds are migratory or insectivorous can give Congress jurisdiction to legislate concerning their custody or protection——

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. ROBINSON. I yield to the Senator.

Mr. McLEAN. Mr. President, I should like to ask the Senator from Arkansas if he thinks, in the event that a treaty between this Government and Great Britain should be ratified, and that treaty took into consideration the existence of this very law, Congress would not have the power to enforce the provisions of that treaty?

Mr. ROBINSON. Mr. President, I said in the earlier part of my remarks that the Senator from New York [Mr. ROOT] at the very time the migratory-bird bill was under discussion in the Senate had offered a resolution calling upon the President to negotiate some kind of a treaty between this and other North American Governments for the purpose of mutually protecting migratory birds. The treaty-making power of the United States Government is of course a very broad one. There have been and in the nature of the subject there can be few, if any, limitations by court decisions on the treaty-making power of the United States. There is no such treaty now as that to which the Senator refers. I can not look into the future and determine what may be accomplished under a treaty that has not been negotiated and, therefore, has not been ratified. I would not undertake to say at this time that the subject is not one with which the United States Government could deal in a treaty; there is a conflict among the authorities on that subject. Mr. Henry St. George Tucker, in a recent article printed in the North American Review, took the position that it is not within the power of the Government in the exercise of the treaty-making power to invalidate any provision of the Constitution of the United States or to reduce or minimize the powers reserved to the States under that instrument. That is a controversy that has been raging about the alien land ownership question in the State of California; that subject has been discussed a great deal; and I repeat that I would not undertake to say now that the United States Government can not hereafter negotiate a treaty upon this subject with Great Britain or with the Dominion of Canada or with other North American governmental powers. I would not undertake to say whether a law hereafter passed to carry out a treaty hereafter negotiated and ratified would be unconstitutional. I can not pass upon that question now. It is doubtful, however, whether it is within the province of Congress to pass a law admittedly unconstitutional, in violation of

the very fundamental principles of the Constitution, and then support that act by a treaty subsequently negotiated.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. ROBINSON. I yield to the Senator from Connecticut.

Mr. McLEAN. I do not care to interrupt the Senator if he objects to my doing so——

Mr. ROBINSON. I do not object.

Mr. McLEAN. I want to call his attention to the fact that he has just referred to an argument of Mr. St. George Tucker on this subject. I ask the Senator if he has had his attention called to the footnote which Mr. Tucker appended to his argument, on page 15?

Mr. ROBINSON. I do not remember the page, but I do recall that there was a note appended to the argument.

Mr. McLEAN. I think it very opportune that I read it to the Senator, because I think it very important.

Mr. ROBINSON. The Senator from Connecticut may read it.

Mr. McLEAN. It is as follows:

> The limits of this paper do not permit the discussion and analysis of the cases decided by the Supreme Court of the United States from Ware *v.* Hylton (3 Dallas, 199) to Geofroy *v.* Riggs (133 U. S., 258), which are claimed to be opposed to the views expressed above.

I simply call the attention of the Senator to the fact that the cases decided by the Supreme Court of the United States do not sustain Mr. Tucker's opinion, and he himself is frank enough to call attention to that fact in his own argument.

Mr. ROBINSON. Mr. President, I have said that that is a mooted question. I did not intend to say, nor do I think my language so implies, that I indorse unqualifiedly or in any way the argument of Mr. Tucker. I realize that there are some authorities which contend that the treaty-making power is practically unlimited, and I did call attention to the fact that Mr. Tucker had taken the position that it is not within the power of the Government, in the exercise of the treaty-making power, to destroy or abrogate any provision of the Constitution of the United States, because it is expressly provided that the Constitution of the United States and the laws made in pursuance thereof, as well as treaties made under the authority of the United States, shall be the supreme law of the land.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Arkansas yield to the Senator from Idaho?

Mr. ROBINSON. I yield to the Senator.

Mr. BORAH. I want to ask the Senator from Connecticut a question in connection with the note which he has just read. Does the Senator from Connecticut claim that the treaty-making power is sufficient and efficient to provide for treaties which would be in contravention of the Constitution of the United States with reference to the division of powers between the National and the State Governments?

Mr. McLEAN. Not at all.

Mr. ROBINSON. The Senator must do so to sustain this act.

Mr. McLEAN. All I claim is that the protection of migratory birds would fall within the treaty-making power. As that question is up, I should like to call the attention of the Senator from Idaho to the opinion of Mr. Charles Henry Butler in the latest edition of his work on the Treaty-making Power of the United States. It is very brief. It is based upon a long line of decisions, and it seems to me to state very clearly the position of those who believe, as the Senator from New York [Mr. ROOT] and other Senators believe, that it is a proper subject for a treaty, and that Congress would undoubtedly have the right to enforce the provisions of that treaty by legislation. Mr. Butler says:

> The treaty-making power of the United States as vested in the Central Government is derived not only from the powers expressly conferred by the Constitution, but that it is also possessed by that Government as an attribute of sovereignty, and that it extends to every subject which can be the basis of negotiation and contract between any of the sovereign powers of the world or in regard to which the several States of the Union themselves could have negotiated and contracted if the Constitution had not expressly prohibited the States from exercising the treaty-making power in any manner whatever and vested that power exclusively in and expressly delegated it to the Federal Government.
>
> This power exists in and can be exercised by the National Government whenever foreign relations of any kind are established with any other sovereign power in regulating by treaty the use of property belonging to States or the citizens thereof, such as canals, railroads, fisheries, public lands, mining claims, etc.

I call the attention of the Senator from Idaho to the fact that we have already pending treaties with Great Britain which regulate the taking of the swimming fishes in the Great Lakes, and it seems to me the analogy is plain. In view of the further fact that 14 of the nations of Europe already protect their migratory birds under an international agreement, it seems to me that there can be no question that this is a proper subject for a treaty.

Mr. ROBINSON. Mr. President, I have already stated that the treaty-making power of the United States is very broad; that its limitations have not been expressly defined, and, in the very nature of the subject, it is not probable that they will be expressly defined by court decisions; but I call attention to the fact that it is not claimed that this act was enacted in pursuance of any treaty relationship between the United States and the Dominion of Canada. It is not claimed by anyone that any treaty is now in existence; it is simply said "we will ask the President to negotiate a treaty"; that an effort will be made hereafter to negotiate a treaty to support this law. If by the treaty-making power the Federal Government can exercise jurisdiction over the subject, it must begin with the exercise of that power. The fact that some Member of Congress or anyone else has in contemplation the negotiation of a treaty does not give Congress the power to legislate upon a subject which, under the Constitution, is reserved to the States.

Passing over for the time being the question as to whether or not in the exercise of the treaty-making power the Federal Government can strip the States of their power reserved to them under the Constitution, I say that the question does not properly arise here, because there is no treaty. Whatever may be the limitations on the treaty-making power, no man can fairly claim that it is unlimited. For example, could the United States negotiate a treaty with Great Britain or with France or with any other foreign power, eliminating the House of Representatives or the Senate of the United States from the right to participate in the making of laws?

Mr. BORAH. Mr. President——

Mr. ROBINSON. I yield to the Senator from Idaho.

Mr. BORAH. I suppose that most of those who doubt the constitutionality of this law would like to see some such law in effect, but certainly the authorities cited by the Senator from Connecticut do not reach the question which has been presented here. If you can deal by treaty with one class of property in a State, you can deal with another class of property within a State; and if you can say what shall be done with reference to birds and other property or other property rights, you can say that by treaty the Japanese shall own land in California. It does not make any difference what the treaty-making power is nor how great it is, it is not and never has been construed, and never will be construed, to wipe out the distinction between the National Government and the State governments with reference to the distribution of power under the Constitution.

Mr. McLEAN. Mr. President——

Mr. ROBINSON. I yield to the Senator from Connecticut.

Mr. McLEAN. I think I will have to read the rest of this page from Butler on the "Treaty-making power of the United States." The writer goes on to say:

> In regulating the descent or possession of property within the otherwise exclusive jurisdiction of States; in surrendering citizens and inhabitants of States to foreign powers for punishment of crimes committed outside of the jurisdiction of the United States or of any State or Territory thereof; in fact, that the power of the United States to enter into treaty stipulations in regard to all matters which can properly be the subject of negotiations between sovereign States is practically unlimited.

Mr. BORAH. Certainly.

Mr. McLEAN. If the Senator will pardon me a moment, the writer continues—

> and that in no case is the sanction, aid, or consent of any State necessary to validate the treaty or to enforce its provisions.
>
> Third. That the power to legislate in regard to all matters affected by treaty stipulations and relations is coextensive with the treaty-making power, and that the acts of Congress enforcing such stipulations which, in the absence of treaty stipulations, would be unconstitutional as infringing upon the powers reserved to the States.

And then the cases cited, which the Senator very well knows, are numerous where the States have had sole power to regulate the title of property belonging to aliens in the absence of a treaty, and yet in the presence of a treaty the treaty at once controls and the jurisdiction of the State is lost.

Mr. BORAH. Then, as I understand the position of the Senator from Connecticut, the disturbance and difficulty over the Japanese question has been entirely unnecessary, and all that was necessary for the Government of the United States to do was to extend the terms of the treaty with Japan, or, without consulting California or sending the Secretary of State there to plead with the citizens of California, to have negotiated a treaty providing that the Japanese could own property in the State of California as they saw fit and own it as any other citizens might own it.

Mr. McLEAN. The Senator is stating the proposition too broadly; he includes too much.

Mr. BORAH. I am only stating it to that extent to which the logic of the Senator will inevitably lead——

Mr. McLEAN. I think not.

Mr. BORAH. Because if the United States can deal with one class of property—that is, as against the distribution of powers between the States and the National Government—it can deal with another; and if it can deal with it at all, it can deal with it to its full extent.

Mr. McLEAN. A State might have full jurisdiction to regulate the conditions of property belonging to aliens in that State, and in many States the property of aliens is escheated under the local law, but where the matter is regulated by treaty the treaty is regarded by the courts. There is no difference in opinion; there are no cases which intimate anything to the contrary.

Mr. BORAH. To the contrary of what?

Mr. McLEAN. That the Federal Government has the authority to enforce the provisions of a treaty——

Mr. BORAH. Yes; properly made.

Mr. McLEAN. Regulating the descent of property in a State, where, in the absence of such a treaty, the State would have full jurisdiction.

Mr. BORAH. In other words, the Senator contends that the distribution of power between the States and the National Government does not stand in the way of the treaty-making power?

Mr. ROBINSON. Certainly; that is the logic of the contention of the Senator from Connecticut.

Mr. McLEAN. I did not quite catch the Senator's statement.

Mr. BORAH. The Senator contends that that with which it is now in the sovereign power of the State to deal would be taken out from the power of the State under its sovereignty by virtue of a treaty.

Mr. McLEAN. In certain instances, but not in all cases. Where it is a proper subject for international negotiations, it can be done.

Mr. ROBINSON. Mr. President, the discussion as to the treaty-making power as involved in the consideration of this bill is more or less academic. I have already stated that there is no treaty governing this subject. The mere statement of individuals that a treaty is in contemplation can not be sufficient warrant for a Senator to violate his obligation to support the Constitution of the United States. No man can successfully contend that the power to regulate the killing of migratory birds is under the Constitution of the United States conferred on the Federal Government. Every lawyer knows that the Federal Government is one of delegated powers. If the Constitution does not carry that authority, either expressly or impliedly, the power does not exist. All of the authorities indicate that the control of this subject is within the States. The fact that these birds are migratory or insectivorous, in my judgment, reflects no light upon the controversy whatever. Migratory birds in their flights are not engaged in commerce, and you can not assume jurisdiction of the killing of game in the States without violating the plain provisions of the Constitution and the rules of construction that have been applied to it since the day of its adoption.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield further?

Mr. ROBINSON. I yield to the Senator from Connecticut.

Mr. McLEAN. Does the Senator say that there are no lawyers who hold that the migratory bird law is constitutional?

Mr. ROBINSON. I would say that there are no good ones.

Mr. McLEAN. Has the Senator ever read the argument of Mr. George Shiras, jr., of New York, in relation to this matter?

Mr. ROBINSON. No; I have not. I will ask the Senator from Connecticut if the argument he himself made in the Senate when this bill was under consideration did not, as I have already stated, clearly imply his own doubt as to the constitutionality of the legislation? I will ask him now if he will say that he thinks the act of March 4, 1913, the so-called migratory bird law, is constitutional and within the lawful exercise of the authority of Congress?

Mr. McLEAN. Mr. President, I am not certain as to the constitutionality of this law.

Mr. ROBINSON. Does the Senator from Connecticut seek to justify the appropriation in the pending bill on the theory that Congress habitually violates its obligations to the people of the United States to support the Constitution of this country?

Mr. McLEAN. If the Senator will wait, I should like to answer his question. As I have said, I am not certain of the constitutionality of this law. The Supreme Court has authority to pass on the constitutionality of all Federal laws, and I think history records that a great many good lawyers have been disappointed in their views in regard to the constitutionality of acts of Congress. I will say to the Senator, however, that if this law is not constitutional, then, in my opinion, 50 per cent of the money that has been appropriated in this bill has been appropriated for the administration and enforcement of unconstitutional acts. If this law is unconstitutional, then I do not believe that a single one of the appropriations which have been made for the protection of a State or a group of States in this Union to prevent the invasion of insects is constitutional. I am not certain, of course, but I believe that there is room enough in the Constitution, and plenty of it, for this law.

Mr. ROBINSON. I will ask the Senator from Connecticut to tell me upon what provision in the Constitution he bases the right of Congress to legislate upon this subject.

Mr. McLEAN. Well, Mr. President, I tried to make that clear when the migratory-bird bill was under discussion in the Senate.

Mr. ROBINSON. I will say to the Senator that I was not then here, and did not hear the discussion at that time.

Mr. McLEAN. This matter has been pending in Congress for something like eight years, and it has been thoroughly discussed over and over again.

Mr. ROBINSON. If the Senator——

Mr. McLEAN. I will answer the Senator's question if he will give me time, if he wishes me to do so; it will take perhaps a minute and a half to do it. I want to say to the Senator that there has never been a reform of any breadth of application or scope that has not been denounced as unconstitutional and in violation of the sacred, fundamental rights of either the States or the people; but, Mr. President, reforms come and the phantoms and shadows of the opposition do not stay their progress very long when the reforms are supported by the right sort of patriotism and common sense. If the Senator will take a map of the Western Hemisphere and locate the State of Arkansas and say that he thinks that that State, acting single-handed, can render effective protection to the 100 varieties or more of useful migratory birds, not 1 per cent of which ever come within gunshot of his State in their annual migration—if he thinks the State of Arkansas, acting alone, can perform that miracle, then there is some foundation for his opposition. But, sir, I believe it is just as much within the power of the Federal Government to protect a State or a group of States against the invasion of noxious insects by protecting the migratory insectivorous birds as it is to protect a State or a group of States against the invasion of destructive insects by the use of poisons or parasites.

I believe it is just as much within the power of the Federal Government to protect a State or group of States against the invasion of irresistible hordes of destructive insects as it is to protect a State or group of States against the invasion of the cholera or the bubonic plague.

I ask the Senator to try to get his eyes away from the shotgun in this discussion. There is no right to kill that is not conferred in the first place by the sovereignty. There is no property in the feræ naturæ. The paramount right is the right to the protection which the birds offer to the agricultural interests of this country. Will the Senator claim that any State acting alone is competent to secure for itself the protection which these birds offer? It is ridiculous to claim that.

Therefore I say, Mr. President, that the fact that any State acting alone is incompetent to preserve that right the Federal Government at once has the right to furnish that protection.

Not one of the cases which the Senator has cited involves this question, or comes anywhere near it. In no case was the issue any other than that the State had the right to protect its resident birds. The question whether the Federal Government might not assert its dormant right to protect migratory birds never has been raised, and I have always said that this is fallow ground; that the Supreme Court never has passed upon it; but, in my opinion, those who believe this law is constitutional are quite as likely to have their judgment approved as those who believe it is not constitutional.

That, however, is not the question here. The question here is whether this treaty which we have requested the President to negotiate with Great Britain, when it comes to us and is ratified, will not then heal any constitutional infirmity which the law may have. I wish to say that in that opinion I am supported by the senior Senator from New York [Mr. ROOT] and many other Senators in this body whose opinions upon constitutional questions are considered to be sound and worthy of consideration.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Idaho?

Mr. ROBINSON. I yield to the Senator from Idaho.

Mr. BORAH. It seems that this is another case in which we will have to call upon Great Britain to enable us to legislate concerning our domestic affairs.

Mr. ROBINSON. If the Senator pleases, I would rather have him confine his remarks to a discussion of the subject under consideration.

Mr. BORAH. I am going to do that, with a preface.

Mr. ROBINSON. The Senator may proceed.

Mr. BORAH. What I was going to say is that if we can not ourselves deal with this matter, because of the distribution of powers under the Constitution with reference to the State and National Governments, it seems to me inconceivable that we can get any aid by going to a foreign Government and making a treaty with that Government. That does not redistribute the powers between the two sovereignties. That does not change the provision of the Constitution.

Mr. McLEAN. Then why are we seeking treaties with Great Britain to regulate the taking of fishes in the Great Lakes?

Mr. BORAH. That is an entirely different proposition, because it is subject to international action. That does not have anything at all to do with the distribution of powers between the State and the National Governments.

Mr. McLEAN. These birds are in this country to-day and in the territory of Great Britain to-morrow.

Mr. BORAH. Exactly; but when they are within a State they are in a different attitude as property than the fish which are in the Great Lakes, because the Great Lakes are under a different jurisdiction.

Mr. McLEAN. Not at all; because when the fish are in the Great Lakes they are at times entirely within the jurisdiction of the States.

Mr. BORAH. But the Great Lakes are not considered as part and parcel of the States for this purpose.

Mr. McLEAN. Neither is the atmosphere covering the Western Hemisphere considered a part and parcel of the United States for this purpose.

Mr. BORAH. In other words, we have some lakes wholly within our State, and Great Britain and the United States combined could not control the situation within those lakes.

Mr. ROBINSON. I think that reasoning is clear.

Mr. BORAH. Just one more thing, and then I will not press this matter further. The Senator says that these reforms come, and they will come, in spite of the Constitution. I concede that proposition; but would it not be infinitely better, where we find things ought to be done and that we have not the power to do them, to go to the people and get that power through an amendment to the Constitution?

Mr. McLEAN. No; I did not say that. I said they would come in spite of the shadows and phantoms summoned by those who are opposed to them.

Mr. BORAH. Of course, we shall need an expert on shadows and phantoms before we can determine what are shadows and phantoms; but we still have a kind of affection for that which was the Constitution of the United States, and notwithstanding the fact that these reforms come and will come in spite of the Constitution of the United States, permit some of us to call attention as we pass by to the fact that this Government was built up to its present strength and power by observing the Constitution of the United States. When you leave it, you will in time return to it, and you will return to it in sackcloth and ashes. Our forbears thought it wise to amend the Constitution rather than violate it.

Mr. McLEAN. That is for the Senator to prophesy.

Mr. BORAH. Let me read a paragraph from the Supreme Court of the United States, where this same doctrine was announced by the attorney at the bar. This is the opinion of the court in the case of Kansas *v.* Colorado (206 U. S., 46). I read from page 89:

> But clearly it (section 3 of Article IV) does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits. Appreciating the force of this, counsel for the Government relies upon "the doctrine of sovereign and inherent power," adding, "I am aware that in advancing this doctrine I seem to challenge great decisions of the court, and I speak with deference." His argument runs substantially along this line: All legislative power must be vested in either the State or the National Government; no legislative powers belong to a State government other than those which affect solely the internal affairs of that State; consequently all powers which are national in their scope must be found vested in the Congress of the United States.

That is the argument, put in a very effective way, of the Senator from Connecticut: Because the State can not do it, because the State is not in position to exercise the power, then necessarily it must follow that it is in the Congress of the United States.

> But the proposition that there are legislative powers affecting the Nation as a whole which belong to, although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a Government of enumerated powers. That this is such a Government clearly appears from the Constitution, independently of the amendment, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment. This amendment which was seemingly adopted with prescience of just such contention as the present disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which have not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act. It reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." The argument of counsel ignores the principal factor in this article, to wit, "the people." Its principal purpose was not the distribution of power between the United States and the States, but a reservation to the people of all powers not granted. The preamble of the Constitution declares who framed it, "We the people of the United States," not the people of one State, but the people of all the States, and Article X reserves to the people of all the States the powers not delegated to the United States.

Mr. President, as I said a moment ago, I think this is a wise measure, and I am not opposed to it for the reason that I am opposed to the policy; but even insectivorous birds or migratory birds can not change my view of the Constitution of the United States or change the written interpretation which has been so often placed upon it by the Supreme Court. I think there is a wiser, a safer, and, in the long run, a quicker way to accomplish what we all desire.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. ROBINSON. I yield to the Senator from Massachusetts.

Mr. WEEKS. I should like to ask the Senator from Idaho a question before he takes his seat. Having expressed his approval of the purposes of the law, and it being a law on the statute books, does he not think the proper place to determine its constitutional effect or value is before the courts, and that we should make suitable appropriation to carry out the law as long as it is a law?

Mr. BORAH. As I understand, the bill provides an appropriation for the purpose of carrying out the law until the Supreme Court shall have passed upon it.

Mr. WEEKS. It provides $10,000; but that is nothing.

Mr. ROBINSON. Mr. President, the purpose of the committee in providing this $10,000 was the same as that which I understand to be embraced in the act of March 4, 1913—that the validity of the act shall be determined.

I have already stated that the department itself, believing the act unconstitutional, has failed to permit it to be tested. It has taken pleas of guilty where defendants were willing to plead guilty, and has refused to prosecute or present to the courts cases so that the constitutionality of the act might be finally determined.

Mr. GALLINGER and Mr. McLEAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield, and to whom?

Mr. ROBINSON. I yield to the Senator from New Hampshire this time.

Mr. GALLINGER. Inasmuch as the appropriation heretofore made manifestly was insufficient for the purpose, and the department asked for $100,000, does it not follow that we ought to appropriate something more than the $10,000 that we formerly appropriated?

Mr. ROBINSON. I think not; and I will state my reasons for that position.

Mr. GALLINGER. Let me add that I intended to interrogate the Senator on the very point that the Senator from Massachusetts [Mr. WEEKS] raised. Should we govern our legislation on this or any other matter by the fact that some eminent lawyers have said that a law that we passed was unconstitutional before it has been tested in the courts?

Mr. ROBINSON. Oh, certainly not. Every Member of Congress is under the obligation of determining the constitutionality of the act for himself. That is a matter which addresses itself to the conscience of every Member of Congress.

Mr. GALLINGER. Yes. Just one other question and I am done. The Senator says he finds nothing in the Constitution, either direct or implied, that warrants this legislation. Does the Senator find anything in the Constitution that warrants the Agricultural Department in sending men to the State of New Hampshire to slaughter cattle, or does the Senator find anything in the Constitution that gives the Government authority to send its agents into the State of Arkansas, in the event of an epidemic, for the purpose of trying to stamp it out?

Mr. ROBINSON. Mr. President, of course as to property, which is designed and intended to enter into interstate commerce, on that view of the question the authority of the United States might be admitted, but I do not think it is fair for

Senators to consume my time by asking hypothetical questions. I am presenting to the Senate of the United States a simple proposition upon its own merits.

I wish now to reply to some things that were stated by the Senator from Connecticut [Mr. McLEAN] a few minutes ago, before the Senator from Idaho made his remarks. He impliedly characterized those of us who were unwilling to appropriate a large sum of money and create an enormous force in the Department of Agriculture for the enforcement of this act as lacking in patriotism or common sense.

Mr. President, in reply to that statement I wish to say that my conception of patriotism is that under my oath of office as a Senator I shall always be loyal to the Constitution of the United States. Neither the fevered imagination of fanaticism nor the excitement of those who would give undue proportions to any question can induce me knowingly to vote for the appropriation of a large sum of money for a purpose which I, in my conscience, believe to be a violation of the Constitution of the United States. The Senator from New Hampshire may satisfy himself in voting for this appropriation, which he knows is unconstitutional, on the theory that he has knowingly voted for other appropriations for the Department of Agriculture which were unconstitutional. I do neither. I vote for no appropriation for any purpose which in my conscience I believe is a violation of the supreme law of this land.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from New Hampshire?

Mr. ROBINSON. I do.

Mr. GALLINGER. In view of the cases that have been cited, not being a lawyer, I am not going to argue the legal and constitutional aspects of this case; but I wish to say to the Senator that I do not believe this act is unconstitutional, and I shall not believe it until the courts pass upon it.

Mr. ROBINSON. In fairness I want to say, in reply to the statement of the Senator from New Hampshire, that I merely inferred that from the question which he asked me. He did not make the direct statement, of course.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. ROBINSON. Yes; I yield.

Mr. McLEAN. The Senator is very kind.

The Senator has quoted freely from the Secretary of Agriculture. He had just completed his quotation when he was interrupted by the Senator from New Hampshire. I, also, have a communication from the Secretary of Agriculture on this subject. I will send it to the desk, and I should like to have it read.

Mr. ROBINSON. I have no objection.

Mr. BORAH. Is that on the constitutional question?

Mr. McLEAN. The Senator will be able to judge of that from the reading.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 23, 1914.

Hon. GEORGE P. McLEAN,
United States Senate.

DEAR SENATOR McLEAN: I have your letter of April 22, in reference to the migratory bird law. In the first paragraph of your letter you refer to my letter as stating the reasons why I opposed the appropriation for the administration of this law. You evidently have been misinformed or labor under a misunderstanding of my letter of April 21. I approved an estimate of $100,000 for the administration of the migratory bird law; the House committee reduced that to $50,000, as you know. The Senate committee, I understand, at first omitted the item entirely, and subsequently inserted an appropriation of $10,000.

Recently I had the honor to be before the Senate committee on another matter, and I voluntarily brought up the enforcement of the migratory bird law. I called attention to the fact that my estimates contained an item of $100,000; that the House committee had reduced it to $50,000, and that the Senate committee had finally placed an item of $10,000 in the bill. I expressed appreciation of the difficulty which I understood was in the minds of the Senate committee, namely, that they hesitated to build up an organization which might have to be abandoned with great hardship to many individuals should the law be declared invalid, but I suggested that the law was a very beneficient one and that it should be enforced so long as it was on the statute books. I further expressed the earnest hope that it would never be upset. I closed by suggesting that in my judgment a larger appropriation than $10,000 would be warranted, and that a larger appropriation could be used without creating a staff so large that it could not be taken care of in case the law was overthrown.

This sets before your mind fully my position. I think the law is one of the best that has been placed upon the statute books, and I sincerely hope that it will for many years be the law of the land.

As to the matter of testing the law, I personally have no desire to press the matter. The only question is whether it can be kept out of the courts. There is pressure on the Department of Justice to have the law tested.

I intended in my former letter to you to convey to your mind just what I have said in this letter. So far as I can see, I am thoroughly in accord with you as to the desirability of this legislation and as to its enforcement, and I shall be glad at any time if you desire to take the matter up further with me to have the pleasure of a conference with you.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Mr. ROBINSON. Mr. President, I stated in the beginning that the Department of Agriculture had practically admitted the unconstitutionality of this act. Dr. Galloway, who represented the Secretary of Agriculture before the Senate committee, admitted its unconstitutionality, and said to the committee that the validity of the act ought to be determined before any appropriation was made further than the amount necessary to try out fairly the question of the constitutionality of the act. It was in part upon that statement by the representative of the Department of Agriculture, Dr. Galloway, that this amendment was inserted.

Secretary Houston, whose letter has just been read at the request of our friend the Senator from Connecticut [Mr. McLEAN], stated before the Committee on Agriculture and Forestry, I am informed, that fifteen or twenty thousand dollars was all he thought ought to be appropriated now. The committee took the view that since, as indicated by the letter, he is loath to permit the question of the validity of the act to be determined, it is of importance to try out this question fairly before embarking upon a policy which will involve the Government of the United States in an annual expenditure of several hundred thousand dollars.

Mr. President, another suggestion. So-called "insectivorous" birds destroy both useful and harmful insects, and therefore they are not themselves wholly beneficial. The advocates of this measure talk as if there were no such thing as good bugs and bad bugs; but the Department of Agriculture tells us that many insects are useful because they prey upon other insects which are harmful.

It is said that this law was intended, in part, to protect robins. These birds are very destructive of fruits. In some localities in New Jersey it has been impossible to ripen strawberries unless covered with netting. Robins are very destructive of cherries, having, it is claimed, damaged single orchards in a given season more than $1,000. The same is true as to grapes.

Moreover, these birds distribute from tree to tree and from orchard to orchard the San Jose scale, which has occasioned millions of dollars' loss to fruit growers in various parts of the United States. It is also claimed that the robin is a means of spreading anthrax, which is very fatal to cattle. It may be well to remember that while it is desirable to conserve in every constitutional way our wild life in the United States, it is also necessary to regard the subject in its fair proportions.

It is impossible to enjoy the fruits and benefits of refined civilization and at the same time retain the peculiar and pleasing characteristics, including that wonderful diversity of wild life, of partially civilized communities.

It has been urged by some that the passage of the act of March 4, 1913, by Congress forecloses, as to this body, any question as to its constitutionality and that Congress is impliedly obligated to appropriate sufficient sums for the enforcement of any act it passes, without regard to the question of its constitutionality, so long as the act remains unrepealed. I do not take this view. The obligation of a Member of Congress to support the Constitution of the United States affects the individual consciences of Members, and I do not believe one is ever justified in proceeding in disregard for the Constitution. I do not question the right of others to determine this or any other subject for themselves.

If the act is clearly unconstitutional—and who can doubt it—or of gravely doubtful validity, no fair-minded person can be resentful if Congress insists, before creating a large number of offices and employees under its provisions and appropriating large sums for the payment of their salaries, that the validity of the act shall first be established. Does anyone here contend that the Federal Government should seek to exercise a power which it does not possess and override the plain provisions of the Constitution which prescribes its powers and duties? Does anyone doubt, since the attorney general of New York has declared the act unconstitutional, that it will either be unenforced as to that State or that its validity will be tested.

Another consideration: Ten thousand dollars is not adequate to enforce this statute throughout the United States; neither is $50,000. To provide necessary employees in the 48 States for the proper enforcement of this act and for the prosecution of violations will require a very large force and, in all probability, several hundred thousand dollars annually. It is inconceivable that if the act is unconstitutional the department can continue to evade the final determination of the courts to that effect. Is it not, therefore, wiser, fairer, better to determine whether the

act is valid? Neither intolerance nor intimidation can escape the logical conclusion that the best thing to do, the sensible thing to do, is to establish in the usual way the right of the Federal Government to regulate this subject before becoming committed to a policy that will occasion fruitless expenditure of large sums of money.

I thank the Senate.

Mr. BORAH. Mr. President, I only wish to say a word somewhat in explanation of the small part which I have taken in this discussion.

When the migratory bird bill was before the Senate in the first place, as is known by the Senator from Connecticut, I entertained doubt as to its constitutionality. I have never read or heard any argument since which removed that doubt; but I was then, as I am now, in favor of the policy or principle. I should like to see the purposes of the bill carried into effect. I want to see these birds protected. I therefore took very little part in the discussion and did not seek to defeat the bill. I was willing to let it pass without any further discussion than to indicate my view as to its constitutionality.

Mr. President, there is a way in which these things can be accomplished. In the long run it would prove the wiser way. I have believed for many years that there would necessarily have to be a redistribution of the powers under our National Constitution. I do not believe there is a lawyer in the Senate who does not understand that we are constantly doing things which are in violation of the Constitution of the United States. We are exercising powers which the National Government has no right to exercise under the Constitution. This bill itself, in my judgment, contains many instances and illustrations of that kind. They are things which the States are not prepared to do, which the State can not do, and yet which, under the National Constitution, no provision has been made by the National Government for doing. The necessity and the great desire to see them accomplished leads us to do these things regardless of the provisions and requirements of the Constitution; and that is precisely the explanation of the passage of this law through the Senate of the United States. I should like to see all these things which really can not be done by the States done by the National Government, but I should like to see the necessary changes made in the Constitution in order that they might be done in an orderly and legal way.

I shall not vote against an appropriation to carry this law into effect, because it is upon the statute books; and, of course, I might be in error in my view of the proposition. But I want to say before sitting down that I doubt its being constitutional, and it will have to be tested in the courts. I presume the Department of Agriculture and the Department of Justice feel just the same way about it, and therefore they have hesitated about bringing the matter to a final determination.

Undoubtedly the Senator from New Hampshire [Mr. GALLINGER] was correct in his idea that as the law is upon the statute books there should be sufficient appropriation to test it, not only because it is there, but because the policy of it is well grounded. But I want to record, nevertheless, in passing, that in my opinion it is only one of many laws of this kind which are being passed without the real conviction and judgment of the Senate as to their constitutionality behind them. The evil of that is that they pass on to the courts, and the courts are bound by a different rule and obligated by a different view of the situation, very often holding those provisions of the statute which we pass as constitutional unconstitutional, and therefore the courts are constantly challenged throughout the country as being obstructive in their nature and in their disposition with reference to legislation.

The fact is that if Congress would apply the same rule that the Supreme Court of the United States feels bound to apply, a great number of these measures would never reach the Supreme Court of the United States, and the great and onerous burden would not be placed upon it of declaring many things unconstitutional which we believe as our final judgment are unconstitutional.

Of course, this is not the time to discuss it, but sooner or later we will have to consider the proposition of a redistribution of powers under the national Constitution. Either that, or we will have the arguments which have been made here to-day, to the practical effect that whatever we want to do we should do, regardless of the law behind it; that whatever the public welfare or public necessity seems to us to say should be done, we should do.

Now, that would be all right for the Parliament of England, but our fathers framed a different line of action and made a different kind of Government. Washington said:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

I concede the point made by the Senator from New Hampshire that there are plenty of precedents for this matter; that there are plenty of incidents to be found in which the same rule has been adopted with reference to putting a law upon the statute books, and plenty of the same kind of action upon the part of the departments to withhold it from a contest or from a test until such time as by custom and habit a disposition to contest it at all has passed away, and it settles into our jurisprudence and into our laws, without any decision being taken upon the question by any department of the Government. This may result in the same thing.

In concluding, what I have said is not in contravention of the policy of the law, but simply to express in passing my view of its constitutionality.

Mr. BURTON. Mr. President, during the discussion of this Agricultural appropriation bill we have been listening for more than an hour to very earnest and able legal arguments. The agriculturist has given place to the jurist and to the lawyer for the time.

The proper method to pursue, if a law is unconstitutional, is to immediately bring forward a proposition for its repeal, but so long as it remains upon the statute books and a certain amount of money is required for its execution we should provide that amount.

I have very grave doubt as to the constitutionality of this measure, though it clearly does not go further than other activities of the Agricultural Department. I especially deprecate the disposition which is so often manifested here to consent whenever an appropriation benefits a locality or State, but to protest in earnest language when it imposes a burden or controls action which those of the locality desire should be free and untrammeled. But to resume.

To my mind our plain duty, so long as this statute is on the books here, is to appropriate to carry it out. Let us consider for a few minutes where we will land if we pursue any other policy. Suppose a statute is passed which is clearly constitutional, but at the following Congress, by reason of a change of parties or otherwise, there is a reaction against the measure. Let us still further suppose you could pass a bill to repeal the law in the Senate but not in the House. What would happen? In that branch of Congress opposed to the execution of that law the argument could be made that it is unconstitutional; consequently we will make no appropriations for its enforcement. So the law on the statute books, a law which should be enforced, would be nugatory.

I say we are starting out on a dangerous road when by reason of alleged unconstitutionality we refuse an appropriation to carry out a statute deliberately passed by both House of Congress.

Mr. WEST. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. Certainly.

Mr. WEST. I see the trouble in this appropriation bill. If we increase the appropriation, believing that it is unconstitutional, it would require several hundred thousand dollars in order to have the appropriation sufficient to furnish perfect machinery in all the States to carry out this law.

Mr. BURTON. That is, the Senator means the execution of the law itself.

Mr. WEST. Yes, sir; the execution of the law itself. My idea about this appropriation of $10,000 is that before the Government goes to all that expense let us have $10,000 appropriated in order to test the constitutionality of the law.

Mr. BURTON. Let me say to my friend from Georgia that the expense of the legal department in defending the law does not belong to the Agricultural appropriation act, but rather to the Department of Justice. The Department of Justice would be called upon to defend the measure if its validity were tested in the courts.

Mr. WEST. I understand that, but this appropriation will be sufficient in a measure for a test case in order that somebody may be brought before the courts and a test case made of it.

Mr. BURTON. Let us see where we would place ourselves under such a plan as that. Such a course would be an express admission that a statute which we have deliberately passed has no binding force, even though it may not be questioned. It would be saying we will do nothing to carry that statute into effect, nothing to regulate the movement of migratory birds.

We would absolutely abandon the enforcement of the law, because some one has raised the question of constitutionality, and that too, as I understand, when there is not a single case pending in any of the courts in which the validity of the act has been questioned. I may be in error in that, but I understand that there is not a single case pending, and that no one has chosen anywhere to defend himself for any infraction of this law.

Mr. BORAH. I understand there has been a kind of an agreement all around that nobody should test it, that everybody desires it should go along because it is a good thing, and they are afraid if it gets up against the courts it will be knocked out.

Mr. WEST and Mr. McLEAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield, and to whom?

Mr. BURTON. I think such a situation is hardly possible. That would involve an exceedingly amicable disposition toward the measure all over the country. If the law is so generally acquiesced in that no one cares to defend himself or test its validity, I do not see how it is incumbent upon the officers of the Government, nor yet upon Congress, to be disturbed by fears as to its constitutionality.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. BURTON. I yield first to the Senator from Georgia, if the Senator from Oklahoma will pardon me.

Mr. WEST. Wherever there is a law the constitutionality of which is doubted, the time will come when that law will be tested, and the position I take is that when we have gone on and furnished the perfect machinery of this great Government in every State at a large expense, and then it is brought up before the Supreme Court of the United States and the law is declared unconstitutional, we have unnecessarily spent a great deal of money before the matter has been tried out.

Mr. BURTON. As a question of public policy I can not agree with the Senator from Georgia. A mere phantom might be raised to cast doubt upon the validity of the law when, as in this very case, there is not a single person contesting its validity.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from Oklahoma?

Mr. BURTON. Certainly.

Mr. GORE. I will say to the Senator from Ohio that in the majority of cases, I understand in practically all of the cases, the fines have been nominal, that they have been so small, indeed, as not to justify the prosecution on an appeal. There is a South Dakota case, I understand, in which the fine was $100, and in which the question of the constitutionality of the law has been raised. My understanding is that the case will be prosecuted in the Supreme Court.

Mr. BURTON. Then, there is one case in which a doubt has been raised as to the validity of the law?

Mr. GORE. There is one case of which I am advised. There may be many others. So far as I know, I have understood that there has been a disposition on the part of the friends of the measure not to bring it to a final test.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. BURTON. I yield.

Mr. GORE. I may add the committee signified to the Secretary of Agriculture that it was the desire of the committee that the constitutionality should be tested, and there will be no difficulty whatever in obtaining an adequate appropriation in case the constitutionality of the measure should be sustained. If I may add a sentence, the committee was unwilling to create a large force of Government employees who were to be covered into the civil service, as we were advised, on April 20, and have this corps of employees on our hands in case the measure should fail when finally tested in the courts.

The Senator from Ohio and other Senators will remember that last year we had some 300 employees dismissed from the service of the Government, and there was a lot of scurrying around here in an effort to reinstate them in the service. We thought it unfair to those employees and unfair to the Government to have this policy continue until we knew whether the law would stand when tested in the courts.

Mr. WILLIAMS. Of course, I can understand perfectly well how the committee thinking a given law unconstitutional could refuse to appropriate for it, notwithstanding the objections suggested by the Senator from Ohio that that would be virtually having one House repeal a law which had been passed by two Houses and the President. Each Member of each branch of the Legislature is sworn to construe the Constitution whenever he votes. The question I should like to ask the Senator from Ohio is this: Does the Senator know of anything concerning which it may be soundly predicated that $10,000 worth of it is constitutional and $50,000 worth of it is unconstitutional?

Mr. BURTON. I think not. I think if we appropriate $10,000 here we——

Mr. WILLIAMS. That seems to me to be the logic of the committee's action.

Mr. BURTON. We have recognized that the law should be enforced $10,000 worth. There would be no more serious strain on the Constitution if we appropriated fifty thousand or one hundred thousand dollars.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. BURTON. Certainly.

Mr. GORE. Perhaps I ought to say at this point in behalf of the committee that I think a number of the members of the committee desired to connect this appropriation with the suggestion that it should be used in the trying out of the constitutionality of the act, if that issue should be raised and presented to the department. There were other members of the committee who thought an express challenge of the constitutionality of the measure in an appropriation bill would hardly be advisable, and that sentiment prevailed. So the express direction to use this money in determining the constitutionality of the act was omitted from the bill. That is the reason why we appropriated $10,000. There were some of us who thought that since the statute had been duly enacted we were hardly justified in withholding an appropriation to enable the Secretary of Agriculture to administer the law. The Secretary himself suggested that $15,000 or $20,000 would enable him to maintain his organization and to enforce the measure in an efficient way, as has been done heretofore.

I may say that I think if the Senator from Arkansas [Mr. ROBINSON] had been present when that suggestion was made the committee would probably have raised the amount to $20,000, but as he had been especially active in the matter we were unwilling to take action during his absence. After he returned the subject was not again referred to. It was an oversight, I may say.

Mr. BURTON. Mr. President, as long as this law is upon the statute books it is for us to provide the means to enforce it. The statement has been made that we must observe the Constitution. There is no presumption that Congress has passed a law that is unconstitutional, particularly when there has been no decision of the courts declaring it invalid.

I may concede for the sake of argument that if there is a law that is generally conceded to be unconstitutional, a Member of the House or Senate might well hesitate in voting for an appropriation to carry it out. But that is not true of this measure. The laws already referred to, the appropriation for the extinction of the boll weevil, the law authorizing officials of the United States to go right within the borders of a State of this Union and seize upon cattle that never have been outside of that State, and very likely never would go beyond its borders, are certainly as much an infraction of the Constitution as anything contained in this statute.

Everyone will concede that it is a question about which there can be an honest difference of opinion. So I trust, Mr. President, the provision made by the House may prevail and this amendment be voted down.

I want to say just a word, although I had not started out to do so, about the desirability of the enforcement of such a measure. There is a certain balance in nature. Birds destroy noxious insects, and if you kill off the birds the insects thrive and cause widespread damage and even destruction to crops as well as to many forms of animal life.

One of the most serious injuries to our agriculture in the last 10 or 20 years has been the indiscriminate destruction of certain birds, the preservation of whose lives is necessary to maintain the balance of which I have spoken.

Mr. LANE. Mr. President, I have listened with a great deal of curiosity to the argument made by the Senator from Arkansas [Mr. ROBINSON], to the effect that this legislation is unconstitutional, and, like the Senator from Ohio [Mr. BURTON], who has so ably addressed himself to that contention, I can not understand why it is not as constitutional as is another provision in this bill which gives the Government the power to enter the States for the destruction of the boll weevil or to do so for the prevention of disease among cattle which are to be transported from one State to another. It seems to me that the same general principle applies to the one that applies to the other. It may be necessary at any time for the benefit of the people of

the country at large to enter a State for the mitigation of any pest which is a menace to the Nation at large. It should lie, I think, well within the constitutional power of the General Government to take the proper steps in any State in order to mitigate such a pest. Inasmuch as migratory birds do destroy such pests, without cost to the Government, I do not see why legislation for their protection should be more subject to constitutional restrictions than would be the sending of an employee of the Government, whose expenses the Government has to pay, into the same State for identically the same general purpose, though it may be in the pursuit of a different type of pest.

It seems to me that every argument would be in favor of the protection of the birds. They do the work of destroying insects without cost to anyone and to the benefit of people living in adjoining States as well.

If you permit migratory birds in the spring season to be killed in certain favorable localities while they are en route to their nesting grounds, they are placed at a great disadvantage. There are certain strategic points or passways where, if they are allowed to be killed, it will not be long before they will become exterminated. The wild pigeon of the South, and of the East for that matter, has in this way been exterminated. In my section of the country they have exterminated the great bulk not only of the migratory birds but of larger game in this manner.

I remember in the winter of 1881 there came out of the Rogue River Valley 10,000 deer hides, which sold on the market for 50 cents each. Those deer were killed for their hides. I have hunted in the mountains and have seen the carcasses of deer left there to rot. They were killed for their hides, worth 50 cents apiece, by hide hunters. The elk which ranged along the coast of Oregon formerly could be sometimes found in bands of 500 or 600. An elk will weigh as much as a thousand pounds. They were practically exterminated for their hides at 50 cents apiece. I do not know of a hundred in all to be found in the State. I know of but one little band up in the mountains of probably a dozen left on the old ground where I used to hunt. Some men will kill them for a tooth to wear for a watch charm.

The geese and ducks in our country in the early days along the Columbia River flats near Portland were countless in numbers, but now they are very scarce. They are protecting them now; they are feeding them; they are actually putting out food for them in order to attract them there. So it has been all through our country with every kind of game, fish, and fowl which were there in countless thousands in the early days. Of course, they had to retreat from civilization, and that was proper; but the needless slaughter of them, in my opinion, is a great wrong; it is a crime against nature. No man knows nor can he foretell what the harm, the damage, will be to the future of the country. It disturbs the balance of nature, and I do not see for the life of me how it can be any more unconstitutional for the Government to say that these wild creatures, which destroy pests and are a benefit to the country, shall be protected for that reason, than it is to send a man into the same State—as we have a perfect right to do—to kill insects of various kinds in other ways. I do not understand any such fine distinction, and I do not believe that if one is constitutional the other is unconstitutional.

Mr. WEST. Mr. President, I shall not take issue with Senators. These two cases, so far as the law is concerned, may be on all fours with each other, but here is the difference: My purpose in opposing a large appropriation in this bill in connection with the enforcement of the migratory bird act is on account of the necessary machinery which would have to be furnished by the National Government under the civil-service law, although at some time near at hand its constitutionality might be questioned and decided in the courts. A large expenditure would be placed upon the Government, even before the act could be tested, if we should undertake to go into every State and place civil-service appointees there. Consequently, as I have already stated, I think we should have only a small appropriation for this work if there is to be any appropriation at all.

MEMORIAL EXERCISES, BROOKLYN NAVY YARD.

Mr. CLARKE of Arkansas. Mr. President, we are advised that the funeral ship, the U. S. S. *Montana*, bearing the bodies of the American marines who lost their lives in the conflict of arms at Vera Cruz, will reach our shores on Monday. I am sure that it is the universal sentiment of the Senate that its Members will deem it a mournful pleasure to testify their respect for the memory of these heroic men by having this body stand adjourned on the occasion of the arrival of this ship on her sad mission. I therefore move that when the Senate adjourns to-day it stand adjourned until Tuesday next at 12 o'clock meridian.

The motion was agreed to.

AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. WILLIAMS. Mr. President——

Mr. MARTINE of New Jersey. I rise to a point of no quorum. This is a very important subject.

Mr. WILLIAMS. I myself rose for the purpose of suggesting the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Martine, N. J.	Shively
Brandegee	Gronna	Norris	Simmons
Burleigh	Johnson	Overman	Smith, Ga.
Burton	Jones	Page	Smoot
Chamberlain	Kenyon	Perkins	Stone
Chilton	Lane	Robinson	Tillman
Crawford	Lee, Md.	Shafroth	Warren
Dillingham	Lewis	Sheppard	Weeks
Gallinger	McLean	Sherman	West

The PRESIDING OFFICER. Thirty-six Senators have answered to their names. There is not a quorum present.

Mr. MARTINE of New Jersey. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until Tuesday, May 12, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 9, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of life and love, we pour out our hearts in gratitude to Thee for all the sweet and tender affections of the home, the sanctity of which is Mother; a name which challenges the respect of all, inspires the fondest recollections, and awakens the deepest reverence. In her, patience knows no bounds; in her, is sacrifice personified; in her, faith finds its highest expression; in her, hope burns brightest; in her, religion never fails; in her, the love of heaven is reflected. No language can express the heroism, power, and beauty of a mother's devotion; and the nation that holds sacred the charm of motherhood will not fail in its quest for righteousness, truth, justice, mercy, liberty. So long as she lives in the heart of the Nation, so long will it live. We thank Thee that our Republic has set apart a day sacred to her memory. God bless our mother. May she ever be an inspiration to nobler life and purer living for all the world. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 13770. An act to consolidate certain forest lands in the Sierra National Forest and Yosemite National Park, Cal.;

H. R. 12291. An act to increase the limit of cost for the extension, remodeling, and improvement of the Pensacola, Fla., post office and courthouse, and for other purposes; and

H. J. Res. 263. Joint resolution designating the second Sunday in May as Mother's Day, and for other purposes.

W. HENRY PULLIAM.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent to address the House briefly concerning the first Virginian who died at Vera Cruz.

The SPEAKER. The gentleman asks unanimous consent to address the House. Is there objection?

There was no objection.

Mr. SLEMP. Mr. Speaker, It becomes my sad duty to announce to the Congress the death of W. Henry Pulliam, the first Virginian to offer his life for his country in the hostilities with Mexico. He was a constituent of mine, and comes from the sturdy stock of the people of our Commonwealth, who have been

ready at all times to offer themselves in the defense of their homes and their country. His death causes universal sorrow in the district in which he lived, and I insert an article from the Southwest Times, which voices the sentiments of his people regarding the great and patriotic sacrifice that he has made.

The article is as follows:

"A SON OF PULASKI FIRST VIRGINIAN TO DIE AT VERA CRUZ—W. HENRY PULLIAM, WHO WAS WOUNDED AT AMERICAN OCCUPATION OF MEXICAN CITY, DIED TUESDAY—MESSAGE LATE YESTERDAY AFTERNOON—BODY WILL BE BROUGHT HOME FOR INTERMENT.

"W. Henry Pulliam, a Pulaskian, was the first Virginian whose life was sacrificed in the hostilities with Mexico. Wounded ashore at Vera Cruz on April 22, the young man lingered until yesterday (Tuesday) morning at 8 o'clock, when he suddenly died as a result of his wounds received in the engagement in the taking of that port by the American marines. As briefly stated in yesterday's Times, a message was received by his father, Mr. George W. Pulliam, stating that the young man was dead, the message being received here at 3.17 in the afternoon.

"The news of Mr. Pulliam's death was received by the Navy Department at Washington from Admiral Badger. The same was conveyed to Pulaski through Secretary of the Navy Daniels in the following message:

"It is with the deepest regret that the department has received information from the commander in chief of the Atlantic Fleet that your son, Mr. Henry Pulliam, fireman first class, died suddenly Tuesday, May 5, 8 a. m. I extend to you my deepest sympathy in the loss of your son. His heroic courage gives him a place among our country's patriotic defenders.

"Please telegraph if you wish the remains sent home.

"In response to the message the grief-stricken father wired the department to send the remains home, and asked to be advised when they could be expected to reach here. When the body reaches home it will be received in a manner fitting that of a hero who gave his life in the honorable discharge of the duties which his country called upon him to do. The interment will be attended with honors fitting the true American soldier who has given his life in the defense of his country, details of which will be announced later.

"The deceased died rather suddenly, as expressed in the message received. As the messages of his condition were received by his father from time to time the seriousness of the young sailor's condition was indicated. Relatives had thus been prepared for the sad tidings. The gunshot wound which cost him his life penetrated his chest, abdomen, and spinal column and caused paralysis in the lower part of his body. Had he survived his wounds, it is probable he would have been helplessly crippled for life. From the nature of the wound it appeared that he had been fired on from above.

"William Henry Pulliam was the son of Mr. George Pulliam, of this place, his father coming here from Carroll County, and is now an employee of the General Chemical Co., with which several of the brothers are also connected. He was born about 32 years ago on Maple Street, in the residence now occupied by Dexter Ratcliffe. He was a splendid type of American manhood, a picture of robust health from among the mountains of southwest Virginia. He was one of the eight children—two sisters, Mrs. M. E. Shelton, of Roanoke, and Mrs. C. W. French, of Front Royal, Va.; and five brothers, Joseph, Charles, Robert, and Walter Pulliam, of Pulaski, and George Pulliam, of Providence, R. I. A younger sister died some months ago at Front Royal while visiting her sister. His mother is also dead. He visited home the last time last spring, when he returned to his duties aboard ship after spending his furlough here among home folks.

"He was serving the fourth year of his enlistment in the Navy, and his time would have expired early next year had he lived to that time. He was a fireman of the first class on the battleship *Utah*. He had risen through his integrity and general ability and attention to duty to the first line on his ship, and his record was a good one, as borne out by the brave spirit with which he met his death. He was fond of the life and would doubtless have reenlisted had he lived, for sea life seemed to have a fascination for him. He met his death in the brave discharge of his duties, and Pulaski, his home town, with his country, will pay the tribute to which he is justly entitled as her citizens gather about the grave which will receive his body when it was returned to his native home to rest."

FRANK DEVORICK.

Mr. VOLLMER. Mr. Speaker, I ask unanimous consent to address the House for three minutes about an Iowa seaman who was killed at Vera Cruz.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House. Is there objection?

There was no objection.

Mr. VOLLMER. Mr. Speaker, he was only an Iowa boy! His humble home stood on the rolling prairie, amid the waving cornfields of that State. The son of a poor immigrant, his name, Frank Devorick, may sound strange, harsh, foreign, to those who pride themselves on the untainted blue blood of ancient native lineage. But he was an American, and nowhere does the spirit of true Americanism boom with more of its original luster and native intensity than among the descendants of the immigrant in our Middle West. Particularly is this true in the great farming State of Iowa, where the public school has opened the doors of the mind to higher thoughts and nobler aspirations for a greater percentage of the people, as determined by the statistics of literacy, than in any other State in the Union. There, in the heart of the continent, 1,200 miles from the seaboard, the ambitious boy dreams over his schoolbooks of the far-away billowy ocean, "boundless, endless, and sublime," and of some day sailing across it under the flag of his country, the emblem of the highest civilization the world has ever seen. This Government, to his unspoiled mind, is a great beneficent power, whose citizens are sovereign, self-governing free men. His unsophisticated views have not been formed in the debasing environment of one of our great cities, with their machine systems of political control, where the omnipotent boss gives the lie to democratic pretensions and the people lose their faith in republican institutions. But out there on the prairie they still have the original notion of the thing, pure and undefiled, and hence whenever the country calls, they respond joyously with the flower of their young chivalry. There you will find the splendid brain and brawn, pulsing with love of country, so pure and so powerful as to raise ordinary men of common clay to the spiritual heights of consecration.

When the day of wrath shall come and the teachings of the fathers shall seem all but submerged under the engulfing tide of socialism and anarchism; when the mob of great metropoles, the Huns and Vandals of the future, shall lay iconoclastic hands on the pillars of the established order; when American patriotism shall seem dead under the assaults of Utopian visionaries who despise and condemn love of native land, you will find out on the farms of the Middle West the reserve supply of the Republic. [Applause.] Thus we find this Iowa boy, who never saw the army of the discontented trailing after the red rag of revolution, enlisting whole-heartedly under the beautiful starry banner of his country, whose every fluttering fold speaks to him of liberty and glory as no other flag on earth can speak, and gladly offering his young life for it—one of the first to make the sacrifice—far from his prairie home, on the burning sands of the palm-fringed shores of the Spanish Main at ancient Vera Cruz. But when I think of this boy dying down there, Mr. Speaker, though I honor and have attempted to pay a feeble tribute to the glory of the sacrifice, I can not help saying that I wish that Mexico were in hell rather than that hell in Mexico should continue to take from us an increasing toll of such precious young lives. As for the humble name of Frank Devorick, it takes its place among the names of American heroes forever enshrined in the Valhalla of a grateful Nation. [Applause.]

ORDER OF BUSINESS.

Mr. BARNHART. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARNHART. I have three privileged resolutions that I would like to submit this morning, because those interested in them are present, and I ask unanimous consent that whatever time is taken in the consideration of these resolutions may be added to the time for general debate on the pending pension appropriation bill.

Mr. BARTLETT. Mr. Speaker, if the gentleman will permit, I will ask unanimous consent that the time consumed before we go into Committee of the Whole House on the state of the Union shall be added to the time allowed yesterday for general debate on the pension appropriation bill.

The SPEAKER. This time will not be taken out of the time for general debate.

Mr. MANN. But the time was limited to a certain hour.

Mr. BARTLETT. The order is that general debate shall close at 4 o'clock.

The SPEAKER. The Chair was under the impression that the order was for so many hours. The gentleman from Georgia asks unanimous consent that whatever time is consumed before we go into the Committee of the Whole House on the state of the Union on the pension bill shall be added to the time, so that the general debate may be extended that much longer after 4 o'clock.

Mr. MURRAY of Oklahoma. Reserving the right to object, is the extension of time to start from this moment?

The SPEAKER. No; it is to be considered as having begun at 12 o'clock to-day. Is there objection?

There was no objection.

MEMORIAL EXERCISES, BROOKLYN NAVY YARD, NEW YORK.

The SPEAKER announced as the committee on the part of the House to attend the exercises to be held at the navy yard in Brooklyn, N. Y., on Monday, May 11, 1914, in honor of the men of the Navy and Marine Corps who lost their lives at Vera Cruz, Mexico, Mr. FITZGERALD, Mr. MAHER, Mr. CALDER, Mr. LOGUE, Mr. GREENE of Vermont, Mr. THACHER, Mr. DEITRICK, Mr. SABATH, Mr. DALE, Mr. STEVENS of New Hampshire, Mr. WILSON of Florida, Mr. WALSH, Mr. WALKER, Mr. DONOHOE, Mr. DUPRÉ, Mr. GOLDFOGLE, Mr. WITHERSPOON, Mr. DOOLING, Mr. SLEMP, Mr. GRIFFIN, and Mr. VOLLMER, with the understanding that if Mr. WALKER does not reach Washington in time to go, Mr. BARTLETT shall take his place on the committee.

PRINTING FOR COMMITTEE ON PENSIONS.

Mr. BARNHART. Mr. Speaker, I submit a privileged resolution and ask for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 489 (H. Rept. 647).

Resolved, That there shall be printed as a House document 1,000 copies of revised hearings before a subcommittee of the Committee on Pensions having under consideration various bills introduced and referred to the said committee for the purpose of pensioning the survivors of the Indian wars that occurred after the late Civil War.

Mr. MANN. I make this suggestion to the gentleman: This resolution provides that there shall be printed as a House document 1,000 copies. The ordering of anything printed as a House document carries with it the printing of 1,300 and odd copies. I suppose what the gentleman wants is 1,000 extra copies for the use of the committee, or the Members.

Mr. BARNHART. We talked that over, and the gentleman who submitted the resolution [Mr. KEATING] was entirely satisfied to take 1,000 copies.

Mr. MANN. Yes; but he will not get 1,000 copies. The printing of a House document means, I think, that the House gets 300 copies, the Senate 200 copies—I do not remember the exact number—and that the remainder go to the depositories scattered throughout the country, a certain number to the departments, and so forth.

Mr. BARNHART. The committee fully realized that at the time we considered the resolution; but this is simply to include something which was omitted from the print of the hearing.

Mr. MANN. I understand. Why not print it as a House document, and print 1,000 additional copies?

Mr. BARNHART. The purpose of reprinting the matter was that it affects very largely the soldiery of the West who fought in several Indian wars. The gentleman from Utah [Mr. HOWELL] had some remarks to submit to the committee, but at the time of the hearings he was absent and did not return until the hearings were closed. What he wanted to say and has submitted is of importance to the committee and to the country generally, and the committee has asked for a reprint, which they could not have except by a simple resolution, and the cost will amount to $19.50.

The SPEAKER. Does either the gentleman from Illinois or the gentleman from Indiana wish to offer an amendment?

Mr. MANN. Mr. Speaker, I move to strike out "1,000 copies of" and insert the word "the," and add to the resolution the following: "One thousand additional copies for the use of the House."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the resolution, page 1, line 2, by striking out "1,000 copies of" and insert the word "the," and add to the resolution the following: "One thousand additional copies for the use of the House."

The amendment was agreed to.

The resolution as amended was agreed to.

MILITARY POLICY OF UNITED STATES IN MEXICAN WAR.

Mr. BARNHART. Mr. Speaker, I present the following privileged resolution and ask for its consideration.

The Clerk read as follows:

House resolution 493 (H. Rept. 648).

Resolved, That there be reprinted as a separate document, for the use of the House of Representatives, 3,000 copies of chapter 15 of the Military Policy of the United States, by Gen. Emory Upton, entitled "The Military Policy of the United States during the Mexican War," being pages 195 to 222, inclusive, of Senate Document No. 494, Sixty-second Congress, second session; 1,000 copies of the same to be distributed through the folding room of the House and 2,000 copies through the document room of the House.

Mr. MURDOCK. Will the gentleman explain the resolution?

Mr. BARNHART. This refers to some comments on our military policy in the old Mexican War.

Mr. HAMILTON of Michigan. What is supposed to be its present value?

Mr. HAYDEN. Mr. Speaker, I am the author of the resolution. It proposes to reprint a chapter from a public document entitled "The Military Policy of the United States," by Maj. Gen. Emory Upton, a distinguished officer of the Civil War, and the author of "Upton's Tactics." After the close of the war he made a trip around the world to study the military systems of Europe and Asia. The document from which this chapter is to be reprinted is considered by all military authorities to be one of the greatest works ever issued on the subject of American military history. Unfortunately the general died before he could complete the chapters relating to the last two years of the Civil War. The entire work should be studied by every Member of Congress, because it treats of our wars from a totally different viewpoint than that of the ordinary historian.

The particular chapter that I desire to have printed deals with the Mexican War. It gives the instructions to the military commanders prior to the war and other interesting details. It gives a summary of the military legislation passed by Congress during the war and the effect of that legislation. It shows the evil of short enlistments. An act of Congress provided for enlistments for 12 months, and the result was that when Gen. Scott arrived about halfway between Vera Cruz and the City of Mexico terms of service of about 4,000 of his men expired, and he had to wait a solid year until new troops were recruited and sent to him before it was possible to capture Mexico City. I am sure that every Member of the House will read this extract with great interest. I must confess that the first time I read it I found the entire work more interesting than any novel.

Mr. HAMILTON of Michigan. The gentleman thinks that this special chapter may be of special value in the present situation?

Mr. HAYDEN. We can only judge the future by the past.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DRAINAGE SURVEY, RED LAKE RESERVATION.

Mr. BARNHART. Mr. Speaker, I present the following resolution and ask unanimous consent for its present consideration.

The Clerk read as follows:

House resolution 481 (H. Rept. 646).

Whereas Congress by act approved June 30, 1913, authorized a drainage survey of the diminished Red Lake Reservation in Minnesota to be made, together with an estimate of the cost of such drainage project; and

Whereas such survey and estimate has been made by the Department of the Interior and a report thereon prepared: Therefore be it

Resolved, That the report of said survey, with illustrations, be printed as a public document, and that 500 additional copies be printed for the use of the House document room.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that it be printed as a House document and not a public document.

Mr. BARNHART. If it were printed as a house document it would make a saving of 1,351 copies.

Mr. MANN. It will be entitled a House document.

Mr. STEENERSON. Mr. Speaker, I move to strike out the word "public" and insert the word "House."

Mr. FITZGERALD. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. FITZGERALD. How was this survey made, under what authority?

Mr. BARNHART. Under the authority of the Government.

Mr. FITZGERALD. Why is it not printed by the Interior Department?

Mr. BARNHART. I will yield to the gentleman from Minnesota. It never has been printed.

Mr. FITZGERALD. Why does the department not print it?

Mr. BARNHART. I do not understand why.

Mr. FITZGERALD. Why should the congressional allotment for printing be charged with the expense of printing for the Department of the Interior?

Mr. MANN. Because the House Members want it.

Mr. FITZGERALD. The fact is we are having complaints about the cost of printing. The gentleman from Indiana, chairman of the Committee on Printing, brings in this resolution putting the cost of departmental printing on the congressional allotment. There will be no end to it.

Mr. MANN. I suggest that sometimes, where an investigation is made and the department does not care to have it printed for their use and Members of the House desire them for their use, Congress should print it. In this case the gentleman from Minnesota has a live matter before the House, and he wants this document in connection with it for the use of the Members of the House. There are a lot of these drainage propositions before Congress, and this document is for the benefit

of the Members of the House, for all of the Members of the House interested in the proposition.

Mr. BARNHART. The Committee on Printing tries to check these matters. In this case there is a demand for the publication. The expense of the survey has been incurred and the result of it is a matter of general importance and a matter of public benefit. The cost of the item is $135.

Mr. FITZGERALD. The Department of the Interior gets nearly half a million dollars for printing every year. Because some Member of Congress has an interest in some particular document it will not print the result of its investigations out of its own appropriation, but will leave it to the resource and activity of the various Members of Congress interested in the matter to get the printing done at the expense of the allotment for printing for Congress. In that way our printing expenses increase very largely, and the department augments its appropriation by unburdening its work at our expense.

Mr. BARNHART. I fully appreciate the statement of the gentleman from New York, but there are exceptions. If the gentleman from New York will be on hand when the general printing revision bill is up——

Mr. FITZGERALD. But the time to stop it is now, not when that bill is up, because there is not much prospect of that bill coming up.

Mr. BARNHART. Mr. Speaker, I am not so sure that this appropriation ought to be stopped. I think it is a perfectly just request or I would not have reported it.

Mr. FITZGERALD. Why not make the Department of the Interior pay for it?

Mr. BARNHART. The Department of the Interior said it could not furnish them when I inquired of them, and I had to let it rest at that. I had no means of compelling the department to furnish them.

Mr. FITZGERALD. It is only about two months to the first of the fiscal year, and that department will then have its new appropriation and could print the report then.

Mr. BARNHART. These ditches are liable to run dry before that time.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Minnesota.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

The SPEAKER. The Chair will state that the general debate on the pension bill will be limited, under the unanimous-consent agreement, to 4.35 o'clock p. m.

PENSIONS.

Mr. BARTLETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15280, the pension appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, with Mr. MURRAY of Oklahoma in the chair.

Mr. BARTLETT. Mr. Chairman, will the Chair please inform me how the time stands?

The CHAIRMAN. The gentleman from Georgia has used 2 hours and 1 minute. The gentleman from Minnesota has used 1 hour and 11 minutes, and the gentleman from Illinois has 12 minutes remaining.

Mr. BARTLETT. Mr. Chairman, I yield one hour to the gentleman from Texas [Mr. DIES]. [Applause.]

[Mr. DIES addressed the committee. See Appendix.]

Mr. DAVIS. Mr. Chairman, I yield one hour to the gentleman from Michigan [Mr. FORDNEY]. [Applause.]

Mr. FORDNEY. Mr. Chairman, although I differ with my Democratic friends on the question of levying duties on foreign imports for protective purposes, I do not impugn their motives. I only claim they are misguided in judgment. All men wish to see our people prosperous, our factories and farmers successful. Republicans believe our success largely depends upon a protective-tariff law to bring prosperity to our people. The Democratic Party believes in a tariff for revenue only, or free trade. I claim both parties can not be correct in their contentions. I am sincere in my opinion and believe the Democrats are sincere.

The people of this country are divided into three distinct divisions. About one-third of our people live in the rural districts—the farmers. About one-third belong to the laboring classes and about one-third to the professional classes—doctors, lawyers, ministers, business men, and such like. Any measure enacted into law that discriminates against the first class mentioned—the agriculturists—is wrong. The farmers produce the bread and butter for all the people. No doctor, no lawyer, no minister, can live on his library. They depend on the farming class to furnish the necessaries of life—food supplies. I say any law that discriminates against the farmers of this country, who are the bone and sinew of the Nation, is neither equitable nor just, and is an assault upon American prosperity.

The Democratic Party is in full power in national politics and is making laws in keeping with their teachings. Many laws of importance have been and are being made by that party which are directly in opposition to principles laid down by the Republican Party. The Democrats are not in power by having received a majority of the votes cast at the last general election, for they received something like 2,450,000 less than a majority. Their being in power was occasioned entirely by a family row in our own party, due to the high regard entertained by some of our people for Mr. Roosevelt. That family row so divided us that the power to legislate was thrown to our opponents.

This country has never prospered under Democratic free-trade rule. Free trade or tariff for revenue only brings foreign labor and foreign products in competition with American labor. Such laws can not lift up degraded labor in foreign countries to a level with the American standard of living, but certainly brings American labor down toward the level of the cheap labor of other countries with whom we must compete.

Over 60,000,000 people live directly south of the United States in the 13 Republics of South America. Each one of these Republics exists under a distinct and different form of government. The Guiana Republics, for the past 400 years controlled by England, France, and Holland, find their people of the laboring class, on account of their free-trade laws, receiving but 30 cents per day, not including board. Chile, a country of low tariffs and export duties, finds her common people in poverty, receiving but 24 to 30 cents per day in gold, not including board.

However, some of these South American Republics have high protective tariff laws, and their manufacturing industries and laborers are prosperous. In Brazil, with high-tariff laws, the scale of wages is as high, if not higher, than in the United States.

China and Japan, free-trade countries, find their common people in poverty and degradation. In short, free-trade countries the world over all have a low standard of wages and living for their common people, and high-tariff countries are correspondingly prosperous. This should be sufficient evidence that the Republican policy of protection is the only one under which the people of the United States, as a whole, as well as capital, can or will be prosperous.

What is the policy of a man who believes in free trade or tariff for revenue only? It is to give American markets to people of lands across the sea and their beneficiaries—the importers; to put the American mill owners out of business and the American wage earners out of employment, in order that he may buy, in foreign countries, articles made by cheap labor, when such articles could and should be made by American labor, enjoying the American standard of living and wages.

A Democratic Member of the House from Illinois, who took a prominent part in the framing of the agricultural schedule in the Underwood tariff law, boasts, so I am informed, that at this early date under the new law we have imported large quantities of Argentine corn. Certainly the importation of Argentine corn is detrimental to the welfare of corn growers in the United States. Argentine corn for the past few months has supplied the Corn Products Refining Co. and the National Starch Co. Both of these companies, if my information is correct, are owned by the Standard Oil Co. A very charitable act, indeed, to help the Standard Oil Co., to the detriment of the farmers of the United States—quite in keeping with Democratic policies.

Our farmers can easily meet competition with other nations of the world, if they are willing to get down to that nation's scale of wages, but such a proposition is a gross insult to American freemen. However, Secretary Redfield, a member of the Democratic administration's Cabinet, boasts that importations of meat have increased from 865,000 pounds during the last three months of 1912 to 33,500,000 pounds for the last three months of 1913 under free trade. Mr. Redfield, I say, boasts of that fact. Our cattle raisers, when going to the polls to vote, will undoubtedly remember that boast.

The farmers of the States of Michigan, Wisconsin, and Minnesota produce large quantities of potatoes annually, yet our Democratic friends are boasting of enormous importations of foreign potatoes. No doubt, when our farmers go to the polls to vote next fall and in November, 1916, they will remember that boast.

In framing the Underwood tariff law the authors thereof evidently had in mind but one class of people in the United States—the consumers, who are not producers of agricultural or manufactured products, forgetting that no consumer can consume unless he obtains employment to obtain money with which to purchase. In framing and enacting this law our Democratic friends have made it possible for labor across the sea to find added employment, and to have increased purchasing power, while thousands of our consumers are walking the streets, without employment or purchasing power, and consuming in a most meager manner.

Lower tariff means increased importations of foreign goods and greater exports of gold to pay for the same, all of which is most disastrous to the prosperity of the people of the United States.

Our Democratic friends know full well that each and every panic that ever existed in this country was largely due to heavy importations of products of the farm and the factory and heavy exports of gold to pay for the same, leaving us without gold and with a surplus of farm and manufactured products, with a depressed market in which to sell.

The following article recently appeared in the Philadelphia Inquirer and is an excellent explanation of some of the disadvantageous effects of the free-trade theory and the benefits of protection to American capital and labor:

My only capital is my muscle, energy, and integrity, and, being a cripple, I am often handicapped in the race for bread. But there is red blood in every vein and artery in my body and a heart that throbs for every worker, but especially for the wage earner.

To all these I submit a few facts that will help to see what our tariff legislation threatens. The biggest glass company in the State—Pennsylvania—owns very large works in both this country and Belgium. The company pays workmen in the United States three times the wages it pays in Belgium to the same number of workers for the same grade of work. But it pays three times as large dividends in Belgium as it pays in this country on the same amount of investment.

Now, cut out the protective duties on glass and which body of workers would be employed to make the glass for America? The work will go to the foreigner and idleness and soup houses will be our portion. In Pittsburgh there are 16 plate-glass companies, 21 bottle works, 14 window-glass works, and 10 lamp-chimney, electric-globe works, etc.

The glass company referred to made 80,000 tons of glass in this country in 1911, the raw material for which was soda ash, coal, gas, arsenic, lead, colors, lumber, nails, etc. When the order for 80,000 tons of glass came in an order for 40,000 tons of sand went to four States and an order of 40,000 tons of soda ash went to three States. When the order for soda ash reached their works an order went to limestone quarries for 20,000 tons of lime rock and to salt works for 20,000 tons for salt and to coal mines for 10,000 tons of coal; then to the works to make the soda ash to be delivered to the glass works, thus employing an army of workmen at American wages to work in stone quarry, salt plants, coal mines, soda-ash works, on railroads; then in the glass works, to say nothing of the lumbermen, sawmills, clerks, etc.

Now, throw out of employment the glassworkers of Pittsburgh alone and down along the line of all above plants goes the crash. Upon each busy glassworker depends a half dozen workmen for wages.

Suppose these idle men knock at the door and ask for work. Work or starvation must come. Then the man who knows it all appears, and his answer is: "Men, what you want is the initiative, referendum, recall, etc." Don't think of starving mothers, wives, and children when you can think of such great questions as I am dreaming about. What say you wage earners? Shall we be duped by dreamers while our wages are paid to toilers beyond the sea? There are two ways to prevent this—one is to cut our wages; the other is to restore protective duties by returning to power the Republican Party. After we succeed we may listen to those who are dreaming.

[Applause on the Republican side.]

Mr. MANN. Sure.

Mr. FORDNEY. It can not truthfully be denied that a majority of the people of the United States are in favor of protection to American industries and labor, for, although the party in power candidly believe in free trade or a tariff for revenue only, they are not in power by having received a majority of the votes cast at the polls in November, 1912.

No one will deny that the votes cast for Mr. Taft and Mr. Roosevelt in that election were cast by people who believed in the policy of protection, and the votes cast for the Democratic and Socialistic candidates combined fall far short of a majority of the votes polled. Therefore it can not be claimed by the friends of the Underwood tariff bill that this law has been placed upon our statutes at the request of a majority of our voters.

The Socialists do not even believe in levying a tariff for revenue purposes. They want free trade on imports, and they also want a division of all property held by our people. They can not be considered as being in sympathy with either the Democratic or Republican policies, for they are not. That there has been a sentiment among many of our people for a change of some kind will not be denied. For the past several years a great many agitators have been at work stirring up discontent. Some of these men I credit with being sincere, but a great number were at work solely for the purpose of gaining personal political favor. It is easy to criticize, but difficult to suggest practical changes to better conditions. When a man is in straitened financial circumstances it is easy to influence him by argument that a change of some kind will be beneficial to him, for he feels he has nothing to lose and everything to gain. This agitation undoubtedly aided in putting the Democratic Party in control at the last general election.

During the past 10 years or more the cost of living has materially increased, but up to 1913 employment has been plentiful and good wages have been paid—higher wages than ever before—and during no period of our history have the laboring men been better clothed, better fed, or enjoyed more of the comforts of life. We passed through a period of low prices under a free-trade law from 1894 to 1897, but employment was scarce, and many had little or no purchasing power, and there was much suffering and hardship. That period of low prices and hard times has been forgotten by many. In fact, it is shown by statistics that about 51 per cent of the people who voted at the general election in 1896 are now dead, and that hundreds of thousands of the voters of to-day were but 5 years of age in 1896 and know nothing of the conditions that existed under the Wilson tariff-for-revenue-only measure, or free-trade law, from 1894 to 1897, which caused such widespread suffering and shrinkage in values. The necessaries of life reached bottom prices known to this country, yet, as before stated, the country never knew a time of greater suffering and distress among our poor people, a condition so absolutely reversed from 1897 down to 1913.

In the campaign of 1896 our Democratic friends claimed we did not have enough money in the country with which to do the business of the country, and that if we had more and easy money prices of all commodities would advance, which was so much desired at that time. The contention of the Republican Party was that it was not so much more money that was required as it was a restoration of confidence and the exclusion from our markets of the products of cheap labor from abroad, and a preservation of our home markets for our manufactured and agricultural products.

At that time we had $22 per capita in circulation, but now our Democratic friends claim, although we have $35 per capita in circulation in the United States, that we need more money and easier money to bring down prices, and to substantiate this theory they point with pride to the currency law recently passed. They believe that measure will cure all our financial ills. We all agree that more easy money would add to our prosperity, provided our people were furnished with employment, but this can only be done by preserving American markets for the articles we can produce in this country. It is impossible to bring prosperity by inviting greater importations of foreign competitive products at low prices, thus closing the doors of our factories and displacing American labor for the employment of cheap labor of foreign countries.

Seventeen years have elapsed since our last experiment with free trade and low tariff, and many have been led to believe their incomes have not increased in proportion to the cost of living and that low prices are desirable. Generally speaking, everyone has something to sell—it is either his labor or a product of labor. It is equally true that everyone has to buy. If all could get better prices for what they have to sell and have lower prices on what they have to buy, it would be an ideal change, but the absurdity of such a proposition is self-evident, for we must buy and sell to one another. However, many, ignorant of conditions under former periods of low prices, or closing their eyes to those conditions, have been led to believe that prices can be lowered without a corresponding decrease in wages and employment. In 1896 we claimed we needed a party in power during those panicky days that would bring confidence to the people and bring out of hiding the money we had and put it in circulation, and we made this argument then and succeeded, and had the greatest measure of prosperity from 1897 to 1913 that any people in any country under the sun have ever enjoyed. [Applause on the Republican side.]

My Democratic friends, one thing in which I believe I am right, and you will agree with me, is that you who live south of the Mason and Dixon line are natural-born free traders. It comes as nature to you. When the 13 Colonies formed into a Union and adopted a Constitution the people of this country soon became divided in their views on the power of Congress, under the Constitution, to impose on foreign imports a tax sufficiently high for protective purposes. The people were divided into two classes, called "loose constructionists" and "strict constructionists." The strict constructionists were free traders, who contended the Constitution gave Congress no right to impose a tax on imports greater than would yield a sufficient sum of money to pay the running expenses of the Government. The loose constructionists were protectionists. George Washington and Alexander Hamilton and others who helped frame the Constitution took the view of the loose constructionists,

that the Constitution of the United States did give Congress the right to impose a duty on foreign imports not only for the raising of money to pay the running expenses of this Government, but to protect the industries of this country against cheap foreign labor.

John Quincy Adams, of Massachusetts, Secretary of State in 1824, was chosen President by the House of Representatives in February, 1825. Each State having one vote, 13 States voted for Adams; 7 for Jackson, of Tennessee; and 4 for Crawford, of Georgia.

The Adams and Clay factions were protectionists, or so-called loose constructionists, and when put into power passed a tariff act in 1828. The southern Members of Congress were almost a unit for free trade or tariff for revenue only.

South Carolina, on November 19, 1832, at a State convention held at Columbus, declared the tariff acts of 1828 and 1832 to be "null and void" and no law, and not binding upon that State, and declared she would not permit the collection of duties on imports into South Carolina and threatened secession, and only yielded after President Jackson issued a proclamation, December 16, 1832, warning that State against such action, and followed up his proclamation by sending a naval force to Charleston Harbor and provided guards for the customs officials, thus ending that secession controversy and tariff dispute.

In the Southern States slavery was lawful, and the people there were chiefly engaged in raising cotton. With slave labor, the cheapest labor in the world, they could compete in the production of cotton with any country in the world. They wanted cheap manufactured products and cheap foodstuff for their slaves, and were frank and open in opposition to tariff protection for the factories of the North, claiming the people of the North should turn their attention to agricultural pursuits, which would enable the South to obtain a ready and abundant supply of foodstuff for the slave labor at the lowest possible cost. They also contended that by free trade manufactured articles could be obtained from abroad at a lower price than at home under a protective tariff. Knowing Europe must be looked to as a market for the major portion of their cotton, they realized the possibility, under free trade, of exchanging cotton for cheap European manufactured products.

In the campaign of 1844 James K. Polk, a candidate for the Presidency, was accused of being in favor of a tariff for revenue only—a polite term for free trade. To offset this accusation, Polk and his friends issued a letter and published it broadcast over the country. In part, it was as follows:

> James K. Polk has ever pursued a straightforward and consistent course upon the tariff, as well as upon other questions of national policy, and he is now most decidedly and unequivocally committed in favor of a tariff which shall afford fair and just protection to agriculture, manufacturing—

And so forth.

This letter satisfied the so-called loose constructionists, or more properly called protectionists, and Polk was elected, and George M. Dallas, of Pennsylvania, an avowed protectionist, was elected Vice President.

Congress met December 1, 1845. The Democrats, or strict constructionists, were in the majority in both branches of Congress. The President's message condemned all antislavery agitation, recommended a subtreasury, and a tariff for revenue only. At that session of Congress, on July 30, the tariff act of 1846 was passed by a party vote. It followed the strict constructionists' theories of establishing rates of duties sufficient only to provide revenue for the Government, without regard for protection. On one tie vote in the Senate, Dallas cast the deciding ballot and voted for free trade. President Polk signed the bill—the so-called Walker Tariff Act—and that act resulted in the loss of our balance of trade. With the exception of a single year during the life of the bill our imports exceeded our exports, as the following table explains. The balance of trade against the United States averaged $34,000,000 for 10 years.

Balance of trade of the United States from 1847 to 1857.

Year.	Excess of imports over exports.	Excess of exports over imports.
1847		$34,317,249
1848	$10,448,129	
1849	855,027	
1850	29,133,800	
1851	21,856,170	
1852	40,456,167	
1853	60,287,983	
1854	60,760,030	
1855	38,899,205	
1856	29,212,887	
1857	54,604,582	

Our Democratic friends have ever since claimed that we had a period of prosperity due to that bill. Gentlemen, they are mistaken. We did have prosperity, but it was not due to the tariff law at that time, because that law brought a balance of trade against us every year that it was upon our statute books, except the first year after its adoption. Gold was discovered in California, and we had war with Mexico, and there was war in Europe, all of which created a great demand for the products of this country. We produced somewhere from fifty to one hundred million dollars a year of gold, and it kept the Treasury of the United States from running dry in paying our foreign debts. The strict constructionists came back into power in 1856 and adopted a measure giving much more free trade than was provided in the Walker tariff law, and the panic of 1857 ensued.

It is interesting to observe how history is repeating itself. In the campaign of 1912 President Wilson in public utterances assured the people of this country, if elected President of the United States, he would injure no legitimate industry. I heard many protectionists during that campaign say they would vote for Wilson because of his publicly announced friendliness to protection. They were misguided, for, like Mr. Polk in 1844 and 1845, President Wilson, after committing himself to protection, has signed a bill for free trade, or tariff for revenue only. President Wilson, after nearly three score and ten years, has followed in the footsteps of Polk.

If I am correctly informed, President Wilson, while the convention at Baltimore was in session, assured the people of Louisiana he would not in the least injure the cane-sugar industry of the South; but we see to-day a tariff law on our statute books, signed by President Wilson, which will eventually place sugar on the free list. Sugar mill after sugar mill in the State of Louisiana is going into the hands of receivers.

I again say, history is repeating itself after lo these many years. Wilson has followed the footsteps of James K. Polk, who, over his own signature, in the letter above referred to, befogged the minds of the people of the United States, from whom he was then seeking support.

President Polk, in his message to Congress of December 2, 1845, said, in regard to the tariff:

> The attention of Congress is invited to the importance of making suitable modifications and reductions of the rates of duty imposed by our present tariff law. The object of imposing duties on imports should be to raise revenue to pay the necessary expenses of the Government. Congress may undoubtedly, in the exercise of a sound discretion, discriminate in arranging the rates of duty on different articles; but the discrimination should be within the revenue standard and be made with the view to raising money for the support of the Government. * * * Taxation, direct or indirect, is a burden, and it should be imposed as to operate as equally as may be on all classes in the proportion of their ability to bear it. To make the taxing power an actual benefit to one class necessarily increases the burdens of the others beyond their proportion and would be manifestly unjust.
>
> The terms "protection to domestic industry" are of popular import, but they should apply under a just system to all the various branches of industry in our country. The farmer or the planter who toils in his fields is engaged in domestic industry and is as much entitled to have his labor protected as the manufacturer, the man of commerce, the navigator, or the mechanic. * * * The joint labor of all these classes constitutes the aggregate of the domestic industries of the Nation, and they are equally entitled to the Nation's protection. No one of them can justly claim to be the exclusive recipient of the protection, which can only be afforded by increasing burdens on the domestic industries of the others.

President Wilson, in his message which he read in the House of Representatives Tuesday, April 8, 1913, said:

> We have seen tariff legislation wander very far afield in our day. * * * The object of tariff duties henceforth laid must be effective competition with whetting of American wits by contest with the wits of the rest of the world. * * * We must build up trade, we need the outlet and the enlarged field of energy more than we ever did before. We must build up industries as well as adopt freedom in the place of artificial stimulation only so far as it will build up, not pull down.

And, gentlemen, you from south of the Mason-Dixon line believe in a tariff for revenue only, which is nothing other than free trade, because it does not make any difference what amount of duties you put upon an imported article, if it is below the point of protection it cripples the industries of this country and is equivalent to free trade. If you are going to drown me, it makes no difference whether you put me 10 feet under water or 10 inches, just so long as there is enough water to cover my head you are going to accomplish your object. And it makes no difference how low you put the duty, whether it is absolutely free or below a protective point, it is free trade and means disaster to the institutions of this country.

Mr. FESS. Will the gentleman permit an interruption?

Mr. FORDNEY. I will be glad to do so.

Mr. FESS. I think for the sake of the record, with reference to 1844, when James K. Polk was elected upon that promise, you ought also to state that he defeated the greatest protectionist the country ever knew—Henry Clay.

Mr. FORDNEY. I thank the gentleman for his suggestion. Gentlemen, my time will be too limited to give you the full extent of my argument along this line, but I want to impress upon you the fact that a Democrat votes for free trade because that theory is instilled in him. He was born a free trader, brought up on free-trade doctrine, and will not be shown the error of his way.

During the campaign preceding the last general election the Democratic Party, among other things, pledged itself to furnish ample employment and reduce the cost of living. They are now in power; they have placed a tariff law on our statute books, and the results of their efforts are beginning to be shown. I am most firmly convinced reduced wages must and will accompany lower prices, and from reports rapidly coming in the number of unemployed is increasing at an alarming rate. It appears if low prices are in store for us low wages and lack of employment will reach us first, and that lack of purchasing power will to a large measure be responsible for depressed prices, if depressed prices come.

The argument of the man who believes in free trade or tariff for revenue only is made solely from the viewpoint of a consumer. He loses sight of the fact the consumer's income may be affected. He forgets there are two sides to the argument. Let us see whether his position is logical or whether there is substantial ground for argument.

For example, he believes if a suit of clothes can be produced in England or any other foreign country and furnished to the consumers in this country at a lower cost than similar clothes can be manufactured in this country, that we should encourage the purchase of such clothes from abroad and let the consumer have the benefit. He uses the same argument in connection with other articles of consumption in this country which can be produced abroad cheaper than at home. In answer to that theory permit me to say I have on my back a suit of clothes of medium quality, and in the converting of the cloth and trimmings into the finished product labor received $17.50. If this suit of clothes had been made in England, by labor receiving but 40 per cent of the wages paid for the same class of labor in the tailor shops of this country, it would deprive our labor of just that much employment and correspondingly reduce their purchasing power. The same applies to all labor in this country engaged in producing anything that can be produced more cheaply abroad. That labor must turn its attention to other pursuits, which could not be found to take care of all, and that labor would join the great army of unemployed and to a large measure would be compelled to live—partly, at least—upon charity.

By purchasing abroad we would open up new shops and factories in Europe and increase employment in foreign countries, and, as was the case under the Wilson bill from 1894 to 1897, we would quench the fires under our furnaces and close the doors of our factories and place signs thereon, "No labor wanted." Signs of that character were conspicuous in every town and city in the land during those days, but were removed from 1897 to 1913. They are again being displayed, and in increased numbers, in every city, and many of our laboring men are seeking employment.

As the beet-sugar industry and the cane-sugar industry in this country expanded the refiners of foreign imported sugar, the Sugar Trust, started a campaign for a removal of import duties on sugar. The matter has been constantly before Congress for several years past. With the aid of the Democratic Party, the Sugar Trust has at last won its fight. By the passage of the Underwood tariff law the Democratic Party has condemned the domestic sugar industry to a slow but certain death. This law made some reductions in the duty on sugar to take effect March 1 and provided, further, that after May 1, 1916, all sugar should be admitted free of duty. It is so evident the sugar industry can not survive free trade that certain insurance companies have canceled their policies of insurance on sugar factories, so I am informed, in the State of Louisiana. Formerly it was comparatively easy to borrow money on the property of a sugar company. To-day such a loan is considered unsafe, and we now see cane-sugar factories in the States of Louisiana and Texas, one after another, passing into the hands of receivers or closing their doors. Other factories have reduced the price to be paid to the farmers for beets. The result is to enable the Sugar Trust of the country to monopolize more of the trade.

Is the Democratic Party ignorant of the fact the sugar industry will be injured? As evidence of the fact that they realize injury will be done I wish to call attention to the fact that in the Agricultural appropriation bill there is a large appropriation of money—$50,000—to be used in educating the people of the cane fields in the South in other pursuits. Such an appropriation is made at the expense of the people and in the interest of the Sugar Trust and no others.

It is and always has been my contention that the prosperity of this Nation depends primarily upon a protected home industry by adequate tariff rates on importations of foreign competitive products. So much has been said concerning the tariff that it is considered by some a threadbare subject. It is my experience, though, that those who call it a threadbare subject are mostly free traders. It is also my experience that calling the tariff threadbare is the only way many free traders can reply to a statement of tariff facts. The tariff has always been the great Democratic stumbling block.

It is my desire to call attention to a few startling facts from which an open-minded man can draw but one conclusion in regard to the effect of low-tariff legislation. Since the adoption of the Underwood tariff law I have diligently studied the advance reports from the Department of Commerce regarding our foreign trade. I have watched the daily Treasury statements and the reports from our foreign consular officers, and I have endeavored to get expressions from American manufacturers as to business conditions, and I will attempt to present the facts and figures to you in concise and concrete form as I proceed.

Gentlemen, the most effective way to destroy the comforts of life and the enjoyments of a good home and a high standard of living for the laboring classes of this country is to vote to bring into this country the products of cheap labor when employed across the sea.

Something was said here not long ago about child labor. I want to show you something in that regard, and I ask you to bear with me. I will be as brief as possible.

The following appears from Consul Edwin S. Cunningham, of Bombay, India, in the Daily Consular and Trade Report for June 24, 1912:

> The employment of women and children in factories is of considerable importance; 43,401 women and 10,816 children were so engaged in 1910. An analysis of the statistics shows that during the last five years the number of women employed in the city of Bombay has gradually decreased, being 25,093 in 1906 and 22,288 in 1910, while in the country districts there has been a gradual increase—19,617 in 1906 against 21,113 in 1910. On the other hand, the employment of children in the city of Bombay has been growing, from 2,741 in 1906 to 3,942 in 1910. In the country, in the former year, 5,918 children were employed and in the latter 6,874.

The following is taken from the Daily Consular and Trade Report of April 16, 1913, from the report of Consul General T. St. John Gaffney, of Dresden, Germany:

> In former days the German wage-earning woman was, as a rule, only to be found in agricultural districts, but now they are forsaking country life in increasing numbers and are going to the cities, where great industries are springing up and demanding their labor. The number of women wage earners in Germany is now larger than in any European country, and from census reports it appears that it is steadily increasing.
>
> In 1882 the women employed in occupations other than domestic service numbered over 4,000,000; 25 years later the figures stood at 8,000,000; and while the employment of men has increased 20 per cent during the same period, at present a full third of the economic labor of the Empire is being carried on by women. Statistics recently published show that there are 9,500,000 wage-earning women in Germany, which means that nearly every second adult woman is earning her own living and directly contributing to the wealth of the country. There is no doubt that to their work is largely due the wonderful industrial advance made by Germany, which is one of the most remarkable features in recent European history.
>
> The fact that women compete with men in many of the great industries is now accepted as a matter of course. This large army of women wage earners is gradually awakening to a realization of its importance, and it is claiming rights and privileges which have hitherto been asked for only by men. In 1906 there were no less than 37 women's trades unions, comprising nearly 119,000 members.

The following appears in the Daily Consular and Trade Report for January 13, 1914, from Consul George Nicholas Ifft, of Nuremberg, Germany:

> For the purpose of fixing the rates for the imperial sick, accident, old-age, and disability insurance systems, the district insurance officers all over Germany are required to establish by careful investigation at stated intervals the average wages paid for unskilled labor in the cities and rural communities of their respective districts. The investigation recently completed for the city of Nuremberg, one of the important manufacturing centers of Europe, with a population of 355,000, shows the daily wages paid to male and female laborers in specified age groups as follows: Over 21 years of age—male, 88 cents; female, 50 cents; between 16 and 21 years of age—male, 71½ cents; female, 45 cents; under 16 years of age—male, 43 cents; female, 31 cents. These rates mark an increase of about 9 per cent over 1910, when the average wage of an adult unskilled laborer in Nuremberg was 81 cents per day.

Mr. HAMILTON of Michigan. In what country are those wages paid?

Mr. FORDNEY. Germany.

The following is taken from the report of Consul General A. M. Thackara, of Berlin, in the Daily Trade and Consular Report for July 15, 1913:

According to the statistics of 1907 (the latest official figures), the proportion of men and women employed in the metal-working industries in Germany is as follows:

	Men.	Women.
Helpers and workpeople:		
16 years and over	580,097	60,558
14 to 16 years	79,970	9,118
Under 14 years	2,895	470
Apprentices:		
16 years and over	56,888	528
14 to 16 years	60,519	1,663
Under 14 years	2,003	240

Remember, gentlemen, that under free trade the products of that labor come into competition with the products of labor in this country.

Here is another report showing the employment of women in the woolen and cotton mills of Germany. In the cotton mills, where there is a large amount of child labor employed, the wages to the average cotton-mill employee is 64 cents a day. In the woolen mills the wages run from 40 cents to 64 cents a day.

My Democratic friends, you have put wool on the free list. You have put a 35 per cent ad valorem duty on manufactured woolen goods. That duty is below the protective point, and before I conclude I will show you the amount of importations of woolen goods.

Mr. POST. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Ohio?

Mr. FORDNEY. Yes, sir.

Mr. POST. The gentleman just made the statement that we had placed raw wool on the free list. I will ask is it not a fact that raw wool in Michigan and Ohio brings a higher price to-day than it brought one year ago or two years ago?

Mr. FORDNEY. I do not know, my friend, whether the price is higher or not. I think it is about the same.

I do not know whether this claim is correct or not. It is claimed, however, there is a shortage of the world's supply of wool, but that claim is made by the importers of wool. But I am going to ask the gentleman a question. On the 1st day of December, when this law took effect, putting wool on the free list, wools of the first class paid 11 cents a pound duty and wools of the second class paid 12 cents a pound duty and wools of the third class paid from 3 to 7 cents a pound, owing to the value of the wool. The market value of wools in this country did not change one fraction of a penny, but the foreigner took that money formerly paid as duty and put it in his pocket, and the Treasury of the United States is being deprived of from twelve to fourteen million dollars a year duty which was collected on wool last year. The foreigner is getting it, and the consumer here is not. Can the gentleman tell me how that happens? [Applause on the Republican side.]

Mr. POST. Can the gentleman explain to me how the foreigner gets the duty when there is no duty collected?

Mr. FORDNEY. Before the Underwood tariff law took effect, before wool went on the free list—on the 1st day of December last—I say the duty on wool of the first class was 11 cents a pound, and at that time foreign wools were selling in Philadelphia at 23 cents a pound. Before the duty was removed, when the foreigner at that time brought his wool to this country and sold it for 23 cents a pound, he paid 11 cents out of that 23 cents to Uncle Sam for the right to dispose of his wools in our markets; but since the 1st day of December, 1913, he takes that money home with him—the entire 23 cents, my friends. Can the gentleman tell me why?

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. FORDNEY. Yes.

Mr. FESS. If my colleague's position is correct, that the prices have gone up, what becomes of the argument they adduced that the cost of living would come down? [Applause on the Republican side.]

Mr. FORDNEY. Yes; and I want to call the gentleman's attention to another argument.

Mr. POST. Mr. Chairman, will the gentleman yield right there?

Mr. FORDNEY. In just one moment. Let me answer a little further. I want to call the attention of the gentleman from Ohio [Mr. POST] to this fact, and no man has given a satisfactory explanation of the cause: When the Payne tariff bill was enacted into law hides were put on the free list. Up to that time hides had paid a duty of 15 per cent ad valorem. Hides were selling at 10½ cents a pound on January 1, 1909, and 10 months later, after being placed upon the free list, hides sold for 17½ cents a pound. Can the gentleman tell me what caused this rise in price on hides?

Mr. POST. I happen to be a member of the Committee on the Merchant Marine and Fisheries, which investigated the Shipping Trust, and it was proven conclusively in the hearings had before that committee that the Shipping Trust increased the rates of freight equal to the tariff.

Mr. FORDNEY. My friend, I believe that is a mistake. I have a statement of the rates of freight on wool from every principal city in this country west of the Mississippi River which I will give; also, the freight on wool from Australia and New Zealand, and from South America and from Europe, and none of the freight rates exceed 2 cents per pound from the point of production to Boston, which market is the great wool market in the United States.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. With pleasure.

Mr. MANN. I understood the gentleman from Ohio [Mr. POST] to state that the Shipping Trust added that much to the freight when we reduced the tariff on certain things, and I assume he takes the position that they took the tariff off for the benefit of the Shipping Trust. [Laughter on the Republican side.]

Mr. POST. My remarks applied to hides.

Mr. MANN. Very well. According to the gentleman's position, we took the tariff off hides for the benefit of the Shipping Trust. [Laughter on the Republican side.]

Mr. FORDNEY. I will tell my friend from Ohio [Mr. POST] what was the cause, in my opinion. When the duty was taken off hides, it was notice to the world that the United States was short of a hide supply for our tanneries, and the people who had hides to export to the United States took advantage of that notice and put up their price, and were benefited thereby.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HUMPHREY of Washington. I wanted to suggest that if the gentleman from Ohio is correct, he not only gave the tariff to the Shipping Trust, but his party also gave that trust a subsidy of 5 per cent.

Mr. FORDNEY. Yes; and their Attorney General has now declared that law is unconstitutional. I thought it unconstitutional when they passed it.

Mr. HUMPHREY of Washington. Upon that point, if the gentleman will permit me, ever since this administration has been in power there have been at least three suits that I know of, begun under a former administration, against shipping combines and shipping trusts, and this administration has made no progress, so far as I am able to ascertain, in the prosecution of those cases, and taken no steps toward doing so. What is the reason?

Mr. FORDNEY. I did not know of those lawsuits.

Mr. HUMPHREY of Washington. That is true.

Mr. J. M. C. SMITH. I should like to inquire whether or not the imports into this country are brought over in American ships or in foreign ships, and whether it is an American subsidy or a foreign subsidy.

Mr. POST. We have no American ships.

Mr. FORDNEY. Oh, yes; we have, although they are very few. But before I finish I am going to show you, Mr. POST, what your party said in your platform about aiding American ships, and you will run with shame for the cloakroom.

Mr. POST. I assure you I will not scud to the cellar.

Mr. FORDNEY. You will admit that your President can shift his position mighty quickly, if you do not run.

I have here another consular report, which states the average wages paid in Germany in the cotton and woolen mills is $132.09 per year to the average laborer—adult and child labor combined—and $122.33 per year in France. Yet you, my Democratic friends, have voted to remove the tariff and bring into this country the products of that French and German labor in competition with the products of American labor, that receives from $1.50 to $3 or $4 a day.

Mr. POST rose.

Mr. FORDNEY. Pardon me just a moment.

Now, let us see, my friends, what France thinks about a protective tariff. France imports our cotton free of duty. We produce 60 per cent of all the cotton raised in the world. There is no duty on raw cotton going into France, I say; but if you or I were to take into France the finished product of one bale of cotton made into knit goods we would have to take along the

value of 11 bales of cotton at the present price—15 cents per pound—to pay the duty on the manufactured product of 1 bale of cotton. You do not believe in placing a protective duty upon the finished product of cotton coming back into this country from abroad. Cotton raised in this country and exported to Belgium, where labor receives 15 to 30 cents a day, is coming back here in millions of dollars' worth of manufactured cotton goods, brought into this country from Belgium, Germany, France, and England, and sold at a price that will compete with us and even undersell us, because your Democratic tariff upon imported cotton is below the protective point. I call your attention to some imports, as follows:

NOTEWORTHY INCREASES IN LEEDS EXPORTS.

(Consul Homer M. Byington, Leeds, England.)

[From the Daily Consular and Trade Reports, Apr. 29, 1914.]

The quarter ended March 31 clearly demonstrated the effects of the recent changes in the United States tariff upon the export trade of Leeds. The increase in shipments is noteworthy. The total exports to the United States for the quarter were $613,388, as compared with $297,259 for the corresponding quarter of 1913. Leather shipments increased from $47,507 to $211,138, salted hides from $176 to $13,898, rags from $1,748 to $44,547, shoddy from nil to $18,681, woolens and worsteds from $4,672 to $33,763, traveling rugs from nil to $20,877. During the quarter 589 invoices were certified, as compared with 243 in 1913 and a total of 1,047 for the whole of the year 1913.

Imports of merchandise ready for consumption in February, 1914, showing increase compared with imports in same month in 1913.

Products.	1914 values.	1913 values.	ncrease.	Per cent.
Aluminum, manufactures of	$136,873	$78,373	$58,500	74.6
Watches and parts of	250,018	182,237	67,781	37.0
Cotton cloths	1,454,439	727,121	727,318	100.0
Stockings	372,741	265,169	107,572	40.5
Other knit goods	240,637	43,825	296,812	677.0
Linen yarns	88,806	62,287	26,519	42.7
Fruit and nuts	3,523,651	2,523,651	741,932	29.0
Glassware	561,420	463,947	97,473	21.0
Cutlery	212,356	157,658	54,098	34.6
Tin plate	209,938	27,979	181,959	650.0
Leather and tanned skins	1,357,428	755,549	601,879	79.6
Gloves	850,933	782,973	67,960	8.6
Paper and manufactures of	1,998,835	1,581,723	417,112	26.0
Manufactures of silk	3,126,092	2,257,264	868,828	34.0
Vegetables	1,222,778	848,255	374,523	44.0
Wool, class 1	4,398,235	2,192,326	2,205,909	100.0
Wool, class 2	690,195	248,278	441,917	178.0
Wool, class 3	1,687,964	1,211,219	476,745	39.0
Dress goods	782,121	262,938	519,183	197.0
Woolen cloths	1,564,197	464,742	1,099,455	236.0
Wearing apparel	142,555	113,947	28,608	25.0
All other wool manufactures	484,450	85,501	398,949	466.0
Total	25,198,594	15,336,962	9,861,632	64.2

The above figures are from official sources, and show increases of imports that leave no doubt as to what the Underwood tariff law is doing to industries employing large numbers of American working men and women. This money paid for increased imports would have furnished employment here for 197,232 people, at $50 per month, for one month.

Imports of merchandise ready for consumption in March, 1914, showing increase compared with imports in the same month in 1913.

Product.	1914 values.	1913 values.	Increase.	Percentage of increase.
Aluminum, manufactures of	$168,000	$60,767	$107,233	176.4
Watches, and parts of	317,329	205,280	112,049	54.5
Cotton cloths	1,402,071	721,902	680,169	94.2
Stockings	417,473	241,455	176,018	72.8
Other knit goods	366,251	44,675	321,576	719.8
Linen yarns	95,248	55,958	39,290	70.1
Fruit and nuts	4,012,244	3,088,108	924,136	29.9
Glassware	768,349	498,674	269,675	54
Cutlery	272,460	146,979	125,481	85.3
Tin plate	185,130	23,298	161,832	694.6
Leather and tanned skins	1,556,342	635,669	920,673	144.8
Gloves	990,977	755,242	235,735	31.2
Paper, and manufactures of	2,529,933	1,783,048	746,885	41.8
Manufactures of silk	3,695,975	2,694,608	1,001,367	37.1
Vegetables	1,423,939	960,857	463,082	48.1
Wool, class 1	5,253,229	2,681,544	2,571,685	95.9
Wool, class 2	616,845	383,638	233,207	60.7
Wool, class 3	2,066,013	1,197,512	868,501	72.6
Woolen cloths	1,396,910	328,974	1,067,936	324
Dress goods	740,928	225,973	514,955	227
Wearing apparel	170,480	165,087	5,393	3.2
All other manufactures of wool	772,544	95,617	676,927	707
Total	29,218,670	16,994,865	12,223,805	71.9

The above figures are from official sources, showing a heavy increase in imports over March, 1913, and past months under the Underwood tariff law, proving even more conclusively than the figures of January and February what this law is doing to American industries employing large numbers of workingmen. This money sent abroad would have given employment to 245,000 people one month at $50 per month.

Imports of wool and manufactures of wool in March, 1914, compared with imports in March, 1913.

	1914		
	Pounds.	Value.	Unit.
Wool:			
Class 1	21,872,566	$5,253,229	$0.241
Class 2	2,506,018	616,845	.244
Class 3	12,063,190	2,066,013	.171
Total	36,441,774	7,936,087	.....
Cloths	1,314,242	1,396,910	1.055
Dress goods	763,761	740,928	.97
Carpets	[1] 85,565	379,950	4.44
Wearing apparel	.....	170,480	.....
All other manufactures of wool	.....	772,544	.....
Wool wastes free	1,315,731	194,303	.....
Hair of the Angora goat, alpaca, etc	154,838	65,950	.....
Manufactures of the hair of the Angora goat, etc	.....	229,681	.....
Total	.....	11,886,833	.....

	1913			Increase value.	Per cent.
	Pounds.	Value.	Unit.		
Wool:					
Class 1	11,501,450	$2,681,544	$0.233	$2,571,685	95.9
Class 2	1,487,584	383,638	.257	233,207	60.7
Class 3	9,074,796	1,197,512	.131	868,501	72.6
Total	22,063,830	4,262,694	.....	3,673,393	86.1
Cloths	283,691	328,974	1.159	1,067,936	324
Dress goods	[1] 1,042,812	225,973	.216	514,955	227
Carpets	[1] 78,572	311,337	3.97	68,113	21.8
Wearing apparel	.....	165,087	.....	5,393	3.2
All other manufactures of wool	.....	95,617	.....	676,927	707
Wool wastes free	.....	.....	.....	194,303	100
Hair of the Angora goat, alpaca, etc	.....	.....	.....	65,950	100
Manufactures of the hair of the Angora goat, etc	.....	.....	.....	229,681	100
Total	.....	5,390,182	.....	6,496,651	120.5

[1] Square yards.

March shows the largest increase in imports of wool and manufactures of wool under the Underwood law as compared with the same month in the previous year under the Payne law.

If this money paid for wool and woolens had been kept at home, it would have given employment to 130,000 people at $50 per month for one month.

President Wilson has stated publicly that he would injure no legitimate industry. I take it he meant that through his political action he would injure no legitimate industry; that he would sanction no law harmful to our industries. I wish to ask: Does anyone know of any new factories being built in the United States due to encouragement given in the Underwood tariff law? President Wilson sanctioned that law. Do you know of any additional employment given to our laborers? Do you know of any additional happiness or prosperity coming to our people? Do you know of any people enjoying greater prosperity through the effects of this tariff act? Yes, we know of such added prosperity, but where is it? It is in Europe, not here; and the statistics I have just given are proof of this assertion. Both English and Irish papers, with glowing headlines, teem with encouraging editorials to their people: "Cheer up, laborers and business men; we see a rift in the dark clouds that have hung over the western horizon for lo these many years. The Democratic Party in the Congress of the United States has removed the barrier; they have torn down the Republican protective-tariff wall and have bid us a welcome. We can now find a market in the United States for much of our products, which market for the past 18 years has been practically closed to us."

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. SAMUEL W. SMITH. In the gentleman's judgment, how many men are there out of employment in this country by reason of the Underwood tariff law?

Mr. FORDNEY. I am going to reach that in just a minute, and I will detail it.

Mr. POST. Does the gentleman know that throughout the entire corn belt the farmers can not get labor at all, even at the very highest wages?

Mr. FORDNEY. If you will just be patient, I will show you where you can find plenty of unemployed people.

Mr. POST. If there is an army of unemployed, why is it that the corn-belt farmers can not get help?

Mr. HAMILTON of Michigan. They are raising corn in Argentina now for the United States.

Mr. NORTON. Would the fact that the price of corn has been so greatly reduced within the past 12 months probably have something to do with the fact that the farmers are not able to employ help?

Mr. FORDNEY. Yes; there is much in that statement.

Mr. POST. Does not the gentleman know that the farmers——

Mr. FORDNEY. I will yield in a moment.

Mr. HUMPHREY of Washington. I want to suggest to the gentleman from Ohio [Mr. POST] that every day for the last month I have received letters from people asking me to find them jobs, and saying they were thrown out of employment by the Democratic administration. I will refer them to the gentleman from Ohio [Mr. POST].

Mr. FORDNEY. Fifteen minutes before I came on the floor of the House I was importuned by a poor person who was out of money and out of everything to eat, who said he would have to camp in a dry-goods box to-night unless given aid.

Mr. BOOHER. I should like to ask my friend from Washington a question.

Mr. FORDNEY. Ask it of me, not of the gentleman from Washington.

Mr. BOOHER. I would like to have you ask the gentleman from Washington if the people he refers to were Republicans whom the Democrats have turned out of a job?

Mr. FORDNEY. It does not make any difference whether they are Republicans or Democrats; they are out of a job, and you put them out.

Mr. HUMPHREY of Washington. I got a letter from one of them who said he was a Democrat in the last election, but that he would never vote the Democratic ticket again.

Mr. BOOHER. Will the gentleman vouch for his previous Democracy?

Mr. RAGSDALE. Was not that letter written because he thought that was the best play he could make in writing to the gentleman?

Mr. FORDNEY. I can not tell you what is in Democrats' minds. Here I have another consular report from Germany. Average weekly wages of arms and ammunition workers: Polishers, $11.65; turners, $11.65; drillers, $8.03; ammunition drillers, $10.21; helpers, $6.67; laborers, $6.69; and the weekly hours of work are from 52 to 56 hours. Sixty thousand women and children are employed in these ammunition factories in Germany, many of them under 13 years of age, at very small wages.

Mr. Redfield said in a speech which he made at Wheeling, W. Va., on February 23, 1914:

> But there is no ground here now for worry. The surplus of freight cars has ceased to grow. It commenced about the middle of January to decline, and has decreased by about 5,000 cars. I have found in the last fortnight the reports of improving business so many and so general that it has been impossible for me to consider them all. Argentine beef is being shipped to New York free of the tariff tax, and this has resulted in a decline in the wholesale New York market for beef of about 4 cents a pound.

Is that encouraging news to the cattle growers of the United States?

> Butter has been reduced in price by the large recent importations of that food. The importations of Argentine corn has, during the recent winter, operated at least to prevent a rise in the price of corn in our Atlantic coast cities, if it has not directly reduced the price in those cities.

What comfort can Mr. Redfield get out of the fact that because of his party's action he has taken the bread and butter from the mouths of the very people that support him in his present position? It is the people of the United States he should aid through legislation. The value of farmers' products has been decreased. Is there any glory in that sort of an argument for our producers? If so, I want him to have it all; I do not want any of that kind of glory.

Now, how about idle cars? Is Mr. Redfield correct? I have an official statement furnished me on the 22d of April of this year, which says there were 70,000 idle cars on the 15th of April, 1913, and 213,000 idle on the 15th of April, 1914.

Mr. GREEN of Iowa. And it is growing.

Mr. FORDNEY. It is growing—81,000 idle cars added to the number in a single month, from March 15 to April 15 of this year.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HUMPHREY of Washington. Does the gentleman expect it would make any difference in the statement of Mr. Roseyfield?

Mr. FORDNEY. I do not know as to that. For several years past it has been the attitude of the Democratic Party that a low tariff or free trade would greatly increase our export trade; that manufactures required free raw material to meet foreign competition. Secretary Redfield made a speech in May, 1913, while the new tariff law was being considered in Congress, in which he said:

> The day of industrial fear is passing.

He also said:

> We have shaken off the shackles of real industrial slavery to enter the arena of free competition, strong, athletic, and vigorous, in which our business will be stronger and safer and in which we shall be happier than before.

Secretary Redfield in December pointed with pride to the great balance of trade of the United States for the year 1913—nearly $700,000,000—and made glowing prophecies for the future.

Oh, where is it now? Where is Redfield? Adopting an expression recently used in the Senate, he is "under the ammunition wagon" so far as this kind of argument is concerned.

Gentlemen, our balance of trade in our favor since 1897 has averaged under a Republican protective-tariff law about $45,000,000 to $50,000,000 a month, or in the neighborhood of $600,000,000 a year for all these years. Under this Underwood tariff law there is no fair comparison to be made except since the 1st day of March, and for this reason: Although that law took effect on the 3d day of October last, wool did not go on the free list until the 1st day of December. Manufactured woolens did not go on the free list until the 1st day of January, 1914. The duty on sugar was not reduced until the 1st day of March. So that March of this year is the only fair comparison of exports and imports under this law as compared with our Republican tariff law. Our balance of trade for the month of March fell off to $5,000,000.

Mr. GREEN of Iowa. Four million eight hundred thousand dollars.

Mr. FORDNEY. Four million eight hundred thousand dollars. I thank the gentleman; I was speaking in round numbers. The importations for the month of March included $111,000,000 worth on the free list and $70,000,000 worth paid duty; 62½ per cent of all our imports were on the free list.

Gentlemen, I want to point out to you some of the Democratic inconsistencies in reference to the employment of child labor abroad. I have here a letter from the American consul at Bradford, England, Mr. August E. Ingram, dated April 22, 1914. I wrote him asking him to give me some statistics as to the employment of child labor in the factories of England, and here is what he said in part:

> The annual report of the juvenile employment committee—their first report—has, among other things, some interesting tables; while the three pamphlets or handbooks in regard to (1) the woolen and worsted trade, (2) the engineering trade, and (3) the professions, give, especially the first and second, some of the very statistics that you wish. I also send you a copy of the report of the Bradford education committee for the year ended July 31, 1913, which, on page 71, gives the number of so-called "half-timers"—that is, children who, having reached the age of 13 and being in a certain prescribed standard or grade, are permitted to work half time at some employment, attending school the other half of the day. The number of such half-timers in Bradford is, according to the latest return, 5,161, while the total for England is, according to a recent newspaper statement, 70,255. Bradford is said to head the list of all cities in the country for half-time or child labor, the spinning mills apparently finding their labor most desirable, although various automatic doffing mechanisms are now on the market.
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> There is at the present time a bill pending in Parliament amending the law in respect to the employment of children and their attendance at school. As yet, I have been unabe to learn much about it beyond various statements in the newspapers. Among other things, I read that in Scotand half-time labor does not exist, and the bill also proposes to follow Scotland's example in establishing compulsory attendance at evening schools. I also read that at a meeting in London on child employment it was stated that children 3 or 4 years of age were employed sewing or linking hooks and eyes on cards; 5 years old were employed fitting covers on boxes; and there were thousands of children but a few years older than this in Birmingham, Nottingham, and the East End of London, who are regular wage earners.
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> At a conference of the Workers' Educational Association (northwestern district) held recently in Bradford, Mr. Frederic Keeling, of London, who was introduced as the leading authority on the question of the employment of children, said in the course of an address that 2,250,000 boys and girls under 18 years of age were working for wages in this country. Of these about 240,000 were children attending school full time and working out of school hours, as milk boys, newsboys, street traders, etc. In regard to "blind-alley" employment, he said that 300,000 or 400,000 boys were working at jobs in which they would not be wanted after reaching the age of 16 or 17 years.
>
> Mr. Keeling has just issued a very complete historical account of the attempts to restrict and regulate child labor in the United Kingdom; and in view of your interest in the matter I have ordered a copy of it and will send it to you by the next mail.

And yet you Democrats remove a protective tariff and encourage the importation of the product of this foreign cheap child labor employed in Europe, but continue to claim you are a friend of labor in this country. Are you consistent? You are an enemy of our laborers by your action in this matter.

On the 28th of April Mr. Ingram again wrote me, and he gives me the employment of children, taken from statistics furnished by the English Government. In part, he said:

SIR: I now beg to give you the following statistics taken from Volume X, Part II, of the series of Official Blue Books, tabulating the results of the 1911 census of England and Wales, issued last December:

1. As to the number of males and females from 10 to 16 years of age engaged in occupations, which includes domestic service:

	Years.				Total.
	10-13.	13-14.	14-15.	15-16.	
Males	21,583	75,561	222,854	278,275	598,270
Females	10,243	39,033	133,217	193,285	375,778

2. The total number of males and females of all ages engaged in occupations was given as follows:

Males	11,453,665
Females:	
Unmarried	3,739,532
Married	680,191
Widowed	411,011
	4,830,734

3. The total number of persons occupied and unoccupied was stated as follows:

	Males.	Females.
All ages	17,445,608	18,624,884
Under 10 years	3,783,408	3,767,771
10 years and upward	13,662,200	14,857,113

The statistics of occupation for the textile manufacturers of England and Wales are as follows:

	Ages.				Total.	Total of all ages.
	10-13.	13-14.	14-15.	15-16.		
Males	8,169	14,167	17,035	15,974	55,345	400,474
Females	8,833	19,948	30,617	33,478	92,876	642,011

The wages paid in Europe and in the Orient run from 20 to 88 cents per day, and yet my Democratic friends have voted to remove the duty on cotton below the protective point, so that it will bring into competition with American labor the products of labor receiving that rate of wage.

I am going to show you now what the effect has been. Here is a statement furnished to the Ways and Means Committee one year ago by a firm that has factories and manufactures mohair and alpaca goods in this country, and also at Bradford, England. The one located in this country is at Greystone, R. I. I shall not undertake to detail the wages paid, but they give the comparative wages for the different classes of labor in both their factories. The gentleman who furnished it was here to appeal to this Congress to maintain upon those goods a protective tariff, otherwise his firm would have to close their factory at Greystone, where they have a million and a half dollars invested, and furnish us with the articles they produce in Bradford, England. Their wages averaged in England 40 per cent of the wages paid by them at Greystone, R. I.

I have here a list of certain articles that were imported during the month of March—cotton, dress goods, lining, yarns, silk, wool tops, oils, sheepskins, carpets, mohair; and several other things are included. During March, 1913, under the old law there were $800,000 worth of these particular goods imported, and under this law, in March, 1914, there were $3,083,000 worth imported, or an increase of importations of $2,283,000 for one month alone. The money sent abroad to buy this great increase in importation at $50 per month would give employment to 45,660 people here at home one month.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GREEN of Iowa. In referring to the increase in the importations the gentleman means simply on those specific articles?

Mr. FORDNEY. Yes, sir.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield long enough to enable me to read a dispatch from San Francisco which appeared to-day?

Mr. FORDNEY. Yes.

Mr. HUMPHREY of Washington. Here is an Associated Press dispatch:

SAN FRANCISCO, *May 8.*

The steamship *Benefactor*, due here from the United Kingdom in 10 days, is laden with 11,950 boxes of tin plate.

No other extensive importations of tin plate have been made since the institution of the tin-plate industry in the United States.

Mr. FORDNEY. Yes; that industry shows 650 per cent increase in importations in one month.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Certainly.

Mr. WOODRUFF. The gentleman has enumerated the increase in the various articles, and the increase in some of them has been very large. Can he tell the membership of the committee wherein, if any, there have been any reductions in the retail prices of these various articles?

Mr. FORDNEY. I do not know of any reductions, but I will tell the gentleman what the duty on tin plates was under the Payne tariff law. It was $1\frac{2}{10}$ cents per pound, or $1.20 a hundred pounds. Under this new tariff law the duty is 15 per cent ad valorem, and when valued at 3 cents a pound, with 15 per cent ad valorem, the duty collected amounts to 45 cents a hundred pounds as against $1.20 under the old law, and if tin plate was selling at 4 cents a pound, 15 per cent ad valorem would be six-tenths of a cent per pound, or 60 cents a hundred pounds, which is one-half the duty under the Payne tariff law. That reduction of duty has brought the duty down below the protective point, and we are now consuming Welsh tin instead of having tin made in our factories in this country. This low duty permits the importation of foreign tin plate.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield further?

Mr. FORDNEY. Yes.

Mr. WOODRUFF. I was trying to find out from the gentleman how much, if any, of the promised reductions had been made to the consumer.

Mr. FORDNEY. None that I have heard of to the ultimate consumer. Leather goods, gloves, paper manufactures, manufactures of silk, vegetables, wool and woolen goods, and so forth, show in the total of all of these articles an average increase in importation of 64.2 per cent. The importations for the month of February were $25,198,000, as compared with $15,000,000 last year, or an increase in importations of $9,861,000. We sent that much money abroad to buy an increased quantity of those goods over the amount we sent out last year for the same purpose; and if that increased exportation of money had been kept at home and given employment to American laboring men, it would have furnished employment, at $50 per month, for 197,232 men one month. We will find enough unemployed by and by, so that the gentleman from Ohio can get some men for his farm, I guess.

I received a letter on April 23, written by Mr. Gary, president of the United States Steel Corporation, in reply to a letter I wrote him to find out business conditions with that company. He very kindly gave me a complete statement of the number of men employed and the wages paid and the percentage of business done by his company compared with the total capacity of their factories since the organization of that company in 1901 down to date, and the lowest amount of their output produced in any one year was 74 per cent of their total capacity.

On the 15th day of April they had 29,000 men less in their employment than they had on the 1st day of October last year; 29,000 men at $2.96 a day who are out of employment in that one company alone. The United States Steel Co. produces 44 per cent of all the steel produced in the United States, and if other steel factories of this country laid off a proportionate number of men, then there are 65,000 men out of employment in the steel industry who were employed on the 1st day of October, 1913.

Mr. HUMPHREY of Washington. There are some farm hands.

Mr. FORDNEY. There is some more labor, my Democratic friends, for your farms. Gentlemen, the amount of money paid, $2.96 a day for the labor of 65,000 men, amounts to $5,070,000 a month which is not now getting into circulation.

Now as to leather goods. The importations of leather goods under the old law were $9,638,000 in six months of last year, and under the new law during the corresponding six months of this year $13,814,000, an increase of $4,176,000, which is the added money that was sent abroad by our people to pay for leather goods made by foreign labor; and if that money had been kept at home and given to American laboring men it would have employed 13,925 for six months at $50 a month. Some more laborers for your farms, my Ohio friend. Now as

to the glove industry. The Democrats reduced the duty on ladies' gloves from $2.25 per dozen pairs to $1 per dozen pairs; men's gloves, $4 per dozen pairs, were reduced to $1 per dozen pairs. This has caused an increased importation in six months of $1,125,000 worth of gloves, and if the laborers of this country had been given that money it would have furnished employment for 3,752 people for six months at $2 a day, which is about the average wages paid in the glove factories. Now in regard to cotton, my friends. Cotton importations for five months increased $2,600,000 in certain grades.

The labor employed in cotton mills receives about $1.50 a day in the North and less than $1 a day in the States south of the Mason-Dixon line, and if this money had been kept at home it would have furnished employment to 13,000 people at $1.50 a day for five months. We import what is known as sea-island or Egyptian cotton, and we convert that raw material into the finished product in this country. We import it because it is a high-grade cotton and fine goods are made from it to better advantage than from our domestic short staple cotton. Last year we imported $12,539,000 worth of raw sea-island or long staple cotton and converted it into the finished product with American labor, and the value added by manufacturing was more than equal to the cost of the raw material. There is no import duty on raw cotton, but you, my Democratic friends, reduced the duty on the finished products of cotton to such an extent that this year we imported only $6,031,000 worth of raw cotton, a falling off of $6,508,000. It is now being converted into the finished product by cheap labor abroad, because you reduced the duty on the finished product to a point so low that cheap labor abroad can produce it and bring it into this country at a less price than we can make it at the American scale of wages. If your party had not reduced the duty on the finished products below a protective point, this $6,508,000 would have employed at home at $1.50 per day 32,540 people for six months. I guess you can get enough laborers for your farms out of that number.

Mr. POST. The gentleman is overwhelming the farmer.

Mr. FORDNEY. I am telling the gentleman where he can get laborers for his farm. Now, when you compare conditions in England and in the United States in regard to the conditions of labor this is what you will find, and it is good evidence that we have been more prosperous during recent years under the protective policy than they have been in free-trade England. The census of 1910 shows we had 64,000 paupers in almshouses in this country, and in Yorkshire, England—where Bradford is located—the greatest manufacturing center, perhaps, in the world, there were 78,000 paupers in that one county alone, according to the English census of 1911. And in all England, where there are but 32,000,000 people, compared with our ninety-odd millions, there were 883,000 paupers. We have three times their population. Is not that evidence that the laboring class of that country has not been as prosperous as in this country? I think it is. It was stated by one gentleman who appeared before our committee last year—Mr. Parker, who is president of 16 cotton factories in North Carolina and South Carolina—that the cotton mills of this country could compete with the world. I asked Mr. Parker if it was true that labor in the cotton mills of the North received a higher standard of wages than was paid in the South in the cotton mills, and he said it was not.

I consulted the Tariff Board report and the census report and found this startling condition: In the cotton mills of South Carolina and North Carolina the wages averaged 86 cents a day, while in the cotton mills in the North Pennsylvania paid the highest wages of any cotton mills in any State of the Union, and the average rate north of the Mason-Dixon line was $1.42 a day. Therefore the labor in the cotton mills of North Carolina and South Carolina received, according to the reports of the Tariff Board and the census report, 58 per cent of the wages paid for the same class of labor in the cotton mills of the North. Of course, Mr. Parker, of South Carolina, could live under free trade where the cotton manufacturers of the North could not.

Mr. POST. Will the gentleman yield?

Mr. FORDNEY. Yes, sir; if you will be brief.

Mr. POST. Is the tariff responsible for the difference in price paid to those employed in the cotton mills of the South and the cotton mills of the North?

Mr. FORDNEY. I did not say that at all. But I do say this: When Mr. Parker, of South Carolina, makes the statement that he can manufacture and compete with the cheapest labor in the world it should be remembered he pays but 86 cents a day to his laborers, whereas in the North wages are $1.42 a day; and any man that would ask for legislation that would curse his neighbor and not permit him to live is nothing more nor less than a cannibal.

Importations of corn, oats, breadstuffs, potatoes, butter, animals, and eggs into this country are rapidly increasing, on account of the Democratic tariff law, as the following table shows:

Comparison of importations of seven leading agricultural products during six months of the Payne tariff law (October, 1912, to March, 1913) with six months under Underwood tariff law (October, 1913, to March, 1914).

Products.	Payne tariff act.	Underwood tariff act.
Corn	$141,617	$5,705,786
Oats	26,434	6,494,484
Breadstuffs	7,820,409	24,208,106
Potatoes	131,606	1,524,216
Butter	173,926	1,460,950
Animals	4,896,054	15,409,879
Total	13,190,046	55,623,479

Increased importations, $42,433,433.

If this $42,433,433 had gone to American labor, it would have given employment to 176,806 men at $1.50 per day for six months.

The farmers of this country are going to remember you and the compliments you paid them when they take pencil and ballot in hand and go into the booths next fall. [Applause.] If they do not, they are bigger fools than I think they are. [Applause.]

Mr. CLAYPOOL. There is quite a discrepancy between wages paid in the North and in the South——

Mr. FORDNEY. Yes, sir.

Mr. CLAYPOOL. And I wanted to ask, for information, how the gentleman accounts for that condition. Of course he can not account for it, as I understand the gentleman, on the protective-tariff theory; so how does he account for it?

Mr. FORDNEY. My friend, it is a mighty difficult question to solve, but I will say this: Myself and business associates are employing men in the lumber woods in the State of Mississippi, and also in the State of Washington, on the Pacific coast, at the same kind of labor. On the Pacific coast we pay an average of $3.26 a day, and in Mississippi we pay an average of $1.77 a day. Can you tell me why that difference in wages should exist? The duty on lumber is measured with the same yardstick for the State of Washington as for the State of Mississippi. But the difference exists, and no human being can tell why.

Mr. GORMAN. Are the men in either of those sections identified with labor organizations?

Mr. FORDNEY. No, sir; they are not.

Mr. CLAYPOOL. The gentleman knows that the same difficulty as to difference in wages exists between Europe and America?

Mr. FORDNEY. No; the gentleman is mistaken. No such difference exists in any one European country—foreign wages are more uniform. One gentleman asked the question here why labor in free-trade England is higher than in protected Germany. I can give you one instance that may explain this question quite fully—the pottery industry. Abroad the female labor receives from 32 to 36 cents a day and male labor 80 to 86 cents per day. But there is a greater percentage of female and child labor employed there than here. In the South you have negro labor, the cheapest labor found in the United States, and perhaps that accounts for the lower wages paid in the cotton mills of the South.

Mr. BARTLETT. I would like to say to the gentleman that the negroes do not work in the cotton mills.

Mr. FORDNEY. Oh, yes; they do. I have seen them. I have gone through cotton mills in the South and have seen them at work.

Mr. BARTLETT. They are employed in menial work. There is one cotton mill in South Carolina owned and operated by negroes, but the negroes do not work generally in the cotton mills of the South. The gentleman is mistaken as to that.

Mr. FORDNEY. I do not say on a large scale; but they are employed in the cotton mills at common labor.

Mr. BARTLETT. The question I was going to ask was as to the difference in the people employed in Mississippi and those in Washington. Those in Mississippi are colored people and those in Washington are not?

Mr. FORDNEY. About half of those in the South are white and half of them are negroes—I am speaking of the lumber mills and camps—and between the wages of the negro and the white man for common labor there is no difference in Mississippi.

Mr. BARTLETT. You mean in your business?

Mr. FORDNEY. Yes, sir; in our business.

I wish to call your attention, gentlemen, to your Democratic platform——

Mr. HUMPHREY of Washington. Everybody knows all about that part you want to quote.

Mr. FORDNEY. You have a plank in your Baltimore platform declaring for free tolls for coastwise vessels going through the Panama Canal, which reads as follows:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal.

Your platform further states:

Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

You now propose to repeal free tolls to our coastwise shipping—at the request of England.

Did you mean what you wrote in that platform? The other day I was out riding with a gentleman, and we went through a beautiful cemetery, in which there was a vault built by a noted man in public life. I said, "Why, that vault faces to the west, and when Gabriel comes from the east, blowing his trumpet, that man will face in the wrong direction." He turned to me and said, "My good friend, that man can change his position and meet Gabriel quickly; he can change his position as quickly and easily as Woodrow Wilson and the Democratic Party." [Laughter on the Republican side.]

Woodrow Wilson, in public speeches delivered in 1912, promised the people of this country that if elected he would injure no legitimate industry. Did he mean what he said? If so, has he carried out his pledge? He signed a free-trade tariff law. You may call it what you please, but it is free trade, because that law has fixed duty rates below the point of protection, and thereby he has endangered or crippled to a very great extent our great agricultural industry of this country. He has also injured every legitimate factory in this country employing American labor.

Go to the lumber industry, gentlemen. There are 800,000 men employed in the sawmills of this country when running full blast, and about 25 per cent of those men are out of employment to-day, or, in round numbers, 200,000 who are idle. The average wage is about $2 a day, making a loss of $400,000 a day to our labor.

The duty removed from lumber alone does not affect that industry. If you had removed the duty on lumber and left it where it was—at a protective point—on all other products, it would not have affected the lumber industry so seriously; but by reducing the duty all along the line you have put out of employment a large number of American laboring men, reducing the value of the property and the products to be turned out and consumed. You have reduced the purchasing power of the people of this country, and all along the line the purchasing power of the people is less to-day than under the protective-tariff law. And it is going to go lower, as I fear, but I shall hope and pray with you that it does not.

Mr. NORTON. Mr. Chairman, will the gentleman yield for a question there?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from North Dakota?

Mr. FORDNEY. Yes.

Mr. NORTON. Has the reduction of the tariff on lumber reduced the price to the consumer?

Mr. FORDNEY. I am not in the retail business, but I was told by a retailer the other day that he had not changed his price to the consumer, although, as a manufacturer, we are selling lumber to-day at our mill in the State of Mississippi at $5 a thousand lower than we sold for in March, 1913.

Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman has three minutes.

Mr. POST. Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. FORDNEY. I yield.

Mr. POST. Are you selling your lumber at a loss now?

Mr. FORDNEY. Well, my friend, I will be candid with you. It is a question whether or not we are getting a new dollar for an old one. But there is another feature to be considered: We have 450 men in our employ in the lumber camps and mill. They are performing most faithful service. Those people represent a population of 1,800 or 2,000 men, women, and children.

If we close our mill to-day, where will those poor people turn to seek a livelihood? It is for me and my associates to consider seriously, sir, whether we will close down and throw out of employment those faithful servants, who have stood by us through thick and thin, when we can run without too serious a loss. We can not close our mill without a serious loss, for taxes, interest, insurance, and depreciation and certain overhead expenses continue whether we are closed or running; and it is a question to-day—and I am candid about it—whether or not we are getting back a new dollar for an old one. But we are running and trying to avoid serious loss.

I have a report here from the Home Market Club, of Boston, which club gathers much statistics on the operation of woolen mills, and on the 2d day of March, out of all the mills reporting, 27 per cent of the looms were closed down. There are 168,000 employees in the woolen mills, and 27 per cent means 45,500 out of employment in that industry.

I can go on and show similar conditions existing all along the line. What is true of one industry is true of another. I regret exceedingly that we are not on the crest of a wave of prosperity. Capital can never be prosperous unless labor is well employed and prosperous, and the prosperity of American industries will reflect prosperity on all the people. No legislation should be enacted that will attempt to separate capital and labor. Class legislation is neither just nor equitable. It is contrary to the Constitution of the United States, my friends, to give one man prosperity and not others through legislation. I thank you, gentlemen. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DAVIS. Mr. Chairman, how much time has been used?

The CHAIRMAN. The Chair desires to state that the Chair has made a calculation, and after we have evened up the time there remains 1 hour and 13 minutes, so that it will give the gentleman from Illinois [Mr. HINEBAUGH] 12 minutes, the gentleman from Georgia [Mr. BARTLETT] 18 minutes, and the gentleman from Minnesota [Mr. DAVIS] 43 minutes to close within the time that the House instructed the committee to close, namely, 4.35.

Mr. BARTLETT. Mr. Chairman, how much time have I used?

The CHAIRMAN. All but 18 minutes. The gentleman has 18 minutes remaining, and the gentleman from Illinois [Mr. HINEBAUGH] 12 minutes, and the gentleman from Minnesota [Mr. DAVIS] 43 minutes.

Mr. DAVIS. Mr. Chairman, I yield to the gentleman from Iowa [Mr. GOOD].

Mr. BARTLETT. How much time have I used?

The CHAIRMAN. Three hours and eleven minutes. The gentleman from Minnesota [Mr. DAVIS] has used 2 hours and 46 minutes.

Mr. DAVIS. I recognize the gentleman from Iowa [Mr. GOOD].

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] is recognized.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by the insertion of some extracts from the speech of Col. George Harvey, editor of the North American Review, delivered before the Merchants' Club of Boston on April 21, 1914, entitled "Defense of the administration."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by the publication of the speech indicated. Is there objection?

There was no objection.

Following is the speech referred to:

DEFENSE OF THE ADMINISTRATION.

(Extracts from the speech of Col. George Harvey, editor of the North American Review, before the Merchants' Club April 21, 1914.)

The last time I was in Boston I was on a political mission. It was in the summer of 1910 when, on returning from my native State, I met by appointment at the Hotel Touraine a gentleman, Woodrow Wilson, who had journeyed hither from his resting place on the banks of the Connecticut River. So it happened that I came from Vermont and he from Connecticut to this abode of political inspiration in Massachusetts, for the purpose of constructing a party platform for the use of Democrats in New Jersey. We struggled manfully at the task for two evenings, and, since I had comparatively small part in the actual construction of the document, I may say frankly with no little success.

In any case the doctrine enunciated, though anything but reactionary, proved so pleasing to the Jacksonians in New Jersey that I had little difficulty in inducing them to accept it, and in the following September the gentleman who had most to do with putting it into words was delegated to stand behind it as candidate for governor, and in due course of time was, as the current phrase runs, triumphantly elected. Thereupon, after having put those principles into active practice to the great satisfaction of the State, he was called up higher, and at present is shaping the course of the Nation from the Executive Mansion in Washington.

Of our foreign policies under this administration we may say, without undue boasting, that they are such as they are. Our attitude toward Mexico has not, of course, been to the liking of everybody in the United States or to anybody, apparently, in Mexico, except our amiable allies, Mr. Villa and Mr. Carranza. But how, I beg to inquire, could we make it more satisfactory or more consonant with international usage without virtually admitting that we had taken a false step at the beginning, a quite impossible confession, as all must agree. And have we not confounded the critics of watchful waiting by our

recent spirited action? Who now, in the face of 40 battleships steaming fearlessly before the frowning guns of the impregnable fortifications of Tampico, can attribute to us a craven spirit? I venture to say that as a result of that splendid maneuver the whole world has awakened to realization of the fact that we could, if we would, fight our way into that ancient village and capture it.

But it is no part of our purpose to utilize the strength of a giant simply because we possess it. We have no eager hope to engage in a bombardment which might conceivably result in frightful carnage through the bursting of a bottle of club soda upon one of our own battleships. To enhance our military glory is not our desire. That is not the problem. To salute or not to salute? That is the question to whose solution is being brought to bear all of the unsuspected resources of our diplomacy. As true Americans, devoted to the cause of peace and forbearance, let us hope and pray that the Mexican Government will not only accede to our gentle suggestion, but, what is more to the point, that it may be able to find somewhere in the vicinity of Tampico a cannon that can be fired 21 times without exploding. Else how can we anticipate that our Secretary of State will ever be able to place upon his brow the laurels of a world pacificator and clasp to his bosom the Nobél prize of $40,000, the equivalent of 80,000 full-paid subscriptions to the Commoner? But it is far from my intention to discuss our variegated Mexican policy at this time. I couldn't do it. I shouldn't know, at the moment, whether to laugh or to cry.

But while our composite democratic mind may at times seem to be closed, it is never really locked. We are always ready and willing to learn. No reasonable person, of course, could have expected us to recognize the de facto government of Mexico after we had once put our heel in the ground in refusal, but you may have noticed that subsequently when precisely similar conditions arose in Peru and Haiti we lost not a moment in according recognition to what was, even though it seemed to our higher thought what it ought not to be, thus disproving conclusively accusations of obduracy and inattention to the demands of expediency. Never again, you may rest assured, shall we fall into the error depicted by Rameses II, when, in giving instructions to the nephew who was to succeed him, he defined the difference between a diplomat and a lady.

"If a diplomat," he observed, "says yes he means perhaps; if he says perhaps he means no; if he says no he is no diplomat. On the other hand, if a lady says no she means perhaps; if she says perhaps she means yes; if she says yes she is no lady." You may be certain that we shall not soon again definitely, inflexibly, and irrevocably negative the designation of a President by another nation. As the colored gentleman about to be hanged remarked, somewhat pathetically, "This experience is going to be a mighty good lesson to me."

So far as our other diplomatic endeavors are concerned, we direct attention to the difference familiar to all between theory and practice. We denounced dollar diplomacy instinctively. The very word "dollar" grated harshly upon our tender sensibilities. We could hardly sleep o' nights while Mr. Knox was making a sordid trade with Nicaragua. And yet when, after having been placed in authority, we listened, as was our duty, to the pleadings of those unhappy neighbors, we not only confirmed the transaction, but voluntarily threw in $3,000,000 to boot as evidence of good faith and kindly feeling, no less than of our own contempt for mere dross, so long as it can be extracted without undue attention from the Treasury of the United States.

So, too, with Colombia. There was a clear case of the pressing need of righting a wrong, and we are doing it or trying to do it after a fashion fully illustrative of our magnanimous disregard of millions. That the injury was inflicted and that reparation should be made there can be no question, but why it is necessary to take $25,000,000 from our taxpayers, when but a few years ago $10,000,000 would have been most gratefully accepted, and to couple with this payment an expression of regret closely approaching an apology for the action of a previous administration, along with the privilege of using our canal free of charge, may indeed seem to some as undue encroachment upon our generosity. So, at least, I am confident it will appear to the redoubtable huntsman whose comment upon his return we await with zestful anticipation.

Now for the tariff. We reformed the tariff not precisely as we reformed our Diplomatic Service, because we reduced it. That is what we promised to do. That is what we were elected to do. The precise degree of that reduction was not fixed during the campaign, and it must be admitted that we went somewhat beyond the terms of the bill which had already passed the Democratic House of Representatives. Some say even now, as Artemus Ward said of Napoleon, that we "tried to do too much and we did it." People in Louisiana who are breaking their sugar machinery into junk and some of the beet growers in the West are talking that way, very much as the farmers voted at the recent congressional election in Iowa. But what of it? We had a principle to sustain and sustained it. The time may come, in fact it seems to be approaching, when we may need the $50,000,000 of revenue so easily derived from the small tariff upon sugar, but if so, we have only to increase the income tax.

It is all quite simple and logical. Mayor Van Wyck insisted that Mr. Devery was the best chief of police New York ever had. And that is our attitude toward our new tariff. If it is not satisfactory from one point of view, it is from another. We Democrats have more than one string to our bow. Granting that the expectations of our optimistic Secretary of the Treasury are not being fully realized, then all we have to do is to fetch forward our ebullient Secretary of Commerce, with his proud assertion that our markets are not being filled with foreign products. In this way we are enabled to establish the soundness of our original contention regardless of the consequences. That is what we call team work. When one prediction fails, another is fulfilled beyond peradventure.

Occasionally we hear remarks of the dearth of employment for workingmen in this section of the country. But there is nothing in that. You manufacturers are very prosperous. You may not know it, but you are. If you have any doubts upon the subject, we will send Mr. Redfield up here, and he will convince you by the exegetical process of reasoning that you are, or at least ought to be, which is the same thing. In any case, according to actual statistics in our possession, nearly 60 per cent of your working people are employed, and surely that is a very good percentage when you consider that you can not enact Democratic measures without expecting to get Democratic results.

The charge is brought against us Democrats that, although having for years professed an ardent desire for economy in the administration of public affairs, we are indulging in extravagance. This is a phase of our administration which for various reasons I do not care to dwell upon in detail. But as a slight indication of the baselessness of the assertion, I would direct your attention to the fact that only the other day the Secretary of State appeared before the Senate Committee on Appropriations and announced with pardonable pride that while he had been conducting the affairs of his department with all the fire and dash of an angleworm, he had reduced the estimated expenditures of his department from $354,160 to $354,040, thus effecting a net saving of $120 per annum. He achieved this reduction, moreover, without impairing the so-called efficiency of his force. Acting under the inspiration of his financial astuteness, by the simple method of dropping a clerk, who had been drawing $900 a year, he was enabled to employ a footman, and added, somewhat pathetically, "You gentlemen, of course, know that you can not get along with a driver alone when engaged in the matter of returning cards." The Senators addressed nodded understandingly and, probably to show their own familiarity with the conventions, granted the allowance. So, too, finally did the House, though with less grace, because Representative GOOD, of Iowa, disliked the appellation "footman" and wished to substitute "messenger who shall act," etc. After Mr. GOOD'S motion had succumbed to a point of order, Representative MURDOCK, of Kansas, objected to the appropriation for "equipment for drivers," which he insisted meant "livery and nothing else," and said emphatically, "I know the Secretary of State; I protest for him; I know the country from which he hails and its customs; we do not believe in that sort of thing out there." Nevertheless, since nobody seemed to know what is considered a suitable costume for a footman where footmen are unheard of and the only cards known are euchre decks, the protest passed unheeded and the appropriation was made with but one condition, that "equipment" should not comprise "skin-tight pants," thus completely demolishing the theory of the Peacham philosopher that "it's not the coat that makes the man, it's the pants."

Mr. DAVIS. I yield to the gentleman from Pennsylvania [Mr. FARR].

[Mr. FARR addressed the committee. See Appendix.]

Mr. BARTLETT. I yield to the gentleman from Kansas [Mr. CONNELLY].

Mr. CONNELLY of Kansas. Mr. Chairman, my admiration for some of these distinguished gentlemen who are opposed to old soldiers' pensions is so great and so genuine that I really regret that they take the position that they do regarding these old soldiers, who at best can have but few years to enjoy the largess of a nation's gratitude through the agency of their quarterly pensions.

I wish that I could vote for every dollar appropriated here with as good will and as clear a conception of duty done as I can when I cast my vote for these old soldiers' pensions. Mr. Chairman, I say this as a Democrat coming from a State that has been held in the Republican column for nearly half a century, largely through the influence and the vote of the soldiers of the Civil War. The politicians of my State have for years made every effort to hold this vote by appealing to the prejudice engendered in the war, and trying to make the old veterans believe that they were in danger of losing this stipend that comes to them from the Government should the Republican Party lose control. They have made the matter of pensions a partisan matter instead of placing it upon the high grounds that it should always occupy, that of being a patriotic matter. While a great majority of these old men in my district will to-day be found going to the polls and voting a different ticket from the one that I choose to vote, I may doubt their judgment but I never doubt their patriotism, and they have the right to vote as they desire. I have no respect for any man who views the pension matter from a partisan bias.

Mr. Chairman, I hope that we are far enough this side of the great conflict that was all settled five years before I was born to look at the conditions now without viewing them through the smoked glasses of prejudice. There have been thousands of people who have grown up in my State who have not only believed but they have been encouraged to believe by men who were profiting by the old soldier vote that every Democrat was a rebel and at one time desired the dissolution of this Union. I had three uncles who heard the cry of their country's distress in the dark days of sixty-one. One of those uncles, a beardless boy, fell charging up the slopes at Fredericksburg; the other two came home, and, with honorable discharges, drew pensions until within the last two years, when they have crossed the silent river. They went to the war as Democrats, they came home Democrats, they lived and died Democrats. They believed that the Union should be preserved, but they never faltered in their devotions to the principles of Jefferson or doubted the wisdom of his teachings.

Mr. Chairman, these old soldiers have shown that they were loyal and patriotic, and they have the right to vote as they please, and they have the further right to expect this Government, under the administration of any party, great and rich and powerful as it is, to not refuse them food and shelter and raiment and medicine in their old age, as they totter down the last few years of the sharp decline of life's highway. Mr. Chairman, the lines drawn through the special bills that we have from time to time considered tell the story of the going of some of these old warriors while we are quibbling over a few paltry dollars that they have asked for to make smooth the last end of their journey here. Even while we stop in our deliberations the pontoons of death are heavy with the tread of their marching feet, marching to "Fame's eternal camping ground."

Mr. Chairman, I want to economize, and I know there are many places where it could well be done, but I do not want to begin at the expense of these old men, their wives and their widows. I would like to go back to my district and tell my people that this Congress had been careful with the people's money, but I do not want to say that we saved a dollar by taking it from the men who went down into the valley of the shadow when the lamp of the Nation's life flickered and all but went out. I want every soldier to know that this Nation has not forgotten and will not forget. I want him to know as he sits in the gloaming, in the twilight of the eventide, as he sits there in retrospect, as he nears the end of life's tollsome way—I want him to know that this Nation is not unmindful, is not ungrateful. I want this Nation to be just and, if you please, generous to these old men and their widows. I want this because I believe it their due, but I want it for another purpose as well.

I want the boy of the future who is just budding into stalwart manhood, if he should ever hear the blast that calls him to the defense of his country's flag—if he should say at that time, "Take my measure for a suit of the blue"—I want him to feel that in case he ever needs a few paltry dollars when he is old and poor and sick and discouraged, that this Nation will not be grudging in the granting. I am ready to stand by the side of the gentlemen here who are opposing the civil-service pensions for the men who have held good offices all their lives and who have drawn ample pay for the services they have rendered. It took no patriotism, no devotion, no sacrifice to accept the job and assume the responsibility. I want to be counted against that pension; but in every case where the committee finds that one of these old and decrepit veterans needs a few more dollars to tide him over the remaining span of life they can have my vote for him to have it. Some gentlemen have gone to the trouble to figure out that each one of the special pension bills sets the Nation back $8,000. I have not the figures at hand, but I suppose they are in the main correct. If we pass 10 of these bills, the total will aggregate $80,000 per year, or nearly 1 mill for each voter in the United States. Mr. Chairman, I want to be economical, but I do not want to save one-half of 1 cent for every family of five in my district at the price of ingratitude to these old men, their wives, and their widows. There is no class of people in this great Nation that is demanding it; there is no party nor creed who want it done. In the few years that he has yet to live under the friendly folds of the flag that he followed as his pillar of cloud by day and of fire by night let the old soldier vote the way he wants to vote, but let him understand that no vandal hand shall touch the little stipend that he draws in the shape of a quarterly pension from the Government upon whose altar he placed his all when the clouds of war hung low.

Mr. BURKE of Wisconsin. Mr. Chairman, we have before us to-day for consideration the annual pension appropriation bill, providing funds for the payment of pensions for the fiscal year commencing July 1, 1914, and ending June 30, 1915. This is one of the largest appropriation bills that receives consideration and action by Congress each year. This time it contains an appropriation for the payment of annual pensions, and fees for examining surgeons, for the year mentioned in the sum of $169,150,000.

It has always been a pleasure to me during my short career in this House to support by my vote the annual pension appropriation bills and other special bills providing pensions for the old soldiers and sailors, their widows and dependent children. This general pension appropriation bill I shall also with pleasure support and vote for. Observations and statistics show that there is a smaller percentage of pension appropriations wasted or misused than there is of any other Government appropriations of equal size. Experience and observation also show that there is no money appropriated by the Government which carries so much happiness and joy to the homes of our citizens as does the annual pension appropriation bill. No money appropriated by the Government is so equally distributed and kept so constantly in circulation. Of all the money that Congress annually appropriates none is so cheerfully and gratefully voted by the average Congressman, and none does as much substantial good among the people. These annual millions are divided, subdivided, and distributed among 860,294 pensioners upon the Nation's roll of honor.

ROLL OF HONOR.

The statistics for the last previous year indeed show it to be a roll of honor. In the annual distribution of these millions for pensions there is less waste and less fraud than in the appropriation and distribution of money by the Government for any other purpose. As evidence of the honesty, integrity, and honor of the old soldiers, their widows, and dependent children, let me present official statistics. It is shown by the records of the Pension Bureau for the year ending June 30, 1913, that only 61 new cases for that year were presented by the bureau to the Department of Justice for prosecution on account of offenses against the pension laws. Where, I ask you, can there be found another 860,294 citizens with so little dishonesty and practicing so little deception and fraud? It shows us conclusively that honor and good character are precious to the old soldiers and sailors and their widows, and that they fight as valiantly to maintain and preserve untarnished the honor of their citizenship as they valiantly fought and battled for the honor and preservation of the Union; and yet some of our southern friends have the audacity to charge that the pension roll is not a roll of honor. Such indisputable facts prove conclusively that it is a roll of honor with a splendor not excelled by even the interior splendor of the Congressional Library, said to be the greatest splendor in the world.

CLASSES OF PENSIONERS.

Of the 820,200 pensioners on the roll at the close of the year ending June 30, 1913, 503,633 persons rendered service in the Army or Navy of the United, including 328 Army nurses, the remaining 316,567 being pensioned as widows and dependents. The number of individuals who served in the Army and Navy of the United States during the Civil War is estimated at 2,213,365.

The survivors of the Civil War on the roll on the 1st of July, 1912, numbered 497,263. These survivors at the end of the fiscal year, June 30, 1913, were, by death, reduced in number to 462,379, or a net loss during the year among the Civil War veterans of 34,834. This amounts to an annual reduction in the ranks of those heroes of 7¼ per cent.

WIDOWS OF CIVIL WAR SOLDIERS.

On the 1st of July, 1912, there were 232,947 widows of Civil War veterans on the pension roll. On the 1st of July, 1913, there were 232,864 such widows on the pension roll, being a net loss of 83 during the last year.

WAR WITH SPAIN.

On the 1st of July, 1912, there were on the pension roll 23,841 survivors of the War with Spain, and 24,157 on the 30th of June, 1913. On the 1st of July, 1912, there were on the pension roll 2,931 widows of Spanish War soldiers, and at the end of that year there were 2,860 such widows on the roll.

The greatest number of pensioners ever carried on the rolls of the Government was 999,436 in the year 1902. The total amount paid in pensions for that year was $141,335,646.95. The greatest amount of pensions ever paid in one year was in the year 1913, when the Government expended for that purpose $176,714,907.39. It seems paradoxical that during the year 1913, when there were 179,246 less soldiers, widows, and dependents on the pension roll than in the year 1902, that the amount of pensions paid in 1913 should be $35,379,050.44 larger than in 1902. An explanation, however, is simple and is due exclusively to the increase in pensions for Union soldiers provided for by the Sherwood age and service pension act, which became a law May 11, 1912.

NUMBER OF PENSIONERS AND ANNUAL AMOUNTS PAID.

The following table shows the total amounts paid for all pensions and the number of persons on the pension roll between the years 1902 and 1913, inclusive.

Number of pensioners and annual amount paid.

	Paid as pensions.	Cost, maintenance, and expenses.	Total.	Number of pensioners.
1901	$138,531,483.84	$3,868,795.44	$142,400,279.28	997,735
1902	137,504,267.99	3,831,378.96	141,335,646.95	999,446
1903	137,759,653.71	3,993,216.79	141,752,870.50	996,545
1904	141,093,571.49	3,849,366.25	144,942,937.74	994,762
1905	141,142,861.33	3,721,832.82	144,864,694.15	998,441
1906	139,000,288.25	3,523,269.51	142,523,557.76	985,971
1907	138,155,412.46	3,309,110.44	141,464,522.90	967,371
1908	153,093,086.27	2,800,963.36	155,894,049.63	951,687
1909	161,973,703.77	2,852,583.73	164,826,287.50	946,194
1910	159,974,056.08	2,657,673.86	162,631,729.94	921,083
1911	157,325,160.35	2,517,127.06	159,842,287.41	892,098
1912	152,986,433.72	2,448,857.31	155,435,291.03	860,294
1913	174,171,660.80	2,543,246.59	176,714,907.39	820,200

AMOUNT PAID TO PENSIONERS, 1790 TO 1913.

For the purpose of showing the almost unmeasured latitude of liberality of the Government for those who served in the Army and Navy during its existence the following table is submitted:

War of the Revolution (estimated)	$70,000,000.00
War of 1812 (service pension)	45,923,014.46
Indian wars (service pension)	12,241,273.61
War with Mexico (service pension)	47,632,572.34
Civil War	4,294,590,944.47
War with Spain and Philippine insurrection	42,185,230.84
Regular Establishment	28,461,369.52
Unclassified	16,499,419.44
Total	4,557,539,824.68

CLAIMS PENDING.

For the purpose of showing that the Pension Bureau has before it other work than the mere payment of pensions, I desire to submit the following table, showing the number of claims pending before that bureau on the 1st of July, 1913:

Civil War	73,089
War with Spain	6,973
Mexican War	241
Indian wars	179
War of 1812	3
Old wars	9
Regular Establishment	3,087
Total	83,581

WISCONSIN CIVIL WAR SOLDIERS.

During the year ending June 30, 1913, there was paid to 19,176 soldiers, their widows and dependents, residing in the State of Wisconsin, $4,199,038.08. In the amount of pensions paid to citizens by the Federal Government, Wisconsin ranks eleventh among the several States.

SPECIAL ACTS.

Since 1861 there has been allowed by special acts of Congress 42,337 pensions and increases of pensions, of which 22,016 are now on the roll, with an annual face value of $6,699,096. Only a part of this is properly chargeable to special acts, as most of the beneficiaries had been previously pensioned under general laws at lower rates.

From June 30, 1912, and thereafter, during the Sixty-second Congress, 2,871 persons were included in the special acts passed at the rates specified in the summary following:

Pensions granted by special act during the Sixty-second Congress, subsequent to June 30, 1912.

Rates specified.	Number granted.	Rates specified.	Number granted.	Rates specified.	Number granted.
$100	3	$20	398	Inoperative:	
$50	98	$18	6	$50	8
$46	1	$17	6	$40	4
$45	2	$16	32	$36	9
$40	116	$15	20	$30	33
$36	164	$14	2	$24	16
$35	2	$12	403	$20	3
$30	972	$10	15	$16	4
$25	16	$8	9	$12	4
$24	518	$6	7	Total	2,871

Since 1899 the different Congresses have passed the following number of special pension acts during each Congress:

	Special acts.
Fifty-sixth Congress, 1899–1901	1,391
Fifty-seventh Congress, 1901–1903	2,171
Fifty-eighth Congress, 1903–1905	3,355
Fifty-ninth Congress, 1905–1907	6,030
Sixtieth Congress, 1907–1909	6,600
Sixty-first Congress, 1909–1911	9,649
Sixty-second Congress, 1911–1913	6,350
Total number of special acts passed by Congress in 14 years	35,546

It is impossible at this time to tell the exact number of special pension acts which will be passed during this session of Congress, but to me it appears that such acts are being passed, at least as liberally as during the Sixty-second Congress subsequent to June 30, 1912, when the Sherwood Pension Act was in force. The reason why the number of special pension acts passed by this Congress will not be as great as in the Fifty-ninth, Sixtieth, and Sixty-first Congresses is because of the liberal provisions of the Sherwood General Pension Act taking care of thousands of needy and destitute soldiers whom it otherwise would have been necessary to have taken care of by special pension acts. The ravages of age and disease, however, are naturally working with great havoc and rapidity among the old soldiers and sailors. Nearly all are now incapacitated from performing manual or other labor, and a large portion of them, like the rest of mankind, have been unsuccessful in laying aside provisions for a rainy day, and the number who are in needy and destitute circumstances is rapidly growing. It will therefore be absolutely necessary to continue until the last soldiers have answered the final bugle call the practice of passing special pension acts by Congress granting relief to those who may be in the most helpless, dependent, and destitute circumstances. Of course there are many persons in and out of Congress who complain of the increased liberality necessary in the future to be made in the case of pensions.

Some gentlemen, especially those from the South, claim that the pension system is costing too much. I do not know what the future demands upon the Nation's gratitude will be. I shall not stop to count the cost. My only question will be, Do they need it; and if so, how much? If they do, and it stands to reason that they will, I am willing to give it to them, regardless of its cost. We will then show the nations of the world that this Republic, at least, is not ungrateful, nor forgetful of its defenders. To those who are worrying about the increased cost, let them remember that at every period of the expansion of our pension policy there has been worry and objections to every increase in pensions, and yet the country has been able at all times to meet its debt of gratitude, to fulfill its governmental obligations, and to prosper. Let them remember that every dollar that the Government spends for pensions makes the Government just so much stronger in the affections of its citizens. The money goes into every avenue of trade, and into every section of the country. It is true that larger amounts may go into certain sections of the country than others, but there are well-established historical reasons why the amount of pensions distributed in our Southern States is smaller than the amount thereof spent in the North, East, and West. In numerous cases the distribution of pensions under our present system saves the old soldier or sailor or his widow from State, county, or municipal charity. Nothing could be sadder than to see one of the Nation's heroes dependent upon public or private charity. Loyal and patriotic Americans of all political parties are determined that such shall not be the sad lot of any of the Nation's defenders.

Every loyal, patriotic, and grateful American approves of the liberal granting of pensions to our old soldiers and sailors, their widows and minor children and dependents. No government, whether a monarchy or republic, has ever treated its soldiers and sailors and their dependents as liberally as this Government has treated its soldiers and sailors, their widows, and their dependents. Those who fought and bled for the Nation in time of war, and their widows and dependents, are worthy of their country's gratitude, and with the advance of their years and inability to labor, the Nation's gratitude and affection should be increased and not diminished.

DEMOCRATIC FRIENDS OF SOLDIERS.

Some of our opponents, however, may be disposed to contend and assert that the solicitude and gratitude of the Democratic Party for the old Union soldiers has but recently been born, or may be prompted by other than reasons of gratitude to the Union soldiers.

Permit me to here insert a list of the various pension laws which were either approved by a Democratic President or passed by a Democratic House of Representatives. Legislative history proves what I now here credit to the Democratic Party:

First. Act of August 15, 1876, providing for the issuance of artificial limbs, or commutation therefor, to disabled soldiers and seamen, and providing transportation for the purpose of having the same properly fitted.

Second. Act of February 28, 1877, increasing the pension of those who lost both an arm and a leg.

Third. An act of March 9, 1878, granting pensions on account of service in the War of 1812 and the Revolutionary War, requiring a service of but 14 instead of 60 days on the part of the survivors of the War of 1812, and granting pensions to widows, regardless of the date of the marriage to the soldiers of this war. It also granted pensions to widows of soldiers of the Revolutionary War on a service of 14 days. Former laws required a marriage prior to the treaty of peace in the case of widows of the War of 1812.

Fourth. Act of June 17, 1878, increasing to $72 per month the pensions of those who lost both hands, both feet, or the sight of both eyes incident to the service.

Fifth. Act of March 3, 1879, increasing to $37.50 all pensions on account of amputation at the hip joint. This sum was afterwards increased to $45 per month by a Democratic House.

Sixth. Acts of January 25 and March 3, 1879, granting arrears of pensions from the date of discharge, generous measures which benefited more than 225,000 pensioners at once and caused the annual pension rate to leap from $33,708,526.19 to $57,240,540.14. The Republican Party had control of both Houses of Congress for more than 10 years after the close of the war, but passed no legislation of this character.

Seventh. Act of June 21, 1879, abolishing biennial medical examinations and providing that in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony.

Eighth. Act of June 16, 1880, giving $72 per month to all those who became totally helpless for any cause incident to the service.

Ninth. Act of February 26, 1881, for the protection of pensioners in the soldiers' homes.

Tenth. Act of July 4, 1884, which established the proper relation which should exist between attorneys and clients and fixed by law the fees to be allowed in pension cases. By this act a Democratic Congress placed the strong arm of the law between the helpless applicant and the rapacious agent.

Eleventh. Act of July 14, 1892, establishing an intermediate rate of pensions between $30 and $72 per month, and fixing the rate of $50 for all who required frequent and periodical though not regular and constant personal aid and attention.

Twelfth. Act of August 5, 1892, granting pensions to Army nurses and forbidding the demanding of a fee by claim agents for prosecuting this class of cases. This was a generous recognition of the noble heroines who, leaving home and loved ones behind, in self-sacrifice braved pestilence and hardship to minister to the sick in the hospitals of the Army.

Thirteenth. Act of December 21, 1893, making a pension a vested right.

Fourteenth. Act of April 18, 1884, making it a felony for any person to falsely or fraudulently represent himself to be an officer of the United States.

Fifteenth. Act of March 19, 1886, increasing from $8 to $12 per month the pensions of 79,989 widows and dependents on the roll at the time as well as tens of thousands who have since been placed thereon. These certificates were issued by a Democratic Commissioner of Pensions, without any expense or unnecessary delay to those deserving beneficiaries.

Sixteenth. Act of May 17, 1886, amending the reports of the War Department, which discriminated against a large and worthy class of soldiers, relieving thousands of unfortunate veterans of the hardships worked by the resting of the charges against them, based upon technical errors in the records.

Seventeenth. Act of August 4, 1886, increasing the pensions of 10,030 cripples—armless and legless veterans.

Eighteenth. Act of January 29, 1887, benefiting about 30,000 survivors and widows of the Mexican War.

Nineteenth. Act of June 7, 1888, granting arrears to widows from the date of the death of the husband and providing that all United States officials authorized to administer oaths should administer all oaths required to be made in pension cases in the execution of vouchers for pensions free of charge. This arrearage act benefited at once more than 200,000 soldiers' widows.

Twentieth. Act of August 27, 1888, increasing pensions on account of deafness.

Twenty-first. Act of February 12, 1889, granting an increase of pension from $72 to $100 per month to all persons who lost both hands in the service and line of duty.

Twenty-second. Act of March 1, 1889, relating to the payment of pensions to widows or dependent heirs where subsequent to the issue of the check the pensioner dies.

Twenty-third Act of March 2, 1889, removing certain technical charges in the record and relieving a large and meritorious class of soldiers.

Twenty-fourth. Act of March 2, 1895, which abolished the rate of $2 and $4 and fixed the lowest rate of pension at $6 per month.

Twenty-fifth. An act of May 11, 1912, granting a service pension to certain defined veterans of the Civil War, increasing the pension of more than 400,000 soldiers, and which is the best pension law ever enacted by Congress, thereby increasing the annual pension roll from $153,686,500 to $180,240,145.84.

SHERWOOD PENSION BILL.

On the first day of the special session of the Sixty-second Congress, being the 4th day of April, 1911, that gallant old soldier Democrat, Gen. ISAAC R. SHERWOOD, chairman of the House Committee on Invalid Pensions, introduced the first bill of the session, H. R. 1, providing a general increase of pensions to Civil War veterans based upon service. This bill, in modified form, subsequently became a law on the 11th of May, 1912, and now constitutes the new general pension law, based upon age and service. The Sherwood bill, as introduced and as passed by the House of Representatives in December, 1911, was a far more liberal and just bill than it was, after it had been amended by the Republican Senate.

The Sherwood bill, as it passed the House of Representatives, provided that any soldier or sailor who served in the military or naval service of the United States during the Civil War and received an honorable discharge and who was wounded in battle or in line of duty and is now unfit for manual labor, through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty, resulting in his disability, is now unable to perform manual labor shall be entitled to a pension of $30 per month. If this bill had become a law as it passed the House of Representatives it would have been a far more liberal pension bill than the present general pension law, and would have given greater satisfaction to the ex-Union soldiers and sailors. Under its terms every such soldier or sailor, who had been wounded in battle or in line of duty or was disabled from diseases contracted in the service, would have been entitled to a maximum pension of $30 per month, regardless of other causes, like old age, accidents, or other diseases contracted since his service, and now rendering the soldier or sailor unable to perform manual labor. In other words, his maximum pensionable disability would not have been based upon present disabilities arising from diseases of service origin only.

The Secretary of the Interior, at the time that the Sherwood bill was pending, estimated that at least 15,000 old soldiers and sailors would be benefited by this $30 per month disability clause. The increase in disbursements under this clause was estimated not to exceed $2,500,000 per year. It was truly stated that if the bill became a law with this maximum disability clause that it would necessitate an examination of every applicant for the maximum pension by an examining surgeon, or a board of examining surgeons, and that the increased cost due to such medical examinations would probably reach $200,000 a year. This supposed increase in expenses of medical examinations would have been a mere trifle as compared with the great relief that would have been provided for and shared in by the old soldiers and sailors by the disbursement of $2,500,000 more annually among 15,000 of their number.

In the Senate in 1912, during that same session of Congress, the Sherwood pension bill was amended by inserting in lieu of the language above cited the following:

That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability, is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month without regard to length of service or age.

It will thus be seen that the Senate amendment based the right of the soldier or sailor to $30 per month pension upon his present inability to perform manual labor because of wounds, injuries, or diseases incurred in the war exclusively, and did not take into consideration, as did the original Sherwood bill, other causes besides those of service origin, which might aggravate and contribute to the present inability of an old soldier or sailor to perform manual labor.

Various attempts have been made in the Pension Bureau to have that bureau construe this clause in the present pension law, so as to give the old soldiers and sailors the benefit of the $30 per month maximum pension as was intended by the original Sherwood bill. There are many arguments that can be advanced in favor of such a construction, but the bureau, consistent with its past record for years, has given the benefit of the doubt to the Government and against the old soldiers. This is a construction which is undoubtedly inconsistent with the purposes of establishing a pension system, but it has become so firmly established in the Pension Bureau that argument against it is no longer of any avail, and the only relief that can be secured from the burdens of this wrongful rule of construction is by the passage of remedial legislation by Congress.

When we remember that the Sulloway general pension bill, after having passed the Republican House in the Sixty-first Congress, was finally killed in the Republican Senate of that Congress; and when we find that the Sherwood bill, introduced by a Democratic soldier and passed by a Democratic House in the Sixty-second Congress, was amended by the Republican Senate in that Congress so as to make it less liberal by $2,500,000 each year, and so as to make this maximum pension applicable to 15,000 less soldiers and sailors, we can readily see that our Republican legislators are not always safely and consistently the best or most reliable champions and friends of the old soldiers and sailors.

These facts, as well as others, conclusively prove that the old soldiers' friends are not to be found entirely in any one party. They prove that their friends are to be found in all parties, and that those only are his friends who entertain patriotic sentiments and are therefore grateful to the defenders of their country.

History shows that there were times when partisan political exigencies were such that the Republican Party did not consider the time ripe for the liberalizing of pensions, as well as the Democratic Party found itself in such positions. But the old soldiers have always been reasonable and consistent in their pension demands, and can be safely relied upon to continue so.

Let me say in absolutely good faith and as their friend that it is not always wise for an old soldier to carry all of his eggs in one basket, for he has, and will continue to have, loyal friends in both parties. No fair and liberal minded Member of Congress should ever look upon pension matters from a partisan standpoint. In these days when the selfish and powerful money interests of the country are making a determined attempt to howl and cry down the amount of annual pensions, and actually abuse the friends of the old soldiers who vote for these necessary appropriations, it is well that the friends of the old soldiers should not know any party when they come to provide for soldiers and sailors' pensions. Let them ascertain the extent of the need of the Nation's defenders, and then without hesitation vote the amount of those needs.

SPECIAL PENSIONS OF THE SIXTY-SECOND AND SIXTY-THIRD CONGRESSES.

As a member of the Committee on Invalid Pensions during the Sixty-second and Sixty-third Congresses, I have had an opportunity of becoming familiar with the workings of that committee and the rules and spirit upon which such pension claims are weighed and considered. It is with pleasure that I can truthfully say that during the Sixty-second and Sixty-third Congresses upon that committee there has been no exhibition of partisanship or sectionalism among the members in the consideration of claims. All claims coming before that committee are considered upon their actual merits. Entering into the merits are always the elements of age, service, need, and destitution of the soldier, his widow, or dependent. We sit and act as a court of equity in the true sense of the word. It is not necessary for a needy and destitute old soldier, or his widow, to

have the acquaintance of a Member of Congress, or to be recommended by some one of political or social prominence. The ear of every member of that committee is always open to the appeal of the weary, needy, and afflicted old soldier, or his widow. Acting as a court of equity, we are freer to act upon the merits of each claim than is the Bureau of Pensions. As in all courts of equity, technicalities which prevent the doing of justice are brushed away, and the course of justice allowed to flow freely. The work of that committee has been considerably reduced since the passage of the Sherwood general-pension law. We must, however, expect the work from now on to increase. This is due to the large number of old soldiers and sailors who will be reduced to needy and destitute circumstances by old age and inability to perform manual labor.

AUTOMATIC ADVANCES IN RATE OF PENSIONS.

Soon after the present general pension law, known as the Sherwood bill, went into operation, trouble was experienced in adjusting the rates to which each soldier and sailor claimant was entitled. It was easy for the Bureau of Pensions to ascertain from its records the exact length of each soldier and sailor's service in the Army or Navy. It was, however, a far more difficult matter to determine the exact age of each such soldier or sailor. In many instances it was found that the applicant for a pension under this law was uncertain as to his own age or date of birth. In many instances where this was the case, the soldier or sailor was also without available means for ascertaining the same. In many instances soldiers and sailors had, in previous applications and communications to the Pension Bureau, carelessly and inaccurately stated their age and the date of their birth under oath. Those previous affidavits and communications were made at a time when neither the department nor the soldier or sailors were interested in his birth or age. Consequently that question was then immaterial. But, as the amount of pension under the Sherwood pension bill depends upon age as well as service, it became necessary and important, both to the Government and the soldier or sailor, that his exact age should be determined in the allowance of his application for a pension under that law. In a large percentage of cases it was found that the soldier or sailor had made in the past conflicting statements as to the date of his birth and his age, and the bureau would compel him to resort to all kinds of evidence to prove the date of his birth.

In many such instances his application under that act was allowed without determining the exact date of his birth or his exact age. For instance, if he claimed to be 73 years of age, if the different affidavits made by him in the past all showed that he had represented himself as being of such an age that at the time of the application, according to previous affidavits, that he would be 71, 72, or 73 years of age, without determining his exact age, the bureau at that time would allow him the rate of pension provided for a soldier of his service who had reached the age of 70 years, because, according to all affidavits, he was then over 70 years of age, and entitled to the rate of pension provided for a given service and that age. Soldiers and sailors whose claims were allowed under such conditions will be required, before their next claim for increase on account of age will be allowed, to prove definitely and positively the date of their birth.

Since the discovery of this troublesome situation Congress passed, March 4, 1913, an amendment which, in substance, provides that when a soldier's or sailor's claim under this law has been passed upon and allowed, and his exact age once determined, there shall be kept a record in the Pension Bureau showing the name, length of service, and age of each claimant and date of his birth, the monthly rate of pension granted to or received by him, and the county and State of his residence, and that further increases in the rate of pension under that act on account of advancing age shall be made without further application by the pensioner and shall take effect and commence from the date he is shown by the aforesaid record to have attained the age provided by the act as a period for advancing said rate, the object of this being to advance the rate of pensions automatically, as provided in the Sherwood pension bill, without expense to the pensioner, and by requiring the Commissioner of Pensions and his office force to take judicial notice of the recorded evidence of the date of each pensioner's birth when once established. This law is working very satisfactorily, but there are still many instances in which it is necessary for the pensioner to supply satisfactory evidence of his age before he will be automatically allowed an advance in his pension rate. But once the age of a pensioner has been determined to the satisfaction of the bureau, it will not be necessary for the pensioner to again submit any such proof or to be delayed in the regular receipt of his pension.

MONTHLY PAYMENTS.

The question of providing for monthly payment of pensions, instead of quarterly payments, has received some attention at the hands of Congress during this session. A number of bills for that purpose have been introduced, some of which have been considered. It would appear at first that every pensioner would be in favor of this movement, yet such does not seem to be the case. The old soldiers themselves have manifested but little interest in the proposed change. There appears, however, to be a great division of sentiment among them in certain sections of the country. In other sections no interest, pro or con, has been manifested.

It appears that the executive council of the National Grand Army of the Republic, which council is the highest body next to the grand encampment itself, at the national encampment held at Chattanooga, after such proposed change had been discussed during the address of the commander in chief, unanimously decided against monthly pension payments.

The present Commissioner of Pensions professes that originally he was in favor of the monthly payment of pensions, but since considering the subject and investigating the sentiment among the old soldiers he finds that there is at present no sufficient demand to justify the change. He appears to be now somewhat against the movement, owing to the additional expense which it will involve and the seeming indifference of pensioners.

The additional expense is estimated by him at $1,000,000 per annum. I can not, however, bring myself to believe that there is any substantial foundation whatsoever for any such high estimate of additional expense. I am reliably informed that the present expense of paying pensions by checks under the present system of paying quarterly, or four times a year, is only $100,000. If that be true, then expense of monthly payments would be four times that, or $400,000, a mere bagatelle to the Nation, providing that the change is desired. The subject seems to be new, and perhaps the idea of such a change has not as yet been fully discussed and considered among the old soldiers. They and their friends, however, can rely upon the assurance that whenever they manifest a majority, or strong desire for the change, that Congress will readily grant the same.

LOST CHECKS.

Among the various bills introduced at this session of Congress for the relief of the old soldiers is one for the issuing of duplicates of lost pension checks. The present law requires that when a pension check has been lost, or mislaid, or accidentally destroyed, that application may be made for a duplicate, which, upon the filing of a bond by the pensioner, will be issued at the end of six months. This is an unnecessary hardship upon the old soldier, who has been so unfortunate as to not receive his check or who has lost the same.

A bill providing that these duplicate checks in place of lost checks shall be issued 30 days after filing an application therefor has been favorably reported by the Committee on Invalid Pensions, and there is every reason to believe that it will pass Congress unanimously when it is reached upon the calendar.

SOLDIER SHOULD HAVE BENEFIT OF DOUBT.

The entire history and practice of the Pension Bureau shows that in nearly every instance all technicalities are resolved in favor of the Government and against the soldier or sailor. It further shows that in nearly every instance the Government has been given the benefit of the doubt, and as a result the soldier or sailor got the worst of it. This rule of construction and procedure may have been justified years ago when the pension law relating to Civil War soldiers and sailors was in its infancy. At this late date, however, when the soldiers' and sailors' comrades are scattered to the four winds and can not be found, when others are dead, when age has dimmed the memory of others, when the securing of evidence is most difficult, and when the soldier or sailor is most in need of a pension from the Government, it is time that this rule of construction and of solving technicalities should be changed, and the benefit of the doubt and the solving of technicalities should be in favor of the soldier, sailor, or his widow.

Again, the Pension Bureau seems to be working in some ruts of past ages in other respects. If that bureau would divert or turn from some of these old traveled ruts or routes, justice would be done the old soldier and sailor much quicker than it is done at present and more often. That bureau seems to have the audacity to even question acts of Congress, especially in the case of special pension acts. Even attempts are sometimes made to refuse payment of special pension acts where there is a misspelling of the soldier's, sailor's, or widow's name, which does not change the sound of the name or the identity of the person, and where there is not the slightest evidence to lead

them to believe that the pensioner is any other than the person mentioned in the bill. Even a pension granted to a soldier, sailor, or widow by the full middle name by a special act of Congress is ignored and dishonored, because the name of the soldier, sailor, or widow may have originally appeared on the records by the full given name and the initial of the middle name. This happened in cases where there was absolutely no question as to the identity of the soldier or sailor. In the interest of justice to the old soldiers and sailors such quibbles and technicalities should be dispensed with.

WIDOWS MARRIED SUBSEQUENT TO JUNE 27, 1890.

There are a few features of the present pension laws that are wrong, inequitable, and indefensible. Time will not permit me to discuss them in detail. In a short time, I expect, most of them will receive the careful attention of Congress. If once attention can be brought to them, I have no doubt but what justice will be done. The most unreasonable, arbitrary, and unjust provision in the pension laws at the present time is the one relating to granting pensions to widows who married subsequent to June 27, 1890. That act provides, among other things, a pension of $12 per month for the widow of a soldier or sailor during her widowhood, provided that such widow shall have married her soldier or sailor husband prior to June 27, 1890. This act has been amended several times since, but this provision has never been amended or changed. There is now no law under which a widow who married since June 27, 1890, can secure a pension by law unless her soldier husband died of wounds or injuries inflicted during his war service or died from diseases contracted in such service. On the 27th of this coming June it will be 24 years since that harsh, unjustifiable, and arbitrary law was passed—nearly a quarter of a century.

It undoubtedly answered the purpose for which this arbitrary and inflexible date was fixed for a number of years after its passage. Under the strict letter of the law we may now have, on the one hand, a widow who married a soldier on the 24th of June, 1890, and on the other hand a widow who married another soldier on the 30th of June, 1890. One is entitled to a pension under the law at the bureau and the other is not. The husband of the widow marrying before the 27th of June, 1890, may have died a week after that date, and yet his widow is entitled to a pension under the law at the Pension Bureau. The husband of the other widow, who married him three days after the 27th of June, 1890, may die now, after she has lived with and cared for him as a faithful and devoted wife for 24 years, and yet under the law she is not entitled to a pension at the bureau.

This soldier's widow may have lived and struggled on with him during those 24 years in sorrow and in toil, in adversity and in poverty, from youth to old age, through storm and through sunshine, and it makes no difference for how many long, weary days and nights, through long years, she may have nursed him in his sickness and helplessness, nor that in sorrow and tears she spends her last dollar to plant flowers on his grave, yet she is turned down at the Pension Bureau because of the provisions of this harsh, unjust, and arbitrary law. The fragrance of her dutiful and beautiful life has been wasted on the desert air. Justice demands that so long as we are to continue the policy of pensioning the widows of soldiers and sailors that this class of widows who married since June 27, 1890, should be afforded immediate relief and justice. It is true that the Committee on Invalid Pensions frequently recommends special bills in the case of very needy and destitute widows who married within a short time after the passage of that law. But the granting of a special bill to one of this class, when they all ought to enjoy this privilege as a lawful right, is a rank discrimination and an injustice to those who married no later and who have not been able to reach the sympathies of some Congressman.

BILL FOR RELIEF.

Having had this deplorable pension situation in mind for some time, and having closely noticed the injustice of its effects, I have had the pleasure during this session of Congress of introducing H. R. 15841, a bill to change the arbitrary provisions of the law of June 27, 1890, and to substitute therefor a more just and automatically working provision for widows.

In my bill I have stricken out from the present law the words—

Provided, That said widow shall have married such soldier or sailor prior to June 27, 1890—

And have substituted in lieu thereof the following words:

Provided, That said widow shall have married said soldier or sailor at least six years prior to the death of her husband soldier or husband sailor, and regardless of whether the death of said soldier or sailor shall have occurred before or may occur after the passage of this act: *And provided further*, That no widow of a soldier or sailor, who shall become such widow after the passage of this act, shall be entitled to a pension under the provisions of section 2 of this act, unless she shall have attained the age of 50 years at the time of the death of her soldier or sailor husband.

I believe that when the injustice of the present widows' pension law is brought forcibly to the attention of this House, that some provision for relief will command its sympathies, and the result will be the passage of remedial legislation similar to that contained in the bill which I have introduced. I am sure that if you will but consider it, that its virtues will commend themselves to every one of you. The second provision in my new bill provides a guard against the alleged improper and immoral practices and impositions which it is said are sometimes practiced on the old soldiers and sailors by unscrupulous women. It contains a provision which automatically provides a pension for a widow who shall have resided with her soldier or sailor husband at least six years before his death. Of course, the provision of cohabitation with the soldier and the age of the widow at the time of his death are arbitrary and subject to change before the passage of the bill as the same may commend themselves to the favorable consideration of Congress.

I respectfully invite the careful consideration of this bill by Members of Congress, and by the old soldiers and sailors, their wives, and the widows of those deceased. I not only invite your consideration, but also your assistance in creating a proper interest and demand in this House for its passage or the passage of some similar bill by this House at its next regular session. There can be, and there is, no justification for the arbitrary method which now prevents a widow who has lived 24 years with her soldier or sailor husband from lawfully obtaining a pension at the bureau. It is true that it will increase the pension roll by several millions; but if it is right, and I believe it is, to continue the policy of pensioning soldiers' and sailors' widows, then there can be no excuse, apology, or justification for the present arbitrary discrimination between widows who married since June 27, 1890, and those who married before.

Let us do by these widows of Union soldiers and sailors what we have done in this Congress, within the last six weeks, for the widows and minor children of officers and enlisted men who served in the War with Spain or in the Philippine Insurrection. That bill passed this House by a vote of three-quarters of those voting thereon in favor of it, and it contained a provision that a pensionable widow shall be one who has married an officer or enlisted man who served in one of those wars previous to the passage of that act. This is as it should be at present, but it is not as it should be in the future. It should contain a provision similar to that incorporated in the bill which I have introduced, providing that any widow who shall, after the passage of such act, marry an officer or enlisted man who served in such wars, shall be entitled to a pension of $12 per month, providing she has been married to the soldier for six years or more before his death.

The hardships, cares, and sorrows endured by the widows who married since June 27, 1890, were and are naturally, on the average, greater and more severe by reason of the old age, helplessness, and inability of their soldier husbands, than were the hardships of those who married previous to that date. In conclusion, permit me to impress upon you that in the matter of widows' pensions, as well as in all legislation, there should be equal rights to all and special privileges to none.

[Mr. REILLY of Wisconsin addressed the committee. See Appendix.]

[Mr. AUSTIN addressed the committee. See Appendix.]

Mr. DAVIS. I now yield 10 minutes to the gentleman from Pennsylvania [Mr. AINEY].

Mr. AINEY. Mr. Chairman, I invite the attention of the membership of this House to some observations which I desire to submit on the "Pretentions of Great Britain to territorial rights in Central America" with respect to its bearing upon the Panama tolls controversy. I shall discuss it from a historical standpoint, having on another occasion given some attention to the interpretative features of the Clayton-Bulwer and Hay-Pauncefote treaties.

So much has been unwisely said, or inaccurately stated concerning the rights of the United States and Great Britain under the Clayton-Bulwer and Hay-Pauncefote treaties with respect to the Panama Canal, that a consideration of the underlying facts from which a proper conclusion may be based may well arrest public attention.

In his remarkable and able address before the United States Senate on January 21, 1913, Senator ROOT advanced his major premise for the British position on the tolls question, the in-

ducement or consideration for the Clayton-Bulwer treaty, as follows:

Further than that, Great Britain was a Carribbean power. She had Bermuda and the Bahamas; she had Jamaica and Trinidad; she had the Windward Islands and the Leeward Islands; she had British Guiana and British Honduras; she had, moreover, the Mosquito Coast—a vast stretch of territory upon the eastern shore of Central America which included the river San Juan and the valley and harbor of San Juan de Nicaragua or Greytown. All men's minds then were concentrated upon the Nicaragua Canal route as they were until after the treaty of 1901 was made.

And thus when the United States turned its attention toward joining those coasts by the canal through the Isthmus it found Great Britain in possession of the eastern end of the route which men generally believed would be the most available route for the canal. Accordingly, the United States sought a treaty with Great Britain by which Great Britain should renounce the advantage which she had and admit the United States to equal participation with her in the control and the protection of a canal across the isthmus. From that came the Clayton-Bulwer treaty.

Senator ROOT further said:

Your will observe, Mr. President, that under these provision—of the Clayton-Bulwer treaty—the United States gave up nothing that it then had. Its obligations were entirely looking to the future, and Great Britain gave up its rights under the protectorate over the Mosquito Coast, gave up its rights to what was supposed to be the eastern terminus of the canal. And, let me say without recurring to it again, under this treaty, after much discussion which ensued as to the meaning of its terms, Great Britain did surrender her rights to the Mosquito Coast.

Surely these are strong statements, which, if supported by exact history, would give Great Britain an equitable standing in the Panama controversy of much importance. Senator ROOT's assertions will not in all respects bear the scrutiny of historical or diplomatic research, and are the more remarkable when considered in the light of the fact that the United States never acquiesced in, but always protested against the flimsy title which Great Britain set up to a protectorate of the Mosquito Coast or sovereignty over any portion of Central America. Coincident with a renewal of interest throughout the United States in an interoceanic canal caused by the opening of the far West, Great Britain revived her long-abandoned claim over the Mosquito Coast. She broadened the confines of the Mosquito territory beyond the description of any map or records then extant, so as to include the ancient town of San Juan de Nicaragua, the eastern terminus of the then proposed Nicaraguan transoceanic canal. On January 1, 1848, a British force expelled the State of Nicaragua, hauled down the Nicaraguan flag, and raised the Mosquito flag in its place, changing the name of the town from San Juan de Nicaragua to Greytown.

The British establishment at Belize, the seizure of the island of Ruatan, belonging to Honduras, the encroachment of the English settlements, the seizure of the Tiger Island, on the Pacific side, were all in violation of Great Britain's treaties with Spain and in opposition to the then well-defined terms of the Monroe doctrine. It led the Government of the United States to make vigorous protests, for said Mr. Buchanan, while minister to London:

These proceedings gave birth to serious apprehension throughout the United States that Great Britain intended to monopolize for herself the control over the different routes between the Atlantic and Pacific, which, since the acquisition of California, had become of vital importance to the United States. Under this impression it was impossible that the American Government could any longer remain silent and acquiescing spectators of what was passing in Central America.

In 1848 Mr. Buchanan, then Secretary of State, gave instructions to Mr. Hise:

Under the assumed title of protector of the kingdom of the Mosquitoes, a miserable and degraded and insignificant tribe of Indians, she doubtless intends to acquire an absolute dominion over this vast extent of seacoast. With what little reason she advances this pretension appears from the convention between Great Britain and Spain signed at London on the 14th of July, 1786.

Whatever may have been the basis of Great Britain's claim in connection with the Mosquito Coast or of other portions of Central America, it is unnecessary to go back of 1783. After a long period of strife, the terms of settlement with Spain were incorporated in the treaty of 1783 and the treaty of 1786, under which Great Britain abandoned to Spain all claim of sovereignty over this territory.

Mr. POST. Mr. Chairman, will the gentleman yield?

Mr. AINEY. Yes.

Mr. POST. I wish to suggest to the gentleman that Senator ROOT's contention was right to this extent, that at the time of the ratification of the Clayton-Bulwer treaty Great Britain had rights which she claimed in the Mosquito Coast, and in order to get rid of those rights it was necessary to enter into an agreement with Great Britain.

Mr. AINEY. Ah, the gentleman has failed to read with discrimination the diplomatic correspondence between this country and Great Britain. That treaty was entered into for the purpose of getting rid of Great Britain's flimsy pretension to such rights, but not in recognition of them. For many years prior to the Clayton-Bulwer treaty this country voiced protest after protest against Great Britain's violations of the Monroe doctrine and violation of her treaties made with the Government of Spain, under which she had abrogated all claims to territorial rights in Central America.

Mr. KINKAID of Nebraska. Will the gentleman yield?

Mr. AINEY. Yes.

Mr. KINKAID of Nebraska. Can the gentleman from Pennsylvania specify any considerations with which Great Britain parted for the making of the Hay-Pauncefote treaty? When the Clayton-Bulwer treaty was done away with, were not the two countries placed in statu quo, precisely as if there had never been any treaty before? And then, with what consideration did Great Britain part for the terms of the Hay-Pauncefote treaty?

Mr. AINEY. I think that as I progress I shall fully answer the gentleman. I maintain in this statement that Great Britain had no rights in Central America or in the Mosquito Coast. Because she had no rights, there was no basis for the argument which the distinguished Senator advanced with respect to the Clayton-Bulwer treaty.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. AINEY. Yes.

Mr. HUMPHREY of Washington. I should like to make this suggestion to the gentleman, that under the treaty that we had with Colombia in 1846, giving us the right to construct a canal across the Isthmus at Panama, how could Great Britain have lost anything by our carrying out that agreement, when we had a treaty with Colombia prior to the time that we executed the Hay-Pauncefote treaty, which did not apply at all to Panama?

Mr. AINEY. I think the gentleman's suggestion is a very excellent one, but I trust that I shall not be led aside from the purpose of my remarks, which I propose to confine to the history of the claims of Great Britain to territorial rights in Central America and to the Mosquito Coast, and to show that Great Britain had by treaties and acts of Parliament long prior to the Clayton-Bulwer treaty abrogated all such claims.

Let me again call your attention to the fact that in 1783 Great Britain entered into a treaty with Spain, under article 4, of which she stipulated that with the exception of the territory between the river Belize and the Rio Hondo, within which permission was granted to British subjects to cut logwood—

All English who may be dispersed in any part of the Spanish continent ("continenté Espagnol") or in any of the islands whatsoever dependent on the aforesaid Spanish Government, and for whatsoever reason it might be, without exception, shall retire within the district above described in the space of 18 months from the exchange of the ratifications.

The treaty further provided that the permission to cut logwood "shall not be considered as derogating in any wise from his [Spanish Majesty's] right of sovereignty" over this logwood district, and it stipulated moreover that—

if any fortification should have been actually heretofore erected within the limits marked out, his Britannic Majesty shall cause them all to be demolished, and he will order his subjects not to build any new ones.

Notwithstanding the very plain terms of this treaty Great Britain questioned whether the Mosquito Coast was included. This led to the treaty of 1786, where even that quibble was settled. It provided:

His Britannic Majesty's subjects and the other colonists who have heretofore enjoyed the protection of England shall evacuate the country of the Mosquito as well as the continent in general and the islands adjacent, without exception, situate beyond the new limits prescribed by the convention within which British subjects were to be permitted to cut not only logwood but mahogany and all other wood—

and the Belize or logwood district was therein—

indisputably acknowledged to belong of right to the Crown of Spain.

With this treaty there passed every semblance of legitimacy to Great Britain's claim to sovereignty on the Mosquito Coast or in Central America. A bare limited logging right without sovereignty was reserved to some of her citizens in Belize.

How did Great Britain again acquire her right to the Mosquito Coast and to British Honduras (Belize), which Senator ROOT says she surrendered under the Clayton-Bulwer treaty in order that the United States might be admitted to equal participation with her (England) in the control and protection of the canal across the Isthmus?

By the treaty of Amiens (1801) Great Britain acquired the Island of Trinidad, South America, from Spain, but nothing more; nor did she acquire any Central American rights under the treaties of 1809 and 1814.

By act of Parliament (57 and 59 Geo. III) it was acknowledged that the British settlement at Belize was "not within the territory and dominion of His Majesty," but was merely

"a settlement for certain purposes in the possession and under the protection of His Majesty."

Mr. Marcy, Secretary of State, in his letter to Mr. Dallas July 26, 1856, summarizes the whole matter:

Great Britain had not at the time of the convention of April 19, 1850 (the Clayton-Bulwer treaty), any rightful possessions in Central America save only the usufructuary settlement at the Belize.

Two objects were sought to be accomplished by the Clayton-Bulwer treaty, 1850; one, the abandonment by Great Britain of her never admitted claim of right to the Mosquito and other Central American territory, and the other, the certainty of a speedily built canal to connect the Atlantic and Pacific.

In 1848 California was acquired, but the Pacific coast was almost unknown and uncharted. The population of the United States was 23,000,000; our transcontinental railroads were yet unrealized; the demand was urgent for an Isthmian Canal. The United States could not then unaided undertake the construction of such an engineering project. England could provide the means; the Clayton-Bulwer treaty was entered into, with many assurances that British capital would be immediately offered.

England's unwarranted claim to the port and territory which controlled the Atlantic entrance to the proposed Nicaraguan route had been followed by her seizure of Tiger Island on the Pacific side. Thus Great Britain had attempted to bottle either end of the proposed canal. Under the Clayton-Bulwer treaty, if plain language conveys meaning, her absurd contention to territorial rights on the Mosquito Coast was again abandoned.

Article 1 of the Clayton-Bulwer treaty was intended to sustain the American contention against the British territorial assumption in the Mosquito or other Central American country. The material portion, here italicized for emphasis, reads as follows:

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will *occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America;* nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people, for the purpose of erecting or maintaining any such fortifications, *or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same.*

Senator ROOT says of this treaty, "after much discussion which ensued as to the meaning of its terms, Great Britain did surrender her rights to the Mosquito Coast."

Great Britain recognized that she had no rights in Central America or in Belize by an act of Parliament during the reign of George III, wherein it was acknowledged that the British settlement at Belize was "not within the territory and dominion of His Majesty," but was merely "a settlement for certain purposes in the possession and under the protection of His Majesty."

So the Clayton-Bulwer treaty was entered into, the purpose of it being, as set forth in the diplomatic correspondence, to settle favorably to our contention the claim which Great Britain had without the slightest foundation set up in violation of her solemn treaties and undertakings. This was the primary object of the treaty, and to build the canal across the Isthmus or across Central America was secondary.

Mr. Chairman, this is briefly the diplomatic history leading up to the Clayton-Bulwer treaty. Under it Great Britain, as she had ignored her treaties with Spain in 1783 and 1786, continued to exercise control in Central America and the Mosquito Coast. Finding from time to time technical grounds to avoid her obligations she never actually abandoned her possession until after the Hay-Pauncefote treaty, notwithstanding she had stipulated so to do. Under a claim of a protectorate over the Mosquito Coast, differentiating between the language "sovereignty" and "protectorate," she kept her hands on the territory which under several treaties and under an act of Parliament she had specifically admitted was not hers.

Senator ROOT says of this treaty:

After much discussion, which ensued as to the meaning of its terms, Great Britain did surrender her rights to the Mosquito Coast.

It is difficult for the ordinary mind to conjure up a dispute as to the meaning of the treaty words under which the United States and Great Britain agreed "not to colonize or assume or exercise any jurisdiction over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

Notwithstanding this explicit language, the ingenuity of British diplomacy did conjure up an excuse for a continuance and enlargement of her Central American territorial contentions.

She attempted to differentiate between sovereignty and protectorship in the Mosquito territory, and she broadened her logging camp in Belize, which by treaty stipulation was limited in extent, and specifically without sovereignty, into a colony which territorially covered an area as large as three of the smaller States of the Union.

By diplomatic representations and protests the American Government confronted Great Britain with the proposition that there could be no protectorate where there was not an underlying sovereignty; that an ignorant band of Indians, whatever their possessive rights to the land might be, could not exercise any rights of sovereignty over the same, and that the express terms of the Clayton-Bulwer treaty were being violated by her.

The ludicrous character of this so-called sovereignty is disclosed in an article reprinted in Churchill's Voyage; it shows that the regal dignity was acquired by the "king" of the Mosquitos by the gift of a crown and commission; the crown was an old cocked hat and the commission a waggish document that he should kindly use and release such straggling Englishmen as should choose to come that way with plantain, fish, and so forth.

Upon this foundation Lord Palmerston answered the American protest against the violation of the Monroe doctrine by informing Mr. Lawrence, American minister at London in 1848, that—

a close political connection had existed between the Crown of Great Britain and the State and Territory of Mosquito for a period of two centuries.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DAVIS. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. AINEY. Certainly.

Mr. SLOAN. Mr. Chairman, I will ask the gentleman whether he has examined the message of the President of the United States with especial reference to the arguments that are now being submitted in the other legislative branch of this Government with a purpose of discovering whether there has not been an entire shift of reasoning for the removal of the exemption of tolls. On that point I desire to call his attention to a statement in the President's address which is as follows, referring to that exemption:

And is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

On May 5, in the other branch of this Congress, I find in the RECORD, on page 8389, the words of the chairman of the Committee on Foreign Relations of the Senate, Senator STONE, who is presumed from his position to be better acquainted with all matters of foreign relations than any other Member of either branch of Congress, in which he says:

I was fully convinced in my own mind that the United States had a right under the very terms of the treaty itself, and without violating either the letter or the spirit of that convention, to allow our coastwise vessels to pass through the canal free of tolls.

Has the gentleman compared those two statements for the purpose of reconciling them?

Mr. AINEY. Mr. Chairman, I will say to the gentleman—if that is intended as an inquiry to me—that I have not; I long since discovered that I had not sufficient agility of mind or body to follow the quick changes which overnight occur in the administration's position. Some time ago I read the platform of the Democratic Party with a good deal of interest. It is not now recognizable as such. I have attempted once or twice to reconcile it with the statements of the gentlemen elected on that platform made on the floor of the House, but I grew tired; and so if the gentleman himself has any explanation I hope he will make it in his own time. As far as I am concerned, I would as soon attempt to "untangle the intangible."

Mr. SLOAN. Mr. Chairman, I would like to call the gentleman's attention to two other statements.

Mr. AINEY. Very well.

Mr. SLOAN. Mr. Chairman, I call the gentleman's attention further, apropos to the discussion of this treaty, to the statement of the President:

Whatever may be our own differences of opinion concerning this much-debated matter, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

With the gentleman's permission I will call his attention to a further statement by the chairman of the Foreign Relations Committee in the other body of the National Congress, in which he says:

True it is that in the course of the present debate some Senators and Representatives have declared that the exemption provision of the law of 1912 should be repealed because in their opinion it is in conflict with the Hay-Pauncefote treaty and that its enactment did in some sense involve the good faith and honor of this Nation. But that is being said here in Congress and in American and foreign newspapers, and not by foreign Governments. As to that contention, by whomsoever made, I absolutely dissent, for I still believe that the act of 1912

nsserted no right to which we are not lawfully entitled within the very terms of the treaty. No foreign Government is now asking us to repeal this law; no foreign Government has filed or presented any protest since its enactment.

Mr. AINEY. Mr. Chairman, it rather strikes me that there is no parallel, except in the fact that Great Britain has made no less than eight treaties affecting her Central American claims, and in each instance attempted to interpret them against their plain language.

Mr. Marcy, Secretary of State in 1853, thus characterizes Great Britain's violation of the Clayton-Bulwer treaty:

The protectorate which Great Britain has assumed over the Mosquito Indians is a most palpable infringement of her treaties with Spain, and the authority which she is there exercising under pretense of this protectorate is in derogation of the sovereign rights of several of the Central American States, and contrary to the manifest spirit and intention of the treaty of April 19, 1850, with the United States.

Though ostensibly the direct object of the Clayton-Bulwer treaty was to guarantee the free and common use of the contemplated ship canal across the Isthmus, there were other and highly important objects sought to be accomplished by the convention. The stipulation regarded most of all by the United States is that for discontinuing the use of her assumed protectorate of the Mosquito Indians. It was the intention, as it is obviously the import of the treaty of April 19, 1850, to place Great Britain under an obligation to cease her interposition in the affairs of Central America and to confine herself to her limited rights in the Belize. She has by this treaty of 1850 obligated herself not to occupy or colonize any part of Central America or to exercise any dominion therein. Notwithstanding these stipulations, she still asserts the right to hold possession of and to exercise control over large districts of that country and important islands in the bay of Honduras, the unquestionable appendages of the Central American States. This jurisdiction is not less mischievous in its effects nor less objectionable to us, because it is covertly exercised, partly at least, in the name of a miserable tribe of Indians, who have in reality no political organizations, no actual government, not even the semblance of one, except that which is created by British authority and upheld by British power.

In his third annual message to Congress, in 1855, President Pierce voiced a resolute and robust protest against Great Britain's persistent violation of the treaty.

President Buchanan in his fourth annual message to Congress announced that "Her Britannic Majesty concluded a treaty with Honduras on the 28th of November, 1859, and with Nicaragua on the 28th day of August, 1860, relinquishing the Mosquito protectorate." Great Britain recognized by that treaty as belonging "to and under the sovereignty of Nicaragua the country hitherto occupied by the Mosquito Indians within the frontiers of the Republic; that a certain designated district should be assigned to these Indians, but that it should remain under the sovereignty of Nicaragua and should not be ceded by the Indians to any foreign Province or State, and that the British protectorate should cease three months after the exchange of ratification." Great Britain executed a treaty with Guatemala defining the boundaries of Belize in 1859.

The expressions of satisfaction by President Buchanan at this solution of the controversy were premature. They were based upon the assumption that Great Britain had ceased to exercise any influence whatever over the Mosquito Coast. These treaties had as little effect upon British pretensions as did the treaties with Spain and with the United States. Nicaragua protested against the violation, and finally, in 1880, agreed with Great Britain to submit the questions at issue, including "the degree of influence Great Britain was entitled to exercise over the Mosquito Coast," to the arbitrament of the Emperor of Austria. His decision sustained Nicaragua's claim of sovereignty, but, strange to say, imposed limitation on its exercise whereby British influence remained.

The treaties with Nicaragua, Honduras, and Guatemala were made because of the feeling engendered in the United States at the persistent violation of the Clayton-Bulwer treaty, which had been entered into on the part of the American Government in the hope that it settled forever the pretension of Great Britain to territorial rights in Central America.

The Clayton-Bulwer treaty proved a keen disappointment to the American people. It was a source of annoying and ineffective diplomatic correspondence.

In spite of its terms the British Government continued to claim a protectorate over the Mosquito Coast and did not cease to occupy Bay Islands and the Belize.

With the completion of the Suez Canal, which gave England a short route to India, her interest in the opening of the Isthmian Canal waned. It was apparent that Great Britain did not intend to give financial support to the project as contemplated.

A half century had elapsed since the convention was signed, marked by marvelous development on this side of the Atlantic. What was impossible in 1850 was comparatively easy in 1900. The population of the United States increased to 76,000,000; the material resources had advanced accordingly. Public sentiment crystallized around the statement, "An American canal on American soil under American control."

The negotiations which led to the abrogation of the Clayton-Bulwer treaty and the execution of the Hay-Pauncefote treaty in 1901 are interesting. It was clearly shown to Great Britain that the American Government had every reason to consider the older treaty abrogated, both because of violation of its terms and by changed conditions. It stood in the way of the construction of the canal.

After years of negotiations it was "superseded" by the Hay-Pauncefote treaty of 1901, but under it the ever-recurrent "right of Great Britain in Central American affairs" out of merest shadow again appears. [Applause.]

By unanimous consent, leave was granted to Mr. BUCHANAN of Illinois and to Mr. THACHER to extend their remarks in the RECORD.

Mr. BARTLETT. Mr. Chairman, I yield eight minutes to the gentleman from Illinois [Mr. GORMAN].

Mr. GORMAN. Mr. Chairman and gentlemen of the committee, I want to take such time as the chairman of the committee could spare me to bring to the attention of the House my reasons for introducing the bill which I filed this afternoon, and I had hoped that there would be a large number of the Members present to hear my suggestions, but in the absence of many of the Members I am going to submit my suggestions for the benefit of the few who are present and this great assembly of vacant seats, hoping that those who read the RECORD may understand some of the reasons that prompt me to act in the matter.

During the consideration of a bill before the Committee of the District of Columbia a few days ago, the bill which was introduced by the gentleman from Virginia [Mr. CARLIN] providing for an increase in the wages of certain employees of the Government of the United States in the District of Columbia.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. GORMAN. Yes, sir.

Mr. SLOAN. Referring to the gentleman's suggestion of the large number of absentees, I trust he will allow it to go into the RECORD that the minority is furnishing about three times as many Members to listen to what the gentleman has to say as the majority.

Mr. GORMAN. I am glad the gentleman refers to that fact, because——

Mr. BARTLETT. There are only 10 Members on that side of the House.

Mr. GORMAN (continuing). Because the majority are doing the courteous thing to-day in meeting that great army of noble women who are here to present their petition to the Congress of the United States [applause], asking that they may have what I believe every citizen of the United States ought to have, without regard to distinction of sex, the right of suffrage. [Applause.]

Mr. SLOAN. Will the gentleman yield again?

Mr. GORMAN. And in further answer, I might say to the gentleman I desired to submit some suggestions in reference to my bill, or I, too, would be among that great number who are greeting the women who come here from all parts of the country to present their petition.

Mr. SLOAN. What excuse is the gentleman going to give for keeping us here with his eloquence and preventing us seeing the ladies' parade?

Mr. GORMAN. The gentleman is not being detained by my eloquence from meeting the ladies; probably because ladies do not vote in his State, therefore he is not concerned about them. But, Mr. Chairman, when interrupted I was about to direct the attention of the committee to this fact: There are a great many men employed here in Washington in the service of the Government of the United States and also in the District government, and they have been so employed, many of them at least, about 30 years, at the insignificant salary of $50 a month, and the bill which I presented is designed to give the men so employed an increase of salary; not certain, particular men, but all men employed by the Federal Government and by the District of Columbia who are classed as skilled or unskilled laborers. I am prompted to introduce this bill because of certain incidents which occurred in the committee room of the District of Columbia. When the bill H. R. 7389 was before the subcommittee of the District Committee a man who represented himself as a lawyer stated he was interested in lobbying for that bill and that he had charged the men whose wages the bill is designed to increase a certain fixed fee, and expected to charge them a contingent fee of 20 per cent of the increase which they would receive if the bill became a law during the first year after the increase was granted. A few months ago a hearing before the Committee of the District of Columbia developed this state of facts: A number of men employed by the

District of Columbia receiving $55 a month, I believe it was, had their wages increased by an act passed in the Sixty-second Congress, and a man representing himself as a lawyer or lobbyist had charged these men the enormous sum of $4,000 for alleged services in getting the bill through the House and Senate.

A number of years ago, about 18 years ago, I think it was, I was employed in the Government Printing Office. A number of men in that office at that time were seeking an increase in wages, and rumor had it that these men had raised a fund of $5,000 to get this increase through Congress, and it was my impression then, based upon my inexperience and lack of knowledge and the rumors then in circulation, that the money had to be paid to some Members of Congress. My recollection of this rumor of 18 years ago was revived when the statement was made before the District Committee by one of the men whose wages had been increased by the action of the Sixty-second Congress, while testifying before the District of Columbia Committee, that representations had been made to the men whose wages were increased that the man who was collecting the money did not keep it all for himself, but that he had to distribute it in entertainment of Members of Congress. It is conduct of this kind, I maintain, on the part of lobbyists—which is only a polite name for grafter—that tends to bring the House of Representatives into disrepute, and this House owes it to itself to take action on matters of that character which will forever stop that kind of misrepresentation on the part of lobbyists. I would have the employees of the Federal and District Governments know that the services of a lobbyist in securing an increase of wages through congressional action is not only unnecessary, but that money paid to lobbyists in that regard is wasted, and I shall oppose and do all I can, while I am a Member of this House, to defeat any legislation providing for an increase in pay to Government employees which is inspired by the activity of paid lobbyists or in which any lobbyist claims a fee contingent upon favorable action of Congress. So far as the employees to whom I have referred are concerned, the Government of the United States ought to pay these men, as a matter of right, better wages than it is paying.

When there is an appropriation bill before this House for battleships or for the erection of public buildings or anything else that the Government has to do with we invariably hear it said that the thing to be built or the thing to be done ought to be built or done in such a way as to be in keeping with the character and dignity of the Republic, and the Government of the United States ought to give to the men who work for it wages that will be in keeping with the character of the work they do, and enable them to live decently and maintain their families in respect, and no man can do this, in my judgment, under present living conditions, on a wage of $50 a month. I know it is quite fashionable when proposals are made to increase the salaries of Government employees to cry out against it in the interests of economy and in defense of the overburdened taxpayer, but I do not believe there is a taxpayer in the land among all our hundred millions of people who would object to the Government of the United States paying its laborers $65 a month. I rather think it will be a shock to many good people to know that the United States pays its laborers and some of its mechanics as low a wage as $50 a month. The fact remains, however, and it was stated under oath before the District of Columbia Committee, that there are engineers, firemen, painters, and other mechanics and laborers employed by the Government of the United States in the District of Columbia at $50 a month. The Government employees here in the District of Columbia ought to be paid better wages than men are paid in private employment. When they come here to take up a permanent residence they sacrifice the greatest right of citizenship, the right of suffrage.

When we consider the great sacrifice that men and women have made to secure the right of suffrage and the agitation now going on for its extension the sacrifice of that right for the privilege of holding a Government job in Washington can not be regarded lightly. As I view it, such a sacrifice can not be compensated for in money. Of course one living in Washington may retain a legal residence for the purpose of voting in his State, but if he happens to be a civil-service employee his rights are restricted because political activity may be frowned upon as "pernicious" by those higher in authority than the one whose activity is frowned upon. Then, too, there is so much red tape about Government work, such strict adherence to ancient rules, so much bowing down to convention; so much deference paid to "rank" and "tenure" that initiative and ambition are soon stifled in the atmosphere of official life and Government service in Washington. While employed in the Government Printing Office a number of years ago I met many young men in that and other departments of the Government; men of good education, bright, active, hopeful, full of energy and ambition. They had not been here long then and few of them expected to remain permanently. Some of them have passed away to the great beyond, but many more are here to-day in the same position they held then, working for the same salary and under the same conditions. I am sure that many of them if they had exerted the energy they possessed in the service of some private concern or had gone into business for themselves and worked in their own interests as faithfully and devotedly as they have done for Uncle Sam they would to-day be occupying positions of trust and responsibility in the industrial, commercial, or professional life of their community. There is a beauty and charm about Washington that seems to exercise a subtle influence upon nearly all who come and remain here. They soon become inoculated with a virus that is absolutely fatal to initiative and ambition.

If I were asked by a young man or woman in my community my views as to whether or not they should accept Government employment here in Washington, my advice would be to stay upon the farm and enjoy the real liberty that goes with that life. [Applause.] Or if you must leave the farm, if you must respond to the call of the city, go into industrial or commercial pursuits, where you will know the thrill of ambition. Do not come to Washington. Washington, in my judgment, is the cemetery, the sepulcher, for initiative and ambition. When men say that Government employees here in Washington are overpaid, I say they are not, in view of the sacrifices they make. For myself, I would rather be out in the world of action, where things are being done, taking part in the doing of them, contributing my little share in a humble way, even at a small wage, and be a part of the great world of action, where men grow by contact with their fellows, than be here in the Government service, where men, sooner or later, become inoculated with a virus that destroys their ambition and renders them as absolutely helpless and inefficient after a few years for the great struggle of active life as the hookworm renders inefficient and helpless its victims in the South. Many a young man and woman has come to Washington to get the experience of Government service in the hope that it would help them realize some higher ambition, and in a few years the only hope they entertain is that they may be permitted to retain the position they hold. With them ambition has become stifled. The Government service may have acquired another human machine to carry out its routine, but the country has lost a mind and brain and hand that will never again know the throb of ambition, the restless disposition to try, to do, and to achieve. But this discussion has gone beyond the limits of my bill. The men whom I am interested in helping are the men who now work for small wages for the great big Government of the United States and for the District of Columbia, men who have no organization and who therefore can not act in concert, men who must present their plea for an increase in wages individually, and who, in their helplessness, turn hopefully to the charlatan, who takes their money and assures them he will accomplish that which no one but the Congress of the United States can do; and to make his promise impressive he indulges in the slander that his fee will be spent, in part at least, in winning the favorable consideration of Congress by lavish entertainment. The men who will be benefited by favorable action on my bill are the "underdogs" of the Government service, the men who render a real service for a ridiculously low wage.

The CHAIRMAN. The gentleman's time has expired.

Mr. DAVIS. Mr. Chairman, in the absence of the gentleman from Illinois [Mr. HINEBAUGH], who has, I think, 10 or 12 minutes——

The CHAIRMAN. The debate will close at 4 o'clock and 35 minutes.

Mr. DAVIS. I will yield of Mr. HINEBAUGH's time two minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, now, while the women of the country are assembled here on the Capitol steps to present their demand for equal suffrage, I shall read as a part of my remarks the following declaration, proclaimed by the women of this Nation:

DECLARATION OF INDEPENDENCE—1914.

"When in the course of human events it becomes necessary for one half of the people to dissolve the political bondage which has held them subject to the other half of the people, and to assume the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to freedom.

"We hold these truths to be self-evident, that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life,

liberty, and the pursuit of happiness; that to secure these rights governments should be instituted among both men and women, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people—women people as well as men people—to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect the safety and happiness of all the people. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes, and, accordingly, all experience has shown that womankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to keep them under absolute subjection, although they are spiritually and mentally ready for freedom, it is their right, it is their duty to throw off such subjection and to provide new guards for their future security and the security of their children.

"Such has been the patient endurance of the women of this country; and such is now the necessity which constrains them to demand an alteration in the system of government. The history of our Government is a history of repeated injustice to women as wives, mothers, and wage earners, and of repeated usurpation by men, many of them with the avowed object of protecting women. But the direct result has been the establishment of a Government which benefits by the knowledge and experience of only one-half of the people, and which can not fully represent the interests and the needs of the other half of the people.

"In every stage of these oppressions we have petitioned for redress in the most humble terms, beginning even before the Constitution of the United States was adopted. Our repeated petitions have frequently been answered by ridicule and by repeated injustice. We have appealed to the native fairness and magnanimity of men that they disavow these usurpations which inevitably render less dignified, honest, and harmonious the relations between men and women. Men have too long been deaf to this voice of justice and honor, but many are now joining with us in our refusal to acquiesce longer in this unwarrantable sovereignty over us and over our children.

"We, therefore, the women citizens of the United States of America, assembled to-day throughout the Nation, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name and by the authority of the organized womanhood of America demanding enfranchisement, solemnly publish and declare that women ought to be politically free.

"Here and now, in this glorious springtime of the year, under the azure skies of hope, in the sunshine of life and enlightenment, we dedicate ourselves to the great work we have undertaken, and go forward to victory remembering that in unity there is strength, and that not even the prejudices of the ages nor the powers of entrenched political privilege can keep in continual disfranchisement half of the citizens of our country when their rights are demanded by the intelligent, patriotic, and united womanhood of the land.

"Women of America, this is our country; we have the same devotions to its institutions as that half of the citizenship that is permitted to govern it. We love the flag, and it means as much to us as it does to the men of our Nation. Women have made, and women will make, as many sacrifices for the honor and glory of these United States as those of her citizens who have all the rights and privilege of the suffrage. Given our full citizenship and allowed to share in the Government, we will be as jealous of the honor and integrity of our country as we have been in the past, when in countless ways we have shown our devotion to the life of the Nation, to the liberty of its citizens, and to the happiness of all the people."

Mr. Chairman, this declaration of the women of the United States is worthy of inscription in our permanent records, and I am glad that it is to be so inscribed. I am thankful, Mr. Chairman, beyond any power I possess to express it, that this declaration does not even suggest the use of force or violence in this land dedicated to equality and equal opportunity. To-morrow is Mothers' Day and the flag of this Republic will proudly wave from the dome of our Capitol in testimony of the fact that we owe the greatest debt of all to womanhood.

That quality which demands of the manhood of this country the recognition of motherhood will demand that the women of this country assume that responsibility which citizenship imposes, and will impose upon women the duty and give to them the right to vote as the only effective way for any citizen to register his or her will in the enactment of law and to share in the responsibility of governing our country.

WOMEN VOTERS IN COLORADO.

In extension of my remarks I call to the attention of Congress that the recent proceedings in the State of Colorado afford the most convincing arguments for equal suffrage that have been presented during all this struggle of women for their political rights. The State was born into existence with the awful load of alien land ownership. Its vast coal and mineral areas from old Spanish days were subjected to appropriation in large tracts by a few men. These lands had passed into the hands of heartless speculators who thought only of the dollars that could be dug out of the mines and ground out of the workers and consumers of coal. Foreign laborers were imported who were not in tune with Colorado laws and ideals, and were placed at work in the mines.

The soulless interests that owned the mines so manipulated the politics of the State as to pass much of the political authority into sordid and corrupt hands. The courts were controlled, county officials were owned, by the corporations, and finally the miners went on a strike. Facing hunger and poverty, they put their wives and children into tents and established a tent colony. Officers of the law, by arson, murder, and various forms of lawlessness, caused many of these women and children to be burned, shot, or suffocated to death.

Civil war and anarchy ensued. The situation was desperate. Bloodshed and carnage was the order of the day, and the weakling that was in the governor's chair was entirely unable to cope with the situation.

WOMEN VOTERS TO THE RESCUE.

In this hour of calamity the women voters of Colorado in their power and sovereignty as voters, a far greater power in such an emergency than could be generated by any beautiful sentiment of motherhood or chivalry, held a mass meeting at the Colorado Statehouse, and here is what the Colorado papers have to say about the work of those women. The Denver Post of April 26 says:

Army of women camp all day at statehouse and compel writhing governor to do bidding. Ammons tries evasion, delay, and subterfuge, but is conquered. Determined, they stuck it out until their cause was victorious.

In another edition the Denver Post says:

FIVE HUNDRED WOMEN CORNER AMMONS IN CAPITOL—DEMAND STRIKE END—SQUIRMING GOVERNOR FORCED TO END HIS DILATORY TACTICS—SENDS TELEGRAM TO PRESIDENT, ASKING IF FEDERAL TROOPS CAN BE CALLED TO COLORADO, AND WOMEN HOLD FORT WAITING ANSWER.

The spirit of militancy swept the women of Denver this morning. It swept a mighty mass meeting of 500 women and nearly 200 men gathered to protest against the sorry dilly-dallying of Gov. Ammons, which has led to bloodshed and the loss of life in the coal fields of southern Colorado.

"Immediate action and no more delay; no more investigation; no more discussion," was the demand of the people. Nor would they be put off. Gov. Ammons played for time. He tried to evade the imperious summons of the meeting to appear before the people and not only listen to their demands but to take action upon them.

But the women would not be put off. They have been patient. They have waited quietly to no end. This morning they were aroused to fever pitch by the news of renewed fighting in the strike district. Gov. Ammons literally was forced to appear before them to listen to their demands for immediate Federal intervention, for the withdrawal of the State troops from the fields and the governor's own presence there, and finally for the arrest of Maj. Hamrock and Lieut. Linderfelt and the investigation of their conduct.

"We demand that the governor here and now shall send a telegram to President Wilson asking for Federal aid," declared Mrs. Robert W. Steele, who headed the mass meeting. "Then a committee of our own women will at once send off that telegram. Nothing less will satisfy us."

DEMAND THAT GOVERNOR ASK FOR FEDERAL AID.

Again the governor played for time. He insisted that he had received word from Congressman TAYLOR that the President refused to grant aid. He was interrupted by Mrs. Steele.

"I have authority for the statement that the telegram which has been given out is not correct," she declared. "The telegram which really was sent stated that the matter had been seriously considered by the President and his Cabinet, but no action could be taken unless the governor himself asked for aid."

Gov. Ammons protested that he could not "affront the President" by asking for aid unless he was assured that the first telegram was incorrect. He begged the women to adjourn and give him an opportunity to ascertain which was correct.

AMMONS'S PLEA DROWNED WITH HISSES OF WOMEN.

His plea was drowned with shouts and hisses. "No, no!" cried the women. "We're going to stay here until we get what we want."

"How could a demand for Federal aid be an affront to the President if he is so anxious to help us?" asked Mrs. Steele in quiet dignity.

The governor openly squirmed and finally agreed to at once send his message to Washington asking which telegram was correct.

"And we'll wait here until you give us an answer," shouted the women as he hurried off, with a bodyguard of Lieut. Gov. Fitzgarrald and two plain-clothes men from the police department, Peter Carr and P. J. O'Connor.

Long before 10 o'clock, the hour set for the gathering of the women to protest against the dilatory policy of Gov. Ammons, which they declare is directly responsible for the Ludlow massacre as well as the later fighting, women began to assemble in the rotunda of the capitol.

WOMEN FROM THE HILL MINGLE WITH WORKERS.

There were women from capitol hill, women from business offices, wives of laborers and workingmen. It was a representative crowd, and from the lips of all the women came determined words.

This once they would assert their power as citizens and voters to the fullest extent. Women and children had lost their lives in the strike district. And it was the sons and brothers and husbands of these women who had been sent down to Ludlow to bring about peace at the risk of their lives.

By 10 o'clock the halls of the capitol were crowded, with the leaders standing in the rotunda of the building. Promptly at the hour, Mrs. Robert W. Steele, chosen at the mass meeting on Thursday to head the demonstration, and Mrs. Alma Lafferty, president of the Woman's Peace Organization, which first called the meeting, stepped to the head of the ranks of women.

"HERE TO DEMAND END OF CIVIL WAR," SAYS LEADER.

"Women of Denver," cried Mrs. Lafferty, "we are gathered here to-day on very serious business. We are not here to take sides in this terrible trouble between the strikers and the operators. But we are here to demand of the governor that he at once take steps to bring this civil war to an end. We are not accusing anyone, but we want action at once, and let us stay here until we get it."

"We're going to stay," shouted the women, cheering and waving their handkerchiefs.

"I ask you to be quiet and dignified in presenting these demands," urged Mrs. Lafferty. "We want to act with credit to all the women of the State. Let us go forward with the quietness of despair."

Headed by Mrs. Steele, the women marched toward the governor's office. At the door they were stopped by Jackson, the governor's messenger.

"The governor asks you to go to the chamber of representatives," they were told. "All of you can't get in here."

FORCE PROMISE THAT THE GOVERNOR WILL APPEAR.

"Will the governor come up there?" asked the women, and not until they were assured that he would come before them would they leave the office, which was literally besieged.

Once gathered in the house of representatives, the women opened their meeting with the singing of "America." There were tears in the eyes of many of them, and the word was passed from lip to lip, "Remember the women and children who died at Ludlow."

"I will appoint a committee of women to wait upon the governor and demand his presence," announced Mrs. Lafferty. "Will Mrs. Herlinger, Mrs. Stuart D. Walling, Mrs. Evangeline Heartz, and Mrs. J. J. Ryan inform him that we are waiting for him?"

As the committee withdrew someone started singing the "Battle Hymn of the Republic," and in a few minutes the chamber was ringing with the martial song.

AMMONS GETS GUARD BEFORE GOING TO MEET.

For half an hour Ammons kept the women waiting while he sent for Chief O'Neill, two plain clothes men, and several traffic policemen to guard him and to preserve order.

"Why are these men allowed to enter the governor's chambers and confer with him when we are waiting?" the women demanded.

"Why, they're officers of the law," spoke up some one, "and, besides, the governor is talking with D. W. Brown on the telephone and considers that more important than conferring with the women."

Finally the committee of women were admitted. The governor was seated at his desk with Fitzgarrald by his side and the two policemen on guard.

"Gov. Ammons," said Mrs. Robinson, "we are here simply to escort you to the chamber above and to ask your immediate presence there. The women wish to present some resolutions to you."

The governor cleared his throat, then asked if the committee could not present the resolutions. "I have important matters to attend to, ladies," he said. "I have just received word that there is fighting going on at three mines down in the strike district. The attorney for the mine workers is waiting to confer with me. There are steps which must be taken immediately to prevent loss of life. I have no time to listen to resolutions."

WOMEN HOLD GOVERNOR TO PROMISE TO APPEAR.

"We, too, represent those who are desirous of preventing loss of life," he was told. "Gov. Ammons, as the State's chief executive you owe it to the women of Colorado to appear before them. We are here to help you, but we were assured before retiring upstairs that you would appear at the meeting."

"Good God, there's firing going on down there," cried Fitzgarrald, waving his hands. "The governor will come to you when the firing ceases."

"I have just until noon to arrange these important matters," pleaded the governor. "Can't you wait until then?"

"We will keep you only five minutes," insisted the women, and with a hopeless wave of the hand the governor finally assented.

He was then escorted to the house of representatives, still accompanied by Fitzgarrald and the detectives, with the women following him. As they entered the house all the women arose and shouted, then sat down quietly at a signal from Mrs. Lafferty.

"Gov. Ammons and women of Denver," she said, "we have come here on a peaceful mission. We are not here to take sides in this matter of the strike, but to demand that this dreadful warfare in southern Colorado cease at once. I am pleased to introduce to you Mrs. Robert W. Steele, who will present our demands to the governor."

MRS. STEELE IS CHEERED AS SHE CONFRONTS HIM.

The women arose and waved their handkerchiefs and cheered as Mrs. Steele came forward.

"In the name of humanity and of the women of the State of Colorado and the city of Denver, I present to you these resolutions, Gov. Ammons, adopted at the meeting of the Women's Peace Association on Monday," she said. "We request that you act upon them at once:

"'*Resolved*, That we demand the immediate intervention of the United States troops in the strike district; that we demand the immediate withdrawal of the State troops from the field and the immediate presence of the governor in that district, in order that he may, as chief executive of the State, bring about peace in that district; and that we demand the arrest of Maj. Hamrock and Lieut. Linderfelt, and that they be brought to Denver so that their conduct may be investigated.'

"Gov. Ammons, I am assured that a telegram from Congressman Taylor which was given out and printed in our newspapers all over the State a few days ago was not the correct telegram which was sent by him.

CORRECT TELEGRAM HELD BACK, SAYS MRS. STEELE.

"The first telegram stated that the congressional delegation had called upon President Wilson and the Cabinet and that Federal aid was considered out of the question. The second telegram, which I am assured was the true one, stated that the matter had been taken up by President Wilson and his Cabinet, that they had spend much time in serious consideration of it, but that nothing could be done unless Gov. Ammons requested aid.

"We therefore ask, Gov. Ammons, that you here and now write out a message to Wilson, asking for aid, and that Mrs. Lafferty then appoint a committee of women to see that the telegram immediately is sent off."

WOMEN SHOUT AS BLANK IS HANDED TO GOVERNOR.

The house fairly shook with applause and deafening shouts as Mrs. Steele finished and handed a telegram blank to the governor. Mrs. Lafferty stepped forward, asking if she might appoint a committee, but the governor shook his head and stood up.

"Ladies," he said, "while in Washington I took up the matter of Federal intervention with the President. It wasn't the first time. Early last winter, when affairs here reached a crisis, I made inquiries as to the possibility of intervention in case the State should be unable to handle the situation, and was given very discouraging reports.

"When I left for Washington a week ago Tuesday I went in the fullest confidence that there would be no more trouble in the strike district. By the time I had reached there the Mexican situation was very acute. President Wilson and the Cabinet were engrossed in the consideration of it.

"Then I got word of the trouble here. Not until last Tuesday night did I get anything very definite. At that time I could not see the President, but took up with the members of the investigating committee sent out here from Congress, and also with our own congressional delegation, the matter of intervention.

ATTEMPT TO PUT OFF WOMEN HISSED DOWN.

"When the situation became so acute I left for Denver. On the road I received a telegram stating that the congressional delegation from this State had interviewed the President and that there was no hope of Federal intervention. That is the telegram which was given out. If I was not correct, I want to know it. Before going any further I would like to telegraph to Washington and find out what is correct. It will take only a few hours, and if you will adjourn until to-morrow morning"——

The governor was not given an opportunity to complete his sentence, which was drowned out by the shouts of protestation.

"We're going to say right here," cried the women.

The governor looked around helplessly, then spoke again.

"I was assured when I came up here that you were to help me," he said. "God knows I need help. I don't need anything else. I have used what little ability I have to serve this State and to bring about an adjustment in this matter.

WANTS COMMITTEE TO GET FACTS IN CASE, HE SAYS.

"I have had only a few hours to get in touch with the situation. I am trying to organize a committee, headed by the chief justice of the State, to go down South and make investigations and find out what are the facts in the case. When we know the facts, then we can act, and no one will demand a more speedy punishment of the guilty parties if they are found than I will.

"I didn't go to bed last night until 2 o'clock, when I tried to get a little sleep. But I couldn't sleep at all, and got up at 5. Since I went into office I have spent on an average of 16 hours a day at my desk. And I am willing to spend every hour of every day of the coming weeks in the effort to adjust this matter without further bloodshed. Until you give me a good chance, I ask you as good citizens to give me your help and support. Give me an opportunity, an opportunity. I can't do anything unless I have public sentiment back of me."

WOMEN SING AS THEY WAIT ANSWER TO TELEGRAM.

The women, while refusing to adjourn, consented to wait until the governor could send off his telegram. They spent several hours singing songs and listening to the speeches of women who had been down in the strike district.

Here is the report as it appeared in the Rocky Mountain News and Times of April 26:

DETERMINATION OF MOTHERS, WIVES, AND DAUGHTERS BRINGS APPEAL OF GOVERNOR TO STOP KILLING STRIKERS.

(By Mildred Morris.)

A silent army of 1,000 women marched to the house chamber of the capitol yesterday morning. In its ranks were women with babes in arms, white-haired women whose eyes were dimmed by age, working women, women from Capitol Hill, women of all classes and of all ages.

The army summoned the governor of the State to come before it. The governor came. It demanded that he send a telegram to Washington. The telegram was sent. It demanded that he appeal to Washington for Federal troops. The appeal was made.

GOVERNOR OBEYS ORDERS.

Never was there anything like it. These women who ordered the State's chief executive to do their bidding and were obeyed accomplished a great thing, and accomplished it in perfect peace and dignity. There were no threats, no hisses, no jeers. It was an assemblage that gave equal suffrage a new meaning.

The women who came believed they had a solemn duty to perform and they did not go away until they had performed it. Never were there women more deadly in earnest, more grimly determined.

WAIT ALL DAY FOR REPLY.

They stayed, most of them, from 10 o'clock in the morning until 4 o'clock in the afternoon waiting for an answer to the governor's first telegram to the President. They sent word down to the executive office that those who could would remain at their posts until the gathering's demands were granted; it mattering not whether they were made to wait all night or all week, they would wait and keep sending their committee with their commands.

There was no impatience. While they kept their vigil they sang "The Battle Hymn of the Republic," "John Brown's Body," "Onward, Christian Soldiers," and "Nearer, My God, to Thee."

At 6 o'clock there were still watching women left—150 of them. They were weary, but still grimly determined, women.

"Women, we are making history," said Dora Phelps Buell in ringing tones. "Stay on."

"We will," they cried back.

There was a call for volunteers to keep "the watch fires burning all night" if necessary. All 150 women rose to volunteer.

"We will all stay," they cried. "We will wait until the governor does our bidding."

CHEERS FOLLOW VICTORY.

When their committee came with a message from the governor that he was drafting an appeal for Federal troops they sprang to their feet and made such a demonstration as their tired voices would permit, and then sang "Praise God from Whom All Blessings Flow."

"Our work is not yet done," said Mrs. Alma Lafferty. "Women, we must wait until we see the draft of the appeal and know that it is sent. Will you wait?"

"We will," came back in chorus.

And they did. Not a woman among them left the statehouse until that appeal was sent.

CONSTANT WATCH KEPT.

In the governor's office waited the committee delegated by the women to carry its commands to the chief executive—its members, Mrs. Robert W. Steele, widow of the late chief justice of the supreme court; Mrs. Alma Lafferty, president of the Women's Peace Association; State Senator Helen Ring Robinson, Mrs. Stuart Walling, and Mrs. John Joseph Ryan. It did not relax its vigil for a moment, not even to eat. It lunched on sandwiches and dined in the governor's anteoffice on oranges and bananas. When the governor returned from his own dinner he found the committee still on the job, tired eyed but cheerful. All day it had followed him like a Nemesis.

Some of the women who waited upstairs went all day without food, not a few of whom were gray-haired women. They would not leave their posts until the draft of the governor's appeal for Federal intervention had been read to them.

NEW DEMANDS ARE PLANNED.

And when they at last dispersed after a 12 hours' vigil, tired to death but triumphant, the 150 watchers made it known that if the President refused Federal aid to end the carnage in the southern coal fields the army of 1,000 women would return and make new demands.

They wanted a cessation of bloodshed in the strike zone, and they would have it. As the mothers of the State, they had awakened to their power and were serving notice on those elected to serve the Commonwealth of Colorado and to remember that there were determined women who, like sentinels, henceforth would be on guard to protect human rights and to prevent the murder of men, women, and children in industrial warfare.

COMMITTEE IMPRESSES GOVERNOR.

The assembly of women apparently was not taken seriously by Gov. Ammons until a committee waited on him to summon him before it.

"We have come, Mr. Governor, to escort you to the house chamber where the women of Denver await you," said Senator Helen Ring Robinson.

"I am very busy, ladies," answered the governor, nervously. "You can tell me what the meeting wants and I will give my answer through you."

"But the women want to hear from you directly, Mr. Governor," said Mrs. Robinson in a quiet tone.

"It is impossible for the governor to leave this office at this time," put in Lieut. Gov. Fitzgarrald. "He can't see these women now."

"BUSY," SAYS GOVERNOR.

"I am kept busy talking over the long-distance phone," said Gov. Ammons. "I am trying to keep peace at one of the mines where there is firing. I can not come."

"Gov. Ammons," said Mrs. Robinson firmly, "the women of Denver summon you. The women of Denver, do you understand?"

"You ought to understand the governor can't come now," put in the lieutenant governor again.

Mrs. Evangeline Heartz, another member of the committee, rose to her feet and pointed her finger at Fitzgarrald.

"Lieut. Gov. Fitzgarrald, the women of Denver are gathered upstairs," she said. "They want to see Gov. Ammons and they will see him. Do you hear?"

WORKING FOR PEACE, HE SAID.

"I am trying to bring about peace and I can only listen to those who want to help me," said the governor.

"The women upstairs are also desirous of bringing about peace," said Mrs. Robinson, "and they have come to help you, Gov. Ammons."

"But don't you see, ladies, I can not leave right now?" pleaded the governor. "I must keep peace at this mine."

WILL WAIT, HE IS TOLD.

"We don't insist that you come right now, if you can not," said Mrs. Robinson; "the women will wait for you. They are patient."

"Better come back this afternoon or some other time," suggested the lieutenant governor.

"Oh, no, Lieutenant Governor," said Mrs. Robinson with a quiet smile. "We will wait until the governor is ready for us to escort him upstairs."

"Just a minute, then," said Gov. Ammons.

AGREES TO MEET THEM.

He went into the inner room and came out directly.

"I am ready to go now," he told the committee, and Lieut. Gov. Fitzgarrald and Detective Peter Carr and T. W. Connor, in plain clothes, walking beside him, the governor followed the committee upstairs.

The second time the committee waited on the governor Mrs. Steele bade him not to forget that the women demanded that he order Maj. Hamrock and Lieut. Linderfelt arrested and brought here to be tried on a charge of murder.

PROMISES INVESTIGATION.

"This shooting at Ludlow is to be investigated and the guilty ones punished," answered the governor. "But how can we try Hamrock and Linderfelt here, even if they were guilty? They'd have to be tried down there. We couldn't possibly try them here."

"Under the Moyer decision you can do anything, Mr. Governor," suggested Mrs. Robinson.

The governor made no answer.

Before 10 o'clock, the hour set for assembling, the women who responded to the Women's Peace Association's call thronged the corridor of the capitol.

"Women, let us proceed in a dignified manner to the governor's office," said Mrs. Alma Lafferty, president of the Women's Peace Association.

MRS. STEELE HEADS LINE.

A line was formed with Mrs. Robert W. Steele at its head. The vanguard was met at the door of the executive offices by Jackson, the governor's negro messenger.

Later, Mrs. Steele, Mrs. Robinson, Mrs. Ryan, and Mrs. Walling composed a committee appointed to remain with Gov. Ammons until he had dictated a telegram to President Wilson.

Mrs. P. T. Hurlinger, wife of a carpenter, was the first member of the committee named. She had her 8-months-old baby with her and carried the little one to the governor's office. Mrs. Robinson, Mrs. Heartz, and Mrs. John Joseph Ryan completed the committee.

About the same time the committee reached the governor's office Detectives Carr and Connor had arrived there, summoned by Chief of Police O'Neill, who was in conference with the governor.

Mrs. Robinson insisted that the Taylor telegram to the governor be verified. On the governor's private telephone she called the Western Union office and had the telegram read to her over the telephone.

Exactly what had the women voters of Colorado done? They had broken all known precedents by compelling a governor of an American State to apply for Federal troops, admitting his own inability to preserve peace and keep order in the State. Never before had such a thing happened. A mass meeting of men could not have accomplished it. Men would have fought each other. Men would have palavered about "State rights" and "Colorado's dignity." But these women wanted the strike to stop; wanted arson, murder, and pilage to cease.

"THEIR'S NOT TO REASON WHY."

Colorado, Mr. Chairman, as already stated, presents the two biggest of all arguments for woman suffrage. First, the women and children, the homes, suffer first from bad law enforcement, from weak officers, from grasping, grafting capitalists, from men who are careless and irresponsible. They should have the right to vote from simple justice, that they may have an equal opportunity to protect their homes, their children, their dearest rights. Second, the women are competent and efficient in the greatest emergency, in the face of appalling calamity. Instinct tells them how to do the thing, and they do it.

THE WOMEN WILL VOTE IN THE UNITED STATES.

Will the women vote in this country? Yes. Will the State-rights bogey keep them from acquiring and exercising their own human rights? No.

The Democratic Party organization in this Congress may cause delay, but that party will be driven out of power if it continues in the way. That was a time when men declared that women were without souls, and there were antis in that day who opposed the good women who took issue with the clergy; but despite the antis and the reactionaries, the right of women to enter the pearly gates the equal of man was finally admitted, although the masculine gender is supposed to guard all the portals. Women then struggled for the alphabet and the right of rudimentary education, and the reactionary men of that day and the antis denounced the women, who were called "agitators" and "knockers," "dissatisfied with home environment." They burned at the stake and hung on the gibbets in England and other European countries in 10 generations 3,000,000 women who were attempting to advance the cause of womanhood. They called them witches. The women antis used red in those days to scoff at the women who were persecuted for being intelligent or ambitious. The red was a symbol of the fire which would burn the "witches" to death.

Within my own recollection women have struggled for the right to higher education and to work in gainful pursuits to make their own living. The antis were present in all these struggles, like they paraded the streets—a few of them—to-day with their red roses of scorn. But they are like mosquitoes to the American Army at Vera Cruz—some annoyance, it is true, but, after all, they only serve to stir the boys and the country with a desire to hear the word "On to Mexico."

So it will be in this struggle for equal suffrage. The battle is already won in 10 States and in Alaska. Four more will come in line next November. The Eastern States are beginning to line up. The women of America are going to vote soon. No party question will prevent them; no color line will stop them; no State rights issue will deter them; no State has any right to deny to half its citizens the right to share in government by the exercise of suffrage anywhere under the American flag. As citizens of the great American Republic, as members of the American family, and as units of the great American home, we will not permit such a travesty on democracy to exist any longer in this land of equal opportunity.

Mr. DAVIS. Mr. Chairman, how much time have I in my own right?

The CHAIRMAN. The Chair thinks the gentleman has about five minutes remaining.

Mr. DAVIS. I thought I had more than that. I will yield three minutes to the gentleman from West Virginia [Mr. SUTHERLAND].

The CHAIRMAN. The gentlemen can see for themselves the time. The gentleman from Minnesota is ahead now of the gentleman from Georgia about seven minutes, and debate, under the instruction of the House, is to close at 4 o'clock and 35 minutes.

Mr. DAVIS. I understand.

The CHAIRMAN. The gentleman from West Virginia [Mr. SUTHERLAND] will proceed.

Mr. RUCKER. I understood the Chair to say that debate would close at 4.35 p. m.?

The CHAIRMAN. Yes, sir.

Mr. RUCKER. I serve notice that it will have to stop at that time or have more Members here to listen to the debate.

Mr. SUTHERLAND. Mr. Chairman, I can not allow this opportunity to pass without voicing what I believe to be the almost unanimous sentiment of the people of my State of West Virginia in favor of a generous pension policy on the part of our Government toward our old soldiers. It will give me great pleasure to vote for the pending bill, which provides for the appropriation for pensions for the ensuing fiscal year. The only pang of regret I feel is that there are very many who should be the beneficiaries of their country's gratitude who have not yet been able to have their claims adjudicated, and yet who are as justly entitled to pensions as any who are at present on the rolls.

I desire to congratulate such of my Democratic colleagues of the Sixty-third Congress as have decided, as well as such Democrats of the Sixty-second Congress as did decide, that the American people will not stand for any parsimonious, cheese-paring attitude toward the veterans of the Civil War and their dependent heirs. It would be a fitting and magnanimous thing if every Democratic Member of Congress—those of the far South as well as those of the North—in these later days, when the harsh feelings engendered by the fearful realities of civil strife have been tempered by the lapse of many years, would join with us and make the vote upon this bill and upon all similarly well-considered bills absolutely unanimous. I am sorry that the number of Democrats who favor a liberal pension policy is so small. Yet I rejoice that in the last Congress a sufficient number of them joined with the Republicans to pass the Sherwood law. Without the aid of Republicans it would have failed of passage, yet I give full credit to those Democrats who assisted in the passage of that beneficent piece of legislation.

Yet, Mr. Chairman, the Republican Party, reunited, is the natural guardian and conservator of the rights and privileges of the old soldier, and to that party he must always look for steadfast devotion to his interests. There are still those on the Democratic side of this House, and elsewhere, who apparently begrudge every dollar that is taken from the National Treasury to pay this honorable debt to those who offered their lives on the altar of their country in the days following the firing upon Fort Sumter. We hear their railings upon every occasion in this body when a pension bill is before us for consideration.

There is a great difference, Mr. Chairman, between a liberal policy in the making, construction, and administration of our pension laws, such as that adopted by the real friends of the soldier, and a policy of scant acquiescence that has been wrung from their quasi friends by the dictates of political expediency. This difference is plainly apparent to those who have prosecuted pension claims under Republican and under Democratic administrations. We all know that a hint from the Executive, that is so effective in all other respects with his party associates, could tighten or loosen the methods employed by those who administer our pension laws, making it practically impossible, on the one hand, or easily possible, on the other, to get claims adjudicated.

I am opposed, Mr. Chairman, to all raids upon the Treasury. I do not want, nor does any honest man want, anyone granted a pension who is not equitably or legally entitled to it, but in cases of reasonable doubt at this late day, when the Angel of Death is summoning 100 or more of these battle-scarred veterans every 24 hours, and when it is becoming more and more difficult to obtain the evidence required under the stringent and technical rules adopted by an unfriendly majority, I would, Mr. Chairman, resolve those doubts in favor of the old soldier. I would rather a few should get pensions who might not deserve them than by any mischance a single deserving one shall be deprived of this recognition by his Government in his declining years. Let us be liberal, not technical, in our dealing with this subject. The few paltry dollars we can pay the veterans, even under a liberal policy, will not be a tithe of what these heroes deserve at our hands. Let us make the evening of their lives as comfortable as we can, for the day is rapidly approaching when the last one shall have answered the final roll call. A great country such as ours must not be charged with ingratitude.

Mr. Chairman and fellow Members, I want in this connection to make a plea for justice toward a body of men who served their country as willingly and as faithfully as any on the roll of honor of this Republic. I refer to the home guards, the independent State scouts, and those brave auxiliaries of the Army—the teamsters, bridge builders, and railroad repairers of the State of West Virginia. All or most of these men were exposed to great danger in defense of their State and country, storm ridden as it was. They made the same offering of their young manhood that was made by those who served in the volunteer armies, and I want to urge upon you, individually and collectively, that you assist in the enactment into law of the bills I have introduced in this Congress for the relief of these worthy soldiers and helpers—H. R. 9419, H. R. 10157, and H. R. 12118—by placing them upon the muster roll of the soldiers of the late war and by granting them service pensions of $30 per month. These men are now aged, but their arms are outstretched toward their Government, of which you and I form a part, and all that they ask is simple justice. I expect to continue bringing this matter to the attention of the Congress as long as I am a Member of this body, or until these bills or similar ones that accomplish the same object are passed.

Another point I wish to make, Mr. Chairman, is this: A great many old soldiers, who have passed the age of 65 and are thus ineligible to take the civil-service examination, are about to be removed from the positions they now hold as fourth-class postmasters. The ruthless hand of the spoilsman is reaching out and depriving these battle-scarred soldiers of the livelihood they have been earning under Republican administrations. I hereby offer my protest against this intolerable injustice. Is faithful service on the battle field to go for naught? Are wounds to go for naught? Are the technicalities of a civil-service examination a better test of fitness for these offices than years of faithful and wholly satisfactory work? Will the rapacity of Democratic office seekers not stop short of this desecration? Will the mere fact that these old soldiers are Republicans or Progressives outweigh all other considerations?

If I had a thousand tongues I should employ them all in a protest against this inhumanity. In this connection I desire to read one of several typical letters I have received from old soldiers who are in fear of having their very bread and butter taken away from them.

PETROLEUM, W. VA., *March 28, 1914.*

The Hon. HOWARD SUTHERLAND,
House of Representatives, Washington, D. C.

MY DEAR MR. SUTHERLAND: Yours of the 27th instant just received—relative to the post office here—and I can not understand why I should unjustly be cut out of the office, having been injured in the United States Army in line of duty during the Civil War, and to such an extent as to be refused reenlistment, as the records of the Pension Office will show; and, then, I can not understand why they desire to change from one tried and proving his efficiency, to one untried and without any business training.

I hope they may yet recognize my right as a wounded soldier of the Civil War.

I herewith return the letter of the Hon. First Assistant Postmaster General.

Please excuse me for intruding so much. Thanking you for your kindness, I am,

Very sincerely yours,

GEO. B. DOUGLASS.

Mr. DAVIS. Mr. Chairman, as much has been said upon this floor for and against the old soldier, I do not care to enter into any discussion as to the merits or demerits of any of our veterans. My record in that regard is well known, I think, to all the people of Minnesota and my section, and I think my votes upon the floor of Congress in the last 10 or 12 years have shown conclusively that I am a friend of the old soldier.

We are now about to pass, and I believe unanimously, a bill appropriating $169,150,000 for pensions for our old soldiers, their widows, and their orphans. I, for one, do not believe that that bill is one dollar too large. I agree with the present Commissioner of Pensions, who said that that amount would be necessary in order to properly pay them under the existing laws of the United States.

I wish to pay a compliment in this connection to the chairman of the subcommittee, Mr. BARTLETT, of Georgia, who thoroughly investigated the amounts that are required by the Commissioner of Pensions, and the committee, and I will say, the chairman of the committee was heartily in favor of passing this appropriation bill. There was not a dissenting voice in that committee, and I for one believe that the Commissioner of Pensions has carefully investigated it in all respects, and these are the amounts that he suggested.

Now, Mr. Chairman, I wish to say a word concerning a certain branch of our service, and but a word. We have the two

large branches of the service, the Army and the Navy, and they are large in comparison to another branch of the service called the Marine Corps. The Marine Corps has received, perhaps, its just deserts, and perhaps not, at the hands of the American Congress. They are small in numbers, but are efficient fighting men in all ways. The beginning of this Marine Corps, as I gather from the records, is as follows: The earliest authentic record of marines in America bears the date of 1740, when three companies were organized in New York under the flag of Great Britain. The parent of the present organization, the first and second battalions of American Marines, was created November 10, 1775, by the Continental Congress.

Now, Mr. Chairman, I wish to go on record as saying that ever since the organization of this, the oldest corps of the service, the Marine Corps, there never has been an instance on this continent or wherever else the American soldier was sent, where the Marine Corps was not the first in action and bore the brunt of the battle in all cases. Such is the case now at present in Mexico. Such it was in China, and such it always has been.

Mr. Chairman, I would like to use two or three minutes of the time of the gentleman from Illinois [Mr. HINEBAUGH].

The CHAIRMAN. He has no time.

Mr. DAVIS. Then I shall appropriate two or three minutes.

Mr. BARTLETT. Mr. Chairman, I will yield to the gentleman two minutes of my time.

Mr. DAVIS. Well, if that is all the time I have, Mr. Chairman, I do not care to say anything more about any branch of the service except to say that there is no more efficient service in our Army or Navy than the marines. They are of the highest quality in all respects. You will notice they were the first that landed at Vera Cruz, and they are the first at every place where trouble exists, and they are the first ones to meet the bullets of the enemy.

Now, Mr. Chairman, I wish to extend my remarks by printing in the RECORD an article written by Frederic J. Haskin on the subject of the Marine Corps of the United States. I do this because it is put in better and more appropriate language than it is possible for me to do under any circumstances.

The CHAIRMAN. The gentleman from Minnesota [Mr. DAVIS] asks unanimous consent to extend his remarks in the RECORD by the insertion of the article mentioned. Is there objection?

There was no objection.

Following is the article referred to:

UNITED STATES MARINE CORPS.

(By Frederic J. Haskin.)

"The marines have landed and have the situation well in hand." This has been the burden of countless press dispatches from all quarters of the world.

Repetition of this message from scenes of anarchy and disaster has brought the average citizen to regard the United States marine as a mighty efficient fellow. In fact, he has formed the habit upon reading the first part of the sentence, "the marines have landed," to add the last part as a matter of course.

Wherever this country has had need of faithful service and resolute hearts there the marines have been on hand. Not only in the van at this their second occupation of Vera Cruz, the American marines have been foremost for more than 100 years whenever violence has threatened the Nation's interests. They are the skirmish line of Uncle Sam's authority; the first on the spot, the first to land, and the first to engage in actual fighting.

Further than the fact that they generally carry out their tasks beyond all grounds for argument, there is little definite in the popular idea of the marines. The nature of their service, their organization and administration are not matters of general information. To many the marine is a sailor with belled trousers and a peculiar thirst for trouble.

Marines are soldiers trained for service both on land and on ships of war. They are organized, clothed, and equipped much the same as the soldiers of the Regular Army. They are prepared to fight either as infantrymen or as artillerymen. Their corps forms an independent military organization, which is placed directly under the authority of the Secretary of the Navy. In time of war their principal duty is that of cooperation with the Navy.

Absolute mobility is the ideal of their service. The khaki-clad marine is ready upon an instant's notice to start for a rebellion in China or followers of Huerta in Mexico City. There is never any confusion about a mobilization of marines. They are being mobilized continuously, one place or another, to sit on the lid where trouble is brewing. This is one of their specialties.

READY FOR SERVICE ON SHORT NOTICE.

When the occasion arises it is just a matter of an order and a few hours until the needed marines are on their way. They are old hands at campaigning, camp making and camp breaking, skirmishes, battles, and emergency calls to the world's end. Not a year passes but they are called upon this expeditionary work. They are familiar with life in the Tropics and the rigors of northern encampments.

The headquarters of the corps is in Washington, whence the major general commandant and his staff direct the work of the organization. The marines themselves are scattered over the world in cruising battleships, in foreign stations, at various stations throughout this country, at navy yards, prisons, magazines, and with receiving ships. There are at present about 9,872 enlisted men in the corps and 342 officers.

In the past one of the chief duties of the Marine Corps has been expeditionary work, or response to emergency calls for the protection of the interests of the United States or the lives of its citizens in the troubled areas of the world. In the performance of this duty they have landed many times in the countries of South and Central America and of the Orient during periods of turmoil. Since 1900, 38 expeditions of American marines have been sent out, the objective points of which stretch from Mexico to Abyssinia and China.

Other duties of the corps have been to provide detachments of from a dozen men under a sergeant to 60 or more under one or two commissioned officers for service afloat in capital ships; guard duty at naval stations, prisons, magazines, and yards; service with receiving ships and in our foreign possessions, and guard duty at such centers of temporary insecurity as Peking and Managua. A detachment of 320 officers and men of the corps protects the legation in Peking at the present time.

The duty of the corps which has now come to be regarded as the most important is that of advanced base work. This means the seizure and maintenance of ports for an advanced base of fleet operations in times of war. Such was the nature of the recent work of the marines at Vera Cruz, and such their occupation of Guantanamo, Cuba, in 1898. In the latter action a small detachment of them held McCalla Hill for three days without food or adequate water against 6,000 Spanish soldiers.

ONE REGIMENT ON EACH COAST.

Two regiments of about 1,250 men are to be organized and trained for this special purpose. One of these regiments is to be stationed on the Atlantic coast, probably at Philadelphia, while a similar regiment will be stationed on the Pacific coast at Mare Island. At the advance base school in Philadelphia the men are being trained as electricians, gunners, and machinists.

Especial care is taken in the selection of recruits and officers for the Marine Corps. Applicants for enlistment have to undergo strict examinations as to their physical, mental, and moral fitness. The officers are appointed from the Naval Academy, from the ranks, and from civil life. After enlistment the men are given a painstaking training in the work of the corps at recruit camps in Norfolk, Va., and Mare Island.

Marines are excellent shots. This probably explains in large part the effectiveness of their expeditions. Nearly 4,000 members of the corps are ranked as expert marksmen, and their rifle teams make dangerous competitors. Their team won two firsts at the Seagirt meet last year, while a member of the corps won the Seagirt championship match. A team chosen from among the marines on duty at the United States Legation at Peking took first and third places last year, and again last April, in competition with teams from the legation guards of Italy, Austria, Russia, Germany, Great Britain, France, and Holland. Moreover, the marines took first, third, fourth, fifth, seventh, and eighth places in the open championship for north China, May, 1913. This match was won for the third successive year by the marines.

The marine, or the battleship's soldier, was first employed among modern nations by Great Britain for the purpose of quelling insurrections among the riffraff sailors whom she pressed into her service. The employment of infantry on ships of war, however, was probably almost coincident with the fighting ship. In this country the Marine Corps claims to have longer traditions than the Navy. The earliest authentic record of marines in America bears the date of 1740, when three companies were organized in New York under the flag of Great Britain. The parent of the present organization, the "First and Second Battalions of American marines," was created November 10, 1775, by the Continental Congress.

HAVE HAD PART IN ALL UNITED STATES WARS.

The marines took conspicuous parts in the brilliant acts of John Paul Jones. The first battle won by marines was in February, 1777, when 300 of them, under the command of Maj. Samuel Nichols, carried by storm the English forts on the island of New Providence, in the Bahamas. It was the marines who, during the War with Tripoli, formed the bodyguard of Gen. Eaton, American consul at Tunis, on his remarkable march from Alexandria to Derne, 600 miles across the desert. Upon their arrival at Derne the marines stormed the native fortifications, and for the first time in our history raised the Stars and Stripes on a fortress of the Old World. "Tripoli" has since been inscribed upon their banner. The marines fought by land and sea through the War of 1812. Between 1815 and 1836 they fought the Spanish pirates in the West Indies, and in Sumatra were called upon to quell internal riots and to police New York following the great fire of 1835. In 1836, when the Florida war broke out, they joined in the campaigns against the Creeks and Seminole Indians.

From 1846 to 1848 the marines were engaged in the first war with Mexico. They saw service on both east and west coasts, and accompanied Gen. Scott on his march to Mexico City. They took part in the capture of Monterey, San Francisco, Mazatlan, Los Angeles, San Diego, San Jose, San Gabriel, and Guaymas.

On the east coast they took part in the capture of Matamoros, Tampico, Frontera, Tabasco, and Vera Cruz. They were also the first division to enter the Grand Plaza, City of Mexico. This explains the inscription on their banners, "From Tripoli to the halls of the Montezumas." A brigade of marines, 5,500 strong, is now waiting at Vera Cruz. Will they be called upon to march through Mexico again?

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The gentleman from Georgia is recognized until 4.35 o'clock.

Mr. BARTLETT. Mr. Chairman, this bill is probably the largest appropriation bill we will be called upon to pass at this session, certainly in time of peace. It carries $169,000,000 for pensions granted by the general law and other laws to the soldiers in the various wars, their widows and their children.

I stated yesterday, Mr. Chairman, that as to the real soldiers—the ones who endured the trials of the march and the camp and the danger and exposure of battle—I have had no objection to giving them a liberal pension, and I have not now. It is only those, Mr. Chairman, who were simply enlisted for 30 or 90 days, who saw no active service, who did not perform any deeds of valor or heroism or service to the country, that I object to granting pensions to and that I have voted against granting pensions to.

This bill, I apprehend, Mr. Chairman, will be passed without serious objection. Every provision in it is to comply with the

existing law and to furnish the money to pay the pensions that the law provides for.

I ask that the Clerk read the bill.

The CHAIRMAN. The Clerk will read the bill by paragraphs for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1915, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $169,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. RUCKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 3, by inserting after the figures "$169,000,000" the following: "No part of which shall be paid to any pensioner who has an income equal to $100 per month at the time when the payment of his pension is due, or who has for five years next before the approval of this act continuously resided in a foreign country, unless such pensioner is a native of such foreign country."

Mr. DAVIS. Mr. Chairman, I reserve a point of order on that amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. DAVIS] reserves a point of order on the amendment.

[Mr. RUCKER addressed the committee. See Appendix.]

Mr. BARTLETT. Mr. Chairman, is the point of order up before the committee?

The CHAIRMAN. No; the gentleman from Minnesota [Mr. DAVIS] reserves the point of order.

Mr. BARTLETT. I want to say, in discussing the point of order at the present time——

The CHAIRMAN. The Chair will rule if the gentleman desires.

Mr. BORLAND. I would like to be heard on the proposition.

Mr. BARTLETT. The point of order, I understand, has been reserved. The precise question embraced in a portion of this amendment has been ruled upon in the Sixty-second Congress by the Chairman of the Committee of the Whole, Judge BOOHER, of Missouri. Two years ago, when the pension appropriation bill was under consideration, it contained a provision that no part of the appropriation should be paid to those residing in a foreign country who were not citizens of the United States. The point of order was made, and it was overruled. I refer the Chair to that precedent. So far as the amendment relates to payment to foreign residents outside of the United States, the amendment is not subject to a point of order.

The CHAIRMAN. What part of the amendment does the gentleman refer to?

Mr. BARTLETT. I say that two years ago, in the Sixty-second Congress, there was reported from the Committee on Appropriations, in the pension appropriation bill, a provision which said that no part of the money provided for in that bill should be paid to any person residing in a foreign country who was not a citizen of the United States, and the point of order was made to the provision that it was legislation. After argument was had the Chairman, the gentleman from Missouri, Mr. BOOHER, decided that it was in the interest of economy and reduced the amount carried in the bill, and therefore it was in order under the Holman rule, and also was a limitation upon the expenditure of the money. I give the Chair the benefit of the ruling, which I can produce with some little research. So I think the amendment is not subject to a point of order; and as to the merits of the amendment, I will discuss that later.

Mr. BORLAND. Mr. Chairman, the point of order having been reserved, I want to say a word about the amendment itself. This amendment is a combination of two amendments that were made to the last appropriation bill in the third session of the Sixty-second Congress. The second part of the amendment in particular is a very important feature to pensioners of this country. In 1893 Congress passed a law forbidding the payment of pensions to persons not citizens of the United States. At that time the report on the bill showed that there were 3,000 persons drawing pensions who were not citizens of the United States, and the amount they drew was $350,000. That was in 1893. In 1912, when this amendment was reported for a second time by the Appropriations Committee, the number of foreign pensioners had grown to 5,405, and the amount of the pensions they drew had grown to $967,000.

Now, one argument that was made in favor of paying pensions to foreign pensioners was that there were a few widows in Ireland whose husbands had died on the field of battle in the Civil War. I submit to this House that that does not account for the increase of foreign pensioners from 1893 to 1912 from 3,000 to 5,000, and an increase of money from $350,000 to over $900,000.

Mr. WILLIS. Will the gentleman yield?

Mr. BORLAND. No; the gentleman has made one stump speech.

Mr. WILLIS. That is hardly a fair statement.

Mr. BORLAND. We are making payments to men who have renounced their American citizenship and are no longer citizens of this country. That is the only explanation that can be made in the increase of pensioners since 1893 upon foreign soil. This sentiment is favored by those who stand with the gentleman from Ohio and make political capital out of the payment of Federal money to pensioners. [Applause.] The Pension Department stated that in the case of these foreign pensioners there was absolutely no way to tell when the pensioner died; there was no way to tell whether the right person got the money; no way to convict a man of fraud if he got money that did not belong to him; there was no way for the Government to safeguard the payment of these pensions. Now, we have $967,000 paid out every year of the taxpayers' money. You have no way to safeguard that; you must trust to luck that some of it will get into the hands of those to whom it belongs. No American law can reach the payment of that money, and at least two-thirds of it goes into the hands of people who, since 1893, have become nonresidents and in many cases noncitizens of the United States.

This amendment ought to be adopted in fairness and justice to the taxpayers of the United States, in fairness to the old soldiers who stand by the old flag, and if any man is entitled to fair treatment it is the soldier who stands by the colors that pays him the pension.

There is no reason, no justice, in paying nearly a million dollars of the people's money every year into the hands of foreigners. I undertake to say that of the pensionable widows living in Ireland in 1893, not 50 per cent are living to-day. If they are, this law safeguards those people. The gentleman from Missouri has made his amendment so that if the pensioner is a native of a foreign country he continues to draw his pension, and therefore these widows whose husbands fell on the field of battle will not be cut off by the amendment, but it will reach only the class that it ought to reach, and the payment to whom is indefensible, the ones that have renounced their American citizenship and are no longer supporters of the American flag. [Applause.]

Mr. DAVIS. Mr. Chairman, can we have the amendment again reported as it now reads?

The CHAIRMAN. Without objection, the amendment will be reported as modified.

The Clerk again reported the amendment.

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. Has the point of order been made?

The CHAIRMAN. No; the point of order has been reserved by the gentleman from Minnesota [Mr. DAVIS].

Mr. GOOD. After the point of order is disposed of I desire to address myself to the amendment.

Mr. DAVIS. Mr. Chairman, I make the point of order.

Mr. GARRETT of Tennessee. Mr. Chairman, has the Chair any doubt about the amendment being in order?

The CHAIRMAN. The Chair thinks that one phrase in the amendment is subject to the point of order and the other is not.

Mr. GARRETT of Tennessee. Mr. Chairman, in the first place, is it not merely a limitation upon an appropriation; and, in the next place, is it not clearly in order under the Holman rule?

The CHAIRMAN. The Chair thinks one of the paragraphs in the amendment is. The Chair would like to hear the gentleman.

Mr. GARRETT of Tennessee. Mr. Chairman, it seems to me the whole proposition is in order under the Holman rule. Is the point of order made that it changes existing law?

Mr. DAVIS. Yes. One part of it at least is subject to the point of order.

Mr. GARRETT of Tennessee. May I ask the gentleman in what respect?

Mr. DAVIS. I think the fore part, in regard to the income of $100, is subject to a point of order.

Mr. GARRETT of Tennessee. Mr. Chairman, as to that, the Chair, in using his common sense, would know that that would tend to reduce expenditures, under the Holman rule.

Mr. DAVIS. I believe that it has been decided that it must appear upon the face of the amendment itself that it does reduce expenditures, and in this case it certainly does not.

Mr. RUCKER. It does so appear upon its face.

Mr. GARRETT of Tennessee. Mr. Chairman, I have not the Holman rule before me just now, and it is difficult, even as often as I have been over it, to hold the exact provisions of it in mind, but it does seem to me that it is clearly inferable from the face of this amendment that it would reduce expenditures, and, therefore, that that part of it also is in order under the Holman rule.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks that the intent of the Holman rule is to apply in the necessary administration of government, and that it would apply in a case of this character where it would tend to reduce the expenditures of the Government. It would therefore apply to the portion relating to those who have an income of $100; but the Chair does not think it would apply to those who happen not to live in this country; that that is clearly new legislation, not affecting the subject matter relating to the necessary administration of government.

The Chair thinks if individual pensions could be cut off that a logical conclusion must follow that an amendment cutting out all pensions would be by such construction in order.

The Chair realizes, and doubtless the committee does, that every rule must have wholesome exception, and it occurs to the Chair that is such exception to the Holman rule.

Mr. GARRETT of Tennessee. Mr. Chairman, what about the matter of limitation? It is a limitation on this particular appropriation.

The CHAIRMAN. Does the Holman rule cover that question?

Mr. RUCKER. If we cut out the pensions of those who live in foreign countries it certainly reduces the amount.

Mr. TAGGART. Mr. Chairman, may I be heard upon the point of order to make a suggestion to the Chair?

The CHAIRMAN. The Chair will indulge the gentleman.

Mr. TAGGART. Mr. Chairman, as I understand the rule, an amendment offered to an appropriation bill which manifestly and upon its face would change existing law is not in order. The law of May 11, 1912, provides a pension for all honorably discharged soldiers of the United States Army who served in the Civil War for 90 days or more who have attained a certain age. No exceptions are made in that law. It is on the statute books. This amendment makes a radical change in the law. While it might reduce expenditures, and manifestly upon its face in both these particulars it would reduce expenditures, yet it changes an existing public law in two particulars. In the first place, the law is changed as to all pensioners who are in receipt of $100 a month from any source whatsoever. The law is changed with respect to all pensioners who happen to be absent from the United States for a period of five years. I therefore think that it is manifestly in violation of the rules.

The CHAIRMAN. The present occupant of the Chair was going to state that he thinks one of these phrases in the amendment is out of order, and that would necessarily compel him to rule the entire amendment out, but he would prefer in this instance to follow the precedents heretofore followed by the House, and therefore will overrule the point of order.

Mr. MADDEN. Mr. Chairman, I desire to discuss the amendment.

The CHAIRMAN. The gentleman from Illinois will proceed.

Mr. MADDEN. Mr. Chairman, it seems to me that the adoption of an amendment such as this would be a disgrace to the country. The men who fought the battles for the preservation of the Union are entitled to better consideration than this amendment would give if it were adopted. The granting of a pension to any man who served the country in the time of its direst need is doing no favor whatever to the man who draws the pension. It is a duty and obligation the Government owes to the man who made it possible for us to live here [applause] in a Nation covered by a single flag. It matters not what the income of the man who served in the war may be. That ought not to determine the question whether he is entitled to a pension. The record of his services is the thing upon which the pension is granted, and not upon the question of whether he is able to earn $100 a month over and above what he may draw from the Public Treasury as a pensioner. The pension is simply a badge of honor for the services he rendered to his Government when it needed men. Who inquired how much income a man had when he volunteered for the war? The question then was, not what is his earning power, but is he fit to be a soldier.

Mr. RUCKER. Will the gentleman yield?

Mr. MADDEN. I refuse to yield; I only have five minutes. Men do not seek pensions because in many cases they need the money. They seek pensions because they wish to have that certificate of honor of service rendered to their country. There is no greater service that a man can render to his nation than that of offering his life in days of need, in days of danger. We have heard patriotic speeches on the floor of this House during the past five or six days because 17 or 18 of our boys were killed at Vera Cruz, and it was very proper they should be made; they encourage those who are facing the enemy. But why discriminate against the man because he happens to be successful, because he happens to be alive after the result of his services to his country? Why discriminate against a man because he happens to have other income? Are you opposed to thrift? The question embodied in this amendment is to penalize a man's success, to say that it is not respectable to be successful—that only paupers need apply. The only question for consideration before this House should be, Ought the man who served the country when it needed his services, who has an honorable discharge, who gave all he had in the defense of his Nation and the honor of its flag, to receive a pension? If he rendered the service and the record justifies it, the pension ought to be granted without condition; but any condition sought to be imposed on any man who has an honorable discharge as a result of his services to his Nation in time of war is an insult to the patriotism of the American people. [Applause.] Mr. Chairman, I protest against the adoption of any such amendment to this bill. [Applause.]

Mr. TAGGART. Mr. Chairman, this amendment should not prevail. It is unjust, it is manifestly absurd, it is ingeniously cruel to cut off the pension of an American citizen whose business has taken him away from his native country for five years.

Mr. RUCKER. It does not.

Mr. TAGGART. It does it, and I am right about it. The message we would send perhaps to a hero of Gettysburg who might be in the City of Mexico protecting his family and who might have been there for the past five years is this: "That inasmuch as you are not a native of Mexico and because you have lived there for the past five years your pension is cut off." If he were a Mexican, we would not cut his pension off. The Mexican who goes back to Mexico can draw his pension, but the American citizen, perhaps, whom he is trying to murder, has his pension cut off under this amendment.

Mr. RUCKER. Will the gentleman yield?

Mr. TAGGART. I will read the language of the amendment so there will be no "ifs" and "ands."

Mr. RUCKER. The gentleman ought to do so to avoid some of the mistakes he has made.

Mr. TAGGART (reading):

No part of which shall be paid to any pensioner who has an income equal to $100 per month at the time when the payment of his pension is due, or who has for five years next before the approval of this act continuously resided in a foreign country.

And listen.

Unless such pensioner is a native of such foreign country or has become a citizen of a foreign country.

If he is a native of a foreign country or a citizen of a foreign country you pay him a pension. If he still retains his loyalty to the old flag, and did not renounce his citizenship, but has resided five years in a foreign land, you cut off his pension by this amendment. It is manifestly absurd and unjust. The refusal to pay a pension to a man who is in receipt of $100 a month means simply this, that we consider a pension a gratuity, a crumb from the rich man's table, handed down to some poor Lazarus who has come to receive it. That is not the meaning of a pension to a volunteer soldier of the United States, nor has it ever been. [Applause.]

Mr. McKELLAR. Will the gentleman yield?

Mr. TAGGART. I will.

Mr. McKELLAR. Is it not the actual practice, though, and is it not true, that every Member of this House almost who comes before the Military Affairs Committee to get a record corrected uses as his principal argument the present condition of the would-be pensioner?

Mr. TAGGART. Yes; and I accept the rebuke from the gentleman, inasmuch as I went before the same Military Committee, and the gentleman with the utmost kindness listened to me and granted a favorable report in the case of a widow of a soldier with a defective record, where that widow had been reduced to poverty and the pension had been rejected.

Mr. McKELLAR. It was good, though.

Mr. TAGGART. Yes. Now, you are going to characterize the 450,000 men who fought under this flag the same as you did that poor suffering widow who was the wife of a deserter. They are not in the same category, and they are not before this House in the same light. I am opposed to this idea of putting a penalty upon either the resources or the character,

the frugality or the industry, of a man who not only fought for the flag but made an industrious citizen afterwards. [Applause.]

Mr. McKELLAR. Will the gentleman yield again?

Mr. TAGGART. I will yield again.

Mr. McKELLAR. Does the gentleman believe that one who fought for his country, as the gentleman says, in the late Civil War, should renounce his country and become a citizen of another country and still draw a pension from our Government?

Mr. TAGGART. Now, I will take the liberty of asking another question, and I will not only put it to you, but to anybody else who favors this amendment. How many pensioners on the pension roll of the United States have renounced their allegiance to the United States? Who are they, where are they, and how many of them are there? Nobody has said one word about it.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. TAGGART. For a question.

Mr. MADDEN. Does this amendment provide that where a man has renounced his allegiance to the United States and becomes a citizen of another country he will actually forfeit his pension?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGGART. Mr. Chairman, I ask unanimous consent to continue for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAGGART. It all depends upon this phrase: "Or has become a citizen of a foreign country."

If that phrase is thrown in right after the main part of it, it would cut out anybody who had become a citizen of a foreign country. But I contend that the number of persons who have done that is very small.

Mr. HEFLIN. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Kansas yield to the gentleman from Alabama?

Mr. TAGGART. Yes; for a moment.

Mr. HEFLIN. I think the gentleman will agree that if any man who now lives abroad has rendered service to the United States, but is on the pension roll, he ought to get that pension.

Mr. TAGGART. Yes, sir; I think so.

Mr. HEFLIN. The gentleman from Missouri [Mr. RUCKER] says that under the present plan there is no way of telling whether he does get a pension or not, or when he dies.

Mr. TAGGART. I do not think there would be any great difficulty about that. The postal system of the United States will reach him. He signs a receipt for the pension. Here it is a question of the identification of the signature. There is no more difficulty in seeing that it reaches him than in seeing that your check might reach him, or that his banker might identify his indorsement upon that check. When he dies perhaps there might be more difficulty than if he died in the United States. But we can manage it. We have done harder things than that.

Mr. COX. Could not our foreign consuls look this matter up?

Mr. TAGGART. I imagine that if they took their heels down from the table and laid aside their cigars for awhile they could look the matter up.

This reduces a pension to a beggar's portion, and I am opposed to it; and for and in behalf of the nearly half million of men who sustained this flag I protest against it, and I will vote against it. [Applause.]

Mr. GOOD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] moves to strike out the last word.

Mr. GOOD. Mr. Chairman, this same provision, in part, was before the last Congress. The last pension appropriation bill contained a provision which provided that no part of the sum appropriated in that bill for the payment of pensions for the fiscal year ending June 30, 1914, should be used to a pay a pension to any person who resided in a foreign country or who was a citizen of a foreign country.

That provision was stricken out on a roll call in the House. That is exactly the same language that was written in the law during the second term of President Cleveland, and after it had been the law for two years Judge Lochren, a Democrat, who was administering the office of Commissioner of Pensions, wrote a letter to the Secretary of the Interior, which I placed in the RECORD last year and which I will read in part now. In that letter Judge Lochren said:

A clause of chapter 187 of the public acts of the second session of the Fifty-second Congress provides:

"That from and after July 1, 1893, no pension shall be paid to a nonresident, who is not a citizen of the United States, except for actual disabilities incurred in the service."

I respectfully ask your attention to this clause, in the hope that you may recommend its repeal. It causes great trouble and annoyance to the excepted classes, who constitute the great bulk of nonresident pensioners, in compelling them to make proof that they belong to these excepted classes. And the final result is that payments under it are withheld from but few, save widows and dependent mothers, who have little else for their maintenance. The saving is too little to offset the suffering inflicted in individual cases. If all nonresidents were refused payments of pension some plausible argument might be made in support of such policy; but none can be urged in favor of this law, which, while giving annoyance to all, strikes only the most helpless.

I should not feel warranted in asking attention to this law but for the fact that it entails much work on this bureau, in answering communications, and seems to yield little practical results except annoyance and apparent cruelty. I recognize to the fullest extent that my sole duty is to execute and administer the laws as they are enacted—fairly and honestly interpreted.

Very respectfully,

WM. LOCHREN,
Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Arkansas?

Mr. GOOD. I regret I can not yield.

Mr. WINGO. Will the gentleman indicate what he was reading from?

Mr. GOOD. From a copy of the letter of Judge Lochren that I read last year, and is found in the RECORD of February 18, 1913, page 3357. You will notice that he says no plausible argument "can be urged in favor of this law, which, while giving annoyance to all, strikes only the most helpless. [Applause.]

Mr. Chairman, when the call to arms came did this country ask whether the men who supported the flag and joined the Union forces in support of the Union were American citizens or citizens of Great Britain or of Ireland? And when we passed the Sherwood pension law did we ask that question? Did we ask whether or not these men who were to receive pensions were voters in the United States?

Oh, this cheap bid for votes will find no response in the hearts and minds of the 100,000,000 of our countrymen. [Applause.]

The Sherwood pension law was bottomed upon the sound principle of service. This provision, going much further than the amendment of last year, provides that no soldier, no matter where he lives, if he has an income of $100 per month, shall receive a pension. It goes even further than that. It strikes from the pension roll every soldier living abroad who is a citizen of this country and has lived abroad for five years, no matter whether he receives his pension to-day because of wounds incurred in the line of battle or not. We have hundreds, aye, thousands of men on our pension roll to-day, some of them foreigners and some of whom live abroad, who are pensioned because of disabilities received in line of duty. This provision would prevent them from receiving a single penny in the way of a pension.

Pass this amendment, if you like, but never again say that your side of the House is in favor of pensions to the old soldiers. [Applause.] Pass this amendment, if you will, but never again on the public rostrum say that you are in favor of pensions to old soldiers for service, but say instead that you are in favor of a pension to a pauper. Place your support of pensions to old soldiers on a pauper basis, if you will, but never again refer to that bill which bears the name of that brave general who represents a constituency on the floor of this House and whose name was attached to that great bill as a service-pension bill. In the future say that it was a pension for paupers. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask for two minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GOOD. Mr. Chairman, this provision ought to be defeated by practically the unanimous membership of this body. This amendment has no place in a pension bill at this time.

Think of it! As Judge Lochren said in that report, the men and women from whom you will withhold pensions, the class who will be excluded, are the very class that need the pensions the most. True they live in other countries, where perhaps they can live more cheaply than they can in this country. As was well said by the gentleman from Missouri, many of these pensions are paid to widows living in Ireland, who gave sons or fathers to the cause of the Union. They may have become citizens of the United States and returned to their native country; and now if we adopt this amendment we shall send to them the message that they can no longer receive a pension. To the other provision of the amendment we say to the man who is frugal, the man who is industrious, but who may have given four of the best years of his life to the defense of his country,

and his country's flag, "If your income is $1,200 a year, you can not receive one penny of a service pension."

Pass this amendment, if you will, but let it be known that it is the pension program of that side of the House, that this is the plan of Democracy as to the principle on which pensions should be granted and paid. [Applause.]

Mr. GRAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. On which side of the amendment does the gentleman desire to speak? All the speeches that have been made have been against it. The Chair wishes to alternate, if possible.

Mr. GRAY. I want to make a speech against this amendment.

Mr. BORLAND. I want to offer a substitute.

The CHAIRMAN. The gentleman from Missouri offers a substitute, which the Clerk will report.

The Clerk read as follows:

Provided, That no pension shall be paid to any person out of this appropriation who is receiving a salary or wage in excess of $2,000 per annum, whether paid annually, monthly, or at other periods, except such person be on the pension roll for actual disabilities received in the service; *Provided further*, That no pension shall be paid to any person out of this appropriation who is receiving or has an income other than in the last preceding proviso that amounts to more than $2,000 per annum, or who owns property, real or personal, in excess of $10,000, except such person be on the pension roll for actual disabilities in the service; *Provided further*, That no pension shall be paid to any person out of this appropriation who resides in a foreign country and is not a citizen of the United States, except such person be on the pension roll for actual disabilities in the service or as the widow of a soldier.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARNER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 3432. An act to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT as the conferees on the part of the Senate:

S. 4057. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRYAN, Mr. MARTIN of Virginia, and Mr. CRAWFORD as the conferees on the part of the Senate.

The message also announced that, in compliance with the provisions of House concurrent resolution No. 39, the Vice President had appointed Mr. SAULSBURY, Mr. ROBINSON, Mr. O'GORMAN, Mr. VARDAMAN, Mr. GALLINGER, Mr. KENYON, and Mr. BRADY as the committee on the part of the Senate to attend the exercises to held in Brooklyn, N. Y., May 11, 1914, in honor of the men of the Navy and Marine Corps who lost their lives at Vera Cruz, Mexico.

PENSIONS.

The committee resumed its session.

Mr. BORLAND. Mr. Chairman——

Mr. FOWLER. Mr. Chairman, I desire to reserve a point of order against the amendment.

Mr. DAVIS. I make the point of order.

The CHAIRMAN. Does the gentleman from Missouri [Mr. BORLAND] desire to address the committee?

Mr. BORLAND. I desire to address the committee, but if the gentleman makes a point of order I will say that this substitute is in the precise words of an amendment which was held in order on February 18, 1913, when the last pension bill was under consideration.

The CHAIRMAN. Without discussing that proposition, the Chair is inclined to think, in his own mind, that both are out of order; but as the Chair ruled the other in order, he will hold this also to be in order. The Chair will state that he ruled the other in order because of the precedents.

Mr. BORLAND. Mr. Chairman, the gentleman from Iowa [Mr. GOOD] has made a very eloquent and touching speech about the widows in Ireland. I thought if we let him go long enough, either he or the gentleman from Ohio would make that speech about the widows in Ireland. Now, in this substitute I have taken care of the widows in Ireland, and not a widow in Ireland will lose her pension by virtue of this amendment. Therefore the political activity of widows in Ireland as a political asset of gentlemen in the Northern States will cease. They will no longer be a political asset to those gentlemen.

Mr. GOOD. Will the gentleman yield?

Mr. BORLAND. No; not at this particular time.

Mr. GOOD. I want to ask what you have done about the voters?

Mr. BORLAND. Just at this particular moment I will not yield. The gentleman from Iowa [Mr. GOOD] was a member of the subcommittee which reported this pension bill two years ago, and he knows the facts which were developed at that time, that I referred to here a few minutes ago, that the amount paid to foreign pensioners had increased 300 per cent in 20 years. In 1893 it was $350,000. It is now $967,000, and I know that that increase is not accounted for by the widows in Ireland. I have a suspicion that a large amount of that increase is accounted for by old soldiers who have gone to western Canada and have renounced their American citizenship for the purpose of becoming homesteaders upon Canadian lands, and are now there voting in Canada. I rather suspect that we are furnishing a large amount of the living expenses of men who are trying to develop that boom country in western Canada. I undertake to say that a very large per cent of the $967,000 has gone in that direction.

Mr. BARTLETT. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. BARTLETT. Of the 5,495 pensioners, 2,879 reside in Canada.

Mr. BORLAND. More than 50 per cent of the foreign pensioners are citizens of Canada, so that the widows-in-Ireland proposition is exploded now for good. There is no more political asset in the appeal to the sentiment in favor of the widows of Ireland. It gets down to a plain proposition that you gentlemen must face on that side of the House, whether you are willing to expend the money of the American people, the money of the old soldiers who are in this country, as well as others, in the payment of pensions to men who have renounced and abandoned their country.

Mr. MADDEN. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. MADDEN. The question is, Did the men who are living in Canada or any other country in the world serve the United States as soldiers during the Civil War?

Mr. BORLAND. That is not the question.

Mr. MADDEN. And have they an honorable discharge?

Mr. BORLAND. That is not the question, the gentleman who is familiar with the pension laws knows that all countries have adopted a policy to pay men who have incurred disability in the service. We have gone beyond that and we not only pay men who incur disability in the service but we pay those who are not disabled. We have gone beyond the point of disability which is the real foundation for pensions. The man who lost an arm or a leg or has shattered health or constitution from service to his country is entitled to something from his country. That is no gratuity. But when you go beyond that and pay men simply because of service, then you are doing what no civilized country has ever done or does to-day, and when you go still further and do what these gentlemen urge, take the money of your citizens to pay it to the men living abroad who are not American citizens and who have not incurred disabilities in the service, you are doing something that no country ever did and which nobody undertook to defend. It was never proposed in any legislative body in the world except this body, that pensions should be paid to men who had incurred no disability and who had renounced their flag.

Mr. CAMPBELL. Mr. Chairman, I rise in opposition to the amendment. I am amazed at the attitude of the gentleman from Missouri [Mr. BORLAND]. Does he forget that this country is also the only great country in the world that does not constantly maintain a large standing army, but always depends in a time of emergency upon the volunteer soldier?

Many of the old soldiers who are living in Canada to-day and are drawing a small pension from the United States are men who volunteered, who offered their services and best years of their lives to their country; and if now they can better their material condition or improve it in any way by moving to Canada, the gentleman from Missouri would cut off their pensions and any recognition for the services rendered to their country.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. CAMPBELL. For a question.

Mr. GARRETT of Texas. I would like to ask the gentleman if it is his intention to remain here during the war?

Mr. TAGGART. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. TAGGART. Would the investigation of 450,000 cases to ascertain whether or not every pensioner on the pension roll might be receiving $2,000 a year or more, or who might have joined the Dominion of Canada and might have forfeited his pension—would not these investigations cost more than would be saved by this amendment?

Mr. CAMPBELL. I thank the gentleman from Kansas for calling my attention to that. The fact is that if the amendment offered by the gentleman from Missouri prevails it will accomplish the purpose that he has in view. It will delay the payment of pensions of more than half of the men who are to-day drawing pensions. Many of them, while they are proving that they do not receive an income of $2,000 a year independent of their pension, will probably pass to the great beyond, while investigators for the Pension Bureau are endeavoring to find out whether they are entitled to pensions at all that the Sherwood bill intended that they should have and that all the pension laws enacted since 1862 intended they should have.

Mr. RUCKER. To whom does the gentleman refer?

Mr. CAMPBELL. To the gentleman from Missouri, Mr. BORLAND.

Mr. RUCKER. I introduced the amendment, and I do not wish to be lost sight of.

Mr. CAMPBELL. The amendment and the substitute should be defeated in the interest of just pensions to soldiers who served their country when it needed their services.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I have always taken very liberal ground upon this pension matter, and the district which I have the honor to represent has sustained me in that, but I have heard so often and so often of this matter of a pension certificate being a certificate of honor that I confess I have grown somewhat aweary of the story. My friend from Illinois [Mr. MADDEN], with whom upon a great many questions I am in agreement, made quite an impassioned speech upon that question and insisted that gentlemen who did not need a pension were drawing it because of the fact that it was a certificate of honor. Mr. Chairman, I desire to present what I conceive to be a certificate of honor in connection with the pension matter. During the Spanish-American War a young man went out and served as a soldier from one of the counties in the district that I have the honor to represent. He contracted disease, rheumatism, for which, when he made application, he was granted a pension. He drew that pension for some years, just how long I do not know, but when his quarterly check went to him for the quarter ending November 4, 1913, he addressed the following letter, a copy of which I hold in my hand, to the Commissioner of Pensions:

BROWNSVILLE, TENN., *November 10, 1913.*

BUREAU OF PENSIONS,
Washington, D. C.,

GENTLEMEN: I herewith surrender my pension, as I feel my condition is such I no longer am entitled to it. Also return last check sent me.

Yours, very truly, W. BEN MARTIN.

[Applause.]

Mr. Chairman, I shall take the liberty of reading the reply of the Commissioner of Pensions, in order that this young man's record may appear fully. It is as follows:

NOVEMBER 18, 1913.

Mr. W. BEN MARTIN, *Brownsville, Tenn.*

DEAR SIR: I have received your letter of the 10th instant transmitting a check for $18 in payment of your pension certificate No. 1129432 for the quarter ending November 4, 1913, and your pension certificate. You state that your condition is such that you believe you are no longer entitled to a pension and you therefore surrender your pension certificate and the check above mentioned. In response I have to advise you that in accordance with your request the check, dated the 4th instant, for $18 has been canceled and your name has been dropped from the pension roll.

I have examined the records in your pension case and find that you had a very creditable service from May 24, 1898, to February 13, 1899, during the War with Spain, and that you contracted rheumatism and resulting disease of the heart during the service.

I congratulate you upon the stand that you have taken. You were very patriotic enlisting in the service, and the Government had need of just such brave and loyal men as you were, and now your voluntary relinquishment of the pension is an additional evidence of your patriotism and loyalty, and entitles you to the thanks of all good men. It would be very gratifying, indeed, if everybody who is receiving a pension who honestly and conscientiously knows that it ought not to be given to them would take the same action that you have. I honor you and praise you for it.

Very truly, yours,

G. M. SALTZGABER, *Commissioner.*

[Applause.]

I regard that letter of Mr. Martin as a certificate of highest honor. [Applause.]

Mr. GRAY. Mr. Chairman, I am opposed to war, but as long as we have war I am in favor of pensions. The average age of the soldier of the Civil War is past 70 years. His allotment of three score years and ten has more than expired. He is standing upon the verge of the grave, listening for the bugle of time to call him to the great beyond. His final summons is past due. Time has invaded his home. His family is gone, and he is alone, hovering over the cold ashes of age in the bleak winter of life. Impelled by vicissitudes rather than choice, he has left the country for which he fought in the vigor of young manhood, to live with a son, or a daughter, or a grandchild, or to pass his few remaining days with some relative or friend of his boyhood in the land of his birth. If you ask why he does not stay in a soldiers' home, I answer, because it is not home. He would rather go back to a log house with a dirt floor and sleep on a bed of straw and live with his children, with his old-time neighbors, to be buried in his own churchyard among the graves of his family and departed friends.

I am opposed to taking away the pensions of these old soldiers. I believe that once a soldier of this Nation always a soldier of this Nation. [Applause.]

Mr. WILLIS. Mr. Chairman, I am opposed to these amendments which have been offered to this bill. Without impugning the motives of anyone, or without even suggesting that my friend from Missouri [Mr. BORLAND], who gratuitously assumed that I was making a political speech, was undertaking to make a political speech himself, I want to say that I do not believe this is the time to legislate upon this great question. The very fact that these two amendments which have been offered are utterly incongruous and inconsistent, and the further fact that probably there are not five Members on the floor at this time who know what the amendments provide, are sufficient reasons for me to form my conclusion that it is not wise or desirable or safe legislation in the interest of the country and of the old soldier to complicate the payment of pensions by the adoption of these amendments.

The question as to whether there ought to be any limitation as to the payment of pensions based upon the amount of income is a very grave question. I have a definite notion about that. I am of the opinion that pensions should be paid as a just obligation of the Government to its faithful and patriotic defenders, and as an honorable recognition of the services of heroic men fighting for the flag. The granting of a pension is not a gratuity, neither is it an act of charity; but no matter what I believe, or what others believe, on that proposition, I want to suggest, absolutely without partisan feeling, that it seems to me it is unwise and unfair to the old soldiers to provide that not one single dollar of the pension money appropriated in this great appropriation bill shall be paid unless it shall be ascertained that the pensioner does not have more than a certain amount of income. Neither of the distinguished gentlemen from Missouri has undertaken to provide any means whereby the amount of this income can be ascertained. Unless some means shall be provided in the law for the ascertainment of the soldier's income on pension day, all payment of pensions would be delayed indefinitely, and the old soldiers and those dependent upon them would suffer thereby. In my judgment a soldier is entitled to his pension without being compelled to make oath that he is in need. This Government can not afford to be parsimonious with the fast-disappearing army of 1861–1865.

It is stated in the amendment proposed by the gentleman from Missouri [Mr. RUCKER] that this pension money shall not be paid on any day of payment unless the Commissioner of Pensions shall have ascertained certain facts with reference to the income of the pensioners. Now, gentlemen, stop for a moment and think. What does that mean? Under the present method of paying pensions it means, if the law is to be lived up to, that at least four times a year in some method that the gentleman from Missouri has not indicated in his amendment, and which he could not indicate in an amendment prepared hurriedly and introduced on a great appropriation bill of this kind—in some way the Commissioner of Pensions is to ascertain the monthly income of every pensioner in the country. Now, I

insist, gentlemen of the committee, that it is not a practical or just method of dealing with this question, even if the House is determined to abandon the policy which it has already decided upon, namely, that of paying pensions, not only because of wounds received or diseases incurred in the service, but because of age and length of term of service. I recognize the fact that the gentleman from Missouri [Mr. BORLAND] is perfectly consistent in proposing this amendment, because, as I recall, he has always strenuously and consistently opposed pension legislation based upon age and service, and I am not now questioning his motives as to that, but I am saying to those who believe in the system of paying pensions that is now upon the statute books, that was put there under the leadership of that gallant old soldier who sits across the aisle, my colleague, Gen. SHERWOOD [applause], if you believe in that system of paying pensions, it is unwise, it is unfair to the old soldiers of this country to provide in this slipshod method, in such a way that not even the author of the amendment himself can indicate, that the pension shall be held up until the commissioner shall decide the amount of the income of each pensioner. This great civil strife closed almost a half century ago; the average age of its heroic survivors is over 70 years, and they are fast passing into the great beyond; their fond recollection is the consciousness of service well performed, and a Nation's gratitude well earned. Let us not fail in appreciation at this late hour. I hope these amendments will be defeated.

The CHAIRMAN. The Chair is going to recognize the gentleman from Tennessee, and then the Chair hopes that the committee will be ready to vote.

Mr. McKELLAR. Mr. Chairman and gentlemen of the committee, I am in favor of this amendment. I think my colleagues will agree that I have exhibited a very liberal attitude on the subject of pensions since I have been a Member of this House. As a member of a subcommittee of the Committee on Military Affairs that has to do with these matters I have seen that in every case where a man honestly fought for his country and by some mischance or accident had some defect in his record that did not involve moral turpitude, and where the ex-soldier needed the pension, I have always seen that that man went on the pension rolls, because I believe that a man who honestly fought for his country and honestly served his country in time of war ought to be on the pension rolls if by reason of old age or disability incurred in the service he needs help and has no independent support. But I want to call the attention of gentlemen of this committee to the remarkable figures about pensions. We pay $169,000,000, as provided in this bill, for pensions every year. How much do you suppose that all the nations of all the earth pay their ex-soldiers? Would not you think it reasonable to suppose that all the nations of all the earth would pay to their ex-soldiers as much pensions as we pay? The fact is all the nations of all the earth pay but $1,166,000 in pensions. We pay more than one hundred and fifty times as much as England, France, Germany, Russia, and all other nations put together pay. We actually pay to residents in Canada more money in pensions than the Government of Canada pays to its own soldiers in pensions. We pay more in any one week, nay, three times as much in a week, in pensions than all the nations of the earth pay in a year. I say we ought to be liberal toward our old soldiers, but we are carrying our liberality to an absurd extreme when we pay pensions to the rich just as we do to the needy, and to those who have expatriated themselves just as we do to our own citizens.

Mr. WILLIS. Will the gentleman yield?

Mr. McKELLAR. We ought to be fair to them, but it does seem to me, in the interest of good government and in the interest of economy and in justice to all our people, we should draw the line somewhere, and why should not we draw that line where it will not hurt? Why not withdraw these bounties to the rich? Why not withdraw them from the aliens? If a man is drawing as much as $2,000 a year in a salary or income, he does not need to be a pensioner upon the Government's bounty, in my humble judgment. If he is patriotic, he ought not to want a pension. If he loves his country, he ought not to measure his love in money at so much per quarter.

Mr. GOOD. Will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. GOOD. The gentleman says he intends to be fair in the matter of paying pensions. I notice in the appropriation bill here before the House last year, simply making appropriations to pay the pensions which the law provides, the gentleman voted against that appropriation bill.

Mr. McKELLAR. That is entirely true and I expect to vote against this bill. I shall vote against any bill that votes the people's money indiscriminately to those who fought for the Union and to those who did not fight for it until years after when they saw the benefits of a pension roll.

Mr. GOOD. Does the gentleman think that is generosity?

Mr. McKELLAR. It may not be generosity, but it is honesty. I think that is entirely fair, for this reason: I do not blame you gentlemen from the North for desiring to give liberal pensions to the deserving and needy old soldiers. I am with you in that. But, when you go further and include in your bills these enormous bounties to men in your districts, the great number of whom could have never heard the artillery roar, nor could never have seen the smoke of battle, then I am against you, for I take it, that none of us really believe that 50 years after the Civil War has closed, there are 450,000 survivors of the Union Army as shown by these pension records, which survivors are still alive. Nature does not extend their lives simply because they were in the Army. Coming from the tenth district of Tennessee, as I do, where my people are very naturally entirely opposed to pensions, which they are taxed to pay and no part of which they receive or ought to receive, I reflect their views and their wishes, as I believe, when I cast my vote against these bills.

Mr. MADDEN. Will the gentleman yield?

Mr. McKELLAR. On the other hand, though, whenever it comes to a question of being fair to the soldier who really fought for the Union, I always vote to put him on the pension roll, for I love the Union myself, and admire the patriotism and valor of the men who fought for it.

Mr. MADDEN. Will the gentleman yield to a question?

Mr. McKELLAR. I will.

Mr. MADDEN. Does the gentleman from Tennessee believe that such legislation as this tends to encourage the patriotism that is needed now in the face of a war with Mexico?

Mr. McKELLAR. I want to say to the gentleman, that if patriotism has fallen so low in this country that we have to pay for it in pensions, then God save our country. [Applause.] I want to say to the gentleman that in that part of the country where I come from, from that part of our land that is south of the Potomac River, where we do not receive pensions as they do in the North——

Mr. MADDEN. And where you ought not to.

Mr. McKELLAR (continuing). If we have trouble with Mexico or any other nation, you will find the young men and the old men of our Southland, where we are not paid to be patriotic but where we love our country and our flag, rising as one man to defend the flag of the Republic. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. And at the same time rise as one man to prevent the payment of pensions to the old soldiers?

Mr. BARTLETT and Mr. FESS rose.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized.

Mr. BARTLETT. Mr. Chairman, I desire to ask unanimous consent to close this debate in 10 minutes.

Mr. HUMPHREY of Washington. Move to close it now.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment shall be closed in 10 minutes, and if I do not get unanimous consent I am going to move to close debate.

Mr. FESS. Mr. Chairman——

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent to close the debate in 10 minutes. Is there objection? [After a pause.] The Chair hears none. The Chair is going to recognize the gentleman from Ohio [Mr. FESS] now and the gentleman from Missouri [Mr. RUCKER] to close.

PENSIONS.

Mr. FESS. Mr. Chairman, I have not said anything upon the pension legislation of this House, and what I say now will not impugn the motives of anybody in expressing his opinion, either in amendments proposed to the bill or what has been said in support of amendments. The situation growing out of the Civil War, where so much bitterness was inevitable, would cause one's motives probably to be impugned if his utterances were not entirely clear when he speaks on pension matters. All I rise to say is this, that the Civil War was the greatest contest that history knows anything about between two wings of the Anglo-Saxon people, taking two distinct views of our system of Federal Government, and when it closed the most remarkably dramatic and in many ways historical event that is known in the history of civil government took place. I want to repeat to this group of men that, in my judgment, the greatest single incident in the history of civil government in the world was the successful ending of that war for the preservation of this Union. There is no doubt in the mind of any man upon either side of

this House as to that statement. It is now 49 years since that sublime scene at Appomattox took place, where the great general, the conquering hero, and leader of the forces of the Federal Army, received, in recognition of the splendid abilities of the peerless man from Virginia, the leader of the Confederate forces, not the sword, but rather the symbol of surrender. The scene was brightened when it was stated that we do not want to humiliate anybody in this country, especially a soldiery of the type of those laying down their arms. Therefore that tremendous conflict closed with less rancor between the two leaders, as well as between their followers, and I do not believe anything ought to be said upon the floor now, either on this side or on that, that would indicate that we want to revive any ill feeling between the two sides. [Applause.] All I am asking, 49 years after its close, with the average age of those who fought for the Nation's life beyond 70, when no great number can longer remain, is that we do not make any move in any way to reduce our appreciation of the men who fought in this struggle for the preservation of the Union. [Applause.]

Let us not make any change of policy at this late day. I say this not to impugn anybody's motive. I only ask Members not to run counter to their own judgment, but let the Sherwood bill stand unamended until we amend it by giving greater recognition. If such an amendment as that is proposed, I will support it. These amendments subtract. Do not take it away. [Applause.] I would not take any pension away from the man 70 years old, who leaves the United States to go into Canada, a newer country, to try to make a home there because, perhaps, there is an opportunity, or, at least, a better opportunity, up there that he has not had here beceuse of the incentives held out to settlers. I would not take it away from him. I would not take it away from the man who, because of his ability, is enabled to draw $100 a month, for I would not want to put our pension policy upon a pauper basis, but would want to put it on a service basis. And because he happens to be able to command a salary, I would not punish him by taking it away from him. I call upon the membership of this House in 1914, 50 years after the struggle has closed, not to start a movement to reduce our appreciation of the men who fought in this tremendous war for the Union. And that is not said in any derogation of the splendid abilities and soldierly qualities that are recognized in the men who fought on the other side of this great struggle.

I speak to my friends from the Southland and I speak to my friends from the Northland. Let us act now as if we have not forgotten the valiant services of the gallant men or lessened the appreciation that we owe to this citizenship. I hope that both of these amendments will be voted down and that we shall take no backward step in our treatment of the men who made possible the Nation as we behold it to-day, a half century later. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

[Mr. RUCKER addressed the committee. See Appendix.]

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. SHERWOOD] may have three minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent that the gentleman from Ohio [Mr. SHERWOOD] may have three minutes. Is there objection?

There was no objection.

Mr. SHERWOOD. Mr. Chairman, I have voted, I believe, consistently against giving old-age pensions to soldiers who have renounced their allegiance to the United States. I think I shall vote for the Borland amendment, because that takes care of every soldier who was disabled in the service. I can not understand how that will do any injustice to any soldier who served during the Civil War.

I have always opposed age pensions. I said on the floor of the House when my pension bill was pending that I was in favor of a pension for service and disability. That age pension provision was put on in the Senate as a compromise. I do not believe there is any merit in being old. In two Congresses I have been the oldest man in Congress, and if there is any merit in being old or any virtue in being old then I am the most virtuous man in this Congress. [Laughter and applause.] When my pension bill was finally enacted I said I would never accept a pension under the Sherwood bill, because it pensioned a man for age, or because he was old. I never have and never will apply for a pension under that law, because I believe in making the pension roll a roll of honor, for service or disability. [Applause.] I shall support this amendment, because I do not believe that a man who thinks this country is not good enough to live in, a man who repudiates that flag that hangs above our handsome Chairman, and who swears allegiance to a foreign country, has any business to take money out of the United States Treasury. I am in favor of taking all we can get for soldiers who still stand by the flag. [Applause.]

The CHAIRMAN. An amendment has been offered by the gentleman from Missouri [Mr. RUCKER], and to that a substitute is offered by the gentleman from Missouri [Mr. BORLAND]. The question will first be taken on the substitute.

Mr. GORDON. Can we not have the substitute reported?

Mr. GORMAN. I ask unanimous consent that the substitute and amendment be reported.

The CHAIRMAN. The Clerk will report the substitute.

The substitute offered by Mr. BORLAND was again read.

The question being taken on the substitute, on a division (demanded by Mr. BORLAND) there were—ayes 28, noes 80.

Accordingly the substitute was rejected.

The CHAIRMAN. The question now recurs upon the original amendment offered by the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, in view of the returns we have just had, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman can not withdraw the amendment except by unanimous consent.

Several Members objected.

The question being taken, the amendment was rejected.

The Clerk resumed and completed the reading of the bill.

Mr. BARTLETT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

Mr. RUCKER. Pending that, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia [Mr. BARTLETT].

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MURRAY of Oklahoma, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes, and had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. BARTLETT. Mr. Speaker, I move the previous question on the bill to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and it was accordingly read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

CONTRIBUTIONS FOR POLITICAL PURPOSES.

Mr. RUCKER. Mr. Speaker, I desire to file a privileged report (H. Rept. 655) of the committee appointed under House resolution 256, to investigate and report whether any Member has been guilty of violating the provisions of the criminal code by soliciting contributions for political purposes, known as the Doremus investigation, and to announce that on some day next week I will call up the matter for consideration. I file also the views of the minority and ask that both reports be printed.

The SPEAKER. The report and the views of the minority will be printed and referred to the House Calendar.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5065. An act for the relief of Mirick Burgess; to the Committee on Military Affairs.

S. 1703. An act for the relief of George P. Chandler; to the Committee on Military Affairs.

S. 1086. An act for erecting a suitable memorial to John Ericsson; to the Committee on the Library.

S. 5066. An act to increase the authorization for a public building at Osage City, Kans.; to the Committee on Public Buildings and Grounds.

S. J. Res. 95. Joint resolution providing for method of improving channels giving access to military reservations or fortifications; to the Committee on Military Affairs.

S. J. Res. 139. Joint resolution to authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Govern-

ment of China on works of conservation and public improvement; to the Committee on Military Affairs.

WILLIAM T. GRADY—LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. CAMPBELL, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William T. Grady, Sixty-third Congress, second session, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DEITRICK, for 10 days, on account of illness.

ADJOURNMENT.

Mr. BARTLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House adjourned until Monday, May 11, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War, submitting estimates of deficiency in appropriations required by the War Department for the fiscal year ending June 30, 1914 (H. Doc. No. 970), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GORMAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8593) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures, reported the same with amendment, accompanied by a report (No. 649), which said bill and report were referred to the House Calendar.

Mr. DUNN, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13611) authorizing the Secretary of the Treasury to disregard the provision contained in the public-building act approved March 4, 1913, requiring open space for fire protection about the proposed Federal building at Salisbury, Md., reported the same without amendment, accompanied by a report (No. 650), which said bill and report were referred to the House Calendar.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the resolution (H. J. Res. 168) proposing an amendment to the Constitution of the United States, reported the same without amendment, accompanied by a report (No. 652), which said bill and report were referred to the House Calendar.

Mr. CHANDLER of New York, from the Committee on the Judiciary, to which was referred the resolution (H. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, reported the same without amendment, accompanied by a report (No. 653), which said bill and report were referred to the House Calendar.

Mr. FLOYD of Arkansas, from the Committee on the Judiciary, to which was referred the bill (S. 485) to amend section 1 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 654), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 16358) for the relief of Abraham Kauffmann, reported the same without amendment, accompanied by a report (No. 651), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GREGG: A bill (H. R. 16413) authorizing the erection of a post-office building at Crockett, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS: A bill (H. R. 16414) providing for a military highway between the Government arsenal at Augusta, Ga., and the Government fort at Fort Screven, Tybee Island, Ga., by way of the Old Stockade in Jenkins County, Ga.; to the Committee on Military Affairs.

By Mr. BAKER: A bill (H. R. 16415) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 16416) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, by extending to them the thanks of Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. POST: Joint resolution (H. J. Res. 265) relating to the awards and payments thereon in what is commonly known as the Plaza cases; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 16417) granting an increase of pension to James Edward Dare; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16418) granting an increase of pension to Adam Forney; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 16419) granting an increase of pension to John H. Smith; to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 16420) granting an increase of pension to Artaminsa Carpenter; to the Committee on Pensions.

By Mr. BOWDLE: A bill (H. R. 16421) granting an increase of pension to Missoura A. Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16422) granting an increase of pension to John W. Hamilton; to the Committee on Pensions.

Also, a bill (H. R. 16423) granting an increase of pension to Joseph H. Woodruff; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16424) for the relief of Lloyd C. Stark; to the Committee on Naval Affairs.

By Mr. CONRY: A bill (H. R. 16425) for the relief of the Schwarzchild & Sulzberger Co.; to the Committee on Claims.

By Mr. FERGUSSON: A bill (H. R. 16426) granting a pension to Harry S. Comrey; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 16427) granting a pension to Elizabeth Hale; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 16428) granting a pension to Thomas J. Moore; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 16429) for the relief of the estate of Richard Brown, deceased; to the Committee on War Claims.

By Mr. KEISTER: A bill (H. R. 16430) for the relief of John Oursler; to the Committee on Military Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 16431) to validate the homestead entry of William H. Miller; to the Committee on the Public Lands.

By Mr. NEELY of West Virginia: A bill (H. R. 16432) granting an increase of pension to Francis M. Hockinbery; to the Committee on Invalid Pensions.

By Mr. PETERS of Maine: A bill (H. R. 16433) granting a pension to Edward J. Glennon; to the Committee on Pensions.

Also, a bill (H. R. 16434) granting an increase of pension to Levi Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16435) for the relief of Stephen A. Winchell; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 16436) granting an increase of pension to David R. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16437) granting an increase of pension to James W. Welsh; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 16438) granting an increase of pension to Andrew J. Dolph; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 16439) granting an increase of Pension to Nelson J. Letts; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of sundry citizens of Redondo Beach, Cal.; Roberts, Ill.; Middletown, N. Y.; and Indianapolis, Ind., against polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of the city council of New Orleans, La., favoring Hamill bill (H. R. 5139) to pension postal employees; to the Committee on Reform in the Civil Service.

By Mr. AIKEN: Resolutions of a Democratic convention of Anderson County, S. C., indorsing administration of President Wilson; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: Petitions of sundry citizens of Hamilton County, Ohio, and other citizens of Ohio, against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of the Coshocton (Ohio) Glass Co., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of A. J. Bird, J. S. Oakes, F. G. Kellar, Ira King, Walter Furl, D. W. Dietz, V. G. Bowman, R. H. Hammer, L. D. Miller, C. W. Shaffer, F. H. Randle, Daniel Statler, M. L. Rankin, J. R. Keeler, W. E. Oldham, M. W. Shaffer, John Hitshew, D. B. Kring, W. B. Benson, W. A. Blough, H. V. Eppley, J. S. Mosholder, J. H. Kring, J. S. Long, Jacob Esterly, Solomon Kimmel, C. S. Mishler, C. E. Thomas, E. T. Grubb, George Wentz, David G. Evans, Henry Blum, J. T. Glesmer, B. E. Slick, Homer Blanset, R. W. Mardis, Frank Harbaugh, S. R. Cullis, W. H. Queer, M. W. Swabb, H. M. Heinze, J. C. Hildebrand, A. L. Hildebrand, J. W. Heinze, E. T. Heffley, A. C. Ahlborn, George Boxerdale, Charles A. Manges, T. J. Hughes, E. E. Hickler, George Brown, F. E. Cooper, J. W. Schnabel, T. B. Dixon, George P. Bauer, J. F. Leese, C. E. Frank, S. J. Davis, Alex Hofecker, E. P. Ditzeler, M. S. Edwards, C. M. Gill, Anderson Wertz, J. W. Harshberger, Jacob Wingard, Lee Wingard, J. D. Strayer, S. N. Carpenter, F. B. Kinzey, H. H. Bolden, Cecil Criller, Benoni Kauffman, H. F. Heffley, Henry Grush, W. H. C. Sprengle, Lewis Weaver, John Dignan, F. L. Wilson, Harry Wolfard, A. M. Wilson, R. W. Wallace, John Philips, J. A. Atkinson, William K. Moore, Gabriel Klue, Henry Lenhart, D. S. Wilson, S. D. Bracken, G. Collins, E. B. Stockberger, Jacob Wallace, J. C. Neff, L. S. Berkey, H. L. Berkey, N. L. Boyts, George Hofecker, Joseph Kantner, William J. Pifer, H. W. Manges, H. M. Shaver, C. H. Kieffer, George W. Shaver, Daniel Snavely, S. A. Whyte, George Moyer, H. S. Slick, William H. Shaver, R. W. Horner, Edgar Bentley, H. H. Weimer, G. H. Wolfe, R. O. Miller, R. E. Boyt, Robert Stephens, W. L. Kauffman, all of Johnstown, Pa., for passage of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

Also (by request): Petitions of Brice Sell, F. A. Langham, J. U. Benton, J. A. Sell, Fred Benton, Simon Sell, Martin S. Greenleaf, D. D. Sell, C. L. Anderson, Leo Schilling, J. H. Harker, John Sell, T. A. Sell, S. A. Sell, Mrs. Fred Benton, Mrs. J. U. Benton, Mathew Sell, Amelia Benton, Mary Benton, Mrs. A. Water, Ruth E. Benton, Mary Sell, Mrs. Luke Bowser, Chester Langham, Sara M. Langham, Mrs. James A. Sell, Mrs. C. R. Allen, Mrs. Brice Sell, Mrs. Jennie Sell, Mrs. David Beck, Arvilla Sell, Edna Anderson, Mrs. Minnie Baker, Harry Baker, Emory Langham, Mrs. F. A. Langham, Essington Bowser, Mrs. Sarah E. Allison, Mrs. Margaret Feighter, Mrs. Clara Sell, all of Hollidaysburg; Jerry Snowberger, Ira Snowberger, A. L. Miller, Archie Claar, Burdine Claar, E. H. Claar, Grant Snowberger, Sue Keagy, H. D. King, Mrs. H. S. King, Gary Ruggles, Florine Snowberger, Louis Holland, Luke Bowser, Marella Snowberger, Rachel R. Claar, Florine Claar, E. R. Zeigler, Jennie R. Zeigler, Mrs. George Zeigler, Pearl Miller, Elmer Zeigler, all of East Freedom; also, J. M. Greenleaf, Anthony Walters, J. H. De Haas, Mrs. Elizabeth Wineland, Mrs. J. M. Greenleaf, Bertha Greenleaf, Anna Greenleaf, Harriet M. McGraw, all of McKee; also, F. A. Bowser, James W. Hammel, Mrs. James Hammel, Mrs. Laura Wyant, Mrs. Grover Diehl, Mrs. Bertha Hammel, Miss Laura Hammel, all of Newry; also, Ethel A. Manges, of Roaring Spring; Mrs. Laura Hoover, of Brooks Mills; and William B. Singer, of Lamersville; H. G. King, Mrs. Grant Snowberger, East Freedom; all in the State of Pennsylvania, for passage of House joint resolution 168, relative to national prohibition.

Also, petitions of White, Hentz & Co., of Philadelphia; John Finn, of South Fork; and J. V. Leonard, of Gallitzin, all in the State of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Spangler Branch of the William A. Sunday Antiliquor Association and the Men's Club of the Spangler Presbyterian Church, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Local Union, No. 146, United Mine Workers of America, of Hopewell, Pa., favoring Government intervention in mining district of Colorado; to the Committee on the Judiciary.

By Mr. BAKER: Petition of sundry citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. BARNHART: Petition of sundry citizens of Laporte, Michigan City, South Bend, Rochester, Lapaz, Akron, Mishawaka, Hamlet, Elkhart, Knox, and other cities in the State of Indiana, in opposition to Hobson prohibition amendment; to the Committee on the Judiciary.

By Mr. BATHRICK: Petitions of sundry citizens of Barberton; the Methodist Episcopal Church and citizens of Akron, Ohio; and the Second Christian Church of Warren, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various officers of the Political Equality Club of Warren and Jefferson Suffrage League, of Ashtabula, Ohio, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. BEALL of Texas: Petition of the First Methodist Church of Dallas, Tex., favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of sundry citizens of Dallas, Tex., favoring House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Dallas, Tex., and Dallas County, Tex., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. BROWNING: Petition of 330 citizens of Camden, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 42 citizens of Gloucester County and 13 citizens of Swedesboro and Bridgeport, all in the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Memorial of Hebrew-American Typographical Union No. 83, International Typographical Union, relative to the Bartlett-Bacon bill (H. R. 1873); to the Committee on the Judiciary.

Also, petition of 146 voters of the twenty-second New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petitions of John Kohn, William Peterson, H. Macklatt, F. Winknetz, F. Wans, Thomas Rymers, Joseph Sheaffer, August Haas, Frank Koenig, H. Guertkon, George Bingham, Adolph Wilde, Herman Deedrich, Paul Luepke, Robert Oberdas, J. Myruck, F. Hoenig, William Engle, M. Twoka, Anton Worzala, H. Krokea, T. Troker, S. Stamevehski, and M. Zermuramy, all of Milwaukee, Wis., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50 or any other prohibition measures which tend to prohibit the manufacturer, sale, shipment, or importation of any kind of alcoholic beverages; to the Committee on the Judiciary.

Also, petition of the Wisconsin Brewers' Association and sundry citizens of Milwaukee, Wis., against national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petitions of F. Hurdy, Edward Price, F. H. Fowles, E. J. Scott, Henry P. Bryant, Julia Punt, E. L. Ingham, John Stark, Ruth Bayless, Christine Bryant, Silas Williams, J. Ingold, Maye Robertson, Otis J. Hunt, and Forbes H. Brown, all of Vallejo, Cal., to submit amendment prohibiting importation, manufacture, and sale of intoxicating liquors; to the Committee on the Judiciary.

Also, petition by the Farmers & Merchants Bank, of Stockton; P. E. Platt, of Stockton; the Union Safe Deposit Bank, of Stockton; the members of the Grain Trades Association of California; R. B. Teefy, for the San Joaquin Valley Bank, of Stockton; the governing board, associate membership of the Knights of the Royal Arch; German-American League of California, all of the State of California, against the passage of the Hobson national constitutional prohibition resolution; to the Committee on the Judiciary.

By Mr. DALE: Petitions of E. E. Bennett, Martin Wing, G. H. Armstrong, E. La Montagues, all of New York City, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DILLON: Petition of sundry citizens of Fort Pierre, S. Dak., favoring women's suffrage amendment; to the Committee on the Judiciary.

By Mr. DIXON: Petition of 24 voting citizens and the Methodist Episcopal Church, of Dupont; 50 citizens of Freetown; 150 citizens of Madison; 50 citizens of Moores Hill; 19 citizens of Seymour; the Woman's Christian Temperance Union

of Dearborn; and 36 citizens of Decatur County, all of the State of Indiana, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DUNN: Petition of sundry citizens of East Robertson, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of the New York Peace Society, approving mediation to prevent war with Mexico; to the Committee on Foreign Affairs.

Also, memorial of the Racine Civics Study Class, urging passage of the Bristow-Mondell resolution relative to franchise for women; to the Committee on the Judiciary.

By Mr. FERGUSSON: Petitions of J. T. Lewis, R. R. Wilson, and 34 other citizens of Jordan, House, Portales, and McAlister; Earl E. Forbes, J. J. Basden, and 43 other citizens of Clovis; Mrs. R. R. Yelland, B. H. Porter, Dr. R. D. Holt, and 26 other citizens of Espanola; W. S. Gilliam, E. L. Forgason, and 41 other citizens of Mesilla Park; the Sunday School Convention, signed by its presiding officer, W. J. Morgan, of McAlister, all in the State of New Mexico, for national prohibition; to the Committee on the Judiciary.

Also, petition of Matias Romero, Pablo Martinez, and 10 other citizens of San Marcial and Clyde, N. Mex., favoring the passage of House bill 12929, including section 6 thereof, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Matias Romero and 21 other citizens of San Marcial, Clyde, and San Antonio, N. Mex., protesting against the enactment of legislation closing the barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of W. P. Riley, Hon. Eugene L. Brewer, Hon. E. M. Teel, and 37 other citizens of Hope, N. Mex., and vicinity, favoring the enactment of legislation establishing a national flexible currency; to the Committee on the Judiciary.

Also, petitions of the Union Church, representing 100 people, of Fort Sumner; a singing school, representing 20 people, of Melrose; a citizens' meeting, representing 125 people, of Taiban; a mass meeting, representing 400 people, of Las Vegas; a meeting of cattlemen and ranchmen, represeting 25 people, of Mineral Hill; the East Mora County Bible School Association, representing 272 people, of Roy; the Liberty Sunday School, representing 32 people, of Roy; the Methodist Episcopal Church, representing 300 people, of Las Cruces; the Presbyterian Church, representing 100 people, of Las Cruces, all in the State of New Mexico, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FERRIS: Petition of the working class of Chickasha, Okla., relative to intervention by the Government in mining trouble of Colorado; to the Committee on the Judiciary.

By Mr. GOODWIN of Arkansas: Petition of sundry citizens of Prescott, Ark., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of various voters of the second congressional district of Pennsylvania; M. A. Jackson and E. M. Slappclerk, of Philadelphia, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of various voters of Port Royal and the Presbyterian Church of Port Royal, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Manufacturers' Association of Erie, Pa., relative to bills to regulate the conduct of interstate business; to the Committee on the Judiciary.

By Mr. HAYDEN: Petition of Elfrido Ara and 48 other residents of Pirtleville, Ariz., in favor of the Lindquist pure-fabric law; to the Committee on Interstate and Foreign Commerce.

Also, petition of Josiah Fike and 20 other citizens, of J. W. Owen Post, No. 5, Grand Army of the Republic, of Phoenix, Ariz., against changing United States flag; to the Committee on the Judiciary.

Also, petition of 115 citizens of Prescott, Ariz., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of H. F. Courter and 12 other citizens of Solomonville, Ariz., favoring House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Thatcher, Ariz., favoring equal suffrage; to the Committee on the Judiciary.

Also, petition of H. F. Courter and 14 other residents of Solomonville, Ariz., against the passage of House bill 7826, a bill to provide for closing barber shops in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HINEBAUGH: Petition of various voters of the twelfth congressional district of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Thirty-four telegrams from Charles H. Smith, H. Buchmiller, A. L. Brewer, T. H. Carr, Robert L. Proudfit, James Pingree, Last & Thomas, A. P. Biglow, Ogden Wholesale Drug Co., Murphy Hardy Co., A. R. McIntyre, J. L. Carlson, J. N. Spargo, Dr. C. F. Osgood, C. J. Humphries, T. D. Ryan, F. Fouts, George McCormick, W. H. Harris, H. M. Rowe, Patrick Healy, G. H. Tribe & Co., Ogden City Ice Co., W. B. Porterfield, M. S. Browning, J. W. Abbot, Joseph Scowscroft, Union Portland Cement Co., Buchmiller & Flower, Thomas G. Burt, W. H. Chevers, A. M. Miller, Frank J. Stevens, and David Mattson, all of Ogden, Utah, protesting against national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petitions of various churches representing 680 citizens of Salt Lake City, 272 citizens of Ogden, 50 citizens of Garland, 105 citizens of Tremonton, 23 citizens of Ferron, 50 citizens of Logan, 16 citizens of Delta, 26 citizens of Richfield, 65 citizens of Moab, and 21 citizens of Ephraim, all in the State of Utah, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of 18 citizens of Oil City, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of the First Presbyterian Sunday School, Ridgway, representing 250 persons; the Christian Endeavor Society, Ridgway, representing 40 persons; the Ridgway Free Methodist Church, Ridgway, representing 40 persons; the Trinity Methodist Episcopal Church, Ridgway, representing 800 persons; the Ridgway Presbyterian Missionary Society, Ridgway, representing 30 persons; the Woman's Home Missionary Society, Ridgway, representing 56 persons; the Epworth League of Trinity Methodist Episcopal Church, Ridgway, representing 43 persons; the Woman's Christian Temperance Union, Youngville, representing 62 persons; the Missionary Society, Second Presbyterian Church, Oil City, representing 90 persons; the Children's Aid Society, Oil City, representing 75 persons; and the Trinity Sunday School, Spartansburg, representing 19 citizens, all in the State of Pennsylvania, favoring House resolution 168, the Hobson resolution, for national prohibition by Federal amendment to the Constitution; to the Committee on the Judiciary.

Also, petition signed by 109 voters of Grove City, Mercer County, Pa., in favor of the national prohibition amendment; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of the State of Washington, against national prohibition; to the Committee on the Judiciary.

Also, petitions of various churches representing 21 citizens of Seattle, 100 citizens of Mount Vernon, 30 citizens of Friday Harbor, 55 citizens of Renton, 35 citizens of Belleville, and 60 citizens of Allen, all in the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petition of the J. B. Sickles Saddlery Co. and the P. K. Engineers of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of 120 citizens of Mount Pleasant, 55 citizens of Irwin, 83 citizens of Scottdale, and sundry citizens of Slippery Rock, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Slippery Rock, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINDEL: Petition of sundry citizens of Denver, Colo., favoring House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Denver and Fort Lupton, Colo., protesting against passage of the Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petitions of sundry citizens of the fifth congressional district of Colorado and sundry citizens of Denver, Colo., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petitions of F. L. Westerfield, T. J. Mallory, and sundry citizens of the eighth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KONOP: Memorial of the University Club; the Racine Suffrage Association, of Racine; and sundry citizens of Peshtigo, all in the State of Wisconsin, relative to franchise for women; to the Committee on the Judiciary.

Also, petition of Carl Fredrickson and others, of Athelstone, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the Equal Franchise League, of New Britain, Conn., favoring the passage of the Bristow-

Mondell resolution enfranchising women; to the Committee on the Judiciary.

By Mr. McCLELLAN: Petition of 305 citizens of Ulster County, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. McCOY: Petitions of 4,885 citizens of the ninth congressional district of New Jersey, against national prohibition; to the Committee on the Judiciary.

Also, petition of 3,000 citizens of Essex County, N. J., against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Essex County, N. J., and other cities of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various banks of Newark, N. J., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. McGILLICUDDY: Petitions and resolutions of the Eaton Memorial Methodist Episcopal Church, of Livermore Falls; the Hannibal Street Methodist Episcopal Church, of Lewiston; the Park Street Methodist Episcopal Church, of Lewiston; the High Street Congregational Church, of Auburn; East Hebron Grange, No. 300, of Turner; Advance Lodge, No. 10, Independent Order of Good Templars, of South Lewiston; and sundry citizens of East Hebron and Livermore Falls, all of the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petitions of various churches and organizations, representing 1,071 citizens of Lincoln, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petition of sundry citizens of the thirty-second congressional district of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Three Mile Bay, Philadelphia, and Earlville, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Petitions of the West Milford Methodist Episcopal Church, of West Milford; the Duff Street Sunday School; the Sycamore Methodist Episcopal Church; the Coburns Creek Methodist Episcopal Church; the St. Paul's Sunday School; the First Methodist Episcopal Sunday School; the First Presbyterian Sunday School; the St. Mark's Evangelical Lutheran Sunday School; the First Baptist Sunday School; and the Christian Church Sunday School, all of Clarksburg, W. Va., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. NELSON: Petition of sundry citizens of Darlington, Wis., and Grant County, Wis., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the third congressional district of Wisconsin, favoring woman suffrage amendment; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Memorial of the Chamber of Commerce of San Francisco, Cal., favoring the passage of Senate bill 3993, relative to appropriation for new buildings for marine hospital at San Francisco, Cal.; to the Committee on Appropriations.

By Mr. PAIGE of Massachusetts: Petition of sundry citizens of Athol, Mass., favoring passage of House bill 12928, retaining section 6; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Athol and Petersham, Mass., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PHELAN: Petition of sundry citizens of Massachusetts, against national prohibition; to the Committee on the Judiciary.

Also, petitions of 400 citizens of Lawrence, 100 citizens of Winchester, and 150 citizens of Reading, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. POST: Petitions of sundry citizens of Piqua, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROBERTS of Nevada: Petitions of 500 men and women of Reno, Nev., favoring Bristow-Mondell constitutional amendment for woman's suffrage; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of sundry citizens of Middlesex County, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petitions of various churches representing 529 citizens of Pueblo, 30 citizens of Steamboat Springs, 100 citizens of Fowler, and sundry citizens of Bayfield, all in the State of Colorado, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Denver Convention Association against national prohibition; to the Committee on the Judiciary.

By Mr. SELLS: Petition of 326 citizens of Tazewell, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STAFFORD: Petition of 2,991 voters of the fifth district of Wisconsin, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Resolution adopted by the St. Paul Turnverein Society, of St. Paul, Minn., urging passage of the Hamill bill, providing pensions for aged employees of the Government; to the Committee on Reform in the Civil Service.

By Mr. TAVENNER: Petition of Joseph L. Haas, president of the Municipal League of Rock Island County, Rock Island, Ill., against national prohibition; to the Committee on the Judiciary.

Also, petition of Victor Roderick, of La Harpe, Ill., favoring Stevens bill (H. R. 13305) relative to standardization of prices; to the Committee on Interstate and Foreign Commerce.

By Mr. WALSH: Petition of 2,839 citizens of the fourth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Mrs. I. Ernsberger, of Ada, Ohio, and other members of the Woman's Christian Temperance Union, urging the adoption of House joint resolution No. 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. Martha McCarty, of Delaware, Ohio, and other members of the Delaware County Woman's Christian Temperance Union, urging the adoption of House joint resolution No. 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of John N. Schirmer, of Cleveland, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Barney Schleper, of Findlay, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Joseph A. Schmitt, of Bedford, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. M. Hickernell, of Ada, Ohio, and other members of the Women's Home Missionary Society of the First Methodist Episcopal Church, urging the adoption of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Emerson Ritter, of Cable, Ohio, representing 40 members of the Mount Carmel Christian Endeavor, urging the adoption of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of sundry citizens of Massachusetts against national prohibition; to the Committee on the Judiciary.

Also, petition of 3,000 citizens of Worcester, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WOODRUFF: Petition of sundry citizens of Bay City, Mich., against national prohibition; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 11, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we thank Thee for the spirit of patriotism which obtains in the hearts of our people, that to-day the tears of a Nation will mingle with the tears of those bereft of their dear ones, who died upholding the honor and dignity of the flag which we cherish as the emblem of all that we hold sacred. The Nation honors itself in honoring its precious dead, and while she thus cares for her defenders she will not want for patriots in peace or in war. Be with, we beseech Thee, the stricken and torn hearts in this hour of sorrow. May they look to a bright beyond, where the true, the brave, self-sacrificing find a glorious reward. Peace be to their ashes, and joy ineffable to their souls as they go marching on, and everlasting praise be Thine. In the name of the Christ. Amen.

The Journal of the proceedings of Saturday last was read and approved.

"YOUR FLAG AND MY FLAG."

Mr. REILLY of Connecticut. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. REILLY of Connecticut. Mr. Speaker, in response to several inquiries as to the authorship, and in order that credit may be given where credit is due, I wish to state that the poem "Your Flag and My Flag," repeated by me during remarks on the Mexican situation on April 20, was written by Wilbur D. Nesbit, a successful writer of Chicago. When Mr. Nesbit wrote the poem he was a member of the staff of the Baltimore American, and it is printed in a volume of his verse entitled "Trail to Boy Land." Several Members have recited the poem at different times, and without credit, I among the number. At the time I gave it I did not know the author. Knowing him now, I hasten to give this belated acknowledgment. [Applause.]

TAXATION IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the bill H. R. 12873.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ADAIR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 12873) relating to the assessment for taxation of real estate in the District of Columbia, and for other purposes.

The CHAIRMAN. The Chair will state that two weeks ago when the House adjourned a substitute had been offered by the gentleman from Ohio [Mr. CROSSER], which has been read, and it is now open to debate.

Mr. JOHNSON of Kentucky. Mr. Chairman, I have sent an amendment to the substitute to the desk.

The CHAIRMAN. The Clerk will report the amendment to the substitute.

The Clerk read as follows:

Amend the substitute offered by the gentleman from Ohio [Mr. CROSSER] by striking out all of the substitute after the word "That," which first appears therein, and insert in lieu thereof the following: "There is hereby levied and imposed upon all taxable real estate in the District of Columbia an annual tax equal in rate to that which is now or which hereafter may be levied or imposed by Congress upon tangible personal property in the District of Columbia; and the same rate of taxation is hereby levied and imposed upon all intangible personal property in the District of Columbia which would be taxable under existing law were it tangible personal property, including moneys, credits, accounts, shares of stocks, bonds, annuities, and all other evidences of indebtedness. All laws which are now in force or which may hereafter be put in force in the District of Columbia governing or affecting the listing, return, or assessment of tangible personal property and the collection of tax thereon, and the penalties for failure relative to the listing, return, assessment, or collection of taxes relative thereto are hereby made applicable to intangible property. Hereafter all real estate in the District of Columbia shall be assessed annually at its real and true value. However, nothing herein shall be construed as to change the present manner of taxing banks, trust companies, lighting, heating, and street-railway companies, except that all real estate owned by any of said companies shall be assessed annually and taxed as of its real and true value. Neither shall anything herein be so construed as to levy or impose any tax upon shares of the capital stock of any corporation which pays to the District of Columbia the required tax upon all of the property represented by its capital stock, or which corporation pays taxes to the District of Columbia as provided by law upon its earnings or receipts. In addition to the real estate which is now exempted by law from taxation in the District of Columbia there shall also be exempted from taxation every parsonage and rectory owned by a religious congregation or organization while it is used by its pastor, preacher, minister, or rabbi as a residence; and, in addition thereto there shall be exempt from taxation in said District $500 of the value of each dwelling house occupied by the owner thereof as a residence; and, in lieu of the existing exemption as to personal property, there shall be exempt from taxation $500 worth of any kind of personal property (tangible or intangible) which any person may own. The word 'person' as used in the next preceding sentence shall not apply to any firm, copartnership, or corporation. All bonds issued either by the United States or by the District of Columbia are hereby exempted from the payment of tax to the District of Columbia. The assessment of real estate shall be commenced not later than the first Monday in November and concluded by the last day of February in each year. The words 'real estate' as herein used in addition to their ordinary meaning shall include any right of way over or right of occupancy of the land of another. The words 'real and true value' as herein used shall be construed to mean the fair cash value of the property, or the equivalent thereof, estimated at the price it would bring at a fair, voluntary sale without regard to conflicting claims of title. Personal property of every description shall be assessed as of the 1st day of July in each year. All real estate in the District of Columbia subject to taxation shall be assessed, and its taxable value and status determined as of the 1st day of January of each year for purposes of taxation for the fiscal year beginning the 1st day of July following. This act shall become effective on July 1 next after its final passage; and all laws or parts of laws inconsistent or in any wise in conflict herewith are hereby repealed to the extent to which they may be inconsistent or in conflict herewith."

Mr. JOHNSON of Kentucky. Mr. Chairman, the amendment which I have just offered strikes out everything in the substitute which was offered by the gentleman from Ohio [Mr. CROSSER], except the first word thereof, and is intended to take the place of each and every paragraph in the substitute. The amendment is somewhat lengthy, and I believe it will be very well to have an explanation of it. I do not believe that that explanation can be made within the five minutes under which rule we are now operating. I therefore ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that he may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, the original bill, as introduced by the gentleman from New York [Mr. GEORGE], was amended in a great many respects by the Committee on the District of Columbia, to which it was referred. The bill as amended was reported to the House and is upon the calendar.

It has been debated two days. At the close of general debate and after the first paragraph had been read, the gentleman from Ohio [Mr. CROSSER] offered a substitute for the entire bill. The amendment which I have just offered strikes out everything of the substitute after the first word and inserts in lieu thereof the matter which has been read at the Clerk's desk.

This amendment to the substitute differs materially from the original bill, and it also differs very materially from the substitute. In the original bill and in the substitute, after considerable study was given to it, it was ascertained that both the original bill and the substitute would have changed the manner of taxing banks, trust companies, street car companies, and so forth. The amendment to the substitute which I have just offered makes no change from the present plan of taxing these institutions. It leaves them taxed just as they are now taxed, with one single exception, that whatever real estate subject to taxation these institutions now own would be subject to taxation under full value instead of the two-thirds value as now.

Under the original George bill, with the amendments put on the bill by the committee, and under the substitute offered by the gentleman from Ohio [Mr. CROSSER], these properties would be taxed according to their ad valorem value, whereas they are now taxed on the basis of their gross receipts. The amendment leaves them taxed on their gross receipts, not on the ad valorem basis, as contemplated by the George bill, and also by the substitute offered by the gentleman from Ohio [Mr. CROSSER].

Mr. J. M. C. SMITH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. J. M. C. SMITH. Do I understand that the utility companies are taxed on their gross receipts, and in addition thereto are also taxed upon their real estate, and that the tax upon the real estate is not deducted or taken into consideration in the taxation of the companies upon their gross receipts?

Mr. JOHNSON of Kentucky. The gentleman from Michigan understands the situation correctly. The amendment that I have offered leaves that unchanged.

Mr. PAYNE. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. PAYNE. Is there also a tax upon their valuation, and in addition to that a tax upon the gross receipts?

Mr. JOHNSON of Kentucky. As I stated a moment ago, the amendment I have offered does not change the present system in any respect, except where they now pay a tax on real estate at two-thirds of its value, it compels them to pay a tax, like other people, on the full value of the real estate.

Mr. PAYNE. I am not familiar with what the rule is now. What I want to get is, I understand the gentleman's amendment taxes them on the full value of the real estate and on the gross receipts. Is there any valuation put on the property itself, on the capital?

Mr. JOHNSON of Kentucky. No; the tax they pay is on the real estate and on their gross receipts. The amendment I have offered leaves them taxed upon their real estate and upon their gross receipts, just as now, except as said above.

Mr. PAYNE. It does not seem to me that the rule now, or the rule proposed by the gentleman, provides a uniform rule for assessment and taxation on the property of public utilities.

Mr. JOHNSON of Kentucky. It is uniform, perhaps, from this standpoint, that the tax upon their gross receipts is in the nature of a franchise tax. An individual, having no franchise, would have no franchise tax to pay.

Mr. COPLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Yes.

Mr. COPLEY. What about the personal property of these utility companies?

Mr. JOHNSON of Kentucky. That is taxed.

Mr. COPLEY. At the present time?

Mr. JOHNSON of Kentucky. That is taxed at the present time under that clause of the law which compels them to pay taxes upon their gross receipts.

Mr. COPLEY. Then the tax on the gross receipts at present covers——

Mr. JOHNSON of Kentucky. Everything except their real estate.

Mr. COPLEY. And the gentleman's proposed amendment provides that they shall pay a tax on 100 per cent of the value of their real estate and shall pay a percentage of their gross receipts, and also that they shall pay a tax on their personal property?

Mr. JOHNSON of Kentucky. Not in addition to their gross receipts.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. ASWELL. Mr. Chairman, will the gentleman explain how his amendment differs from the Prouty amendment?

Mr. JOHNSON of Kentucky. What is known as the Prouty amendment would tax the public utilities and the banks, the trust companies, just as individuals are taxed. It would tax them upon all their real estate. It would tax them upon all their personal property, both tangible and intangible, and would by implication repeal the law which now taxes them upon their gross receipts. The amendment which I have just offered leaves them taxed as they are now taxed, with the single exception that it adds one-third more to whatever real estate they may own.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. FESS. As I understand, the gross-receipts tax is the same as the franchise tax?

Mr. JOHNSON of Kentucky. The gross-receipts tax is supposed to cover their personal property and also to include a franchise tax.

Mr. PAYNE. What is the rule now in relation to banking institutions?

Mr. JOHNSON of Kentucky. A bank pays 4 per cent on savings and 6 per cent on national bank business.

Mr. IGOE. Mr. Chairman, I would like to ask the gentleman if it is the purpose by this amendment to take care of all the provisions for the taxation of real estate in the District?

Mr. JOHNSON of Kentucky. That is what I announced when I first rose.

Mr. IGOE. Then the gentleman proposes to leave the present assessment system the same as it is?

Mr. JOHNSON of Kentucky. No; this amendment makes an annual assessment, and makes it upon full value.

Mr. IGOE. Does that increase the force of the assessor's office?

Mr. JOHNSON of Kentucky. It does not, and I am informed by the gentleman from Iowa, Judge PROUTY, that he has information from the assessor's office that they do not need an increase.

Mr. J. M. C. SMITH. Will the gentleman please state whether the taxation of banks is a certain per cent upon their capital stock?

Mr. JOHNSON of Kentucky. It is on their gross earnings.

Mr. J. M. C. SMITH. It is quite different from some other cities. And their real estate is taken out of the gross earnings?

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. CROSSER. Do I understand the gentleman to say that the amendment which I offered changes the law in regard to the taxation of public utilities?

Mr. JOHNSON of Kentucky. Yes.

Mr. CROSSER. I would like to have the gentleman point out wherein it does. It was not my intention to do that.

Mr. JOHNSON of Kentucky. I do not think the gentleman can find anything in his substitute which leaves the banks and trust companies and the public utilities to be taxed as they are; but, if his substitute should prevail, then they would be taxed under the general plan. In other words, they might escape a franchise tax altogether.

Mr. CROSSER. Will the gentleman permit me to read from my substitute what I think covers the situation?

Mr. JOHNSON of Kentucky. Certainly.

Mr. CROSSER. I read from page 2, lines 8 to 12:

The tax rate hereafter levied upon tangible personal property now assessable shall be the same as that fixed by the said commissioners to be levied upon real estate as herein provided.

I do not think there is another reference made to any other kind of property.

Mr. JOHNSON of Kentucky. That is the trouble with it.

Mr. CROSSER. We would not be repealing it——

Mr. JOHNSON of Kentucky. Yes; we would be, by implication, and an irresistible implication at that. That would impose a tax on the personal property of the utilities companies and of the financial institutions, and if that were the system of direct taxation for them it might repeal the franchise tax altogether.

Mr. PAYNE. Suppose a man owned shares of stock in a public utility company here in the city of Washington and he resides here and pays taxes here. Are the shares which he owns taxed at their full value as intangible property?

Mr. JOHNSON of Kentucky. The gentleman from New York has anticipated me a little bit, as I have not yet come to that, but I will answer him and say that according to the substitute I have offered, where the public-utility company itself pays the tax the shares of stock in the hands of those who own it do not pay a tax.

Mr. PAYNE. Is that confined simply to public utilities here in the city of Washington? Suppose a man owns stock in public utilities in my town, for instance, where they pay the tax there, is the stockholder also obliged to pay here upon the full value of those shares?

Mr. JOHNSON of Kentucky. This bill is dealing only with property in the District of Columbia.

Mr. COADY. Oh, if the gentleman will permit, I think the gentleman from New York is right. That is the effect of the Johnson-Prouty amendment.

Mr. JOHNSON of Kentucky. I do not disagree with the gentleman [Mr. PAYNE], for he is correct in that assumption; but the answer still is true, that under this bill we are dealing only with property in the District of Columbia.

Mr. PAYNE. I know; but a resident of the District of Columbia may own shares in public utilities in one of the States. Does he pay on that as intangible property?

Mr. JOHNSON of Kentucky. Under this bill he would have to pay.

Mr. COADY. At full city rates.

Mr. PAYNE. Notwithstanding the fact these public utilities paid like taxes in their own locality? It would be double taxation on the property. Suppose I was a resident here, which I hope I never will be, and suppose I own some stock in the public utilities in my own town, which I do not, now I could be assessed for the full value of these shares here, while the public utilities in my own town paid their full taxes upon their full value there.

Mr. JOHNSON of Kentucky. The gentleman is correct about that.

Mr. PAYNE. In other words, so far as that property is concerned, it would have double taxation.

Mr. JOHNSON of Kentucky. The gentleman is correct in his understanding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I ask that the gentleman have more time, if he desires it. How much more time does the gentleman wish?

Mr. JOHNSON of Kentucky. Fifteen minutes more.

Mr. PAYNE. I ask that the gentleman's time be extended 15 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Kentucky may be extended for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COADY. Mr. Chairman, will the gentleman yield to me?

Mr. JOHNSON of Kentucky. Yes.

Mr. COADY. Referring to the question asked by the gentleman from New York [Mr. PAYNE] regarding the taxation of securities held by residents of the District but issued in another State, has not the commission appointed by the governor of the gentleman's State recommended that these securities be taxed about 30 cents on the 100?

Mr. JOHNSON of Kentucky. I believe what the gentleman says is correct, and I will say that the legislature refused to pass it at the last session, which adjourned only a few weeks ago.

Mr. COADY. Is it not also true that the commission reported that there were 200,000 acres of land in the gentleman's State not on the tax books?

Mr. JOHNSON of Kentucky. I do not know whether it does or not, but I would like to see that none of it escapes taxation; but I am no more responsible for the condition that exists there than the gentleman himself. If I were there in the

legislative body, I would endeavor to correct whatever defects there might be in the tax laws of the State.

Mr. COADY. The only reason I asked the gentleman from Kentucky the question was the fact that the gentleman from Iowa [Mr. PROUTY] and the gentleman from Kentucky [Mr. JOHNSON] laid so much stress on the fact that the people of those States are allowed to bear the burdens of the District of Columbia, and I want to show by your own report and from the report of the Iowa commission——

Mr. JOHNSON of Kentucky. Can not the gentleman make his speech in his own time?

Mr. COADY. I will just finish in a moment—that the property in his own State is only assessed about 52 per cent of its true value, and in the State of Kentucky they receive more from the tax on dogs than from the tax on securities, according to their own report.

Mr. JOHNSON of Kentucky. It is the common practice, Mr. Chairman, in the House for some gentleman who is opposed to a proposition, no matter how right it may be in the opinion of other people, to state the defects of his own State as an argument why nothing should be done here. As I have just said, if I were a member of the Kentucky legislative body I should exert myself most actively in the correction of whatever wrongs there may exist in the tax system. As I am not there, but am here, as a member of the committee that deals with the affairs of the District of Columbia I am endeavoring to right some wrongs which exist here, regardless of the fact entirely whether or not those wrongs exist elsewhere; and it is no argument with me, and should not be with the House, that because my native State has not a perfect taxing system that the District of Columbia should not have one.

But in further explanation of the substitute, Mr. Chairman, I desire to say this, that under the amendment which I have offered to the substitute the owner of a home, or, to put it in other words, the householder, is exempt under my amendment from $500 of its value if he lives in it. In addition $500 worth of tangible personal property is exempt for everybody. In addition, still, $500 worth of intangible personal property is exempt for everybody. In other words, the small householder is protected to the extent of having an exemption from taxation of $500 in the value of that house. In addition to that, all other people have an exemption from taxation to the extent of $500 of tangible property, and then, to meet the argument which has been made here that the man who has his small savings deposited in a savings bank should have some exemption from taxation, he, too, in the amendment which I have offered, has been given an exemption to the extent of $500, the same as other people have been given. I am informed by the gentleman from Iowa [Mr. PROUTY] that he has information directly from the assessor's office, given him since this bill was amended in any wise, to the effect that all provisions made here for the assessment of property were entirely too much.

Those are the main differences between this amendment and all that goes before it, so that if it is adopted real estate will be assessed, or should be assessed, at its full value. The dollar and a half rate would obtain to the real estate and tangible and intangible personal property alike. The financial institutions and public utilities would be left taxed just as they are now, with a single exception that I have twice stated before—they would pay one-third more, or, rather, their real estate would be assessed at three-thirds instead of at two-thirds, as now. I have fully explained the difference between the amendment that I have offered and that which is now before the committee.

Mr. OGLESBY. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. OGLESBY. Is the rate now 15 cents—the present rate?

Mr. JOHNSON of Kentucky. The present rate on real estate is two-thirds of the $1.50 a hundred.

Mr. OGLESBY. The gentleman means the assessment is supposed to be two-thirds of its value?

Mr. JOHNSON of Kentucky. It is supposed to be, but, as a matter of fact, it is not, but——

Mr. OGLESBY. The rate is fixed arbitrarily at 15 cents?

Mr. JOHNSON of Kentucky. By Congress; yes. Now, Mr. Chairman, if I may be indulged a few more minutes. There has grown into all this discussion, and you can not keep it out, the question as to whether or not real estate in the District of Columbia is properly assessed and taxed.

I have before me a clipping from the Evening Star of last Friday, May 8. In that I notice this language:

> The first proposition has as its foundation the H. J. Browne guess of 1912 that there were $744,000,000 of taxable realty values in Washington in that year, estimated on the full valuation basis as "full valuation" is understood throughout the United States in the assessments of its cities.

I also find further in that newspaper clipping:

> The George taxation report of 1912 alleges that "real property in the District of Columbia is assessed $414,000,000 below its true value, the true value being $744,000,000, while the assessment is only $330,000,000."

Two years ago the District Committee made a report in what is known as the George report, and in that report it is stated that the real, true value of the real estate in the District of Columbia is $744,000,000. Upon that statement the local newspapers have thrown a fit every time it is mentioned, and the statement that real estate is undervalued for assessment purposes $414,000,000 has been hooted at as being a most ridiculous and preposterous one.

I happen to have in my hand a little pamphlet or brochure entitled "Story of the Heights." It deals with Massachusetts Avenue Heights, and on page 23 of that statement, issued by the Thomas J. Fisher Real Estate Co., is this wonderful statement:

> Real estate—the basis of all solid wealth—offers a wonderful profit in Washington. It never can shrink in value unless the Nation shrinks. It is not like stocks and bonds and other securities. In 1903, according to Moody's Magazine, the stocks of this country dropped $3,000,000,000; in 1907 they shrank $7,000,000,000; in 1910 (last year) they went off $950,000,000.

Now, will you please listen to this statement:

> During the past 30 years, according to the Manufacturers' Record, of Baltimore, the value of Washington real estate never halted, but increased from $200,000,000 to $1,210,000,000.

We must take it for granted that every statement made in this pamphlet is true. It is issued by the Thomas J. Fisher Real Estate Co., as I have said, and its president but little more than a year ago was one of those who brought to the attention of the Commissioners of the District of Columbia the assertion that a local insurance company was issuing literature to the public which was not exactly accurate in every particular. I therefore take it for granted that the president of this institution, who raised that question with the Commissioners of the District of Columbia and caused an exhaustive examination to be made, is not going to permit to go out from his company a statement like that unless it be literally true.

Mr. FESS. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. FESS. Not to a question pertaining to that, but I want to get at your bill.

Mr. JOHNSON of Kentucky. I will come to it directly, if you will indulge me just a moment.

Mr. FESS. I am afraid the time will be up.

Mr. JOHNSON of Kentucky. This pamphlet, or brochure, which I have, Mr. Chairman, is quite an interesting document. On page 6 is a picture not of the residence or of the house but of the "mansion" of Senator George S. Nixon, of Nevada. Upon the other side, on page 7, we have the picture of the mansion of United States Senator Francis G. Newlands, of Nevada, adjoining these heights. Upon the next page we have the mansion of Mr. Charles C. Glover, president of the Riggs National Bank. On the next page we have a picture of the handsome mansion of "Mr. John R. McLean, of Cincinnati." Over on page 11 we have the picture of the extensive grounds and the mansion of Charles J. Bell, president of the American Security & Trust Co. Then on page 12 we find this language:

> On the north side of Massachusetts Avenue and adjoining the heights on the northwest are the grounds of the Protestant Episcopal schools.

That is offered as an inducement for people to buy property out there, no doubt, but they fail to say that there never has been a student in that institution and there is not now.

Then, I find on page 13 of this very interesting little document this language:

> Sheridan Circle—

That is the place out here on Massachusetts Avenue where they have a statue of Gen. Sheridan on a horse that looks as if he were dying with a sudden attack of the botts—

> Sheridan Circle is the social center of Washington and Washington is the social center of the Nation. The truth of both statements is well known. Scores of successful Americans, whose individual fortunes range from ten to one hundred millions of dollars, within the last five years have built mansions along Massachusetts Avenue and around its newest and most attractive circle. And they still are coming; the flow hardly has begun.
>
> In its issue of January 29, 1911, the New York Times in a Washington dispatch headed, "Is Washington cornering our multimillionaires? Remarkable growth of a colony whose wealthy recruits come from all parts of the country to the Nation's Capital," said:
>
> "The pioneers of the millionaire colony here were the late Thomas F Walsh, John R. McLean, the Leiters, and Mrs. A. C. Barney. In the building up of Sheridan Circle as the real social center of Washington much is due to Mrs. Barney, who built her beautiful studio house there—an art marvel. Now the entire circle is marked by an imposing row of marble mansions. Around Sheridan Circle the bonanza kings have spread their palace tents—the Hennen Jenningses, the Norman Williamses, and others."

The panoramic view given in this booklet shows Sheridan Circle in its rare residential beauty with the heights close by, toward which homes of equal magnificence are building. Soon the block or two of intervening space will fill with contemplated mansions for which most of it already has been bought at prices five times greater than will be asked at the start for more elevated and better sites on the heights. There the kings of wealth soon must raise their modern palaces and proceed along the royal avenue of their desire. Owing to this pressure for sites to the northwest the District of Columbia Commissioners on January 25, 1911, commenced the necessary condemnation proceedings to open Massachusetts Avenue its full width to the District line, more than 2 miles beyond Massachusetts Avenue Heights.

Coming to page 19, Mr. Chairman, I find this:

Many great fortunes have been made in the rise of its real estate by its citizens and a few outside investors familiar with its marvelous jumps in value due to the city's steady acquisition of the country's men of colossal fortunes and the very limited area available for their magnificent and rival homes.

The fortunes of the people who already have sought rest in a life of elegance and ease in the city by the Potomac are conservatively estimated at one thousand millions of dollars. And more came last year than ever before.

* * * * * * *

From "The Hub" have come the Larz Andersons, the Weekes, and others. Among the New Yorkers are the John Hays Hammonds, the Perry Belmonts, the Robert Roosevelts, the Duryeas, the George W. Vanderbilts, and the Oliver Cromwells; from Chicago have come the Leiters, the Pullmans, the Munns, Mrs. Robert Hitt, Mrs. Potter Palmer, and Mrs. Marshall Field; from Cleveland the William J. Boardmans; from Pittsburgh, George F. Westinghouse; from Colorado the Thomas F. Walshes; from Pennsylvania the Scott Townsends; from West Virginia the Stephen B. Elkinses, and dozens of others to swell the host of multimillionaires who for the most part have built their Aladdinlike homes along Massachusetts Avenue.

Another type of Washington millionaire constantly increasing in number is the Representative and senatorial millionaire who after a term in Washington rarely leaves it. They, too, have magnificent homes and are lavish entertainers. Of this type are Senator DU PONT, of Delaware; Senators Nixon and NEWLANDS, of Nevada; and almost the whole roll call of the upper House. The Senator ranks next to the Cabinet officer and often is socially more important. Cabinet officers, judges, higher Government officials, and members of the diplomatic corps are also home builders in Washington, Franklin MacVeagh, Secretary of the Treasury, being the most recent addition to this class, having just completed his palatial residence.

Now, Mr. Chairman——

Mr. PAYNE. May I ask the gentleman if that is an advertising circular of some real-estate boomer?

Mr. JOHNSON of Kentucky. That is an advertising circular of a real-estate corporation whose president rose in your midst a little over a year ago and said nothing else than that no advertising schemes shall go forth from the city of Washington unless they are absolutely true.

Mr. PAYNE. And the gentleman brings that in as evidence of the value of an official report here?

Mr. JOHNSON of Kentucky. I bring in here a statement from a paper published in Baltimore, which I think is an authority upon the subject, which says that in the last 30 years the values of real estate in Washington have increased from $200,000,000 to $1,200,000,000. We have that statement here, where the findings of a committee, to the effect that the real-estate values of Washington amount only to $744,000,000, are impugned and attacked because it happens to be about $400,000,000 more than the assessment list shows.

Mr. Chairman, I have here a map issued by this same real-estate company showing the Massachusetts Heights section and the prices attached. The assessment here shows that those properties are assessed for one-fourth and one-sixth, even, of what is asked for this land that is shown upon this map.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Michigan?

Mr. JOHNSON of Kentucky. Yes.

Mr. J. M. C. SMITH. Does the gentleman conclude or believe that the value of real estate has increased in proportion to a larger or greater extent than the value of personal property, from the reading of the names from the pamphlet he has just read?

Mr. JOHNSON of Kentucky. Intangible property here is not taxed at all. I have no way of knowing what it is; neither has anybody else.

Mr. J. M. C. SMITH. But the names are given.

Mr. JOHNSON of Kentucky. The names are given, and the statement that is made, that the wealth of these people varies from $10,000,000 to $100,000,000 each, carries with it, I think, the irresistible conclusion that their intangible property is not taxed.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from New York?

Mr. JOHNSON of Kentucky. Yes.

Mr. PLATT. Could not every one of them avoid payment of the personal tax here by claiming residence in New York or elsewhere?

Mr. JOHNSON of Kentucky. That is not a question for us to determine. One of the parties mentioned in this paper said, in a speech down here not long ago, that every Member of Congress was so ignorant that he did not know the difference between a cantilever and a pons asinorum. That may be true. But there is one thing I believe they do know. They do know a "jackassinorum" every time they hear him bray, even though he be a millionaire.

As I said, Mr. Chairman, in the few minutes left me I want to discuss one other proposition, and that is the taxing of intangible property, or, in other words, securities.

Whenever we have "a hearing" relative to the schoolteachers no man there has ever heard the masculine gender mentioned in that committee room. Everybody who appears before the committee on the part of the schools speaks of the "poor school marm," the female teachers of the schools. You would never suspect that there is a man in the whole school system. Just as soon as this bill or any other bill of a similar character comes before the House for consideration, then you begin to hear of "the poor widow."

Let me invite your attention to the very anomalous situation that is now staring us in the face. Here are Members of the House, here are members of the District Committee, who take this peculiar and, to me, inexplicable position that all intangible property should escape taxation because, perchance, some poor widow might be overtaxed or because somebody with his or her little savings in a savings bank would, under the original bill, be taxed. Bear in mind I have already fixed an exemption to the extent of $500 in favor of this class. But only a few days ago there came before the committee a man by the name of George Horning, who is the "king bee" of all the loan sharks in the District of Columbia, who stated before that committee that he had $250,000 loaned out to small borrowers at 36 per cent a year. There were men—and they will appear in a little while upon the floor of this House—urging an increase in the rate of interest for that man, and to-day they are here asking that that man who has $250,000 loaned out at a rate of interest which brings him in return an annual compensation for his money greater than the President's salary ought at least to pay some taxation upon the collateral which he holds. I say, in my opinion, that position is indefensible. To ask in one breath that this man's already extortionate rate of interest may be increased and to demand in the next that he shall escape taxation entirely upon that $250,000 is too much for my conscience.

Mr. FESS. I wanted to ask whether your plan is to make the valuation 100 per cent on real estate?

Mr. JOHNSON of Kentucky. It is.

Mr. FESS. And then do you fix the rate?

Mr. JOHNSON of Kentucky. The rate is left as it is fixed now by law, $1.50 a hundred.

Mr. FESS. And you fix that arbitrarily?

Mr. JOHNSON of Kentucky. Yes.

Mr. FESS. And does the Government pay any tax upon the property it owns here?

Mr. JOHNSON of Kentucky. It does not, and I do not know of any place where it does. The gentleman is glad to have in his town, as I am to have in mine, a Government building, and to have it there without taxation.

Mr. FESS. And what provision, if any, is there in your bill for the Government to give any support to the District of Columbia?

Mr. JOHNSON of Kentucky. There is no provision in my bill to give any support, for the very good reason that my proposition has nothing in it which takes away from the Federal Government the support that it is now giving.

Mr. FESS. Does it not in reality repeal the organic law?

Mr. JOHNSON of Kentucky. The gentleman has gotten that from the local press. It does not repeal it in anywise, and it does not deal with it, or touch it in the remotest way. My amendment seeks simply to tax property which now escapes taxation.

Mr. FESS. That is why I am asking you. I want to know the facts about this.

Mr. JOHNSON of Kentucky. I insist, as the gentleman from Iowa [Mr. PROUTY] has insisted well and ably, that the people in the District of Columbia ought to pay a reasonable rate of taxation. They are now paying less than is paid in cities of like size in all this country. I insist, as the gentleman from Iowa has insisted, that property here should bear a reasonable rate of taxation. I would rather see it too small than to see it too large. Then, when they have gathered in their receipts from that taxation, let the amount be what it will, whatever they fall short of actual needs the Federal Government ought to supplement to that extent.

Mr. FESS. And if it does not fall short at all the Federal Government will be released. Is that the idea?

Mr. JOHNSON of Kentucky. That is a matter to be dealt with in the future. This proposition stands upon the one bottom, that these people here ought to pay a reasonable rate of taxation upon their property, regardless of what the consequences may be, regardless of whether it requires the Federal Government to pay or not to pay.

Mr. FESS. Another question: Did you make any different arrangement as to the political status of the citizen of this District, or did you leave him under the present law?

Mr. JOHNSON of Kentucky. This is a matter relating wholly and entirely to taxation. I have said here numerous times, and I repeat it, that I would like to see the shackles of bondage struck from every man in the District of Columbia and see him given the full right of citizenship that every other American has and ought to have.

Mr. FESS. That is where we differ.

Mr. JOHNSON of Kentucky. I have said repeatedly that I wish to see these people here have their own officials, elected by themselves, raise their own money, and spend it just as they see fit to spend it. I do not wish to see them asking for bread and be given a stone, as the result would be if they were simply given a Delegate in this House. I want them to have real, true, and genuine representation. I want to see them given the vote, just as you and I have it in our respective States. I will never be satisfied with the situation here until they have been set free. No matter what any man says to the contrary, they have been sold into bondage simply in order that the Federal Treasury may be looted for the benefit of "the few" and not for the masses of the people in the District of Columbia.

Let us see whether or not real estate in the District of Columbia is overtaxed or whether, as I have said, it is undertaxed.

I have here a list of 40 cities in the United States. Opposite the name of each city I will put its rate of taxation, beginning with the city which has the smallest rate, and go on down the list, naming the cities in order as the rate of taxation increases, as follows:

Washington, on the $100	$1.00
Philadelphia, on the $100	1.50
St. Louis, on the $100	1.51
Pittsburgh, on the $100	1.53
Cincinnati, on the $100	1.56
Bridgeport, on the $100	1.65
Chicago, on the $100	1.71
Boston, on the $100	1.72
New Orleans, on the $100	1.72
Milwaukee, on the $100	1.76
St. Paul, on the $100	1.76
Minneapolis, on the $100	1.79
Lawrence, on the $100	1.80
New York, on the $100	1.82
Springfield, on the $100	1.82
Brooklyn, on the $100	1.85
Cleveland, on the $100	1.88
New Haven, on the $100	1.90
Rochester, on the $100	1.93
Lowell, on the $100	1.94
Lincoln, Nebr., on the $100	1.97
Baltimore, on the $100	1.98
Detroit, on the $100	1.99
Camden, on the $100	2.00
Syracuse, on the $100	2.00
Trenton, on the $100	2.00
Lynn, Mass., on the $100	2.00
New Bedford, on the $100	2.02
Newark, on the $100	2.02
Fall River, on the $100	2.03
Cambridge, on the $100	2.04
Providence, on the $100	2.05
Jersey City, on the $100	2.12
Grand Rapids, on the $100	2.14
Tacoma, on the $100	2.17
Utica, on the $100	2.20
Des Moines, on the $100	2.22
Buffalo, on the $100	2.29
Charleston, S. C., on the $100	2.50

And yet, after a showing of that kind, which places Washington as the least taxed of them all, there come those here to-day and defend Washington's millionaires from paying tax on their wealth.

The general average paid by the 40 cities which I have just named is $1.90 on each $100 worth of property, yet Washington complains of being overtaxed, when she pays only a dollar on the hundred.

It costs to run the whole government of the State of Kentucky only about seven and a half millions of dollars. It costs nearly twice that much money to run the government of the District of Columbia, which is no larger than the smallest county in Kentucky. Yet the people of the District of Columbia want more money. However, they object to paying a reasonable rate of taxation. They want the people of Kentucky additionally taxed and the money sent here.

Mr. Chairman, let me express the hope that my amendment will be adopted, and, in consequence, the millions and millions which now go untaxed in this city may pay a just proportion of the burden of government.

Mr. IGOE. Mr. Chairman, the gentleman from Kentucky [Mr. JOHNSON] offers an amendment to the substitute of the gentleman from Ohio [Mr. CROSSER]. This very amendment that he offers now demonstrates very clearly to me, and I think to the House, that the majority of the Committee on the District of Columbia acted wisely in submitting the substitute which the gentleman from Ohio [Mr. CROSSER] presented here to the House.

This bill grew out of an investigation made in the last Congress by a special committee of this House, and in a report that was submitted to this House, signed first of all by the gentleman from Kentucky [Mr. JOHNSON], these recommendations were made:

First, annual in place of triennial assessments.

That provision is incorporated in the Johnson-Prouty bill, it is incorporated in the Crosser substitute, and it is incorporated in the amendment now submitted by the gentleman from Kentucky [Mr. JOHNSON].

The next proposition—and it is the one upon which we differ in the committee—is this: The repeal of the fixed assessment rate of 1½ per cent, leaving the rate to be fixed annually by the requirements of the budget. That proposition is not incorporated in the Johnson-Prouty bill, but it is incorporated in the Crosser substitute, and it is not incorporated in the amendment now submitted by the gentleman from Kentucky [Mr. JOHNSON].

The next proposition is the requiring of the true consideration in all real-estate transfers. That provision has been met by a bill which recently passed this House.

The fourth proposition is the substitution of 12 field assessors for 3 assistant assessors now on the field work. That proposition is taken care of in the Johnson-Prouty bill. It is taken care of in the Crosser substitute; but it is absolutely ignored in the amendment which the gentleman from Kentucky [Mr. JOHNSON] now offers upon the floor of this House. He says that the assessor now proclaims that he has enough help. But, Mr. Chairman, in the report of the committee headed by the gentleman from Kentucky [Mr. JOHNSON] is the statement that the assessor, the man who is now the assessor, insisted that he must have at least 10 men to do the work. The committee has provided 12 men.

The fifth proposition is the abolition of the requirement for the assessors in the field personally and jointly to view each piece of property. That provision, so far as I can find, is not in the substitute now offered by the gentleman from Kentucky [Mr. JOHNSON]. It is in the Johnson-Prouty bill and it is in the Crosser substitute.

The next proposition is a very important one, that power be restored to the commissioners to remove the assessor or any of the assistant assessors for cause. In the investigation made by that committee in the last Congress, and in investigations made by the committee in this Congress, the crying evil was that the assessor and the assistant assessor could not be removed except with charges preferred, I believe, and sustained in the courts; and while one of the assessors was removed for cause by the commissioners, that case is now pending in the courts. And yet there is nothing, so far as I can see, in this amendment offered by the gentleman from Kentucky [Mr. JOHNSON] which meets that proposition; but it is taken care of in the Johnson-Prouty bill and in the Crosser substitute.

Mr. Chairman, I am in favor of the Crosser substitute. I believe that is the bill we ought to pass. There is no difference between the members of the committee upon the general propositions involved, but the difference and the dispute came in section 2 of the Johnson-Prouty bill, which is the majority bill. The minority of the committee believe that the tax rate should not be fixed at any particular definite rate, but that it should be fixed by the commissioners according to the needs of the District. The majority undertook to fix a rate of 1½ per cent, no matter what sum may be raised, no matter what may be the needs of the District.

Further than that, the minority of the committee believes that this bill was intended originally to provide an effective system for the assessment of real estate. That was the purpose of the bill, and that was the purpose of the committee in drafting the bill in the first instance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. IGOE. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. McLAUGHLIN. Has your committee considered the advisability of assessing real estate and tangible personal property and intangible personal property credits by a different plan?

Mr. IGOE. I was coming to that proposition, if the gentleman will pardon me. I will say that I am in favor of the taxation of personal property, but I am undecided how far we should go. Originally I thought we could tax it all and tax it at the same rate, but on thinking it over further and getting into the subject, I found that the further I got into it the less I knew about it. I realize that there has been no investigation made by any committee of the House on the subject of the taxation of personal property in the District of Columbia.

While I am on it, let me call attention to the amendment offered by the gentleman from Kentucky and say that if I had my choice between the original Johnson-Prouty bill and this amendment I would choose the original bill because, in my judgment, this is a makeshift. It does not meet or correct the evils that we want to meet and correct.

Now, the gentleman says that the Crosser substitute would leave the banks and trust companies and utility companies free of taxation. That I deny. The only provision relating to personal-property taxation in the substitute offered by the gentleman from Ohio [Mr. CROSSER] is this:

> The tax rate hereafter levied upon tangible personal property, now assessable, shall be the same as that fixed by the said commissioners to be levied upon real estate as herein provided.

Under the present law national banks, incorporated banks, trust companies, gas companies, electric lighting and telephone companies, on gross earnings and their real estate, pay as follows: Banks and trust companies, 6 per cent; gas companies, 5 per cent; electric lighting and telephone companies, 4 per cent; street railway companies, 4 per cent; insurance companies, 1½ per cent; building associations, 2 per cent; the Washington Market Co., 4 per cent on its gross earnings.

I would like to ask the gentleman from Kentucky where, in his amendment, he takes care of the tax paid by insurance companies? In his amendment he says "nothing herein shall be deemed to change the present methods of taxing banks, lighting companies, street railway companies," and there he ends. We have a provision in the law for the taxing of title and real-estate bonding companies and savings banks having no capital, 1½ per cent on surplus and undivided profits; Washington Market Co., 4 per cent on gross earnings. Perhaps the gentleman would like to grant an exemption to some of these companies so that they will not be overburdened. We know, however, that he does not want to do that. The whole trouble is, gentlemen, the subject of personal-property taxation and taxation of the gross receipts of the different companies has not been gone into, and there is no man on the floor of this House who has information enough to enable him to go into the matter fully at this time and bring in a bill that is fair, just, and equitable.

Mr. COOPER. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. COOPER. Does the gentleman know about the accuracy of the valuation of the District real estate put in the Prouty report at $744,000,000?

Mr. IGOE. The gentleman from Iowa took the figures from the report of the committee appointed by the last Congress. From all the information I have I think the information is correct. I take them to be correct. The investigation was made very carefully, and they had to go on the testimony of experts who were residents of the District of Columbia. I assume that that item is correct. That, however, does not include the Government property nor the District property. I think the total is something like $1,200,000,000.

Mr. COOPER. My attention has been called to the fact that St. Louis, with a population of 750,000, is larger in area than the entire District of Columbia, and has products and manufactures valued at $468,000,000——

Mr. IGOE. Yes; we have a great city.

Mr. COOPER. Washington has a population of about 330,000. Now, there is very little, if any, manufacturing in Washington, and yet the real estate in St. Louis is valued on a 60 per cent basis at $441,854,000, only $111,000,000 more than the District on a 60 per cent basis. How is it that in St. Louis, with 750,000 population and with all of these manufactures, real estate is valued at $441,000,000?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COOPER. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. IGOE. I will say to the gentleman that I have no first-hand information as to the District of Columbia and have had nothing to do with the assessment of property in St. Louis.

Mr. COOPER. The same facts are essentially true, according to statements I have seen, of the cities of Baltimore, Detroit, and Minneapolis, much larger cities than the city of Washington.

Mr. IGOE. I do not know anything about the real-estate values in the different cities. It is true about Washington that the public buildings here and the magnificent structures that have been erected greatly increase the value of property. Of course the purpose of this bill—that is, of the Crosser substitute, which I believe should be adopted—is to get the real, true assessment of real estate, whether it is a billion or a hundred million.

Mr. COOPER. Is it the gentleman's idea that great factories, bringing great revenue to their owners, as they do in Detroit, would be less valuable than property held for residential purposes?

Mr. IGOE. I will say to the gentleman that I am not a real-estate expert, and do not know very much about it.

Mr. JOHNSON of Kentucky. I would like to ask the gentleman if he does not think that the location of factories in the midst of a good residential district would depreciate the value of the real estate rather than to enhance its value?

Mr. BUCHANAN of Illinois. Is it not a fact that real estate owned by manufacturing companies is exempt from taxation?

Mr. IGOE. They are not in my city; I do not know what they are in others.

Mr. COOPER. In reply to the question of the gentleman from Kentucky, it is proper to say that great manufacturing plants are not situated in residential districts; manufactories are usually by themselves.

Mr. JOHNSON of Kentucky. Yes; and the truth of it is I have no doubt the residential portion of a town will move away from a factory just as fast as the factory is located.

Mr. COOPER. Yes; but the sum total of the value of the real estate would include the value of these vast manufacturing plants, together with the residences of the employers and those of the employees.

Mr. JOHNSON of Kentucky. I will say to the gentleman that if there were more of these millionaires of whom I have just read, locating and building these great mansions and big estates, real estate would increase in value very much faster than if it were a manufacturing city.

Mr. IGOE. Mr. Chairman, there has been a great deal of time taken up in the discussion of this bill, and about 90 per cent of it relates to things not embodied in the bill and with which it has nothing to do. What we want to put upon the books is a law that will provide a just and equitable assessment system. In order to be fair and just and equitable to all of the real-estate owners here we must have an efficient system. The Crosser substitute follows the recommendations of the committee appointed by this House in the last Congress, signed by the gentleman from Kentucky [Mr. JOHNSON], whose name leads all the rest, and it seems to me that this bill which the gentleman from Ohio offers as a substitute should be adopted.

A great deal has been said about the half-and-half plan, about how much money will be raised under the Johnson-Prouty amendment and under the Crosser amendment. I wish to say to the gentlemen of this House that I do not believe this is the bill upon which we should legislate in regard to abolishing the half-and-half plan or modifying it. This assessment system which is provided and the system for fixing the tax rate leaves that matter as it is to-day. The Appropriations Committee of this House passes upon the needs of the District, and that committee will determine how much the Government will contribute. That committee has the power now, through appropriation bills, to refuse to appropriate the one-half which the Government has been in the habit of giving to the District, but when the appropriation estimates come in, if the committee decides that the District must pay $7,000,000, then, under the bill offered by the gentleman from Ohio [Mr. CROSSER], the commissioners can fix that amount and raise that amount of money.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. IGOE. Certainly.

Mr. FESS. This substitute is looking to a modification of that relationship, is it not?

Mr. IGOE. The substitute does not touch upon that at all, but it does provide a system whereby if Congress subsequently repeals the half-and-half system and says the Government will pay one-fourth or one-tenth, or nothing, this system will be effective at that time, just as much so as it would under the half-and-half plan.

Mr. FESS. Would the Government probably repeal the half-and-half plan unless this substitute makes it unnecessary to continue?

Mr. IGOE. Mr. Chairman, I will say to the gentleman that I do not know. Personally, I do not believe in the half-and-half plan, but I have not been able to hit upon a substitute for it yet. I voted for a bill to repeal the half-and-half plan.

Mr. FESS. What I am interested in is this: Before we make any radical change, where we have not definite knowledge, it seems to me we ought to have a little further investigation than we have had.

Mr. IGOE. The gentleman is speaking now of repealing the half-and-half plan?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. IGOE. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. IGOE. Under the Crosser substitute, if the half-and-half plan operates, the commissioners will fix the rate to raise the amount of money that Congress says the District must raise. If Congress says the District must raise it all, then you have a bill under which it all may be raised, if the District has to do it. Something has been said about the commissioners having too much power.

Mr. FESS. Is this bill intended to reach the place where Congress could say the District can not have this money?

Mr. IGOE. The Crosser bill simply provides as perfect a system of assessment and taxation as we can devise, and that is the main purpose of it.

Mr. FESS. Without taking into consideration what the Government ought to do?

Mr. IGOE. Without taking into consideration what the Government ought to do; but no matter what the Government does, the money can be raised under the Crosser substitute.

Mr. JOHNSON of Kentucky. Also without taking into consideration at all the question of intangible personal property.

Mr. IGOE. Mr. Chairman, I want to say to the gentleman from Kentucky and to the Members of this House that it took probably two years to investigate the question of real-estate assessments in the District, and the Johnson-Prouty amendment was supposed to solve it all; and now comes another amendment to take its place, supposedly even more perfect than it, and yet it is full of holes. There has not been sufficient consideration given to the question of personal-property assessment to incorporate it in this bill, and it should not be incorporated.

Mr. METZ. Mr. Chairman, will the gentleman yield?

Mr. IGOE. Yes.

Mr. METZ. I do not know the system of raising money, whether you appropriate before you raise and spend or raise first and then spend?

Mr. IGOE. Under the present system the rate is fixed now.

Mr. METZ. Fixed upon the basis of appropriations, what you are going to spend?

Mr. IGOE. No; at the present time the rate is $1.50, and it is assessed on two-thirds of the value of the real estate.

Mr. METZ. And the gentleman wants to get it to 100 per cent?

Mr. IGOE. Yes; but we want to repeal the 1½ provision, so that the commissioners can fix the rate to meet the needs of the District.

Mr. METZ. The point I am getting at is this: Take the intangible property. The personal-property tax is a farce throughout the country wherever it is in force.

Mr. IGOE. I will say to the gentleman that in the substitute which the gentleman from Ohio [Mr. CROSSER] offers we leave personal-property taxation just as it is now, to be taken care of otherwise at some future time.

Mr. METZ. But I say the personal-property tax is a farce. Personal property is assessed in the city of New York. We make up a budget of our requirements for the year, and then we have an assessment, including personal property, for taxation, exempting, of course, the city property, the Federal property, and the charitable institutions and churches, as is done here; but whenever the assessment on personal property is fixed, it is usually fixed from the blue book, according to the kind of a street a man lives on.

My coachman may be assessed for $10,000, and he is tickled to death to think that he has so much credit. He does not pay two cents, and he does not swear off the assessment, so it remains an asset to the city, even though it is uncollectible. The city of New York at one time had $14,000,000 absolutely uncollectible personal taxes. They spend the money and then can not collect it. You do the same thing here, and how are you going to get back the money which you do not collect on the personal assessments? Where does it come from?

Mr. IGOE. The gentleman asked a question which was so long I believe I can not answer it.

Mr. METZ. Does not the gentleman think that would be the effect here?

Mr. IGOE. I hope the Crosser substitute will be adopted, and that we may have an efficient and full assessment in the city of Washington.

Mr. COADY. Mr. Chairman, four weeks ago, District day, I discussed this bill and at some length this Johnson-Prouty amendment, and there is very little now I can add to what I said at that time without repeating myself. However, the distinguished chairman of the committee this morning, in referring to some objections to that amendment made by myself and others some time ago, said that some of the cases that were cited were extreme cases, notably the case of a young man or young woman who by dint of hard work and economy saved a few dollars and put them in a savings bank. I said then that those people would be compelled to yield up to the District Government one-half of the savings they derive from the investment of their funds. The gentleman says that is an extreme case. Two weeks ago when we were discussing this question I was called out into the lobby and another of these extreme cases was pointed out to me. I was told a few days ago there was a man in the Government employ, a hard-working, industrious, and economical man, who had saved $10,000. He was a widower with one young boy. He died, and before his death he made a will, directing that this money be deposited in a savings bank in the city of Washington and the income from this $10,000 be devoted to the maintenance, education, and support of this young child. Now, under the provisions of this amendment here this young man who is now being maintained, educated, and supported from this fund derived from the $10,000 will have that income cut in two, and I believe, Mr. Chairman, he will not only have it cut in two, but when he yields to the District government one-half of that income he will be compelled also under this bill to yield up again one-half of the remaining half, because under the provisions of this amendment savings-bank deposits are assessed and taxed at the full city rate, and then there is an additional tax put on an annuity. In other words, the bank to protect itself would pay this $1.50 out of the $3, and this young man to whom the balance of the $1.50 on each hundred was paid would be compelled to yield up 75 cents of that to the District government. In other words, instead of getting $300 he would only get $75, and be compelled to pay the District of Columbia $225 out of the $300 which he receives.

Mr. MANN. Will the gentleman yield for a question?

Mr. COADY. Certainly.

Mr. MANN. What was the theory of the committee in leaving him this $75?

Mr. COADY. I am surprised it even left him that. Now, Mr. Chairman——

Mr. JOHNSON of Kentucky. If the gentleman will permit me right there——

Mr. COADY. Certainly.

Mr. JOHNSON of Kentucky. I might suggest if his estate is being managed on the same basis that a very large estate in the District of Columbia which is now in court is being managed, the committee, three of them, have in the last few years paid to themselves $100,000 for their own services.

Mr. COADY. That is aside from the question. I do not think the gentleman could have followed me, because I said the will provided that the money should be deposited in a savings bank in the District of Columbia and the income paid for the maintenance, education, and support of this young man. This is an entirely different case from that cited by the gentleman from Kentucky. Now, I have here reports from quite a number of States where commissions were appointed to investigate questions of this character, and uniformly all those commissions have reported a low tax rate on securities, varying from 30 to 40 cents. I have here a copy of a report of the United States Commissioner of Corporations on the success of the low tax rate. He says:

During the 12-year period (1898–1910) the percentages of increase in assessments for three States were as follows: Pennsylvania, 95 per cent; Connecticut, 89 per cent; Maryland (for Baltimore only), 161 per cent. The percentages of increase of revenue during the same period were: Pennsylvania, 95 per cent; Connecticut, 76 per cent; and Maryland (for Baltimore), 152 per cent. Looking only at the results attained in Baltimore (those for the whole State not being available), the low uniform-rate method of taxing intangible personalty may be regarded as having worked more successfully in Maryland than in Pennsylvania and Connecticut, notwithstanding the higher Maryland rate.

Now, Mr. Chairman, these reports all show in States that have a tax rate like that in the State of Kentucky and in the State of Ohio the assessed value of intangible personal property has decreased from year to year, and, as I stated this morning, in the great State of Kentucky they get more revenue from the tax on dogs than they do from the tax on securities. I would like——

Mr. JOHNSON of Kentucky. The District of Columbia also gets more tax on dogs than on intangible personal property.

Mr. COADY. Well, intangible personal property, as the gentleman well knows, is not now taxable in the District of Columbia.

Mr. JOHNSON of Kentucky. If two and a half millions of people raise more tax on dogs than 350,000 people, it is pretty good evidence——

Mr. COADY. I am in favor of putting a fair rate on intangibles, not a confiscatory rate that would drive such property out of the District and would prevent you from getting it. Such has been the experience of every State in the Union that has tried to tax tangible personal property at the full rate.

Mr. JOHNSON of Kentucky. What feature of any of these propositions is the gentleman supporting which taxes intangible property?

Mr. COADY. I am in favor of taxing intangible personal property in the District at about 30 cents on the hundred. That is a fair rate, I think.

Mr. JOHNSON of Kentucky. With reference to any measure that is before this House proposing that kind of tax on intangible property, which measure is the gentleman supporting?

Mr. COADY. I will say to the gentleman that I have an amendment prepared. I do not know what the parliamentary status of this bill will be later on; but, if I have an opportunity at the proper time, I will offer an amendment putting a tax of 30 cents on intangible property. You are taxing the same species of property under your amendment three and, in many cases, four times.

Prof. Bullock, who is professor of economics at Harvard University, and who has made a thorough study of this system of taxing intangible property at a low rate, says in his treatise on The Taxation of Intangible Property:

> If you will examine what has been written concerning the shortcomings of the tax on personal property in the United States, you will observe that the writers are dealing with a tax that is levied at a uniform rate upon all property, a rate which, in order to meet the increasing cost of local government—

The CHAIRMAN (Mr. RAUCH). The time of the gentleman has expired.

Mr. COADY. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. COADY. I will continue—

> a rate which, in order to meet the increasing cost of local government, has risen to an average of about $20 per $1,000 of the assessed capital value of the property. In some localities the rate falls to $10 per $1,000, or even less; but in many it rises to $30 per $1,000, and in not a few cases reaches such figures as $40 or $50. Now, the average rate of $20 per $1,000 of the capital value is equivalent to 40 per cent of the income from property that yields the investor 5 per cent interest, and safe investments do not show a higher average yield. When the tax rate rises to $30 or $40 it approaches the point of practical confiscation. No government that ever existed could collect such an exorbitant tax on any property that can possibly evade assessment either in whole or in part, and it is not surprising that our American States have been unable to do so. No sane man among us dreams of paying such a tax on his money, credits, or securities; and in most cases no law can long compel him to do so. The failure of our States to secure a full assessment of intangible wealth proves merely that it is impossible to collect from this class of property a tax so unreasonable and exorbitant as to be virtually uncollectible.

Now, without reading all these various reports, I will say that they treat this question in the same manner, and all make recommendations along the same line, namely, that in order to get at this property, in order to get at this great amount of intangible wealth, you must tax it at a fair rate, and most of them have held that a fair rate is about 30 cents on the hundred.

Mr. FESS. Will the gentleman yield?

Mr. COADY. Yes.

Mr. FESS. What assurance have you that if you had a lower rate on the securities it would come from its hiding any more than now?

Mr. COADY. Nothing except the experience in the States that have tried it—Maryland, Pennsylvania, and Connecticut. I pointed out to the gentleman a week ago how in Baltimore city alone we had increased taxable intangible property about 150 or 175 per cent in 10 or 12 years.

Mr. FESS. Do you attribute the statement you made about Kentucky to the defective system of taxation there?

Mr. COADY. I attribute it to the fact that they tax intangibles at too high a rate, and in consequence they do not get it. The people of Kentucky do not turn them in.

Mr. JOHNSON of Kentucky. I will say to the gentleman there that we have a number of citizens here, any one of whom has more intangible property than all the people in Kentucky put together.

Mr. COADY. I am in favor of taxing these citizens. The gentleman knows that is my position, but I am not in favor of putting a confiscatory tax rate on them, and I am not in favor of driving men out of the District or making liars and perjurers of them. That has been the experience of every city that has undertaken to tax intangibles at full State and county rates.

Mr. MAPES. Mr. Chairman, the question pending before the House at the time of adjournment two weeks ago—the last District day—was the substitute offered by the gentleman from Ohio [Mr. CROSSER] for the so-called George bill, which was reported by the majority of the Committee on the District of Columbia. This substitute, with the exception of a provision providing for a flexible rate of taxation on the personal-property assessment, as well as on the real property, according to the needs of the budget, is substantially the same as the original bill introduced by Mr. GEORGE before it was amended in the committee. The House therefore is now confronted with practically the same proposition that was before the Committee on the District of Columbia.

Under the existing law real estate within the District of Columbia is assessed only once in three years, and then at not to exceed two-thirds of its true value. Intangible personal property is not assessed at all, and there is exempt from taxation on the tangible personal property, first, libraries, schoolbooks, wearing apparel, articles of personal adornment, all family portraits, and heirlooms; second, household and other belongings to the value of $1,000.

The rate of taxation on the personal and real property as assessed is fixed at 1½ per cent. This has been the fixed rate since the passage of the organic act in 1878.

The expenses of the District government are paid one-half by the people of the District from revenues raised within the District and one-half is taken out of the Federal Treasury. The one-half of the expenses of the District government paid by the District is made up of license fees, certain specific taxes, and the taxes from the real and personal property assessment at the fixed rate of 1½ per cent.

It will be recalled that a subcommittee of the Committee on the District of Columbia, of which the gentleman from New York [Mr. GEORGE], the author of this bill, was chairman during the last Congress, made an exhaustive investigation into the real-estate assessments in the District. That subcommittee reported that, as a matter of fact, the real estate within the District was only assessed at 44 per cent of its value, instead of two-thirds as required by law. They found that while the taxable real estate within the District was assessed for only $330,000,000, that it was really worth $744,000,000. Taking that report as the basis of our calculations, a little mathematical deduction will show that with real estate assessed at only 44 per cent of its true value, with the tax rate fixed at 1½ per cent upon that assessment, the owners of real estate within the District of Columbia are paying, under the existing law, only 6.6 mills on a dollar on the true value of their real estate. In addition, they are only paying 15 mills on a dollar upon their tangible personal property, with an extremely liberal exemption on that, and with all stocks, bonds, moneys, and other intangible personal property escaping taxation altogether.

Those of you who think that this is a fair rate of taxation, as compared with the rate in other cities, are justified in voting for the substitute offered by the gentleman from Ohio and against the bill reported by a majority of the committee. You should, however, clearly understand the question before doing so. The substitute does not change the total amount to be raised within the District of Columbia. It does not change the existing law which requires the District to raise only one-half of the revenues to pay the expenses of the District government. It does not change the personal-property assessment. It differs from the existing law only in requiring an annual assessment on real estate instead of a triennial one; that such assessment shall be at its true value; and that the rate of taxation shall be fixed by the District Commissioners according to the requirements of the budget. It does not require any more money to be raised within the District than at present.

Mr. OGLESBY. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Certainly.

Mr. OGLESBY. I would like to ask the gentleman how much he thinks the citizens here ought to pay before going outside to get help?

Mr. MAPES. I think, if the gentleman please, that a tax rate of 1½ per cent on the full value of all taxable property in a city with the advantages of the city of Washington, the Capital City of this great Nation, is not too much, and for that reason I am supporting the bill that was reported by the majority of the committee. After the citizens of the District of Columbia pay a fair tax rate on the true value of their property, then I would be in favor, and I think every Member of this House would be in favor, of the Government contributing whatever is necessary to maintain a great National Capital.

Mr. OGLESBY. Why should the people throughout the country pay anything if it is to meet the expenses that the people here ought to meet?

Mr. MAPES. I will attempt to answer the question. I do not say that the people here ought to meet the entire expenses of the District government. I think, as I believe every other citizen of this country thinks, that the National Capital should be maintained on a standard perhaps that the citizens of the District of Columbia can not afford; but that is no reason why the citizens of the District of Columbia should escape taxation and should not be required to pay somewhere near the same amount that the people in other places pay who do not have the same advantages.

Mr. OGLESBY. Does the gentleman know what proportion of the property in the District is owned by the National Government?

Mr. MAPES. Approximately, yes.

Mr. OGLESBY. How much?

Mr. MAPES. About one-third of it.

Mr. OGLESBY. Is there any reason, then, why the Federal Government should not pay a third of the expenses of maintaining the District government?

Mr. MAPES. One-third is not one-half. We are paying one-half now.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will permit an interruption there, I may say that it was stated by the gentleman from Iowa [Mr. PROUTY] two weeks ago, and upon good authority, that the Federal Government owns in the District of Columbia 123 acres which it is now using for governmental purposes.

Mr. MAPES. Mr. Chairman, I can not yield further; my time is limited. I want to call attention particularly to the difference between the committee bill and the substitute offered by the gentleman from Ohio [Mr. CROSSER]. His substitute does not change the total amount to be raised in the District. It does not change the existing law which requires the District to raise only one-half of the revenue. It does not change the personal-property assessment. It differs from the present system only by requiring an annual assessment instead of a triennial one, and that the assessment shall be at its true value, and that the rate shall be fixed by the District Commissioners according to the requirements of the budget. The committee bill requires all property, both real and personal, tangible and intangible, to be assessed annually and at its true value. It leaves the rate at 15 mills on a dollar as at present. Surely no one can justly complain of paying that amount on the full value of his property in a city like Washington with its unusual advantages.

Mr. IGOE. May I ask the gentleman a question?

Mr. MAPES. Certainly.

Mr. IGOE. Under the substitute bill, if Congress should say that the District must raise all of its funds, can not the money be raised? Have not the commissioners the power to fix the rates so that the funds can be raised?

Mr. MAPES. That is true.

Mr. IGOE. Should not that be the purpose of this bill, to fix, first, an assessment system, and then allow the commissioners to fix the rate according to the needs of the District, whether the Government contributes anything or not?

Mr. MAPES. I think, perhaps, that the principal difference between the gentleman from Missouri and myself is on the starting point on this proposition. He believes, I think, that we will arrive at a fair proportion of what the Government should pay and what the District should raise by attacking the existing system, the way the substitute goes at it. For myself I believe we will arrive at that fair proportion sooner if we bring up the assessment to its true value and keep the tax rate of 1½ per cent, and by demonstrating beyond a doubt, as I think we will, that the rate of 1½ per cent on a true valuation will raise enough to take care of two-thirds or three-fourths of all of the expenses of the District of Columbia, so that the Federal Government will not be obliged to contribute anywhere near one-half. Now, I can not yield any further.

Mr. IGOE. But if we are going to raise the money arbitrarily, should not the commissioners have something to say about the rate?

Mr. MAPES. There has been an attempt in some quarters to becloud the issue raised by the bill by calling attention to the pride which everyone has for the National Capital, and arguing that it should be maintained on a larger and better scale than the residents of the District alone can afford, and that the National Government should contribute to its expenses. I am sure there is no Member of this House who would not have the Federal Government contribute to the support of the District government and the upkeep of the beautiful parks and boulevards within the District to whatever extent is necessary after the property and citizens of the District have paid a fair amount of taxes as compared with other cities of the country, but that is no reason why the property and the citizens of the District should not be required to pay their fair share of taxation. When the property within the District is subject to a tax rate which equals or approaches the rate paid in the other cities of the country, then there would be some force to that contention.

The gentleman from Iowa [Mr. PROUTY] has shown that the average amount paid in the cities throughout the country is 19 mills, based on a full valuation assessment, while in the District of Columbia at present it is only 10 mills, based on the present assessment, which is generally admitted to be very low, and which the George report says is only 44 per cent of its value.

In my home city of Grand Rapids, Mich., it is 21.4 mills on the dollar—more than double the amount paid in the District. In addition to the payment of 21.4 mills on the dollar for their local taxes, city, county, and State, the residents of the city of Grand Rapids are compelled to contribute their proportion of the one-half of the expense of the District government paid out of the Federal Treasury, although enjoying no direct benefits from that government. The amount that the citizens of the State of Michigan as a whole contribute toward the expenses of the District government, based upon the population of the State as compared to the population of the entire country, is $180,356, no insignificant sum.

Why should the citizens of Grand Rapids and other cities be obliged to contribute to the expenses of the District government until the citizens of the District pay somewhere near the amount paid by the citizens of Grand Rapids and of other cities to take care of their respective local governments? The citizens of the District get all the benefit of the beautiful parks, boulevards, public buildings, museums, art galleries, zoological park, schools, libraries, and so forth, of the city of Washington and of the District, while the people who reside outside of the city of Washington and the District of Columbia get no direct benefit from them whatever.

The District appropriation bill, as it passed the House, carried an appropriation for $11,436,150.49. Under the half-and-half plan the District would raise one-half of that amount, or $5,718,075.25. For the purpose of reducing these figures to round numbers let us say that the District's share of the annual appropriation is $6,000,000. The amount now raised within the District from licenses, specific taxes, and tangible personal property assessment, and so forth, is $2,187,000. This would leave a little less than $4,000,000 to be raised from the real-estate assessment. The real-estate assessment this year shows that the true value of the real estate within the District, according to the assessors, is $570,000,000. On this basis, if we pass this substitute, the real property in the District will pay a tax only of a trifle over 7 mills on the dollar of its true value as appraised by the assessors, and on the basis of the George report it will pay a tax of only 5.3 mills on the dollar of its true valuation.

The bill which a majority of the committee have reported merely provides for an annual assessment of real estate at its true value and for an assessment of intangible as well as tangible personal property. It does not attempt to change the rate of taxation, but leaves it as it is under existing law, at 1½ per cent. If it becomes a law, the property within the District will only pay a tax of 15 mills on a dollar, which is very much less than is paid in the average American city.

We believe that all property should be assessed. We believe that no one can rightly complain, and that it is eminently fair to the residents and citizens of the District of Columbia to ask them to contribute a tax rate of 1½ per cent on the value of their property before they ask the people of your district and mine, who pay a greater tax than this, to contribute to the expenses of the District government, from which they derive no personal benefit whatever.

There are many people of great wealth residing in Washington who have taken up their residence here because of the many advantages which the city affords. Some of them may have been influenced to select this as their permanent domicile on account of the liberal tax laws, for which Congress is responsible. This class are abundantly able to pay their fair share of taxation, but under the system in vogue at present of exempting all intangible property, such as stocks, bonds, moneys, and so forth, they pay very little taxes in proportion to their wealth. Those of you who wish to make this a retreat for the rich to escape taxation are justified in voting for the substitute, but those of you who believe that all property, whether in the District of Columbia or elsewhere, should pay its fair share of taxation should vote for the bill reported by the majority of the committee.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. PLATT. Mr. Chairman——

The CHAIRMAN. The Chair has agreed to recognize the gentleman from Illinois [Mr. GORMAN], who is a member of the committee.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the same request, that I may revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MANN rose.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I do not expect to throw much light on this situation nor to take very long. First, we had the George bill, I believe, in the last Congress. Then we had a George bill introduced in this Congress. The committee reported that bill with certain amendments, so that it amounted practically to a substitute for the George bill. Then we had, when the first section of that substitute bill was read, the Crosser substitute, a substitute for the two propositions. Now we have the amendment of the gentleman from Kentucky [Mr. JOHNSON], which is another substitute for the entire proposition.

It is "going some" when you have four propositions presented to you, each as a substitute for the one which preceded it; and apparently only a few gentlemen in the House know very much about it. I am one of those who do not pretend to know a great deal about it; but so far as I have gathered from listening to the debate, all of these propositions depend upon an assumption to begin with, that the figures of a Mr. Brown in reference to the actual valuation of real estate in the District of Columbia are taken to be true. I assume that Mr. Brown is one of those distinguished gentlemen who are able to juggle with figures.

I remember, when I was a young lawyer, being sent one time to interview a man who was probably at that time the most noted expert on handwriting in the city of Chicago. I took two specimens of handwriting to him—two signatures. One side claimed that the same man had signed them, and the other side claimed he had not. This expert was not a man who came to your office; you had to go to his house to get a chance to see him. Having arranged an interview, I went to see him and laid the two signatures before him and asked him whether those two signatures were signed by the same person. He retired to another room, examined the signatures under a microscope, and in various other ways, and came back still undecided. I had not told him which side of the case I was on. Making some inquiry as to whether there was any corroborative proof, I finally indicated that I thought there was corroborative proof upon the side I was on, indicating that I thought the signatures were signed by the same man; and very promptly this distinguished expert was able to tell, then, that they were signed by the same individual. Well, that is much like Mr. Brown's figures. Mr. Brown starts out to prove a case. If he had been endeavoring to prove that the valuation of real estate in Washington was too large, he would have proved it with the same figures, the same information that he had before him. Yet this distinguished committee accepts as genuine and as a certain fact the opinion of a professional expert as to the real value of real estate in the city of Washington in the face of the sworn performance of duty by the District assessors.

I know enough about real-estate valuation in the city of Washington and elsewhere to feel quite competent to put my judgment up against Mr. Brown's, and I believe that, on the present valuation by the District assessors in the District of Columbia, District real estate is valued higher in proportion to its actual value than real estate is valued in any other city in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MANN. Here is a residence city which has some valuable retail-store property, but practically no wholesale-store property, and not engaged in the wholesale business to any great extent. Yet on the figures which are submitted here by the District assessors, in my judgment, on the property in the District of Columbia, without manufacturing and without wholesale business, and without taking into consideration the principal business of Washington, which is Government business, they make a valuation here higher than it is in any other city of the same size in the United States.

Now, the tax rate here is supposed to be 1 per cent on the actual value. I remember, as a boy and since, reading how at one time it was supposed that you paid tithes of taxes, 10 per cent of the increase; and yet we have got to that point now where in our day, when we are supposed to cut off a great many of the extravagances of the past, we now levy taxes amounting to 20 per cent of the increase, assuming the increase to be 5 per cent on the capitalization. When it is less than that the rate of taxes is higher. Of course, where the income is greater the taxes are lower. One per cent taxes annually on the actual value of property is enough for anybody to pay properly, and I doubt whether any of the cities which are upon the chart before us, where a higher rate of taxation prevails theoretically, are in fact really paying more than 1 per cent on the actual value, anywhere in the country. Of course, if you manufacture the actual value yourself, it is easy to say that the rate of taxation is higher.

I can remember in my town years ago when the assessed valuation in the portion of the community where I lived was 10 per cent of the supposed valuation, and even the "actual valuation" was not more than one-half or one-third of the real valuation. People thought their taxes were high then. So, Mr. Chairman, I think the people of Washington pay high enough taxes now. All of these theories that they ought to increase the taxation here are based upon an assumed state of facts which, in my judgment, does not exist. I am content with the present method—by which the Government pays one-half of the expenses in the District of Columbia and the people of the District pay the other half. I have no desire to cut off or destroy the method of municipal government here by which we maintain streets in better condition on the average than they are maintained in any other city in the country, by which we keep them cleaner than they are kept in any other city of the country; by which we have a better garbage-collection service than they have in any other city in the country; by which we maintain street signs that can be easily seen and read, which is not true of any other city in the country that I have ever visited. We conduct a better government here than is conducted in any other city in the country. Perhaps one reason of that is that we do not have quite as many problems growing out of a large wholesale and manufacturing business. I am willing, and I believe that the people of the country are willing, to contribute one-half to the payment of the expenses of the maintenance of this city.

At one time, when I lived in a house in Washington, I paid taxes on personal property, though I did not think I was obliged to. I doubt whether many of the Members of Congress who come here and live in homes do pay taxes on their personal property. According to the theory of my friend from Iowa [Mr. PROUTY], if they do, they have no right to vote on this proposition. If they do not, they are defrauding the District of Columbia, because a man who comes here and maintains a house and keeps his furniture here and pays taxes on it at home instead of here is not acting fairly to the rest of the people in the District of Columbia. So that a man who is in a house here is in a very bad position. According to my friend from Iowa [Mr. PROUTY], he has no right to take part in the discussion or vote upon this proposition because he pays taxes here; and if he does not pay taxes, he is defrauding the people of the District of Columbia.

Mr. PROUTY. Will the gentleman yield for a correction?

Mr. MANN. Certainly; I always yield.

Mr. PROUTY. The gentleman is misquoting me. I have never discussed that phase of the question at all.

Mr. MANN. If I had not heard the gentleman discuss it, I would not have said anything; but I am perfectly willing to take the gentleman's statement.

Mr. PROUTY. My speech is in the RECORD, and the gentleman ought to be able to verify my statement.

Mr. MANN. If the gentleman takes exception to it—and I am glad he sees even now that his proposition was a foolish one—I will put it off on some other gentleman. A number of them have made the claim.

Now, I do not pay any taxes in the District of Columbia; do not own any property here. I suppose I am permitted to express an opinion. I notice some figures posted up here, and this is about the way this information is obtained: Present District appropriation bill, House, $11,436,000; Senate, $13,137,000; average, $12,286,000; one-half of this, $6,143,000. Then it goes on and makes a computation of the amount of money necessary to be raised to pay this, as though that was the entire appropriation for the District of Columbia. The distinguished gentleman, whoever he is—and I do not know who presented this chart—does not even know, with all of his study of the subject, that all of the appropriations for the District of Columbia are not contained in the District of Columbia appropriation bill.

You would have supposed that the gentleman, whoever he was, knew before he prepared these figures that a portion of the appropriations for carrying on the District, payable partly by the District and partly by the United States, are carried in the general deficiency and the sundry civil bills. We even make the District pay half of the care of the Washington Monument grounds. I suppose that some gentlemen think the Washington Monument grounds are purely a local affair, and hence ought to be paid wholly by the District of Columbia. That is one of the items that we make the District pay half of. We make the District pay half the cost of the construction of sidewalks on Executive Avenue and on the south side of the Treasury Building in the recent appropriation law, not carried in the District appropriation bill. We put a good many burdens on the District of Columbia. We make them pay half the expense of buying the fancy animals that we maintain at the Zoo, which would not be maintained in Washington except that it is one of the arms of the National Government for the purpose of education and instruction.

But some gentlemen would say that is maintained wholly for the benefit of the local people and that they ought to pay for it. We put a good many burdens on the District. We keep down salaries—and properly so, in my judgment—of people who work for the Government. We keep out of the manufacturing business if we can; we prevent the District becoming a wholesale center as far as we have the power. We want to maintain a beautiful city, so that we may show it to our constituents and feel proud of it.

Who is there here who has not gone around the city of Washington with his constituents and bragged—yes, bragged—upon the beauty of Washington? If there be one so little that he has not done that, he is too little for me to address. [Laughter and applause.]

I am proud of the Capital of the country, proud of the way it is maintained, proud of the Government here, proud of the Government buildings and Government business here, proud of our streets and parks and avenues, proud of all that is carried on in the District of Columbia, and quite willing that we should continue to contribute toward its support, in spite of the professional figures of Mr. Brown, whoever he may be. [Applause.]

Mr. McLAUGHLIN. Mr. Chairman, I approve of much of what the gentleman from Maryland [Mr. COADY] said about the unwisdom of this act by which it is proposed to tax real estate, tangible property, and intangible personal property all by the same plan and at the same rate. I agree with what he said, that that is unscientific and antiquated, and that every effort to carry out such a law meets with disappointment and dismal failure. It is easy for us to say that the owners of large wealth, personal property, consisting of money, mortgages, bonds, and other kinds of credits, should contribute in taxes to the support of the community in which the owners live. It is easy to work up a feeling when discussing that phase of the question, but my experience leads me to the opinion that every time an effort is made to assess money, mortgages, and credits of whatever kind by the same plan that real estate and tangible property is assessed and impose the same rate upon both there is a failure of justice, an inequality, and a hardship is imposed not only upon the owners of the intangible property but upon those who would seek to get the benefit of it by borrowing; that is, the debtor class.

Every effort to assess money and credits drives that kind of property out of the district where the attempt is made. Rates of interest are increased and the burden falls upon the borrowers.

There is another form in which there is injustice to the owner of the credit. We are told here that under the law real estate and tangible personal property are to be assessed at their full value—one hundred cents on the dollar—and that money and all kinds of credits are to be assessed in the same way, at full value.

Now, see how these two kinds of property will actually be assessed. The assessor looks at a piece of real estate reasonably worth $10,000, and in his mind he believes it is worth $10,000, but by a process of reasoning satisfactory to himself he reaches the figure of $5,000 or $6,000, and puts that amount upon the assessment roll as the amount at which that piece of property shall pay taxes. And in some way he justifies the figure; at least he makes it stand. But here is a credit, money in the bank, $10,000. The assessor knows it is there, the owner of it must disclose it, and when the assessing officer comes to put a value on it for taxing purposes he can by no process of reasoning say it is worth only $5,000 or $6,000; he must assess it as the law requires, at full value, $10,000.

That is the way in which this law is actually carried out. I have seen it done in years of my experience, and money pays usually twice the rate that tangible property or real estate pays.

Some will say, Why legislate in favor of money? Why assess money, as the gentleman from Maryland suggests, at a specific rate of three-tenths of a cent on a dollar while you assess real estate at one cent and a half on the dollar? We legislate against money. We do not let money as a credit earn more than 5 or 6 per cent; otherwise it is usury. Then why not give money or credits some benefit or advantage, especially if justice is thereby produced and if borrowers will be benefited even more than the owners of the money? I insist that justice to the people who would borrow money as well as justice to those who lend it—consideration of the entire proposition—requires that there should be a different method of assessment of the two kinds of property. Experience has shown that they do not work well together. [Applause.]

Mr. PLATT. Mr. Chairman, if the Congress of the United States passes this bill providing for the taxation of intangible personal property at the same rate as real estate, it will take a step backward, a step away from the policy of the most enlightened States, a step in opposition to the best economic thought of the world. The local taxation of intangible personal property, as a part of the old general property tax, has everywhere broken down, and has broken down because it ought to break down. The most enlightened States have taken steps to abolish it. The State of Washington has abolished taxation of instruments of credit. Shall the city of Washington be behind the State of Washington?

Gentlemen have said that millionaires move to the District of Columbia to escape the taxation of intangible personal property. From what States? Certainly not from the State of Washington and certainly not from the great empire State of New York, which has more millionaires residing in it than any other State or any group of States of similar area; more, in fact, than in all the Western and Southern States combined. We do not tax intangible personal property locally in New York State except in rare instances, and most of it is either exempt by law, as municipal and State bonds, or taxed at a low specific rate by the State and exempted from local assessment.

Mr. J. M. C. SMITH. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. J. M. C. SMITH. Will the gentleman please give the reason why you do not tax intangible property in New York?

Mr. PLATT. We do not tax intangible property in New York State, because the efforts to tax it have been a failure and because it is unfair and unjust. In place of local taxation of intangible property we have put a small specific tax on most of it. Mortgages pay one-half of 1 per cent at the time of the record, and that is for all time, or as long as they run. Bonds are exempt if based upon New York State mortgages which have paid the recording tax. If based upon outside mortgages, the bonds are exempted upon payment of a similar registration tax—that is, one-half of 1 per cent.

It is perfectly evident if that were not the case that nearly all of the bonds that are sold in the bond market would be sold on a nontaxable basis; that is, at lower prices. Nobody in his senses would pay par for a 4 per cent bond and have a local tax rate of 2 per cent taken out of it, the bond yielding him only 2 per cent. We have been selling and buying these things for years upon the basis that they would be free from taxation in the great markets of the State of New York, and in nearly all other markets, and yet gentlemen say they ought to be taxed. When we do tax them, the tax comes out of the borrowers every time.

There is another instrument of credit that I think is still nominally taxable in the State of New York, and that is a note. If you borrow a thousand dollars of me, I have your note, and you have the thousand dollars. Nominally, I think, a note of that kind is still taxable, if no security is given, as the law applies to secured debt. Of course they never are taxed except occasionally when they are in the hands of some widow or orphan where an estate has gone through the probate court and has to be made public. If they were taxed, it would simply raise the rate of interest that much. The whole thing is absolutely unfair. Stocks in corporations of the State of New York are not taxed, and that means that practically no stocks are taxed, except rarely; and they ought not to be. If you and I are in partnership and have a business worth $100,000, we will say, our property is perfectly evident to everybody. Here is our plant and our machinery, and we are making so much money. Suppose we incorporate it and issue $100,000 worth of stock. Have we created any more property? Is there anything more to tax than there was before? Intangible personal property is either evidence of debt or evidence of divided ownership. And there is no just reason for taxing it at all. If it is taxed at all, it should be taxed at a small specific rate or reached through the income tax.

Mr. GORMAN. Mr. Chairman, the discussion of the bill that was introduced by Mr. GEORGE, and the amendment that is proposed by Judge PROUTY, and the Crosser substitute, and the Johnson amendment, and the half-and-half plan, and the various other topics that we have discussed here, I think has resulted in developing confusion in the minds of some of the Members as to just what this controversy is about. The Sixty-second Congress, having before it some matters pertaining to assessment and taxation in the District of Columbia, appointed a committee to investigate and inquire into that subject. As a result of a very careful, painstaking investigation, that committee reported back a method by which, in the judgment of the committee, real estate in the District of Columbia could be justly and equitably taxed. The bill that was presented to this House, known as the George bill, was based upon and is a crystallization of that investigation. There was no investigation made nor any attempt to investigate, made at that time and, so far as I know, before or since then by that House or any other, and certainly not by this, into the subject of assessment and taxation of personal property. The George bill provides that all real estate in the District of Columbia shall be assessed at its full value. Upon that all of the members of the District Committee and, I take it for granted, all of the Members of this House are agreed. The George bill made no attempt to deal with the subject of the taxation or assessment of personal property. The gentleman from Iowa, Judge PROUTY, proposed an amendment to the George bill providing that personal property, both tangible and intangible, should be assessed at the same rate at which real estate is to be assessed. It has been stated here in this House that those who voted against the Prouty amendment in committee are opposed to the assessment and taxation of stocks and bonds. I want to say now, so that the RECORD will disclose it, that I am not opposed to the assessment and taxation of stocks and bonds, but I am in favor of an investigation and study of the subject of assessment and taxation of tangible and intangible personal property that will enable this House to act upon that subject just as intelligently as this House is now enabled to act upon the subject of the assessment and taxation of real estate, as the result of the George investigation. [Applause.]

The amendment that was submitted here to-day by the gentleman from Kentucky [Mr. JOHNSON] is submitted at the last minute, during the closing hours of this debate, without the Members of the House having had any opportunity to study and analyze it, and if it is better than either the original George bill or the George bill with the Prouty amendment added to it, I would still be opposed to it, because, in my judgment, it is not wise that this body should act hastily upon any matter of any consequence, particularly a matter as important as the taxation of people who have no representation in this body.

I believe that the people of the United States ought to contribute something to the maintenance of the National Capital. I would be ashamed to feel or know that the people of the District of Columbia were maintaining the National Government here in Washington at their expense and that the people of my district and the people throughout the country were not contributing anything toward the support and maintenance of the National Capital. The Government of the United States did not come here and locate its Capital in the District of Columbia at the request of the people of this District. The Government located its Capital here and then invited the people to come here and help make this one of the most beautiful cities in the world, and I believe that the people who have come here at the invitation of the Government of the United States to help make this a beautiful city should have the assistance of those who live throughout the country in maintaining the Capital of the Nation in a style becoming to the Capital of our Republic! The people of the United States should pay something to the support of the Nation's Capital. Whether it should be one-half or one-quarter or one-third I do not know. I am inclined to think that payment by the people of the United States of one-half of the expense of maintaining the government of the District of Columbia is more than the people ought to pay, but until we have arrived at some definite conclusion as to what would be just and fair for the people to pay I am in favor of maintaining the existing system, by virtue of which the people of the United States pay one-half.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GORMAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GORMAN. Mr. Chairman, I believe that the Congress ought to appoint a committee to investigate, or to delegate to some standing committee of the House the duty of investigating and inquiring into the subject of taxation of personal property, both tangible and intangible, so that as the result of such an investigation this Congress can act intelligently upon the subject of taxation of that kind.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. GORMAN. Yes.

Mr. BORLAND. Did the gentleman notice in the press reports a few days ago that a man named C. W. Post, of Battle Creek, Mich., had committed suicide, and that he was a legal resident of the District of Columbia?

Mr. GORMAN. I did read that the gentleman had committed suicide, but I did not read that he was a resident of the District of Columbia.

Mr. BORLAND. The gentleman did not observe that?

Mr. GORMAN. No.

Mr. BORLAND. Well, that was carried in a newspaper statement, that Mr. Post was a legal resident of the District of Columbia, and that probably will be verified in the settlement of his estate. Now, do you apprehend that his being a legal resident of the District of Columbia had anything to do with the amount he paid in personal taxes?

Mr. MANN. Does the gentleman say Mr. Post was a legal resident?

Mr. BORLAND. I say that was carried in the newspaper statement.

Mr. MANN. Yet the gentleman is proceeding to base a lot more argument on that statement, which is——

Mr. BORLAND. Has the gentleman any further information?

Mr. MANN. That that statement is not true.

Mr. GORMAN. Mr. Chairman, I decline to yield further.

Mr. COOPER. Will the gentleman permit me just one word?

Mr. GORMAN. Yes.

Mr. COOPER. Did not the statement which the gentleman from Missouri [Mr. BORLAND] saw state that Mr. Post simply owned a house? A man might own a house and yet not be a resident, and I doubt very much whether he was a resident, because I think he voted in the State of Michigan.

Mr. GORMAN. Mr. Chairman, I decline to yield further. I yielded for a question only.

Mr. BORLAND. That is not what I saw at all.

Mr. GORMAN. Mr. Chairman, on the matter of taxing intangible personal property, I find myself in the position that I was in when I came to this House and the tariff bill was under discussion. Without having given any thought to the subject, or, rather, any study, I supposed diamonds ought to be taxed as high as the traffic would bear. I was in favor of imposing a tax on diamonds so high that there would not be any more of them imported. I thought it was good doctrine—that people who could afford to wear diamonds ought to pay well for the support of the Government. They are luxuries, nobody wears them except as a luxury, but I learned on investigation that the experience of the Treasury Department was to the effect that if the taxation on diamonds was above a certain percentage that they derived no revenue whatever out of the importation of diamonds, and the Government was under an enormous expense in hunting down those who were smuggling diamonds into the country. This suggested to my mind that the purpose of all taxation measures is to raise revenue, and if you legislate in such a way as to drive intangible property under cover you will not raise revenue, but you will force men to become perjurers. Now, the question has been asked here, At what point in the rate of percentages will men cease to be honest?

I do not know at what point men will cease to be honest in that regard, but I believe that a man who has a security which represents property already taxed, and believes that he is being taxed upon that security to an extent that it does not pay him to carry it, you will drive that man to conceal his property, and I would rather that the Congress of the United States would so legislate with reference to intangible personal property as to bring it out from under cover and let it be taxed for something, even though the rate assessed may not be as much as, in the judgment of Congress, it ought to be. But if we do so legislate we can raise more revenue and relieve the burden of taxation upon those who have property that can not be concealed, and you will be doing some good for the people who have that kind of property which can not be concealed and upon which the burden of taxation falls heaviest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, something has been said here in regard to the accuracy of newspaper reports about affairs in the District of Columbia. On last District day, when this bill was under discussion, I referred to a newspaper article of the sale of a piece of real estate in the District of Columbia. Immediately thereafter I received a letter from the agent who made the sale and who particularly requested that I give publicity to the statement which he made. I send to the desk the letter of the agent and my reply and his reply to that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., *April 29, 1914.*

Hon. W. B. BORLAND,
House of Representatives, City.

DEAR SIR: As a lifelong militant Democrat I dislike to see Members of Congress of my own party fall into the error of using newspaper articles as a basis for an argument and to accept such articles as fact.

You have unfortunately fallen into this error in your speech in the House touching the question of taxation in the District of Columbia and using the article in the Washington Post purporting to give a correct account of the history of property known as 1335 E Street NW., which I recently contracted to sell to Mr. Munsey.

The facts involved in this transaction are not known to anyone outside of the parties immediately concerned, and the only exact statement of fact in the Post article was that a contract had been closed for the sale of the property to Mr. Munsey.

I have personally had charge of this property for nearly 20 years, and the property was not purchased by the present owner, as stated in the newspaper article, 40 years ago, but was inherited from her father and has been in possession of the same ownership for more than 70 years. During my entire control and management of this property, as the agent for the owner, it has never been offered for sale. So that the statement that a financier declined to purchase same five years ago for $35,000 is manufactured out of whole cloth, as is the statement that the owner purchased the property 40 years ago for $1,600. Absolutely untrue, for the reason that she inherited the property from her father, who acquired same when she was a little girl, and she is now in her eightieth year. Nor has anyone any exact information as to the purchase price. I can state, upon my knowledge as a real-estate broker of over 27 years' active experience in the business, that the property is not worth, or any property in that block, more than from $20 to $22.50 per square foot; that some fancy prices have been paid to satisfy the personal ambition of certain people is true, but that the sound commercial value from an investment standpoint does not exceed my figures; and your argument, which I have read, based upon the misinformation which you had, is an injury to the people of the District of Columbia and an error which I am sure you would not have made had you been possessed of the facts in the premises.

I wish you would correct same, otherwise I will have to give the facts to some one who will. I am sure you would not wittingly use misinformation, but unfortunately you have fallen into this error.

With great respect, I am,
Very truly, yours,

J. L. HEISKELL.

APRIL 30, 1914.

Mr. JESSE L. HEISKELL,
1403 H Street NW., Washigton, D. C.

DEAR MR. HEISKELL: I am glad to have statement over your signature that matter appearing in the Washington newspapers in regard to the affairs of the District of Columbia is almost universally inaccurate. I have never made this charge myself, although I have been astonished at the statements in regard to District affairs which have been published to the world through the Washington papers.

I shall be very glad to give your letter publicity at the earliest opportunity, probably when the debate is renewed upon the next District day. In order that I may be perfectly accurate this time I ask now for you to give me the actual selling price of the property at 1335 E Street NW. and also the amount of rent paid by Mr. Engle and any other tenants of the property. Please give me this reply at once, in order that I may make a complete and accurate statement. In the absence of a reply from you on this important point I shall call attention of Congress to your letter and to my reply as herein expressed.

With kindest regards, I am,
Yours, truly,

WM. P. BORLAND.

WASHINGTON, D. C., *May 1, 1914.*

Hon. W. P. BORLAND,
House of Representatives, City.

DEAR SIR: I have your favor of the 30th ultimo and note contents. Permit me to say, however, that I did not state "that matter appearing in the Washington newspapers in regard to the affairs of the District of Columbia is universally inaccurate." I did state that I regretted that you had fallen into the error of using a newspaper article, such as you did, with regard to a specific transaction as a basis of fact. As a public man you well know that newspaper articles are invariably incorrect.

I can not give you the sale price of the property, for the reason that my client, the owner, for private and family reasons requested me not to make same public, and I submit that she is entitled to protection in her purely private affairs and that the public is not concerned in purely private transactions in real estate; that they are entitled to the same privacy as individuals with regard to their personal property which the law safeguards and recognizes the justice, if not the right, of, when in the recent income-tax measure it provided a heavy penalty for any collector to disclose the return of any individual.

I further submit that the price at which this property sold has nothing to do with its staple value. In the same block, just west, with handsome improvements, a much more desirable property has been for sale to settle an estate for some years. It has been offered at public auction within about 12 months, and a bid could not be had at $20 per square foot, including the improvements, which are of a permanent character and well rented.

The purchaser of 1335 E Street NW. is the only buyer who would pay the price which he did for this property, and he only did so in order to complete and carry out a project of his own.

Again, the property has never been offered for sale, and the owner declined proffers of purchase for the reason that the property had been in her family for over 70 years, and while she considered the price offered more than the property was worth, she was disinclined to sell and had to be tempted by a fancy figure.

The property rents for $400 per month, which is a top figure paid for a long lease and for a special licensed business which universally pays higher rentals than any other class of business. It actually netted the owner, after payment of taxes, insurance, commissions, etc., about $3,800 per annum. At this figure you can easily fix the value of the property by capitalizing same, as money is readily worth on first deed of trust or mortgage, well secured, 5½ to 6 per cent.

There is no business demand in this locality that would warrant the purchase and improvement of any like amount of property at any such figures as $18 to $20 per square foot. Why do I say this? Because there is plenty of other property in better business sections with better chances of improvement that can be acquired at these figures, and the fancies or whims of individuals, expressed in their private purchases, are the necessities of individuals when compelled to pay fancy prices to induce owners to sell, are certainly no criterions of value. For instance, in my 27 years' experience I have purchased land at 50 cents per square foot, which it was not worth, and sold it within a few months at $2.50, which, of course, it was not worth; but the necessity of the parties acquiring same was such that they had to pay the price I put on it.

Further, I submit that your argument or reasoning from the basis of the transactions which you used in Congress was not sound, for the reason that you knew nothing of the real considerations or elements entering into the transactions that produced the prices actually paid. The monetary consideration is one element and reflects nothing but the view of the purchaser, which in the end is but the satisfaction of his whim, and he could not resell his purchase at a discount often of from 10 to 30 per cent. I am,

Very respectfully,

J. L. HEISKELL.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Chairman, I have given publicity to these letters, in justice to Mr. Heiskell, because apparently he is only the agent in this transaction and has the right to make his statement, as much right, of course, as I have to refer to the facts within my knowledge. So I have given his statement in full without any attempt to draw any inference of my own from it. But you will notice two facts from his statement. One is that he declines my express request to give the real consideration of that sale. The newspapers stated it was $100,000. Mr. Heiskell declines to tell us what it was, but intimates it was a fancy figure. I based my statement on $100,000.

If the price was less than $100,000, I am inclined to think that the owner would be glad to take advantage of the lower price by declaring it was less than $100,000, but that is their business and not ours. But I do not agree with the statement that the consideration of the sale is no part of public business. I can not agree with that statement at all, because I think it is the basis of the value of real property and the basis of our rate of taxing it. Nor can I agree with his statement that the place being rented now for $400 is no evidence of its final value, because I know the condition of that property. I know that it is a two-story brick building, constructed a number of years ago, with comparatively slight development. The improvements on that block consist of buildings of much larger and more expensive type, and in my judgment, and in the judgment, I think, of any man familiar with city values, that property is unimproved, from a business standpoint.

Now, if it rents for $400 a month, and it is unimproved or underimproved estate, the $400 a month is not the criterion of its productive value, and on that point Mr. Heiskell and I would disagree. But whatever the real value of the property may be, that real value ought to be the basis of taxation. That is the important part, as far as this statement is concerned. I believe that the real property in this District ought to be assessed on the same basis and made to pay substantially the same rate of taxes that similarly situated real property would pay in any other city in the United States. That is not a question of beau-

tifying this Capital, because that is being done by Congress, and in many cases without expense to the District at all. But it is a question of whether real property located in the District of Columbia shall have any special low rate of taxation or special rate of assessment over what it would have in any other city for a similar business purpose. And I contend that all through this argument it has been clearly shown that property in the District of Columbia is underassessed in comparison with property in other cities of the United States.

Mr. FESS. Mr. Chairman, my interest in this sort of legislation is not because I am a Member of Congress, except in the degree that I want to perform my duty in voting to the best of my judgment, and it is not because I am temporarily residing in the Capital City. But my interest is from the standpoint of a citizen of Ohio and a citizen of the United States. I have such a pride in the Capital of our country, as a citizen of the State of Ohio, residing away from this Capital, that I feel we ought to maintain here at the Capital a city the status and grandeur of which would not be maintained unless the Federal Government did give a certain degree of support. And I have feared, from the trend of argument delivered by the proponents of this bill, and the answer to questions that have been put, that one purpose of this legislation is for the General Government to free itself of any burden in supporting the Capital City of the Nation. I do not believe that there is any less reason to-day than when the Capital was located here that the General Government should not retain its authority in the District of Columbia. In other words, the same reasons exist now that were apparent then. The very reason, for the first President of the Nation, in obedience to an act of Congress, selected this site, which was then without a city, but a mere collection of houses, in preference to New York, Philadelphia, Baltimore, or Richmond, that same reason is to-day apparent that we ought to maintain the control of the Capital City. Indeed, there are many reasons that it is unnecessary now for me to specify. And if we do anything as the Congress legislating for the Nation to maintain the control of the District, then I am sure that we ought not to try to free ourselves from the burden of making it not only a more beautiful city than it otherwise could possibly be, but the best-governed city of the world. And when I look upon these beautiful streets, for they are more beautiful, better kept, cleaner, better wooded, if you will allow me to use that expression, and when I observe the system of parks, more beautiful than in any other city I know of anywhere in the country, I think that if we can maintain these in the form that they are, even without the support of the Nation, we ought not to force upon the resident people of the city the entire burden simply because we can, if we still maintain the control of the District.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. FESS. I will yield to my friend from Kentucky.

Mr. JOHNSON of Kentucky. Does the gentleman from Ohio believe that a failure to tax stocks, bonds, and securities of that description tends to make the city more beautiful?

Mr. FESS. I would not want, Mr. Chairman, to make the District of Columbia or the Capital of the Nation a refuge for people to come to in order to get rid of taxation. I would oppose that proposition.

Mr. JOHNSON of Kentucky. Do I understand from the gentleman's answer that he is in favor of taxing those securities now, or will be for a proposition, which will come very shortly, to tax them?

Mr. FESS. I am in favor of taxing the intangible property here as well as in other places. I do not want our Capital City to be a refuge where men can come and free themselves from or escape the burden of taxation. But I do not mean that we will place all the burdens of the taxation for the District of Columbia, the domicile of the Nation's Capital, upon the residents of this city. If we do, then I think we are in honor bound to move out, figurately speaking, and let the government of this District and this Capital City be in the hands of the people who bear the burdens. That is a position I can not take. There are reasons why the policing of this city, the protection of it, the sanitation of it, and every phase of its government should be kept within the control of the General Government, for this is not a city simply for the resident who lives here; it is the Capital City of the hundred millions of people throughout this country, who feel an ownership of which they are proud; and because of that I do not want to place all the burden of taxation upon the people living here, but I want to assume a part of it as a citizen of Ohio. I will not have to pay more than about 7 cents annually, you will not have to pay more than about 7 cents, in order that the Nation does its part. And I am willing and the people in my district are willing—I have not consulted them, but I know that they have pride enough in the capital of the country, as the most beautiful city in all the country—to bear a little burden to keep it as it is.

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question?

Mr. FESS. And before I shall vote for any measure or any amendment that will repeal the organic law I want to have time to study, through an investigation, in order to know what is to be the outcome of the change. As I see it now, it is not possible for me to vote either for the original bill or for the substitute or for the amendment, for you have not yet convinced me that you are not going to disorganize the plan of government in the city and that we are not going to free ourselves from the burden that partly belongs to us. Therefore I can not support what is before the House. [Applause.]

Mr. OGLESBY. Mr. Chairman and gentlemen, I am going to ask permission to be excused from voting on this proposition, for the reason that I have come to the conclusion that I am an interested party. I would like, however, to have the permission of the committee to give expression to one or two ideas that seem to me to bear somewhat on the situation.

Now, in support of the proposition that I am an interested party, I point to the lower line on this card in front of us, which says that, based upon the actual valuation of property here, the rate of taxation is 6½ mills. It so happens that when I had the honor to be elected to represent the twenty-fourth district of New York in Congress I came down to find some place to stay while I was here. I found that the rental value of property was very high in proportion to the sale value. It was not hard to find out why. We have a shifting population. People who have houses either for sale or rent have opportunities to rent that they do not have for sale. But the sale value of property is fixed very largely by its rental value.

Now, the proposition here is to raise the rate of taxation from 6½ cents to 15 cents. That means either that the owner of the property must raise the rent, in which case every gentleman here who rents a house would also be disqualified from voting, or it means that the valuation of the property would be reduced, because if your valuations are based on rental returns, then the net rental return would be reduced by 8.5 cents. On a piece of property worth $10,000 at the present rate of taxation it would be reduced by $850. The gentlemen all assume to take the position that they are not disqualified to vote on this proposition—gentlemen who are renting houses.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. OGLESBY. Yes.

Mr. BOOHER. Is that 6½ cents or 6½ mills. The gentleman said "6½ cents." I did not understand whether that was 6½ cents or 6½ mills. Does it mean 6½ mills?

Mr. OGLESBY. Oh, it depends on what you use as the unit. It does not make any difference. I assume that if the gentlemen here who are renting property believed that an increase in the rate of taxation would increase the rentals which they would have to pay, they would conclude that being interested parties they could not vote on this proposition. It therefore seems to be the consensus of opinion that the result would be to lessen the sale value of the property.

Now, I believe that one reason why property values are so high in the city of Washington is because the rental values are high and because the tax rate is low.

Mr. PROUTY. Now you are guessing. [Laughter.]

Mr. OGLESBY. I see my friend from Iowa [Mr. PROUTY] agrees with that proposition. But I say that this bill is the most unscientific hodge-podge that I have ever had the privilege of considering. [Laughter.]

Mr. PROUTY. Now you see I am not smiling. [Laughter.]

Mr. OGLESBY. The gentleman from Iowa does not smile. They propose instead of having the rate follow the budget to have the budget follow the rate; in other words, they fix an arbitrary rate of taxation that the citizens in Washington have to pay—fix it at 15 cents. They say the assessed valuation shall be 100 cents on the dollar, and if it produces more than the budget requirements, we assume the balance of the money stays in the National Treasury; and if it produces less, they say, "Well, that is enough for them to have to pay, so we will ask our constituents at home to make up the deficit, because the people here are not able to pay any more than a rate of 15 cents."

I do not want to ask my people to pay one cent that the people of the District of Columbia ought in justice to pay. I have to pay taxes in the District of Columbia, because I bought a house down here believing that it was cheaper than to rent one. I paid in taxes last year $400 in the State of New York where I pay $1 in Washington. I do not know whether it would

make any special difference to me whether the rate is lessened here or increased in New York, or whether it is increased here or lessened in New York under that provision.

But here in the District I find, in looking over the appropriation bill for the District, introduced in March, 1914, that a part of the money is appropriated for the street-cleaning division in the city. Now, it is estimated that about two-fifths of the property of the District of Columbia is owned by the National Government. The lowest estimate I have seen is that one-fourth of the used property—that is, outside of the parks and the streets—belongs to the National Government.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OGLESBY. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OGLESBY. There is no analogy between the Government-owned property in the District of Columbia and the statehouse and other State property in a city in which a State capital is located in some State. The difference is that in the latter instance the State capital is located there because there is a city. Washington is a city, because the National Capital is located here. In the city of New York the post-office building is owned by the National Government. A customhouse is owned by the National Government. The National Government does not pay any taxes on that, it is true; but it is such a small proportion, such a small part of that city, the taxes would not amount to a pinch of snuff.

Mr. PROUTY. Mr. Chairman, will the gentleman yield there for a question?

Mr. OGLESBY. Certainly.

Mr. PROUTY. Why should they not pay in New York?

Mr. OGLESBY. Because in New York, as well as in other cities throughout the country, they are willing for the National Government to have a building there for the transaction of the business of the Government, as a matter of convenience to the citizens there, and to have it without imposing any share of the taxes, it being so small in amount that it is practically inconsiderable.

Mr. PROUTY. Is it not because they propose to get some benefit from it?

Mr. OGLESBY. I say it is more or less of a convenience to the people there.

Mr. PROUTY. If a small amount is enough to offset the disadvantages, would not a larger amount more than offset them?

Mr. OGLESBY. Well, if the same reasoning applied, that would be so.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Virginia?

Mr. OGLESBY. Yes.

Mr. MONTAGUE. I was very much interested in the gentleman's remarks. Does the gentleman think that the nonpayment of taxes upon property owned by the National Government in New York is a mere matter of convenience?

Mr. OGLESBY. I say that in New York we do not insist that the National Government shall pay taxes on its property. That is, we are willing that the Government shall own property in the city of New York without payment of taxes thereon, because it is more or less a matter of convenience for us to have a post office and a customhouse located there.

Mr. MONTAGUE. Is it a matter of willingness or unwillingness on the part of the people of the city or the State? Have you authority to levy taxes there on Government property?

Mr. OGLESBY. I say it is a matter of convenience to the people of the city to have the post office and customhouse located there.

Mr. MADDEN. As a matter of fact, the Government will not accept title to property in a State unless exemption from the payment of taxes is conveyed by the State.

Mr. MONTAGUE. I will say to the gentleman that the existence in a city of a piece of property owned by the National Government is dependent upon the exemption of that property from taxation by the city or State in which it is located.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. COOPER. The State government can not tax a national security; otherwise it would ruin the Government's opportunity to borrow money; and, of course, it can not tax Government property, because the power to tax would prevent the Government from erecting a building in a city if it was left to the arbitrary discretion of a State to tax the national property.

Mr. OGLESBY. I will say in reply to the gentleman that I understand it is the policy of the Government that whenever they purchase a site for a post office or a public building they require that it shall be with the understanding that the National Government shall not pay a tax on the property.

Mr. BAILEY. The gentleman from Wisconsin stated that the taxation of a public building would result in the prevention of the building of these structures. If the taxing of a public building would have that effect, would not the same effect be likely to follow the taxing of private buildings?

Mr. FESS. No; they are different.

Mr. OGLESBY. I do not think the gentleman from Wisconsin really intended the shade of meaning which the gentleman has indicated.

Mr. BAILEY. If that is the right inference——

Mr. OGLESBY. Of course, in one sense if one were true then the other would be; but I do not think the gentleman intended that shade of meaning.

Mr. TOWNER. Is it not true that in every case where a Government building is built in any city it is a prerequisite, before they will erect a building or put any of the money of the Government into it, that all jurisdiction of the State is withdrawn from the land acquired by the Government, so that the State has neither the right nor the power to tax it in any sense? Is not that true?

Mr. OGLESBY. I just stated that the Government acquired property for the purpose of erecting Federal buildings in cities only on condition that that property be exempt from local taxation.

Mr. TOWNER. And is it not further true that they will not even pay for the curbing, or for the paving of the streets adjacent to it, or any part of the improvements of the street itself near to it?

Mr. MADDEN. That is true.

Mr. OGLESBY. That is true to this extent: The Government will, after the building is completed, build its own sidewalks and curbing around the building; but it will not submit to have the sidewalk and curb built by the local authorities and then an assessment levied against the Government to recoup the city for that expense.

Mr. TOWNER. The gentleman is entirely correct about that.

Mr. BALTZ. Will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. BALTZ. Are the people in your State taxed for the purpose of maintaining the capital city of your State?

Mr. OGLESBY. Why, unquestionably. But I say there is no analogy between the location of the capital in a State and the location of the National Capital here.

Mr. BORCHERS. I was just prepared to ask the gentleman the same question. I do not think the gentleman understood the question. Do you know that I represent a farming district?

Mr. OGLESBY. I thought the gentleman represented the great city of Decatur.

Mr. BORCHERS. We are interested in our county seat and in our State capital. Is it not just as reasonable to tax the farmers of my district to make the county seat more beautiful and to make the State capital more beautiful as it is to tax them to make the city of Washington more beautiful?

Mr. OGLESBY. I will say in reply to the gentleman that I do not believe we should put it on the basis of making the capital more beautiful at all. That has nothing in the world to do with it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LA FOLLETTE. I ask unanimous consent that the gentleman have five minutes more.

Mr. JOHNSON of Kentucky. Reserving the right to object, I ask unanimous consent that all debate be closed at the conclusion of the gentleman's five minutes.

Mr. CROSSER. Reserving the right to object, I should like 10 minutes.

Mr. JOHNSON of Kentucky. Then I will ask unanimous consent that all debate be closed——

Mr. MADDEN. On the bill?

Mr. JOHNSON of Kentucky. On the bill and pending amendments.

Mr. PROUTY. Reserving the right to object, I did not quite understand the request.

Mr. JOHNSON of Kentucky. I ask unanimous consent that all debate be closed upon the bill and amendments in 15 minutes after the gentleman from New York [Mr. OGLESBY] concludes his present 5 minutes; 5 minutes to be used by the gentleman from Ohio [Mr. CROSSER] and 10 minutes by us.

Mr. MANN. Reserving the right to object, may I ask the gentleman what will be the effect on the rest of the bill if the com-

mittee should adopt neither the amendment of the gentleman from Kentucky nor the substitute of the gentleman from Ohio [Mr. CROSSER]? Does that mean that the rest of the bill will be stricken out?

Mr. JOHNSON of Kentucky. If either the substitute offered by the gentleman from Ohio [Mr. CROSSER] or the amendment offered by myself to the substitute is adopted, in my opinion that will conclude the matter.

Mr. CROSSER. Supposing neither is adopted?

Mr. MANN. Would that mean that as the bill is read the rest of it would be stricken out?

Mr. JOHNSON of Kentucky. That is my understanding.

Mr. MANN. Probably without much further debate?

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. The gentleman has two other bills. Does he intend to call them up?

Mr. JOHNSON of Kentucky. I would be glad to call up either, if we can get through with this.

Mr. OGLESBY. If you get through with this right away?

Mr. MANN. I wondered whether it was the intention to adjourn any earlier than usual to-day, because of what is occurring to-day in New York.

Mr. JOHNSON of Kentucky. I have no desire to keep the House at all.

Mr. MANN. I have no desire to interfere with the gentleman's program.

Mr. JOHNSON of Kentucky. This debate has been going on for three District days, and it ought to be concluded. I will ask unanimous consent that all debate upon the bill and amendments cease in 25 minutes, 5 minutes to be used by the gentleman from New York [Mr. OGLESBY], 10 minutes by the gentleman from Ohio [Mr. CROSSER], and 10 minutes by the gentleman from Iowa [Mr. PROUTY].

Mr. CROSSER. I call the attention of the committee to the fact that if by any possibility both the substitute and the amendment are lost, then we will be in this situation: That the greater part of the original bill has not been read yet, and it could not be debated.

Mr. MANN. The bill has to be read anyhow.

Mr. CROSSER. I know; but we would not be allowed to debate the other provisions of the bill.

Mr. MANN. The gentleman is in error about that.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that debate upon this amendment——

Mr. MANN. Debate upon this section and all amendments thereto, I take it.

Mr. JOHNSON of Kentucky. The amendment is in lieu of the substitute.

Mr. MANN. Section 1 of the bill has been read, and the gentleman from Ohio [Mr. CROSSER] offered a substitute, saying that if it was agreed to he would move to strike out the other sections of the bill. The gentleman from Kentucky has offered an amendment to the substitute, so that the debate should be closed on the section and all amendments thereto.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that debate on the section and amendment thereto close in 25 minutes, 10 minutes to be given to the gentleman from Iowa [Mr. PROUTY], 10 minutes to the gentleman from Ohio [Mr. CROSSER], and 5 minutes to the gentleman from New York [Mr. OGLESBY].

Mr. FALCONER. Will the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. FALCONER. What is the program for the rest of the afternoon after this bill is disposed of?

Mr. JOHNSON of Kentucky. I do not believe that we will have any time after this bill is disposed of.

Mr. FALCONER. Was it the intention of the gentleman to bring up any more District bills after this?

Mr. JOHNSON of Kentucky. I think not. It was my intention earlier in the day to do so, but I think that opportunity is gone.

Mr. RUCKER. Mr. Chairman, I want to say that the Committee on Rules has a rule ready, which I believe the chairman wants to call up after this is disposed of, relating to a bill of great importance, but which will not take much time in discussion.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. OGLESBY. Mr. Chairman, there is no analogy between the location of the capital of a State and the National Capital. Almost every city in every State is anxious to have the State's capital located there. The capitol building and the executive mansion is practically all there is to it. Here the National Capital was located and here the great buildings of the Government are located because the Capital is here. The United States Government owns a great deal of property and transacts a great deal of business. There are many departments which have buildings here. The National Government gets the benefit of the money expended in building, cleaning, and repairing the streets and sidewalks, for removal of snow, and for the water department. I have here the bill making appropriations for the District. I see no reason in the world why the National Government should not pay its share toward maintaining the street-cleaning department, the improvements under the assessment and repair work, grading of streets and alleys and roadways, many of which are in front of Government-owned property, the repairs to streets and alleyways, the street cleaning, the snow removal, disposal of city refuse, the care and maintenance of parks, the lighting system, the aqueduct, the Metropolitan police. I hear gentlemen say that the Metropolitan police do not come inside of the building, because we have our own police. That is so, but it is on a parity with the business house down town that has its private watchman. It is for the general protection of Government property here in Washington, of which it has several hundred million dollars' worth.

It has the protection of the fire department and the benefit of all permanent improvements. I say, then, that whatever share the Government pays for the maintenance of these departments is nothing but justice. It is not a question of charity; it is a question of saying to the people how much you shall pay as a fair share. It is absurd to base the tax rate upon the rate in other cities. The question is, how much are the requirements, and then divide it fairly between the people here in the District and the Government of the United States, which owns the rest of the property.

I do not know any reason why the people of the District of Columbia should ask for charity, and I do not know why the people of the United States should ask for charity of the people of the District of Columbia. But the most monstrous proposition of all is, irrespective of what the amount of taxes raised are, they say you must arbitrarily pay a rate of 15 mills based on a full assessed valuation. I want to say that in my opinion that would produce a surplus.

Now, I pay a tax in three of the cities shown on that chart. I believe the tax rate based on actual valuation in the District of Columbia is as high as it is in either of those three cities. After careful examination of some of the assessments which are based on the valuation of my own property and the taxes which I pay, I am convinced that if you assess property here at 100 cents on the dollar and fix the rate at 15 mills you will raise more in taxation than the entire expenses of the District of Columbia would require. [Applause.]

Mr. RUCKER. Mr. Chairman, I am not familiar with the details of this bill, but I want to make a few observations. My judgment is that no mortal man has ever yet arisen who was capable of drafting entirely equitable revenue laws. Every one I have ever had occasion to examine discriminates in its provisions, and the discrimination is always against the poor and always in favor of the rich. The nearest approach to equity would be to assess all property at its actual value, if such a thing is possible. In doing that some one will say that the poor man or the poor woman is taxed too high. If all values are raised to the full market value, the rate of taxation could be lowered correspondingly and yet raise a given sum of money. The greatest disparity with reference to real estate, and especially homes, is against the poor, because the mighty mansions you have heard talked about to-day, those that drivers announce through their horns to every visitor to the city as the home of some millionaire, those values are more favored in assessment at any figure less than actual value than the humble home.

When it comes to personal property there can be no question that the burden is on the poor. Necessarily all household property can not be examined by the assessors, an inspection can not be had of each particular chair and bedstead and its actual value ascertained; neither can the horses owned by the drayman all be valued at actual value. Hence there must be a rule of equalization, and the rule always works so that they equalize the value on the bobtailed horse driven by the millionaire down, while the knock-kneed mule driven by the poor devil who works for his bread and meat is equalized up.

I am in favor of a rigid rule in this District requiring those who own wealth to pay reasonable taxes. If I had no judgment in the matter whatever, what I have read in the Washington papers—conditions which I believe to be true—would force me to a conclusion. I read in the papers of this city some time ago that rich men, bankers' associations, commercial clubs, business men's leagues, and the Lord knows what, have met in solemn convention in mass meeting and denounced the

efforts of Congress to make them pay reasonable taxes. I have read where a distinguished man, a distinguished school-teacher—they think they know everything, and some of them do know most everything—said that this is a residential city and not a business city, and he wanted to cry down taxes, lower taxes, in order to invite and induce the owners of great wealth of this country to come here and to reason with the rich that to do so would enable them to escape taxation. When rich men from the States come here and fix their abode, their personal property follows them and thereby would escape taxation if the wealth of this city is allowed to control legislation. They argued that, "We want to offer as an inducement to rich men everywhere to come here the fact that their personal property which follows them will here escape taxation." This argument was made by those who, no doubt, clip coupons from bonds and from mortgages on the homes of thousands of people in the United States. Following that in solemn meeting they proclaimed to the world that if we adopt a law in Congress by which we attempt to make them pay taxes on the intangible wealth owned by them, which amounts to a fabulous sum, that men would refuse to do so, and they said that they would perjure themselves before they would do it. Mr. Chairman, the best thing on earth is to try them, pass the law taxing intangible wealth, and then if the rich man swears falsely as to his property for the purpose of escaping just taxation, treat him or them as you would other criminals in the District, and put him or them behind the bars, if need be, that justice may be done to struggling humanity, even here in the city of Washington.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. PROUTY. Mr. Chairman, one gentleman has very truthfully said this afternoon that 90 per cent of all of the discussion that has been had upon this subject, or in the time allotted for the discussion of this subject, has been immaterial and irrelevant to the real issue involved. A great deal of time has been spent here to show that the old organic act was a good thing, and it ought not to be repealed or affected. I say to the gentleman from Ohio [Mr. FESS], as a lawyer, that this bill, as now proposed, in any one of the three different propositions pending before this House, does not change the organic act one whit.

Mr. MADDEN. It simply puts it out of business.

Mr. PROUTY. It does not change the organic act on the statute books.

Mr. FESS. But it makes a great difference in the pocketbooks of the taxpayers.

Mr. PROUTY. Ah, that is correct. It makes a difference in the pocketbooks of the fellows who have successfully evaded the organic act. Now, let us see what the organic act provided. It provided that all kinds of property, real, personal, tangible, and intangible, should be assessed at 15 mills on the dollar. The commission appointed by Congress to look into that, after four years, decided that 15 mills was the fair average rate in the cities of the United States, and wanting to be fair to Washington, they fixed it at 15 mills. Since that time taxation has generally gone up all over the country until I have shown here by an undisputed table that it has been raised to 19 mills on the dollar.

Mr. MADDEN. Did the gentleman say "undisputed table"?

Mr. PROUTY. Yes; I say "undisputed," because that table and those figures have been before this House and have been before the United States now for four weeks, and no man, either in the public press or by private communication, has called into question a single one of the figures.

Mr. MADDEN. I have heard it questioned on the floor of the House.

Mr. PROUTY. Oh, yes, in an insinuating way; but no man has said that those figures are wrong.

Mr. MADDEN. The gentleman has not proved the figures himself.

Mr. MANN. I think every gentleman here who has spoken said that they were wrong about his own city as to valuation.

Mr. PROUTY. It does not purport to say a word about valuation.

Mr. MANN. It purports to give the rate on full value.

Mr. PROUTY. And there is not a city but where the law provides exactly the rate at which it shall be fixed.

Mr. MANN. The gentleman assumes——

Mr. PROUTY. Oh, I propose to reserve the right to talk or else have a question asked.

Mr. MANN. Very well. I am very glad that we gave the extra 10 minutes after his having talked for 4 or 5 hours the other day.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Yes.

Mr. FESS. I understand the gentleman to say that this has not anything to do with the repeal of the organic act.

Mr. PROUTY. I did not say—I said it did not repeal a single word or syllable of the organic act.

Mr. FESS. Am I mistaken when I conclude that the gentleman's argument is that his method of taxation will make it unnecessary ultimately for the Government to pay anything for the District?

Mr. PROUTY. That is a question of conclusion. Here is all this bill does: All that this bill does is to say that real estate shall be assessed in the District of Columbia at its full value—just what the organic act says. It says that it shall be assessed at 15 mills on the dollar, or at a dollar and a half on the hundred—just what the organic act said. Let us get down to facts, so that we will understand each other. The trouble is this: In 1902 Congress, realizing, or some fellows who were manipulating the thing realizing, that they were going to raise too much revenue by that kind of a game to make it necessary for the Federal Government to pay anything, changed the ratio. They first said that real estate should be assessed at only two-thirds of its value. They put jewels and that class of property on the free list. They fixed it so that the moneys and credits invested here in what we call public utilities should be assessed at an extremely low rate, and they have drifted down the value of the property, while the Government end of it has remained the same—15 mills on the dollar. That has not been changed at any time.

Mr. OGLESBY. What are you going to do with the half the Government is supposed to pay?

Mr. FESS. I have not heard what the Government is going to pay under the gentleman's plan.

Mr. PROUTY. How do I know? I am not going to assess this property. All I am saying is that it shall be assessed at its full value, just as these other cities pay under their laws. I am going to say they shall pay 15 mills on the dollar, while in my city they say that the rate shall be 22 mills.

Mr. FESS. Is not this the gentleman's argument: That a 100 per cent valuation at a rate of 1½ will make it unnecessary for the Government to pay anything to the District?

Mr. PROUTY. I think it will, but that is purely a conclusion.

Mr. FESS. That is exactly what I thought.

Mr. PROUTY. Take, for instance, my friend from Illinois [Mr. MANN], who made a great deal of fuss about the value of real estate as shown by this George report. I was rather amused at the gentleman. He had just stood up here and denounced statements in the newspapers, and I call his attention to the fact that the very place and the only place he ever got Mr. Brown's name was from the newspaper report. Mr. Brown did not prepare it.

Mr. MANN. The gentleman is not stating the fact.

Mr. PROUTY. Then where did he get it?

Mr. MANN. I got it from the gentleman himself.

Mr. PROUTY. I got it from the newspapers.

Mr. MANN. I do not know where the gentleman got his information, but I got it from the gentleman himself.

Mr. PROUTY. It is true this man Brown was an accountant.

Mr. MADDEN. The gentleman forgets what he states sometimes.

Mr. PROUTY. I do not forget what I state, but I sometimes forget what the gentleman states.

Mr. MADDEN. I hope the gentleman does.

Mr. PROUTY. This man Brown, I do not even know him, except I was asked the question here as to who did this figuring, and I was told it was a man by the name of Brown, but there is a committee of 15 Members of this House that was appointed for that purpose. However, this is irrelevant; it does not make any difference whether that is $744,000,000 or $350,000,000, they will only be assessed hereafter at 15 mills on the dollar. Now, that is all this bill will do. Even if the figures are incorrect, what difference does it make?

Mr. OGLESBY. It relieves the Government from paying any part of the expense of administering the affairs of the District of Columbia.

Mr. PROUTY. It does not excuse anybody. This is what it does, what the gentleman stated several times in his speech he was in favor of, and that is to make the people of the District of Columbia pay a fair rate of taxation as compared with the other people of the United States.

Mr. OGLESBY. I did not say that; I said they should pay their fair share of the burden of the administration of the affairs of the District.

Mr. PROUTY. Well, a fair share—that is begging the whole question. Nobody knows what is the fair share. They say the Government owns two-fifths, and the Government reports show they own 127⅛ in 7,114 acres in the city.

Mr. OGLESBY. But the gentleman does not suggest what the proportion is; if so, we may stand by it.

Mr. PROUTY. I have given it in my speech, and if the gentleman will read a good speech I think he will find it.

Mr. FESS. The gentleman's fair share is all of it?

Mr. PROUTY. My thought is this, gentlemen: Some of you think I am antagonizing somebody, wanting to fight somebody, wanting to fight this District. Why, bless your soul, as far as I know I have not a single enemy in the District, and so far as I know I have not a single friend in the State of New York, except my distinguished friend before me. Why should I fight the District of Columbia? I was simply your representative put upon the Committee on the District of Columbia to investigate the relations between this Government and the District of Columbia, and I found what I believed to be a burning wrong; a wrong, for instance, that is causing the people in Alexandria, who pay 18 mills on the dollar to educate their children and build their sidewalks and build their pavements, to help pay the taxes of these people over here who pay 10 mills on the dollar, and I can not get it out of me why that is not wrong. When you get it in the concrete you have covered the whole Nation. There is not a city there that does not pay more than they do here. Why should those people be called upon to come here and educate these people, to build their sidewalks, to build their pavements, to flush their streets? I agree with all that the distinguished gentleman from Illinois [Mr. MANN] has said about this being a beautiful city. I want it to be a beautiful city, but that does not mean I am going to do a wrong, a burning wrong, to 90,000,000 of the people of the United States in order to secure it? [Applause].

Mr. MADDEN. Does the gentleman think any of those 90,000,000 are lying awake at nights thinking we are going to take anything away from them?

Mr. PROUTY. No; I am simply saying that, being accustomed to a certain species of graft, they simply lie dormant under it, and that is God's truth. [Applause.] I will tell you if the people of the United States knew just exactly the situation that is here in Washington, they would not be silent long, even in their stupified condition. Why, the gentleman stands up here any says he does not object to giving 7 cents. I would like to ask the gentleman why he would not be willing to make it 14 cents while he is at it? If he will just make it 14 cents, that would not hurt anybody. It is a mean, dirty little man who will not give 14 cents, and yet if we give 14 cents apiece you could have a city here that the millionaires living on Massachusetts Avenue, without paying a cent of it, could live like they did in the holy city of China—in palaces—while the people all over the realm, the poor people, living in huts, paid the taxes to support those people in their luxury.

Mr. OGLESBY. Will the gentleman tell me whether or not the committee made an effort to ascertain the proportionate value of the property owned by the Government to that owned by private citizens in the District?

Mr. PROUTY. No; we did not; of course not; because we were not trying to assess it. What we did try to do was this, and that is to do something that was fair between the people who own property here and live under the benign influence of this Capital as compared with that portion who live elsewhere. We stated this fundamental proposition: Before the people of Washington have a right to call upon the people all over the United States to contribute to their support they must at least bear as heavy a burden as these other men whom they have asked to contribute.

Mr. OGLESBY. The gentleman draws his conclusions, but did the committee attempt to ascertain the facts?

Mr. PROUTY. I said "no" to that long ago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CROSSER. Mr. Chairman, I would like to yield two minutes to the gentleman from Pennsylvania [Mr. BAILEY] if I can at this time.

Mr. BAILEY. Mr. Chairman, the thought that has impressed itself upon me during this debate is that we are going back to the Dark Ages of taxation. The thing which, the world over, is generally being abandoned, or is thought of as being abandoned, is to-day being championed here on this floor. I hold in my hand an advertisement of one of the most prosperous cities in the great Southwest, a city that is advertising the fact that it is getting away from this barbaric system. The city of Houston, Tex., is sending broadcast the following advertisement:

A perpetual bonus to manufacturers and merchants is offered by the city of Houston, Tex., through its system of exemptions from taxation.

Personal property, such as cash, household furniture, and evidences of debt, are totally exempt from taxation.

THE HOUSTON PLAN OF TAXATION

contemplates that merchandise, machinery of manufactories, and all other improvements upon land shall be assessed at only 25 per cent of their value, land being assessed as its fair value.

Take your money and brains to Houston, Tex., and get the full benefit of all that you create by your industry and enterprise.

For further information, address J. J. Pastoriza, finance and tax commissioner, Houston, Tex.

Now, Houston has been growing in a most amazing way, according to all the testimony which I have been able to gather, including that of Mayor Campbell, and there is to-day on the part of the people of that city, so far as I can ascertain, absolutely no challenge of the merits of this system.

Mr. Chairman, I have said that the success of the Houston plan has been attested by the mayor of that city. His own words, reported in the Houston Chronicle, may appropriately be quoted. He says that all taxpayers in Houston have been faring alike, and he adds:

Under our present system of taxation Houston has prospered like it has done never before. We have accomplished a great deal under our new form of taxation.

One of the best features of the Houston plan is that it is no longer necessary for people to commit perjury when making their assessments. Men can be gentlemen now when they do their assessing. It is no longer necessary for people to send their money to New York the last of December and have it sent here January 15 in order to keep from paying taxes on their money.

Under the present system there is no discrimination whatever. The man who owns land pays the same as other landowners. The man who owns property pays the same as other property owners. Everybody fares alike, and I can see no just cause why some of the taxpayers in Houston should have a kick coming.

It is my observation that some of those who are behind this new movement, trying to stir up trouble, have done little for the upbuilding of Houston, although many of them have been in a position to do so.

There are some who wish to be parasites on the community and to get rich from the industry of others. These men who have purchased in Houston at extremely low figures in the past and who are now holding it for purely speculative purposes, without improving it, do nothing for the advancement of Houston.

Much has been said on this floor during the debate on this bill about Washington having become a haven of refuge for tax dodgers. This is a confession from the other side absolutely fatal to their case. They confirm by their declaration the simple fact that men instinctively flee from injustice; that instinctively they seek to protect their property and to enjoy the fruits of their labor; and that instinctively they gather where the greatest freedom from destructive, respressive, and punitive taxation is to be found. Washington is not made worse by the coming hither of people of wealth. It is made better, at least to the extent that these people of wealth build and beautify and contribute to the progress of the National Capital. Why should we wish to drive them out? Is wealth indeed so objectionable?

Houston does not think so. She is inviting wealth. She is bidding strong for men of wealth and enterprise to settle there and to take part in her civic and industrial life. She thinks that wealth is a good thing, and that too much of it can not be brought into her banks and her businesses and her homes. She thinks houses are good things, and she lays no punitive hand on the improver. Rather, it is the nonimprover whom she seeks to discourage.

Nor is Houston alone in possession of this sane idea. We find it cropping out in many other cities, notably in some of those of the Canadian west. Take Victoria, in British Columbia, for example. We find that Victoria is advertising pretty much along the lines followed by the Texan city. Here is an advertisement widely circulated by one of the leading banking institutions of that progressive community. The advertisement itself is striking and significant, but more striking and significant is the fact that it comes from so conservative a source as a $3,000,000 trust company, which is spending money to tell the world that Victoria is a city where industry and enterprise are not penalized as we would penalize them here in Washington under the terms of this bill or as demanded by many of the gentlemen who have spoken in its support. But let me allow the Victoria bank advertisement to speak and tell its own story. Listen:

WESTERN CANADA IS TO-DAY THE MOST PROSPEROUS COUNTRY ON EARTH.

This is partly due to enormous natural resources just being developed, to the immense sums being spent on railroad construction, and in and near Victoria to what Rudyard Kipling says is "the finest climate on earth," but is also very largely due to common sense in tax laws and the immigration these induce. The partial application of Henry George's single-tax ideas in Victoria and Vancouver worked so well that every town, every city, and every Province in western Canada is working for their full adoption.

Here it is no longer a greater crime to build a chicken house than to rob one, as it is in every county of every one of the United States.

Men are not punished for building homes, stores, or factories or for raising crops or cows. Homes, factories, cattle, and all personal property are exempt, and taxes are levied on land values and natural resources.

This tends to prevent monopoly and to increase wages, profits, and interest.

This, Mr. Chairman, is not the voice of the doctrinaire reformer. It is not the vaporing of an irresponsible theorist. It is not the heated fancy of some rampant radical bent on change. It is the sober pronouncement of a great financial institution, which is concerned in acquainting the world with a most important economic fact—the fact that industry in that community is held in favor and is subjected to neither pain nor penalty.

The logic of the Johnson-Prouty proposition is the logic of the middle ages. It harks back to a remote past. It flies in the face of the best thought of the day on taxation. In my own great State of Pennsylvania we are steadily drawing away from the idea which lies at the basis of the Johnson-Prouty scheme. For 40 years we have practically exempted personal property from taxation. Manufacturing has been wholly free from taxes, and as a result Pennsylvania manufactures have grown in greater proportion than manufactures in any other State. Nor is this all. By recent legislation we have provided for a progressive exemption of improvements on land from taxation in cities of the second class. That cities of other classes will speedily demand the same advantage is certain. They must demand it or fall behind in the race. Improvements will be made, other things being equal, where they are accorded the best treatment; capital will go for investment to the point where it finds the warmest welcome and the least disposition to lay it under tribute.

Gentlemen have bewailed the fact that the taxation of intangible personal property is not accomplished with that precision which they fancy to be so much to be desired. But, Mr. Chairman, is it not about time that we should begin to ask ourselves whether a thing we have been trying for 2,000 years to do, only always to fail, is something we really ought not to do? Most people long ago ceased trying to mix oil and water. The alchemist who sought to transmute the baser metals into gold has moldered in the grave for centuries. And no one seriously tries any longer to lift himself over the fence by his bootstraps. But honest and well-meaning gentlemen on this floor and elsewhere still believe it possible to devise an equitable and a workable system of taxing intangible personal property, this in the face of universal experience and in spite of the testimony of all authorities on the subject. Personal property, tangible and intangible, largely escapes taxation, no matter how rigid the system, because man naturally and instinctively rebels against it. He perjures himself rather than submit to it. He hides what belongs to him rather than allow it to be taken away from him in part by the community which had no part in producing it.

I might quote volumes to show the utter futility of all efforts to tax personal property on anything like an equitable basis or with anything approximating fairness. And the worst of it is that where personal property taxation is most successfully carried on there the greatest injustice is done. It is best when it is least effectively applied.

It has been my privilege, Mr. Chairman, to introduce a bill in this House the adoption of which I feel sure would mark a long step in the right direction. It is in part an adaptation of the Houston plan, or perhaps I might better say it is an attempt to combine what is known as the Houston plan with the so-called Pittsburgh plan with certain features peculiar to itself. Under it we should have a progressive exemption of improvements from taxation for a period of years, with an account taken of the annual depreciation, the bill further providing for exemptions of a sweeping and most salutary character in conformity with the best modern experience. My bill follows in detail:

A bill (H. R. 14384) to regulate the assessment of property for taxation in the District of Columbia, and for other purposes.

Be it enacted, etc., That hereafter in the assessment of property in the District of Columbia the value of improvements in, on, or under the land shall be set forth by the assessors in a column in the assessment rolls separate from the value of the land: *Provided*, That beginning with the year 1915 an annual charge of 5 per cent for depreciation shall be made against all improvements in said District, this amount to be deducted from the assessed value of such property: *Provided further*, That in addition to the amount charged off for depreciation there shall annually be a further reduction of 10 per cent for a period of five years in the total assessment against improvements, so that at the end of that period improvements in no case shall be assessed at more than 50 per cent of their value: *And provided further*, That hereinafter personal property, including household goods, merchandise, money in bank, stocks, notes, bonds, mortgages and other evidences of debt, jewelry, horses and other domestic animals, carriages, automobiles, books, machinery, implements, tools, office fixtures and furniture, boats, tugs and other vessels, locomotives, cars, wagons, carts, drays and like vehicles, shall be wholly exempt from taxation, but it is expressly provided that the value of all franchises shall be considered and treated as land values and assessed on the same basis as other land values for purposes of taxation.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. Chairman, if this bill could be substituted for the one now pending, I feel certain that the results would be little less than magical. We should see a response in the way of improvements such as that made to the exemptions provided by Houston, Vancouver, Victoria, and other cities which have ceased levying heavy fines on the improver. I want to see this Capital grow into one of beauty in every section, not in beauty here and there but everywhere—in the alleys as in the avenues, in the humbler quarters as in the regions of wealth and luxury. I want to see it "a city set on a hill" to light the way of other cities of the land and of the world to higher things. And this we should surely do were we here and now to try out the experiment of appropriating public values for public purposes, while leaving private values to the free and full enjoyment of those to whom they belong.

Mr. CROSSER. Mr. Chairman, at the risk of repeating some things which I said before, I am going to occupy seven or eight minutes.

There is one thing on which the gentleman from Iowa [Mr. PROUTY] and myself heartily agree, and that is that this discussion has gone entirely outside of the range of the question involved in this bill. As I said on two former occasions when I occupied this floor, the real purpose and the only purpose of this bill is and has been to establish a plan whereby we can get a full valuation assessment of the real estate, let the tax rate be what it may. But we have heard everything under the sun discussed except that very plain, simple proposition to which every reasonable and fair man can agree. The only reason for this bill being here at all is the fact that some property has been taxed on half its value, some on a third, and some on two-thirds, thereby doing a great injustice among the citizens of the District of Columbia; and yet because that proposition was so manifestly fair, so simple that anybody could see that it would pass the House, these gentlemen have seized upon that as a vehicle wherewith to carry their repeal of the half-and-half system into operation.

Mr. FESS. Will the gentleman yield right there?

Mr. CROSSER. Yes.

Mr. FESS. How can you fix an equitable basis for the taxation of real estate unless you know how much you want to raise and who is going to pay it?

Mr. CROSSER. You can fix an equitable assessment. You mean a tax rate, do you not?

Mr. FESS. Yes; a tax rate.

Mr. CROSSER. You must know——

Mr. FESS. My point was that you certainly have in mind whether the District is to pay it all or whether the Federal Government is to pay a part of it.

Mr. CROSSER. I was going to come to that. Mr. GEORGE'S original bill, which is represented by the amendment which I have pending before the House, is so framed as to avoid this whole controversy as to the half-and-half system. The language is such that, whether the District is to pay two-thirds, a half, or a quarter, it will always apply, because it simply says whatever the District is to raise it shall be raised by a rate determined and levied by the District Commissioners.

Mr. TOWNER. Mr. Chairman——

Mr. CROSSER. Let me call the gentleman's attention to the language in that respect:

Shall be sufficient to pay the portion to be borne.

That is all it says. We do not care whether it is half or two-thirds or all of it.

Mr. FESS. Who will fix the portion?

Mr. CROSSER. The District Commissioners shall fix a rate sufficient to pay the portion. Do you not see? Now, their bill, on the other hand, proposes to fix it rigidly by statute, a thing which is absolutely out of the question, in my opinion.

Mr. FESS. I like your plan better.

Mr. TOWNER. Mr. Chairman, I want to ask the gentleman if I understood him. Did he say that his amendment was exactly like the original bill? Is that it?

Mr. CROSSER. I think so; with perhaps some verbal changes that we thought wise.

Mr. TOWNER. It is substantially the same?

Mr. CROSSER. Substantially the same.

Mr. PROUTY. Under the original bill was personal property and real estate assessed at the same rate?

Mr. CROSSER. We did not mention personal property at all in the original bill.

Mr. PROUTY. You leave it at 15 mills by putting this on the graduated scale.

Mr. CROSSER. The idea was to do the same thing with personal property later.

Mr. PROUTY. Mr. Chairman——

Mr. CROSSER. I can not yield more. I must get through with this.

I have heard Members here say: "Let us dispose of this whole thing without further discussion; we do not want this further discussed at all; we do not want any change." I think that is absolutely a mistaken view to take of the matter. Here is one thing which every reasonable man must agree to—to devise a plan which will provide an equitable assessment, so as to tax everybody in proportion to the true value of his real estate. If we should take the advice of some men, we would throw it all out of the window, because some gentlemen have succeeded in confusing the matter. If we take the George bill, which is represented by the amendment I have introduced here to the Johnson-Prouty bill, it is as simple as the rule of three. We say 12 assessors instead of 3, because we found that 3 were simply guessing at it. Now, what is hard about that, pray tell? Nothing that I can see. But here was the opportunity to slip in through this confusion what amounted to a repeal of this half-and-half law, a thing that they were afraid to come out with as a straight issue—the adjustment of the relations between the District of Columbia and the National Government. And so we have the irrelevant discussion which has resulted in this confusion. If it is kept clearly in mind that this is not a tax measure, but only a measure providing for assessment or valuation of property for taxation, the whole difficulty is solved and the confusion is removed.

Mr. GORMAN. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. GORMAN. Under the Prouty amendment is it not a fact that revenue would be raised without regard to whether the District had need for the revenue thus raised or not?

Mr. CROSSER. The gentleman is entirely correct.

Mr. GORMAN. Just one question more. Under the substitute which you have proposed is it not also true that as much revenue could be raised under your substitute as is raised under the Prouty amendment, with this exception, that the rate may be fixed or so regulated as not to gather any more revenue than the District may need?

Mr. CROSSER. Nor less. That is exactly correct. In other words, we provide machinery whereby they can procure exactly the amount of revenue the law and needs of the District require them to collect; or, in other words, enough to pay their share of the District's expense.

Mr. PROUTY. Will the gentleman yield?

Mr. CROSSER. I can not yield now. I have some other things which I wish to say.

Mr. PROUTY. Just one question.

Mr. CROSSER. If it is short.

Mr. PROUTY. Under your system, if your figures are correct, it will only be necessary to levy 6½?

Mr. CROSSER. I do not care what it is. If the Members of Congress are dissatisfied with the arrangement between the two Governments, let them proceed to amend the law which provides the amount each Government is to pay. That is an easy matter. Here is a bill, now, pending before the Congress, H. R. 9417, reported from the committee on December 17, in which this is specifically provided for. I will read the language—

That all acts and parts of acts, to the extent that they commit the United States to contribute one-half, or any other portion, be, and they are hereby, repealed.

If you wanted to destroy this great monster, about which you have pleaded so tearfully, there was and is your chance.

Mr. PROUTY. Why do not you do it?

Mr. CROSSER. You waited long months until we had gotten this bill up, which has nothing to do with anything except the assessment of real estate for taxation, and then you put that bill, as a rider, on a measure that has nothing to do with it. That is the truth about it.

So, gentlemen, I urge you to stop and think what the real purpose of the original George bill is. Every one of you will vote for it if you do. It is as simple as it possibly can be. It is simply to provide for a full valuation of the real estate, not to change the arrangement between the United States Government and the District government, but to make equitable and fair assessment, and thereby distribute justly the burden of taxation among the different citizens of the District of Columbia in proportion to the value of their property. Then if you want to change the arrangement between the National Government and the District government, it will be a simple thing. Nobody is going to complain about it. I will vote for a change in arrangement; but let us legislate upon one thing at a time.

Mr. OGLESBY. Has the committee made any effort to ascertain that proportion?

Mr. CROSSER. No; we made no effort. As soon as it was proposed to inject this question into the bill we found ourselves with all kinds of differences of opinion and all kinds of confusion. One gentleman was talking about taxing intangible property at one rate, and another gentleman was talking about taxing it at another rate. The fact is that this is not a bill to arrange a system of taxation, but is a bill to provide a method and means for assessing property or ascertaining its true value.

Mr. OGLESBY. Your view is that the committee should make an examination and ascertain a fair proportion, whatever it is, and put it into a law?

Mr. CROSSER. Yes; and make a fair proportion.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will ask the gentleman the purpose of his inquiries as to getting information upon which to vote or not to vote.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman be given a little more time.

The CHAIRMAN. The time of the gentleman from Ohio has asks unanimous consent that his colleague, Mr. CROSSER, proceed for five minutes. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Chairman, I object.

Mr. MANN. Three days have been spent on this bill.

The CHAIRMAN. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. JOHNSON] to the substitute offered by the gentleman from Ohio [Mr. CROSSER].

Mr. BRYAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CROSSER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky to the amendment of the gentleman from Ohio [Mr. CROSSER].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. IGOE. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 40, noes 30.

Mr. IGOE. Mr. Chairman, I ask for tellers.

Mr. CROSSER. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. JOHNSON of Kentucky and Mr. CROSSER to act as tellers.

The committee again divided; and the tellers reported—ayes 37, noes 35.

The CHAIRMAN. On this vote the ayes are 37 and the noes are 35, and the amendment to the amendment is agreed to. The question is now on the substitute offered by the gentleman from Ohio [Mr. CROSSER] as amended by the amendment of the gentleman from Kentucky [Mr. JOHNSON].

Mr. CAMPBELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CAMPBELL. Did the Chair announce the result of the last vote?

The CHAIRMAN. The Chair announced the result of the last vote. The question is on agreeing to the substitute as amended.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. IGOE. A division, Mr. Chairman.

The committee divided; and there were—ayes 37, noes 32.

Mr. MANN and Mr. IGOE demanded tellers.

Tellers were ordered, and the Chairman appointed Mr. JOHNSON of Kentucky and Mr. CROSSER to act as tellers.

The committee again divided; and the tellers reported—ayes 47, noes 31.

So the substitute as amended was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. JOHNSON of Kentucky. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. I would like to ask what is the parliamentary status of the bill?

Mr. MANN. You need not read the bill; but, as I stated a moment ago, you might ask unanimous consent to strike out the rest of the bill without reading.

Mr. JOHNSON of Kentucky. I make that request, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that the remaining portion of the bill be stricken out without reading. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. I now move, Mr. Chairman, that the committee rise and report the bill with amendments to the House, with the expression of opinion that the bill as amended should pass.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] moves that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ADAIR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12873) relating to the assessment for taxation of real estate in the District of Columbia, and for other purposes, had directed him to report back the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves the question on the bill and amendments to final passage.

The previous question was ordered.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the House should now adjourn out of respect to the memory of the sailors and marines over in New York whose bodies have been brought from Vera Cruz, would this matter come up the first thing to-morrow?

The SPEAKER. It would, barring some matter of privilege.

Mr. JOHNSON of Kentucky. I understand, Mr. Speaker, that the gentleman from Texas [Mr. HENRY], chairman of the Committee on Rules, is here with something to present.

Mr. MANN. There will be a roll call on the bill in the morning. I do not think there is a quorum here now.

Mr. HENRY. I will announce, Mr. Speaker, that I shall present a privileged resolution to-morrow immediately after this bill is disposed of.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 145. Joint resolution authorizing the President to detail Lieut. Frederick Mears to service in connection with proposed Alaskan railroad.

CLASSIFICATION OF UNRESERVED AND UNAPPROPRIATED LANDS.

Mr. KENT. Mr. Speaker, I ask unanimous consent to withdraw House Report No. 579 on House joint resolution 250, relating to the classification of unreserved and unappropriated public lands, and to have a reprint of the report, with the addition of a letter from the Secretary of the Interior, Mr. Lane, relating to the subject.

The SPEAKER. The gentleman from California asks unanimous consent to withdraw Report No. 579 and to reprint the report, to include a letter from the Secretary of the Interior. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROWN of West Virginia, for three days, on account of important business.

ADJOURNMENT.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn out of respect to the memory of the marines and sailors who were killed at Vera Cruz, whose funeral is taking place in New York to-day.

The SPEAKER. The gentleman from Kentucky moves that the House adjourn out of respect to the memory of the marines and sailors who were killed at Vera Cruz.

The motion was agreed to.

Accordingly (at 4 o'clock and 7 minutes p. m.) the House adjourned until Tuesday, May 12, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 14687) to appropriate a sum of money to Herman Rehn for injuries sustained while in the employ of the naval authorities of the United States at the Naval Academy, Annapolis, Md., reported the same with amendment, accompanied by a report (No. 656), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 4535) for the relief of Erskine R. Hayes, reported the same with amendment, accompanied by a report (No. 657), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 5966) for the relief of Clyde Odum, reported the same with amendment, accompanied by a report (No. 658), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 1089) for the relief of Amanda Honert, reported the same without amendment, accompanied by a report (No. 659), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 2344) granting a pension claim to Joseph Hunter, reported the same without amendment, accompanied by a report (No. 660), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 7049) to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the United States revenue cutter *Snohomish*, reported the same without amendment, accompanied by a report (No. 661), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 12681) for the relief of W. W. Wall, reported the same without amendment, accompanied by a report (No. 662), which said bill and report were referred to the Private Calendar.

Mr. VOLLMER, from the Committee on Claims, to which was referred the bill (H. R. 16065) for the relief of Julia Klavinski, reported the same without amendment, accompanied by a report (No. 663), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANAHAN: A bill (H. R. 16440) to prevent the spread of hog cholera and kindred diseases during or in consequence of the carrying of animals by railroad or other means of transportation from any State or Territory of the District of Columbia into or through any other State or Territory or the District of Columbia; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: A bill (H. R. 16441) repealing a certain section contained in the urgent deficiency act approved December 22, 1911; to the Committee on War Claims.

By Mr. NEELY of West Virginia: Resolution (H. Res. 512) authorizing and directing the Committee on the Judiciary to make such investigation of the official conduct of Alston G. Dayton, judge of the District Court of the United States for the Northern District of West Virginia, as may be necessary to establish the truth or falsity of various charges preferred against him; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 16442) granting an increase of pension to John H. Ashbaugh; to the Committee on Invalid Pensions.

By Mr. BROCKSON: A bill (H. R. 16443) granting an increase of pension to Margaret P. Mensch; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 16444) granting an increase of pension to Richard A. H. Scheuler; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 16445) granting a pension to Patrick J. McCormick; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 16446) granting an increase of pension to Charles Goth; to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 16447) for the relief of John L. Moon; to the Committee on Claims.

Also, a bill (H. R. 16448) granting a pension to Sarah Atkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16449) granting a pension to Rachel L. Jewett; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 16450) granting a pension to Ann E. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16451) granting a pension to Mary R. Gorham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16452) granting a pension to Mary M. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16453) granting a pension to Sarah L. Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16454) granting a pension to Hattie D. Osborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16455) granting an increase of pension to Charles P. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16456) granting an increase of pension to William Lathrop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16457) granting an increase of pension to E. A. Paschal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16458) granting an increase of pension to Peter Swassen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16459) granting an increase of pension to Michall Z. Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16460) for the relief of Thomas E. Coleman; to the Committee on Military Affairs.

Also, a bill (H. R. 16461) for the relief of James C. Owens; to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 16462) granting an increase of pension to William Ramage; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 16463) granting an increase of pension to Daniel Eastwood; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 16464) granting an increase of pension to Rodney W. Anderson; to the Committee on Invalid Pensions.

By Mr. KEISTER: A bill (H. R. 16465) granting an increase of pension to Augustus T. Spence; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 16466) for the relief of Samuel D. Kingsbury; to the Committee on Claims.

By Mr. LA FOLLETTE: A bill (H. R. 16467) granting a pension to Birney M. Snyder; to the Committee on Invalid Pensions.

By Mr. MURRAY of Oklahoma: A bill (H. R. 16468) granting a pension to Rebecca J. Ross; to the Committee on Invalid Pensions.

By Mr. NEELY of West Virginia: A bill (H. R. 16469) granting an increase of pension to Lafayette Crouser; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 16470) granting an increase of pension to George P. Spade; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 16471) granting a pension to James F. Morrisey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of Tipton County, Ind., and members of Goldsmith Charge, of Goldsmith, Ind., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of the Public Ownership Association of California, relative to Government ownership of coal mines in United States; to the Committee on the Judiciary.

Also (by request), memorial of the Survivors' Association of the Twenty-ninth Regiment Pennsylvania Volunteers, favoring passage of a bill to increase the pensions of Civil War veterans; to the Committee on Invalid Pensions.

Also (by request), petition of the Hall Printing Co., of Chicago, Ill., favoring a 5 per cent freight rate increase and protesting against experimental legislation; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of sundry citizens of Cincinnati, Ohio; Houston and Sheldon, Ill.; McDonald, Pa.; Albany, N. Y.; Jamestown, N. Dak.; Plymouth, Ind.; Ottumwa, Iowa; Bridgton and Newark, N. J., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petitions of sundry citizens of Maryland and Brooklyn, N. Y., against polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petitions of the Chicago Federation of Labor and Socialist Party of St. Paul, of St. Paul, Minn., relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also (by request), petition of the Political Equality Club of Warrensburg, Mo., favoring woman's suffrage amendment; to the Committee on the Judiciary.

By Mr. AVIS: Petitions of sundry citizens of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of West Virginia, against national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of Rev. J. W. Mills, Amos Campbell, Maurice Stayer, Francis Kager, Peter Stutzman, Rev. G. C. McDowell, W. I. Strayer, Aaron Strayer, R. J. McDowell, J. L. Replogle, John Allison, W. F. M. Campbell, Frank Stutzman, H. B. Meekings, C. M. Kimmel, Daniel H. Howard, A. S. Howard, John A. McMillan, Lewis Campbell, P. M. Edmiston, William F. McMillan, Harry Kyle, E. E. Marsh, T. D. Rager, V. E. Mineely, C. H. Berkebile, W. T. Mock, George Baeder, Dr. W. S. Griffith, Ralph L. Berkebile, Jacob H. Miller, Park Custer, S. H. Brallier, John Pearson, Elmer Piper, L. G. Gassard, L. B. Harshberger, William Vickroy, H. E. Wertz, G. A. Shumaker, S. P. Miller, L. C. Penrod, W. H. Stutzman, L. L. Myers, James Dover, A. C. Stutzman, J. M. Hofecker, John L. Harshberger, R. E. Long, George L. Peterson, A. F. Johns, Samuel Roddy, H. Hofecker, M. V. Shaffer, James Hart, R. A. Keafer, H. J. Kniss, W. M. Dunkle, A. S. Palliser, C. A. Orner, John Eckle, J. M. Harshberger, W. B. Wissinger, A. J. Strayer, William Rugh, J. B. Noffsinger, Jerry McCreary, Eli Wissinger, Samuel Harrison, C. O. Rogers, H. A. Berkebile, C. J. Berkebile, F. W. Berkebile, J. A. Wertz, W. L. Brougher, Elias Miller, George B. Wertz, Charles Beam, W. H. Keizer, J. C. Dailey, W. L. Blough, W. H. McCreary, D. M. Berkebile, Sam Shaffer, C. Wissinger, C. A. Cable, A. C. Darr, Jesse Foust, W. T. Millinger, J. G. Custer, Irvin Thomas, E. H. Detweiler, Lewis Keizer, John L. Dailey, W. M. Howe, D. C. Ribblett, F. Ribblett, J. S. Ribblett, S. L. Ribblett, E. S. Yeager, W. G. Wilson, J. H. Berkebile, E. Berkebile, Rev. J. Booth, S. R. Cratzer, Thomas J. Murphy, Richard John, Calvin Burket, W. S. Langham, J. G. Weaver, William F. Nolte, George Weaver, D. A. Williams, D. S. Harris, Frank Berkebile, H. L. Turner, W. S. Pringle, Jacob Barnhart, Harry Nolte, and S. D. Ickes, all of Johnstown, Pa., for passage of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

By Mr. BALTZ: Petition of sundry citizens of the twenty-second congressional district of Illinois, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROCKSON: Resolutions by Woman Suffrage Associations of Wilmington, Newark, New Castle, Middletown, Georgetown, Greenwood, and Lewes, all in the State of Delaware, in favor of woman suffrage; to the Committee on the Judiciary.

By Mr. BROWN of New York: Petition of sundry voters of the first congressional district of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of 636 citizens of Williamstown, N. J., and 162 citizens of Newfield, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 416 citizens of Camden, N. J., opposing national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petitions of various business men of South Dakota, favoring taxation of mail-order houses; to the Committee on Ways and Means.

By Mr. BURKE of Wisconsin (by request): Resolutions adopted by sundry citizens of Jefferson and Waterloo, Wis., asking for the passage of the Bristow-Mondell resolution, providing for a constitutional amendment in favor of woman suffrage; to the Committee on the Judiciary.

Also, petitions of various business men of Portage, Poynette, and Coloma, Wis., asking for the passage of House bill 5308, to compel concerns selling goods entirely by mail to contribute their portion of funds in the development of the local community, county, and State; to the Committee on Ways and Means.

Also: Resolutions adopted by Sheboygan Verein, No. 42, of Sheboygan, Wis., protesting against the passage of House joint resolution 168, Senate joint resolutions 50 and 88, and against all similar prohibition measures; to the Committee on the Judiciary.

Also, petitions signed by 185 voters of Beaver Dam, Wis., and the city of Sheboygan, Wis., protesting against the passage of House joint resolution 168, Senate joint resolutions 50 and 88, and against all similar prohibition measures; to the Committee on the Judiciary.

By Mr. CRAMTON: Petitions of C. H. Stimson and 42 other business men and property owners, of Mount Clemens, Mich., and William Jones and 66 other voters, of Marine City, Mich.,

protesting against the Hobson resolution for national prohibition; to the Committee on the Judiciary.

Also, resolutions of the Michigan Intercollegiate Prohibition Association and the Huron County (Mich.) Ministerial Association, in support of the Hobson resolution for national prohibition; to the Committee on the Judiciary.

Also, memorial of A. R. Hahn, of Utica; Wolf Bros., of Mount Clemens; R. H. Gregory, of Lapeer; and Fred Raymond, of Port Sanilac, all in the State of Michigan, in behalf of House bill 13305, the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of R. D. Chapin, of Detroit, Mich., in support of House bill 14739, proposing establishment of national park in what is now known as Pajarito, N. Mex.; to the Committee on the Public Lands.

Also, memorial of L. O. Hilsendegen, of Grosse Pointe, Mich., in favor of appropriation for enforcement of Federal migratory game law; to the Committee on Agriculture.

By Mr. CURRY: Petition by 9 citizens of Sacramento County, Cal., against House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of the Local Aerie Fraternal Order of Elks of Danbury, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Local No. 269, Bartenders' International League of America, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of the State of Kansas, favoring a bureau of farm loans (H. R. 11775); to the Committee on Banking and Currency.

By Mr. ESCH: Petition of the Chicago Federation of Labor, relative to Government ownership of coal mines in the United States; to the Committee on the Judiciary.

Also, memorial of the National Association of Vicksburg Veterans, relative to appropriation for peace celebration at Vicksburg National Park; to the Committee on Military Affairs.

Also, memorial of the Independent Retail Merchants of Greater New York, favoring passage of the Stevens bill (H. R. 13300) relative to equal opportunity to all business men; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Humbird, Withee, and Greenwood, all in the State of Wisconsin, favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

Also, petition of the tariff-reform committee of the Reform Club, favoring repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Union of the United Brewery Workmen, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Petitions of 22 citizens of Ohio, opposing national prohibition; to the Committee on the Judiciary.

Also, petition of 78 citizens of Wilmington, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Highland County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FRENCH: Petition of sundry citizens of Viola, Spalding, Genesee, Lewiston, and Juliaetta, all in the State of Idaho, favoring the passage of House bill 12928, retaining section 6, relative to Sunday work in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Viola, Juliaetta, Genesee, Spalding, and Lewiston, all in the State of Idaho, favoring passage of House bill 7826, the Sunday-observance bill; to the Committee on the District of Columbia.

By Mr. GARNER: Memorial of the Palestine (Tex.) Trade and Labor Council, relative to Government ownership of the coal mines of the United States; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petitions of sundry citizens of Philadelphia, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Independent Retail Merchants of Greater New York, favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Erie, Pa., against enacting antitrust legislation at this time; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Leola, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOUSTON: Petitions of various business men of Petersburg, Lewisburg, Tullahoma, Shelbyville, Huntland, Fayetteville, Smyrna, Wartrace, and Murfreesboro, all in the State of Tennessee, that legislation may be enacted which will compel concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the county, and the State; to the Committee on Ways and Means.

By Mr. IGOE: Petitions of J. C. Bemis and A. B. Young, of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of Charles & Moore, of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Reid Oil & Machinery Co.; N. W. McLeod; Edward L. Preetorioris; Otto L. Teichmann; Bowman, Cost & Co.; and the American Trust Co., all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petitions of W. A. Mahoney and others, of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the St. Louis (Mo.) Turnbezirk, in convention of 5,000 members, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KALANIANAOLE: Petition of the Kapaa Farmers' Association and various homesteaders of the District of Kawaihau, Kauai, Hawaii, favoring appropriation to build breakwater at Nawiliwili, Kauai; to the Committee on the Territories.

By Mr. KINKEAD of New Jersey: Petition of sundry citizens of Hudson, N. Y., and voters of the eighth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KORBLY: Petitions of sundry citizens of Indianapolis and many others of the State of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LA FOLLETTE: Petition of sundry citizens of Spokane, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry voters of the third congressional district of Washington, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of the St. Heinrich Benevolent Society, A. J. Satore, president, and St. Michael's Benevolent Society, George Bloes, president, of Evansville; also 2,768 citizens of Vanderburg, Warrick, Spencer, Gibson, and Posey Counties, all in the State of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. McCLELLAN: Petitions of 24 citizens of Sullivan County, N. Y., and sundry citizens of South Fallsburg, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. McKENZIE: Petition of sundry citizens of Sterling, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MARTIN: Petition of Council No. 516, United Commercial Travelers of America, of Rapid City, S. Dak., favoring Senate bill 2337, to create a coast guard; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Faulk County, S. Dak., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. MURRAY of Oklahoma: Petitions of 70 citizens of Maysville, 194 citizens of Randolph, 100 citizens of Tishomingo, and sundry citizens of Fairland, all in the State of Oklahoma, favoring national prohibition; to the Committee on the Judiciary.

By Mr. NELSON: Petition of sundry citizens of Mount Hope, Wis., favoring the passage of national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Belmont, Cobb, Cuba City, Fennimore, Gays Mills, and Ridgeway, all in the State of Wisconsin, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. O'LEARY: Petitions of sundry citizens of Queens County, E. La Montague's Sons, Loxdox Wine & Spirit Co., and Sonoma Wine & Brandy Co., all of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petitions of the International Union of United Brewery Workmen, of Cincinnati, Ohio, and sundry citizens and business firms of Providence and Newport, R. I., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PADGETT: Petition of sundry citizens of the seventh congressional district, Tennessee, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. PETERSON: Petition of sundry citizens of Cary, Whiting, East Chicago, Lafayette, and other cities of the tenth congressional district of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. POST: Petition of various persons of Bradford, West Milton, Troy, Covington, Pleasant Hill, and Piqua, all of Miami County, Ohio, for Congress to pass a law to compel concerns selling goods direct to consumers by mail to contribute their portion of funds in the development of the local community; to the Committee on Ways and Means.

Also, petition of W. B. Baldwin and other citizens of Clark County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Public Ownership Association, of San Francisco, Cal., favoring the operation as public utilities by the Government of all coal mines and oil fields; to the Committee on the Judiciary.

Also, resolutions by the San Francisco Board of Trade, San Francisco, Cal., favoring House bill 2743, authorizing the Secretary of the Treasury to cause to be erected a suitable building for marine-hospital purposes in San Francisco; to the Committee on Public Buildings and Grounds.

By Mr. SCULLY: Petitions of sundry citizens and business firms of the State of New Jersey and International Union of the United Brewery Workmen, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Independent Retail Merchants of New York City, favoring passage of the Stevens bill (H. R. 13305) relative to price maintenance; to the Committee on Interstate and Foreign Commerce.

By Mr. SELDOMRIDGE: Petition of the Longmont Commercial Association, favoring Stevens standard-price bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Colorado Springs, Colo., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. SELLS: Petition of various business men of Sevierville, Tenn., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petition of 1,059 citizens of Coldwater, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of sundry citizens of Coleman, the United Church of Christ, and the Congregational Church of St. Petersburg, all in the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEN EYCK (by request): Petitions of James H. Gilmore, A. Trenting, H. J. Berg, G. H. Dyer, J. A. Ray, William A. Graham, Charles Harrod, F. E. Hinchey, J. F. Quenlan, E. J. Smith, and others, all of the International Association of Machinists, in the State of New York, in favor of the machinists' wage bill (H. R. 12740); to the Committee on Labor.

By Mr. TUTTLE: Petition of sundry business men of the fifth congressional district of New Jersey, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petitions of 82 citizens of the fifth congressional district of New Jersey and 168 citizens of Elizabeth, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of the Independent Retail Merchants of Greater New York, favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Reform Club Tariff Reform Committee, New York City, favoring repeal of the canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of General A. S. Diven Camp, No. 77, Sons of Veterans, of Horseheads, N. Y., against changing the United States flag; to the Committee on the Judiciary.

Also, petitions of sundry citizens of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. VARE: Petition of 515 citizens of the first congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Philadelphia, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. WALLIN: Petition of 50 voters of the thirtieth New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of various teachers of the schools in Schenectady, N. Y., favoring the enactment of a law establishing a censorship for moving pictures; to the Committee on Education.

By Mr. WILLIS: Petition of D. E. Strayer and five other citizens of De Graff, Ohio, in favor of local taxation of mail-order houses; to the Committee on Ways and Means.

Also, petition of the Woman Suffrage Association of Dayton, Ohio, in favor of constitutional amendment to provide for woman suffrage; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 12, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou dost teach us the higher unity of life by the very sacrifices that we are called upon to make for the public good. Thou hast brought us into a blessed brotherhood. Thou dost make much of the blessing of life depend upon the spirit with which we mingle with our fellow men. Thou hast placed many things before us which are more to be prized than life itself. Honor and truth and freedom are far more valuable than any human life. We thank Thee that the high aspirations Thou hast created within us point us to something beyond the mere life which we live. The promise which is voiced by our own heart's desire for life abundant and for freedom eternal is the prophecy of its fulfillment hereafter. Bless us this day in the discharge of its duties. May we live up to the high privilege of the sons of God. For Christ's sake. Amen.

Mr. STONE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Norris	Smith, Mich.
Bankhead	Gronna	Oliver	Smith, S. C.
Borah	Hitchcock	Overman	Smoot
Brady	Hollis	Owen	Sterling
Brandegee	Hughes	Page	Stone
Bristow	James	Perkins	Sutherland
Bryan	Johnson	Pittman	Thomas
Burleigh	Jones	Poindexter	Thompson
Burton	Kenyon	Reed	Thornton
Chilton	Kern	Robinson	Tillman
Clapp	La Follette	Root	Townsend
Clark, Wyo.	Lane	Shafroth	Walsh
Colt	Lee, Md.	Sheppard	Warren
Crawford	McCumber	Sherman	West
Cummins	McLean	Shively	Williams
Dillingham	Martin, Va.	Smith, Ariz.	Works
Gallinger	Martine, N. J.	Smith, Ga.	

Mr. SHEPPARD. I wish to announce the necessary absence of my colleague [Mr. CULBERSON], and to state that he is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN]. I will let this announcement stand for the day.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is confined to his home by indisposition.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4158) to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md.

The message also announced that the House had passed a bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 3432. An act to reinstate Frank Ellsworth McCorkle as a cadet at the United States Military Academy; and

S. J. Res. 145. Joint resolution authorizing the President to detail Lieut. Frederick Mears to service in connection with proposed Alaskan railroad.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Ottumwa, Iowa; of Cleveland and Cincinnati, Ohio; of Houston, Sheldon, and Roberts, Ill.; of Muddy Creek Forks, New Galilee, McDonald, Clarion, and Parkers Landing, Pa.; of Bridgeton, Newark, Boundbrook, West Orange, and Jersey City, N. J.; of Plymouth and Indianapolis, Ind.; of Baltimore, Perryville, and Highlands, Md.; of Brooklyn, Kenmore, Albany, and Middletown, N. Y.; of Liberal, Kans.; of Redondo Beach, Cal.; and of Jamestown, N. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. GALLINGER. I present petitions signed by ex-Gov. David H. Goddell and 4,241 other voters of New Hampshire, praying for national prohibition. I ask that the petitions be received and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The petitions will be referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Equal Suffrage League of Newport, N. H., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented petitions of the congregation of the Congregational Church of Deerfield; the Merrimack County Christian Endeavor Union; the congregation and Sunday school of the Union Avenue Baptist Church, of Lakeport; and the congregation and Bible school of the Congregational Church of Hudson, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WILLIAMS presented petitions of sundry citizens of Morton, Greenville, and Eupora, in the State of Mississippi, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a petition of Typographical Union No. 190, of Omaha, Nebr., praying for the enactment of legislation to make lawful certain agreements between laborers and employees and persons engaged in agriculture or horticulture and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Hoagland, and Mooresville, all in the State of Indiana, and of the American Association of Foreign Language Newspapers, of New York City, N. Y., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Fremont, Richmond, Vincennes, and Dupont, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented petitions of sundry citizens of New Jersey, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. STERLING presented a petition of sundry citizens of Fort Pierre, S. Dak., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of sundry citizens of White, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for an appropriation of $100,000 for the enforcement of the law to protect migratory birds, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. JONES presented telegrams in the nature of petitions from Local Division No. 516, Brotherhood of Locomotive Engineers, of Hillyard; from Local Division No. 399, Brotherhood of Locomotive Engineers, of Seattle; from Local Lodge, Brotherhood of Railway Trainmen, of Tacoma; from the Guardians of Liberty, of Spokane; from the Brotherhood of Locomotive Engineers of Spokane; from Local Lodge No. 407, Brotherhood of Locomotive Firemen and Enginemen, of Seattle; and from the Brotherhood of Railway Trainmen of Seattle, all in the State of Washington, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a telegram in the nature of a memorial from the German-American League of the State of Washington, remonstrating against the enactment of legislation to provide an educational test for immigrants, which was ordered to lie on the table.

Mr. OVERMAN presented a petition of the Redpath Chautauqua, of Salisbury, N. C., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New Jersey, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New Jersey, remonstrating against the repeal of the exemption clause of the Panama Canal act, which were ordered to lie on the table.

Mr. SHEPPARD presented petitions signed by over 6,000 citizens of the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Hamby, Tex., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Hamby, Abilene, and Electra, in the State of Texas, praying for the enactment of legislation to grant a compensatory time privilege to post-office employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Ministerial Association of Austin, Tex., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. BRISTOW presented petitions of sundry citizens of Valley Falls and Neodesha, in the State of Kansas, praying for the establishment of a system of rural credits, which were referred to the Committee on Banking and Currency.

He also presented petitions of sundry citizens of Mullinville, Hiattville, and Humboldt, in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of inmates of the National Military Home, Kansas, praying for the creation of a volunteer officers' retired list, which was referred to the Committee on Military Affairs.

Mr. BRADY presented petitions of sundry citizens of Idaho, praying for an appropriation of $100,000 for the protection of birds under the so-called migratory-bird law, which were ordered to lie on the table.

Mr. WORKS presented a petition of the Ministerial Union of Petaluma, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Pastors' Union of Petaluma, Cal., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented memorials of sundry citizens of San Francisco and Los Angeles, in the State of California, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of San Jose, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Public Ownership Association of California, praying for Government ownership of coal mines and oil fields, which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Paskenta, Cal., praying for the enactment of legislation to provide for more efficient Indian administration, which was referred to the Committee on Indian Affairs.

Mr. TOWNSEND presented memorials of sundry citizens of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry post-office employees of Albion, Mich., praying for the enactment of legislation to grant

a compensatory time privilege to post-office employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry woman-suffrage organizations of Pennsylvania, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Erie, Pa., and a petition of the Manufacturers' Association of Erie, Pa., praying for the postponement until the next session of Congress of action upon the so-called trade commission, interlocking directorates, Sherman-law definition bills, and the so-called omnibus bill embodying them, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Twenty-second and Twenty-fifth Wards Branch of Allegheny County Socialist Party, of Pittsburgh, Pa., and a petition of Local Union No. 145, United Mine Workers of America, of Hopewell, Pa., praying for an investigation into the conditions existing in the mining districts of Colorado, which were referred to the Committee on Education and Labor.

He also presented a memorial of the Medical Club of Harrisburg, Pa., remonstrating against the enactment of legislation to prohibit the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which was ordered to lie on the table.

Mr. POINDEXTER presented a memorial of the Local Socialist Party of Bangor, Wash., remonstrating against conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

He also presented a petition of the Freeholders' Commission of Seattle, Wash., praying for the establishment of a bureau of municipal affairs as a part of the Department of Commerce, which was referred to the Committee on Commerce.

Mr. CRAWFORD presented petitions of sundry citizens of Roberts County, S. Dak., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of sundry citizens of Fitchburg, Leominster, Athol, Millbury, Southbridge, Watertown, Berlin, Gardner, Spencer, Lynn, and Somerville, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Boston, Cambridge, Everett, Malden, Winchester, Winthrop, Lynn, Chestertown, Medford, Lowell, Waltham, Woburn, Newton, Fitchburg, South Framingham, Fall River, Stoneham, Springfield, Stoughton, Sandwich, Reading, Peabody, and Salem, all in the State of Massachusetts, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. MARTIN of Virginia presented petitions of sundry citizens of Eagle Rock, Va., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Advent Church of Brattleboro, Vt., and a petition of the congregation of the Baptist Church of North Bennington, Vt., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. RANSDELL presented a telegram in the nature of a memorial from sundry citizens of the first and second congressional districts of the State of Louisiana, remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. SAULSBURY presented petitions of sundry citizens of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. BRANDEGEE presented petitions of Mrs. Ernest Thompson Seton and sundry other citizens of Connecticut, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. GRONNA presented a petition of sundry citizens of Adams County, N. Dak., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of McKinney, N. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SMOOT presented petitions of the Commercial Club traffic bureau, of Salt Lake City; of the Commercial Club of Salt Lake City; and of the Utah Jobbers' Association, of Salt Lake City, all in the State of Utah, praying for the extension of the Parcel Post System, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented memorials of 303 citizens of the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of S. M. Stevens Lodge, No. 150, Brotherhood of Locomotive Firemen and Enginemen, of Marquette; of Calhoun Lodge, No. 84, Brotherhood of Locomotive Firemen and Enginemen, of Battle Creek; of Local Lodge No. 332, Brotherhood of Locomotive Firemen and Enginemen, of Grand Rapids; and of Wayne Lodge, No. 508, Brotherhood of Locomotive Firemen and Enginemen, of Detroit, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of Stereotypers' Local Union No. 101, of Grand Rapids; of Printing Pressmen and Assistants' Local Union No. 136, of Saginaw; of Photo Engravers' Local Union No. 12, of Detroit; and of Typographical Local Union No. 18, of Detroit, all in the State of Michigan, praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which were referred to the Committee on the Judiciary.

He also presented a memorial of I. B. Richardson Post, No. 13, Grand Army of the Republic, Department of Michigan, of Harbor Springs, Mich., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented petitions of the Bay County Equal Suffrage Association; of the Equal Suffrage League of Wayne County; and of the faculty and students of Olivet College, Olivet, all in the State of Michigan, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Cedar Lake, Stanton, Edmore, Allendale, and Otsego, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of the West Michigan Game and Fish Protective Association; of the Rainbow Rod and Gun Club, of Ludington; of the Michigan Audubon Society, and of the Michigan Association for the Protection of Game and Fish, all in the State of Michigan, praying for an appropriation of $100,000 for the enforcement of the so-called migratory-bird law, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Waucedah, Mich., praying for the enactment of legislation to establish a system of farm credits, which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Genesee County Medical Society, of Michigan, remonstrating against the enactment of legislation prohibiting the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which was ordered to lie on the table.

Mr. GORE presented petitions of sundry citizens of Oklahoma, praying for national prohibition, which were referred to the Committee on the Judiciary.

PANAMA RAILROAD CO.

Mr. WALSH. Mr. President, when the Panama Canal tolls bill was under consideration by the committee to which it was referred some testimony was given to the effect that ocean freights are fixed by combinations or conferences so general in their character that they are participated in even by the Panama Railroad Co., and that the freight rates of the ships of that company are fixed as a result of such conferences so participated in by its officers. The United States Government is prosecuting a suit at this time against various ship companies, charging them with a violation of the law in connection with such conferences. The charge so made before the committee practically amounts to an accusation that the officers of the Panama Railroad Co. are participating in the unlawful acts against which the efforts of the Government are so directed.

A resolution was adopted by the committee requesting that the secretary of the committee communicate with the manager of the company and ask a statement from him in relation to the matter.

Likewise a question arose as to the proportion of the carrying capacity of line steamers ordinarily occupied by the cargoes they carry. The resolution also directed that the manager of the company be requested to communicate the experience of the company in that regard.

At the request of the chairman of the committee, I addressed a communication to Mr. Drake, the manager of the company, and I have his answer to the inquiries thus addressed, which I send to the desk, with a request for unanimous consent that it may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the communication.

The Secretary read as follows:

PANAMA RAILROAD CO.,
2½ State Street, New York, May 7, 1914.

Hon. T. J. WALSH,
Committee on Interoceanic Canals,
United State Senate, Washington, D. C.

DEAR SIR: We acknowledge receipt of your letter of the 1st instant, addressed to our vice president, who is absent from the office for a few days, and thank you for giving us an opportunity to furnish the facts in connection with the various statements that have been made from time to time that our company belongs to or is represented in "conferences," and that its rates are fixed by the action of such conference meetings.

In these statements reference has been made to the European conference and to the New York conference. The European conference is known as the "conference of West India Atlantic steamship companies," and is composed of steamship lines operating between Europe and Colon and Puerto Mexico, where they connect with our company and the Tehuantepec Railroad, respectively, on traffic to and from ports of South America, Central America, Mexico, and the United States.

We understand that meetings of these conference lines are held in Europe from time to time, but the only one of which we have advice is that usually held either in June, July, or August of each year, at which our company, the Tehuantepec Railroad, the Guatemalan railroads, and the Pacific Ocean carriers of all these routes are invited to be represented for the purpose of deciding the conditions under which Central American and Mexican coffee destined to European ports is to be carried during the subsequent coffee season that begins in December.

This coffee traffic is carried under what is known as the "rebate-circular" plan, by which shippers or consignees are granted a rebate of 10 per cent on the tariff rate at the end of the season, provided they have restricted their shipments of coffee to the Panama, Tehuantepec, or Guatemalan routes, and since the time the United States secured control of our company we have not participated in this rebate, which is paid in full by our Atlantic and Pacific cocarriers. On the contrary, we have objected to the rebate principle and repeatedly notified our connections that while we would participate in any rates necessary to secure traffic against competitive routes, we would not be parties to any agreement or understanding giving shippers or consignees a rebate at the end of each season or at any other time.

We have not been and are not now members of the conference; have attended this one meeting each year in an advisory capacity for the purpose of objecting to the Atlantic lines, our Pacific cocarriers, and the representatives of competitive routes from taking steps which in our judgment might result in decreasing our traffic or diverting it to these competitive routes; and during such meetings have openly stated to these lines that if the conditions established by them and their Pacific carriers resulted in the diversion of traffic from our route, we would take any action we deemed necessary to prevent this, even to the extent of bringing European shipments via New York by our steamship line.

The New York conference was first brought to our attention in the latter part of 1909. This consisted of steamship lines interested in the Cuban, Venezuelan, and West Indian traffic, in which we were not concerned, and also in traffic to Colon. We understood that the object of this conference was to, if possible, establish uniform bills of lading, shipping receipts, due bills, and other shipping documents; to keep the various lines informed of the decisions rendered by the Government from time to time governing the transportation of dangerous, damaging, and inflammable cargo on passenger steamers; and generally to keep informed on all questions of shipping not connected in any way with the establishment of rates.

We were elected members of this conference, but declined to accept election, and we have not at any time participated or been represented at meetings where the question of raising or lowering rates was discussed or settled, nor have we been guided in the slightest degree by any action regarding rates, if such has been taken, by this or any other conference.

The rates from New York and those from Europe to points in Central America, Mexico, and South America are not fixed on the basis of the local rates of the Atlantic carrier, the railroad across the Isthmus of Panama, and the carrier on the Pacific Ocean, because a combination of "locals" would give a higher rate than the traffic would stand in competition with steamers sailing via the Straits of Magellan.

When our steamship line was the only carrier between New York and Colon the tariff then in effect was one that had been agreed to by the Atlantic carrier, the Panama Railroad, and the Pacific carrier. When other steamship lines from New York were granted through-billing privileges over the Panama Railroad upon exactly the same terms and conditions as our own steamship line, it was upon the basis of their maintaining the through tariffs to Central America, Mexico, and South America then in effect, and that changes therefrom could be made only by consent of all the initial carriers; otherwise these various lines would be competing with each other for this traffic at the expense of our company and the Pacific carrier.

The rates from the United States to Central America were for many years past higher than those from Europe via the direct lines running to Colon, although the route is some 1,300 miles shorter from this country. Since the Government assumed control of our company we have, under the authority given us as initial carriers, endeavored to have the rates from the United States established on at least as low a basis as those from Europe, and in this we have been successful, not because of any right we possess, but on account of the attitude we have consistently followed.

The rates from the United States to the west coast of South America have always been higher than those from Europe, but as a result of our efforts they were finally lowered to the European basis, notwithstanding the fact that the most important of these lines is controlled by a company largely interested in the traffic from Europe on the Atlantic Ocean.

On the local traffic between New York and the Canal Zone we have no understanding or agreement with any of the lines that run from Europe or from the United States. The basic rate of $8 per ton that was in effect between New York and Colon prior to the time the Government assumed control of our company was shortly thereafter reduced by us to $3.50, so as to enable the Government to have the material required in the construction of the canal carried at a low rate in its steamships of American registry. The other lines running to the Canal Zone, none of which operate steamers of American registry, can establish any rate they consider necessary, but it is not likely they will quote lower than the one we have established, because the principal complaint they have always made is that our rate should be advanced to the basis of rates charged by them to West Indian ports, some 600 miles nearer to New York than is the Canal Zone, ranging from $4.40 to $6 per ton.

CARGO CAPACITY OF STEAMERS.

Our steamships usually sail from New York either "down to their marks" or filled to their capacity.

The steamship *Advance*, of 1,650 tons net register and 2,605 tons gross, can not carry more than 1,950 tons.

The steamship *Allianca*, of 2,364 tons net register and 3,905 tons gross, is fully loaded with 2,500 tons.

The steamships *Colon* and *Panama*, of 4,193 tons net register and 5,667 tons gross, are fully loaded with 4,500 tons.

The *Ancon* and *Cristobal*, of 6,195 tons net register and 9,606 tons gross, are "down to their marks" with 11,200 tons.

The foreign colliers that we secure from the Earn Line Steamship Co. for the carriage of our coal from Norfolk and Newport News to Colon carry about two and one-half times their net registered tonnage; for instance, the steamship *Clearpool*, of 2,714 tons net register, left Norfolk with 6,354½ tons of Pocahontas coal and had 598½ tons in the bunkers. The steamship *Tabor*, of 2,392 tons net register, left Norfolk with 5,463½ tons of Pocahontas coal and 526 tons in the bunkers.

Our experience is that combined passenger and freight steamers such as the four first above mentioned are able to carry very little in excess of their net registered tonnage, because of the space that is required for the accommodation of passengers and crew and the supplies that must be carried. The *Ancon* and *Cristobal* were originally built as cargo steamers, and the small passenger accommodations with which they are now supplied were constructed after the vessels had been in service for some time. If these accommodations were removed and the crew proportionately reduced in number, we figure the vessels would carry from 1,000 to 1,300 tons more than at present.

We trust this satisfactorily answers the inquiries you have made, but we shall be glad to furnish any additional information that you require.

Yours, respectfully,

T. H. ROSSBOTTOM,
Assistant to Vice President.

MIGRATORY-BIRD LAW.

Mr. THOMPSON. Mr. President, I have received a number of telegrams in the nature of memorials from prominent citizens of Kansas, protesting against the proposed reduction in the appropriation in the Agricultural bill for the enforcement of the migratory-bird law. As the Senate knows, Secretary Houston has asked for $100,000 for the support and enforcement of this law. The appropriation was reduced to $50,000 by the House, and the Senate committee has further reduced it to only $10,000, which renders it practically inoperative. I should like to have the telegrams read.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. THOMPSON. Yes.

Mr. REED. I desire to ask the Senator from Kansas if he is aware of the fact that various departments of the Government have absolutely refused to test this law in the courts? There are responsible citizens who will plead guilty of having shot game contrary to the law and the regulations thereunder, and yet the departments of the Government have absolutely declined to bring suit. I will ask the Senator if he does not know further that there is not a respectable lawyer in the United States who believes that this law is constitutional, and, therefore, the waste of $100,000 would be more than ordinarily ridiculous?

Mr. THOMPSON. Mr. President, in answer to the question propounded by the Senator from Missouri I will simply say that this is the first time in my knowledge of public affairs that I have ever heard that it was necessary for the Government which passed a law to prosecute an action to determine whether the law which was passed by Congress was constitutional. I have always understood that it was the right of any citizen under the law to test any law passed by Congress or by a State; but it is hardly within the province of the Government to institute a suit to try to discredit the action of the Congress itself, the lawmaking power. It is, as I have said, the right of every citizen to determine this question, and every court which has passed upon the law thus far has held it to be constitutional. No court has, at any rate, held it unconstitutional. The law is upon the statute books and is presumed to be constitutional. So long as it is the law it is our duty to see that it is enforced and to make a sufficient appropriation to enforce it. It is for the courts to determine its constitutionality.

Mr. REED. Mr. President, will the Senator from Kansas tell me how a citizen is to determine the constitutionality of this law if the Government will not make an arrest?

Mr. THOMPSON. There are already in the RECORD letters from the Secretary of Agriculture showing that there have been various prosecutions under this law and that men have been convicted and have stood the penalty. Evidently, in the minds of those who were prosecuted, the law was constitutional. They at least failed to take an appeal.

Mr. THOMAS. Mr. President, I do not like——

Mr. REED. I should like to ask the Senator from Kansas one further question while he has the floor. I will ask him if he does not know that every time any man has gone to his defense the suit has been dismissed?

Mr. THOMPSON. No; under the statement from the Secretary of Agriculture that is not correct. He states that they have all paid the penalty and have refused to prosecute an appeal. He also states that there is one case in Arkansas still pending. The defendant could no doubt test the law in this case if he desires to do so.

Mr. REED. Those are the ones who would not go to their defense. I want to say to the Senator and to the Senate that I have tendered to the Attorney General on three different occasions the name of a reputable man who desires to know whether or not this law is constitutional, and who represents a large body of men. I have been unable to get that man arrested. The information I have is that the officers are directed not to make arrests. I asked this to be done in order that Congress might know before the appropriation bill came up whether the law was a valid law, because, if it was a valid law, it was one thing to vote an appropriation to enforce it, and, if it was an invalid law, one that was certain to be stricken down, then, of course, the money ought not to be appropriated. But I have been unable to get the warrant issued, and I believe, from all the information I have, that neither the Secretary of Agriculture——

Mr. OLIVER. I rise to a parliamentary inquiry.

Mr. REED. Nor the Attorney General has the slightest idea that this law will stand the test of the courts.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania will state his parliamentary inquiry.

Mr. OLIVER. I ask, What is the order before the Senate?

Mr. THOMPSON. I should like to have the telegrams read.

The VICE PRESIDENT. The order seems to be a discussion of the migratory-bird law, which is not in order.

Mr. OLIVER. I ask if debate is in order?

The VICE PRESIDENT. It is not in order.

Mr. OLIVER. Then I call for the regular order.

Mr. THOMAS. That is the purpose for which I rose, Mr. President.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

Mr. THOMPSON. I made the request that the telegrams be read, and I do not understand that there was any objection.

The VICE PRESIDENT. The Chair thought the request of the Senator from Kansas was to have the telegrams printed in the RECORD. Is there any objection to reading the telegrams?

Mr. THOMAS. I object to the request that the telegrams be read.

The VICE PRESIDENT. The question is, then, Shall the telegrams be read?

Mr. THOMAS. Mr. President, I object, to save time.

Mr. THOMPSON. A number of documents have been read here this morning. I desire to have the telegrams read which were sent by me to the desk; and if they are not read, I will read them myself at my first opportunity.

The VICE PRESIDENT. There being an objection, the question is, Shall the telegrams be read? [Putting the question.] The ayes have it. The Secretary will read the telegrams.

The Secretary read the telegrams, as follows:

ATCHISON, KANS., *May 2, 1914.*

Senator W. H. THOMPSON, *Washington, D. C.:*

Best citizens in northeastern Kansas stand for Weeks-McLean migratory-bird law. Farmers, sportsmen, out-of-door enthusiasts, and citizens in general believe it is important, and this section of Kansas has never opposed it. Your own observance have undoubtedly taught you that State laws are inadequate and that effective Federal control is only remedy that will save many species from extermination.

SHEFFIELD INGALLS,
Lieutenant Governor.

—

ATCHISON, KANS., *May 4, 1914.*

Senator W. H. THOMPSON, *Washington, D. C.:*

Federal protection of migratory birds meets hearty approval of citizens in this community. Value of insectivorous birds to agricultural interests in Kansas is more important than the question of whether greedy hunters shall be permitted to murder mating wild fowl in spring of year. As a citizen of Kansas I indorse $100,000 appropriation for its effective enforcement.

W. J. BAILEY, *Ex-Governor.*

—

ATCHISON, KANS., *May 4, 1914.*

Hon. W. H. THOMPSON,
United States Senate, Washington, D. C.:

Sportsmen's Association, in Kansas City, claims several hundred members scattered through Middle West. This association was formed to fight Federal migratory law. There are more than a million and half of people in Kansas, and the bird destroyers, who are determined to nullify the law, number less than one in a thousand compared to those who indorse Federal protection. There is only one opinion in northeast and northern Kansas, and that is the law should be upheld and rigidly enforced. All sportsmen I have talked to are red-headed, and want one hundred thousand appropriation for enforcement. I think the people of Kansas should have say as to whether their robins and song birds should be slaughtered when winter drives them to Southern States.

T. A. MOXEY,
County Attorney, Atchison County.

—

VERMILLION, KANS., *May 5, 1914.*

W. H. THOMPSON,
United States Senate, Washington, D. C.:

Sentiment of Vermillion and northern Kansas strong for $100,000 appropriation enforcement Weeks-McLean law. Farmers, sportsmen, practically all citizens who are informed about law, indorse it. Behalf hundreds citizens respectfully urge you to give law fullest measure of support.

FOREST WARREN,
Editor Vermillion Times.

—

TOPEKA, KANS., *May 8, 1914.*

Senator THOMPSON, *Washington, D. C.:*

Bird lovers in Topeka, Kans., indorse $100,000 appropriation for Federal migratory law enforcement. An insignificant minority of game hogs should not be permitted to rule.

J. W. HOLLINGER.

—

TROY, KANS., *May 4, 1914.*

Hon. W. H. THOMPSON, *Washington, D. C.:*

Doniphan County sportsmen and bird enthusiasts most strongly favor appropriation for enforcement of Weeks-McLean law, Federal protection, as only agency to prevent utter destruction of our wild fowl and native birds. I believe wishes of majority of citizens in Kansas should be given more consideration than the unreasonable protests of selfish shooters, whose ideas of sport is to ruthlessly slay birds in mating season.

DR. R. S. DINSMORE.

—

WICHITA, KANS., *May 4.*

Senator THOMPSON, *Washington, D. C.:*

The farmers of the country will watch with interest your activities in behalf of the proposed $100,000 appropriation in connection with the Federal migratory-bird law. This will be your opportunity to demonstrate your interest in the agricultural development of the country by assisting in saving to it its bird life.

D. H. HARRISON.

—

ATCHISON, KANS., *May 2.*

W. H. THOMPSON,
United States Senate, Washington, D. C.:

Federal migratory-bird law immensely popular here, and many persons are alarmed because $50,000 appropriation for enforcement has been stricken out. If you can support appropriation, your action will receive hearty approval of bird lovers in this section.

JAMES W. ORR.

—

ATCHISON, KANS., *May 2, 1914.*

Senator W. H. THOMPSON, *Washington, D. C.:*

As a sportsman who is in touch with game conditions in Kansas, I express the opinion that Federal protection of migratory birds is urgently needed, if the birds are to be saved from annihilation. I trust you will support $100,000 appropriation for its enforcement.

J. W. WAGGENER,
Superintendent Railway Light & Power Co.

—

ATCHISON, KANS., *May 2, 1914.*

Hon. W. H. THOMPSON,
United States Senate, Washington, D. C.:

Effort to hold up the $100,000 appropriation for enforcement of the Weeks-McLean law is, in my opinion, a part of a well-laid plan conceived by violators of that law, who have already laid themselves liable to prosecution. The law has the party indorsement of practically every good citizen in this vicinity, and any obstacle put in the way of its enforcement will be resented by them. I do not believe a single sportsman can be found among the men who are back of the effort to indirectly nullify this law. I have talked with many people on this subject, and all deplore the resistance that is being offered to the enforcement of the law; and I speak for them as well as myself when I ask you to use your best endeavor to see that the appropriation carries.

Z. E. JACKSON,
Superintendent of Park.

—

ATCHISON, KANS., *May 1, 1914.*

Senator W. H. THOMPSON, *Washington, D. C.:*

Wild-life conservationists, sportsmen in northeastern Kansas, believe time has come to fight for square deal for our song and wild birds. Hundreds and hundreds of citizens in this locality are bitter over attempts to kill appropriation of $100,000 for Weeks-McLean law, and as citizens and not politicians they seek your aid. Sentiment here unanimous for appropriation, and, if it is not made, will consider it triumph of greedy, merciless game hunters who would exterminate all our wild life in their selfish thirst for slaughter. We want your help.

RAY HOLLARD,
MAVA CLAPP,
Secretary of Atchison Gun Club.

ATCHISON, KANS., *May 1, 1914.*

Senator THOMPSON, *Washington, D. C.:*

Bird lovers of northeastern Kansas overwhelmingly favor $100,000 appropriation for Weeks-McLean migratory-bird law, and as you are a member of the Committee on Agriculture and have much influence with party leaders, they most earnestly petition your support for this important appropriation. Personally acquainted with hundreds of Kansas hunters, and ninety-nine out of one hundred favor law. Farmers to a man almost want it, and scores of persons in this locality are aroused over attempts made to defeat appropriation. Bird lovers here believe the majority of American citizens are entitled to your support over minority composed of market hunters and selfish individuals who want to continue unrestricted massacre of our wild birds in mating season. If you can, conscientiously, support and secure this meritorious, necessary measure.

EUGENE HOWE, *Editor Atchison Globe.*

Mr. REED. Mr. President, I would like to ask the Senator from Kansas a question. Is there——

Mr. OLIVER. I call for the regular order.

Mr. REED. I am delighted to see the Senator from Pennsylvania is so regular and so much in order this morning. It is not characteristic of him. I shall ask the question later.

PANAMA CANAL TOLLS.

Mr. OWEN. Mr. President, I send to the desk resolutions adopted by the tariff reform committee of the Reform Club of New York City, relative to the Panama Canal, and would like to have them read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

REFORM CLUB,
TARIFF REFORM COMMITTEE,
26 Beaver Street, New York City.

REFORM CLUB TARIFF COMMITTEE FAVORS REPEAL OF PANAMA CANAL FREE-TOLLS BILL.

At a meeting of the tariff reform committee of the Reform Club held May 8, 1914, the following resolutions were unanimously adopted:

"Whereas the tariff reform committee of the Reform Club is opposed to bounties and subsidies in any form; and

"Whereas the exemption of, or remission from, tolls in the Panama Canal of American vessels plying in the coastwise trade operates as a subsidy to a trade that is already heavily subsidized by the monopoly granted by our present repressive and antiquated navigation laws; and

"Whereas the history of shipping subsidies in the United States shows that they have not only failed to build up our merchant marine but have always been a source of public corruption; and

"Whereas the Panama Canal was paid for by and belongs to all of the people of this country, and it should not therefore be used mainly or largely for the benefit of the special few who by virtue of our narrow and exclusive navigation laws now monopolize our coastwise shipping; and

"Whereas the remission of tolls for American vessels would not, probably, for many years have any perceptible effect in lowering freight rates, and would therefore result in the payment of a Panama Canal tax by all of the people for the benefit of the coastwise shipping interests—mainly the transcontinental railroads and the Atlantic shipping consolidations; and

"Whereas our ships now go through the Suez, the Welland, and the Canadian Soo Canal on the same terms as do British-owned ships; and

"Whereas a discriminating policy as to tolls, apart from any and all other considerations, will provoke retaliation in some form: Therefore be it

"*Resolved*, That the tariff reform committee of the Reform Club requests Congress to repeal the act permitting the free passage through the Panama Canal of vessels plying in the coastwise trade of the United States; and

"*Be it further resolved*, That copies of these resolutions be sent to the President of the United States and to all Members of the Senate and the House of Representatives."

BYRON W. HOLT, *Chairman.*

Mr. BORAH. Mr. President, I desire to ask the Senator from Oklahoma who constitute the tariff reform committee of the Reform Club? Do the names appear upon the paper?

Mr. OWEN. I should be pleased to have the Secretary read the list of names of the committee.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

Byron W. Holt (chairman), Everett V. Abbot, John G. Agar, Henry De Forest Baldwin, Wesley E. Barker, B. H. Inness Brown, Frederic R. Coudert, Julius J. Frank, Henry George, jr., Bert Hanson, John J. Hopper, George S. Hornblower, Charles H. Ingersoll, Albert B. Kerr, Frederick C. Leubuscher, William Lustgarten, Robert Grier Monroe, John J. Murphy, Sidney Newborg, Franklin Pierce, Albert Plaut, Francis D. Pollak, Charles Johnson Post, Lawson Purdy, John Jerome Rooney, Lawrence E. Sexton, Edward J. Shriver, Louis Sternberger, N. I. Stone, Edward B. Swinney, Calvin Tomkins, and H. Parker Willis.

THE TELEPOST.

Mr. BANKHEAD. From the Committee on Post Offices and Post Roads I report back favorably without amendment Senate resolution 216, authorizing the appointment of a committee to investigate and report upon the telepost as to word-carrying capacity, accuracy, economy, and general efficiency, submitted by the Senator from Oklahoma [Mr. OWEN] on November 17, 1913, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. Mr. President, I object.

The VICE PRESIDENT. Objection being made, the resolution will go to the calendar.

NAVAL APPROPRIATIONS.

Mr. THORNTON. By direction of the Committee on Naval Affairs I report back favorably with amendments the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 505) thereon. I desire to give notice that I shall call up the bill for consideration at the earliest practicable moment, and I shall endeavor at that time to press it to its final passage as rapidly as is consistent with its proper consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 4500) to place certain officers of the Army on the retired list, reported it without amendment and submitted a report (No. 506) thereon.

Mr. HITCHCOCK (for Mr. LEA of Tennessee), from the Committee on Military Affairs, to which was referred the bill (H. R. 8688) for the relief of Lucien P. Rogers, reported it with an amendment and submitted a report (No. 507) thereon.

He also (for Mr. LEA of Tennessee), from the same committee, to which was referred the bill (S. 1543) for the relief of Richard Hogan, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PITTMAN, from the Committee on Territories, to which was referred the bill (S. 1887) to annul the proclamation creating the Chugach National Forest and to restore certain lands to the public domain, reported it without amendment and submitted a report (No. 508) thereon.

Mr. BRADY, from the Committee on Military Affairs, to which was referred the bill (S. 2656) to correct the military record of Thomas Smith, reported it without amendment and submitted a report (No. 510) thereon.

He also, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1220) to increase the limit of cost of the public building authorized to be constructed at Durango, Colo., reported it without amendment and submitted a report (No. 509) thereon.

Mr. WEST, from the Committee on Military Affairs, to which was referred the bill (S. 2694) for the relief of Joshua Hawkes, reported adversely thereon, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 5523) to correct the military record of David Cromwell; to the Committee on Military Affairs.

By Mr. THOMAS:

A bill (S. 5524) granting a pension to George W. McKelvey; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 5525) restoring Maj. William O. Owen to the active list of the Army; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 5526) to amend an act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes"; to the Committee on Territories.

By Mr. THOMPSON:

A bill (S. 5527) granting a pension to William R. Rounera (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 5528) granting an increase of pension to John C. Hotchkiss (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5529) for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased; to the Committee on Claims.

By Mr. NORRIS:

A bill (S. 5530) to amend the acts of July 1, 1862, and July 2, 1864, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, to declare a forfeiture of certain public lands granted as a railroad right of way, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLLIS:

A bill (S. 5531) granting an increase of pension to Lurancy E. Rice (with accompanying papers); and

A bill (S. 5532) granting a pension to David Roach (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 5533) granting an increase of pension to Jesse H. Fleming; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 5534) granting an increase of pension to John W. Hunter; and

A bill (S. 5535) granting a pension to Harry Jackson; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5536) granting a pension to Mary J. Wyant;

A bill (S. 5537) granting a pension to Nathan Long; and

A bill (S. 5538) granting an increase of pension to William Schallenberg; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 5539) for the relief of Agnes Boone Otis; to the Committee on Claims.

A bill (S. 5540) granting a pension to Thomas A. Heard; and

A bill (S. 5541) granting an increase of pension to Henry Birdsong; to the Committee on Pensions.

RURAL CREDITS.

Mr. HOLLIS. Mr. President, I introduce a bill, the so-called rural credits bill. It has been introduced in the other House this afternoon, and I desire to introduce it here in order that it may be printed for the use of Senators to-morrow morning. I ask that the bill be referred to the Committee on Banking and Currency.

The bill (S. 5542) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide a method of applying postal savings deposits to the promotion of the public welfare, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

Mr. HOLLIS. I ask that 1,000 additional copies of the bill may be printed for the use of the Senate document room.

The VICE PRESIDENT. Without objection, it is so ordered.

OMNIBUS CLAIMS BILL.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

PANAMA CANAL TOLLS.

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912, which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BORAH submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $500,000 toward the construction of a new dry dock at the Portsmouth Navy Yard, N. H., etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

PANAMA CANAL TOLLS.

Mr. GALLINGER. Mr. President, while I am on my feet I desire to change a notice on the calendar. It represents that I shall speak on the Panama Canal tolls bill upon Thursday, May 14. I desire to have the time changed to Tuesday, May 19.

WATER SUPPLY FOR THE ARMY.

Mr. LEE of Maryland submitted the following resolution (S. Res. 360), which was read and referred to the Committee on Military Affairs:

Resolved, That the Committee on Military Affairs be, and it is hereby, requested to prepare and bring in a bill for defining the duty and conferring the power and means upon some part of the Supply Corps of the United States Army to enlist the necessary men of proper mechanical skill and to acquire the necessary pipe, tools, pumping engines, well-boring machinery, auto trucks, and other transportation for promptly securing and distributing water supplies for drinking and washing purposes to United States troops in time of war or when war may be considered possible; and that the object of said bill should be to authorize all necessary details of officers from the Engineer Corps and Medical Corps and to use all available mechanical means in the hands of a disciplined and efficient service to create and keep a good water supply as near to the front as conditions render possible, and for which purpose the present contract system for Army water supplies is obviously inadequate; and that the said general purpose of said bill may be connected, if feasible, with increased facilities for the distribution of ammunition and food and water to advanced forces.

ADDRESS BY PRESIDENT WILSON AT BROOKLYN NAVY YARD.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD the address delivered by President Wilson yesterday at the Brooklyn Navy Yard in honor of the dead who fell at Vera Cruz.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"Mr. Secretary, I know that the feelings which characterize all who stand about me and the whole Nation at this hour are not feelings which can be suitably expressed in terms of attempted oratory or eloquence. They are things too deep for ordinary speech. For my own part, I have a singular mixture of feelings. The feeling that is uppermost is one of profound grief that these lads should have had to go to their death, and yet there is mixed with that grief a profound pride that they should have gone as they did, and, if I may say it out of my heart, a touch of envy of those who were permitted so quietly, so nobly to do their duty. Have you thought of it, men, here is the roster of the Navy, the list of the men, officers and enlisted men and marines, and suddenly there swim 19 stars out of the list—men who have suddenly gone into a firmament of memory, where we shall always see their names shine, not because they called upon us to admire them, but because they served us without asking any questions and in the performance of a duty which is laid upon us as well as upon them.

"Duty is not an uncommon thing, gentlemen. Men are performing it in the ordinary walks of life all around us all the time, and they are making great sacrifices to perform it. What gives men like these peculiar distinction is not merely that they did their duty, but that their duty had nothing to do with them or their own personal and peculiar interests. They did not give their lives for themselves. They gave their lives for us, because we called upon them as a Nation to perform an unexpected duty. That is the way in which men grow distinguished, and that is the only way, by serving somebody else than themselves. And what greater thing could you serve than a Nation such as this we love and are proud of. Are you sorry for these lads? Are you sorry for the way they will be remembered? Does it not quicken your pulses to think of the list of them? I hope to God none of you may join the list; but if you do, you will join an immortal company.

"So while we are profoundly sorrowful, and while their goes out of our heart a very deep and affectionate sympathy for the friends and relatives of those lads who for the rest of their lives shall mourn them, though with a touch of pride, we know why we do not go away from this occasion cast down, but with our heads lifted and our eyes on the future of this country, with absolute confidence of how it will be worked out. Not only upon the mere vague future of this country, but the immediate future. We have gone down to Mexico to serve mankind, if we can find out the way. We do not want to fight the Mexicans. We want to serve the Mexicans, if we can, because we know how we would like to be free and how we would like to be served if there were friends standing by ready to serve us. A war of aggression is not a war in which it is a proud thing to die, but a war of service is a thing in which it is a proud thing to die.

"Notice that these men were of our blood. I mean of our American blood, which is not drawn from any one country, which is not drawn from any one stock, which is not drawn from any one language of the modern world, but free men everywhere have sent their sons and their brothers and their daughters to this country in order to make that great compounded Nation which consists of all the sturdy elements and of all the best elements of the whole globe. I listened again to this list with a profound interest at the mixture of the names, for the names bear the marks of the several national stocks from which these men came. But they are not Irishmen or Germans or Frenchmen or Hebrews any more. They were not when they went to Vera Cruz. They were Americans, every one of them, and with no difference in their Americanism because of the stock from which they came. Therefore, they were in a peculiar sense of our blood, and they proved it by showing that they were of our spirit, that no matter what their derivation, no matter where their people came from, they thought and wished and did the things that were American; and the flag under which they served was a flag in which all the blood of mankind is united to make a free Nation.

"War, gentlemen, is only a sort of dramatic representation, a sort of dramatic symbol of a thousand forms of duty. I never went into battle. I never was under fire, but I fancy that there are some things just as hard to do as to go under fire. I fancy that it is just as hard to do your duty when men are sneering at

you as when they are shooting at you. When they shoot at you they can only take your natural life; when they sneer at you they can wound your heart, and men who are brave enough, steadfast enough, steady in their principles enough to go about their duty with regard to their fellow men, no matter whether there are hisses or cheers, men who can do what Rudyard Kipling in one of his poems wrote, 'Meet with triumph and disaster and treat those two imposters just the same,' are men for a nation to be proud of. Morally speaking, disaster and triumph are imposters. The cheers of the moment are not what a man ought to think about, but the verdict of his conscience and of the consciences of mankind.

"So when I look at you I feel as if I also and we all were enlisted men. Not enlisted in your particular branch of the service, but enlisted to serve the country, no matter what may come, what though we may waste our lives in the arduous endeavor. We are expected to put the utmost energy of every power that we have into the service of our fellow men, never sparing ourselves, not condescending to think of what is going to happen to ourselves, but ready, if need be, to go to the utter length of complete self-sacrifice.

"As I stand and look at you to-day and think of these spirits that have gone from us I know that the road is clearer for the future. These boys have shown us the way, and it is easier to walk on it because they have gone before and shown us how. May God grant to all of us that vision of patriotic service which here in solemnity and grief and pride is borne in upon our hearts and consciences."

QUESTION OF CANAL TOLLS.

Mr. SUTHERLAND. I have a very brief communication on the subject of Panama Canal tolls exemption, written by Joseph C. Clayton, an able lawyer of Brooklyn, N. Y., and printed in the Brooklyn Eagle of a day or two ago. I ask that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUESTION OF CANAL TOLLS—A VERY BROAD VIEW OF A SUBJECT VERY MUCH DISCUSSED.

BROOKLYN, N. Y., *May 1, 1914.*

EDITOR BROOKLYN DAILY EAGLE:

Both under international and statute law "the coasting trade"—that is, commercial navigation between the ports of a country—has long been restricted to her own shipping, flying her own flag. And that, too, whether or not the ports are both on the continent or on the continent and on a territory or other possession.

Whether or not in the future we or other nations should change this ancient rule one can not now say. But until there is such a change the old custom stands and rules the question of canal tolls.

I am unable to see that the effect of the Clayton-Bulwer and the Hay-Pauncefote treaties is to cancel this ancient law of the coasting trade.

Unquestionably the two treaties, construed together, forbid the creation of any new discriminations between nations in respect to the general use of the Panama Canal.

But as there already exists the old and well-recognized international custom that every country should discriminate in favor of its own ships in its coasting trade, it follows that adherence to that rule, in respect to United States ships using the canal between United States ports, was merely a continuance of an ancient practice which forbade foreign ships from trading between such ports.

The use of a canal instead of an open sea wrought no change in the "rule." Foreign ships can not use the canal in trade between United States ports, and so it follows that no injury can be done to them by exempting American vessels. Whether we collect or do not collect tolls on our ships which use the canal for trade between American ports can work no possible injury to foreign shippers; it can not concern them.

They do not and can not share in our coasting trade, and whether or not that trade be exempt from canal tolls is solely a domestic question and has no discriminating force against foreign shippers. And for these reasons I am unable to see that any treaty rights would be infringed by a statute or rule permitting the free use of the canal for American trade between American ports.

Of course, outside of anything in the treaties, the question may be raised, Is it expedient to exercise this restricted power of exemption for our coasting vessels, or to give it up?

Will the giving up of that exemption tend to the betterment of international relations to any extent substantial enough to warrant collection of tolls from our coasting vessels? I think not.

The canal has been built with no "penny wisdom," and that kind of wisdom is so apt to be "folly" that the United States can afford to act in either way, with or without tolls, on our coasting trade, as may in our mature judgment be "wisest, best, and most discreet."

We have the clear "power" either to tax or leave untaxed our coasting trade, and its use is determinable by high "policy" and not by the construction of treaty rights.

JOSEPH CULBERTSON CLAYTON.

PRODUCTION OF OIL IN OKLAHOMA.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to the resolutions which I am about to read, which I think are of very great importance to the country as well as to the State of Oklahoma. The resolutions were passed at a meeting of the Independent Development League of Oklahoma, held at Oklahoma City, Okla., on the 23d day of April, 1914. They are as follows:

Resolutions.

At a meeting of the Independent Development League of Oklahoma held at Oklahoma City, Okla., on the 23d day of April, 1914, the following resolutions were unanimously adopted:

"*Resolved*, That we urge upon the President and Congress of the United States the pressing necessity and importance for immediate legislation to protect the oil industry from the monopoly which now controls prices to both the producer and consumer, and we suggest and recommend the following legislation:

"First. That all interstate pipe lines be made common carriers, subject to the supervision of the Interstate Commerce Commission under the same laws that now regulate railways.

"Second. That no interstate pipe line company be permitted to engage directly or indirectly in the production, refining, or sale of oil or the by-products thereof.

"Third. That the Government construct and own a pipe line from some point in Oklahoma to the Gulf of Mexico for the purposes: (a) Of procuring oil at reasonable prices for the use of the Government; (b) to enable the Indian wards of the Government to dispose of their oil at reasonable prices; (c) to compete with and thereby compel monopolistic pipe line companies to carry and transport oil at a reasonable price.

"Fourth. Believing the time propitious for the entrance of the Federal Government into the oil fields of Oklahoma for the purchase of crude petroleum as a basis of fuel supply for its Navy we do now urge that negotiations for the acquiring of such supply be opened at once to the end that 10,000,000 barrels of privately stored oil be taken over. The opportunity for the purchase of steel storage now is present for the first time in more than seven years, and may not recur within another seven years.

"Fifth. The necessity for immediate and effective action is becoming more and more apparent from the large consumption of oil and gasoline throughout the country, with the astounding fact existing that a few men fix the price both to the consumer and producer; furnish the transportation at their own arbitrary price, without regulation or reference to the interests of either, and out of all just proportion maintain prices to the consumer unwarranted by the cost or price paid the producer.

"Sixth. That we request the active and immediate cooperation of the various departments of our National and State Governments and suppress discrimination on storage transportation and price of oil, both to producer and consumer, and to use the criminal laws, if necessary, to effect this result.

"Seventh. *Be it further resolved*, That the President be, and is hereby, respectfully requested to cause to be established a petroleum bureau for the prompt and efficient analysis of the commercial and comparative values of the various crude oils in the numerous fields of the United States, and to provide a thorough and comprehensive statistical bureau to promptly and independently acquire and publish statistical information showing the amount of stocks, pipe-line runs, and petroleum production in the United States, together with the relative supply and demand thereof, instead of the present system of relying upon the statistics furnished by the subsidized press of the monopolistic interests."

We believe such legislation as we have recommended will, in large measure, equalize prices, prevent unjust discrimination between producers and refiners not engaged in the pipe-line business, and afford the public the benefits of a cheaper fuel now furnished without regard to the welfare of any save those who fix the prices, and will thereby reestablish the conditions which the elimination of rebating by railroads to the oil monopoly brought about, and which condition was again overridden by the construction and use of uncontrolled pipe lines.

W. B. JOHNSON,
M. C. FRENCH,
C. J. WRIGHTSMAN,
B. B. JONES,
J. J. MARONEY,
A. E. WATTS,
H. G. BEARD,
JOHN H. REBOLD,
Committee on Resolutions.

OKLAHOMA CITY, OKLA., *April 25, 1914.*

SECRETARY OF THE INTERIOR,
Washington, D. C.

DEAR SIR: We have been instructed by the Independent Development League to forward to you the inclosed resolutions which were unanimously adopted at a meeting of the league held in Oklahoma City April 23, 1914.

Respectfully,

C. F. COLCORD, *President.*
ELMER E. BROWN, *Secretary.*

I am not going to discuss this matter at all. I only pause to say that in Oklahoma our people are digging out of the ground between sixty and seventy million barrels of oil per annum, and that the price has been cut down in some of the fields from $1.05 a barrel, which they were receiving—less than half the price of oil in Pennsylvania—to 50 cents a barrel. Those who control transportation control absolutely the commerce of the country, control therefore the price of oil, control the people who produce the oil, and control the land that produces it.

Mr. OLIVER. Mr. President, the Senator refers to the difference between the price of Oklahoma oil and the price of Pennsylvania oil. I should like to ask him what proportion the price of Oklahoma oil bears to the price of Ohio oil, Indiana oil, or Illinois oil.

Mr. OWEN. The prices vary as you go west; but they do not vary according to the real value of the oil as determined by its chemical analysis, as determined by its distilling qualities as to the quantity of the higher and the lower products of the oil, nor as measured by transportation. They are arbitrarily controlled.

Mr. OLIVER. Mr. President, I wish to take direct issue with the accuracy of that statement. I say that the difference in the prices of oil is regulated solely upon the basis of its light-giving and heat-giving qualities.

Mr. REED. Mr. President, I call for the regular order. [Laughter].

Mr. OLIVER. I second the call.

PANAMA CANAL TOLLS.

Mr. McLEAN. Mr. President, I desire to give notice that on Friday next, the 15th instant, following the morning business, I shall address the Senate briefly on the tolls question.

Mr. BURTON. Mr. President, I desire to give notice that on Friday, May 15, at the close of the routine morning business, I shall address the Senate on the Panama Canal tolls issue.

Mr. WALSH. Mr. President, I desire to give notice that on Saturday next, the 16th instant, after the conclusion of the routine morning business, I shall address the Senate on the tolls question.

Mr. SUTHERLAND. Mr. President, I desire to give notice that on Monday next, immediately after the conclusion of the routine morning business, with the permission of the Senate, I shall submit some observations on the Panama Canal tolls bill.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On May 9, 1914:

S. 1808. An act for the relief of Joseph L. Donovan;

S. 1922. An act for the relief of Margaret McQuade;

S. 3997. An act to waive for one year the age limit for the appointment as assistant paymaster in the United States Navy in the case of Landsman for Electrician Richard C. Reed, United States Navy;

S. 5445. An act for the relief of Gordon W. Nelson; and

S. J. Res. 97. Joint resolution authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists.

On May 12, 1914:

S. 5031. An act quieting the title to lot 44, in square 172, in the city of Washington.

HOUSE BILL REFERRED.

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

PANAMA CANAL TOLLS.

The VICE PRESIDENT. The morning business is closed.

Mr. THORNTON. Mr. President, at the request of the chairman of the Committee on Interoceanic Canals, the junior Senator from New York [Mr. O'GORMAN], who is unavoidably absent, as I have already noted, I ask unanimous consent that House bill 14385, the Panama Canal tolls bill, being the unfinished business, be now laid before the Senate, the Senator from Georgia [Mr. SMITH] having previously given notice that at this time he would desire to address the Senate on the bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. SMITH of Georgia. Mr. President, in the presentation of the views which I shall make, as the Senators who have preceded me, I would prefer to be permitted to continue uninterrupted until I close my remarks.

I shall also desire to use a number of letters and extracts from Senate and House documents. I may be able to state more briefly their contents at times than the reading would require, and when I do so I ask the unanimous consent of the Senate that I may place in the RECORD the exact language of these documents, even though I have not read them. I ask the consent now so as to avoid asking it at the various times when I reach those parts of my speech.

The VICE PRESIDENT. Without objection, that action will be taken.

Mr. SMITH of Georgia. Mr. President, the bill we are considering will repeal the provision of the Panama Canal act which permits vessels engaged in the United States coastwise transportation to pass through the Panama Canal without paying tolls.

I will vote for the bill on account of our treaties with Great Britain and Panama, and because, in my opinion, it is right that the owners of these vessels should bear, for using the canal, a fair part of the cost to our Government of building and operating it.

FORMER ATTITUDE OF SENATORS.

My distinguished friend, the junior Senator from New York, opened his address upon this subject a few days ago by having read the list of Senators who in 1912 voted against striking the provision of the canal bill which permitted coastwise vessels to pass through the canal free, and he seemed deeply concerned lest Senators now may vote for the repeal due to undue influence, and he seemed to think that by so voting they would yield a proper service of their own country to a service of Great Britain.

Mr. President, I have no fear that any Senator will fail to express by his vote his honest conviction of duty to his own country, and I trust the distinguished Senator will pardon me for observing that his great mind does not possess all of its usual judicial qualities where Great Britain is involved.

Referring to the votes cast two years ago, let me remind the Senate that the House of Representatives passed a bill at that time requiring all foreign-owned vessels and vessels owned by citizens of the United States engaged in foreign trade, to pay tolls when passing through the Panama Canal, but permitting vessels engaged in our coastwise trade to be taken through without payment of tolls.

This bill came to the Senate and was reported back by the Committee on Interoceanic Canals with a recommendation that all vessels owned by citizens of the United States should go through the canal without paying tolls.

It was perfectly clear to many of us that the Hay-Pauncefote treaty would be violated if vessels owned by citizens of the United States engaged in foreign trade were permitted to go through the canal free of tolls while vessels owned by citizens of Great Britain were required to pay tolls. Many of us inclined to the belief at that time that we could defend the free passage of vessels engaged in the United States coastwise trade, and our efforts were concentrated upon defeating the flagrant violation of the treaty.

I may be justified in stating that during the debate in the summer of 1912 upon the Panama Canal bill I twice stated my doubt as to the passage even of the provision exempting our coastwise vessels from tolls, and added that the consequence might be that we should under the treaty permit vessels engaged in the Canadian coastwise trade to pass through the canal without paying tolls.

I also offered, and the Senate adopted, an amendment to restrict the provision as to coastwise vessels by adding the word "exclusively," so that the bill would read "vessels engaged exclusively in the coastwise trade of the United States," and I further sought to amend the provision by requiring the vessels engaged in our coastwise transportation to pay the cost to the United States of carrying them through the canal.

I am sure that other Senators also voted then to permit our coastwise trade to be carried through the canal free, with great hesitation. After the declaration of Secretary Knox, that the plan by which President Taft fixed the tolls was based upon the theory that a failure to charge tolls against vessels engaged in the coastwise traffic was a subsidy, and the declaration of President Taft to the same effect, coupled with a further study and a broader study of the treaty, we were satisfied the provision ought never to have been inserted in the original act, and we are gratified now to have an opportunity to repeal it. Many of us reached this conclusion months ago, and are delighted that the President has brought the subject to the attention of the Congress by a special message.

PRESIDENT TAFT AND SECRETARY KNOX ADMIT IT IS A SUBSIDY.

The statement of Secretary Knox is found in his letter of January 17, 1913, to Irwin B. Loughlin, Esq., American Chargé d'Affaires, London, England, and in part is as follows:

> "The exemption of coastwise trade from tolls, or the refunding of tolls collected from coastwise trade, is merely a subsidy granted by the United States to that trade, and the loss resulting from not collecting, or refunding these tolls, will fall solely upon the United States."

The declaration from President Taft is found in his speech delivered January 31, 1914, in Ontario, Canada, in which he says, in part:

> "The idea of Congress in passing the bill, and my idea in signing it, was that we were thus giving a subsidy to our coastwise ships between New York and San Francisco, Boston and Seattle. * * * The tolls have been fixed on the canal for all the world on the assumption that the coastwise traffic is to pay tolls. Our giving it immunity from tolls does not in our judgment affect the traffic of other countries in any other way than it would affect it if we had voted a subsidy equal to the tolls remitted to our ships."

Mr. Taft was wrong in supposing that the idea of Democratic Senators and Congressmen in voting to free the coastwise trade from tolls was to give a subsidy to our coastwise ships. Had they known that he considered it necessary under the treaty to fix the tolls at a rate which estimated payment of tolls by

the coastwise vessels, thus making the freedom of the coastwise vessels from paying tolls a clear subsidy, Democrats would not have disregarded their party platform and the established principles of their party by voting for this subsidy.

Our Republican friends need not be worried about Democrats keeping faith with the country. They are pledged against subsidies. A vote now to repeal this subsidy complies with party promises. If the plan adopted by President Taft for fixing tolls, clearly making free passage of coastwise vessels a subsidy, had been adopted before the Baltimore convention, even an officer of the corporations controlling the coastwise vessels could not have secured their exemption in the platform.

Action upon the bill before us requires the consideration of two questions:

First. Do we violate the agreement made between our Government and Great Britain by permitting coastwise vessels of the United States to be carried through the canal free of charge, while we require all other vessels to pay tolls for being carried through the canal?

Second. Is it economically sound to give a subsidy by free passage through the canal to the coastwise vessels of the United States?

IMPORTANCE OF TREATIES.

Before proceeding to the consideration of the first of these questions let me call attention to the vast importance to the people of the United States of our business relations with the balance of the world.

We sell to them; we buy from them.

If our commercial relations with other countries should cease, the agricultural and manufacturing industries of this country would be almost paralyzed, and thousands of families would be brought to want.

We make treaties with other nations for our mutual benefit just as individuals make contracts for their benefit.

It is essential to the prosperity of our people that treaties with foreign countries should be made.

We expect other nations to perform the obligations they owe to the United States as a result of treaties made with us.

As a matter of selfish interest, it is important to the people of the United States that the United States should perform the obligations it incurs as the result of treaties with other nations.

The standard of honor of a nation should be as precious as the standard of honor of an individual, and not only as a matter of interest, but as a matter of national character we should live up to our agreements.

No specious plea for standing up to our own country against Great Britain should blind us.

We do not serve our country when we aid our country to break its contracts and be false to its obligations.

Our agreement with Great Britain with reference to carrying vessels through the Panama Canal is continued in the Hay-Pauncefote treaty, ratified by the Senate of the United States December 16, 1901. The paragraph of the treaty about which the contentions centers is clause 1 of article 3, and reads as follows:

> "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

I ask unanimous consent at this point to print as an appendix to my remarks the second Hay-Pauncefote treaty.

The VICE PRESIDENT. In the absence of objection, permission to do so is granted.

Mr. SMITH of Georgia. Those who insist that the free passage of coastwise vessels of the United States through the canal does not violate the terms of the treaty support their contention upon some one of the following four propositions:

First. Vessels of commerce in international law, when used in treaties, apply strictly to vessels engaged in international or oversea commerce.

Second. The canal has been constructed upon territory over which the United States exercises the power of sovereignty, while the canal contemplated by the treaty was to be built on alien soil, and, therefore, the Hay-Pauncefote treaty is inapplicable.

Third. The words "all nations," included in the foregoing clause, do not include the United States, and therefore do not require freedom of discrimination as to the conditions or charges of traffic as between citizens of the United States and subjects of Great Britain.

Fourth. There is no discrimination against other ships when we relieve coastwise trade from tolls, as no ships but our own can engage in coastwise traffic. For this reason freeing coastwise traffic of the United States from tolls does not interfere with the rights of any other nation.

Let us seek to find what is the true meaning of the clause of the treaty referred to, in view of the contentions named.

The rules for the interpretation of a treaty differ little from the rules applicable to the construction of ordinary contracts. Words are to be given their ordinary meaning. All parts of the contract may be considered to aid in finding the meaning of a particular portion of the contract. Perhaps a more liberal use of cotemporaneous writings is permitted in the interpretation of a treaty than in the interpretation of an ordinary contract. Finally, the meaning intended by the nations is the true test for construction of a treaty.

HISTORY OF THE TREATY.

From the earliest period of our history the United States has insisted upon equality of treatment for her citizens in waterways controlled by other countries, and has always been ready to concede to the vessels owned by citizens of other countries equality of treatment with vessels owned by citizens of the United States in the waters controlled by the United States. This had been the traditional policy of the United States for more than a century before the Hay-Pauncefote treaty was made, and the representatives of the United States and of Great Britain were thoroughly familiar with this policy at the time the Hay-Pauncefote treaty was made.

The Hay-Pauncefote treaty superseded the Clayton-Bulwer treaty. The Clayton-Bulwer treaty was made in 1850. The Clayton-Bulwer treaty was not sought by Great Britain but by the United States. Great Britain in 1850 held a protectorate over the Mosquito coast. This protectorate covered the eastern port of the canal through Nicaragua, and this was the only route then considered practicable for a canal connecting the Atlantic and Pacific Oceans.

The United States was deeply interested in a waterway between these two oceans, and a waterway in the control of which the United States would have an equal voice. The Clayton-Bulwer treaty was sought by the United States to obtain this result.

CLAYTON-BULWER TREATY.

Great Britain yielded her advantage and agreed by the Clayton-Bulwer treaty that—

> "the Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself an exclusive control over the said ship canal, agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy or fortify or colonize or assume or exercise dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America. * * * Nor will the United States or Great Britain take advantage of any intimacy or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, rights or advantages in regard to commerce or navigation through said canal which shall not be offered on the same terms to the citizens or subjects of the other."

I ask permission to insert as an appendix to my remarks the Clayton-Bulwer treaty.

The VICE PRESIDENT. In the absence of objection, permission to do so is granted.

Mr. SMITH of Georgia. The United States and Great Britain in this treaty agreed jointly to protect the canal, and to protect any builder of the canal, subject, however, to the condition that this protection could be withdrawn—

> "if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereon as are contrary to the spirit and intention of this convention, either by making unfair discrimination in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares or merchandise, or other articles"—

And so forth.

They furthermore agreed to extend their protection to any other practical communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications should the same prove practical, which were proposed to be established by way of Tehauntepec or Panama.

The Clayton-Bulwer treaty did not except Panama from its provisions. It expressly named Panama.

In article 8, it was declared to be—

"understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereon than the aforesaid Governments shall approve as just and equitable, and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

It must therefore be admitted that before the Clayton-Bulwer treaty Great Britain had the advantage of a protectorate over the eastern port, the use of which was considered necessary for the canal. By the Clayton-Bulwer treaty the United States obtained from Great Britain concessions that any canal to be built should be open to the citizens and subjects of the United States and Great Britain on equal terms, and that there should be no unfair discriminations in favor of commerce of either of the two over the commerce of the other.

From the first to the last of the Clayton-Bulwer treaty, the traditional policy of the United States to insist upon equality of treatment of the citizens and subjects of the United States and Great Britain in the waters of each country was expressed. Every safeguard was observed to insure that the citizens of each of these countries should use the canal without any advantage in regard to commerce or navigation over the citizens and subjects of the other.

Article 8 set forth this general principle of neutralization in clear terms, for it provided that any and all canals or railways built across the Isthmus connecting North and South America are to be open to the citizens and subjects of the United States and Great Britain on equal terms, and that only such charges or conditions of traffic shall be fixed which the Governments of Great Britain and the United States will approve as just and equitable.

THE REJECTED TREATY.

Fifty years passed.

The Clayton-Bulwer treaty was still in force.

The United States had grown rich.

The importance of a canal across the Isthmus had increased, and the United States desired to be freed from the contract which made Great Britain a complete partner in the canal and wished to promote the project by itself.

After extended negotiations, a treaty was agreed upon and signed by Secretary Hay and Lord Pauncefote. By this treaty Great Britain gave up the right to a partnership in the canal and agreed to the construction of the canal under the auspices of the Government of the United States alone, but expressly declared that this was to be done "without impairing the 'general principle' of neutralization" established in article 8 of the Clayton-Bulwer treaty.

The treaty furthermore provided that—

"The canal shall be free and open in time of war as in time of peace to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise."

The Senate of the United States amended this treaty by inserting a provision that the Clayton-Bulwer treaty was superseded, and, furthermore, by inserting a provision declaring that the conditions and stipulations shall not apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

Great Britain declined to accede to these amendments, and our representatives began the preparation of a new treaty between Great Britain and the United States.

It will be observed that the objections made in the Senate did not apply to those provisions of the treaty which neutralized the canal and required it open on terms of entire equality, so that there would be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

THE PRESENT HAY-PAUNCEFOTE TREATY.

The new treaty contained again the preamble declaring that it was to be made "without impairing the general principle of neutralization established in article 8 of that convention (the Clayton-Bulwer treaty)."

The term "neutralization" has been used in modern times with reference to impartial treatment of the citizens of nations without any reference whatever to conditions of war. An examination of article 8 of the Clayton-Bulwer treaty shows that it has no reference to war, but provides for neutralization or impartial treatment of the citizens of the United States and Great Britain by declaring that—

"the same canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms shall also be open on like terms to the citizens and subjects of other states,"

And so forth.

Thus the preamble of the treaty expressly declares its application to citizens of Great Britain and citizens of the United States, and that the canals or railways built across the Isthmus are to be open to each on equal terms.

Article 3 begins with the declaration that—

"The United States adopts as the basis of the neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople for the free navigation of the Suez Canal, i. e.:

"First. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable."

Clause 1 must be construed in connection with the preamble, which declares that the citizens of the United States and the subjects of Great Britain are to use the canal or railway built across the Isthmus on equal terms.

It must also be construed in connection with the declaration that the rules are substantially as embodied in the rules covering the free navigation of the Suez Canal. While the United States adopts the rules, they were adopted as part of a treaty which makes them binding upon Great Britain and the United States.

These two provisions in the treaty make it impossible to put upon clause 1 any construction which does not place citizens of the United States and subjects of Great Britain upon equal terms. The preamble expressly names them as being entitled to equal terms in the use of the canal. The vessels of citizens of the United States and of subjects of Great Britain use the Suez Canal on equal terms, paying exactly the same rates of tolls.

THE MEANING OF "ALL NATIONS"

The contention that the words "all nations" mean "all other nations," and therefore do not include the United States, is based upon a rule of construction which might have been applicable if the United States at that time had owned the canal and the territory through which the canal was built and was simply granting a privilege to some other nation.

The contention, even then, would have had no force under the present treaty, because the treaty in its preamble declared that the general principle of neutralization of article 8 of the Clayton-Bulwer treaty should not be impaired, and the treaty declared that the rules adopted are substantially those embodied in the convention of Constantinople for the free navigation of the Suez Canal.

These provisions of the treaty prevented discrimination against citizens or subjects of any nation in respect to the conditions or charges of traffic, or otherwise, and required that the term "all nations" should include the United States.

In point of fact, the United States at that time owned nothing. It had not been settled that it would own the canal. The treaty provided that—

"It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost or by gift or loan of money to individuals or corporations or through subscriptions to or purchase of stock or shares, subject to the provisions of the present treaty."

So the language of clause 1 was drawn to cover conditions as they existed; to cover a canal in which the United States might have a majority of the stock, a part of the stock, or no stock; to cover a canal built by some corporation backed by the United States in a country foreign to the United States. The language was intended to cover the canal whether the United States built it on land owned or not owned by the United States, and in either event there was to be no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise.

The provisions in clause 2, article 3, of the treaty, permitting the United States to maintain "such military police along the canal as may be necessary to protect it against lawlessness and disorder," could only have been placed in the treaty upon the

theory that the United States might not own the territory upon which the canal was built.

Article 4 of the Hay-Pauncefote treaty provided that a change of sovereignty; that is, the acquirement of sovereignty over the Canal Zone by the United States, should not affect "the general principle of neutralization." These are the words used in article 8 of the Clayton-Bulwer treaty to preserve commercial equality.

Article 4 preserved to the citizens of Great Britain and the United States their equality in commercial matters, but did not seek in any other respect to limit the power of the United States over the Canal Zone if the United States should become the owner of the Canal Zone.

The acquirement of the Canal Zone by the United States gave the United States the right, even without treaty provision, to maintain a military police upon the canal. It gave the right to embark and disembark troops. It gave the right to fortify the canal, and Great Britain promptly agreed that the right of fortification, under the treaty, existed when the United States became the owner of the zone.

The term "vessels of commerce and war of all nations" is used, vessels of commerce and war being treated in the same way, for the reason that the United States might not be the owner of the canal, but might be dealing with a corporation owning the canal, just as Great Britain controls the majority of the stock of the Suez Canal.

If the United States should own alone the canal, of course the vessels of war of the United States would not be charged tolls, for to charge them tolls would be to take the money out of the Treasury of the United States simply to put it back; but, without regard to the question as to whether the United States owned a part of the stock of the canal or all of the stock and the land on which it was located, the canal was to be free and open to the vessels of commerce owned by citizens of the United States and Great Britain on terms of entire equality.

The effort to take the United States out of the operation of the words "all nations," is to take from the words their ordinary meaning in utter disregard of other provisions of the treaty which expressly declare that the equality of treatment with reference to the use of the canal was to be between citizens of the United States and subjects of Great Britain.

It is an effort to pick out single words, and place upon them forced and false construction.

VESSELS OF COMMERCE.

What I have said with reference to the term "all nations" is equally applicable to the suggestion that "vessels of commerce" should be construed to apply alone to vessels engaged in international trade.

Wharton's Law Dictionary has been cited in support of this construction. The definition there given is:

> "Commerce relates to our dealings with foreign nations, colonies,"

And so forth.

The Standard Dictionary defines "commerce" as follows:

> "The exchange of goods, productions, or property of any kind, especially exchange on a large scale as between States or nations; extended trade."

Webster's New International Dictionary gives this definition of "commerce":

> "Business intercourse; the exchange or buying and selling of commodities, and particularly the exchange of merchandise on a large scale between different places and communities; extended trade or traffic."

The Cyclopedia of Law and Procedure, volume 7, page 412, defines "commerce" as follows:

> "Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all of its forms, including transportation, purchase, sale, and exchange of commodities between the citizens of one country and the citizens or subjects of other countries, and between the citizens of different States."

So, it will be seen that when Wharton, in his law dictionary, was defining commerce as relating to dealings with foreign nations, colonies, and so forth, he simply meant that it was extended trade.

The term "vessels of commerce" has no distinctive title in law dictionaries or other works so far as I have been able to find. The suggestion of an international definition for vessels of commerce must depend for its origin upon the genius of the junior Senator from New York.

While Wharton gives a more restricted definition of commerce than the other authorities I quote, even his definition would make trading with Hawaii, the Philippines, Porto Rico, and from the Atlantic to the Pacific coasts, commerce.

Those who seek to restrict the meaning of the Hay-Pauncefote treaty by picking here a word and there a word in disregard of the entire tenor of the treaty, merely disclose the unshakable fact that the treaty intended to provide for the use of the canal by the citizens of the United States and the subjects of Great Britain, and of other nations, observing the rules prescribed, so that there would be no discrimination against any of the citizens with respect to the conditions or charges of traffic for passing their commerce through the canal.

CHANGE OF SOVEREIGNTY NOT TO AFFECT THE RIGHTS OF SUBJECTS OF GREAT BRITAIN.

But it has been insisted that the canal contemplated by the treaty was to be built on alien soil, and now that it has been constructed upon territory over which the United States exercises the power of sovereignty, the Hay-Pauncefote treaty is inapplicable.

How such a contention can seriously be presented I can not understand, in view of article 4 of the Hay-Pauncefote treaty, which reads as follows:

> "It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty."

It is well known that pending the negotiation of this treaty it was suggested that the United States might purchase a strip of land contiguous to the canal, if the canal was built; and article 4 of the treaty was prepared by Secretary Hay to meet the demand of the British Government, that the equality of treatment of the citizens of Great Britain and the citizens of the United States, in respect to their commerce passing through the canal, might be preserved, even though the United States became sole owner of the territory through which the canal was built.

Secretary Hay used the exact language found in the preamble, viz, "the general principle of neutralization," the preamble having declared that the new treaty was made without impairing "the general principle of neutralization" established in article 8 of the Clayton-Bulwer treaty, and, as I have before stated, that general principle of neutralization was that the canal "shall be open to the citizens and subjects of the United States and of Great Britain on equal terms."

It will be observed that article 4, in utilizing the term "principle of neutralization," used the language of article 8 of the Clayton-Bulwer treaty, which does not carry an objection to the fortification of the canal by the United States and does not exclude other uses incident to ownership connected with the defense of the territory or the defense of the Nation.

Article 18 of our treaty with Panama, under which we obtained title to the zone, couples with that title the following provision:

> "The canal when constructed and the entrances thereto shall be neutral in perpetuity and shall be open upon the terms provided by section 1 of article 3 of and in conformity with all the stipulations of the treaty entered into by the Government of the United States and Great Britain on November 18, 1901."

The Hay-Pauncefote treaty is made a part of the title to the property in the treaty of conveyance from Panama which gives our country the title.

Talk of terminating the Hay-Pauncefote treaty from a legal standpoint is absurd.

It would terminate our right legally to possession of the canal itself.

It would compel us to give up the canal, unless we abandoned our attitude as a law-abiding Nation and resorted alone to battleships and brute force to keep the property.

Our right to fortify and use the canal as a national defense followed ownership of the zone, and Great Britain by promptly conceding this fact conformed to the terms of the treaty.

Mr. Henry White and Mr. Choate are the two living Americans who represented the United States in these negotiations. Mr. White, referring to this subject before the Interoceanic Committee, said:

> "It was always assumed by those carrying on the negotiations—it certainly was by me in my interview with Lord Lansdowne—that we meant our ships should be considered, or, rather, that the United States should be considered as included in the term "all nations."

How can any rational man, in view of the terms of the treaty and the declaration of Mr. White, believe that the passage of

this bill compromises the dignity and the honor of our country?

I enter my protest against the suggestion that it is a betrayal of the American people to live up to our treaty agreements.

The dishonor would come from their breach.

CORRESPONDENCE BETWEEN MR. WHITE, MR. CHOATE, AND REPRESENTATIVES OF GREAT BRITAIN.

I have carefully examined all of the correspondence furnished by the State Department, and it covers the subject from the earliest letter written, December 7, 1898, by Mr. Hay to Mr. White down to the present time.

I invite those who seek to construe the term "all nations" in clause 1 of article 3 of the treaty as meaning all nations other than the United States to find a single word in the entire correspondence which would justify such a construction. On the contrary, over and over again in this correspondence is disclosed the fact that the parties to this treaty intended that citizens and subjects of the United States, in respect to conditions or charges of traffic through this canal, should be placed upon an entire equality with citizens and subjects of Great Britain.

As far back as December 22, 1898, Mr. White, in a telegram to Mr. Hay from London at the very opening of the negotiations, looking toward relieving the United States from the Clayton-Bulwer treaty, wrote with reference to the attitude of the British Government on the construction of the canal:

> "I do not believe, if it is opened to all nations on equal terms, there will be any serious difficulty in effecting an agreement satisfactory to both nations."

Clearly here he was including the United States in the term "all nations."

A letter written by him on the same day to Mr. Hay contained the following statement:

> "Lord Salisbury said nothing to lead me to think he is unfavorably disposed, much less hostile, to the construction of the canal under our auspices, provided it is to be open to the ships of all countries on equal terms."

In the same letter he wrote:

> "In this connection, I inclose an article which appeared in the London Spectator of the 10th, and which embodies the opinion, I think, of a very considerable majority of those who have given this matter attention in this country."

The following are some extracts from that editorial:

> "The Times says most reasonably that if the freedom of the waterways are secured to the ships of all nations as in the case of the Suez Canal, we do not see what object we should have in standing strictly upon claims which originated when circumstances were altogether different."
>
> "All we want is that the canal shall be made and that when it is made it shall be open and available to our merchant ships and ships of war as freely as to those of the United States and all other powers."
>
> "Supposing the canal ours, or merely the property of Nicaragua, a hostile power might block it in the first instance as our property, and in the second in defiance of the weak State. If, however, it is controlled by America we need have no fear of being unable to use it, for it will be in hands strong enough to defend it."
>
> "We fail then to see why we should make ourselves disagreeable to the Americans by vetoing the canal."
>
> "What answer are we to make to America if, or rather when, she asks us to agree to the abrogation of the Clayton-Bulwer treaty? It has been suggested that we should ask for compensation or try to make a bargain for trade vessels."
>
> "We would rather abrogate the treaty out of good will and good feeling than for any direct quid pro quo. Let us show the world that though in a case of foreigners we shall be tenacious of our treaty rights to the last iota, we can in the case of our own kith and kin think of their interests and wishes as well as of our own."
>
> "We would abrogate the treaty on the following terms:
>
> "'* * * That the duties charged should be the same in the case of American and other vessels.'"

Copies of many of the letters written by Mr. Choate to Secretary Hay are now printed for the use of the Senate.

Lord Pauncefote was insisting that the treaty should apply not only to the first canal built, but any subsequent canal. Mr. Choate was objecting to such a provision. On August 20, 1901, Mr. Choate wrote Secretary Hay:

> "As article 8 stands, in the Clayton-Bulwer treaty, it undoubtedly contemplates further treaty stipulations—not these treaty stipulations, in case any other interoceanic route, either by land or by water, should 'prove to be practicable,' and it proceeds to state that the general principle to be applied is to be no other charges or conditions of traffic thereon 'than are just and equitable,' and that said 'canals or railways' being open to the subjects and citizens of Great Britain and the United States on equal terms shall also be open on like terms to the subjects and citizens of other States, which I believe to be the real general principle of neutralization (if you choose to call it so) intended to be asserted by this eighth article of the Clayton-Bulwer treaty."

The importance of this statement from Mr. Choate will be appreciated if we keep in mind the fact that the treaty finally ratified declares that the general principle of neutralization in article 8 of the Clayton-Bulwer treaty is not to be impaired by this new treaty, and Mr. Choate wrote, pending the negotiations of the treaty, that the general principle of neutralization intended to be inserted was that the canals or railways were to be open to subjects of Great Britain and the United States on equal terms.

Further on in the same letter Mr. Choate suggested that if Great Britain insisted upon extending the treaty to future canals it might be provided "in view of the permanent character of this treaty, whereby the general principle established by article 8 of the Clayton-Bulwer treaty is reaffirmed, the United States hereby declares that it will impose no other charges or conditions of traffic upon any other canal that may be built across the Isthmus than are just and equitable, and that such canals shall be open to the subjects and citizens of the United States and of all other nations on equal terms."

The additional clause became unnecessary because Great Britain did not insist that the treaty should apply to more than the one canal.

Mr. Hay, in replying, said:

> "Your views are so clear and definite and so entirely in accord with my own that I find it unnecessary to give you any extended instructions as to this very important matter."

In a letter of September 21 Mr. Choate explains that Lord Pauncefote wished an additional clause to preserve more specifically the protection of Great Britain in the event the United States acquired territory on both sides of the canal, and lest the United States might then claim that "a treaty providing for the neutrality of a canal running through a neutral country could no longer apply to a canal that ran through American territory only."

Mr. Choate said:

> "I insisted that these ideas were already included in your 4, that is, within the words 'the general principle of neutralization,' especially in the light of that phrase as used in the preamble, where it is 'neutralization established in article 8 of the Clayton-Bulwer treaty'; that if not included within that it certainly was in the phrase 'obligations of the high contracting parties under this treaty.'"

Mr. Choate proceeded:

> "He still insisted that it should not be left to the construction of general clauses, but should be explicitly stated. Believing as I do that you had no thought of escaping from the obligations of article 3, clause 1, in any such contingency as change of territorial sovereignty, and that you had intended it to be included in your language in 4, I wrote down the words 'or the freedom of passage of the canal to the vessels of commerce and of war of all nations on terms of entire equality and without discrimination, as provided by article 3,' and asked him if those words were added to your 4 it would satisfy him as a substitute for Lord Lansdowne's 3-A."

On September 31 Secretary Hay telegraphed Mr. Choate:

> "The President cordially approves draft of canal treaty and your instructions. I do not consider the proposed addition to article 4 as necessary or as improving the article, but if the British Government strongly insists you may accept it."

In the further discussion of this subject it appears that Mr. Choate satisfied Lord Pauncefote that this additional clause was unnecessary and that article 4, even in case the Government of the United States became owner of the land on which the canal was dug, still preserved to Great Britain the neutrali-

zation clause of article 8 of the Clayton-Bulwer treaty, by which citizens of the United States and citizens of Great Britain would use the canal on terms of equality.

On September 25 Mr. Choate wrote Secretary Hay:

"I judged from your cable that you agreed with me that the words proposed to be added did not really alter the meaning of your 4, but only added a specification of what was there included in general terms."

In a letter of October 2, 1901, Mr. Choate concluded with the statement, referring to Lord Lansdowne:

"In substance he abrogates the Clayton-Bulwer treaty, gives us an American canal—ours to build as and where we like, to own, control, and govern—on the sole condition of its being always neutral and free for the passage of the ships of all nations on equal terms, except that if we get into a war with any nation we can shut its ships out and take care of ourselves."

SECRETARY HAY TO SENATOR CULLOM.

Secretary Hay on December 12, 1901, wrote Senator Cullom of the treaty which had then been sent to the Senate, among other things, as follows:

"The draft of the new treaty was transmitted by Lord Pauncefote to Lord Lansdowne, and its treatment by him manifested a most conciliatory spirit and an earnest desire to reach a conclusion which should be satisfactory to the United States, if this could be done without departing from the great principle of neutrality, including the use of the canal by all nations on equal terms, for which Great Britain had always contended."

It will be observed that this language used by Secretary Hay is not the language of a grant by the United States to some other country, but a general expression with reference to the purposes of the negotiation, and certainly no one will question that it included the United States in the term "all nations."

Quoting further from the letter above referred to from Secretary Hay to Senator Cullom:

"He considered that the abrogation of the Clayton-Bulwer treaty, which had been inserted by way of an amendment in the former treaty without any previous opportunity for consideration of the matter by Great Britain, would not now be regarded as inadmissible, if sufficient provision were made in the new treaty for anything in the Clayton-Bulwer treaty which it was any longer of material interest to Great Britain to preserve."

"The President considered * * * that for the present a convention for the building of one canal at the cost of the United States, for the equal benefit of them all, was all that could be wisely attempted. He not only was willing, but earnestly desired, that the general principle of neutralization, referred to in the preamble of this treaty, and in the eighth article of the Clayton-Bulwer treaty, should be perpetually applied to this canal. * * * He recognized the entire justice and propriety of the demand of Great Britain, that if she was asked to surrender the material interest secured by the first article of that treaty, which might result at some indefinite future time in a change of sovereignty in the territory traversed by the canal, the general principle of neutralization as applied to the canal should be absolutely secured, and that a clause should be added to the draft treaty by which the parties should agree that no change of sovereignty or of international relations of the territory traversed by the canal should affect this general principle or the obligations of the parties under this treaty."

When Secretary Hay submitted to the President for transmission to the Senate the agreement covering the Hay-Pauncefote treaty, he called attention to the fact that the construction of such canal under the auspices of the Government of the United States was to be "without impairing the general principle of neutralization established in article 8 of the Clayton-Bulwer convention."

President Roosevelt, in sending the treaty to the Senate, closed his letter with the statement that the "new treaty was made without impairing the general principle of neutralization established in article 8 of the Clayton-Bulwer convention."

Senator Cushman K. Davis, chairman of the Senate Committee on Foreign Relations, presented to the Senate the first Hay-Pauncefote treaty. He declared that in building the canal there was to be "no exclusive privilege or preferential right of any kind, but perfect equality for all, with no privilege to the United States," and that the United States could not take an attitude in opposition to equal use of the canal by all nations without discrimination. I quote the following extracts from his report:

"That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practical, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality of all.

"That the United States would not, if they could, obtain any exclusive right or privilege in a great highway which naturally belongs to all mankind. * * *

"As to neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-Bulwer treaty came from the United States and were concurred in by Great Britain. In no instance has the Government of the United States intimated an objection to this treaty on account of the features of neutrality, its equal and impartial use by all other nations. * * *

"No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war and always open on terms of impartial equity to the ships and commerce of the world.

"Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the two great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.

"The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public international act for its neutralization that is an honor to the civilization of the age. It is the beneficent work of all Europe and not of Great Britain alone. Whenever a canal is built in the Isthmus of Darien, it will be ultimately made subject to the same law of freedom and neutrality as governs the Suez Canal as a part of the laws of nations, and no single power will be able to resist its control. * * *

"The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by all nations without discrimination. * * *

"That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost we are not called on to divide the profits with other nations. If it is worth less, and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

"The Suez Canal makes no discrimination in its tolls in favor of its stockholders and, taking its profits or the half of them as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment."

Nobody can read the correspondence between our representatives and the representatives of Great Britain or the correspondence between Mr. Choate and Mr. Hay, carried on while this treaty was being made, and doubt that the "all nations" in clause 1 of article 3 was intended to include the United States, and that the preamble to the treaty was meant to fix upon the treaty the general principle of neutralization contained in article 8 of the Clayton-Bulwer treaty to the effect that the canal was to be open to the citizens and subjects of the United States and of Great Britain on equal terms.

An appeal to our love of country should always find ready response, but no love of country should influence us to seek to escape from the plain purposes of an agreement with another country by hair-splitting and technical refinements of construction, especially when the possibility of such a course was suggested by the representatives of the other country when the negotiations were being conducted and when our representatives assured the representatives of the other country that the construction now being sought to be placed upon this treaty by

those who deny its application to citizens of the United States could not possibly be made.

WILL FREE PASSAGE OF COASTWISE VESSELS VIOLATE THE TREATY?

But it is contended that even if the Hay-Pauncefote treaty prevents a discrimination from being made between vessels of Great Britain and vessels of the United States engaged in foreign trade which pass through the Panama Canal, still, as our coastwise transportation is limited entirely to American vessels, to permit the free passage of these vessels would be no discrimination against the vessels owned by British citizens.

The case is well put by Mr. Roosevelt, on January 18, 1913, in the Outlook, when he said:

"I believe the position of the United States is proper as regards coastwise traffic. I think we have the right to free bona fide coastwise traffic from tolls. I think this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic. There is no discrimination against other ships when we relieve the coastwise trade from tolls."

If the treaty applied alone to the owners of ships, the conclusion of President Roosevelt would be sound. It would be fortified by the opinion of the Supreme Court of the United States in the case of Olesen against Smith. This case arose out of a treaty with Great Britain containing the following language:

"No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States."

Passing upon the case, Mr. Justice White said:

"Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade."

When the Panama Canal bill was before the Senate in 1912 I called attention to this decision of the Supreme Court of the United States and justified the provision permitting free passage for vessels engaged in the United States coastwise traffic. I, however, added at that time that the effect might be to require the United States also to permit vessels engaged in Canadian coastwise traffic to pass through the canal free. The treaty considered in the Olesen case is limited to vessels. It does not apply to discriminations against citizens other than vessel owners.

During the debate upon this subject, in 1912, I do not think the attention of Senators was called to the fact that the language of clause 1, article 3, of the Hay-Pauncefote treaty might be construed to apply to the commerce of citizens of the United States, and all other North American and South American countries similarly situated as to coastwise trade. Since then I have made a careful investigation of this view of the question. It will be observed that the clause not only provides that the canal shall be free and open to the vessels of commerce, but it shall be so open and so used "that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise."

It is now contended that this language is broad enough to prevent rates of tolls which would discriminate against the commerce of citizens of Canada. In other words, the provision is broad enough to require that a vessel sailing from New York to Vancouver, carrying a cargo of goods to citizens of Vancouver, should pass through the canal with the same rates of tolls as a vessel sailing from New York to Seattle, carrying goods to citizens of the State of Washington. We can not deny that to permit vessels to pass through the canal without paying tolls when goods are carried from New York to Seattle, while a vessel going through the canal from New York to Vancouver was required to pay tolls, would be a discrimination against the commerce of the citizens of Vancouver.

Was the treaty intended to be applied to such a case?

THE LAKE CANAL TREATY.

I wish to call the attention of the Senate to the treaty made in 1871 between the United States and Great Britain applicable to the tolls of the Welland and other Canadian canals. This treaty reads:

"The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion."

Under this treaty Canada fixed the tolls for vessels passing through the Welland Canal at 20 cents per ton and made the charge equally applicable to vessels owned by citizens of the United States and to vessels owned by citizens of Canada, but subsequently a rebate of 18 cents per ton was allowed upon the merchandise going to Montreal, while a similar rebate was denied to merchandise going to cities on the American side of Lake Ontario.

It was claimed that the effect of this treaty was to give an advantage to the commerce of citizens of the Dominion over the commerce of citizens of the United States. On August 23, 1888, President Cleveland sent a message to Congress protesting against what he claimed to be a violation of treaty rights of citizens of the United States by the Government of Canada:

In this message he said:

"The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we, being Americans and interested in American commerce, would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens—producers and consumers, as well as vessel owners—were to enjoy the equality promised.

"And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.

"To promise equality and then in practice make it conditioned upon our vessels doing Canadian business instead of their own is to fulfill a promise with the shadow of performance."

After this message from President Cleveland to Congress the State Department took up with the state department of Great Britain the complaint of our Nation on account of the rebate given by Canada to her coastwise business. Great Britain contended, representing the views of Canada, that the treaty only applied to owners of vessels and did not apply to a discrimination between the rates charged vessels going to cities of the United States and Canada. Nothing was accomplished at that time.

On June 20, 1892, in response to a Senate resolution asking for information, President Harrison reviewed the entire subject. He called attention to the report of Mr. Partridge, the Solicitor of the Department of State, and to a letter from Mr. Blaine. He condemned the rebate of 18 cents a ton upon goods going to Montreal. He said:

"That these orders as to canal tolls and rebates are in direct violation of article 27 of the treaty of 1871 seems to be clear. It is wholly evasive to say that there is no discrimination between Canadian and American vessels; that the rebate is allowed to both without favor upon grain carried through to Montreal or transshipped at a Canadian port to Montreal. The treaty runs: 'To secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.'

"It was intended to give to consumers in the United States, to our people engaged in railroad transportation, and to those exporting from our ports equal terms in passing their merchandise through these canals. This absolute equality of treatment was the consideration for concession on the part of this Government made in the same article of the treaty, and which have been faithfully kept.

"It is a matter of regret that the Canadian Government has not responded promptly to our request for the removal of these discriminating tolls. * * * In view of the fact that the Canadian commissioners still contest with us the claim that these tolls are discriminating and insist that they constitute no violation of the letter or spirit of article 27 of the treaty, it would seem appropriate that Congress, if the view held by the Executive is approved, should with deliberation and yet with promptness take such steps as may be necessary to secure the just rights of our citizens."

On July 1 following he again brought this subject to the attention of Congress, and declared:

"There can be no doubt that a serious discrimination against our citizens and our commerce exists, and quite as little doubt that this discrimination is not the incident but the purpose of the Canadian regulation."

He accompanied his message with an elaborate review of the subject by Assistant Secretary of State Adee. Thereupon the House of Representatives brought in an act authorizing the President to put into effect retaliatory duties. The report was presented by Mr. Blount, who called attention to the treaty between Great Britain and the United States of 1871, which provided for terms of equality between citizens of the United States and Great Britain as to the use of the Welland Canal, and further said:

"It was claimed on the part of the Canadian Government that as the rebate applied to 'vessels,' and our vessels were covered by its terms provided their cargoes took the lines indicated by the order, there was absolute equality; but the language of the treaty shows that it had relation not to vessels but to citizens.

"It was intended for the benefit of the consumers in our own country; it was intended to give advantage to our ports; it was intended to give advantage to our transportation companies. The Canadians have sought, by this technical construction, to evade the spirit of the treaty."

Mr. Hitt also, in advocating the legislation which authorized retaliation by the United States, said:

"By our treaty with Great Britain, the words of which have just been read to the House, we are entitled to 'the use of that canal on terms of equality with the inhabitants of the Dominion of Canada.' * * * Uncover all the masks of words and equivocations in this voluminous correspondence and there stands out the bald fact that American trade is subjected to just ten times the burden to which Canadian trade is subjected in passing through the canal. * * * This burden is laid on the commerce of the North and Northwest and the citizens of the ports of the United States entitled to enjoy this export trade and by treaty to equality in the use of the Welland Canal."

Congress passed the bill, and the President of the United States, on August 18, issued a proclamation putting the retaliatory provision into execution. Thereupon Canada receded. It abandoned the rebate, and by proclamation February 20, 1893, the retaliatory duties were withdrawn.

If, under the treaty applicable to the Welland and other canals in Canada, the commerce of the cities of the two countries, so far as the canal was concerned, were to receive equality, if our Government was right in the contention which it then made, how can we avoid the conclusion that our Government is wrong now?

If we permit vessels from New York City to Seattle, carrying the commerce of the people of Washington, to pass through the canal without the payment of tolls and require a vessel carrying from New York to Vancouver cargoes of goods for the people of that coast to pay tolls, we would be taxing the commerce of the citizens of the Dominion of Canada, while we would not be taxing the commerce of the citizens of the United States similarly situated.

If, under our Panama Canal act, we provided that vessels sailing from eastern or western coasts of the United States to the opposite coast of the United States should receive a rebate of 90 per cent of their tolls, if they landed their cargoes on our own coast, and that the same vessels or Canadian vessels sailing from one coast to the other coast, and landing their cargoes at Canadian ports, should have no such rebate, we would be doing, under the present treaty, just what Canada did under the treaty which applied to their lake canals.

If giving a rebate of 90 per cent of the tolls to vessels landing their cargoes in ports of the United States would be a discrimination against the commerce of the citizens of the Dominion of Canada, how much more would the discrimination exist if the rebate amounted to all of the tolls, or if the vessels were carried through the canal without paying any tolls?

Let us place the language of the two treaties side by side.

The Welland Canal treaty undertook to secure "to the citizens of the United States use of the Welland, St. Lawrence, and other canals in the Dominion of Canada on terms of equality with the inhabitants of the Dominion."

The Hay-Pauncefote treaty provides that "the canal shall be free and open on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise."

If the Welland Canal treaty extended beyond the owners of vessels to the commerce of the citizens, the Hay-Pauncefote treaty certainly does the same thing; and if it does, we can not charge one rate at the canal for the commerce of the cities on the United States coast and another rate at the canal for commerce of citizens on the coast of the Dominion of Canada.

If we were right then, we are wrong now. If we are right now, we were wrong then.

Will anyone claim that the British Government in urging Canada to yield to our construction of the lake treaty in 1892 improperly yielded to the United States, or that the conduct of Great Britain in this matter showed a lack of proper courage or assertion of national rights?

Yet the concession was made to us by Great Britain and Canada in 1892, and the discrimination against the commerce of the citizens in the ports of the United States, in favor of the commerce of the citizens of the ports of Canada, was abandoned. Canada may again assert her right to follow the construction she then placed upon the treaty, but she has yielded to the extent of abolishing the rebates.

It is generally understood that in the summer of 1912 the home Government at London was not aggressive in its objection to the claim of the United States with reference to passing coastwise vessels through the canal free, but that representatives of Canada and British America brought their complaint to the attention of the Government in London and asserted their rights. Can we complain that they should not have done so?

Had not the offices of the home Government in London helped induce them to yield to us in 1892 upon a similar treaty and a similar issue? How could the Government in London fail to respond under the circumstances and assert that we ought to follow in our construction of the Panama Canal treaty the construction we ourselves had placed upon the lake canal treaty?

For the present argument it is not necessary to express an opinion as to the meaning of this part of the language of the treaty, but if we insist upon our present construction, I do say that we ought promptly to notify Canada that we were wrong in 1892, and that Canada is at perfect liberty to grant such rebates as that Government might desire for the cities of the Dominion of Canada as against the cities of the United States.

Do we realize the enormous volume of this trade, and what it would mean to our northeastern facilities of transportation? It is understood that Canada is deepening these canals; that she is taking steps to greatly improve their value, and that an abandonment of our former contention with reference to these treaties would be injurious not alone to the State of New York and the New England States, but to the Middle Western States whose products are served at least in considerable part by the use of the Canadian canals.

Mr. Choate, in his letter of April 13, 1914, transmitting his correspondence while he was acting as ambassador to the Court of St. James, with Secretary Hay, makes the following statement:

"These, if carefully perused, will, I think, be found to confirm my view that the clause in the Panama Canal act exempting our coastwise shipping from tolls is a clear violation of the treaty."

ALL COUNTRIES IN NORTH AND SOUTH AMERICA INTERESTED.

But the Dominion of Canada is not the only one of our neighbors interested in this question. All of North and South America is interested. Mexico, the countries of Central America, and the countries of South America. We are seeking to cultivate trade with our North and South American neighbors. We are seeking to build up our commerce with them. Shall we say to them that we will make treaties promising equality, which they may justly consider extending to the commerce of their people, and yet seek to discriminate in favor of the commerce of the citizens of the United States? Our citizens are interested in the entire commerce of America, not alone in trading with each other, and it would be a mistake in policy for us to injure our trade relations with our neighbors by causing them to feel that we were seeking to enforce a construction of a treaty in our favor just contrary to a construction which we placed upon a similar treaty when the different construction was in our favor.

And when the President in his message referred to other difficulties to be caused by the passage of our coastwise vessels through the canal without charge, while I do not speak ex cathedra, I may well conceive that he had in view our general relations with all of our neighbors in America, and not what many have suggested, some ulterior purpose in connection with the Government of Great Britain.

We have treaties with all the nations of the world. They were made to protect the interests of our people. It is essential

that other nations should live up to those treaties. How can we ask them to do so if our Government fails to live up to the obligations it has assumed in those treaties?

The objections under the treaty to permitting the coastwise traffic of the United States to pass through the canal without paying tolls may be summed up in the following propositions:

First. Clause 1, article 3, of the treaty applies not only to the owners of vessels, but to the citizens and subjects of the respective countries and, together with the balance of the treaty, requires that no discrimination as to such citizens and subjects shall be made in respect of the conditions or charges of traffic through the canal.

Second. The coastwise vessels will naturally stop at the ports of Cuba, Mexico, Central America, Panama and, perhaps, elsewhere. Their cargoes will not be limited exclusively to bona fide coastwise traffic of the United States.

Third. Traffic from foreign countries will be unloaded at ports of the United States to be immediately reloaded in a coastwise vessel for passage through the canal to the opposite coast of the United States, thus in reality carrying through the canal foreign traffic in coastwise vessels without paying tolls.

It has been claimed that Chargé d'Affaires Innes, the representative of Great Britain, in a letter dated July 8, 1912, admitted to Secretary Knox the right of the United States to give an exemption from tolls to vessels engaged in the coastwise trade. This is not a correct statement of his attitude. The language which he used was this:

> "As to the proposal that examption shall be given to vessels engaged in coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it might be that no objection could be taken. But it appears to our Government that it will be impossible to frame regulations which will prevent the exemption from resulting in a preference to United States shipping and, consequently, in an infraction of the treaty."

SIR EDWARD GREY'S LETTER.

In a letter dated November 14, 1912, handed to the Secretary of State by the British ambassador December 9, Sir Edward Grey called the attention of our Government to the terms of the Hay-Pauncefote treaty. Referring to the Hay-Pauncefote treaty, he wrote:

> "So long as the Clayton-Bulwer treaty was in force, therefore, the position was that both parties to it had given up their power of independent action, because neither was at liberty to construct the canal and thereby obtain the exclusive control which construction would confer. It is also clear that if the canal had been constructed while the Clayton-Bulwer treaty was in force it would have been open in accordance with article 8 to British and United States ships on equal terms, and equally clear, therefore, that the tolls leviable on such ships would have been identical.
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> "The purpose of the United States in negotiating the Hay-Pauncefote treaty was to recover their freedom of action and obtain the right which they had surrendered to construct the canal themselves; this is expressed in the preamble to the treaty, but the complete liberty of action consequential upon such construction was to be limited by the maintenance of the general principle embodied in article 8 of the earlier treaty. That principle, as shown above, was one of equal treatment for both British and United States ships, and a study of the language of article 4 shows that the word 'neutralization' in the preamble of the latter treaty is not there confined to belligerent operations, but refers to the system of equal rights for which article 8 provided. * * *
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> "* * * I notice that in the course of the debate in the Senate on the Panama Canal bill the argument was used by one of the speakers that the third, fourth, and fifth rules embodied in article 3 of the treaty shows that the words 'all nations' can not include the United States, because if the United States were at war it is impossible to believe it could be intended to be debarred by the treaty from using its own territory for revictualing its warships or landing troops.
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> "The same point may strike others who read nothing but the text of the Hay-Pauncefote treaty itself, and I think it therefore worth while that I should briefly show that this
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> "The Hay-Pauncefote treaty of 1901 aimed at carrying out the principle of the neutralization of the Panama Canal by subjecting it to the same régime as the Suez Canal. Rules 3, 4, and 5 of article 3 of the treaty are taken almost textually from articles 4, 5, and 6 of the Suez Canal convention of 1888. At the date of the signature of the Hay-Pauncefote treaty the territory on which the Isthmian Canal was to be constructed did not belong to the United States. Consequently, there was no need to insert in the draft treaty provisions corresponding to those in articles 10 and 13 of the Suez Canal convention, which preserved the sovereign rights of Turkey. * * *
>
> "Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection. * * *
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> "It has been argued that, as the coastwise trade of the United States is confined to United States vessels, the exemption of vessels engaged in it from the payment of tolls can not injure the interests of foreign nations. It is clear, however, that the interests of foreign nations will be seriously injured in two material respects. * * *
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> "* * * The exemption will, in the opinion of His Majesty's Government, be a violation of the equal treatment secured by the treaty, as it will put the coastwise trade in a preferential position as regards other shipping. Coastwise trade can not be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade. To take an example, if cargo intended for a United States port beyond the canal, either from the east or west, and shipped on board a foreign ship, could be sent to its destination more cheaply through the operation of the proposed exemption by being landed at a United States port before reaching the canal and then sent on as a coastwise trade, shippers would benefit by adopting this course in preference to sending the goods direct to their destination on board a foreign vessel. * * *
>
> "Again, although certain privileges are granted to vessels engaged exclusively in the coastwise trade, His Majesty's Government are given to understand that there is nothing in the laws of the United States which prevents any United States ship from combining foreign commerce with coastwise trade and, consequently, from entering into direct competition with foreign vessels while remaining prima facie entitled to the privilege of free passage through the canal. * * *
>
> "His Majesty's Government feel no doubt as to the correctness of their interpretation of the treaties of 1850 and 1901 and as to the validity of the rights they claim under them for British shipping. Nor does there seem to them to be any room for doubt that the provisions of the Panama Canal act as to tolls conflict with the rights secured to their shipping by the treaty. But they recognize that many persons of note in the United States, whose opinions are entitled to great weight, hold that the provisions of the act do not infringe the conventional obligations by which the United States is bound, and under these circumstances they desire to state their perfect readiness to submit the question to arbitration if the Government of the United States would prefer to take that course.
>
> "* * * I wish to add before closing this dispatch that it is only with great reluctance that His Majesty's Government have felt bound to raise objections on the ground of treaty rights to the provisions of the act. Animated by an earnest desire to avoid points which might in any way prove embarrassing to the United States, His Majesty's Government have confined their objections in the narrowest possible limits and have recognized in the fullest manner the right of the United States to control the canal * * *."

Can anyone complain of either the substance or tone of this letter? It is a friendly and courteous presentation of a claim by Great Britain under the treaty we sought and largely prepared.

Even those who may not agree with the conclusions expressed by Sir Edward Grey must admit that at least he has ground for the views he expresses, and he presents them in a manner in no way offensive.

I must confess some impatience at the manner in which at times this subject has been presented by the opponents of repeal.

The suggestion that any Senator would surrender the rights of the people of the United States to any country may be effective when presented with highly colored rhetoric to the less thoughtful of our citizens; but the great body of our people are too intelligent to become seriously disturbed by such statements. I can see no occasion for anyone to become excited unless he is a large stockholder in one of the corporations which was expected to receive a subsidy.

The United States Government is really surrendering nothing by the repeal.

The surrender is only made if we fail to make the corporations owning these vessels pay their just part of the expense of the Panama Canal.

Their gain, through the subsidy now allowed, is the loss of all the people.

DEMOCRATIC PLATFORM AGAINST SUBSIDIES.

Entirely independent of the provisions of the treaty heretofore discussed, the vessels engaged in coastwise traffic should pay tolls at the canal. We will not be frightened because a few conflicting words were slipped into the Democratic platform. The Democratic platform unqualifiedly condemns a subsidy. The policy of the Democratic Party has been fixed for years against ship subsidies. As this will be the consequence of free passage of coastwise traffic through the canal, the provision in the Democratic platform with reference to coastwise vessels should yield to the other provision against subsidies, and the established policy of the party on this subject should prevail. We must select between two conflicting provisions, and may justly conclude that the provision freeing coastwise vessels from paying tolls would not have been placed in the platform if it had been understood that the canal would be opened on a plan which would make such action a subsidy to the corporations owning the coastwise vessels.

The canal belongs to all the people of the United States. The money of all of the people constructed it, and all the people must contribute to pay the interest on the bonds issued for construction and the expenses of maintaining the canal. It is conceded that the interest on the investment, together with the cost of operation and maintenance, will amount to more than $20,000,000 each year. The rates fixed for tolls upon vessels is based upon the theory that by the end of the present decade the tolls will be meeting the interest upon the investment and the expenses of operation. After that time they will furnish a fund to begin paying off the debt and eventually leave the canal owned by the United States with the debt paid. After that time the United States will have the privilege of receiving a profit from the operation of the canal, or by reduced tolls make almost nominal the charges for the passage of vessels through the canal.

THE VALUE OF THE CANAL.

When the question is asked, Why did we build the canal, if we were not to give special advantage to our coastwise vessels? The reply is easy. The canal is a great measure of defense to the United States and to the interests of our people. It will make it practicable to consolidate the Navy of the United States on the Pacific or the Atlantic Ocean. It will reduce the cost of transportation. It will facilitate trade, not alone between the coasts of the United States, but between the coasts of the United States and all parts of America. It will contribute to the growth of all of America outside of the United States by the facilities it affords for ready communication from coast to coast. It can be made self-supporting, and finally a source of profit, and yet bring all these benefits to the United States.

The rates of tolls are fixed at $1.20 per net ton. This is a nautical phrase and comprises a mode of measurement of each vessel. With the rate at $1.20 per net ton nautical measurement the charge per cargo ton upon our coastwise traffic will be from 40 to 80 cents a ton. After paying this charge for passing through the canal, experts have pointed out that the owners of these vessels will still save from $2 to $3 per cargo ton in the cost of transportation from the Atlantic to the Pacific, besides deriving a great benefit from added convenience and time saved.

The canal will thus contribute greatly to the opportunity for coastwise traffic and lessen the expense of coastwise traffic, even though the small charge of from 40 to 80 cents per cargo ton is paid by the owners of the coastwise vessels for being carried through the canal by the Government. It must be borne in mind that in operating the canal it is necessary for officers of the United States to take charge of each vessel, and to carry it through the canal with a crew and with power furnished by the United States. All of this expense attaches to our Government each time a vessel is carried through the canal.

All of the people of the United States have made a great contribution to the owners of the coastwise vessels by the construction of the canal. Why should a further subsidy be given to the owners of these vessels by relieving them of or returning to them the 40 to 80 cents per cargo ton which otherwise they would pay for having their vessels carried through the canal?

It is said that as to all of our other waterways we permit vessels to go through free. The Panama Canal stands in a class to itself. The United States has spent about 700 millions of dollars upon all rivers and harbors and canals, outside of the Panama Canal. The Panama Canal alone will cost over $400,000,000. The money spent in rivers and harbors scatters so generally throughout the entire United States that it is justly claimed all the people receive a benefit, and it would be almost impossible to reach any system of charge.

The Panama Canal, in connection with coastwise traffic, is so situated that the benefits which it will bring will be more peculiarly local, and it will be easy to fix a just plan of charges. Of course, in this I refer to the commercial traffic, not to the benefit to the entire country from the use of the canal as a mode of defense.

We permit foreign-owned vessels to use our harbors and our rivers without charge. We differentiate the Panama Canal from our rivers and harbors by charging tolls against all foreign-owned vessels and by charging all vessels owned by the citizens of the United States engaged in foreign trade, so that we clearly differentiate it from our ports and rivers.

ECONOMICALLY SOUND TO CHARGE COASTWISE VESSELS.

Why should not the owners of the vessels engaged in coastwise traffic bear also their part of the expense of constructing and operating this enterprise? Our coastwise trade is limited by law to vessels owned by citizens of the United States. Foreign-owned or foreign-made vessels can not compete with them for our coastwise traffic. They are already enjoying a great degree of prosperity.

If a suggestion were made to pass a bill to carry the coastwise traffic of the United States over the Panama Railroad without charge, the public would resent it, and yet such a suggestion does not differ greatly from what would be allowed unless we pass the pending bill.

COASTWISE VESSELS ENJOY A MONOPOLY AND NEED NO GOVERNMENT AID.

A recent investigation by the House Committee on the Merchant Marine and Fisheries, together with the report of that committee, goes fully into this subject. Referring to the Atlantic and Gulf coasts, the report shows that on this leading waterway of American commerce practically all the large regular steamship lines are either controlled by railroads or are subsidiaries of two large ship consolidations—the Eastern Steamship Corporation or the Atlantic, Gulf & West Indies Steamship Lines. The report shows that the railroad-controlled lines combined with the lines of these two companies do 93.9 per cent of the total gross tonnage. The report furthermore points out that very few of the principal routes of our entire Atlantic and Gulf coasts are served by more than one regular steamship line.

The report shows clearly that the mode of operating the coastwise traffic of the Atlantic coast leaves no substantial competition between vessel owners. The same is shown to be true, perhaps to a less extent, on the Pacific coast.

Much interesting information has been gathered in this report with reference to the way in which the owners of vessels engaged in coastwise traffic avoid competition between themselves and take advantage of our legislation which excludes them from competition with foreign-owned vessels or foreign-built vessels.

It is perfectly clear that the large corporations engaged in this business are prosperous. They need no subsidy; they are fully able to bear their part of the expense incident to the construction and operation of the Panama Canal. There is no reason why all the people of the United States should pay taxes to put money into the treasuries of these corporations. Those who insist that it is our canal, and we should have the right to let our coastwise vessels go through free, forget that the canal is ours and the money of all the people must pay for it, while the dividends paid by the corporations owning the coastwise vessels are not ours, but go alone to the very small number of men who own stock in them.

But it is claimed that the free passage of these vessels will help commerce from coast to coast, and furnish competition with the transcontinental railroads. If the coastwise vessels will save from $2 to $3 a ton by the use of the canal, even though they pay tolls, this would seem to be a sufficient contribution toward the coastwise trade, and it is hardly possible that the transcontinental railroads will be able to compete with them in the carriage of the class of goods suited to steamboat transportation. Besides, the transcontinental railroads can be regulated and their rates fixed by the Interstate Commerce Commission.

The more I investigate this branch of the subject the less am I impressed with the view that the public will receive benefit, through less transcontinental transportation charges, as a result of giving to the corporations engaged in coastwise traffic the part they should contribute toward the expense and operation of the canal.

Experts who have studied the effect of the canal upon coastwise trade show that little, if any, of the 40 to 80 cents per cargo ton to be charged the coastwise vessels for going through the canal would reach, if remitted, the ultimate consumer, but

even if this were not true, the ultimate consumer of cargoes carried by these vessels would make a very small part of the people of our entire country, and it is difficult to justify a tax upon all the people for the benefit of these few.

All of the people of the United States are interested in the commerce with all of the countries of North and South America, and the ultimate consumer of products is concerned with the effect of the canal upon our trade relations with the neighboring countries.

An effort has been made to attract the interest of those zealous for a merchant marine. They should understand that ample vessels are engaged in the coastwise trade, all flying the flag of the United States.

We are short in vessels doing foreign business, where they must compete with the vessels of the world. If a subsidy is to be given to any vessels, it should be given to those engaged in the foreign trade, which need help, not to those engaged in the coastwise trade already protected from foreign competition, already rich and prosperous.

Mr. President, the bill before us, if adopted, only requires the corporations owning vessels engaged in coastwise trade of the United States to pay for having their vessels carried through the canal, just as citizens of the United States must pay for their vessels when engaged in foreign trade and citizens of other countries must pay for their vessels.

The bill carries a proviso that neither the passage of this act nor anything therein contained shall be construed or held as modifying or impairing or affecting any treaty or other right possessed by the United States. The sovereign rights of the United States in the canal zone will be in no way affected.

We have been told that by voting for this bill we are surrendering to British diplomacy. Let us remember the history of British and American diplomacy with reference to the canal.

From no control, by diplomacy we advanced to entire control, only conceding equality of treatment to the subjects of each country. Surely, the United States was not overreached in these negotiations.

When we passed an act granting discriminations in favor of citizens of the United States against subjects of Great Britain, Great Britain called our attention to the treaty and asked for equality of treatment. And added further that as many able men in the United States seemed to doubt that the subjects of Great Britain are entitled to equality of treatment in the use of the canal, Great Britain is ready to submit the construction of this part of the treaty to arbitration. Sir Edward Grey does not suggest The Hague. He suggests arbitration broadly.

In my opinion if two judges of our Supreme Court and two judges of English courts passed upon the subject the probabilities all are that the unanimous verdict would be under the treaty that citizens of Great Britain and citizens of the United States are to receive equal treatment.

The question of the sovereignty of the United States over the Canal Zone is in no way involved. With complete sovereignty and without a treaty obligation, according to the fixed policy heretofore of the United States, there should be no discrimination against the citizens of either country.

The construction of the canal does rank among the world's wonders, but if in connection with its construction we should seek to violate the terms of a treaty made at our own instance, we would subject our country to the just suspicion of all other nations, and commit a colossal blunder.

Well might the President of the United States feel that for this country to disregard its obligation of equality of treatment to citizens of other countries passing their commerce through the canal would create a general distrust of the United States and hinder him in dealing "with matters of even greater delicacy."

No matter how serious the consequences, we should live up to our treaties.

It is fortunate in the present instance that we can live up to the fullest measure of this treaty and cause no loss to the United States or her citizens. By every rule of sound diplomacy and common sense we should extend the doctrine of equality of treatment to citizens of all countries at the canal, and we should make the coastwise vessels pay their part of the expense of building and operating the canal. By following in this instance the tradition.' policy of the United States we will at the same time show our regard for agreements, add to the prosperity of our people at home and to the standing of our country among the nations of the world.

The appendix is as follows:

[Senate Document No. 85, Fifty-seventh Congress, first session.]

CLAYTON-BULWER TREATY OF APRIL 19, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Hon. Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

"ARTICLE 1.

"The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

"ARTICLE 2.

"Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

"ARTICLE 3.

"In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used or to be used for that object shall be protected from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

"ARTICLE 4.

"The contracting parties will use whatever influence they respectively exercise with any State, States, or governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

"ARTICLE 5.

"The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof so that the said canal may forever be open and free and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments or either Government, if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

"ARTICLE 6.

"The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

"ARTICLE 7.

"It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encourage-

ment to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall moreover have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

"ARTICLE 8.

"The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

"ARTICLE 9.

"The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

"In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

"Done at Washington the 19th day of April, A. D. 1850.

"JOHN M. CLAYTON. [L. S.]
"HENRY LYTTON BULWER. [L. S.]"

HAY-PAUNCEFOTE TREATY.

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

"ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

"ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time except in case of distress, and in such case shall depart as soon as possible, but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

"Done in duplicate at Washington the 18th day of November, A. D. 1901.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

Mr. THORNTON. Mr. President, if no other Senator desires to address the Senate on this subject at this time, I ask that the unfinished business be temporarily laid aside in order that the Agricultural appropriation bill may be taken up.

Mr. BORAH. Mr. President, I should like to address the Senate upon this subject for about 20 minutes. My remarks will be short; they will only bear on one particular matter; and if it will not inconvenience the Senator from Oklahoma [Mr. GORE], I would prefer not to have the unfinished business laid aside at this time. However, if it will inconvenience him for me to proceed now, I can speak on some other day.

Mr. GORE. Mr. President, I am very anxious to press the Agricultural appropriation bill, as the naval appropriation bill, I believe, has come in, and the legislative appropriation bill will soon be reported from the committee; but, as the Senator limits his time to 20 or 30 minutes, of course I would not feel like denying the Senate the pleasure of hearing him at this juncture.

Mr. BORAH. Mr. President, I have no desire at this time to enter upon an extended discussion of the subject which has been so thoroughly discussed from time to time, but only to call attention to one particular matter to which reference has been had in almost all of the speeches which thus far have been made, and that is to the Welland Canal—the terms of the Welland Canal treaty—and the light a discussion of it may throw upon the vital portions of the treaty which is up for construction. I am led to discuss this particular matter at this time, particularly because the Senator who has just taken his seat has referred to it.

The Welland Canal treaty in article 27 provides as follows:

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties on terms of equality with the inhabitants of the United States.

It will be observed at once how plain and distinct, how specific the language of article 27 is with reference to insuring equality of treatment and equality of use between the inhabitants of the respective countries. There seems to be really no room for construction; and it has always been somewhat a matter of surprise to me that Hay and Pauncefote, having this treaty before them and, of course, both being familiar with it, if they designed to accomplish beyond question and in unmistakable terms the same equality of treatment in connection with the Panama Canal, did not use the language which was used here, because there can be no possible room for construction when you come to analyze its language. It says "on terms of equality with the inhabitants of the Dominion" and "on terms of equality with the inhabitants of the United States." It would seem to leave no room for a fair difference of opinion. The language is quite different from the general terms or language used in the Hay-Pauncefote treaty.

If we had in the Hay-Pauncefote treaty the provision of this article, that the Panama Canal should be open upon terms of equality to the inhabitants of the United States and to the inhabitants of Great Britain, naming the two countries, we would unquestionably not be here discussing this subject matter.

It is an entirely different proposition to have a provision in a treaty which provides for the free and equal use to all nations observing certain rules, which certain rules are incapable of observance by one of the signatory powers, as we claim, and providing specifically that it should be free and open to the inhabitants of the respective countries, and naming the countries.

It was not that particular phase of it, however, to which I was going to call attention. It was to the construction which Great Britain placed upon the language of the Welland Canal treaty, and which Great Britain still continues to place upon the language of the Welland Canal treaty. The Welland Canal treaty or the treaty of 1871, neither in its language nor in the construction which the British Government placed upon it, can offer any comfort to those advocating repeal. The language is infinitely more specific than the language of the Hay-Pauncefote treaty, and yet the British Government contended and now contends that she had a right under it to discriminate in favor of her own trade and commerce.

The Senator from New York [Mr. ROOT], when discussing this subject upon the 21st day of January, 1913, in the speech which has since become famous in this discussion, after reading Mr. Cleveland's message under date of August 23, 1888, said:

> Upon the representations of the United States embodying that view, Canada retired from the position which she had taken, rescinded the provision for differential tolls, and put American trade going to American markets on the same basis of tolls as Canadian trade going to Canadian markets. She did not base her action upon any idea that there was no competition between trade to American ports and trade to Canadian ports, but she recognized the law of equality in good faith and honor; and to this day that law is being accorded to us and by each great nation to the other.

As a matter of fact, historically speaking, England and Canada did not yield upon the deliverance of the message of President Cleveland. It was not upon the occasion of the matter being thus called to the attention of England and Canada that they finally conceded the position which we now claim is the right position. The British Government never recognized, and has not until this hour recognized, the law of equality in good faith and honor with reference to that canal treaty. I call attention also to the language of Sir Edward Grey, which is quite similar in its import to the language used by the Senator from New York in regard to this same subject matter:

> Your excellency will no doubt remember how strenuously the United States protested, as a violation of equal rights, against a system which Canada had introduced of a rebate of a large portion of the tolls on certain freight on the Welland Canal, provided that such freight was taken as far as Montreal, and how, in the face of that protest, the system was abondoned.

The inference fairly to be drawn from both of those statements is that upon the filing of the protest Great Britain and Canada, seeing the error of their construction of the treaty, yielded their position and, as a matter of equity and as a matter of national honor, conceded the position which we had taken with regard to it. But such is not true, and no such inference can be drawn from the real facts.

What are the real facts in regard to the matter? In the first place, Mr. Cleveland delivered his message on the 23d day of August, 1888, in which he said:

> By article 27 of the treaty of 1871 provision was made to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada on terms of equality with the inhabitants of the Dominion, and to also secure to the subjects of Great Britain the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.
>
> The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we, being Americans and interested in American commerce, would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens, producers and consumers as well as vessel owners, were to enjoy the equality promised.
>
> And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports—
>
> Their coastwise trade—
>
> are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.
>
> To promise equality and then in practice make it conditional upon our vessels doing Canadian business instead of their own, is to fulfill a promise with the shadow of performance.

Nothing was done during Mr. Cleveland's administration on the part of Canada and Great Britain, and no consideration, further than the mere promise upon their part to consider it, was ever given to this message which was supposed to have brought about the change. The matter remained precisely the same, Great Britain contending all the time that the plain language of the treaty to which I have called attention was not being violated. When Mr. Harrison came into the presidency he again called attention to the plain terms of the treaty, and again there was no response on the part of Canada or Great Britain in the matter of yielding the construction for which we contended. Finally the United States passed what is known as the retaliatory statute, through and by means of which we imposed certain charges upon her vessels passing through our canals, and in that way retaliated for the charges which Canada was making. Never until that retaliatory statute was passed—and it became a matter of pecuniary concern and protection to her own commerce—did she yield upon the proposition, and not then as to the construction of the treaty.

When they finally yielded upon this proposition they said—and this now remains upon the files as part of the archives of the State Department:

> Every obligation of the treaty has been fully and unreservedly met.

The contention that they were not justified in adopting the tolls rebate was met by the proposition that they were entitled to do so under the terms of the treaty. They further say:

> The difference of opinion which exists as to the treaty rights of the two countries is to be regretted, but it forms no ground for a charge that either country in maintaining its own views proceeds with a disregard of solemn obligations.

Now, place the language of the treaty of 1871, article 27, alongside the language of the treaty of 1901, article 3, rule 1, and then take the British construction and her final protest and it will be seen that under that specific language she claimed for herself the right of discrimination, while now, under language, to say the least, far more general, far more favorable to the United States she contends against discrimination.

Why did Canada yield upon this proposition? Certainly as a matter of business, to protect her commerce, leaving upon file with the Secretary of State the asseveration that her construction of the treaty was right and is right; and that contention stands upon the part of Great Britain and Canada to-day. In the face of the claim that we are construing this language of the Hay-Pauncefote treaty unfairly, we have the declaration upon the part of Great Britain, now on file and not withdrawn, that the plain, unmistakable language of the Welland treaty was correctly construed in a way which enabled her to favor her coastwise traffic.

I simply desire to put in the RECORD the facts, because the construction of the Welland Canal treaty, if it is to be received at all, must be received as a construction unfavorable to the contention which Great Britain at this time is making.

Mr. HUGHES. Mr. President, will the Senator yield for a question?

Mr. BORAH. Certainly.

Mr. HUGHES. I understood the Senator to say that Canada attempted to favor her coastwise traffic. My understanding of her position in the matter was that she favored any traffic going to a certain port. Is that correct, or not?

Mr. BORAH. My understanding is that Canada charged the same toll for all traffic, and then rebated to her——

Mr. HUGHES. And then rebated, not to her people, but to anybody that carried the traffic to a certain port?

Mr. BORAH. To a Canadian port.

Mr. HUGHES. To a certain port, regardless of whose traffic it was?

Mr. BORAH. Exactly; but there was a rebate when the vessel was carrying commerce to her ports.

Mr. HUGHES. To certain of her ports?

Mr. BORAH. Any ports.

Mr. HUGHES. And that rebate was given to any vessel that carried it, as I understand. I ask for information.

Mr. BORAH. That is not my understanding.

Mr. HUGHES. That any vessel, whether a Canadian vessel or American vessel or other vessel, that carried commerce to this port received the same treatment. In other words, it was an attempt to discriminate in favor of a port, and not an attempt to discriminate in favor of the commerce, as I understand—her own commerce or anybody else's.

Mr. BORAH. No; I do not so understand it.

Mr. HUGHES. That is my understanding from every statement that I have heard made here, and I wanted to get it cleared up if I could.

Mr. BORAH. I have a different understanding, but I may be in error about it.

Mr. WILLIAMS. I think it was certain ports.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I wish to inquire of the Senator whether the threat of retaliatory legislation was not made, and to some ex-

tent carried into effect, before Great Britain yielded her position as a matter of practice, and gave the actual operation of the treaty the construction that was contended for by our Government?

Mr. BORAH. That is correct. On June 20, 1892, President Harrison sent a message to Congress stating that nothing had been done by Canada in response to our request in connection with the treaty, and recommending legislation. An act was passed July 26, 1892, allowing tolls to be placed upon Canadian commerce passing through the American canal at the Soo. A proclamation was issued by the President August 20, 1892, fixing the tolls. By Canadian order in council, issued February 13, 1893, the tolls were removed from American traffic; and on February 21, 1893, our order fixing tolls on Canadian traffic was suspended. It is plainly to be seen that the only thing that brought about the settlement was the retaliatory legislation.

Mr. HUGHES. Mr. President, will the Senator yield again?

Mr. BORAH. I will.

Mr. HUGHES. Is it not true that there is a great disproportion of favors in any comparison between American and Canadian traffic? Does the Senator think we are in any shape to retaliate against a nation which has so little traffic, as compared with our own traffic, both being affected?

Mr. BORAH. I do not understand that there is a great difference.

Mr. HUGHES. I understand that there is a tremendous disproportion between the amount of Canadian traffic going through these canals and the amount of our own traffic.

Mr. BORAH. I will say to the Senator from New Jersey that if he will examine the records in regard to this matter and the correspondence and the negotiations which followed the passage of this retaliatory legislation, I am satisfied that he will arrive at the conclusion that the concession came as a result of the legislation, and that when Canada receded the United States suspended the operation of the statute which had been passed for the purpose of enforcing the retaliation.

I will conclude by putting in the RECORD, in order that it be there for purposes of comparison, the provision of the treaty which we are now asked to construe. I have read the provision from the Welland Canal treaty. The portion to which I wish to call attention, of article 3 of the Hay-Pauncefote treaty, is as follows:

> The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Mr. WILLIAMS. Mr. President, in some respects I am afraid the argument of the Senator from Idaho [Mr. BORAH] is an illustration of the truth of the old couplet from Samuel Butler's Hudibras concerning people who—

> Compound for sins they are inclined to,
> By damning those they have no mind to.

After denouncing the bad faith of Canada, the Senator insinuates that as an argument for our making a like interpretation based on the bare letter of a treaty in our own favor. It is true he says that the language of the Welland Canal treaty was much more specific and unmistakable than the language of the Hay-Pauncefote treaty. In that, however, he is mistaken again, because the Hay-Pauncefote treaty brings forward article 8 of the Clayton-Bulwer treaty and by reference makes it a part of the Hay-Pauncefote treaty; and the language of the Clayton-Bulwer treaty in article 8 is even more specific than the language of the Welland Canal treaty.

The Welland Canal treaty uses the language "inhabitants of Canada and of the United States." Article 8 of the Clayton-Bulwer treaty, brought forward by reference and made a part of the Hay-Pauncefote treaty as much as if literally repeated, uses the language "the subjects of Great Britain and the citizens of the United States," and demand equal treatment of both by forbidding discrimination. It could not be any more specific.

As to the trouble we had with Canada about the Welland Canal treaty, the Senator from Idaho is historically accurate in every statement he has made. We took the position at that time that Canada was interpreting a treaty in a totally unjustifiable way for the purpose of making a discrimination in favor of her own commerce as against American commerce. While she and Great Britain did not admit that that was the case, the final upshot of the whole thing—after diplomacy, threats, retaliatory legislation, and all—was that Canada withdrew from an untenable position—it makes no difference why it was untenable—and the two nations fixed a modus vivendi whereby each extended to the other freedom from tolls.

Mr. President, Canada's attempted bad faith, keeping of an agreement, the letter which kills and violating the spirit which saves, can not possibly be an argument in connection with this matter, unless, indeed, it be an argument against our imitating her example by waiting for retaliatory measures before voluntarily undoing our own wrong. My interpretation of the Welland Canal treaty, if I had been called upon to give one at the time, the interpretation of the treaty by the American Government, the interpretation of its terms by the Senator from Idaho, all tend to the conclusion that Canada was acting in bad faith and was trying to evade the provisions of the treaty—keeping it to the eye and violating it to the faith. In other words, she was complying literally with the treaty, complying with the letter of the treaty, and violating its spirit. In yet other words, she was not making a discrimination against American vessels and vessel owners, and therefore she contended that a rebate upon freight carried to a Canadian port was not a violation of the letter of the treaty, although it was a discrimination against American ports, and therefore against commerce; and, therefore, as Cleveland said, fulfilling a solemn promise by a shadow of performance. She was doing just what is sought to have us do here.

We have done by legislation a certain thing that is not a violation of the letter of this Hay-Pauncefote treaty, according to my interpretation of it; but when we go back and examine the res gestæ, if I may use that phrase, by analogy we find out that the minds of the American diplomats and the minds of the British diplomats came to a common understanding, and that common understanding we are now asked to violate. That common understanding is vouched for by White, vouched for by Choate, vouched for by Lansdowne, vouched for by Hay in a communication sent and read to the Senate and in conversation with Senator LODGE—vouched for by everybody who then represented us—and that understanding is the interpretation now contended for by Great Britain. A majority of the Senators who voted upon this question two years ago did not know all this contemporaneous correspondence—this res gestæ. I, for one, did not.

Mr. President, if I through my agent and you through your agent effect a contract with one another, and if those agents have an understanding—an admitted coming together of minds—as to what the contract means, even though it be awkwardly or doubtfully worded, and if that understanding is communicated to you as one principal and communicated to me as another principal, and we accept the contract as written with the understanding of its meaning thus held by both agents at the time, and thus communicated to both principals, then I understand that either you or I might go into a court subsequently and might say, "This contract is susceptible of a different interpretation. I choose to give it that interpretation. I stand upon the letter right in the case." I can understand that, but I can not understand how any man in the world would ever have any confidence in whichever one of us did it. If you had done that, I never would enter into another contract with you where anything was left to your honor or where anything was left to your observance of good faith, independently of the very letter of the contract, enforceable in the courts of law. I would go further; and fearing, even in such a case, that you might dispute, if you could, I would provide that you should pay damages and attorneys' fees in case of litigation, so much would I distrust you. Moreover, from my justified distrust, all your other neighbors would learn to distrust you and thereafter to treat you accordingly.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. I do.

Mr. BORAH. Did I understand the Senator to take the position that the agents negotiating the treaty could communicate to one another their views of what the treaty was, and that their views would govern rather than the language of the treaty?

Mr. WILLIAMS. No, no. I did not say that, nor did I say anything upon that subject; but what I said and will say now is this: Where there is room for misunderstanding concerning a treaty, it is perfectly permissible to take up the letters exchanged between the diplomats, the foreign office in Great Britain and the Secretary of State here, and the diplomats who were representing them and their communications to each other and to their respective principals, as things shedding light upon the real understanding, the real thing intended to be agreed to—the real coming together of minds contemporaneous with the event. I say that White and Choate and Lansdowne and all of them have agreed that what this treaty was meant to do was to bring about an equality of treatment between British subjects and

American citizens and British ships and American and other ships, and that that was their understanding of what the language used meant, and that Secretary Hay, in a communication which was read to the Senate, put the Senate as well upon notice of it.

Mr. BORAH. Mr. President, I did not think I was mistaken as to what the Senator said. The Senator contends that by reason of the understanding which Hay and White and Lansdowne and Innes and a few others had this treaty should be construed in the light of their understanding?

Mr. WILLIAMS. Yes; where doubt exists. Where no doubt exists from the language, of course that is different.

Mr. BORAH. But suppose I have no doubt about it. Suppose I entertain no doubt about it. I am not bound to accept their view of it, then?

Mr. WILLIAMS. Of course, if the Senator entertains no doubt about it, and if he thinks the language of the treaty is such that no doubt can be entertained, the Senator votes here in the Senate upon his honor and upon his responsibility to his own sense of intellectual integrity, and nobody would have the slightest right in the world to criticize him. It would seem queer to assert, however, that language concerning the meaning of which all of us are debating can be a subject of no doubt as to the proper interpretation. That is not the point, however.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. In a moment. I am talking about what the treaty meant to those who made it at the time it was concluded; and I have just called attention to the fact that a certain interpretation of the language which our free-tolls law violates is reenforced by the fact that it was so understood and admitted by all the participating parties at the time, and further reenforced by the fact that article 8 of the Clayton-Bulwer treaty is brought forward by reference and incorporated as a part of the Hay-Pauncefote treaty, and that the language of article 8 is specific and indubitable.

I now yield to the Senator from Missouri.

Mr. REED. Mr. President, if the position of the Senator is correct, that in construing treaties we must take into consideration the understanding of the negotiators, as evidenced by the correspondence between them, does it not follow that the Senate never should approve any treaty until it has examined the correspondence and has found from the correspondence what the real treaty is?

Mr. WILLIAMS. Mr. President, what I said, I thought, was plain enough—that where there was a doubt, or where language used by the contracting parties was subject to a double construction, it was permissible, in order to find out what the real coming together of minds was, as intended by the language, to consider the diplomatic negotiations and the letters of our Secretary of State and the letters of the head of the British foreign office in the archives in our State Department relating to the negotiation itself, and especially such as discusses the meaning of the debated language itself. Of course that does not apply where the language is so plain that there is no doubt of its meaning as written, whether it was written by mistake or not; but where a double construction is possible that rule of interpretation does apply. By the way, the Senate has the right always to call for all the diplomatic correspondence leading up to the completion of a treaty, and if it does not do so and any misunderstanding or mistake is entailed by the omission to do so it is its own fault.

Mr. REED. Mr. President, if the Senator will permit me further, I do not know how that rule could be safely applied. A treaty is submitted here to the Senate. A Senator upon the floor reads the language and arrives at a conclusion as to its meaning. He has no doubt as to his conclusion, because he deals alone with the language before him.

Mr. WILLIAMS. I yielded for a question. I do not care to be kept upon the floor.

Mr. REED. He leans alone upon the language before him. Now, if every time a doubt thereafter arises we are to settle it by the correspondence which the Senator I am using in the illustration never saw, does it not follow that the only safe thing to do is for everybody to read all the correspondence?

Mr. WILLIAMS. Why, of course that is a good rule. If you can get it—and you always can where you have any doubt—very well. In this particular case, however, our Secretary of State sent the information to the Senate upon an inquiry directed to him and the Senate got it, and those Senators who chose to listen heard it read in executive session; and there is no pretense that the Senate was ignorant of just what the Secretary of State, Mr. Hay, thought was meant by the treaty.

Now, of course if the Senator and I would enter into a written contract and expressed something which neither one of us intended to express and expressed it so plainly it could not be denied, that is another proposition; but wherever there is a doubt patent upon the face of the record that doubt can be settled only by appealing to the understanding of time. That is a familiar rule of construction even in constitutional questions. The Supreme Court several times has resorted to it. Where some phrase of the Constitution was capable of a doubtful construction the Supreme Court has gone back to the contemporaneous debates of the time in the constitutional convention and the State conventions, where was discussed the particular point at issue in order to determine what the men who used the debated language meant by it.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. WILLIAMS. I yield.

Mr. CLARK of Wyoming. Following the line of thought which the Senator last expressed, the Senate was a party to this treaty. Would the Senator follow it so far as to say that the understanding of Senators when they voted upon the treaty should also be taken into consideration in determining what the treaty meant?

Mr. WILLIAMS. Yes; I would. The understanding of all parties at the time ought to be taken into consideration, and the understanding of each in proportion to his opportunity to know and his intimacy with the negotiation and his participation in it given due weight.

Mr. CLARK of Wyoming. Of course, the understanding of some Members of the Senate does not bear out the understanding which seems to have been developed in the Senator's mind by the correspondence to which he refers.

Mr. WILLIAMS. Of course, wherever you come to examine the res gestæ, as I called it by analogy; and you honestly draw one inference from it and I another. That raises a different question.

Mr. CLARK of Wyoming. It is not an inference; it is a fact.

Mr. WILLIAMS. It is not a fact at all. It is an inference, after all, as to what the meaning of the language is and what the understanding was. I draw from it the thought that we agreed at that time to abide by the language of article 8 of the Clayton-Bulwer treaty; and that that language has none of the ambiguity in it which the expressed language of this treaty would have had without referring to it, because article 8 says that there shall be no discrimination between "the subjects of Great Britain and the citizens of the United States."

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Will the Senator from Mississippi yield to the Senator from Connecticut?

Mr. WILLIAMS. Yes.

Mr. BRANDEGEE. In view of what the Senator from Mississippi has said about the treaty as to the Welland Canal and the attempted evasion of it, although keeping the letter of the treaty—evading the intent—what would the Senator say about the proposition that has been stated, at least informally, several times that, while we might not have the right to exempt from tolls a coastwise vessel of the United States passing through the canal, we might have the right to pay as a subsidy to that vessel at stated periods the amount of the tolls which it had paid to the Government for passage?

Mr. WILLIAMS. I am glad the Senator mentioned that. I believe that, if done with the intent and with the effect of relieving our vessels and our commerce from the tolls paid by others, would be a mere evasion, a violation by indirection; and that would meet my approval no more than a violation by direction. In that connection I want to say that during the course of this argument it has been said that many of the countries of Europe now make appropriations out of their treasuries to pay the tolls for the ships passing through the Suez Canal, and that we may look forward to their doing something of that kind in connection with the tolls of the ships passing through the Panama Canal. If they do, they will be attempting to evade and, by indirection, to violate our rules for the management of the canal under this treaty, and they will be showing bad faith to us as nonobservers of the spirit and intent of those rules made in accordance with the requirements of the treaty. If they do that, it will be time enough for us to handle the question when they do it; and whenever that difficulty shall present itself to the Congress of the United States, I think there will be no doubt about our handling it sufficiently. A sufficient way to handle it would be to add to the tolls paid by any ship the amount contributed to it by its Government in payment or repayment of tolls.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. And in that way we would restore the equality of treatment of all, so that no foreign power could destroy our right and our treaty obligation to prevent discrimination in the use of the canal in favor of any.

The VICE PRESIDENT. Will the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. Yes.

Mr. BORAH. What obligation has Italy or Germany or any of those nations not to return the tolls which their ships pay in the way of rebate or a refund?

Mr. WILLIAMS. They have no treaty obligation at all; but when they pass through that canal which we have been given the right to construct under certain conditions by Panama, under which we have agreed and they promised to observe our rules for the use of the canal, as a condition of its use by them they become a party consenting to our rules and bound in good faith by them as much as if they had formally agreed to abide by whatever we did in connection with it. They know that it is our object and our duty under the treaty, subject to which our rules are made, to treat the commerce of all countries equally and without discrimination, and if they attempt by legislation of their own to destroy that equality of treatment and equality of benefit so far as their own vessels are concerned, then we will have the right, although they are not parties to the treaty, to restore the equality by making the tolls amount to the ordinary tolls plus whatever any Government appropriates to its vessels, with hope of special and exceptional benefit and with intent to secure it in violation of our treaty obligation both to Panama and to Great Britain. I think I may go further and say that we would have the right, if that was the only way to secure equality of treatment to "all nations," to cut off from the use of the canal any nation refusing to "observe" in letter and substantially in practical effect and spirit the rules laid down by us, chief of which always is the rule of equal use for all and special or discriminating benefit to none.

Mr. BORAH. Neither England signing the treaty nor any other Government is under any obligation to treat the United States fairly in this matter at all. This is a unilateral contract, so far as the question of equal treatment is concerned. England could go to work and build a canal across another portion of the Isthmus to-day and charge the United States all she might see fit to charge. There is no obligation upon her part to treat the commerce of the United States with equality, and she promises nothing—she is free; we are bound.

Mr. WILLIAMS. If she built another canal? Yes; in that event.

Mr. BORAH. Certainly.

Mr. WILLIAMS. But there is a contract as to this canal and an obligation on her part to help us when we treat the commerce of the world equally, and there is an obligation, although not a treaty obligation, upon every nation which uses that canal to use it in good faith, "observing" our rules.

Mr. BORAH. Exactly. Now we are dealing with the treaty before us, and there is nothing in the treaty—no language, no phrase—which would obligate England or any other nation not to refund her tolls or treat us fairly in that respect.

Mr. WILLIAMS. To do what?

Mr. BORAH. To treat us with fairness, equality, and so forth. They can refund every dollar of the tolls which their ships pay.

Mr. WILLIAMS. And if they do, we can increase the amount of tolls so as to restore the equality.

Mr. BORAH. We can not do it under the terms of the treaty.

Mr. WILLIAMS. I contend that we can and ought. That brings me to another matter before I take my seat. This is not a unilateral contract, as the Senator from Idaho calls it, but it is a trilateral contract, to say the very least of it. We took the very strip of land in Panama by treaty as a conditional grant from Panama, and we can not morally and in good faith use it, and we have no title to it, except subject to the conditions of the grant, and the Panama treaty with us made the Hay-Pauncefote treaty a part of itself.

Mr. BORAH. But not a consideration, which affects the title.

Mr. WILLIAMS. But, yes. It goes to the very root and initiative of our title. So the trilateral contract exists between Great Britain, Panama, and the United States. It is true that Great Britain is not in any way responsible for the management of the canal, because she has no part or parcel in its management, but she is bound by the terms of the treaty. So is Panama. So are we.

Mr. SUTHERLAND. Before the Senator from Mississippi takes his seat, do I understand it to be the position of the Senator from Mississippi that under the Hay-Pauncefote treaty, if Germany or France or England paid a subsidy to its ships of commerce equivalent to the tolls which were exacted by the United States, that would be a violation of the treaty?

Mr. WILLIAMS. Of course, it would not be a violation on their part of the treaty if they were not parties to it. No party can violate a treaty who is not a party to it. But it might under certain circumstances be a violation of the treaty on our part to submit and consent to their act.

Now, what is done in the Suez Canal situation? We will get things down to the real point. The Austrian Government, for example, makes an appropriation to pay its ships what they have paid as tolls in the Suez Canal. If any country does that as to the Panama Canal, then we, under our treaty with Great Britain, are compelled, or it is our duty, as I see it, not only to our own people and to our own commerce but a duty to Great Britain and her commerce under the treaty, to restore the real equality by making the tolls such that a discrimination thus caused shall not continue, and the only way we can do that is by adding to the tolls in a case like that just what Austria pays or agrees by law to repay to her ships.

Mr. SUTHERLAND. But the Senator's position would be, nevertheless, that Germany or France would be perfectly at liberty to give these subsidies, while the United States, if it undertook to give a subsidy to its own ships equivalent to the amount of tolls, would be violating the treaty.

Mr. WILLIAMS. Mr. President, the Senator has gone back to his original language. Of course I must take his statement upon that ground. There is nothing in this treaty that prevents the United States or anybody else from passing a law to give a ship subsidy; in other words, a general ship subsidy. But I was talking about a special case, where they remitted the canal tolls. That is the contention suggested by the Senator from Connecticut [Mr. BRANDEGEE], with which he did not agree. When you come to the question whether there is anything in the treaty to keep Austria or Italy or Great Britain or the United States themselves, even, or any nation, from passing a ship-subsidy law, of course there is not.

Mr. SUTHERLAND. But what I am asking the Senator now is whether, in his opinion, it would be a violation of the treaty upon the part of the United States if the United States granted a subsidy equivalent in amount to the amount of toll that these American ships paid?

Mr. WILLIAMS. With the intention and with the effect of giving free passage to our ships, or a part of them? The Senator means that?

Mr. SUTHERLAND. Well, the Senator puts it that way.

Mr. WILLIAMS. That undoubtedly would be an evasion, in my opinion, of the spirit of the treaty, and an indirect violation of it as reprehensible as any direct violation.

Mr. SUTHERLAND. Then the United States has tied its hands in such a way that it can not encourage its merchant marine so far as that would be an encouragement, while it has left every other nation in the world free to encourage its merchant marine hereafter.

Mr. WILLIAMS. If the Senator means that the United States has tied its hands so that it can not encourage its merchant marine, it has tied its hands only against subsidizing its ships in a specified way—that is, by remission of canal tolls, or what is in spirit the same thing—repayment of them. Just that far, too, and no farther, have we the right, as the manager and owner of this canal, to "tie the hands" of any other nation.

Mr. SUTHERLAND. Every other nation can.

Mr. WILLIAMS. It can subsidize its merchant marine and build it up in any other way—in any way, in fact—which is not violative of this or some other treaty.

Mr. BORAH. In other words, under the Hay-Pauncefote treaty the United States has surrendered a part of its sovereign power?

Mr. WILLIAMS. Mr. President, I do not intend to make a speech. I will just say a few words about that since the Senator has brought it in. Of all the enfantillage that has been uttered in connection with this debate that stands easily chief. It is not even original with the Senator from Idaho.

Mr. BORAH. I would not claim originality in a Chamber where the Senator from Mississippi sits.

Mr. WILLIAMS. Oh, pshaw! You might just as well say that when the United States enters into a treaty with Great Britain about its fisheries or about fisheries generally, or when it enters into a treaty with some country about aliens from that country, it has surrendered a part of its sovereignty. There never was a treaty made since the world began, not even a reciprocity treaty, that did not surrender some natural right of both nations entering into the treaty. Now, a natural right in

international relations is the right to have your own way, to announce your own purpose, and to get it by war if necessary.

Mr. SUTHERLAND. Mr. President——

Mr. WILLIAMS. One moment. Every treaty of commerce ever entered into from the Jay treaty down to now, if kept in good faith, in some way shackled and limited the power of free action of our own Government; and in that very remote way was a limitation upon our sovereignty and upon that of the other high contracting powers. Every time you make a treaty of peace at the end of a war, as far as that is concerned, you agree not to do something which without the treaty you could have done; and if you wish to be numbered among the faith-keeping nations of the earth you must to that extent frequently limit your activities, and in that remote sense, and in that only, "surrender your sovereignty," if you choose to call what you have done by so absurdly inapplicable a phrase. In other words, every time a nation of the earth says to another, "I will agree to this, provided you agree to that," both nations have surrendered something which without the treaty they would not have surrendered. But as entering into a treaty is also an act of sovereignty, you exchange your freedom of sovereign action, as to what you surrender, in consideration of the benefit which, by the exercise of sovereignty in making the treaty, you acquire.

One might as well say that if I agree to quit smoking I surrender my individual liberty and independence. I only exercise the former and assert the latter.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. Wait a minute. Another thought. You speak as if at the time of this treaty we were the grantors. We are not.

Mr. BORAH. Will the Senator permit me?

Mr. WILLIAMS. You speak of it as if we had had a certain limited territory down there in Panama which belonged to us in fee simple, without any conditions of any description, when, as a fact, the very deed, which was the treaty which transferred the strip to us, did it under the most solemn conditions with which you must comply if we regard the sanctity of international faith.

Now, nations that do not respect inviolate the sanctity of their treaties invite the aggressions, as well as the contempt, of all the world. In that certain sense, of course, when we entered into the Hay-Pauncefote treaty we did surrender a part of our sovereignty, by asserting another part of it, if you mean by sovereignty unrestrained freedom of national action without international obligation by voluntary treaty limitation of action.

Mr. BORAH. That is what I want to have the Senator admit.

Mr. WILLIAMS. As a matter of fact, we have surrendered no real sovereignty at all. You intend the American people to believe that somehow or other we have surrendered that which is a part of our independence and of our national life. We have done nothing of the sort, and nobody believes that we have.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. So far as the courts are concerned, so far as legislation is concerned, we are just as fully sovereign upon the Panama Canal as we are anywhere else in any other territory of the United States; but so far as the use of the canal is concerned, we are not free and untrammeled and independent of the balance of the world, because we have voluntarily contracted by solemn treaty to manage and control it without discrimination.

Mr. BORAH. Yet, Mr. President, what——

Mr. WILLIAMS. The title rests on treaty and is an international title and not a national title at all. Yet what? [Laughter in the galleries.]

The VICE PRESIDENT. The Chair will continue to warn the occupants of the galleries as to the rules of the Senate. Manifestations are not permitted.

Mr. BORAH. Yet, Mr. President, that country over which the sovereignty of the United States has been extended is one of the most vital and important pieces of territory that the United States owns. Now, if our sovereignty over that territory is limited in any respect whatever, to the extent that it is limited we have parted with that sovereignty, have we not?

Mr. WILLIAMS. It is not limited in any respect except as to our management of the canal, and in that respect only by our voluntary contractual act, which was itself an act of sovereignty, and it is limited especially in this respect, that in managing it we shall so manage it that there shall be equal treatment for all nations, and so that we shall comply with article 8 of the Clayton-Bulwer treaty, which promises no discrimination between vessels and commerce of British subjects and American citizens; and by article 4, I believe it is, of the Hay-Pauncefote treaty, which extends this obligation of non-discrimination to the vessels "of all nations observing the rules" laid down by us.

Mr. BORAH. Now, Mr. President, just a moment. If we had no treaty with Great Britain and had built that canal upon the territory as it there exists at this time, there would be no doubt that we could send our vessels through that canal free if we desired?

Mr. WILLIAMS. Oh, yes; if we had no treaty with Great Britain, or Panama either, and owned the strip unconditionally.

Mr. BORAH. Both our local commerce and our over-sea commerce. Now, the power to control the commerce of the country is an exercise of sovereignty. If we have parted with our right to control that commerce we have parted with a most essential and vital portion of our national sovereignty.

Mr. WILLIAMS. Yes; if that is sovereignty and if the case of no treaty supposed by you existed in fact. If you entered into a commercial treaty with Great Britain, you would have parted with certain rights.

Mr. BORAH. I submit to the Senator that if we parted with the right we parted with a portion of our sovereignty, and I understood the Senator to say that that position was the most puerile ever uttered in the Senate of the United States, or something to that effect. Yet the Senator will admit that we have parted with a portion of our sovereignty if the construction of the treaty which the Senator makes be correct.

Mr. WILLIAMS. I used the word "enfantillage" in connection with that argument. I was using it because there was intended to be conveyed by argument the impression that we surrendered a part of our real sovereignty, not a mere freedom to act. The people at large, when you talk about "surrendering" a part of "the sovereignty of the United States," think we have somehow or other crippled the United States as an independent, free nation upon the surface of the earth. I said that of course this treaty, like all treaties, does to a certain extent hamper the free and independent activity of both contracting parties. Now, undoubtedly if the United States had owned the strip at Panama just as it owns the Florida Peninsula and had cut a canal across it, it would have had the right to have charged whatever it pleased and to refuse to charge anything to whomsoever it pleased. It would have had a right to treat the matter as of purely domestic concern, which it would have been. But the fallacy is that you insist on treating the Panama Canal as a purely domestic concern, when your very title is international and not national, and when the very grant by which you hold this strip is a grant with conditions, and an international grant and international conditions at that.

Mr. BORAH. Mr. President, I disagree with the Senator entirely.

Mr. WILLIAMS. The canal strip could not have been unconditionally acquired and the canal built, except at the end of a war, without entering into an international agreement with international conditions. Undoubtedly we could not have taken it away from Panama or from Colombia without a war; possibly, though not probably, war also with Great Britain for violation of another treaty. The only way we had to get the strip at all was to get it under an international agreement with conditions, and the conditions are written in the agreement, which was the treaty.

Do not forget all the time that the Panama Canal makes the Hay-Pauncefote treaty a part of itself and its observance a part of the Panama grant. Panama is the grantor, we only the grantee. Another Senator said something about abrogating the Hay-Pauncefote treaty. The Senator from Georgia has very properly stated this morning that if you did you would abrogate your title to the canal strip.

Mr. BORAH. I disagree with both the Senator from Mississippi and the Senator from Georgia on that proposition. It is no part of the consideration of the transfer of the canal property. It never was and never was intended to be. The abrogation of the Hay-Pauncefote treaty upon any proper grounds would not affect our title.

Mr. HUGHES. Mr. President, I wish to call the Senator's attention to the fact that to follow his line of reasoning with reference to the impairment of American sovereignty because of the fact that we have parted with our rights to let our ships go through the canal free, the Senator will admit that if his construction of the canal treaty is a correct one we are still bound to make equal charges against all other nations but ourselves. If the Senator's construction of the treaty is correct, it compels us to hold the scales equally between all other nations except ourselves.

Mr. BORAH. Observing the rules which we established.

Mr. HUGHES. All nations observing the rules. Is it not parting with sovereignty to admit that we have not the right

to let any ships go through free? I do not suppose the Senator concedes it.

Mr. BORAH. We look upon the question of sovereignty in an entirely different way.

As the Senator from Oklahoma [Mr. GORE] is anxious to proceed with the appropriation bill, I will not take up further time.

Mr. GORE. I ask that the unfinished business be temporarily laid aside.

Mr. JONES. Has the unfinished business been laid aside?

The VICE PRESIDENT. It has not.

Mr. GORE. The Senator from Louisiana [Mr. THORNTON] asked that it be laid aside.

Mr. THORNTON. I will say to the Senator from Oklahoma that it was coupled with the statement if no other Senator wished to address the Senate at that time, but other Senators did take the floor, and the moment it is concluded I wish to renew my request.

Mr. JONES. I simply wish to make a request before the unfinished business is laid aside.

Mr. HUGHES. Mr. President, before the unfinished business is temporarily laid aside I wish to make a brief statement.

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Jersey?

Mr. GORE. I yield.

Mr. HUGHES. I will say to the Senator from Oklahoma that I will not occupy more than five or six minutes.

Mr. GORE. I yield.

Mr. HUGHES. I wish to call the attention of the Senate to some figures in connection with the argument made by the Senator from Idaho [Mr. BORAH] that the reason why Great Britain yielded in the Welland Canal controversy is because of the retaliatory measures put into effect by the United States. An examination of the records shows that the traffic even through the Canadian canals is exceedingly disproportionate and that any retaliatory measures the United States could possibly contemplate or put into effect would not operate to the injury of the Canadian traffic nearly so much as it would operate to the injury and damage of American traffic.

The figures show that in 1908 through the Canadian canals the percentage of Canadian commerce was 28.7 per cent and of American 71.3 per cent.

In 1909 the Canadian traffic was 21.8 per cent and the American traffic 78.2 per cent.

In 1910 the Canadian traffic was 18.3 per cent and the American traffic 81.7 per cent.

In 1911 the Canadian traffic was 20.5 per cent and the American traffic 79.5 per cent.

In 1912 the Canadian traffic was 19.7 per cent and the American traffic 80.3 per cent.

In 1913 the Canadian traffic was 21.3 per cent and the American traffic 78.7 per cent.

It seems to me that that disposes conclusively of the argument of the Senator from Idaho that it was not because England came to the conclusion that she had been wrong about her treaty that she yielded, but because of the threatened retaliatory measures on the part of the United States.

I will state that the figures which I have read were given by a gentleman from whose argument the Senator also was quoting, I think, although the gentleman arrives at a different conclusion than the Senator from Idaho.

Mr. BORAH. From whom was the Senator reading?

Mr. HUGHES. I was reading from the speech of Representative STEVENS of Minnesota.

Mr. BORAH. I want to ask the Senator before he concludes if he thinks Great Britain was actuated by commercial interests and moved by reason of retaliatory legislation, why it was that Great Britain contended at the time she yielded upon this proposition, notwithstanding her contention as to the construction of the treaty was a correct one, that she did not yield her construction of the treaty, but simply abandoned for the time the rebating of the tolls.

Mr. HUGHES. I confess I do not see that the language the Senator quotes from the treaty applies.

Mr. BORAH. It says every obligation of the treaty has been fully and unreservedly met.

Mr. HUGHES. I am speaking of the language of the treaty itself. The Senator goes too far, I think, when he puts it beyond the power of the Members of the Senate to read more than one meaning in the language of the treaty.

I can conceive of one or two other constructions which can be put upon that language. For instance, there is nothing said in that treaty about merchandise.

Mr. JONES. Mr. President, I desire to ask unanimous consent to have inserted in the RECORD an article from the Washington Post of Monday, May 11, containing a statement made by Hon. Philander C. Knox, formerly Secretary of State.

The VICE PRESIDENT. Is there objection?

There being no objection, the statement referred to was ordered to be printed in the RECORD, as follows:

FORMER PREMIER KNOX RIDDLES REPEAL CLAIMS IN A CLEAR ANALYSIS OF TREATY—RIGHT TO PROTECT CANAL IN TIME OF WAR, WHICH GREAT BRITAIN CONCEDES, CARRIES WITH IT PREROGATIVE OF PROTECTING OUR DOMESTIC COMMERCE, HE SAYS—TOO MANY IRRELEVANT MATTERS CLOUD THE ISSUE, SAYS STATESMAN WHO HELD STATE PORTFOLIO UNDER PRESIDENT TAFT.

Philander C. Knox, Secretary of State in President Taft's administration, who rejected Great Britain's protest against the right of the United States to exempt its coastwise vessels from the payment of tolls for passage through the Panama Canal, when asked to give his views on the question of repealing the free-tolls provision of the present act and to define the exact issue involved in the controversy, said:

"In the discussion of the canal question now, as in the past, too much consideration has been given to treaties, correspondence, documents, opinions, beliefs, and imaginings that are wholly foreign to the simple issue involved. This issue arises out of one tremendous fact and one brief treaty affecting that fact. The fact is our canal at Panama and the treaty is the one negotiated in 1901 by John Hay and Lord Pauncefote. This is the only treaty affecting the issue, as it in explicit terms abrogates the Clayton-Bulwer treaty—the only other one we ever had with Great Britain upon the subject of an isthmian canal. It is true that in the preamble of the later treaty it is recited that one of the things the negotiators intended to do was to include in its terms a provision for the neutrality of the canal, as was contemplated by the earlier treaty, and this they did in its third article.

"The present controversy arises out of Great Britain's challenge of our right to exempt American coastwise vessels from the payment of tolls. The challenge is predicated upon the claim that by the Hay-Pauncefote treaty we bargained away that right incident to our ownership.

DEFINITION OF THE ISSUE.

"I am willing to accept the definition of the nature of the issue thus raised given by two eminent gentlemen, one of whom openly favors the repeal of the tolls exemption to American coastwise ships, and the other, it is known, while not asking, would not object to its repeal. Mr. Richard Olney has put in two sentences the nature of Great Britain's claim upon the canal. 'The claim of Great Britain,' said Mr. Olney, 'is, in effect, a territorial claim. The United States possesses no more costly and perhaps no more valuable piece of territory than the Panama Canal, and Great Britain's claim is that the Hay-Pauncefote treaty not only encumbers that territory with equal rights of use by all other nations, but impresses upon it a servitude by which the United States loses the free use of its own canal for its own vessels.'

"Sir Edward Grey's protest states the same proposition in different words, 'the treaty,' says Sir Edward, 'imposes limitations upon the freedom of action of the United States' in respect to the canal. In other words, he claims the treaty imposes limitations upon American sovereignty. From these premises it is easily deduced that the patriotism and good faith of those who maintain as an earnest conviction either side of this disputed legal question should not be challenged. It is just as praiseworthy to defend the American right to deal with our own in accordance with our own convictions of true national interest, if we believe we have not parted with that right, as it is to insist that we should fully comply with our international engagements if we have contracted away our full liberty of action.

"In any discussion of the President's statement that the tolls act violates our treaty, or of Sir Edward Grey's more specific claim that our freedom of action in respect to the canal is limited by the Hay-Pauncefote treaty, it is important to carry in mind that such limitation must either be found in the words of the treaty or arise by necessary and irresistible implication from the facts defining the relation of the parties of the treaty and to its subject.

"The principle of international law governing a claim in derogation of sovereignty being that no treaty can be taken to restrict the exercise or rights of sovereignty unless effected in a clear and distinct manner.

ANALYSIS OF SOVEREIGN RIGHT.

"First, let us look at the facts. The United States paid to Panama $10,000,000 for the zone itself; we have agreed to pay to Panama a yearly annuity of $250,000 forever; we paid to the French Panama Canal Co. $40,000,000 for its rights in the Isthmus; we are building the canal at a total expenditure of about $400,000,000; we alone are to meet the $25,000,000 which it appears to be now proposed to pay Colombia; we alone are expending untold millions necessary to fortify and protect the canal so that some belligerent, eager to secure the resulting advantage, may not destroy it; we alone are bearing the risk of losing all this investment as the result of some natural cataclysm, such as an earthquake, against which no human agency can secure us; we alone have stood for whatever of criticism has come from the manner of acquiring the Canal Zone—a criticism encouraged and fostered by the very class which now seeks to turn over to Europe, as a gratuity, the benefits of our action; we alone have put the lives of the flower of our Army engineers and of thousands of American citizens through all the hazards and dangers of fatal tropic maladies, and finally no other country has shared and does not propose to share one penny of this expenditure or any phase of any risk, connected with our stupendous undertaking. Surely upon these facts there arises no necessary implication that Great Britain is entitled to the benefits of this colossal work on the same and identical terms as we, the owners, the builders, the operators, the protectors, and the insurers of the canal, or that she shall dictate how we shall treat matters of purely local national trade and commerce, or that we shall be denied the very rights in respect to our domestic commerce which she herself claims and exercises and which every other nation in the world possesses.

GRANT OF PRIVILEGE.

"If the limitation which Sir Edward Grey says is imposed upon our freedom of action in respect to the canal does not arise by necessary implication from these facts, let us see if we can find it in the language of the treaty. In short, let us seek the words of limitation.

"They are found, according to the British contention, in article 3. This article is a declaration by the owner of the canal of the terms upon which it is to be used. There are, all told, six rules. The first grants a privilege, the other five specify the conditions upon which that privilege is to be enjoyed. 'The canal shall be free and open to the

vessels of commerce and of war of all nations observing these rules' is the language of the grant.

"The conditions to be observed set out in these rules not only all relate to war, but all have reference to imposing the least inconvenience to the owner of the canal arising out of a state of war between the powers using it. * * *

"Of course it must be admitted that by applying a childish logical formula to this text it can be claimed that the United States is included within the words 'all nations,' but a consideration of the relation of the parties to the subject of the treaty shows that the United States, the grantor of conditional privileges in the canal to all nations, parted with no particle of its rights of ownership in the property or subjected its own use of the canal to the conditions it imposed upon the beneficiaries of its generosity.

"Has the United States bound itself not to use the canal if it should exercise a right of war or act of hostility within it; if it should revictual its ships or take stores in the canal; if it should embark or disembark troops within the canal; if its vessels of war should remain within the waters longer than 24 hours; and, if so, who is going to enforce these rules upon the United States, and will our obedience to them be compelled by the guns we are planting there for the protection of the canal? Does not such a view of our rights invite all other nations to war with us, if we, during an actual state of war, use the canal for any military purpose? In short, would we not thus make all nations the allies of our immediate adversary if we have agreed with all nations through Great Britain that the rules we prescribe for the use of the canal apply to ourselves, the grantors of the use?

UNITED STATES AUTOMATICALLY EXEMPT.

"Let us see how Great Britain meets this embarrassment. Sir Edward Grey seeks to avoid the application to the United States of all the rules in article 3 except rule 1 by saying: 'Now that the United States has become practical sovereign of the canal, His Majesty's Government does not question its title to exercise belligerent rights for its protection.' That is to say, our subsequently acquired sovereignty automatically exempts us from the application of five of the rules to be observed by all nations as a condition for the use of the canal, but our ownership plus our sovereignty does not exempt us from the other one.

"Now, if the right to protect the canal and the right to protect ourselves by exercising privileges in and about the canal denied to other nations by our rules is an incident to our sovereignty, and thus takes the United States out of the meaning of the general words 'all nations,' the right to promote our domestic commerce in a field exclusively its own is an incident of sovereignty and ownership having the same effect. To deny the free use of our own canal for our own vessels is just as much an impairment of our sovereignty as to deny our right to exercise acts of belligerency in and for its protection. And the implication that we have not surrendered one of these sovereign powers by the use of the words 'all nations' is just as strong under the first rule, which is our contention, as it is under the other five, which is Sir Edward Grey's contention.

"'Practical sovereignty,' which, as Great Britain claims, permits us at our own expense and risk to defend the canal, to maintain its neutrality, and to exclusively exercise belligerent rights within its boundaries in time of war imports to its possessor no higher title or privilege than does sovereignty and ownership in time of peace. Our rights in peace bear a just relation to our obligations in war. The benefits of sovereignty go hand in hand with its burdens.

OUR RIGHTS CONCEDED.

"In further illustration of this point it is very interesting to note and consider the admitted effect of another statement in the British protest. It reads, 'At the date of the signature of the Hay-Pauncefote treaty the territory on which the Isthmian Canal was to be constructed did not belong to the United States, and consequently there was no need to insert in the draft treaty' articles preserving sovereignty rights. In fine, the fact that we were not sovereign over the canal when the treaty was made excuses us for not reserving sovereign rights. But in the very next sentence the protest states the effect of our subsequently acquired sovereignty was to read into the treaty sovereign powers, and thereby exempted the United States from the conditions prescribed to govern the use of the canal by all nations.

"The perfectly sound principle involved in all this, and so frankly admitted by Sir Edward, is that where sovereignty exists the exercise of its attributes need not be reserved; they are implied; and this is the reason why John Hay, scholar and statesman, familiar with and guided by accepted principles, felt under no compulsion to reserve the rights incident to what he characterized as our complete ownership of the canal.

"It was never contemplated at any period in the history of the Isthmian undertaking that Great Britain should be on terms of equality with the owner of a canal or even with the other users of the canal, except as compensation for her protection of the canal. She never had any treaty with any nation contemplating building a canal until the Hay-Pauncefote treaty, her previous efforts having been confined to declaring the extent of her intentions in respect to some one else's canal to which she proposed to extend her powerful protection.

"How is the United States assured that Great Britain or any other nation will observe the rules we have prescribed for the use of the canal? They have not agreed to do so. The Hay-Pauncefote treaty contains no such an obligation on their part. We refused to accept language proposed by Great Britain that would make the right to use the canal by other nations a contractual right.

IN RIDICULOUS ATTITUDE.

"The failure of other nations to comply with our rules only debars them from the use upon equal terms with such nations as do comply with them, and how are we to know whether they will comply with the rules, which all relate to war, until war exists?

"We find ourselves in rather a ridiculous situation under the British interpretation of the treaty. We are to curtail the rights flowing from sovereignty and absolute ownership of the canal upon the hypothesis that the beneficiaries of our generosity will be so good, even when quarreling with each other, as to comply with the rules we prescribe for its neutrality. The neutrality of the canal will most likely be respected if and only as we, its sovereign, are able to enforce it. * * *

"As Great Britain only claimed that the canal act impaired her treaty rights if it extended the exemption to trade other than legitimate coastwise trade, or if the tolls were computed without taking into account that trade why should we repeal the act when neither of these causes of offense exists?

"What Great Britain really claims is that the Hay-Pauncefote treaty 'imposes limitations upon our freedom of action,' and what she originally asked was, 'in view of the President's memorandum' attached to the canal act, that the question thus raised should be submitted to arbitration.

"Mr. Bryce very truly said in his note of February 27, 1913, submitted after a bill had been introduced to repeal the exemption, 'that a reference to arbitration would be rendered superfluous if steps were taken by the United States to remove the objection entertained by His Majesty's Government to the act.' It certainly would. To repeal the act on the ground that it violates the treaty would be to sanction by act of Congress all that Great Britain could claim before an arbitral tribunal, and so far as the Senate is concerned, confirm the British claim by a majority vote, whereas it would require a two-thirds vote to refer it to arbitration.

"As Great Britain has no interest in the canal itself, but only in the use of the canal, the United States should not admit that the Hay-Pauncefote treaty 'imposes limitations upon the freedom of action of the United States' to legislate upon matters not affecting Great Britain's use or the terms upon which her use is to be enjoyed. And in the absence of allegation or proof that the canal act itself or the President under authority of the act has, as a fact, by exempting coastwise vessels from paying tolls or otherwise, imposed terms upon the British use or charges for such use that otherwise British vessels would not have been compelled to meet or to pay the freedom of action of the United States in legislating respecting its own coastwise trade is not restrained.

"This was the position taken by President Taft, written into our laws by an act of Congress, indorsed by the three great political parties, and supported by all the presidential candidates in the last national campaign.

"It is as sound now as then; indeed, time confirms its wisdom, its patriotism, and its strength."

Mr. THORNTON. Mr. President, if no other Senator wishes to speak on the unfinished business, I renew the request which I previously made that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask unanimous consent that the Agricultural appropriation bill may now be proceeded with.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment reported by the Committee on Agriculture and Forestry on page 53, line 22, in the appropriation for the purpose of carrying out the provisions of the act relative to the protection of migratory game and insectivorous birds, to strike out "$50,000," the sum appropriated by the House, and in lieu thereof to insert "$10,000."

The VICE PRESIDENT. The question is on the amendment reported by the committee.

Mr. McLEAN. I ask for the yeas and nays on the amendment.

The VICE PRESIDENT. The yeas and nays have been heretofore ordered. The Secretary will call the roll.

Mr. McLEAN. A parliamentary inquiry, Mr. President. I do not think Senators understand precisely the shape in which the question is now pending before the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 53, reported by the committee, proposing to strike out "$50,000" and to insert in lieu thereof "$10,000."

The Secretary proceeded to call the roll.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], who is not in the Chamber. I therefore withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. In his absence I withhold my vote.

I will also state that my colleague [Mr. MYERS] is detained from the Senate by illness. He is paired with the Senator from Connecticut [Mr. McLEAN].

Mr. WARREN (when his name was called). I announce my pair with the Senator from Florida [Mr. FLETCHER], and therefore withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the senior Senator from Idaho [Mr. BORAH] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I am informed by a messenger from his colleague [Mr. OLIVER] that the senior Senator from Pennsylvania, if

present, would vote "nay." As I intend to vote in the negative, I ask to be recorded. I vote "nay."

The roll call was concluded.

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is sick at home and unable to be in the Senate to-day.

Mr. CHILTON. I have a pair with the Senator from New Mexico [Mr. FALL]. If the Senator from New Mexico were present I do not know how he would vote, and therefore I withhold my vote.

Mr. SMITH of Georgia. I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. Were he present, he would vote "nay" and I would vote "yea."

Mr. BANKHEAD. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. GALLINGER. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and vote. I vote "nay."

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON], but on this particular question I am released from the obligation to my pair, and I therefore vote. I vote "nay."

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent. There is no one to whom I can transfer my pair for the present. I shall therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. DILLINGHAM (after having voted in the negative). When I voted I was not aware of the absence from the Chamber of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair. I therefore withdraw my vote.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY]. As has been stated, he has a general pair with the Senator from Indiana [Mr. KERN].

I also desire to announce the necessary absence of the junior Senator from Wisconsin [Mr. STEPHENSON] who has a general pair with the Senator from South Carolina [Mr. TILLMAN].

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Ohio [Mr. POMERENE] and vote. I vote "yea."

Mr. MARTINE of New Jersey. I desire to announce the pair existing between the Senator from Illinois [Mr. LEWIS] and the Senator from New Mexico [Mr. CATRON].

Mr. TILLMAN. I have a general pair with the Senator from Wisconsin [Mr. STEPHENSON]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote. I vote "yea."

Mr. DILLINGHAM. I find that I can make a transfer of my pair with the Senator from Maryland [Mr. SMITH] to the Senator from Michigan [Mr. SMITH]. I will therefore let my vote in the negative stand.

The result was announced—yeas 17, nays 45, as follows:

YEAS—17.

Bankhead	Overman	Shafroth	Vardaman
Bryan	Ransdell	Smith, Ga.	West
Gore	Reed	Smith, S. C.	
Martin, Va.	Robinson	Stone	
Newlands	Saulsbury	Tillman	

NAYS—45.

Ashurst	du Pont	McCumber	Smith, Ariz.
Brady	Gallinger	McLean	Smoot
Brandegee	Gronna	Martine, N. J.	Sterling
Bristow	Hitchcock	Norris	Thompson
Burleigh	Hollis	Oliver	Thornton
Burton	Hughes	Owen	Townsend
Chamberlain	Johnson	Page	Weeks.
Clapp	Jones	Perkins	Williams
Clark, Wyo.	Kenyon	Poindexter	Works
Colt	La Follette	Sheppard	
Cummins	Lane	Sherman	
Dillingham	Lee, Md.	Shively	

NOT VOTING—33.

Borah	Goff	O'Gorman	Stephenson
Bradley	James	Penrose	Sutherland
Catron	Kern	Pittman	Swanson
Chilton	Lea, Tenn.	Pomerene	Thomas
Clarke, Ark.	Lewis	Root	Walsh
Crawford	Lippitt	Shields	Warren
Culberson	Lodge	Simmons	
Fall	Myers	Smith, Md.	
Fletcher	Nelson	Smith, Mich.	

So the amendment reported by the committee was rejected.

Mr. GORE. Mr. President, I feel that I ought to say for myself and for several members of the committee that we did not draw in question the policy of the migratory-bird law. For my own part, I favor the conservation of migratory and insectivorous birds. They render a public and private service. They render a service to agriculture. There were many Senators, however, who challenged the constitutionality of the law. It was known of many of them that the employees engaged in the enforcement of this act were to be placed under the civil-service law on April 20. There were many who were unwilling to have an army of civil-service employees attached to the Government in case the constitutionality of the measure should fail. For that reason the committee brought in an amendment for an appropriation of $10,000, in order that the constitutionality of the law might be tested. If the measure shall be held to be constitutional, there will certainly be no disposition on the part of the committee to withhold an ample and adequate appropriation. It was felt, however, that the constitutionality of the law ought to be tried out before creating a horde of officers who would be on our hands in case the measure should miscarry in the courts. I may say that the Secretary of Agriculture stated to the committee that $20,000 would enable him to maintain his organization and to proceed with the enforcement of the law. The committee would have reported $20,000 but for the absence of the Senator from Arkansas, who had taken quite an interest in this appropriation. The measure was not again reverted to after he returned to the committee. It is my judgment that $20,000 would be an ample appropriation in view of the direct statement of the Secretary of Agriculture to the Committee on Agriculture. I therefore move to strike out "$50,000" and to insert "$20,000" as the amount of the appropriation.

Mr. McLEAN. Mr. President, I hope that amendment will not prevail. I am glad to hear from the Senator from Oklahoma [Mr. GORE] that he approves the purposes of the migratory-bird law, and that he does not think that the Creator made a mistake when he created the insectivorous and useful birds. I am glad the Senator has got so far on the journey, but I think the Senate ought to understand——

Mr. GORE. Mr. President——

Mr. McLEAN. I decline to be interrupted at present, for I want to get this question disposed of this afternoon. I do not care to discuss it at any length, but I do think that the Senate of the United States ought to bear in mind that there is pending to-day, at the request of the Senate of the United States, a treaty which we have every reason to assume takes this existing law into consideration. When that treaty is ratified, as I trust it will be, I can not believe that the Senate of the United States will repudiate its own offspring when it is returned here, and if that proposed treaty meets with the approval of the Senate there will be no question whatever about the right of Congress to enforce the migratory-bird law if the treaty is properly drawn. So it seems to me that if we at this time appropriate a small sum of money, like $20,000, we are giving notice to the British Government that we do not intend to enforce the law. That would be a most unfortunate position for the United States to take at this time.

This money will be wholly in charge of the Secretary of Agriculture, and we all know that he is a man of sufficient ability to use sound discretion in a matter like this. If the treaty is ratified, as it probably will be, before another shooting season opens, every dollar of this money can be expended. I sincerely hope that the Senate will realize that situation and not at this time declare its disinclination to enforce this law. I trust that the amendment of the Senator from Oklahoma will be defeated.

Mr. REED. Mr. President, this is another exposition of constitutional law. We are now told that Congress is about to approve a treaty, and that when that treaty is approved we will have a new Constitution; that if the migratory-bird law is unconstitutional now, all doubt as to its constitutionality will be removed when we negotiate a treaty with a foreign country. That is a new way to amend the Constitution of the United States. It is another example of the fact that the authors of the migratory-bird law have utterly disregarded every fundamental of the law and every principle of constitutional construction.

Mr. President, it is a singular thing that the Senate of the United States should be swept off its feet by a lot of telegrams inspired from one source, and that about the most irresponsible source it is possible to conceive of. There is a gentleman named Hornaday, or some similar name, who has been the great promoting force back of this legislation. I do not know, sir, whether he is sane or insane; but if he be sane, then he is a common slanderer and a common scoundrel. This man has seen fit to scatter his vituperative abuse broadcast over the land. He came into my office a few weeks ago with a long written statement, in which he denounced as traitors to this country a lot of the very best citizens of the State of Missouri and of the State of Kansas, who belong to a game protective association and who are sportsmen of the highest class, because they had ventured to declare that they proposed to ascertain whether this law was constitutional or unconstitutional;

and he broadly asserted in this published statement that any man who dared to refuse to obey an alleged act of Congress upon the ground that it was unconstitutional was a traitor to his country and was guilty of an act which was criminal.

This gentleman made the remarkable request of me that I insist with these citizens of my State that they must acquiesce in the law and that they must under no circumstances test its consitutionality, saying to me that if the law were allowed to stand upon the statute books a few years without being tested people would get used to it, and probably nobody ever would test it. He did not have the temerity to claim that this law was of the slightest validity. I explained to him in the kindliest way I could that these people had legal advice, that they thought they knew their rights, that they were not bad citizens because they raised the question of the constitutionality of a statute, and that I could not advise them that they should abandon their rights; and accordingly I find that the press has been filled up with statements denouncing these gentlemen as "game hogs," and other pleasant terms are used, and my name has been coupled with the rest of the alleged "swine."

Mr. McLEAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I yield to the Senator.

Mr. McLEAN. I did not understand the name of the person to whom the Senator referred.

Mr. REED. The man I am talking about is a gentleman named Hornaday. I hope the Senator did not think I was talking about him.

Mr. McLEAN. No; and I hope the Senator will not hold the migratory-bird law responsible for his controversy with a private citizen.

Mr. REED. I undertake to say that that private citizen had more to do with the passage of the migratory-bird law than had the Senator. I undertake to say that that gentleman is the man who put forth the propaganda, who has flooded the Senate with letters. I undertake to say that he is responsible for the denunciation that has been leveled at every man who has had the temerity to say that the Government of the United States has no right to interfere with the internal affairs of States; and every man who has been abused and mistreated and libeled and slandered in connection with this matter can count it up to the inspiration of the gentleman I am talking about.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. WEST. Where parties have been found guilty of violation of the migratory-bird law, have there not been merely nominal fines imposed in order to keep from testing its constitutionality?

Mr. REED. My understanding is that that is the case. Now, Mr. President, I claim to be as thoroughly in favor of the protection of the game of this country as is the Senator from Connecticut.

Mr. McLEAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. Certainly.

Mr. McLEAN. Right there I should like to ask the Senator if he does not think that this is a proper subject for international negotiation; that it can be covered effectively by treaty; and that if the pending treaty takes into consideration the terms of the existing law, the constitutional infirmities of that law will not be healed, if there are any?

Mr. REED. No, Mr. President; you can no more amend the Constitution of the United States by a treaty with a foreign power than you can remove the sun from its orbit——

Mr. McLEAN. That is not the point.

Mr. REED. Or the world from its course. When did it happen——

Mr. McLEAN. Mr. President——

Mr. REED. Let me put it to the Senator in this way: When did it happen that we proposed to permit a foreign country help us change the Constitution of the United States? The Senator from Connecticut can not mean that.

Mr. McLEAN. Mr. President, we are not changing the Constitution of the United States; we are simply following the course which has been laid down by our Supreme Court in its interpretation of that Constitution, which is that where a matter is a proper subject for international negotiation and a treaty follows, the provisions of that treaty may be enforced, notwithstanding the fact that prior to the existence of the treaty the States would have jurisdiction over the matter.

Mr. REED. Oh, the Senator can not mean to tell the Senate that any court has decided that a fundamental right reserved to the people of any State, or, rather, never yielded by them, can in any way be taken away by a treaty between this country and a foreign country.

Mr. McLEAN. The Senator does not answer my question.

Mr. REED. I am trying to do so, if I can understand the question.

Mr. McLEAN. I will put it so that the Senator can answer it categorically, by stating the existence of our treaties with Great Britain regarding the protection of the swimming fishes, which to-day are entirely within waters within State jurisdiction and to-morrow are in waters under foreign jurisdiction. When they are protected by treaty, I will ask him if he thinks that those treaties violate the Constitution of the United States?

Mr. GORE. Mr. President——

Mr. REED. The Senator from Oklahoma has asked me that he be allowed to ask the Senator from Connecticut a question, and I yield to him.

Mr. GORE. The treaty-making power of the Government of the United States is vested in the President and the Senate. I should like to ask the Senator from Connecticut if he thinks that the President and the Senate could enter into a treaty with Great Britain to abolish the House of Representatives, and if such a treaty would be binding on anybody, anywhere?

Mr. McLEAN. That, Mr. President, would not be a proper matter for international negotiation. The Senators upon the other side of the Chamber decline to answer my question. I ask them whether they think that negotiations between this Government and Great Britain for the protection of the migratory feræ naturæ, which to-day are in Central America, to-morrow in this country, and the next day in Canada, is a proper subject for an international agreement? That is the question.

Mr. REED. Mr. President, of course the Government of the United States can enter into treaties with other countries with relation to the waters of the high seas and the fishes and birds therein, while they remain thereon or therein, but the Government of the United States can not go into a sovereign State and itself exercise any power unless that power has been granted to the Federal Government by the Constitution of the United States; and as the Government of the United States can not itself exercise a power within a State that has not been granted by the Constitution to the Federal Government, of course it can not in concert with England or all the other nations of the world do that which it can not do itself.

Mr. McLEAN. But the Senator has not answered my question. I ask him whether he thinks that this particular question which involves the protection of migratory birds is a proper one for international negotiation?

Mr. REED. It is a proper thing for international negotiation so long as it is limited to those waters over which the United States holds exclusive jurisdiction, or a jurisdiction which is joint with the other nations of the earth.

Mr. McLEAN. But take the birds that do not touch the water, that fly through the atmosphere that covers the Western Hemisphere?

Mr. REED. Under the law, when such birds cross over a State the laws of that State govern, and not the laws of England, where they started from, or of Australia, where they may be going.

Mr. McLEAN. The Senator has not yet answered my question.

Mr. REED. Mr. President, I am trying awfully hard to do so.

Mr. McLEAN. That question is susceptible of a categorical answer. I should like to know whether the Senator thinks the protection of the migratory bird, which to-day may be in Central America, to-morrow in this country, and the next day in Canada, is a proper subject for international negotiation and treaty?

Mr. REED. It is a proper subject for international negotiation if we limit what we attempt to do to that which our Federal Government has the right to control; but it is not a proper subject of negotiation if you undertake to extend it to a point where you invade the rights of the several States under the Constitution.

Mr. McLEAN. I will put the question in another way, because I think we can save time by it. I simply want the Senate to understand my position. The Senator says that no respectable lawyer would take the views that I take with regard to this matter.

Mr. REED. I do not understand the Senator to say that the law is constitutional.

Mr. McLEAN. I call the Senator's attention to the fact that a great many lawyers, possibly as respectable as the Senator from Missouri, have in times past been as positive as he is that certain acts of Congress have clearly violated the Consti-

tution, but the Supreme Court has disagreed with them. I think discretion is the better part of valor in these matters. Now I come to another question.

Mr. REED. Mr. President, let me ask the Senator a question. Does he assert that this law is constitutional?

Mr. McLEAN. I will answer that question. I am not certain. No man is certain of the constitutionality of a law until the Supreme Court has passed upon it.

Mr. REED. Does the Senator believe it is constitutional?

Mr. McLEAN. I think there is plenty of room in the Constitution for this law if there is room for 50 per cent of the laws that we are enforcing by appropriations in the pending appropriation bill.

Mr. REED. But, Mr. President, that is not an answer. The Senator certainly can tell us whether he is willing to say to the Senate now that he believes this law is a constitutional law. He ought to be willing to state his opinion.

Mr. McLEAN. I certainly think, from my study of the question, that the Supreme Court ought to hold this law constitutional. If I were a judge upon the bench, I would so hold.

Mr. REED. But the Senator has not been willing to hazard the opinion that it is a constitutional law.

Mr. McLEAN. Oh, I certainly think so, if that is what the Senator wants to know.

Mr. REED. Upon what clause or power of the Constitution does the Senator base the exercise of this right?

Mr. McLEAN. I have at my desk a brief that I have prepared upon the subject. I will send the Senator a copy of it. The conclusion is that I believe this law is constitutional.

Mr. REED. I wish the Senator would tell us upon what clause he bases that opinion. There must be a clause.

Mr. McLEAN. Mr. President, in a word, I think that where the necessity to protection exists, where the right to protection is clear, and the State, as in this case, is absolutely incompetent to protect itself in the enjoyment of the natural right to be saved from irreparable loss by noxious insects.

Mr. REED. The Senator assumes the whole question. He says "where the right exists," by which he means that where the right exists in the Federal Government to do a thing, it may do it. Does the Senator claim that these birds are engaged in interstate commerce, for instance?

Mr. McLEAN. No; I do not.

Mr. REED. Very well. The Senator, then, does not rest it upon the interstate-commerce clause. The Senator does not claim that it comes under the clause which gives the Federal Government authority to establish courts, does he?

Mr. McLEAN. I do not.

Mr. REED. Or under the clause which gives the Federal Government authority to establish an Army and a Navy or post offices and post roads?

Mr. McLEAN. I will save the Senator the trouble of continuing the list. I think it is one of those implied attributes of sovereignty in which the Federal Government has concurrent jurisdiction with the States. It is a dormant right in the Federal Government, and where the State is thoroughly and clearly incompetent to save itself there is no help except from the Federal Government.

Mr. REED. There may be no help for many things in this world, either by State law or by national law.

Mr. McLEAN. Oh, yes; there is authority somewhere.

Mr. REED. The Senator speaks of implied powers.

Mr. McLEAN. No; an implied attribute of sovereignty.

Mr. REED. An implied attribute of sovereignty, then. What does the Senator do with the clause of the Constitution which states in express terms that all powers are reserved to the States except those expressly therein granted?

Mr. McLEAN. I do precisely what the Supreme Court did with it in the greenback cases.

Mr. REED. Wipe it out?

Mr. McLEAN. It wiped out the objection and the claim that there was not an implied attribute of sovereignty.

Mr. REED. Then the Senator wants to put the constitutional right to protect his ducks upon the same ground that the Supreme Court put its decision in the greenback case. Is that because both of them have green backs? Is that the analogy? [Laughter.]

Mr. McLEAN. Oh, I know, Mr. President, that in the opinion of the Senator from Missouri the only good bird is a dead bird.

Mr. REED. Oh, no.

Mr. McLEAN. I can not understand the Senator's antipathy toward anything that wears wings.

Mr. REED. The Senator from Connecticut is a most lovable and intelligent gentleman, and I have for him the kindest personal feeling, as he knows; but the trouble with the Senator is that he concludes that all who do not accept his remedy are enemies of the cause; that he has the only possible remedy; that if the patient does not take his physic, the patient must die——

Mr. McLEAN. No, Mr. President.

Mr. REED. And that all who protest that his particular kind of nostrum should not be taken want to murder the patient.

Mr. McLEAN. Oh, no; I take no such ground.

Mr. REED. I want the Senator to disabuse his mind of the idea that I think the only good bird is a dead bird. The Senator had no right to say that. I claim to be as good a friend of bird life as the Senator from Connecticut.

Mr. McLEAN. We will admit that.

Mr. REED. I claim to be a better friend of bird life than the Senator, because while he is fooling away—if he will pardon the expression, and I do not mean it unpleasantly—the time of the country in endeavoring to have enacted a law which ultimately must be stricken down, and which in the end will result in total failure, I would take up the plain half of the law, where you can accomplish something, where you can get a result, and I would save the years that will be wasted by attempting to do that which is unconstitutional.

Mr. McLEAN. Mr. President, will the Senator pardon another interruption?

Mr. REED. Certainly.

Mr. McLEAN. I should like to get the Senator's views upon the real question at issue, because it seems to me his personal views or mine as to the utility and beauty of the birds are not so important at this time. I should like to ask the Senator if he thinks the sovereignty of the United States with regard to its power to make treaties is not coextensive with that of other nations?

Mr. REED. Why, not at all.

Mr. McLEAN. The Senator does not think so?

Mr. REED. Not in all respects.

Mr. McLEAN. Does the Senator think it would be in this respect?

Mr. REED. No. I do not think the United States is Russia. I apprehend that the Czar of Russia, because he is an autocrat and has unlimited power, could make almost any kind of treaty he wanted to make. He could make almost any kind of treaty with another government because over his own people, who are mere subjects, he exercises almost unlimited power.

Mr. McLEAN. We will take Great Britain. We will assume that Great Britain invites us to negotiate a treaty covering this subject. We have, then, in this country 48 States and a Nation. We have 49 sovereignties in all, but we have no real sovereign if we can not deal with this question, because 14 of the nations of Europe have already entered into treaty negotiations for the protection of the migratory birds.

Mr. REED. The Senator is—oh, well, how shall I discuss this question? The Senator certainly knows that our National Government is a Government of certain restricted powers; that it has no powers except those which were granted to it by the voluntary act of the States and those powers which are necessarily involved in and a part of the powers expressly granted. The Senator certainly knows that the United States is a Government of limited powers. He certainly knows that the States of this Union are complete and absolute sovereigns except in so far as they have granted to the Federal Government certain of their sovereign attributes.

Mr. McLEAN. States can not make treaties.

Mr. REED. States can not make treaties, but the Government of the United States can not make a treaty which violates the Constitution of the United States. If it did, then the President and the Senate alone could wipe out the Constitution of the United States at any time they saw fit.

Mr. McLEAN. That is perfectly true.

Mr. REED. Does the Senator believe that?

Mr. McLEAN. What the Senator has said?

Mr. REED. Does the Senator believe that?

Mr. McLEAN. I certainly do.

Mr. REED. The Senator does? Then, if the Senate please, I submit that as the final word on the authority of the Senator as a constitutional lawyer, and I proceed to discuss the question.

Mr. McLEAN. Of course, we can not wipe out the Constitution. The Constitution gives us the power to regulate this subject by treaty, in my opinion. The Senator has said that he thinks this is not a proper subject for international negotiation.

Mr. REED. Oh, I did not say that. I said it was a proper subject for international negotiation so long as the Government of the United States limited the effect of its treaty to those waters over which it exercised complete sovereignty or over which it exercised joint sovereignty with other nations.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED. I do.

Mr. CLARK of Wyoming. I wish to ask the Senator a question.

We passed the law upon which this appropriation is based. So far as we are concerned, it is now the law of the land. The question of its constitutionality is not and can not be determined in this body. There is but one place in which it can be determined.

The law may or may not be constitutional. It is, however, at present the law of the land. It has been in process of administration. As I understand, an organization has been perfected by the Secretary of Agriculture under the law, and it is now at work. Whether it is working well or ill, I do not know. The Secretary of Agriculture has asked $100,000 to go on with this work. The House granted half that sum.

It has occurred to me that I would be hardly justified, even if my private and personal opinion were that the law was unconstitutional and might finally be determined to be unconstitutional, in handicapping the operating of the Government under this law while the law is upon the statute books and still in force. Even if I held the view which the Senator from Missouri holds, that as an absolute dead certainty a law passed by two bodies of Congress and signed by the President is unconstitutional, I should hesitate to withhold my approval of an appropriation upon my own individual opinion as to the constitutionality of the law. That is a consideration for my own government, of course.

Mr. REED. There are many questions upon which lawyers differ. There is always a shadow land between that which is constitutional and that which may be unconstitutional. When a question is in that shadow land, all of us would naturally say that the law having been enacted we certainly would give it the benefit of the doubt.

Even then, however, as long as a reasonable doubt exists, I put it to the Senator who asked me the question, if we ought to set up a machinery costing thousands and tens of thousands and hundreds of thousands of dollars until the constitutionality of the statute has been determined, when that constitutionality could be determined within 30 days of time without the slightest difficulty, at least so far as the decision of one of the United States courts is concerned?

We can get to a point where there can be but little, if any, doubt; and we are at that point, in my opinion, in regard to this bill. I have just stated to the Senate that the man who has preached this propaganda himself came to me begging that the law should not be tested. The Senator from Connecticut, when he advocated this bill in the first instance, did not profess to declare it constitutional, for I remember interrogating him on the floor, and his reply was that he was not a constitutional lawyer; that some lawyers had said they thought it might stand, or words to that effect. You have just heard the reasons he gives here, which amount to this, that "the law is not constitutional now, but we are going to make it constitutional by negotiating a treaty with some foreign country." Under those circumstances, should we proceed to set up an expensive and permanent machinery, or should we say to the Attorney General, "You have a general appropriation; you have your courts; you have your prosecuting attorneys. It does not require any large sum of money to try one of these cases; in fact, it does not require a 5-cent nickel to test one of them, unless a brief is written on appeal. You proceed now, and if this law is sustained, we will set up this costly and expensive machinery for you. We will get a man to go into every county of every State to interfere with the rights of the local people. We will proceed to let down the bars, and we will create this great board of national game wardens"? But until and as long as this not doubt, but certainty, in my opinion, exists that the law is unconstitutional, why proceed to create this machinery?

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. WEEKS. The proposition before the Senate is to appropriate $50,000 for this purpose. You could not obtain a decent man for the service for less than $1,500 a year. It might take a thousand dollars a year to pay his traveling expenses. If we appropriated $50,000, and it were all expended for service, that would employ 20 men. Now, what does the Senator from Missouri mean by "creating a horde of Government employees" to carry out the purposes of this act?

Mr. REED. I mean to say that when you enacted this law you only asked for $10,000 to enforce it.

Mr. WEEKS. Why, Mr. President——

Mr. REED. At the next session of Congress we are confronted with a request for $100,000, but with the statement made to the committee that $20,000 will enable them to test the law. Now, what is the use of employing 20 men, as the Senator suggests, and sending them out to enforce the law? Those 20 men, if they were all we were to have, could no more enforce this law than one township constable could preserve the peace of the United States.

The only end that can be served by this appropriation is merely to test the law. Fifty thousand dollars will not enforce it. The crack of the shotgun will go on just as in the past. The only effect will be to put some gentlemen in the civil service and to set up a permanent machinery now, and the next time they will again multiply the amount by 10, and only the Infinite One knows where their demands will cease.

I want to say to the Senator from Massachusetts that this law can be tested without the expenditure of a penny; and I want solemnly to assert that the Federal authorities have been running away from a test of this law. I am about to submit some evidence on that point.

Mr. WEEKS. Mr. President, every pothunter in the United States has been crying out against the constitutionality of this law for the past two years. If it were unconstitutional, why did he not bring a test case and take it before the courts?

Mr. REED. Mr. President, I will tell you why he did not bring a test case. This is a criminal statute. The only way you can test it to save your life is to get arrested. They have practically made no arrests except where the individual would agree to plead guilty and pay a merely nominal fine. They have refused to arrest men who proposed to test the law and who had the ability to test it.

Mr. WEEKS. Mr. President, does the Senator mean to say that there have not been arrests under this act and in every case the person arrested has plead guilty?

Mr. REED. I mean to say that every one of those arrests has been of a man who either did not want to test the law or was too poor to test the law, or, to use a somewhat slangy expression, they were "fake" arrests. I am about to show the Senate that up to this hour they have declined to make an arrest where the people were able to test the law.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield to me for a moment?

Mr. REED. I yield.

Mr. CLARK of Wyoming. The Senator makes a somewhat startling criticism of the administration of the law within the past 12 months; but that is not what I had in mind. The committee recommends the appropriation of $20,000.

Mr. WEST. Ten thousand dollars.

Mr. CLARK of Wyoming. I understand this to be a committee amendment that is now offered by the Senator from Oklahoma, recommending the appropriation of $20,000. The House recommended the appropriation of $50,000. I wish to ask whether the Senator believes that $20,000 for this service would be constitutional and $50,000 for this service would be unconstitutional?

Mr. REED. Oh, the Senator's wit is so refined that it is absolutely unanswerable. To undertake to reply to that would be to play with a razor that not only has two edges but is nothing but edges. I would not dare touch it, lest I should commit felo de se.

Mr. CLARK of Wyoming. We are all familiar with the manner in which the Senator answers questions.

Mr. REED. The Senator did not ask that question in good faith, did he?

Mr. CLARK of Wyoming. My question was directed to the chairman of the committee, not to the Senator from Missouri. I wish to say to the Senator from Missouri, however, that there is a way to test this law, and that is to have the law itself administered by the officers of the law. I am loath to believe that under this administration or any other the officers of the law have not honestly endeavored to prosecute offenders under the law. It seems to me somewhat remarkable that the officers charged upon their oath with the administration of the criminal statutes should flee the responsibility which is placed upon them.

The Senator's startling statement is what challenged my attention. I am sorry to hear it.

Mr. REED. I am about to sustain it. The Senator is correct. He agrees with me exactly when I say that the way to test this law is for the authorities to cause somebody's arrest, and to try him, and convict him, and punish him if he does not appeal.

Mr. CLARK of Wyoming. Has the Senator, in the papers which he has there, evidence or statements to the effect that

the Department of Justice, or whoever is charged with the administration of this law, will not make an arrest and will not attempt to execute the law where they think its constitutionality is likely to be challenged? If so, I am in favor of wiping out all administrative appropriations of any nature for that department.

Mr. REED. Mr. President, if I have not been so unfortunate as to leave at my office part of this correspondence, I am about to submit it; and if I have done so, I shall ask permission to submit it to-morrow morning.

The very earliest letter or two that I wrote with regard to this law I have not with me at the present moment. The letter that I now intend to read, in my opinion, sufficiently covers the subject matter. It is as follows:

MARCH 9, 1914.

MY DEAR MR. ATTORNEY GENERAL: I am inclosing you a copy of my letter written you on February 11, 1914; also your reply of the 17th instant.

My letter requests an opinion as to the validity of the national game law. Your reply is to the effect that it will be your duty to enforce the law, and for that and other reasons you can not give an opinion as to its validity.

I agree with you fully that it is your duty to attempt to enforce the law if you believe it to be constitutional. Now, I have to request that you do enforce the law. I am inclosing herewith a telegram from Dr. S. H. Ragan, president of the Interstate Sportsmen's Protective Association, which embraces a membership of 800 citizens of Missouri and Kansas, stating that they have made application to the United States commissioner and Federal judge—

I wish the Senator would listen to this.

Mr. CLARK of Wyoming. I am listening.

Mr. REED (reading):

stating that they have made application to the United States commissioner and Federal judge for a warrant charging them, or one of the members of the club, with shooting ducks in violation of the law. The committee have offered affidavits of eyewitnesses to the offense, but a warrant has been refused.

I think these gentlemen are entitled to the privilege of being arrested. The victim they produced, who is willing to offer himself upon the altar of the Constitution, is no less than my personal friend, Ed. F. Swinney, president of the First National Bank of Kansas City. The men belonging to this organization are not lawbreakers, but they believe the Federal game law is in violation of the Constitution of the United States.

It seems to me that the people are entitled to know whether this law is or is not valid, and the only way that question can be determined, in the absence of an opinion from yourself, as the chief law officer of the Government, is to have a case tried in the courts.

The fact of the matter is that the law is being violated habitually by practically everybody who wants to shoot ducks or other game—at least, such is my information. Now, it seems to me that the Government should advise all citizens that the law is invalid or else the Government should treat the law as valid and proceed against one or more of the violators, to the end that the law may be settled.

Will you not kindly instruct the district attorney at Kansas City to cause the arrest of one of these men at Kansas City against whom conclusive evidence of shooting birds can be produced?

Liberty has, indeed, sunk to a low ebb—

He was semijocular or so intended to be—

Liberty has indeed sunk to a low ebb when a citizen of the Republic can not get himself arrested on request.

Thanking you for a reply at your earliest convenience, I am,

Yours, with great respect,

_____ _____.

That was dated March 9. I have the following reply from the Department of Justice addressed to myself:

MARCH 17, 1914.

DEAR SIR: I have the honor to acknowledge your letter of the 9th instant to the Attorney General in reference to the Federal migratory-bird law, in which you state that certain members of the Interstate Sportsmen's Protective Association have made application to the United States commissioner and the Federal judge for a warrant charging them, or one of the members of the club, with shooting ducks in violation of the law, and you desire this department to instruct the United States attorney to cause the arrest of one of them so that the constitutionality of the law may be tested.

The administration of the law is in charge of the Department of Agriculture, and this department would prefer not to act in the matter until a case has been reported to it by that department with clear evidence proving a violation of the law.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I do.

Mr. ROBINSON. On Saturday when this subject was under discussion I read a letter from the Secretary of Agriculture. That letter was in reply to one written by me asking him as to what action had been taken concerning the enforcement of this law. He said that some prosecutions had occurred—four cases in California in which pleas of guilty were entered, one case in Oregon in which a plea of guilty was entered, and another in Arkansas in which the same thing occurred—and that a newspaper article had been called to his attention showing that in one of the Western States some one had demurred to the indictment on the ground that the act was unconstitutional and the demurrer being overruled he had pleaded guilty. But in that letter, which is in the RECORD, on page 8350, the Secretary of Agriculture stated that no case had been found which the Solicitor of the Department of Agriculture thought it advisable to present to the Department of Justice, and I make the statement that it is the policy of that department not to permit this act to be tested; that its whole course since the law was passed has been to prevent a determination of the question as to the constitutionality of the act, and that that conclusion is plainly inferable and clearly implied from the letter which I read on last Saturday and which is found on page 8350. In that letter the Secretary of Agriculture said:

The prosecution of cases arising under the law is under the jurisdiction of the Department of Justice. So far no case has been presented to this department which our solicitor has deemed it advisable to present to the Department of Justice. I can not say when such a case will be found. A number of violations of the act have been prosecuted, however, in various States in which the defendants have pleaded guilty, but these cases have not come to this department or afforded an opportunity for a test of the law.

Omitting a part of the letter, of which I have stated the substance already, it proceeds:

The department itself, so far, has not reported a case to the Attorney General, but has investigated numerous alleged violations, and in every case has found that the facts did not warrant indictments.

Mr. BRYAN. Will the Senator read in this connection a part of the letter from the Secretary of Agriculture on page 8355 of the RECORD?

Mr. ROBINSON. Yes; that letter was inserted in the RECORD by the Senator from Connecticut [Mr. MCLEAN].

Mr. BRYAN. I will read it.

As to the matter of testing the law, I personally have no desire to press the matter. The only question is whether it can be kept out of the courts. There is pressure on the Department of Justice to have the law tested.

Mr. ROBINSON. I think that confirms the statement I made, that it is the policy of the Department of Agriculture to avoid any determination of the constitutionality of this act.

Mr. THOMPSON. Mr. President, I should like to call the attention of the Senator from Arkansas to a statement also in the letter on page 8350, that another prosecution is now pending in the State of Arkansas where this question will come up.

Mr. WEEKS. Will the Senator speak louder?

Mr. ROBINSON. I understand the case will be dismissed.

Mr. WARREN. We can not hear the conversation, Mr. President.

Mr. REED. Mr. President, the significant thing is that the Secretary of Agriculture makes this statement:

As to the matter of testing the law, I personally have no desire to press the matter. The only question is whether it can be kept out of the courts.

Then the Attorney General writes me the administration of this law is in the charge of the Department of Agriculture, and the department would prefer not to act in the matter until a case has been reported to it by that department with clear evidence proving a violation of the law. The gentleman who is charged with the duty of enforcing the law says he has not any interest in enforcing it, and that the only thing he wants to do—for that is what the language means—is to keep out of the courts, if he can keep out of the courts. Then you want to give him $50,000 to do what? To spend in a case where he says he does not want to get into the court.

Mr. WEEKS. If the Senator will permit me, I will tell him one respect in which the money would be expended. It is proposed to send men into the southern fields where these birds migrate, and as far as possible make inventories of the birds, to see the effect of the law from last year to this year, and determine whether the act is going to be beneficial or not.

Mr. REED. In other words, we are going to have a man down there counting wild ducks, to find out how many of them have been kept from being killed by a law that they are afraid to enforce.

Mr. WEEKS. We are going to try to prevent the birds of this country from getting into the condition wild animals are in, where we have to go over to the zoological garden to find them.

Mr. REED. Oh, your intentions are all right. I want to say to the Senator from Massachusetts and to the Senator from Connecticut, and to every Senator upon this floor, that every moment you waste keeping upon the statute books a law that its author doubts, and that the executive branch of the Government dare not enforce, you have lost that much time in having passed laws in the various States that can be enforced, and which will protect the game. Every moment you spend traveling a wrong road you waste that much time which ought to be spent traveling the right road. Every moment you concentrate the efforts of the people of this country who love game and want to protect it along a false line, just that long you postpone the day when game can be and will be protected.

Now, I want to say to both the Senators who have spoken here that I expect that I am a better gamester than either one of

them, and I expect I have spent more time in hunting game and as much effort in protecting game as either of them, if we except the misdirected but very humane efforts that have been put forward by the Senator in passing this unconstitutional law.

But I proceed with this letter. Mark now, this is a game of battledore and shuttlecock. My friend from Arkansas went to the Department of Agriculture to get the enforcement, and they told him they did not care to get into the courts, and that what generally the violator of the law wants to do is to keep out of the courts. I go to the Attorney General, and the Attorney General pushes me up to the Department of Agriculture. I presume that my friend ROBINSON and I passed each other as we were being kicked from one department over to the other. We were birds of passage, and there was no game law to protect us, not even the subject of a treaty. I read on:

The administration of the law is in charge of the Department of Agriculture, and this department would prefer not to act in the matter until a case has been reported to it by that department with clear evidence proving a violation of the law. The evidence must be very clear.

Mr. President, a few weeks ago, all over the West and South, you could hear the crack of the shotgun from morning until night. The pothunter was abroad in the land and laughing at this foolish law. There was no more difficulty in finding a man who was guilty of shooting game within that sacred limit, that had been fixed not by Congress but by the Secretary of Agriculture, than there would have been to have gone on the streets of the city and find a white man. Yet they could not get a case with evidence. It had to be very clear evidence. When men were going upon the trains every day with their guns in their cases and their hunting clothes; when they were camping out along rivers and lakes; when they were boldly carrying their game over their backs through the streets of the city, the Government could not get a case strong enough to prosecute. The reason is, as stated by the Secretary of Agriculture, in effect, that they wanted to keep out of court. I will read on:

Inquiry at the Department of Agriculture has developed the fact that that department intends within a few days to report to this department several cases for prosecution, in which the constitutionality of the law can be properly raised.

Of course, you go out here and arrest some hunter who has $5 or $2 in his pocket and has an old muzzle-loading shotgun, the kind of men they pick out. Such a man would plead guilty; he could not test the constitutionality of the act; but you could not go down and arrest men who were able to defend themselves.

You will easily see—

And I call attention to this—

the impropriety of this department's attempting to prosecute cases which are in reality collusive, and to issue warrants of arrest for persons who themselves come forward and claim to have been guilty of violating a Federal statute.

They were hunting with a vengeance for somebody to prosecute; they were keen upon the scent, indeed, when they would not file a charge against the man who came in and said, "Here I am; I shot a duck. Here it is. Arrest me and I will see whether you have got a good law or a bad law."

Mr. President, I wrote in reply to that on March 23. It is addressed to Mr. Underwood:

I am replying to your March 17 letter, written in reply to mine of the 9th, in which I stated to you that the Interstate Sportsmen's Protective Association had made application to the United States commissioner and Federal judge for a warrant charging one of their members with shooting ducks in violation of the law, and in which I suggested that a case of that character ought to be brought in order to test the constitutionality of the law.

I further stated that the committee stood ready to furnish affidavits of eyewitnesses to the violation, and that these affidavits were against E. F. Swinney, president of the First National Bank of Kansas City. In a word, I stated in my letter that there was abundant evidence of an actual violation of the law.

You inform me that the administration of the law is in charge of the Department of Agriculture. It is true that the Department of Justice has not been deprived of its right to enforce the criminal features of the law against all violators.

You say: "You will easily see the impropriety of this department's attempting to prosecute cases which are in reality collusive and to issue warrants for arrest of persons who themselves come forward and claim to have been guilty of violating a Federal statute."

With all due respect to you, I see no such impropriety. It may be that your experience in the Department of Justice has given you a more exalted conception of legal ethics than is possessed by the ordinary lawyers and judges with whom I have associated, but in my humble career as a lawyer and sometime prosecutor I have always found when the constitutionality of a law was seriously questioned that it was thought highly proper to cause an arrest of some person who desired to test the law and, upon undisputed and admitted facts, bring the case to a speedy termination.

One reason I want the law tested is that now there is an item in the Agricultural appropriation bill of $50,000 to be expended in the enforcement of this law, and I am unwilling that this appropriation shall be made and a large sum of money expended thereunder if we are to find after the money has been expended that the law is not worth the paper it is written on. I do not think we are warranted in going on and making the appropriation and wasting a large part of the money therein set aside because of the supersensitive nature of the Department of Justice.

It seems to me this very practical problem ought not to fail of speedy solution because of the overscrupulosity of the department regarding the ethical proprieties.

I may add that I addressed my letter to the Attorney General, and I should like to have it laid before him.

Yours, very truly, ——— ———.

Mr. President, from that day to this there has not been any prosecution. I did get a letter saying that if I would file the affidavit they might proceed.

It seems to me that this matter ought to be met in a perfectly sane and practical way. If those who are interested in the law think they have even a remote chance to obtain a decision sustaining it as constitutional, then they ought to proceed with all vigor, because to-day, as they know and will not deny, this law is ignored substantially by everyone from the Atlantic to the Pacific, except a few men who prefer to forego their shooting to the naked possibility of the annoyance of an arrest.

They ought, therefore, to welcome the opportunity to test it. If it be a valid law and binding, then its enforcement will follow as a matter of course, and obedience to it will become well-nigh universal, without a single additional arrest being made. The only violations thereafter will be by those men who are willing to take the chances of violating a law, hoping to escape. Those men constitute a small per cent of the real hunters of the country. That method, if the law be constitutional, will preserve the game; it will put a stop almost at once to 95 per cent of the killing at least; but so long as the authors of the law and the authorities of the Government refuse to accept the challenge that is issued by these sportsmen's associations, and the law goes unenforced and untested, the result will be in the future just what it has been in the past, that the slaughter of game will go on uninterrupted and unchecked. Every day you delay the testing of this law you increase the slaughter of the game in this country.

Mr. McLEAN rose.

Mr. REED. The Senator will ask me if the law is declared unconstitutional whether we really lose anything, for, if it is declared unconstitutional, we have all the law left after it is declared unconstitutional that we had before, and I grant that proposition.

Mr. McLEAN. No. If the Senator will pardon me, I wish to say that I should agree with him in his position but for the fact that the enforcement of the law will not be required now until the opening of another shooting season, as the shooting seasons now are closed throughout the United States under State laws.

Mr. REED. Yes. Then—if the Senator will pardon me for making this merely a personal colloquy—why not test this law now?

Mr. McLEAN. I was about to reply to the Senator. I should agree with him that the only thing to do is to test this law, and to test it at once, but for the fact which I have tried to make plain to the Senator, that not only in my opinion, but in the opinion of the senior Senator from New York [Mr. ROOT], who first introduced the resolution requesting the President to negotiate treaties with foreign nations; in the opinion of the late Senator from Georgia, Mr. Bacon, with whom I discussed this subject at length; in the opinion of the late Senator from Idaho, Mr. Heyburn, and of others who were interested in the matter when it was under discussion and they were in the Senate—but especially Senator Bacon insisted upon it—the treaty with Great Britain and the treaties with other countries were the only means that would effectively protect the migratory birds; that even a constitutional amendment would only in a measure cover the subject; that it was not merely a State question; that it was not merely a Federal question, but that it was a question which interested the entire Western Hemisphere.

It was my belief then, and it is my belief now—though I do not undertake to prophesy—that the nations of the Western Hemisphere sooner or later—and the sooner the better—if they wish to preserve the good opinion of posterity, will follow the example of the nations of Europe and will protect the migratory birds of this hemisphere by international agreement, for that is the only way in which it can be done.

Mr. REED. Well, if that be so——

Mr. McLEAN. If the Senator will pardon me until I have finished——

Mr. REED. Certainly.

Mr. McLEAN. That treaty is pending; it has been submitted by the British ambassador to his Government; and we have every reason to believe that it will be returned to the Senate for a decision. If that treaty is ratified by the Senate and takes into consideration the terms of the existing law——

Mr. REED. Which is unconstitutional.

Mr. McLEAN. No; there is where the Senator and I differ. Suppose we assume that it is unconstitutional without the international agreement; we will assume that——

Mr. REED. You will assume that?

Mr. McLEAN. There are plenty of instances where jurisdiction remains with the State until by treaty it is assumed by the Federal Government. The Senator from Missouri will not dispute that.

Mr. REED. I think I should have to do so.

Mr. McLEAN. I can refer to five or six cases, from Ware against Hylton down to Griggs against Geofrys, where the Supreme Court has clearly announced the principle which I maintain.

Now, when we come to discuss the treaty, if the Senator from Missouri is right, we must look for some other way; there is no question about that; but in my opinion, if the Senator will give the subject his careful study, he will by the time that treaty is presented to the Senate entirely agree, I will not say with me, but with the constitutional lawyers of the Senate, who agree with me.

Mr. REED. I wish the Senator from Connecticut would file an opinion of a constitutional lawyer of the Senate which will state that if the United States makes a treaty with England in regard to migratory birds, thereupon its constitutional powers will be extended over the various States, and that that subject matter will be taken away from the purview of their legislative authority. I should like to see that kind of an opinion of a constitutional lawyer of the Senate or of any other body.

Mr. McLEAN. I can show the Senator the opinions of the Supreme Court of the United States, which would be better than my opinion.

Mr. REED. Well, really, I suppose the Senator and I will disagree when we come to reading such an opinion.

Mr. President, if what the Senator from Connecticut says is true—and what he said was not apropos to anything I was arguing when he rose to his feet; but that was entirely satisfactory to me—then, the first thing to do would be to repeal this law and get it out of the way, because if there was such a thing as a right to regulate by treaty, we would have to depend upon the treaty and subsequent legislation, and not upon a law which had been already passed, which was dead when it was born, and into which you would undertake the hopeless task of breathing life by virtue of a subsequent act.

Mr. McLEAN. Mr. President, not at all, because the treaty should take into consideration the existence of this very law. That is the reason I want this appropriation.

Mr. REED. Mr. President, I think the line of difference between the Senator from Connecticut and myself is so wide that we hardly need to pursue the subject. If it be true that the Federal Government can take over to itself powers to control the internal affairs of the States, or, to state it differently—for it can not take them over, and if it attempts to do so its law is invalid—if that law can be made valid by negotiating a treaty with England or with some other country, then there is no use in my discussing the question of the Constitution at all. I suppose the Senator now would have the Department of Agriculture wait to institute prosecutions until the treaty to which he has referred has been negotiated.

Mr. McLEAN. I will say frankly to the Senator that if the treaty fails the next thing is to test the constitutionality of the law.

Mr. REED. First, however, we must spend $50,000, and then we must try to negotiate a treaty with England, and after all that has been done, we are going finally to submit to arresting somebody who will test the law, and that is what you want $50,000 of the taxpayers' money for.

Mr. McLEAN. There will be no occasion to spend a dollar of the money until after we have had an opportunity to ratify the treaty.

Mr. REED. I understood some Senator to say a little while ago that you were going to use this money, not to enforce the law but to count the ducks in the swamps down South.

Mr. McLEAN. The Senator from Missouri understands that every dollar which may be appropriated for the Department of Justice is subject to the command of that department to enforce this law.

Mr. REED. Then why make this appropriation? Why not let the Department of Justice make use of such money as it has available, and go ahead and enforce the law? Here as a proposition——

Mr. McLEAN. I mean to test it in the courts.

Mr. REED. Let us put it in plain, simple language. You have a law that the Department of Agriculture is afraid to try to enforce, that the Department of Justice is afraid to try to enforce, and the Senator, as the author of that law, asks that we shall appropriate $50,000, but that $50,000 is not to be expended until we have negotiated a treaty with England; and if that treaty with England is finally accepted, then, and in that event, and only in that event, we will expend some money trying to enforce the statute, hoping that the treaty may have injected constitutionality into that which was unconstitutional. As suggested by the Senator from Oklahoma [Mr. GORE], it is a sort of legal naturalization.

In the meantime, however, we will have this $50,000, which the Senator from Massachusetts [Mr. WEEKS] says will be used to inventory birds to ascertain what effect the enactment of a law which is not enforced will have upon migratory birds. I submit that that is not a question of law at all; that is a sort of psychological proposition—what effect an unenforced law will have upon the number of birds. I do not know to what department of the Government such a matter ought to go—possibly to the astronomical observatory. [Laughter.]

Mr. McLEAN. Mr. President, I wish Senators would confine this debate to questions at issue. I would like to call the Senator's attention to the fact that my reason for desiring an appropriation is that if we do ratify the treaty and do not appropriate any money, then next fall, when we need the money and Congress is not in session, we will not be able to get it.

Mr. REED. Why, Mr. President, we are not going to ratify any such treaty at this session of Congress; the treaty is not made. I do not know whether it will ever be made; but if it is ever made it certainly can not be submitted until the next session of Congress, and when it is submitted and approved Congress will be in session. If it is then discovered that by making a treaty you have made that constitutional which was previously unconstitutional, or have extended the Constitution and amended it by virtue of a treaty—if you have done that, then two things follow: First, you do not need any treaty if you have made the law constitutional; and, second, even if you did need an appropriation, all you would have to do would be to make the appropriation at that session of Congress, the same session of Congress at which you adopt the treaty that is going to amend the Constitution of the United States.

The truth is that there is not the slightest excuse in the world for appropriating one penny for this purpose at this time. Why? Because we have all the machinery of justice; we have our United States marshals; we have our United States district attorneys; we have our United States courts; we have our juries; and all of them are in good working order. Furthermore, the Department of Justice has a general appropriation, and all that is necessary is simply to get the evidence in one case. Such evidence has been tendered, and I now in open Senate tender the evidence to the Department of Justice. I agree to make it good and to produce a man who will walk into court and say over his own signature that he shot the birds and that he shot them on a given day in the State of Missouri; but with that sort of a case they do not dare to go to trial.

It is absurd to ask for money to enforce a law when the man who is named to enforce it says himself he wants to keep out of court. The migratory-bird law does not need a special appropriation. If it is a valid law, it can be enforced under the general appropriations. The truth is there has been a campaign made here by telegrams; Senators have been flooded with them; they have been told that a lot of men wanted to destroy the game, that such men are "game hogs," and you have been led to believe that certain men are the enemies of bird protection. The fact of the matter is that the men in my State who have been so characterized by Mr. Hornaday have been the men who have spent their time and their money in having put upon the statutes of the State of Missouri valid and binding game laws of a very stringent character. They are men who were instrumental in passing a law there which absolutely prohibited the killing of game for, I think, some three or four years; they are the men who are ready to stand back of an honest enforcement of any valid law that can be brought forward; but they recognize the fact that if you have an unconstitutional law upon the statute books it will be disregarded, and the result will be that you break down the respect of the people for the game laws.

These men recognize another fact, that if you are properly to protect the migratory birds you must proceed within the limits of the States, and that a State, having no jurisdiction beyond its borders, can only protect the game when that game comes within its borders; but at the same time these men who want to protect bird life and who belong to associations interested in the protection of bird life can easily secure, and have indeed to a large extent secured, the enactment of laws in States that lie within the same general zone, which give protection at the proper season of the year to migratory birds which pass over that zone.

These men are not game hogs. These men want to pursue the right path. These men rise to protest and say that every day you waste with a law upon the statute books that will ultimately be stricken down is that much time lost in the proper prosecution of a plan which will result in the protection of game.

Mr. President, I insist that the utmost that ought to be granted is $20,000; and so far as I am concerned, I think the item ought to be stricken out altogether. It is a strange thing to be asking Congress to appropriate $50,000 of the people's money when both of the factions charged with the enforcement of this law refuse to move. It is a strange thing to ask for the appropriation of $50,000 for a purpose of this kind, when the best the author of the bill himself can say is that he thinks now the bill will be constitutional provided we negotiate a treaty with foreign powers and in some mysterious way breathe the life of constitutionality into the dead form of a statute that was born dead.

If the desire is to enact a statute of this kind, it ought to be preceded, not by a treaty, but by an amendment to the Constitution of the United States.

So far as I am concerned, I am looking at this question from a broader standpoint, and I hope with a clearer light, than is involved in even the question of constitutionality. We have come to this sort of situation in our country—that every man who wants to have any kind of legislation or accomplish any kind of result comes here to Congress. We have a government of boards and of commissions that have taken over to themselves the powers that were formerly exercised by Congress or by some one of the several States. We undertake, or are asked to undertake, to prescribe the qualifications for voters. We are asked now to undertake to regulate, if not the habit and flight of the birds, at least the habit of the citizen of the State. Then, when you ask a learned Senator, who has given the bill months of his time and consideration, to put his finger on the clause of the Constitution of the United States which gives us that power, he answers that he can not put it upon any clause, but just in a general way he puts his hands upon the whole of the Constitution and upon the treaty-making power of the Government. We are now asked to conclude that a sovereign State can no longer regulate the killing of game within its borders, because we are about to give the Constitution some new construction or new meaning or new extension by making a treaty with Great Britain. If we will just make enough treaties, after a while we will not have any Constitution left.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I do.

Mr. WEST. Might we not take away the rights of a State, as in California, by making treaties in reference to citizenship?

Mr. REED. Mr. President, that opens up a rather broad field; but as far as I am concerned I have not the slightest doubt in the world that the State of California had the right to say to the Japanese, to the Chinaman, or to any other alien: "You can not vote and you can not exercise other rights which our citizens possess." I never had any doubt of that. I hope the day will never come when the Senate of the United States and the President can make a treaty that will take away the sovereign rights of the good old State of Georgia, or the rights of the State of Missouri, or the rights of any other State.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oklahoma [Mr. GORE].

Mr. McLEAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair as on the previous vote, and withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Ohio [Mr. POMERENE] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair, and withhold my vote.

Mr. WALSH (when his name was called). I again announce my pair with the senior Senator from Rhode Island [Mr. LIPPITT] and, in view of his absence, withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. FLETCHER] and withhold my vote.

Mr. WEEKS (when his name was called). I transfer my general pair with the junior Senator from Kentucky [Mr. JAMES] to the senior Senator from Ohio [Mr. BURTON] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made by me upon the last roll call, I vote "nay."

The roll call was concluded.

Mr. OVERMAN. I wish to announce again the fact that my colleague [Mr. SIMMONS] is absent on account of sickness.

Mr. GALLINGER. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "nay."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the senior Senator from Michigan [Mr. SMITH] and will vote. I vote "nay."

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON], but on this vote our obligations are canceled. I therefore vote "nay."

Mr. STERLING. I announce the absence of my colleague [Mr. CRAWFORD] and that he is paired with the senior Senator from Tennessee [Mr. LEA]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. KERN. I transfer my pair with the senior Senator from Kentucky [Mr. BRADLEY] to the senior Senator from New Jersey [Mr. MARTINE] and will vote. I vote "yea."

Mr. BANKHEAD (after having voted in the affirmative). I announce my pair as on the last vote, and will let my vote stand.

Mr. TILLMAN. I transfer my pair with the junior Senator from Wisconsin [Mr. STEPHENSON] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. GALLINGER. I desire to announce a pair existing between the junior Senator from New Mexico [Mr. CATRON] and the junior Senator from Illinois [Mr. LEWIS].

Mr. BRISTOW. I desire to announce that the senior Senator from Kentucky [Mr. BRADLEY] has been called to that State on important business and can not be here to-day.

The result was announced—yeas 16, nays 34, as follows:

YEAS—16.

Bankhead	Martin, Va.	Robinson	Smith, S. C.
Bryan	Overman	Saulsbury	Tillman
Gore	Ransdell	Shafroth	Vardaman
Kern	Reed	Smith, Ga.	West

NAYS—34.

Ashurst	du Pont	Lee, Md.	Sherman
Brady	Gallinger	McCumber	Smoot
Brandegee	Gronna	McLean	Sterling
Bristow	Hollis	Norris	Thompson
Burleigh	Johnson	Oliver	Townsend
Chamberlain	Jones	Page	Weeks
Clapp	Kenyon	Perkins	Williams
Cummins	La Follette	Poindexter	
Dillingham	Lane	Sheppard	

NOT VOTING—45.

Borah	Goff	O'Gorman	Stephenson
Bradley	Hitchcock	Owen	Stone
Burton	Hughes	Penrose	Sutherland
Catron	James	Pittman	Swanson
Chilton	Lea, Tenn.	Pomerene	Thomas
Clark, Wyo.	Lewis	Root	Thornton
Clarke, Ark.	Lippitt	Shields	Walsh
Colt	Lodge	Shively	Warren
Crawford	Martine, N. J.	Simmons	Works
Culberson	Myers	Smith, Ariz.	
Fall	Nelson	Smith, Md.	
Fletcher	Newlands	Smith, Mich.	

So Mr. GORE's amendment was rejected.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 13, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 12, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, for the disclosures Thou hast made of Thyself in the great book of nature, in the written word, in the marvelous progress of the race toward the higher civilization. Continue, we beseech Thee, Thy providence, a potent influence in the affairs of men, that evil may diminish, good increase, till all the world shall know Thee, worship Thee, and praise Thy holy name. That Thy kingdom may come and Thy will be done on earth as it is in heaven. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

TAXATION IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The unfinished business coming over from yesterday is the District of Columbia tax bill, H. R. 12873, on which the previous question was ordered yesterday.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. The parliamentary inquiry I wish to make is whether there is one amendment or whether there are two amendments?

The SPEAKER. The Chair understood the chairman of the Committee of the Whole House on the state of the Union to report that there was one.

Mr. MANN. As a matter of fact, there were two amendments, but I have no objection to their being considered as one if it is so understood.

Mr. ADAIR. Mr. Speaker, there was only one amendment to the substitute offered by the gentleman from Ohio [Mr. CROSSER]. The amendment to the substitute was agreed to and the substitute as amended was agreed to.

Mr. MANN. There was also an amendment striking out the remainder of the bill.

Mr. ADAIR. I beg the gentleman's pardon, that was done by unanimous consent.

Mr. MANN. It was nevertheless an amendment. However, I am perfectly willing that it should be considered as one amendment. There was an amendment striking out all after section 1.

The SPEAKER. The Chair does not quite understand.

Mr. MANN. As a matter of fact, there was an amendment agreed to in the nature of a substitute for the entire bill on the reading of section 1. After that, by unanimous consent, there was another amendment agreed to, striking out the rest of the bill, beginning with section 2.

Mr. ADAIR. The gentleman from Illinois is correct.

The SPEAKER. Then there are two amendments. Is a separate vote demanded on any amendment?

Mr. MANN. I ask for a separate vote on the amendment adopting the substitute.

Mr. LEVY. Mr. Speaker, is it in order to move to recommit the bill?

The SPEAKER. It is not now in order.

Mr. JOHNSON of Kentucky. Mr. Speaker, in order that the Speaker may correctly understand the situation, it is this: The bill as originally introduced was reported back to the House with sundry amendments. As soon as the first section of the bill was read the gentleman from Ohio [Mr. CROSSER] offered a substitute by striking out all after the enacting clause and inserting certain matter thereafter. After the gentleman from Ohio had offered his substitute I offered an amendment to that substitute, striking out all except the first word thereof and inserting other matter in lieu of that in the substitute. My amendment to the substitute was adopted in Committee of the Whole, and then that substitute as amended was adopted. That is the situation. Then the remainder of the bill was stricken out by unanimous consent.

The SPEAKER. What was the Crosser substitute for—the whole bill or a part of it?

Mr. JOHNSON of Kentucky. It was a substitute for the whole bill.

The SPEAKER. Does the amendment of the gentleman from Kentucky go to the whole bill, too?

Mr. JOHNSON of Kentucky. All except one word.

The SPEAKER. What was the reason for the amendment striking out certain parts of the bill?

Mr. MANN. These provisions were offered when section 1 was read, and notice was given that if agreed to the gentleman would move to strike out the rest of the bill section by section, and then, by unanimous consent, it was stricken out as one amendment. It does not make a particle of difference, except to have it straight on the record.

The SPEAKER. The Chair is inclined to the opinion that there is only one amendment. After the Johnson substitute was agreed to, if that covered the whole bill, the Chair does not see what the necessity was of a motion to strike out any other section, because it had all been swallowed up in the substitute.

Mr. MANN. But, Mr. Speaker, the bill had not been read.

The SPEAKER. Then there are two amendments pending here.

Mr. JOHNSON of Kentucky. The Speaker will please bear in mind that the Crosser substitute as amended is a substitute for the whole bill.

Mr. MANN. I am quite willing, if the gentleman asks unanimous consent, that it shall be considered as an amendment to the entire bill.

Mr. JOHNSON of Kentucky. I am putting the proposition to the Chair for his ruling thereon.

The SPEAKER. If the Johnson amendment to the Crosser substitute was adopted, that is one thing. If another amendment was offered to strike out certain sections of the bill, that is another thing.

Mr. JOHNSON of Kentucky. The other sections necessarily went out.

The SPEAKER. What was the use or propriety of making a motion to strike them out. It was a complete surplusage, if the gentleman's amendment and the Crosser substitute covered the whole bill.

Mr. MANN. Mr. Speaker, the situation would be identically as suggested if the House should agree to the Johnson amendment; but suppose the House should not agree to the Johnson amendment, then it would be for the House to determine whether it would strike out the rest of the bill.

Mr. GARNER. Mr. Speaker, in order to get the thing straight on the record, I ask unanimous consent that the Johnson amendment be considered as an entire substitute for the bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that the Johnson amendment be considered as one amendment to the bill. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. CROSSER. Mr. Speaker, on that I demand a division.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] demands a division, and the gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present.

Mr. CROSSER. Mr. Speaker, I withdraw the demand for a division.

Mr. JOHNSON of Kentucky. Mr. Speaker, I object to the gentleman withdrawing the demand for a division.

Mr. UNDERWOOD. Mr. Speaker, I understand the gentleman from Ohio [Mr. CROSSER] desires a vote. If he withdraws his demand for a division, we will have to have two votes. If he lets the House divide, we will get the automatic roll, and the House will vote when the roll is called.

Mr. MANN. It will in any event, because the question has been submitted.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. Mr. Speaker, the question has been submitted to the House, and upon that it appeared evident that a quorum did not answer. Thereupon the gentleman from Ohio [Mr. CROSSER] asked for a division in continuation of the vote which had been partially taken. Then the gentleman from Illinois [Mr. MANN] made the point of no quorum.

The SPEAKER. Yes.

Mr. JOHNSON of Kentucky. The question that arises in my mind now is this: Is the status such that whenever this vote is now taken, it will be taken by a call of the yeas and nays?

Mr. GARNER. Assuredly.

Mr. MANN. Undoubtedly. It is an automatic call.

The SPEAKER. That is correct.

Mr. JOHNSON of Kentucky. That is what I am after.

The SPEAKER. The Chair will count to determine if there is a quorum present. The Chair will ask the gentleman from Illinois a question. Suppose the gentleman from Ohio withdraws his demand for a division, will the gentleman from Illinois withdraw his point of order?

Mr. MANN. No; because I want an automatic roll call.

The SPEAKER (after counting). One hundred and sixty-five Members present; not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. When the roll is called those in favor of the amendment which was agreed to in the Committee of the Whole as a substitute will, when their names are called, answer "yea," and those opposed will answer "nay." The Clerk will call the roll.

The Clerk called the roll; and there were—yeas 131, nays 165, answered "present" 9, not voting 128, as follows:

YEAS—131.

Abercrombie	Borchers	Cary	Dent
Adair	Borland	Church	Dickinson
Adamson	Buchanan, Tex.	Claypool	Dies
Alexander	Burgess	Cline	Dixon
Aswell	Burke, Wis.	Collier	Donovan
Barkley	Burnett	Connelly, Kans.	Doolittle
Barnhart	Byrns, Tenn.	Cox	Doughton
Barton	Cantrill	Cramton	Eagle
Bathrick	Caraway	Cullop	Edwards
Beall, Tex.	Carr	Davenport	Falson
Blackmon	Carter	Decker	Fergusson

Ferris	Houston	Morgan, Okla.	Sinnott
Fields	Howard	Moss, Ind.	Sisson
Fowler	Hughes, Ga.	Murdock	Sloan
Francis	Hull	Murray, Okla.	Smith, J. M. C.
Gard	Jacoway	Neeley, Kans.	Stedman
Garner	Johnson, Ky.	Nolan, J. I.	Stephens, Cal.
Garrett, Tenn.	Jones	Norton	Stephens, Tex.
Garrett, Tex.	Kelley, Mich.	Oldfield	Sumners
Godwin, N. C.	Key, Ohio	Page, N. C.	Taylor, Ark.
Goeke	Kinkaid, Nebr.	Park	Taylor, Colo.
Gray	Kitchin	Peterson	Thomas
Green, Iowa	Konop	Post	Thompson, Okla.
Gregg	Korbly	Prouty	Tribble
Hamlin	Lieb	Quin	Weaver
Hammond	Lindbergh	Rayburn	Webb
Harrison	Lobeck	Reed	Whitacre
Haugen	McGillicuddy	Reilly, Wis.	White
Hayden	McKellar	Rouse	Wilson, Fla.
Heflin	MacDonald	Rubey	Wingo
Helm	Maguire, Nebr.	Rucker	Witherspoon
Helvering	Mapes	Russell	Young, Tex.
Henry	Moon	Sims	

NAYS—165.

Ainey	Evans	Kindel	Roberts, Nev.
Allen	Falconer	Kinkead, N. J.	Scully
Anderson	Fess	Knowland, J. R.	Seldomridge
Anthony	Finley	Kreider	Sells
Austin	FitzHenry	La Follette	Sharp
Avis	Flood, Va.	Lazaro	Sherwood
Bailey	Fordney	Lee, Ga.	Shreve
Baker	Foster	Lever	Small
Baltz	Frear	Levy	Smith, Idaho
Beakes	French	Lewis, Pa.	Smith, Minn.
Bell, Cal.	Gallagher	Linthicum	Smith, N. Y.
Booher	Gallivan	Lloyd	Smith, Saml. W.
Bowdle	Gerry	Lonergan	Steenerson
Britten	Gillett	McAndrews	Stephens, Nebr.
Brockson	Gilmore	McCoy	Stevens, Minn
Broussard	Good	McDermott	Stone
Brown, N. Y.	Gordon	McGuire, Okla.	Stout
Browne, Wis.	Gorman	McLaughlin	Sutherland
Browning	Graham, Ill.	Madden	Tavenner
Bryan	Greene, Mass.	Mann	Ten Eyck
Buchanan, Ill.	Greene, Vt.	Metz	Thacher
Bulkley	Hamilton, Mich.	Mitchell	Thomson, Ill.
Burke, S. Dak.	Hawley	Mondell	Towner
Byrnes, S. C.	Hay	Montague	Underhill
Campbell	Helgesen	Morgan, La.	Underwood
Cantor	Hensley	Moss, W. Va.	Vaughan
Chandler, N. Y.	Hill	Neely, W. Va.	Vollmer
Coady	Hinebaugh	Padgett	Volstead
Conry	Holland	Paige, Mass.	Wallin
Cooper	Howell	Parker	Walsh
Copley	Hulings	Patten, N. Y.	Walters
Covington	Humphrey, Wash.	Patton, Pa.	Watson
Crosser	Humphreys, Miss.	Payne	Whaley
Curry	Igoe	Peters, Mass.	Williams
Danforth	Johnson, Utah	Phelan	Willis
Dillon	Johnson, Wash.	Platt	Wilson, N. Y.
Drukker	Keating	Plumley	Winslow
Dunn	Keister	Powers	Woodruff
Dupré	Kennedy, Conn.	Ragsdale	Young, N. Dak.
Edmonds	Kennedy, Iowa	Rainey	
Esch	Kennedy, R. I.	Raker	
Estopinal	Kiess, Pa.	Reilly, Conn.	

ANSWERED "PRESENT"—9.

Clancy	Hardy	Oglesby	Slemp
Guernsey	Morrison	Pou	Taylor, Ala.
Hamilton, N. Y.			

NOT VOTING—128.

Aiken	Dyer	Lafferty	Riordan
Ansberry	Eagan	Langham	Roberts, Mass.
Ashbrook	Elder	Langley	Rogers
Barchfeld	Fairchild	Lee, Pa.	Rothermel
Bartholdt	Farr	L'Engle	Rupley
Bartlett	Fitzgerald	Lenroot	Sabath
Bell, Ga.	Floyd, Ark.	Lesher	Saunders
Brodbeck	Gardner	Lewis, Md.	Scott
Brown, W. Va.	George	Lindquist	Shackleford
Bruckner	Gittins	Loft	Sherley
Brumbaugh	Glass	Logue	Slayden
Burke, Pa.	Goldfogle	McClellan	Smith, Md.
Butler	Goodwin, Ark.	McKenzie	Smith, Tex.
Calder	Goulden	Mahan	Sparkman
Callaway	Graham, Pa.	Maher	Stafford
Candler, Miss.	Griest	Manahan	Stanley
Carew	Griffin	Martin	Stephens, Miss.
Carlin	Gudger	Merritt	Stevens, N. H.
Casey	Hamill	Miller	Stringer
Clark, Fla.	Hardwick	Moore	Switzer
Clayton	Hart	Morin	Taggart
Connolly, Iowa	Hayes	Mott	Talbott, Md.
Crisp	Hinds	Murray, Mass.	Talcott, N. Y.
Dale	Hobson	Nelson	Taylor, N. Y.
Davis	Hoxworth	O'Brien	Temple
Deitrick	Hughes, W. Va.	O'Hair	Townsend
Dershem	Johnson, S. C.	O'Leary	Treadway
Difenderfer	Kahn	O'Shaunessy	Tuttle
Donohoe	Kelly, Pa.	Palmer	Vare
Dooling	Kent	Peters, Me.	Walker
Doremus	Kettner	Porter	Watkins
Driscoll	Kirkpatrick	Rauch	Woods

So the amendment in the nature of a substitute was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. BELL of Georgia with Mr. HAYES.

For the balance of the day:

Mr. DAVIS with Mr. HINDS.

Until further notice:

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr McCLELLAN with Mr. MILLER.

Mr. MORRISON with Mr. PETERS of Maine.

Mr. DALE with Mr. MARTIN.

Mr. GLASS with Mr. SLEMP.

Mr. SMITH of Texas with Mr. BARCHFELD.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GUDGER with Mr. GUERNSEY.

Mr. STEPHENS of Mississippi with Mr. SCOTT.

Mr. AIKEN with Mr. BARTHOLDT.

Mr. ANSBERRY with Mr. DYER.

Mr. ASHBROOK with Mr. FARR.

Mr. BROWN of West Virginia with Mr. GRAHAM of Pennsylvania.

Mr. CANDLER of Mississippi with Mr. GRIEST.

Mr. CALLAWAY with Mr. KAHN.

Mr. CARLIN with Mr. LANGLEY.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. DONOHOE with Mr. LAFFERTY.

Mr. DRISCOLL with Mr. MOTT.

Mr. FITZGERALD with Mr. CALDER.

Mr. GEORGE with Mr. LINDQUIST.

Mr. GOLDFOGLE with Mr. MCKENZIE.

Mr. HARDWICK with Mr. MANAHAN.

Mr. JOHNSON of South Carolina with Mr. MOORE.

Mr. LEE of Pennsylvania with Mr. PORTER.

Mr. MURRAY of Massachusetts with Mr. ROGERS.

Mr. O'HAIR with Mr. MORIN.

Mr. PALMER with Mr. VARE.

Mr. ROTHERMEL with Mr. TEMPLE.

Mr. SABATH with Mr. RUPLEY.

Mr. SHACKLEFORD with Mr. NELSON.

Mr. SHERLEY with Mr. SWITZER.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. TALCOTT of New York with Mr. WOODS.

Mr. WALKER with Mr. TREADWAY.

Mr. WATKINS with Mr. ROBERTS of Massachusetts.

Mr. DEITRICK with Mr. KELLY of Pennsylvania.

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. HARDY. Mr. Speaker, I voted "aye" when my name was called. Under Rule VIII I am inclined to think I ought not to vote, and I wish to withdraw that vote and answer "present."

The name of Mr. HARDY was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

Mr. JOHNSON of Kentucky. Mr. Speaker, is a motion in order now to recommit?

The SPEAKER. It is not. The question is on the engrossment and third reading.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What is to be the third reading? What is the bill now as it stands?

The SPEAKER. The Chair did not understand what the gentleman from Illinois said.

Mr. MANN. What is it we are going to vote upon now?

The SPEAKER. Why, upon the original bill.

Mr. MANN. A further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The original bill was reported to the House by the committee with sundry amendments. Those amendments were not agreed to in the Committee of the Whole House on the state of the Union. Now, is the vote upon the original bill without those amendments?

The SPEAKER. It seems to the Chair that is the situation.

Mr. MANN. Well, I agree with the Chair, although that is not important.

Mr. FOSTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSTER. The House having voted down the substitute of the gentleman from Kentucky, does the vote now come upon the Crosser amendment?

The SPEAKER. Why, the vote comes on the original George bill.

Mr. FOSTER. With the amendments reported by the committee?

The SPEAKER. The amendments were not agreed to, and the House on the report of the Committee of the Whole House

on the state of the Union has to do only with amendments which were agreed to.

Mr. FOSTER. Well, does this vote which has just been taken dispose of both the Johnson and Crosser amendments?

The SPEAKER. Of course it does; it knocks them clear out of existence.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the House should adopt the bill as reported from the committee, it would not include the committee amendments, and on the third reading of the bill, if the House desired to adopt the committee amendments, it could recommit the bill with instructions to bring in the committee amendments.

The SPEAKER. Of course it could.

Mr. MANN. Ah, but I take it, if the gentleman from Kentucky or anybody else opposed to the George bill should move to recommit the bill to the District Committee, that would be in order.

The SPEAKER. Of course it would; there is no question on earth about it. The question is on the engrossment and third reading——

Mr. OGLESBY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OGLESBY. The proposition now being the original bill, is it in order to vote on that when it has never been read? The original bill was never read.

The SPEAKER. The Chair has nothing to do with what was done in the Committee of the Whole House on the state of the Union. All of the rest of the bill is stricken out by unanimous consent and the Chairman of the Committee of the Whole House on the state of the Union makes a report here that certain transactions occurred in the committee, and he reported that the committee had had under consideration this bill and had directed him to report it back with an amendment or amendments, as the case may have been, with the recommendation that the amendment be agreed to and the bill do pass. A vote has been taken on the amendment, and it has been voted down, and that clears out the Johnson amendment, clears out the Crosser substitute, clears out the committee amendments, and leaves the naked original George bill to be voted on.

Mr. OGLESBY. The original George bill has never been read.

The SPEAKER. It does not make a bit of difference whether it has or not. The first paragraph of it was read. The question is on the engrossment and third reading.

The question was taken, and the Speaker announced the noes seemed to have it; the noes had it.

So the third reading was rejected.

The SPEAKER. That ends this absolutely. [Laughter and applause.]

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the third reading was refused, was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CALLAWAY, indefinitely, on account of important business.

ELECTION OF SENATORS.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order.

Mr. HENRY of Texas. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

EXTENSION OF REMARKS.

Mr. CARY. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. On what?

Mr. CARY. On the District bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the bill just voted on. Is there objection?

Mr. JOHNSON of Kentucky. What is it, Mr. Speaker?

The SPEAKER. The gentleman from Wisconsin asks to extend his remarks.

Mr. JOHNSON of Kentucky. I do not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PROHIBITION AMENDMENT.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to file minority views (H. Rept. 652, pt. 2) on House joint resolution No. 168. The majority report was filed some days ago, and I was not informed of that fact. I would like to have the privilege of submitting my views.

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] asks unanimous consent to file his views on House joint resolution No. 168. Is there objection?

Mr. MURDOCK. Reserving the right to object, I would like to ask the gentleman what the resolution is.

Mr. DUPRÉ. It is a resolution introduced by the gentleman from Alabama [Mr. HOBSON] on the subject of prohibition.

Mr. MURDOCK. Did the majority make a report?

Mr. DUPRÉ. I am not in a position to answer that question. They have submitted the bill to the House without recommendation.

Mr. MANN. The report was made to the House and is in print. It contains only three or four lines.

Mr. DUPRÉ. I do not know whether it is a report or not.

The SPEAKER. They made a report and it has been printed.

Mr. MURDOCK. Will the gentleman from Louisiana yield further?

Mr. DUPRÉ. Yes.

Mr. MURDOCK. There is a good deal of mystery about what occurred in the committee. Did the gentleman take a position——

The SPEAKER. That is against the rules of the House.

Mr. DUPRÉ. The "gentleman from Louisiana" will protect himself against an inquiry of that kind.

Mr. MURDOCK. What is the gentleman's report?

Mr. DUPRÉ. If the gentleman will look at it, he will know what it is.

Mr. MURDOCK. Is it for or against the resolution?

Mr. DUPRÉ. I do not think that is a matter of concern. I simply ask the privilege of submitting these views, and I do not propose to tell the gentleman from Kansas what they are.

Mr. MURDOCK. I will read the report and find out, I suppose. [Laughter.]

Mr. DUPRÉ. If you will allow it to be printed, you will find out.

Mr. MURDOCK. I do not object. I am anxious to see the report.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. DUPRÉ]? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Harter Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just disposed of—the District tax bill.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent to extend his remarks in the RECORD on the District tax bill, which has just been disposed of. Is there objection? [After a pause.] The Chair hears none.

ADDRESS OF THE PRESIDENT AT BROOKLYN.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD the address delivered by the President of the United States at the Brooklyn Navy Yard on yesterday relative to the memory of the sailor dead.

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] asks unanimous consent to incorporate in the RECORD the speech made by the President of the United States yesterday in New York at the funeral of the sailors and marines. Is there objection? [After a pause.] The Chair hears none.

[The President's address appears in the Senate proceedings of to-day.]

PUBLIC BUILDING, SALISBURY, MD.

Mr. COVINGTON. Mr. Speaker, I move to take from the Speaker's table and pass the bill S. 4158, a similar House bill, H. R. 13611, being on the House Calendar.

The SPEAKER. Does the gentleman from Texas [Mr. HENRY] yield?

Mr. HENRY. I will yield. The gentleman states it will take only five minutes or less to dispose of that, and he will agree to withdrawing it if it takes more than five minutes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 4158) to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal Building at Salisbury, Md.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to disregard the provisions contained in the public building act approved March 4, 1913, requiring 40 feet open space for fire protection about the proposed Federal building at Salisbury, Md., or to reduce the space required thereby to such an extent as he may deem necessary.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this bill on the House Calendar?

Mr. COVINGTON. It is. A similar bill is on the House Calendar, with a favorable report from the Committee on Public Buildings and Grounds.

Mr. MANN. Is it on the House Calendar or the Union Calendar?

Mr. COVINGTON. It is on the House Calendar.

Mr. MANN. That is not where it belongs.

Mr. COVINGTON. I think the gentleman is mistaken. It is properly on the House Calendar.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read a third time, and passed.

The SPEAKER. Without objection, the House bill, H. R. 13611, of similar tenor, will be laid on the table.

There was no objection.

ELECTION OF SENATORS.

Mr. HENRY. Now, Mr. Speaker, I ask that the privileged resolution which I offered be read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 503, House report 666.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of Senate bill 2860, and the same shall be the continuing order of the House until disposed of; that there shall be not exceeding one hour's general debate on the bill, to be equally divided between those supporting and those opposing the bill, one-half of such time to be controlled by the gentleman from Missouri [Mr. RUCKER], and the other half to be controlled by any Member opposing. At the end of such general debate the bill shall be read for amendment.

Mr. HENRY. Now, Mr. Speaker, does the gentleman desire any time for discussing the rule? I can explain it.

Mr. CARY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CARY. I would like to be informed what this bill is.

The SPEAKER. This bill provides for the election of United States Senators in the States.

Mr. HENRY. I was just going to explain. This bill provides for the election of United States Senators only until various States can pass laws on the subject. It is a temporary expedient, to serve only until the legislatures convene in regular order and take action. The bill to be considered is the Senate bill, which was passed on February 11, 1914. If this bill is not passed at this session of Congress, it will be necessary for the governors in many States to call their legislatures in special sessions in order to provide election laws to select United States Senators under the new constitutional amendment which was proclaimed on May 31, 1913, as having been ratified.

It is necessary for Congress to act now in order to avoid a great deal of inconvenience, and this rule simply brings before the House the Senate measure for consideration. It provides one hour for general debate, and provides for reading the bill under the five-minute rule, and of course under that the time is not limited and the opportunity of amendment is thrown wide open, so that any gentleman may offer an amendment to the measure.

That explains fully all there is in the proposition, and therefore I move the previous question on the resolution.

Mr. MURDOCK. Will not the gentleman wait?

Mr. HENRY. I withhold my motion for a moment, Mr. Speaker.

Mr. MANN. What time is to be given on the rule?

Mr. HENRY. How much time do you want?

Mr. MANN. Ten minutes.

Mr. MURDOCK. I would want about seven minutes.

Mr. HENRY. I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 10 minutes.

Mr. CAMPBELL. Mr. Speaker, the rule is as stated by the gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, and is reported for the purpose of enabling the House at the earliest date possible to provide for the election of United States Senators in certain States where the laws do not now provide for election of Senators by a direct vote of the people. It is one question on which I am glad to say to the House there is no difference in the committee as to the wisdom of the legislation proposed.

I regret, however, that it becomes necessary to appeal to the Committee on Rules for special rules to enable the House to legislate upon matters of grave importance. It was thought a few years ago that we had put the House in possession of rules that would enable it automatically to do the people's will. That has not been done, and in order that the matter may be elaborated in due form, I yield the remainder of my time to my colleague, the gentleman from Kansas [Mr. MURDOCK].

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] is recognized.

Mr. MURDOCK. Mr. Speaker, I will ask how much time was yielded to me?

The SPEAKER. Eight minutes.

Mr. MURDOCK. Mr. Speaker, I am for this bill, and I think it should pass. But the manner in which it comes before the House gives rise to some thoughts in me which I am going to undertake to express in the next eight minutes.

This is a new departure—the proposal of this rule—for the consideration of a bill of this character, for this bill is on the calendar and normally should be reached without the aid of a special rule. But the rule is invoked. What a difference there is on the majority side of this House in conditions now and a year ago. Probably 100 Democrats came into the new Congress a year ago determined upon a career of independent, free political thinking. But you are no longer free. You are bound and gagged. A year ago there were 100 or more independent Democrats—mostly young—on that side who were eager for public service. Now they are helpless creatures of a machine. A year ago there were scores of Democrats across this aisle who were willing when the people asked them to go a mile to go with them twain. Now these forward-looking, independent men find themselves negligible in the conduct of public affairs.

You permitted yourselves as individual Representatives to be bound a year ago by a caucus, and you are paying the penalty to-day as individuals by a loss of your freedom. You permitted yourselves to be bound then on the theory that a great legislative program was to be put through. You passed a tariff act which has not so much as pried loose a single finger tip of the strangle hold the special interests have upon this country. You passed a currency bill that has not and will not remove from private and selfish control the credits of this land. You are about to take up trust legislation—trust legislation which will make this Nation travel the old circle, the old futile circle of legal delay, over again.

Now, you have reached this point: Your calendars are clogged. You have got 66 bills on the Calendar for Discharge Motions. There is no individual in this body who can reach the Discharge Calendar. You have a Unanimous Consent Calendar, under which twice every month we see gentlemen here rise and propose to put needed measures through, and after long and often useless discussions, are beaten by the whim of some single objecting Member. In this situation you are at the mercy of your leadership. You have no power left in the individual on the majority side. There is not one individual who can now reach, of his own motion, any bill on the calendar unless it is privileged, save by unanimous consent. You can not get it out of committee by discharging the committee. You can not reach the Discharge Calendar. By a majority vote and under your leadership, you, of the majority, clogged up Calendar Wednesday with an unimportant but voluminous bill, and you are going to occupy it by that useless measure for the rest of this session. You have practically nullified the call of committees in this House; that is, you have shut yourselves off from the Discharge Calendar; you have crippled Calendar Wednesday; and you have left yourselves the pitiable recourse of unanimous consent; virtually no recourse at all.

Now, what about it? Is it of any moment to you or your country that you have surrendered your freedom? Look at it concretely. What about the national prohibition amendment? It is on the calendar. Can you reach it? Is there a single individual here who can reach that proposition by motion? No. You are dependent upon the Committee on Rules. You can act only by its grace. If the Committee on Rules does not give you a rule for the consideration of the prohibition amendment, it will not be considered.

Do you young Democrats who came here a year ago, filled with the fire of political independence, arrogate to yourselves the function of standing between the people of this country and their right to vote to change their Constitution? Well, you have done it by your surrender of independence.

What about the presidential primary? Do you remember that the President of the United States came here in December last and asked for prompt action upon the proposition of the national presidential primary? Where is the bill providing for it? Is there a single member of the majority that can reach the matter of a presidential primary? Can you discharge the committee to which it was referred and which has not reported upon it? No. And if you had it on the calendar you could not reach it.

You have hog-tied yourselves. You have become parts of a machine that has cut each of you off to a Procrustean length, made you all of equal futility in helplessness. You have surrendered your individual rights as Representatives, and you have surrendered along with them the rights of the people.

You have called a caucus to decide on the program on the Democratic side for to-night. It is for the ostensible purpose of forming a program. It is, in fact, for no such purpose at all. It is for the old, old purpose of putting the gag in your mouth and of binding you about with the whipcords by which leadership controls you. I would like to see a sufficient number of the independent thinking Democrats in this House enter that caucus to-night and start a revolt against it. I devoutly wish some one in the Democratic caucus to-night, in behalf of the people of the United States, would rise up and offer a motion again to open that caucus to the people, making it a free, an open caucus, and then we would know what the caucus does—whether it is called merely for the purpose of gagging and binding you or whether it is called for the purpose of giving the people of the United States, through their Representatives, the right to reach remedial legislation. A gentleman sitting by me here says, "And do not forget suffrage." I do not forget suffrage; and I do not forget the seamen's bill, the presidential primary bill, and a score of meritorious measures which you, through the surrender of your independence, have withdrawn from the right of consideration by the Representatives of the people. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I hardly know how to account for the outburst of the distinguished gentleman from Kansas. I do not understand it. When he was elected leader of his small minority, I looked forward to some great work on the floor of this House, and congratulated myself that the people would have a real leader here; but as the issues have come up, and the Democratic administration and the Democratic Party have presented matters for the benefit of the people, I have been grieved to see the gentleman sometimes line up on the side of the special interests and play politics. I was sorry to see those things. Now, if he will cease playing politics, if he will follow his conscience and vote as he should on all occasions, we will not lose confidence in him. [Applause on the Democratic side.]

Mr. MURDOCK. Will the gentleman yield?

Mr. HENRY. I will yield for a moment.

Mr. MURDOCK. If the gentleman, as chairman of the Committee on Rules, will report out the Hobson amendment, I will continue my confidence in him. If he will report out the amendment for suffrage, I will continue my confidence in him. I have always subscribed to the progressive qualities of the gentleman from Texas. He is one of the independent Democrats to whom I have alluded, and I hope to God that he will throw off his party shackles and get down to business for the people. [Applause.]

Mr. HENRY. Mr. Speaker, the gentleman need not be alarmed about suffrage, or prohibition, or any other question. The Committee on Rules, as the agent of the Democratic Party and the caucus, will bring in rules whenever it is properly directed to do so.

Mr. MURDOCK rose.

Mr. HENRY. Wait a moment. When we have finished the program, the record of the Democratic Party will be so good that instead of the gentleman from Kansas [Mr. MURDOCK] or some other Republican coming to the Senate of the United States from Kansas, the people will elect a man like GEORGE A. NEELEY from that State. [Applause on the Democratic side.]

Mr. MURDOCK. Will the gentleman yield?

Mr. HENRY. Sit down for just a little while. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. HENRY. We want you to behave a little better than you have been behaving lately. You started out all right, and seemed to be patriotic, but you have played too much politics, and you will not get anywhere in that way. The trouble with you is that, like some of the players out at the ball games, you keep your head in the grandstand too much. [Applause and laughter.] Mr. Speaker, personally, I think a great deal of the gentleman from Kansas. He need not be alarmed about what the Democratic Party are going to do. We are going to carry out our program, and we are going to do it in due season. We are not going to gag or throttle anyone. We are going to bring into this House every matter that should come before it, and give the Democrats a chance to vote, and let your side have an opportunity to vote, and to put you on record. [Applause on the Democratic side.] You are not as anxious to go on record about these things as you indicate.

Mr. MURDOCK. Oh, we always vote for a record vote, and we do not have to go into a secret caucus to be directed how to do it.

Mr. HENRY. I know; but you have made some records that you will wish you could blot out before the next election has passed. [Applause on the Democratic side.]

Mr. Speaker, this is a very simple proposition, and I have not said anything about it to arouse the gentleman. He bucks like a broncho with a cockle burr under the saddle blanket. [Laughter.] We throw this bill wide open to amendment. You have unlimited time to speak on those amendments, and I hope you will offer your amendments, provided you do not offer one to elect yourself to the Senate from the State of Kansas. [Laughter.] Of course, that would not be in order, but you can talk as long as you want to, and offer as many amendments as you wish. Now, I am going to watch you closely hereafter and hope you will vote on the side of the people. I do not want to see men like you get away from the people.

Mr. MURDOCK. Will the gentleman yield?

Mr. HENRY. I yield for a question.

Mr. MURDOCK. Will not the gentleman oblige me and live up to his lights by leading a revolt in the Democratic caucus and vote for an open caucus? That would gratify me greatly.

Mr. HENRY. I will stand on the side of the people every time, and will stand with this administration. [Applause on the Democratic side.] It is the best administration that this country has had since the Civil War. [Applause on the Democratic side.]

Mr. MURDOCK again rose.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Kansas?

Mr. HENRY. I yield.

Mr. MURDOCK. If there is a conflict between the caucus and the people, with whom does the gentleman stand?

Mr. HENRY. Why, there can never be any conflict between the Democratic caucus and the people. [Applause on the Democratic side.]

Mr. MURDOCK. If the gentleman will yield again, I should like to say that a majority of the people of the United States would like the Democratic caucus to-night to request the Committee on Rules to bring in the Hobson amendment. How will the gentleman stand on that?

Mr. HENRY. The trouble about the gentleman from Kansas is that he speaks for too many parties. He speaks for the Republican Party, for the discoverer of rivers in South America——

Mr. MURDOCK. Yes; I do, for him.

Mr. HENRY. He speaks for the Democratic Party, and he assumes to speak for every party, even the suffrage and prohibition factions in all parties.

Mr. MURDOCK. I speak for the independent Democrats and the independent Republicans and the Progressives, who in time will amalgamate in this country and clean out the Democrats and their secret caucus and the Rules Committee. Just give us time.

Mr. HENRY. I will say that as amalgamators you did not succeed very well in the last election, and I do not think you will amalgamate much with any one in 1914 or 1916.

Mr. MURDOCK. We are not attempting to amalgamate either the stand-pat Democrats or the stand-pat Republicans. We want the independent element of all parties, and I will say to the gentleman that we are going to get that element North and South.

Mr. HENRY. The disparity between what the gentleman wants and what he will get is so great that it is hardly worth while to discuss it further here to-day. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Texas moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the resolution.

The question was taken, and the resolution was agreed to.

NOMINATION AND ELECTION OF UNITED STATES SENATORS.

Mr. RUCKER. Mr. Speaker, I call up the bill S. 2860, providing a temporary method of conducting the nomination and election of United States Senators.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That at the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States

Senator from said State shall be elected by the people thereof for the term commencing on the 4th day of March next thereafter.

SEC. 2. That in any State wherein a United States Senator is hereafter to be elected either at a general election or at any special election called by the executive authority thereof to fill a vacancy, until or unless otherwise specially provided by the legislature thereof, the nomination of candidates for such office shall be made, the election to fill the same conducted, and the result thereof determined, as near as may be in accordance with the laws of such State regulating the nomination of candidates for and election of Members at Large of the National House of Representatives: *Provided*, That in case no provision is made in any State for the case of the nomination or election of Representatives at Large, the procedure shall be in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State: *And provided further*, That in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

With the following committee amendments:

Amend, in line 10, page 2, by striking out the words "the case of."

Amend, in lines 11, 12, 13, and 14, page 2, by striking out the words "in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State," and insert in lieu thereof the words, "the same as that provided for the nomination and election of governor of such State."

Mr. RUCKER. Mr. Speaker, the rule provides that one-half of the time shall be controlled by some one opposed to the bill.

The SPEAKER. Is any member of the committee opposed to the bill?

Mr. RUCKER. I think not.

The SPEAKER. Under the rule 30 minutes of this time is to be controlled by the gentleman from Missouri [Mr. RUCKER], and 30 minutes by some gentleman opposed to the bill.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent that the ranking minority member of the committee, the gentleman from Pennsylvania [Mr. AINEY], may control one-half of the time.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Pennsylvania [Mr. AINEY], ranking Republican member on the committee, control one-half the time. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Speaker, I am going to consume but a very few minutes in explaining this bill. Let me say to the House that it is a Senate bill and relates solely to the election of United States Senators. The Senate passed the bill, and with one or two verbal changes the House has reported it. The bill on its face was intended and does propose a purely temporary measure.

Mr. MONDELL. Does the gentleman desire to yield for a question at this point?

Mr. RUCKER. I will.

Mr. MONDELL. The bill as indicated by the title seems to be a temporary measure, and yet the first section of the bill would seem to be permanent law.

Mr. RUCKER. I will get to that.

Mr. COOPER rose.

Mr. RUCKER. Let me say to the gentleman from Wisconsin that I believe I will answer the question that he is going to ask.

Mr. COOPER. I wanted to ask a different question from that suggested by the gentleman from Wyoming. It seems to me there may be danger of very serious complication growing out of the proviso beginning on line 9, page 2, which provides that if there is no election in the State for Representative at Large the procedure shall be the same as that provided for the nomination and election of the governor of the State, and, provided further, that in any case the candidate for Senator receiving the highest number of votes shall be deemed elected. Now, I asked the gentleman from Vermont [Mr. GREENE] if the law in that State did not provide that if at an election the candidate for governor did not receive a clear majority the election of governor was thrown into the legislature, and he said yes. Now, the second proviso provides that in case a candidate for Senator receives the highest number of votes he shall be deemed elected. Does that mean votes in the legislature? If you are going to regulate it in the State of Vermont by the present law of the State, the Senator would be elected as the present governor is elected. The gentleman from Vermont states that the present governor, if he does not have a majority, is elected by the legislature.

Mr. RUCKER. This bill would adopt the laws of the State and make them applicable to the election of a Senator until the legislature passes a law which would put into operation the seventeenth amendment to the Constitution.

Mr. COOPER. Would that be constitutional; would it be in accordance with the amendment to the Federal Constitution providing that Senators shall be elected by direct vote of the people? You put in the bill one or two provisos which, in the State of Vermont, would throw the election into the legislature.

Mr. RUCKER. I do not think so; I think the construction necessarily is that they would be elected under the law with reference to the qualification of voters, election returns, and, in brief, all things connected with such election would be in accordance with State law, but under no circumstances would the election go into the legislature.

Mr. MANN. Will the gentleman yield?

Mr. RUCKER. I will.

Mr. MANN. As I understand, in Vermont the people vote for governor and it takes a majority vote to elect. If there is no majority, the election is thrown into the legislature. Does the gentleman remember what the constitutional provision is as to that? Does the constitutional provision require a majority or a plurality to elect a Senator?

Mr. RUCKER. It does not say.

Mr. MANN. I thought it did not. This provision as it is in the bill, as suggested by the gentleman from Wisconsin, might be in violation of the constitutional amendment which requires the election to be by a vote of the people. This bill requires that the election shall be conducted in the same manner as elections of other officials or the governor. In Vermont it requires a majority to elect a governor, and there being no majority the legislature elects the governor. That could not be done in reference to a United States Senator.

Mr. RUCKER. This bill has a proviso that in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

Mr. MANN. This bill provides for the election of a Senator by plurality.

Mr. RUCKER. Yes; and it was carefully considered by distinguished lawyers in the Senate.

Mr. MANN. I think that is correct, and I think that would end that contention.

Mr. MONDELL. Will the gentleman yield?

Mr. RUCKER. I will, although I hope the gentleman will be brief.

Mr. MONDELL. It occurs to me that the suggestion made by the gentleman from Wisconsin could hardly follow under this bill, for the reason that, in lines 3, 4, and 5, on page 2 of the bill, provides that the nomination for candidates for such offices shall be made and the election to follow the same shall be conducted and the result be determined in accordance with the laws of the State, and then follows the provision that the Senator receiving the highest number of votes shall be declared elected. In other words, the provisions following the State law are provisions in regard to the character of the nomination and in regard to the manner of having the election and the manner of declaring the result.

Mr. RUCKER. It merely makes the State law control in that matter.

Mr. MONDELL. But it would not permit the State law to throw the election into the legislature.

Mr. RUCKER. Not at all.

Mr. GALLAGHER. Would the Senator in any State be elected by the old method of procedure by the legislature?

Mr. RUCKER. Oh, no; if this bill passes, no Senator can be elected by a legislature. But let me say, before I take my seat—and I will not be able to discuss the question at length, because there are some gentlemen in the House now who have been nominated for Senator in their States, and some question has arisen as to whether or not this bill might not complicate the nominations which have already taken place.

In order to make it clear that it will not do so, at the proper time I propose to offer an amendment in line 4, page 2, so as to make the bill read:

The nomination of candidates for such office not heretofore made shall be made—

And so forth.

A question has arisen in the minds of some gentlemen again as to whether or not the first section would not become permanent law, and in order to avoid any possible confusion, and responding to what I believe is the wish of the Senate in doing so, I propose at the proper time to offer as an amendment a new section, to be numbered 3, to provide that this act shall expire by limitation at the end of three years from the date of its approval, so as to make it absolutely certain that it is a temporary measure and that no provision in it is to become permanent law.

Unless some gentleman desires to ask me a question, I merely repeat that this is a Senate bill in which every Senator is profoundly interested and to which the Senate has given careful consideration. I hope that it will pass the House without dissent.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield for a question before he takes his seat?

Mr. RUCKER. Yes.

Mr. MURDOCK. In the first section of the bill the bill is made to apply, apparently, to only those elections at which a Representative in Congress is to be chosen. Are there any elections for Senators that are not coincident with the election of Representatives in Congress?

Mr. RUCKER. I think not. If this act passes, it will fix the time of election the same as the time when the election of Representatives in Congress is held. Of course every Congressman has to be elected this year.

Mr. MURDOCK. The gentleman does not think that Senators in any case are elected in off years?

Mr. RUCKER. I think not.

Mr. MURDOCK. I think not, either, but the matter just occurred to me.

Mr. RUCKER. I yield five minutes to the gentleman from Washington [Mr. FALCONER].

Mr. FALCONER. Mr. Chairman, I received this morning a copy of the Seattle Sun, of May 7, in which appeared the following statement:

A telegram has been received from ROBERT L. HENRY, chairman of the House Rules Committee, saying he will do all in his power to advance the legislations needed for the direct election. However, officials here doubt if action will be taken soon enough.

The governor has but little time and writs of election to fill the three vacancies in the legislature will probably be issued soon. Senator White, of Whatcom County, and Representatives Brislawn, of Lincoln, and Langford, of Pierce, having resigned since the last session.

I send to the Clerk's desk to be read a letter and a copy of two telegrams from the governor of the State of Washington.

The Clerk read as follows:

OLYMPIA, WASH., *April 27, 1914.*

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.:

Is there anything new in relation to bill covering election of United States Senators by direct vote of the people? The time is approaching when it will be necessary to call the special session of our legislature unless bill is passed by Congress. Thanking you for reply.

ERNEST LISTER, *Governor.*

STATE OF WASHINGTON,
OFFICE OF GOVERNOR,
Olympia, April 30, 1914.

Hon. J. A. FALCONER, M. C.,
Washington, D. C.

MY DEAR MR. FALCONER: I am wiring you to-night as now confirmed herewith:

"Unless bill providing method for direct election of United States Senators is passed by Congress within a short time, our State will be under necessity of calling special session of legislature to make proper provision. Will it be possible to get early action?"

Sincerely, yours,

ERNEST LISTER, *Governor.*

Mr. FALCONER. Mr. Speaker, the Legislature of the State of Washington adjourned upon or about the same day that the last State necessary to adopt this amendment agreed to it, and it will cost our State over $30,000 to call a special session of the legislature. As suggested in the press article, a number of members of the legislature have resigned, and that will necessitate special elections to fill legislative vacancies, besides the inconvenience of calling a special session of the legislature. The people in our State at this time of the year are too busy with business matters to give much time to State legislation, and it is the general sentiment of the entire people of our State that the Congress should pass this bill. It should be done immediately, because the time for filing nominations for United States Senator in our State, under the provisions of our laws, opens this year on the 8th day of July and closes on the 8th day of August, so the time now is somewhat limited.

Mr. Speaker, we stand for the direct election of United States Senators. For many years our people demanded popular government, and the advanced legislation now on the statute books indicate that our State is alert and active in forcing progressive legislation.

In 1907 a direct-primary law for the election of public officers was enacted, and if we pass this bill—Senate 2860, by Senator MILES POINDEXTER—which came to this House early in February, we will take advantage of our direct-primary bill to elect a United States Senator this year—1914.

Mr. Speaker, I have given considerable time to the consideration of this bill. Since it passed the Senate it has been considered in a general way by gentlemen for and against. The imaginary infringement on State rights feature has been urged by gentlemen, but I here want to thank those gentlemen for their eminent fairness in not insisting on opposing the passage of this bill to-day. And, sir, in behalf of the people of my State, I want to thank Judge RUCKER, Mr. HENRY, and the Rules Committee in advancing the bill for consideration and aiding in its final passage.

Mr. J. R. KNOWLAND. Mr. Speaker, on behalf of the gentleman from Pennsylvania [Mr. AINEY], I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this bill is an illustration, it seems to me, of the value of the contest which this side waged for some time on the adoption of the constitutional amendment. Gentlemen will recall that when the constitutional amendment resolution was reported to the House it provided for the elimination entirely of the control of Congress over the election of Senators, Congress then having control under the Constitution to a certain extent over the election of Senators and Representatives in Congress. The constitutional amendment proposed by the committee and as it passed the House proposed to eliminate entirely the control of Congress over the election of Senators. Fortunately the Senate did not agree to that proposition, and for a long time that constitutional amendment resolution was pending in the conference committee in a deadlock, the Democratic House maintaining the position that it would not permit the resolution to pass unless it included an amendment removing the control of Congress over the election of Senators and the Republican Senate maintaining the position that it was necessary that Congress should retain control.

I think the gentleman from Missouri [Mr. RUCKER], now in charge of this bill, is deserving of a compliment for the position which he took in reference to that senatorial amendment resolution. After the two Houses had been in disagreement for a considerable length of time, and while his side of the House—I believe the majority of it—was still in favor of refusing to pass the resolution as it passed the Senate, the gentleman from Missouri [Mr. RUCKER] rose above ordinary partisanship and said that he was in favor of the amendment to the Constitution as it came from the Senate, and the result was that the House yielded upon that matter through the influence of the gentleman from Missouri. We then passed the resolution, and the amendment is now a part of the Constitution.

After several contests growing out of that constitutional amendment we have now before us a bill to enact a law by Congress regulating the manner and method of electing Senators under that constitutional amendment. This bill of itself, unopposed, favored practically by everybody in this House, is proof that the Republican side of the House was right when it insisted upon keeping in the Constitution the provision giving Congress the control over the election of Senators, and the passage of this bill is not only proof of the justice of the position taken by the Republican Senate and by the Republican side of the House, but is also a justification of the final position taken by our distinguished friend from Missouri, who caused the resolution to pass the House and who is now in charge of this bill. I take off my hat to the gentleman from Missouri. [Applause.]

Mr. J. R. KNOWLAND. Mr. Speaker, although my State has already enacted the necessary legislation, I am glad to support the pending bill, Senate 2860, which provides a temporary method of conducting the nomination and election of United States Senators in those States whose legislatures have not convened since the ratification of the constitutional amendment providing that Senators should hereafter be chosen by the people of the several States.

I have always strongly favored the election of United States Senators by a direct vote of the people, supporting the joint resolution which passed this House on April 13, 1911. [Applause.] Since this amendment has been in effect Senators have been chosen in the States of Maryland and Georgia and nominated in Alabama and South Dakota, and in each instance this new method of allowing the people a voice in selecting Members of the upper branch of Congress has worked most satisfactorily. It has been demonstrated that the people are as capable of choosing United States Senators as the members of the various legislatures.

We no longer read of deadlocks in the various States to the detriment of public business. I was a member of the California Legislature during one of the bitterest senatorial contests in the history of that State, extending through a regular and extra session, and seriously interfering with public business. In many of the States there have been scandals which caused the people to lose faith in the legislative method of selection.

Candidates for this high office must not only face the people at a primary election but at a general election as well. This affords the electorate of every State the opportunity of becoming thoroughly familiar with the public records and qualifications of candidates. The Senator chosen is now directly responsible to the individual citizen. Candidates must take the people into their confidence. Under the old method the voter frequently felt that he did not have sufficient voice in the selection, and that in too many instances those chosen represented special interests. Of course there were many exceptions.

No candidate whose record is clean, who is independent, and whose sole ambition is to render faithful public service need

fear to face the intelligent, honest, and patriotic voters of any State in the Union. [Applause.] When a selection is made greater satisfaction will be manifested, because the people will feel, whether the candidate of their choice is selected or not, that the will of the majority has prevailed. [Applause.]

I ask, Mr. Speaker, unanimous consent to extend my remarks by inserting in the RECORD the California law governing the election and nomination of United States Senators.

The SPEAKER pro tempore (Mr. WEAVER). The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. SLOAN. Mr. Speaker, will the gentleman yield for a question?

Mr. J. R. KNOWLAND. I will.

Mr. SLOAN. I will ask the gentleman if the State of California has provided by its legislature the means of electing United States Senators?

Mr. J. R. KNOWLAND. It has, both as to the general and primary elections.

Mr. SLOAN. I am very much pleased to hear that, because I understand the senior Senator from the State of California has announced that he will not be a candidate for reelection; and combined with that fact is an opportunity for the Golden State to elect a man who will become a great Senator from the State of California [applause] and whom I now address.

We know that the gentleman from California [Mr. J. R. KNOWLAND] in his 10 years' service in this House has distinguished himself among his colleagues, who admire and honor him as a faithful and forceful Representative and wise lawmaker. His ability, age, and experience peculiarly fit him for the high office which he seeks, and I know the Pacific Coast State could make no better selection. [Applause.]

Mr. J. R. KNOWLAND. Would the gentleman like any more time? [Laughter and applause.]

Mr. Speaker, I herewith insert the California law governing the election of United States Senators by the people:

(Approved May 20, 1913; in effect Aug. 10, 1913.)

The people of the State of California do enact as follows:

SECTION 1. Section 1332 and section 1333 of the Political Code of the State of California are hereby amended so as to read as follows:

"SEC. 1332. Elections for Senators in Congress for full terms must be held at the general election, at which members of the legislature are elected, next preceding the commencement of the term to be filled.

"SEC. 1333. Elections to fill a vacancy in the term of a United States Senator must be held at the general election or any special election held throughout the State next succeeding the occurrence of such vacancy."

SEC. 2. Four new sections are hereby added to the Political Code of the State of California, to be numbered 1334, 1335, 1336, and 1337, and to read as follows:

"SEC. 1334. The clerk of each county, as soon as the statement of the vote of his county at such election is made out and entered on the records of the board of supervisors, must make a certified abstract of so much thereof as relates to the vote given for persons for Senators in Congress.

"SEC. 1335. The clerk must seal up such abstract, indorse it 'Congressional election returns for Senators in Congress,' and without delay transmit it by mail to the secretary of state.

"SEC. 1336. On the sixtieth day after the day of election, or as soon as the returns have been received from all of the counties of the State, if received within that time, the secretary of state must compare and estimate the votes given or cast for such persons for Senator and certify to the governor the person having the highest number of votes in the State as duly elected.

"SEC. 1337. The governor must, upon the receipt of such certificate, transmit to such person a certificate of his election, sealed with the great seal and attested by the secretary of state."

SEC. 3. An act entitled "An act providing for placing the names of candidates for United States Senator in Congress upon the official ballot at general elections, for counting, canvassing, and making returns of the votes therefor, providing the method of notifying the legislature of the results of such election, and defining the duties of certain officers in relation thereto," approved April 7, 1911, is hereby repealed.

I also give an extract from section 2 of the direct-primary law of California, approved June 16, 1913, which provides:

Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties and shall be in all respects nominated in the manner herein provided for State officers.

Section 23 of the same act also provides:

The name of the person in each political party who receives at a primary election the highest number of votes for United States Senator shall also be placed on the official ballot under the heading "United States Senator."

Mr. Speaker, I now yield five minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Speaker, we are all, of course, for the direct election of United States Senators and for this bill; there is no question about that. The development of sentiment for the injecting of democracy into the United States Senate has been very pronounced and has been very emphatically approved by the people of this country, and no intelligent man would say he was opposed to that principle at this time. So far back as 1908 the gentleman from Wisconsin [Mr. COOPER], who might, with great unanimity of approval, be termed the dean of a large body of Progressive men here on this floor, introduced into the national Republican convention at Chicago a resolution providing for the incorporation into the Republican platform of a plank providing for the direct election of United States Senators. It received about 100 votes. It was not so very popular then, but later on it became popular enough to be adopted, and, as I said before, no one would think for a moment of opposing that method at this time.

Our fathers were not so particular about building the Constitution out of Democratic timber. They would have built it more after the fashion of a constitutional monarchy if they had been able to put over that kind of an instrument. They were more afraid of the people in those days than the Republican Party from Hanna to Hadley have been afraid of Theodore Roosevelt. They built the Constitution so electors would name the President, legislatures would name the Senators, Presidents would name the judges, and, finally, so the judges would have the divine (inherent) right to veto all that the President, the Senate, the legislatures, and the people might do, with the power to fine and jail for contempt without jury trial, indictment, or other safeguard, and on top of that judges were to serve for life without ever accounting to the people for their stewardship. After crawling into the hole they pulled the hole in after them by making it almost impossible to amend the Constitution. To encourage the people to adopt the Constitution they left State rights and local self-government as markers to designate the place where.

An awful war shot State rights out of the Constitution, and all of a sudden democracy, which is immortal in the human breast and can never die, began to resurrect itself from its temporary oblivion. Presidential electors became figureheads, and the people voted for the President and Vice President direct. The people are now prodding the party in power for presidential primaries. They will have presidential primaries, and there is no power conceivable that can stop them.

The people are revising the laws as to the judiciary, and the power of the court over all other branches of Government is sure to fall before the supreme and unconquerable power of real democracy. Legislatures have been compelled to give up their power to name United States Senators, so that the Senate is to become a palladium of democracy instead of a special-interest club.

There is another matter I wish to speak of here during the few minutes I have left. The gentleman from Kansas [Mr. MURDOCK] awhile ago spoke about matters that had to be brought up before the Democratic caucus to-night in order to have them considered by this Congress. I want to speak of one proposition that must be brought up, and which must be considered, in my opinion, in that caucus and put on the emergency roll, if it is to be considered by this House, and that is the seamen's bill. I am a member of the Committee on Merchant Marine and Fisheries, and I have watched the progress of this bill, and I have been very deeply interested in it. Back in 1912, on August 3, a bill known as the seaman's bill passed this House and went over to the Senate. The Senate practically destroyed the bill by substituting the Burton subcommittee report and enacting what was not satisfactory to anybody; yet the House approved the Burton substitute, notwithstanding that fact, under the then circumstances. Even with that, President Taft vetoed it, or at least killed it by pocket veto. Then came the Democratic convention at Baltimore that stated that it was in favor of a seaman's bill that meant something—"not molasses to catch flies; our platform means business"—and this is the plank in that platform which they passed on this subject:

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea; and we favor the repeal of all laws, and the abrogation of so much of our treaties with other nations, as provide for the arrest and imprisonment of seamen charged with desertion or with violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

Senator LA FOLLETTE then took the original bill as it originally passed this House and introduced it in the Senate, and, with two or three minor amendments, caused it to be passed and sent over to the Democratic Committee on Merchant Marine and Fisheries. No Democratic committee, or Republican committee either, gave the matter enough consideration to report a bill. Instead of the Democratic committee of this House reporting the bill, we find that here, on the 12th of May, approaching adjournment, that bill which was passed by the Senate and is before that committee has not been yet reported. It sleeps in a slumber which I fear will know no waking. I favor amending the bill so as to place Puget Sound, San Francisco Bay, and

New York Harbor on the same footing as to lifeboats and other matters, but I believe that there is an emergency involved in this matter. I believe if the committee pursues its course, which seems to be somewhat governed by the international treaty or agreement that has been framed at London, we are not going to have any seamen's bill at this session, and that, I say, rather than to permit that, this House should demand a report from the committee; that some steps should be taken by the House, if not by the Democratic caucus, to bring that bill to the front. It looks to me as if the bill is to be sidetracked; and as one on the inside, as a member of this committee who knows what is going on, I warn the friends of the bill, the friends of the seamen of the country; I warn the friends of labor, the friends of legislation for safety at sea, and all those who are interested in the bill; I warn them all, as one who knows how certainly that bill is being pocketed, how slowly it is being considered, that if public sentiment does not make itself felt and force action by that committee, no timely or adequate action will be taken, and the Democratic Party will again be convicted of violating its platform because of some English suggestion, some English convention, some English get-together of men who have different views about shipping than those which we have. The rights of the seamen ought to be respected. They ought to be considered in this matter, and as there are a great many things involved in this English shipping agreement that ought to be considered, they ought to be brought in in a separate bill. I want to warn the people of the country that something must be done to save the seamen's bill. The Democratic constitution said the seamen's rights were enshrined in the Constitution. We have about given away our property rights as to ships in the Panama Canal to English whims, but in the name of real Democracy, which I declare is immortal, we shall not allow England to tell us how to enforce human rights protected by our Constitution here on our own shores and in our own ports.

ANTITRUST LEGISLATION.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I ask unanimous consent to present and file views of some of the minority of the House Committee on the Judiciary with reference to the antitrust legislation bill. (H. Rept. 627, pt. 2.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GRAHAM] asks unanimous consent to file minority views. Is there objection? [After a pause.] The Chair hears none.

ELECTION OF SENATORS.

Mr. RUCKER. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Fifteen minutes.

Mr. RUCKER. How much time has the other side remaining?

The SPEAKER pro tempore. Fifteen minutes on the other side.

Mr. RUCKER. I yield five minutes to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I almost feel like apologizing to the House for answering the suggestions made by the gentleman from Washington [Mr. BRYAN]. I was chairman of the Committee on the Merchant Marine and Fisheries in the last Congress and I am chairman of that committee in this Congress. That committee has under consideration what is known as the seamen's bill. In the last Congress I gave consideration to that bill, as did the members of my committee. It was reported to the House and passed. Subsequently it passed the Senate with amendments. The amendments were agreed to in the House, but the bill was pocketed by the President, much to my regret, although it was not in the form in which I wished to see it passed. I introduced a bill in the House in the present Congress, and Senator LA FOLLETTE introduced a copy of my bill in the Senate. So far as the seamen are concerned, the gentleman from Washington [Mr. BRYAN] may be their friend. I think I need not state to this House, as I think they have the evidence of the fact, that I have shown my friendship for the seamen, but I am not willing simply because of my friendship for the seamen to enact into law everything they want.

The bill introduced in the Senate at the first session of this Congress, which was a counterpart of the bill introduced in the House at the first session of this Congress, was reported to the Senate, and on the 23d day of October last passed the Senate. In December, and while I was absent in Europe attending the International Conference on Safety of Life at Sea, the House committee, Judge HARDY, of Texas, being acting chairman, had hearings on that bill, simply on the one feature of it, namely, the lifeboat provision. They found that that provision as it passed the Senate was in conflict with the sentiment on both coasts and on the Great Lakes. And I do not hesitate to say that it was unreasonable and unjust to the shipping interests of this country.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. ALEXANDER. Not at present. I have only five minutes. The committee was kind enough to postpone further hearings on the bill until I came home. I returned on the 29th of January. We immediately thereafter took up the bill and had hearings on the different features of it, and when those hearings were closed we took the bill up for consideration in the committee and day after day discussed its various features. There are only five members of the committee who served in the last Congress on the committee in this Congress. We have given the bill most patient consideration. The bill is now pending before a subcommittee, and the subcommittee is considering the bill with the utmost care, and have before them the proposition of whether or not they will accept the provision with reference to lifeboats and lifeboat men, as provided in the International Convention on Safety of Life, adopted at London. What they may do with it I do not know, but so far as any effort to smother that bill is concerned, it is untrue, and it is unworthy of the gentleman from Washington [Mr. BRYAN] to even intimate such a thing. He was so impatient this morning that he did not want to even consider that proposition.

Now, the Senate Committee on Foreign Relations is considering the London convention on safety of life at sea. I had a request from that committee not to report out the seamen's bill until they had considered the London convention. But notwithstanding their request, we are going ahead to consider the bill, and we expect to report it out at an early date. Whether we report it in the form already passed by the Senate, I do not care to prophesy, as I do not wish to anticipate the action of the committee, but I wish to say this, that it is being given thorough consideration. And if the gentleman from Washington [Mr. BRYAN] will just open his mind and look at the provisions of the bill, and not from a political and local standpoint undertake to square himself with the seamen's union on the Pacific coast, maybe we will get a bill that will harmonize with common sense and justice toward every interest, the seamen included.

Mr. BRYAN. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. BRYAN. The gentleman will admit that the subcommittee never had a session until this morning—this 12th day of May—will he not?

Mr. ALEXANDER. The subcommittee was appointed a week ago, and I undertook to group the provisions of the London convention on safety of life at sea for their consideration when the subcommittee met. I did so, and had them printed, and before the committee this morning, and I could hardly get the gentleman to remain to read them.

Mr. BRYAN. We have got to handle the whole concern yet.

Mr. ALEXANDER. We will handle it, too, if the gentleman will have patience.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. RUCKER] is recognized.

Mr. RUCKER. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. HUMPHREY].

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] is recognized for three minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I think this country owes a debt of gratitude to the distinguished chairman of the Committee on the Merchant Marine and Fisheries, Judge ALEXANDER, on account of the fact that he has kept the seamen's bill in committee and is still considering it and having changes made in it from what it was when it came over to the House.

The seamen's bill, if it were passed as it came from the Senate, would largely destroy the shipping interests of this country, and would benefit no one except a few so-called sailors who do not think enough of this country to become naturalized. So far as I am concerned, I have reached a point where I refuse to shed tears for a class of men who do not think enough of this country to become citizens before they come and ask its protection and assistance.

And I want to say this much in regard to the chairman of the Committee on the Merchant Marine and Fisheries: I have served with him for many years. I have never known a fairer-minded man. There is no man in Congress in either House that knows as much about the subjects involved in the seamen's bill as that distinguished chairman; and there is no man in Congress who is more worthy of the confidence and the esteem of this body than that gentleman. [Applause.]

Now, Mr. Chairman, just a word upon the bill under consideration while I am upon my feet. I am one who has been in favor of electing United States Senators by a direct vote of the people for many years, long before I became a Member of this body. Perhaps certain transactions which occurred in my own State many years ago impressed it on my attention. I have always voted, every time I had an opportunity, for a law looking to that end, and I am very glad that the little incipient filibuster that started the other day on that side of the House to prevent the consideration of this bill has evaporated; and I am very glad not only on account of my own State but also on account of others that that filibuster has ended and that the bill is now before the House. I want to extend my congratulations to the distinguished gentleman from Missouri [Mr. RUCKER] who has had it in charge, for to him belongs great credit. [Applause.]

The SPEAKER pro tempore. The gentleman from Missouri [Mr. RUCKER] has seven minutes remaining.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Michigan [Mr. MAPES].

The SPEAKER pro tempore. The gentleman from Michigan [Mr. MAPES] is recognized.

Mr. MAPES. Mr. Speaker, this bill comes before the House with the unanimous report of the Committee on Election of President, Vice President, and Members of Congress, and no doubt will pass the House by a practically unanimous vote. The special rule which was brought in this morning to make the bill in order was made necessary on account of the condition of the calendar and on account of the action of the House a few weeks ago, as referred to by the gentleman from Washington, in voting to consider on Calendar Wednesday the bill to codify the laws relating to the judiciary.

It was necessary to adopt a special rule in order to pass the bill in the House at this session of Congress and have the law in operation before the fall election, when one-third of the membership of the Senate is to be elected. The bill to codify the laws relating to the judiciary contains 198 pages, and when the House voted to consider it on Calendar Wednesday it was generally recognized that that action would, in all probability, prevent the consideration of all other legislation on Calendar Wednesday for the remainder of the session. Of course it was well understood that there were some who hoped that that action would prevent the consideration altogether of this particular bill, providing for the election of United States Senators by the people, and after that action the only way that it could be brought up at this session was by the adoption of the special rule making it in order.

The way in which this amendment was adopted and the delay in having it incorporated into the Constitution serves as a striking illustration of how tardy Congress is at times in keeping up with the public sentiment of the country. There has been a law on the statute books of the State of Michigan for several years, as there has been in many other States of the Union, for the nomination and election of Senators by direct vote of the people. These laws were, of course, only advisory, and for many years before the passage of this amendment there had been an agitation all over the country for an amendment of this kind to the Constitution.

Several attempts were made in Congress to secure the passage of a resolution proposing such an amendment, but without success. After the resolution was passed by Congress, however, it was speedily adopted by the necessary three-fourths of the legislatures of the several States to make it a part of the Constitution. Only one year elapsed from the time the Clerk of the House deposited the resolution with the Secretary of State notifying that official of the action of Congress in passing it to the time when the Secretary of State certified that the amendment had been ratified by the legislatures of three-fourths of the 48 States of the Union, and had become a part of the Constitution of the United States.

I hold in my hand the certificate of the Secretary of State to that effect, dated the 31st day of May, 1913, and the original resolution was deposited with the Secretary of State on the 15th day of May, 1912. Taking into consideration the fact that most, if not all, of the legislatures of the different States do not meet until January, it will be seen that as a matter of fact the proposed amendment was ratified by the necessary number of States in much less than a year. This shows how readily the States adopt a resolution proposing an amendment to the Constitution, when backed by urgent public sentiment. The States which ratified the resolution, according to the certificate of the Secretary of State, are as follows:

Massachusetts, Arizona, Minnesota, New York, Kansas, Oregon, North Carolina, California, Michigan, Idaho, West Virginia, Nebraska, Iowa, Montana, Texas, Washington, Wyoming, Colorado, Illinois, North Dakota, Nevada, Vermont, Maine, New Hampshire, Oklahoma, Ohio, South Dakota, Indiana, Missouri, New Mexico, New Jersey, Tennessee, Arkansas, Connecticut, Pennsylvania, and Wisconsin.

There is no question but what the overwhelming sentiment of the people of the country is in favor of this legislation. It carries out the purpose of the recent amendment to the Constitution, and I trust that it will pass without a dissenting vote.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, we are all in favor of legislation along the lines of the bill now before us. It is not necessary for those of us who have been here a considerable length of time to say that we are greatly pleased that the plan of electing United States Senators by direct vote of the people has been adopted as a part of the National Constitution.

As a Member of this body, I had the pleasure of voting on quite a number of occasions for an amendment of this character, and in common with others who held that view I was delighted when the constitutional amendment was adopted, and it seems very important that we should have legislation to meet the situation in States that have not legislated since the passage of the constitutional amendment.

It does seem to me, however, Mr. Speaker, that this legislation is not in the happiest form. I do not know but that it is presumptuous to say it, in view of the fact that the gentleman from Missouri [Mr. RUCKER] assured us that the Senate had given it very careful consideration and that his committee had given it very careful consideration. However, I desire to call attention to the fact—and I do this because the gentleman from Missouri has some time remaining and can perhaps remove my doubts in regard to the legislation—that the constitutional amendment provides "when vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies," and so forth. All that is necessary for Congress to do in the absence of State legislation is to provide some method whereby the election contemplated by the Constitution may be had.

That provision is made in section 2 of this bill; and section 2 of the bill, it seems to me, does all that it is necessary to do. It provides that "in any State wherein a United States Senator is hereafter to be elected, either at a general election or at a special election called by the executive authority thereof to fill that vacancy, until or unless otherwise specially provided by the legislature thereof the nomination of candidates for such office," and so forth.

The bill itself is presumed to be temporary in character, and yet section 1 of the bill is clearly in the form of permanent law. The chairman has suggested that he proposes to offer an amendment which will make that clearly temporary. Even so, I do not understand the necessity for the first section, and it seems to me that complications may arise under it. The constitutional amendment clearly contemplated that Senators might be elected either at general or special elections, and so provides. This first section provides for elections only at certain general elections.

Not being a lawyer, I do not hazard a guess as to whether this provision providing for the election of Senators only at general elections would preclude the election of a Senator at a special election, as contemplated by the constitutional amendment, in the absence of any action by the legislature; but at least there is a question there, and a question that ought, it seems to me, to be clarified. Then this is also true: Under the first section a vacancy occurring in the senatorial delegation of a State after a congressional election could not be filled until the next congressional election. Furthermore, do not sections 1 and 2 conflict, in that one relates to general elections only and the other to general and special elections? Assuming that this provision in section 1 for the election of a Senator at a regular election precludes the election of a Senator at a special election, are not the two sections in conflict?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. J. R. KNOWLAND. I yield 10 minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, I trust that this bill will be passed by the House this afternoon and that it will, without further unnecessary delay, be enacted into law within a few days. The State which I have the honor in part to represent is very greatly interested in the enactment of the legislation proposed by this bill. A primary election for county, State, and congressional offices is to be held in my State on the 24th day of June. At the general election to be held in November a United States Senator is to be elected. A number of candi-

dates have already announced themselves for this office. The 25th of this month is, under the laws of my State, the last day for the filing of nomination petitions by candidates for State and congressional offices. The amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people was adopted and became a part of the Constitution after the adjournment of our last legislative assembly. The beginning of the next regular session of our legislative assembly does not occur until January, 1915. There is serious question as to whether under the present laws of my State any definite procedure is prescribed for the nomination and election of United States Senators by direct vote of the people. Considerable discussion has taken place in the State relative to the necessity of calling a special session of our legislative assembly to enact a special statute for the nomination and election of United States Senators in the manner now required by the Constitution of the United States. The calling of this special session would, of course, involve a large expense to the people of my State. Naturally, the people of my State desire that this bill be enacted into law at an early date. They have been for several months awaiting anxiously in the hope that this bill might become a law before the 25th of this month and by its terms remove all doubt as to the proper procedure to be followed for the election of a United States Senator this year.

In this connection it might be well to call the attention of the House to the fact that the two Senators in this Congress now representing my State have as a matter of fact been elected to their present positions by the direct vote of the people. As provided for in our primary and general-election laws, they were first duly nominated at a primary election. Then at the general election following they were voted for with other candidates, and receiving the highest number of votes cast were recommended to our legislative assembly for election. The legislative assembly formally carried out the wishes of the people as expressed at the general election. So practically we have had in North Dakota for several years the election of United States Senators by direct vote of the people. Even this somewhat complicated method of electing United States Senators by a vote of the people has proven highly satisfactory to the people of my State. The sentiment of all parties and all the people in my State is unanimously in favor of the amendment to the Federal Constitution providing for election of Senators by direct vote of the people.

It may be interesting to some gentlemen on that side to know that there was enacted in North Dakota four years ago a preferential primary election law to apply to candidates for the offices of President and Vice President of the United States. I had the honor of assisting in drafting the law as it is now in our statutes. Under this law at the primaries held in the spring of 1912 the people of my State indicated by their votes their preference as to the candidates they wished to have as the nominees of the different political parties for the offices of President and Vice President. I trust that a similar primary-election law may soon be enacted by this Congress for all the States of the Nation. [Applause.]

Mr. J. R. KNOWLAND. I yield four minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the presentation of this bill and the knowledge that it is to become a law without opposition are calculated to awaken interesting memories in the minds of those of us who recall the many times the House of Representatives voted for a constitutional amendment to provide for the election of United States Senators by the people, only to have that amendment defeated in the Senate. This we did session after session, as the gentleman from Illinois has said, but always in vain.

However, I did not intend to say anything on the pending bill, and should not now do so were it not for the remarks made by the gentleman from Washington [Mr. BRYAN], in which he alluded to the fact that in the national convention of 1908, at Chicago, I introduced a plank for the election of Senators by the people, which was overwhelmingly defeated. It may be well enough, in this connection, to remember, also, that in the same convention I introduced a plank for the physical valuation of railroads, and that it also was defeated and by an even greater vote. I refer to these things now only to show the astonishing rapidity with which public opinion in the United States does change. The law for the physical valuation of railroads has been on the statute books for three or four years. It went through this House by a practically unanimous vote. And yet when I presented that plank in that convention it was greeted with jeers and cries of "Socialist" and "Take it to Denver." So was the plank for the election of Senators by the people. Verily, the world does move!

Mr. Speaker, everybody who has read the history of the convention which drafted the Constitution of the United States knows that the provision for the election of Senators by the legislatures of the respective States was the result of the profound distrust which many of the members of the convention entertained of the capacity of the people for self-government. But more and more the world has grown to realize that the safest and really the most conservative government is government by the people, where the people enjoy the blessings of a generally diffused education and an enlightened public opinion, as is the case in this Republic. And public opinion, the greatest force in the world, rarely, if ever, has done a more beneficent work for the United States than when it compelled Congress to pass the constitutional amendment providing for the election of Senators by the people. It has added greatly to the people's responsibilities, but it has also added immeasurably to the strength of the Republic. I congratulate the House and the country on the legislation. [Applause.]

Mr. RUCKER. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MITCHELL] one minute.

Mr. MITCHELL. Mr. Speaker, I did not intend to speak on this question, and only do so now in view of the remarks made by the gentleman from Wisconsin [Mr. COOPER]. My memory goes back to the time when, in 1907, as a member of the upper branch of the State Legislature in Massachusetts, for the first time in the history of that State, a committee reported favorably on a proposition for an amendment to the Constitution, providing for the election of United States Senators by direct vote of the people. I had been a member of that senate for four years, and up to that time we had been unable frequently to get votes enough for the proposition to demand a roll call in either branch of the legislature. And I, too, with the gentleman from Wisconsin [Mr. COOPER], am impressed with the tremendous progress which popular government is making in this country, and I am happy to have this opportunity of voting for this measure and in assisting to put upon the statute books this additional provision for the promotion of popular Government.

It is the culminating measure in writing into the law of the land the election of United States Senators by the people.

I rejoice that an opportunity has been afforded me of being present to vote for this measure. Some years ago, as a member of the Massachusetts Legislature, I introduced such legislation into the house, but it did not make very much progress; in fact, it was extremely difficult to obtain a roll call upon this measure. Afterwards, as a member of the senate, I introduced such a bill, and it had the distinction of being the first measure tending to bring about a change in the election of United States Senators to be favorably reported by the committee on constitutional amendments. It was reported in the senate, but was overwhelmingly defeated. That was only a brief seven years ago.

Since that time, from one end of the Union to the other, popular sentiment has developed to such an extent that now we find this beneficial measure the law of the land. It shows the tremendous growth in recent years of popular government and speaks well for the future of our country. We have seen with this corresponding increase in the active participation by all of the citizens in the selection of their candidates a growing and ever-widening interest in public affairs, and with this growth and development of the public, brought about by measures of this character, we have seen the diminution of the influence of special interests in legislation.

When we stop to contemplate the wonderful development and growth of popular government in recent years, can we not feel encouraged to believe that it will continue, and that in the years to come contemplated laws that are now scoffed at and sneered at, looking to the protection of the health and the lives, the happiness of the great mass of our people, will be overwhelmingly adopted?

I am for this measure heart and soul, because I have always believed that the popular election of United States Senators was the great gateway through which all reform legislation would eventually pass. The Senate has been the reactionary body. Much of the good legislation which in former years so frequently passed the House always fell in the Senate. Senators will now have to go upon the hustings and defend their course in legislation and their actions and their votes upon measures that come before them, and they will be mighty careful to make that action accord with the sane, reasonable, progressive ideas of the people. In the past they have been responsible to no one. The legislature that elected them was dissolved many times—in our State at least—before their term expired. Now they will be real servants of the people, and I believe that their ears will be attuned to catch the popular impulses and that

they will respond more quickly, more effectively, and, I trust, more beneficially than ever before.

Mr. RUCKER. Mr. Speaker, just briefly replying to the suggestion made by the gentleman from Wyoming [Mr. MONDELL], let me call his attention to the fact that the language he read from the seventeenth amendment to the Constitution refers to the filling of a vacancy, which, of course, can not be done until after a vacancy has ocurred. Then the executive authority of a State may do the things authorized. The first section of the bill, while in my opinion it is not absolutely necessary, is a wise provision to retain, for the reason that this language determines when the first election under this amendment shall take place. Mark you, the first section relates to something that occurs before a vacancy can occur, the election being in November in most of the States for the term beginning in March after that. I think the language is necessary.

Mr. MONDELL. Will the gentleman yield for one question?

Mr. RUCKER. Make it very brief, because my time is short.

Mr. MONDELL. In case a vacancy should occur immediately after the congressional election this fall and before the State legislature has acted, would there be any way under this legislation whereby that vacancy could be filled for two years?

Mr. RUCKER. Oh, I think so; beyond a question. You can have your legislature meet——

Mr. MONDELL. By convening the legislature, yes; but without convening the legislature?

Mr. RUCKER. Let me say to the gentleman that I am not trying to perfect this so as to meet every possible contingency. I am content to rest with confidence on the action of the Senate. I believe they have prepared a bill which will cover all reasonable conditions and emergencies.

Mr. MANN. Will the gentleman yield for a question?

Mr. RUCKER. I always yield to the gentleman.

Mr. MANN. The gentleman knows that there has been some question raised with reference to two nominations of Members of the House for Senator, one from Alabama——

Mr. RUCKER. I anticipate the gentleman's question, and if he will permit me, I will say that I announced a while ago, probably during the gentleman's temporary absence from the floor, and I say "temporary" because he is always here, many times when I wish he was not [laughter]—that I had it in mind to offer an amendment to line 4, page 2, after the word "office," so as to read "the nomination for such office not heretofore made," shall be made, and so forth, referring to the time when nominations shall be made for the regular election. I think that would meet the point.

Mr. COOPER. Will the gentleman yield?

Mr. RUCKER. I will yield, yes; but I want to say that my time is now very short.

Mr. COOPER. Is it not within the power of the committee to give the gentleman more time?

Mr. MANN. You can get more time under the five-minute rule.

Mr. RUCKER. Let me say, Mr. Speaker, to the membership of the House that I believe this is the final act, so far as Congress is concerned, in the consummation of the greatest reform that has been accomplished in this country since the Civil War. I do not believe there has been any great measure enacted into law which has given more universal satisfaction, which has ignored party lines and divisions, and received more general approval than has this measure. The gentleman from Illinois, the distinguished minority leader, becoming reminiscent awhile ago, spoke of occurrences in the House some time ago, and in the course of his remarks paid me a tribute much more complimentary than any action of mine fairly construed warrants. I appreciate the nice things the gentleman said, and thank him for saying them. I want to say that I fully concur in most the gentleman said in relation to the history of the constitutional amendment providing for the popular election of Senators. It is true that at one time I resisted for months the action of the Senate in forcing upon us the amendment in its present form. I believed then, and believe now, that the election of Senators ought to be controlled by the people of the States to be represented. I did at one time hope the Senate would recede, but the gentleman quoted me correctly when he said that failing to secure the recession of the Senate, I accepted the Senate attitude because my purpose always was, if possible, to secure this reform along lines which met with my approval and best judgment, if possible, and if not, then along any line that would give the people of this country a chance to vote directly for Senators from their States. The gentleman from Illinois [Mr. MANN] did quite as much as any Member to secure the submission and adoption of the resolution proposing the seventeenth amendment.

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The time of the gentleman has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 2. That in any State wherein a United States Senator is hereafter to be elected either at a general election or at any special election called by the executive authority thereof to fill a vacancy, until or unless otherwise specially provided by the legislature thereof, the nomination of candidates for such office shall be made, the election to fill the same conducted, and the result thereof determined as near as may be in accordance with the laws of such State regulating the nomination of candidates for and election of Members at Large of the National House of Representatives: *Provided*, That in case no provision is made in any State for the case of the nomination or election of Representatives at Large, the procedure shall be in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State: *And provided further*, That in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Amend, in line 10, page 2, by striking out the words "the case of."

Mr. MANN. Mr. Speaker, I would like to be recognized on the amendment. A parliamentary inquiry. Under the rule, how much time am I entitled to?

The SPEAKER pro tempore. To one hour.

Mr. MANN. It is needless to say, Mr. Speaker, that I shall not take that much time, but I suggest to my friend from Missouri that the next time he prepares a rule to hasten debate in the House, where he fixes the length of time for general debate, he should also fix the time for debate under amendment. I shall not consume the time, but in this case the gentleman could not move the previous question very well while I have the floor. I could use an hour very easily discussing this question.

Mr. RUCKER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. RUCKER. I will say to the gentleman that the resolution was expressly framed in this way, so as not to limit debate or limit amendment, but to throw it wide open in hope that the gentleman from Kansas would not deliver a lecture on gag rule.

Mr. MANN. I was not speaking about limiting debate on the amendment, but the gentleman's rule did limit general debate to one hour. But under the rule here is an amendment which involves the entire question, and I have an hour if I want to use it. I shall not use the time. There are two amendments here upon which we might easily take the rest of the afternoon.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, in lines 11, 12, 13, and 14, page 2, by striking out the words "in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State," and insert in lieu thereof the words "the same as that provided for the nomination and election of governor of such State."

Mr. COOPER. Mr. Speaker, I would like to call the attention of the gentleman from Missouri to the question I attempted to ask at the outset of general debate. The gentleman will observe that in the bill as it came from the Senate the proviso beginning on line 9, page 2, read as follows:

Provided, That in case no provision is made in any State for the case of the nomination or election of Representatives at Large, the procedure shall be in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State.

Then followed the proviso beginning on line 16:

Provided, That in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

That, of course, meant the highest number of the votes of the entire State. But in the bill as reported by the House committee, and now before us, the words—

in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State—

have been stricken out, and in lieu thereof the words—

the same as that provided for the governor of a State—

have been inserted, thus making an entirely different requirement, because under certain circumstances in the State of Vermont the governor is not elected by vote of the people of the entire State. If no candidate for governor at the general election in the State of Vermont has a clear majority of the entire vote of the State, then the election of a governor is thrown into the legislature, and the legislature may elect a

governor without regard to the vote of the people of the entire State.

The last proviso of the Senate bill, especially the words in line 17—

The candidate for Senator receiving the highest number of votes—

related to the election by the people of the entire State—that is, to the highest number of the votes cast in the entire State—but if the election of Senator in the State of Vermont should be thrown into the legislature does not the gentleman from Missouri think there is ambiguity or contradiction in the language of the bill as amended?

Mr. RUCKER. Mr. Speaker, I am frank to say to the gentleman that he has suggested some things that were not discussed by the committee and that possibly might have some danger in them, but I will say to him that this measure, with the discussion that has taken place here, will go to the Senate, and if there is danger in those lines he can rest assured that it will be settled so there will be no trouble about it. The amendment the committee made was made at the suggestion of one member of the committee by reason of conditions existing in the State in which the member lives. We thought the language was better than the language prepared in the original bill.

Mr. COOPER. Mr. Speaker, the gentleman sees, of course, that line 14, when connected up with the proviso as it originally read, provides that the Senators shall be elected by a vote of the entire State, and that a plurality shall elect.

Mr. RUCKER. Of course the gentleman well understands that this is an act relating solely to the election of Senators, and that under the universal rule, recognized everywhere, the entire act would be construed together, and the first section makes it clear and plain that the election with which we are dealing is the election of United States Senators by the people of the State. I think there is no trouble about that at all. If I thought there was any danger along these lines, I would be glad to change the language of the bill.

Mr. GREEN of Iowa. Mr. Speaker, I wish to make a suggestion for the consideration of the gentleman from Wisconsin [Mr. COOPER], on the point on which he was just speaking. It seems to me that the last proviso might be taken up in this way as applying particularly to the exigency which might arise in Vermont. If it be found that no candidate has a majority for election, then the proviso supplies a way out of the difficulty by stating that in any event the candidate for Senator who receives the highest number of votes shall be deemed elected; in other words, making the proviso apply to a case of that kind as well as to the matter of the number of votes.

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The question is on agreeing to the second committee amendment.

The amendment was agreed to.

Mr. RUCKER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 4, after the word "office," insert the words "not theretofore made."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. WILLIS. Is the gentleman sure that the word "theretofore" is the proper word to use in that amendment?

Mr. RUCKER. I was not quite sure whether the word should be "theretofore" or "heretofore."

Mr. WILLIS. If he uses the word "theretofore," the gentleman will see that will take it back to the general time referred to in the preceding language. As I understand the gentleman, what he wants to cure is the possible defect that would be applicable to certain Members of the House who have already been nominated for Senator.

Mr. RUCKER. Mr. Speaker, recognizing the gentleman's ability, I will gladly accept his suggestion.

Mr. WILLIS. It seems to me that the word ought to be "heretofore."

Mr. RUCKER. Mr. Speaker, I ask unanimous consent to modify the amendment by changing the word "theretofore" to "heretofore."

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Speaker, I desire to say this, that the word does not have reference to the date of the passage of the bill, but has reference to the date of the election under the bill.

Mr. WILLIS. I think it is clearer to make it read "heretofore."

Mr. MANN. Mr. Speaker, I do not think it is clear either way, myself. I went over this bill, examining that question as best I could, and personally I do not believe that the bill would affect at all the nominations made in Alabama and South Dakota. I believe those are the only two places where nominations have been made or are likely to be made before the bill becomes a law. I suggest to the gentleman from Missouri [Mr. RUCKER] that if this amendment be inserted in the bill, with these other amendments which have been agreed to, the bill ought to be considered in conference, if he has suggestions to make to the Senate, instead of having the Senate agree to these various amendments, so that these things can be very carefully considered. When this legislation is enacted, it ought not to give rise to a lot more controversies which the constitutional amendment has given rise to already.

Mr. RUCKER. Mr. Speaker, I will say to the gentleman that I have conferred with the author of the bill and some other gentlemen on both sides of the Senate Chamber who are very much interested in the speedy passage of the bill, and I am quite certain Senators will welcome prompt action by the House, and if there is anything in it that needs changing, it will be done before final action in the Senate, perhaps in conference. I think that that is the expectation.

Mr. MANN. I suggested conference. Whether it is done in conference or by the Senate, I do not care, so long as these things are carefully considered.

Mr. BRYAN. Mr. Speaker, I attempted a moment ago to receive recognition in reference to the amendment already passed, basing this election on the method of electing a governor, which is absolutely right. The committee has shown good judgment in cutting out the provision for the election in the same manner as other administrative officers are elected, because there are all kinds of differences in State statutes as to how various administrative officers of the State shall be elected, but when we say that Senators shall be nominated and elected in the way the governor is elected we have something definite. Second-choice provisions apply as to some offices and do not apply as to others.

I introduced the first bill upon this subject, and based it upon that theory, and I take some pride in seeing, while my bill was not accepted on the other side, that the committee did put my view of that particular feature into the bill. The bill would be much better now if all reference to the manner of electing Congressmen at Large were eliminated and the whole procedure were based on the manner of electing a governor as in my bill, introduced over a year ago—April 21, 1913—provided. In our own State we had considerable difficulty determining whether the second-choice provisions of our primary law referred to Congressmen at Large, but there is no indefiniteness as to the manner of electing and nominating a governor.

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman yield?

Mr. RUCKER. Let me suggest to the gentleman that I am not more timid than other men, but if we want to pass this bill we had better get at it.

Mr. HAMILTON of Michigan. I was merely going to call the gentleman's attention to the word "near" at the end of line 5 on page 2. The gentleman from Missouri is an eminent grammarian, a man of high authority on the use of language, and I would inquire of him whether he thinks the word "near" ought to be employed there or the word "nearly"—simply in the interest of good form?

Mr. RUCKER. The gentleman from Michigan has complimented the gentleman from Missouri and criticized some Senator of the United States. I did not write the language.

Mr. HAMILTON of Michigan. I am glad to compliment the gentleman from Missouri and am perfectly willing to criticize the Senator.

Mr. RUCKER. Mr. Speaker, I ask for a vote.

The question was taken, and the amendment was agreed to.

Mr. RUCKER. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting a new section at the end of the bill, to be numbered section 3 and to read as follows:

"SEC. 3. That this act shall expire by limitation at the end of three years from the date of its approval."

The question was taken, and the amendment was agreed to.

Mr. RUCKER. Mr. Speaker, I demand the previous question on the bill and amendments to final passage.

The SPEAKER pro tempore. The gentleman from Missouri moves the previous question on the bill and amendments to final passage.

The question was taken, and the previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUCKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on the bill.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FALCONER. Mr. Speaker, I would also ask unanimous consent for leave to print an address made by Mr. Elwood Mead, at Denver, Colo., on April 9, on farm loans and credit extensions and reclamation practices in Australia. This is a matter of much interest to the people of my State and the country generally.

The SPEAKER. Who made the speech?

Mr. FALCONER. Mr. Elwood Mead. This gentleman was invited to make this address by Secretary Lane, of the Interior Department, and——

The SPEAKER. The gentleman from Washington asks unanimous consent to print in the RECORD a speech made by Mr. Mead at Denver, Colo., on the subject of irrigation and reclamation. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I did not understand it was on the subject——

Mr. FALCONER. It was on reclamation projects in Australia.

Mr. MANN. The gentleman said farm credits.

Mr. FALCONER. It also treats of methods of loans for farm improvements.

Mr. MANN. There is a committee that is having hearings on this subject and innumerable documents on the subject. Are we going to print all in the RECORD?

Mr. FALCONER. I should not have said farm credits so much as methods of handling funds in connection with irrigation and reclamation, and in this way dealing with the farm-loan feature of the financial system of Australia.

Mr. MANN. As I understand, the speech is on the subject of irrigation bonds?

Mr. FALCONER. It covers the question of bonds issued against irrigation and loans on lands in process of improvement.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, we have had so many reclamation-project bonds sold by bond houses of the United States where failures have been made by the concerns that have issued the bonds, and so many of our people have been fooled by that sort of investment and have lost every dollar they put into them that it is a serious question whether we ought to take the dictum of somebody as to what is being done in Australia, and it seems to me that the irrigation-bond proposition in this country has been so overdone that there is serious danger of adding to the troubles that have already existed and now exist as to the investment of our people, and I really think it is a question whether we ought to let this be printed and sent out. However, I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

AMBASSADORS TO ARGENTINA AND CHILE.

Mr. GARRETT of Tennessee. Mr. Speaker, I offer the following privileged report (No. 667) from the Committee on Rules.

The SPEAKER. The gentleman from Tennessee offers a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

The Committee on Rules, to whom were referred the resolutions (H. Res. 507 and H. Res. 508) providing, respectively, for the consideration of H. R. 15503 and H. R. 13667, having considered the same, beg to report in lieu thereof the following substitute and recommend that it be adopted:

"*Resolved*, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 4553 and H. R. 15503; that the first reading of the bills be dispensed with, and that there shall be one hour's general debate on both bills, to be divided equally between those favoring and those opposing the measures. At the expiration of said one hour's general debate the bills shall be considered in the order named under the five-minute rule, and the Committee of the Whole House on the state of the Union shall perfect and report the measures to the House, whereupon the previous question shall be considered as ordered upon the bills and all amendments adopted in the Committee of the Whole House on the state of the Union to final passage without intervening motion, except one motion to recommit."

Mr. GARRETT of Tennessee. Mr. Speaker, the bills which this rule seeks to make in order are Senate bill 4553 and House bill 15503, respectively. The bill S. 4553 is to authorize the appointment of an ambassador to Argentina, and H. R. 15503 is a bill authorizing the appointment of an ambassador to the Republic of Chile. These bills have been unanimously reported from the Committee on Foreign Affairs. They have the approval of those who are directly responsible for the conduct of our foreign affairs—not only the approval, but a request, supported by those in the best position to know what the foreign relations of our country are—and therefore it seemed to the Committee on Rules that it was very proper to bring these matters in, and hence it has made this report.

Mr. MANN. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. MANN. I did not catch the reading of the rule entirely. How much time is allowed for general debate?

Mr. GARRETT of Tennessee. An hour for general debate on both bills.

Mr. MANN. On each bill?

Mr. GARRETT of Tennessee. On both bills; one hour to the two bills.

Mr. MANN. How can you have general debate at the same time upon two bills? You can not consider them at the same time.

Mr. GARRETT of Tennessee. It can be done by unanimous consent. Anyone who should get the floor, of course, would have half an hour. Half of the time is controlled by gentlemen in favor of the bill, and one-half of the time is controlled by anyone opposed to the bills, and during that time the person having the floor can talk on either one or both of the bills or can yield to any person to speak on any one or both.

Mr. MANN. I suppose the Committee on Rules can do almost anything in the way of a rule, if it is backed up by the House.

Mr. GARRETT of Tennessee. It can not do anything unless it is backed up.

Mr. MANN. I understand; but the novelty to me is to provide for general debate on a number of bills at the same time.

Mr. GARRETT of Tennessee. This provides for the control of the time; that the time shall be controlled——

Mr. MANN. You can not have both bills up for consideration at the same time. Each bill must have a first reading.

Mr. GARRETT of Tennessee. The rule dispenses with the first reading.

Mr. MANN. Well, the bill has to be reported to the committee or to the House, in any event. I suppose next we shall have a rule to have general debate one day and then no further general debate during the entire session of Congress. [Laughter.]

Mr. GARRETT of Tennessee. Would not the gentleman approve of something of that sort?

Mr. MANN. Well, so far as concerns the debate that comes from that side of the House I would. I think we could profitably dispense with most of that. But you gain light when it comes to general debate from this side of the House. [Laughter.]

Mr. BARKLEY. Does the gentleman from Illinois mean light debate? [Laughter.]

Mr. CAMPBELL. Mr. Speaker, I simply suggest to the gentleman from Illinois that general debate for one hour precedes the consideration of these two bills in their order, at which time they shall be taken up and considered under the five-minute rule for amendment and debate. I think the rule specifically provides the method by which this is to be done, and that there is no great difficulty about it. One hour is allowed for general debate, and then the bills shall be taken up in the order named in the rule for amendment and debate.

Mr. MANN. Mr. Speaker, will the gentleman yield? Does the gentleman think that the House can consider two bills at the same time?

Mr. CAMPBELL. If it agrees to the rule, it can.

Mr. MANN. It will be considering them; but can it, as a matter of fact? You can not pass two bills at the same roll call.

Mr. CAMPBELL. The two bills are to be debated. The general debate is one thing. The consideration of the bills is another thing. There is to be one hour of general debate, in which you can discuss Argentina or Chile or the general dilapidated condition of the Democratic Party. [Laughter.]

Mr. WILLIS. There would not be enough time for that. [Renewed laughter.]

Mr. MANN. The bills are under consideration. That is what the rule provides. And it is proposed to have two measures, entirely distinct, under consideration at the same time. You might as well try to put one man in two places at the same time.

Mr. OGLESBY. You mean you can not have two men in one place. [Laughter.]

Mr. CAMPBELL. The bill can be taken up for amendment,

Mr. MANN. The bill is under consideration just as much during the general debate, theoretically, as it is at any other time.

Mr. GARRETT of Tennessee. Has the gentleman concluded?

Mr. CAMPBELL. I do not care to use any time.

Mr. GARRETT of Tennessee. Mr. Speaker, I think we might as well put this to a practical test, to see whether we can debate two bills at the same time; and I therefore move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 42, noes 27.

So the resolution was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] is recognized for 30 minutes.

Mr. MANN. Is this in the House as in Committee of the Whole? I think the House automatically goes into Committee of the Whole.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Tennessee [Mr. MOON] will take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 4553) to authorize the appointment of an ambassador to Argentina and of the bill (H. R. 15503) authorizing the appointment of an ambassador to the Republic of Chile, with Mr. MOON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 4553 and House bill 15503. The gentleman from Virginia [Mr. FLOOD] is recognized.

Mr. FLOOD of Virginia. Mr. Chairman, the growing importance, politically and commercially, of the two Republics of Argentina and Chile has led their Governments to suggest to our State Department the propriety of accrediting diplomatic representatives of the highest character to those countries. Our executive department is most favorably inclined to this suggestion. Recognizing the greatness of these two South American countries, their commercial importance, and the great part they will play in the world's politics in the years to come, the President and the State Department are desirous that we accredit to these two Republics ambassadors instead of envoys extraordinary and ministers plenipotentiary.

It is needless for me to go into a very lengthy discussion of the commercial and political importance of these two countries. I will therefore give my reasons for advocating this bill as briefly as possible.

ARGENTINA.

The United States is just entering upon a great Pan American era and it can not afford to neglect any worthy opportunity and responsibility which will make and keep it a leader in the progress of the American Republics. It is no exaggeration, speaking from the Latin-American, as well as the United States standpoint, to state that the United States may now be facing a critical period in the future of the western continent. What it does now and during the next few years in its Pan American policy will determine whether its sister Republics of the south are to follow it and cooperate with it for the good of all American nations, or are to follow Europe and cooperate with her in the development of international commerce and comity and of that international interdependence which has such vast significance.

The majority of the people and of the newspapers of the United States have been so occupied with home affairs or with foreign questions involving Europe and Asia and the near-by States of Latin America that they have not had time to study and appreciate the wonderful material development and political progress of Argentina and Chile in southern South America. If they knew the situation as they know that of the States of the United States, they would wonder why we had not already voted that the legations in Buenos Aires, the capital of Argentina, and Santiago, the capital of Chile, should be raised to the rank of embassies. The small additional cost to the United States Government of a few thousand dollars is a mere bagatelle compared to the value of the commerce, the prestige, and the influence involved. Take the consensus of opinion of a thousand Americans who have visited Argentina and Chile during the past three years and they will almost unanimously declare that this step should now be voted in unanimous acclamation by the United States Congress. These are not terms of exaggeration or enthusiasm. They are simple facts which are absolutely true and which can not be disputed except by those who are unfamiliar with the situation.

Some years ago the United States raised its legation in Brazil to an embassy, and every student of international relations will tell you that it was a wise, deserved, and well-rewarded action. Now let the United States take similar action in Argentina and Chile, the other two great countries of the so-called "A B C" relationship. If the United States delays such action, the honors of this distinction will go to Spain, and may soon be followed by France and possibly Great Britain and Germany. Spain has already acted in Argentina, and it is indeed significant that Germany has recently sent Prince Henry on a special mission of courtesy and recognition to both Argentina and Chile, which may be a preparatory step to following the example of Spain.

Possibly a bird's-eye view of some of the remarkable features of Argentina and Chile may help Members of Congress to appreciate the importance of these Republics.

Looking first at Argentina, we note that it is located almost entirely in the South Temperate Zone. It has a greater reach from north to south—2,700 miles—than has the connected area of the United States. It has an area of 1,135,000 square miles, which is equal to that section of the United States east of the Mississippi River and part of the first tier of States west of it. It has a greater proportion of productive agricultural area than has the corresponding area of the United States. It has a population exceeding 9,000,000, according to latest estimates, and could support in prosperity 70,000,000. It conducts a foreign commerce valued at the immense total of $900,000,000, which gives it the largest per capita trade of any important nation in the world. It conducts, with this population of 9,000,000, a greater foreign trade than mighty Japan, which has a population of 50,000,000, or of great China, which has 300,000,000. It bought last year from the United States products valued at $60,000,000, and it sold to the United States products valued at $22,000,000, or a total exchange of products valued at $82,000,000. This represents a greater increase in the last decade than the trade of any European country with Argentina, and yet the United States has only begun to open up its trade possibilities in that land.

Buenos Aires, the capital of Argentina, is the fourth city of the Western Hemisphere, ranking after New York, Chicago, and Philadelphia. It is the second Latin city in the world, ranking next to Paris. It is the largest city of the world south of the Equator. It has to-day a population of 1,500,000, which represents an increase of 600,000 in the last 10 years. As evidence of Buenos Aires' greatness as a world capital, it should be realized that it has spent $50,000,000 in providing itself with an unsurpassed system of concrete docks and wharves and with two channels, each 30 miles long and 30 feet deep, to deep water in the River Plate. It has just expended $25,000,000 on a great subway system of transportation. It has recently completed a capitol building, second only to our own among the capitols of the world. It possesses the finest newspaper building and plant in the world; it possesses the finest opera house in the world, except possibly those of Paris and Vienna, and, finally, it possesses the finest array of public-school buildings of any city in the world.

Argentina is gridironed with a system of railroads that reach from Patagonia 2,000 miles to Paraguay, and is constructing now many thousands of additional miles. It is now shipping abroad vast quantities of wheat and beef. It has two transcontinental systems of railways connecting its Atlantic seaboard with the Pacific seaboard of Chile and successfully crossing the Andes en route. It is building great irrigation systems in the arid sections, it is harnessing the water powers of the Andes, and it is making navigable the channels of the Parana and Uruguay Rivers far into the interior.

Looking, in conclusion, at the sentimental side of the question, it should be remembered that the great liberator of Argentina, San Martin, fought successfully for the independence of his country under the inspiration of George Washington; that the constitution of Argentina in many respects is written upon the Constitution of the United States; that Sarmiento, its great President of later years, who founded and built up Argentina's educational system upon knowledge he acquired in the United States, was always a true friend of the United States; and that to-day Minister Naon, who ably represents Argentina in the United States, is a great student of the institutions of the United States, and ranks not only as one of the leading statesmen but foremost educators of his country, will make a most worthy and distinguished ambassador in the foreign diplomatic colony of Washington.

And so I might go on giving reasons upon reasons why the United States Legation in Buenos Aires should be raised to an

embassy, but I will conclude with only one more observation regarding that country. The Argentine Congress is this week just beginning its annual regular session. It is a distinguished and representative body, like the Congress of the United States. The newspapers of Argentina have been discussing the movement of the United States to raise the rank of its legation in Buenos Aires to an embassy, and these Congressmen can not fail to note that up to now, many months after the introduction of the bill in the United States, it has not been passed. They are also well aware that the King of Spain has just signed a decree raising the Spanish Legation to an embassy. If the United States Congress should now fail to pass unanimously this important bill, such action might naturally inspire unfavorable and unfortunate comment among the sensitive, high-strung, forceful, and ambitious peoples and Congressmen of this sister Republic. On the other hand, now that the question is brought for the first time to a determining vote, immediate and favorable action will produce a profoundly favorable impression on the Argentine people and Congress, which can not fail to have a permanent and good effect upon the relations of the United States and Argentina. [Applause.]

CHILE.

Now, let us consider Chile. While much that I have said about Argentina will apply equally well to Chile and need not, therefore, be repeated, there is much which is striking and impressive regarding the latter country that should be borne carefully in mind. In view of the fact that the Panama Canal is about to be opened to commerce and that the attention and hopes of the American people are centered in that waterway, Chile has a unique and extraordinary importance in the foreign, political, and commercial relations of the United States. Although it may not have as extensive population, area, and foreign trade as Argentina and Brazil, it has a strategical, commercial, and political position of great significance and power which must not be forgotten or underestimated. Chile holds in South America a place of peculiar strength which gives it a remarkable influence in the diplomatic councils of that continent, and especially in the so-called A B C relationship. Following the completion of the Panama Canal and having in mind the great fifth Pan American conference, which is to meet at Santiago, the capital of Chile, in November of this year, it would seem unfortunate not to raise the United States Legation at Santiago to the rank of an embassy. What Chile may lack in actual area, population, and foreign commerce, it more than makes up in international influence, in stability and quality of government, in vigor of race, in pride of achievement, and in exceptional geographical position. And yet, though Chile may not equal Brazil and Argentina in square miles, number of inhabitants, and in value of foreign trade, it is still remarkable in these respects and worthy of special consideration and study. Chile has an area of nearly 300,000 square miles, which is nearly equal to that of Spain and France combined. It has a population of about 4,000,000, but these are 4,000,000 of energetic, high-class people. It conducted last year a foreign trade valued, approximately, at $400,000,000, which is almost as great as the foreign trade of China and which may soon equal that of Japan. Its per capita trade is nearly $100, or twice that of the United States, ten times more than that of Japan, and twenty times that of China. Although the United States has only just begun, as it were, to build up its exchange of products with Chile, the total value of this exchange last year was over $40,000,000 with prospects of enormous increase after the opening of the Panama Canal.

But the most impressive fact about Chile, viewed strategically, politically, and geographically, is its unique relationship to the Panama Canal. Almost directly south from Washington through the canal it has a coast line on the Pacific Ocean in the South Temperate Zone of nearly 3,000 miles, and varies in width from 50 to 200 miles, with an extraordinary variety of climate, products, and resources. If the southern end of Chile were placed at the Mexican-California line on the west coast of the United States, the northern end would reach beyond the line of California and Oregon, of Oregon and Washington, of Washington and British Columbia, of British Columbia and Alaska, way up into the heart of Alaska.

Santiago, its famous capital, has a population of 500,000, and is often called the "Paris of the Andes." Valparaiso, Chile's chief port, has a rapidly growing population of 250,000, and the Chilean Government is expending $15,000,000 in making the harbor of Valparaiso ready for the Panama Canal and the best artificial port on the entire coast line of the Pacific Ocean. Chile is already well provided with railways, running from different coast points into the interior, and is now completing a longitudinal line with numerous branches.

To make the Panama Canal of the greatest possible usefulness, strategic and commercial, to the United States, no legitimate steps should be neglected which would promote and cement good understanding between Chile and the United States. At this moment the wise and reasonable step for the United States to take is to raise its legation at Santiago to the rank of an embassy and give the United States the distinction of sending the first foreign ambassador to that progressive and powerful country of the southern and western portion of South America.

Correspondingly, Chile will undoubtedly reciprocate and honor the United States by raising its legation in Washington to an embassy, and if the present able minister, Mr. Eduardo Suárez, is promoted, a man of notable statesmanship and achievement in the public affairs of Chile will be that Republic's first ambassador to the United States. [Applause.]

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. FLOOD of Virginia. Certainly.

Mr. MADDEN. Are those countries sending ambassadors here now?

Mr. FLOOD of Virginia. Each of them will send an ambassador here just as soon as this Congress and their Congress act upon the proposition.

Mr. MADDEN. How much difference does it make in the cost?

Mr. FLOOD of Virginia. Between seven and eight thousand dollars a year.

Mr. MADDEN. In each case?

Mr. FLOOD of Virginia. Yes; in each case. We have passed a law prohibiting the President from raising the rank of an envoy extraordinary and minister plenipotentiary to that of an ambassador, so that an act of Congress is necessary. The same, I am informed, is true in Argentina, and as soon as we act upon this bill it is believed that the Congress of Argentina will act upon a similar bill, and an interchange of ambassadors will take place. [Applause.]

Mr. HULINGS. Mr. Chairman, will the gentleman allow me a question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. FLOOD of Virginia. Yes.

Mr. HULINGS. Does the gentleman think it is a proper time now to take this action just at a time when representatives of those two countries are acting as mediators in this Mexican affair?

Mr. FLOOD of Virginia. I will call the attention of the gentleman to the fact that both of these bills, providing for embassies in Argentina and Chile, were introduced in Congress before this mediation proposition was made. The Argentina bill had passed the Senate before that date, and both of them had been favorably reported from the Committee on Foreign Affairs of this House. I think, in view of these facts, that no possible criticism could arise by reason of our passing bills that we had already reported, and one of which had already passed one branch of Congress. [Applause.]

Mr. Chairman, I call for the reading of the bill S. 4553 under the five-minute rule.

The CHAIRMAN. If there is no further desire for general debate, the Clerk will read for amendment the bill (S. 4553) to authorize the appointment of an ambassador to Argentina.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, as the representative of the United States, an ambassador to Argentina, who shall receive as his compensation the sum of $17,500 per annum.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The Clerk will next report the bill (H. R. 15503) authorizing the appointment of an ambassador to the Republic of Chile.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, as the representative of the United States, an ambassador to the Republic of Chile, who shall receive as his compensation the sum of $17,500 per annum.

The CHAIRMAN. Is there any amendment to be offered to this bill?

Mr. FLOOD of Virginia. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation, and that the committee do now rise and report these bills to the House.

Mr. CAMPBELL. Mr. Chairman, I suggest that it requires two motions to do both those things.

The CHAIRMAN. The Chair will put first the motion that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. FLOOD of Virginia. Now, Mr. Chairman, I move that the committee rise and report these bills to the House.

The question was taken; and on a division (demanded by Mr. FLOOD of Virginia) there were—ayes 31, noes 5.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 4553) to authorize the appointment of an ambassador to Argentina and the bill (H. R. 15503) to authorize the appointment of an ambassador to the Republic of Chile, and had directed him to report the same back to the House without amendment and with the recommendation that they do pass.

The SPEAKER. The Clerk will report the bill (S. 4553) to authorize the appointment of an ambassador to Argentina.

The Clerk read the title of the bill.

The bill was ordered to a third reading, and was accordingly read the third time.

The SPEAKER. The question is on the passage.

Mr. WINGO. On that I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 35, noes 7.

Accordingly the bill was passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will next report the bill (H. R. 15503) authorizing the appointment of an ambassador to the Republic of Chile.

The Clerk read the title of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. HENRY, Mr. FLOOD of Virginia, and Mr. WINGO demanded a division.

The House divided; and there were—ayes 33, noes 7.

Accordingly the bill was passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the last vote was laid on the table.

REVENUE CUTTERS.

Mr. ADAMSON. Mr. Speaker, Senate bill 4377 is on the Speaker's table, and a House bill in identical terms has been reported and is on the calendar. I ask that Senate bill 4377 be laid before the House for present consideration.

The Clerk read the bill (S. 4377) to provide for the construction of four revenue cutters, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct one steam revenue cutter of the first class for service in the waters of southern California, at a cost not to exceed the sum of $350,000; one steam revenue cutter of the first class for service in the Gulf of Mexico, at a cost not to exceed the sum of $250,000; one steam revenue cutter of the second class for service on the coast of Maine, at a cost not to exceed the sum of $225,000; and one steam revenue cutter of the third class for service as anchorage patrol boat in New York Harbor, at a cost not to exceed the sum of $100,000.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON].

Mr. MADDEN. Mr. Speaker, does this require unanimous consent?

The SPEAKER. It does not.

Mr. MADDEN. Is it a matter of privilege?

The SPEAKER. It is one of the things that the rules provide may be called up from the Speaker's table at any time.

Mr. MADDEN. Has this matter been considered by the Committee on Interstate and Foreign Commerce?

Mr. ADAMSON. Yes; and an identical bill is on the calendar, and I have authority to call up this bill from the Speaker's table.

Mr. MADDEN. May I ask the gentleman a question?

Mr. ADAMSON. Certainly.

Mr. MADDEN. What is the necessity for the construction of all these revenue cutters? In what shape is the Revenue-Cutter Service now?

Mr. ADAMSON. It is very badly in need of being replenished. We have had no new authorization since 1910. Several of the cutters are almost entirely out of business, and we are compelled to have some new ones.

Mr. MADDEN. Where are the revenue cutters located at present, and how many have we?

Mr. ADAMSON. They are so expeditious in their movements, and they are running around doing so much good, that I can not state their present exact location at a moment's notice. There are about 37 of them, and I will put into the RECORD the data desired by the gentleman. About 29 of these cutters are almost worthless, through antiquity and decay.

Mr. MADDEN. It seems to me that an important matter like this ought to be considered at a time when the House has a pretty large membership present. We are proposing to spend about a million dollars here.

Mr. ADAMSON. I will first beg the gentleman's pardon for not regarding him as one of the parliamentarians with whom I must reckon. I saw all of those who usually watch the Treasury, and worthily win their appellation of watchdogs of the Treasury, including the leader of the minority [Mr. MANN], and I confess that in order to be sure to get a vote on this bill without opposition I consented to some amendments making reductions in this program. I intend to offer those amendments.

Mr. MADDEN. How much does this bill propose to expend?

Mr. ADAMSON. A total of $925,000; and I expect to move to cut that in half by amendments.

Mr. MADDEN. I do not wish to embarrass the gentleman from Georgia by asking unnecessary questions, but it seems to me the subject is one which it is desirable to explain. There is a revenue cutter provided for the harbor of New York, to cost $100,000. Revenue cutters are provided for other sections of the country to cost $350,000. I would like to know from the gentleman what is the necessity for a difference in the cost of the revenue cutters?

Mr. ADAMSON. The one at New York is chiefly for local use, and it is not necessary to be so large and expensive.

Mr. MADDEN. Are they not all for local use?

Mr. ADAMSON. No; some of them have to go to sea. The one in the Gulf has a tempestuous course, and so has the one on the coast of Maine. Both of these are old. I think the one on the coast of Maine is between 40 and 50 years old. It could not stand another season perhaps, and the one on the Gulf is a little bit of a thing, never intended for sea service before it grew old.

Mr. MADDEN. In view of the fact that the Democratic Members of Congress so recently passed a tariff law which does away with the necessity of revenue cutters, does not the gentleman from Georgia think it is extravagant to expend a million dollars to build revenue cutters to look after business that does not exist?

Mr. ADAMSON. I wish to say to the gentleman that the revenue cutters will be kept busy all the time, even if they do not have to collect enough revenue to run the Government. They are busy saving ships and saving lives, also hunting and destroying derelicts, wrecks that endanger commerce, and patroling for icebergs in northern seas; and in time of war they are busy whipping our enemies, for in the history of the United States they have done more effective fighting than any other force. Ship for ship, the revenue cutter has been of more value than the battleship.

Mr. MADDEN. I am glad, Mr. Speaker, that I interrupted the gentleman, because his information is most valuable.

Mr. ADAMSON. Oh, I could give gentlemen a lot more if I had to, but I did not want to give it all just now.

Mr. MADDEN. If I had not asked the question, we would not have got the information which the gentleman has seen fit to enlighten us with. I wish the gentleman from Georgia would enlighten the House on the importance of this legislation.

Mr. ADAMSON. There is a very full report on the House bill which I would like to have read.

The SPEAKER. The Chair will suggest to the gentleman from Georgia that the House bill is on the Union Calendar, and the Senate bill would be referred to that calendar, too, if the Chair referred it.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that this Senate bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to ask if the report of the Committee on Interstate and Foreign Commerce can not be read for the information of the House in connection with the consideration of this question?

Mr. ADAMSON. I would be glad to have it read. In the meantime I wish to yield to the gentleman from Wisconsin [Mr. ESCH] for a question.

Mr. ESCH. I wanted to ask the gentleman whether or not the first revenue cutter provided for in this bill is not to take the place of the revenue cutter that was wrecked in Alaskan

waters two years ago, and if it is not necessary to build a large revenue cutter on account of her having to serve in Alaskan waters and assist in matters like pelagic sealing and the supply of coal to coast points?

Mr. ADAMSON. Yes; it requires a large and strong ship up in those waters. The waters are stormy and the coast is long.

Mr. ALEXANDER. Will the gentleman permit me to say that two of the best revenue cutters in the service are employed and have been since the sinking of the *Titanic* during the ice season in patrolling the north Atlantic and also in the destruction of derelicts, and the fact that they are so engaged now makes the necessity much greater for having new revenue cutters.

The SPEAKER. The Clerk will read the report.

The Clerk read the report (by Mr. COVINGTON), as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 3328) to provide for the construction of four revenue cutters, having considered the same, recommend that it pass.

The bill as amended has the approval of the Treasury Department, as will appear by the letter attached, and which is made a part of this report.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, July 12, 1913.

The CHAIRMAN COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

SIR: The department is in receipt of your letter of the 7th instant, inclosing copy of a bill (H. R. 3328) to provide for the construction of four revenue cutters, and asking for the views of the department concerning the bill.

In reply, I have the honor to state that the subject of new vessels for the Revenue-Cutter Service is at the present time a most vital one, inasmuch as there is the most urgent need of replacing several of the vessels comprising the fleet, with new and efficient craft for the proper performance of the severe duties with which they are charged by law.

A fleet of 37 revenue cutters is indispensable for the proper performance of the various duties placed upon this service by Congress. Up to the summer of 1910 the fleet comprised a total of 37 vessels of the several classes, but the loss of the *Perry* in the Bering Sea during that season reduced the number to 36, divided as follows:

First class	17
Second class	6
Third class	11
First-class seagoing tugs	2
Total	36

There are in addition seven small launches in harbors and rivers, together with one old vessel which is practically a hulk, used as a station ship at the Revenue-Cutter Service depot at Arundel Cove, Md., and these can be disregarded in considering the subject of new vessels.

The average efficient life of a revenue cutter, and in fact of all vessels of that type, is about 20 years. After that length of service the vessel and her machinery become obsolete, and she is unable to perform efficiently the duties required of her. In addition, it is found that extensive repairs are needed frequently, and the cost of these repairs amounts to such a high percentage of the value of an old vessel that it is not economical from any standpoint to continue her in service. To show the ages of the several vessels comprising the fleet of revenue cutters the following table, arranged chronologically, is submitted:

Name.	When built.	Present age.	Name.	When built.	Present age.
		Years.			*Years.*
Woodbury	1864	49	Onondaga	1898	15
Manhattan	1873	40	Seminole	1900	13
Bear	1874	39	Mohawk	1902	11
Hartley	1875	38	Tuscarora	1902	11
Thetis	1881	32	Arcata	1903	10
Morrill	1889	24	Mackinac	1903	10
Winona	1890	23	Winnisimmet	1903	10
Apache	1891	22	Wissahickon	1904	9
Itasca	1893	20	Pamlico	1907	6
Hudson	1893	20	Androscoggin	1908	5
Calumet	1894	19	Seneca	1908	5
Guthrie	1895	18	Davey	1908	5
Windom	1896	17	Acushnet	1908	5
Golden Gate	1896	17	Snohomish	1908	5
Gresham	1897	16	Yamacraw	1909	4
Manning	1897	16	Tahoma	1909	4
McCulloch	1898	15	Unalga	1912	1
Algonquin	1898	15	Miami	1912	1

It will thus be seen that 10 of the vessels now in the fleet have been in service for a period of 20 years or over.

With a fleet of 37 vessels, the average efficient life of each being about 20 years, there should be provided 2 new vessels annually in order to keep the fleet in efficient condition, and that the authorization of new vessels during the past 8 years has not been in keeping with the necessities is shown by the following list of vessels appropriated for since 1905:

	Vessels.
1905	1
1906	2
1907	4
1908	0
1909	0
1910	2
1911	0
1912	0
Total, 8 years	9

Nine new vessels in 8 years is not sufficient to properly maintain the efficiency of the fleet, and in consequence the existing fleet of 36 vessels is not in the condition it should be. The service is therefore compelled to perform such duties as it can with 1 vessel 49 years old, 4 vessels between 32 and 40, and 5 vessels 20 years old or over.

There can be no question, therefore, as to the absolute necessity for the immediate construction of the four new revenue cutters contemplated in bill H. R. 3328. An itemized statement of the necessity for each of these vessels follows:

(1) The first-class vessel called for in the bill for the waters of southern California, at a cost of $350,000, is to replace the *Perry*, which was lost during the summer of 1910 in a dense fog off the Pribilof Islands while engaged in the seal patrol. The present Alaskan fleet is consequently one vessel short. The *Perry* was built in 1884 and transferred from the Atlantic to the Pacific coast in 1894, when the need for additional vessels for service in Alaska became urgent. At best she was too small; her bunker and hold capacity entirely too limited. Vessels on duty in Alaskan waters must carry six months' stores and provisions, which necessitates ample storage room, and being obliged to cruise actively for two weeks or more at a time ample coal bunker space is needed. The *Perry*, 161 feet long, with a displacement of but 451 tons, carried only 90 tons of coal. Being obliged to carry most of her stores on deck and having a cruising radius of but 1,500 miles, she was ofttimes unable to meet the duties demanded of her. The vessel to replace the *Perry* should be of sufficient size to enable her to carry six months' stores and provisions, together with a coal supply that will give her a radius of at least 4,500 miles of economical steaming. Such a vessel can not be constructed for less than the amount named.

(2) The first-class vessel for service in the Gulf of Mexico, at a cost of $250,000, is to replace the *Winona*, whose headquarters are at Mobile, Ala. The *Winona* was built in 1890 and is at present doing duty on the Mississippi Sound. She is old and of a type entirely unfitted for the present demands upon the service. Having been built for interior waters, she has a very light draft and is unable to proceed to sea at any distance and withstand the storms of the Gulf. In 1910, when a serious storm did much damage to shipping in the Gulf and many appeals for assistance reached the department, it was necessary to send the *Yamacraw* from the Atlantic coast to the Gulf for this purpose, thereby losing much time when quick work was needed. The new vessel asked for to replace the *Winona* will provide a suitable vessel for the Gulf and the service be enabled to promptly and efficiently meet the demands upon it.

(3) The second-class vessel, at a cost of $225,000, is to replace the *Woodbury* on the coast of Maine. This is the oldest craft now in use by any branch of the Government and is the only vessel extant which saw service both in the Civil War and the Spanish War. She is now 49 years old; her hull is rotten, her boiler leaky, and the whole ship of an obsolete type.

(4) The $100,000 vessel of the third class, for service as anchorage patrol boat in New York Harbor, is to replace the *Manhattan*. This vessel is 40 years old; her iron hull is about rusted out; her boiler and machinery are obsolete in type and nearly worn out. It is with great difficulty that this craft is kept patched up for service, which, at the best, she performs very inefficiently.

With the authorization of these four vessels so urgently needed at the present time, two new vessels annually in the future will suffice to maintain the present revenue-cutter fleet.

The total cost of these four new vessels will amount to $925,000, and in this connection the following tabular statement of the regular operations of the Revenue-Cutter Service since 1907 is submitted for the purpose of showing the value of these operations to the maritime interests of the country, particularly in the matter of lives and money saved, and as indicating that from a business standpoint it is a good investment to provide the new vessels so urgently needed in order to maintain the revenue-cutter fleet on an efficient basis to continue this work required by law:

Lives and property saved by the operations of the Revenue-Cutter Service.

Fiscal year.	Lives saved from drowning (actually rescued).	Fines and penalties incurred by vessels reported.	Value of vessels assisted and their cargoes.	Derelicts and obstructions to navigation removed or destroyed.
1907	41	$53,732	$9,196,097	17
1908	50	54,700	6,858,918	18
1909	56	39,175	13,940,709	25
1910	25	160,569	10,247,535	24
1911	55	185,701	9,488,562	21
1912	106	224,210	10,545,573	45
Total for 6 years	333	718,087	60,277,394	150
Average for 6 years	55	119,681	10,046,232	25

The SPEAKER. Is there objection to the request of the gentleman from Georgia that this bill be considered in the House as in Committee of the Whole?

There was no objection.

Mr. ADAMSON. Mr. Speaker, the reference in that report two or three times to two ships a year was intended to be begun by building four revenue cutters, and after that two a year. The leaders of the House fell upon the two ships a year and left off the four ships to begin with, and compelled me to make the motion to have two every year without the prefatory four ships catching up to begin with. I promised on my part if they kept the promise on their part of the agreement, and if I continue as chairman of the commtitee I expect to demand the other two next winter.

Mr. MADDEN. Who was this contract made with?

Mr. ADAMSON. Many leaders of the House. I am sorry that I can not give the gentleman their names and I am sorry the gentleman was not consulted as one of them.

Mr. MADDEN. There may be some Members who do not consider themselves as leaders, or of so much importance in the House, who may want to say something about it.

Mr. ADAMSON. If anyone can outlead as leader, I hope he will outlead as leader, but my conversation was with those gentlemen who by their positions are entitled to participate in directing the affairs of the House. I am compelled to acknowledge them here as leaders, but I will gladly acknowledge the leadership of any other gentleman who either shows it or claims it.

Mr. MADDEN. I do not think it was wise to enter into a contract of that kind and demand that the House should carry that contract out.

Mr. ADAMSON. I do not demand it of the House; I say I am going to keep my part of the contract or agreement.

Mr. MADDEN. I think it is not only unwise for three or four men, or a combination, to make a contract or agreement of that kind, I think it is an assumption on the part of any number of men less than a majority.

Mr. ADAMSON. I do not think the gentleman is bound by any understanding, nor did I make any contract or combination, but whenever I found anybody who objected to it I asked him what his objection was and then I tried to remove or avoid it, and a great many of the able leaders of the House asked me to offer amendments, and I am going to do so in good faith, and one is to strike out, in lines 4, 5, and 6, the language—

One steam revenue cutter of the first class for service in the waters of southern California, at a cost not exceeding the sum of $350,000.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out, in lines 4, 5, and 6, page 1, the following: "One steam revenue cutter of the first class for service in the waters of southern California, at a cost not to exceed the sum of $350,000."

Mr. LEVY. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. LEVY. Is it not highly important that we should have more revenue cutters on the Pacific coast?

Mr. ADAMSON. I think we ought to have six. If I live until next winter, I will see that you have this one and one in the North Pacific, too.

Mr. LEVY. There is nothing more deserving than the Revenue-Cutter Service of the United States.

Mr. ADAMSON. The gentleman is right about that. The two I propose to leave in the bill are to replace cutters entirely out of commission from dilapidation.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HUMPHREY of Washington. Mr. Speaker, I was called from the Chamber to the telephone just as the gentleman started to state what the agreement was.

Mr. ADAMSON. Mr. Speaker, I will state to the gentleman that I was notified by numerous of the great leaders of the House that I could not get through this bill for four revenue cutters, but I could get it through for two, and take the other two for next year, and then two annually thereafter. I then referred the matter to the Treasury Department, and the department indicated the two that they were most compelled to have at this time.

Mr. HUMPHREY of Washington. Mr. Speaker, I am glad to know the gentleman did not yield except under coercion.

Mr. ADAMSON. I did not, and I tell the gentleman now that I wish they had three or four on the Pacific coast, and if I live until next winter he shall have this one if I can help him secure it.

Mr. BELL of California. Mr. Speaker, do I understand the gentleman to say that the department advised the cutting out of these vessels?

Mr. ADAMSON. Oh, no. The department told me the two it most needed at this time.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. HUMPHREY of Washington and Mr. BELL of California) there were—ayes 27, noes 13.

So the amendment was agreed to.

Mr. ADAMSON. Mr. Speaker, I now move to insert the word "and," in line 8, just before the word "one."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 8, by inserting before the word "one" the word "and."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MADDEN. Mr. Speaker, how will that make the language of the bill read?

Mr. ADAMSON. Mr. Speaker, I will withhold that until I make another motion.

The SPEAKER. The gentleman withdraws his amendment.

Mr. ADAMSON. Mr. Speaker, I move to strike out lines 11, 12, and 13.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 11, 12, and 13, being the following language: "And one steam revenue cutter of the third class for service as anchorage patrol boat in New York Harbor, at a cost not to exceed the sum of $100,000."

Mr. CONRY. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. CONRY. What is the necessity for this?

Mr. ADAMSON. The necessity to get the bill through, in order to secure anything at all. I have been advised I could not get any if I did not strike out two, and I asked the Treasury Department to advise me which two were most needed, and they advised me they had to have the one on the Gulf and the one on the Maine coast. I will say to the gentleman that he will get his next winter.

Mr. CONRY. I am not seeking any personally at all. I simply wanted to make this inquiry. Originally there must have been some necessity for the insertion of this provision for the anchorage patrol boat in New York Harbor.

Mr. ADAMSON. Yes.

Mr. CONRY. Will the gentleman please set forth that necessity?

Mr. ADAMSON. I took it from the department, and it is set out in the report which has just been read; but I also take it that the necessity is not as great as it is for the cutters at the Gulf and on the Maine coast, and when we have to eliminate two we eliminate those which are needed the least at the present time.

Mr. CONRY. Does that necessity still exist?

Mr. ADAMSON. I think it does. I do not know. The department says it does.

Mr. CONRY. If that necessity still exists, upon what authority does the gentleman proceed to eliminate two?

Mr. ADAMSON. I have repeated three or four times to the House that I was advised by numerous gentlemen that this bill could not be passed at this time if it provided for four revenue cutters; that it could be passed if it provided for two, and I would rather have two now and two next year than none at all.

Mr. CONRY. Mr. Speaker, will the gentleman yield further?

Mr. ADAMSON. Certainly.

Mr. CONRY. Has the gentleman made any effort to pass this legislation through the House in the form in which it was presented here?

Mr. ADAMSON. I am making motions, and if the gentleman can outvote me he is at liberty to do so.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. COOPER. How did the gentlemen who practically threatened the gentleman from Georgia propose to defeat these two propositions?

Mr. ADAMSON. I think they thought they could get more votes against it than I could for it. That is what they seemed to think. I will say to the gentleman from Wisconsin if that is untrue he can demonstrate it right here by voting down my motion to amend, and I will not get mad with him.

Mr. COOPER. That is not the point. I wondered why the gentleman yielded to what was tantamount to a threat—that if he did not strike out those two he could not get any?

Mr. ADAMSON. I do not call it a threat. I was trying to make an arrangement to consider and pass this bill.

Mr. COOPER. It amounted to a threat. The gentleman was told that unless he struck out two of those ships, which the Government declared to be necessary originally and which the Senate provided for, he could not get any. That is what the statement amounts to—a threat.

Mr. ADAMSON. If the gentleman would state to me that he thought it looked like rain and that I had better carry my umbrella, I would not call that a threat. I would carry the umbrella or I would stay home.

Mr. COOPER. That is not a parallel case. There are no gentlemen in this House who can make it rain.

Mr. ADAMSON. But they can bring on a storm. [Laughter.]

Mr. COOPER. I wanted to know what parliamentary tactics were to be invoked.

Mr. ADAMSON. I do not know a thing in the world to prevent the gentleman from Wisconsin defeating my motion if he can get votes enough to do it.

Mr. PLATT. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. PLATT. The report says, with respect to the vessel for New York Harbor:

(4) The $100,000 vessel of the third class, for service as anchorage patrol boat in New York Harbor, is to replace the *Manhattan*. This vessel is 40 years old; her iron hull is about rusted out; her boiler and machinery are obsolete in type, and nearly worn out. It is with great difficulty that this craft is kept patched up for service, which, at the best, she performs very inefficiently.

Mr. ADAMSON. Mr. Speaker, I recognize that; but it is also true that New York is so close to town that there are lots of floating craft around there which they can make arrangements to get quickly if they get in distress, something they could not do on the Gulf or on the Maine coast or on the Pacific coast. If the gentleman thought he needed an overcoat and a pair of shoes and he did not have enough money to buy both at once, he would decide which he needed the most.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. HUMPHREY of Washington. Mr. Speaker, I have a great deal of confidence in the distinguished chairman of the Committee on Interstate and Foreign Commerce and in his judgment in relation to what he is able to do with relation to this bill. I think it is wrong and a great mistake to strike out two of these vessels. We need them on the Pacific coast, and we need some in Alaska; and if I did not believe that the gentleman knew what he was talking about I would make the point of no quorum now and do everything I could to prevent the passage of this bill if it is so amended, because I do not think that these two vessels ought to be stricken out; but I realize the fact that sometimes you have to take what you can get.

Mr. ADAMSON. I thoroughly agree with the gentleman from Washington, and I believe the quickest way for us to get them on the Pacific coast is to provide these two now and get two next winter—and I believe we can get them next winter.

Mr. HUMPHREY of Washington. I have confidence in what the gentleman says, and under those circumstances I will not make the point of no quorum. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks by inserting a copy of a letter I have received from the steamboat companies of Puget Sound, showing the necessity for action to make less hazardous the navigation of the waters of Alaska. I sent a copy of that letter to each Member of the House and Senate. Certainly the facts therein detailed tell a startling story of the Government's neglect to take necessary steps to protect life and property in Alaskan waters. The necessity for prompt action is great, for since the Government has determined to construct railroads in Alaska the traffic in these waters will largely increase.

SEATTLE, *February 12, 1914.*

Hon. W. E. HUMPHREY,
House of Representatives, Washington, D. C.

SIR: The striking of an uncharted rock at Gambier Bay in southeastern Alaska by the steamship *State of California* on August 17, 1913, resulting in the loss of the vessel and of 32 lives, following the striking of an uncharted rock by the steamship *Mariposa* in Sumner Straits on August 13, 1912, and by the steamship *Ohio* in Tongass Narrows on July 14, 1909, emphasizes the need of a resurvey of the main ship channels of the inside passage of southeastern Alaska. The charts published by the United States Coast and Geodetic Survey show a depth of 12½ fathoms (75 feet) where the steamship *State of California* struck, a depth of 111 fathoms (666 feet) where the steamship *Mariposa* struck, and a depth of 30 fathoms (180 feet) where the steamship *Ohio* struck.

Tongass Narrows and Sumner Straits are stretches of water which have been used by vessels since the inception of trade to Alaska. Gambier Bay has been used for the past two years, since a cannery industry was established therein. The steamship *State of California* had made 16 trips in and out of this bay during that time, and there have been several other vessels employed in the trade.

These rocks are what are known as pinnacle formations, which are peculiar to the waters of southeastern Alaska, and their character is such that they frequently escape the sounding lead where the usual method of survey is followed.

The officials of the Coast Survey express the opinion that the only way in which the presence of pinnacle rocks in the main ship channels can be ascertained is by wire dragging, and in this opinion seafaring men concur. To undertake this work for the entire distance between the boundary line and the northern limits of the inside passage will require additional equipment and larger appropriations. We submit that the number of passengers traveling on vessels navigating these waters and the large increase in the number of vessels employed in the trade justify the Government in incurring whatever expense may be necessary to locate these hidden pinnacles.

If a bill for the building of railroads in Alaska passes Congress, there will be a large increase in the movement of merchandise and construction material and in the number of people traveling, and the vessels handling the increased business resulting from the opening up of Alaska will use the inside passage.

While the value of the merchandise carried by vessels plying the waters referred to, and the value of the vessel themselves, is large, we feel that the protection of human life to the greatest possible extent is of paramount importance, and should influence the granting of sufficient appropriations to enable the Department of Commerce to institute immediately the work of wire dragging the main ship channels, and to prosecute it with the utmost dispatch.

There have been and are to-day various measures under consideration for the better protection of life at sea. We submit that there is no measure of greater importance in this respect to the public of the Northwest than the resurvey of the inside passage of southeastern Alaska.

The department will require an increased appropriation for this work, and, we understand, has submitted, or will submit, to Congress its estimate of what is considered necessary for proper equipment and for field expenses, and we respectfully urge you to do everything in your power to secure this appropriation.

Respectfully, yours,

ALASKA STEAMSHIP CO.,
By R. W. BAXTER, *Vice President.*
HUMBOLDT STEAMSHIP CO.,
By M. KALISH, *Vice President.*
NORTHLAND STEAMSHIP CO.,
By H. C. BRADFORD, *President.*
PACIFIC-ALASKA NAVIGATION CO.,
By H. F. ALEXANDER, *President.*
PACIFIC COAST STEAMSHIP CO.,
By J. C. FORD, *President.*

Vessels entering and clearing at southeastern Alaska ports in 1908, number 878; tonnage, 574,262; 1913, number 1,993; tonnage, 1,161,740.

Passengers arriving at and leaving ports in southeastern Alaska and ports reached via southeastern Alaska in 1910, 44,685; 1913, 43,339.

Imports into southeastern Alaska and to ports reached via southeastern Alaska in 1908, $8,852,234; 1913, $13,704,650.

Largest passenger vessel in the regular trade to southeastern Alaska ports in 1908, 1,615 gross tons; 1913, 3,158 gross tons.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CONRY. Mr. Speaker, I see according to the report here that the vessel provided for in this bill has been unanimously recommended by the committee——

Mr. ADAMSON. And we are still unanimously for it.

Mr. CONRY (continuing). And it is to replace the *Manhattan*. The report says:

(4) The $100,000 vessel of the third class, for service as anchorage patrol boat in New York Harbor, is to replace the *Manhattan*. This vessel is 40 years old; her iron hull is about rusted out; her boiler and machinery are obsolete in type and nearly worn out. It is with great difficulty that this craft is kept patched up for service, which at the best she performs very inefficiently.

Now, that demonstrates the imperative necessity for this patrol boat in New York Harbor. Now, does the consideration which has moved the chairman of this committee to eliminate this provision seem more powerful and more paramount than the necessity that is demonstrated in the opinion of the committee in its report?

Mr. ADAMSON. I would rather have two now and two next winter than to have none at all, and that seems to me to be the alternative. The gentleman can vote me down if he can get votes enough.

Mr. CALDER. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. CALDER. As I understand, this item has been recommended by the Department of Commerce——

Mr. ADAMSON. Of course, it has over and over again, but by the Treasury Department not by the Department of Commerce.

Mr. CALDER. I recall distinctly when I was a member of the gentleman's committee this item was recommended, and it seems to me, Mr. Speaker, that we ought here to-day in this House insist upon this item staying in the bill. For one I am not willing to subscribe to any suggestion made by anybody off the floor of this House that a matter of this kind be omitted, and for one I propose that the item stay in the bill, and I hope the House will stand by me on that proposition.

Mr. ADAMSON. If the gentleman can outvote me, well and good; I have no objection.

The SPEAKER. The question is——

Mr. ADAMSON. Mr. Speaker, I desire to yield to the gentleman from New Jersey [Mr. TOWNSEND] who complimented me by saying he expected to get some information from me.

Mr. TOWNSEND. I have the greatest confidence in the amount of information which the chairman of this committee possesses.

Mr. ADAMSON. I thank the gentleman.

Mr. TOWNSEND. The gentleman has repeatedly stated on the floor of this House that unless we vote down two of these boats which he has recommended should be placed in the bill we can not get any boats of this class. Now, that is very important information, and if the gentleman is at liberty to give us the source of it I should appreciate his kindness.

Mr. ADAMSON. I suppose if the gentleman will make up a combination of his information, his intuition, and his knowledge derived from experience in this House he can answer that without my telling him anything. [Laughter.]

Mr. TOWNSEND. That is a Georgia answer.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. I will.

Mr. SLOAN. Mr. Speaker, I am confident the gentleman from Georgia did not yield except when the pressure became overmastering. I understand—not officially—that the greatest reason that was given for the reducing of these four revenue cutters to two was the fact that we have the greatest revenue cutter in this House, known to the world as the Ways and Means Committee of the House [applause], that has reduced the general fund from $123,000,000 of last October to $75,000,000 today——

Mr. ADAMSON. I object to the gentleman trifling——

Mr. SLOAN (continuing). So your Ways and Means Committee of the House takes the place of these two additional revenue cutters, and therefore I am supporting the proposition of the gentleman from Georgia. [Applause on the Republican side.]

Mr. ADAMSON. Mr. Speaker, I object to the gentleman trifling with my young affections. He gave me an intimation of that witticism, and I told him I would object to the gentleman's perpetrating that on this House this afternoon, because it is not up to his standard, and I would not have yielded to him if I had thought he was going to inflict that upon us.

Mr. SLOAN. Will the gentleman now yield?

Mr. ADAMSON. Not at all. Let us vote.

Mr. SLOAN. I do not take orders from the gentleman, as he seems to take orders from others.

Mr. LEVY. Will the gentleman from Georgia yield?

Mr. ADAMSON If the gentleman from New York will not crack any jokes like the gentleman from Nebraska.

Mr. LEVY. I understand it is highly important to have this New York boat at the present time.

Mr. ADAMSON. No doubt of it.

Mr. LEVY. With the coming of the Panama Exposition and with all the great battleships coming, we have no boat there at all. This boat is so old it is ready to blow up at any time.

Mr. ADAMSON. The boats are so thick there you can not get across the river and get into the town hardly. You are afraid of getting run into all the time, there are so many of them in the way.

Mr. LEVY. But it is highly important to have this boat in the New York Harbor.

Mr. ADAMSON. I have said that a dozen times, Mr. Speaker. I wish we could build a hundred.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CALDER, Mr. LEVY, and Mr. HUMPHREY of Washington demanded a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 39, noes 15.

So the amendment was agreed to.

Mr. ADAMSON. Mr. Speaker, I offer the following committee amendment.

The SPEAKER. The gentleman from Georgia offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the bill add the following: "*Provided*, That in the discretion of the Secretary of the Treasury any of the revenue cutters provided for in this act or any other revenue cutters now or hereafter in commission may be used to extend medical aid to the crews of American vessels engaged in the deep-sea fisheries, under such regulations as the Secretary of the Treasury may from time to time prescribe; and the said Secretary is hereby authorized to detail for duty on revenue cutters such surgeons and other persons of the Public Health Service as he may deem necessary."

Mr. ADAMSON. Mr. Speaker, the Secretary advises me that this will entail no additional expense. He advises me that they have to use cutters up that way very often anyway, and he will detail surgeons of the Public Health Service, so that it will involve no additional expense.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ADAMSON. Mr. Speaker, I would like to strike out one of those semicolons and insert a comma and insert the word "and."

Mr. SIMS. Which one?

Mr. ADAMSON. I do not care which one.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amend, in line 8, by striking out the semicolon after the figures "$250,000" and inserting a comma and the word "and."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended in conformity with the text.

The SPEAKER. Without objection, the House bill (H. R. 3328) of similar tenor will be laid on the table.

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill.

Mr. FLOOD of Virginia. Mr. Speaker, pending that motion, I ask unanimous consent that general debate on this bill be limited to four hours, two hours to be controlled by myself and two hours to be controlled by the gentleman from Wisconsin [Mr. COOPER]; and I will say to the gentleman from Kansas [Mr. MURDOCK] that out of the two hours under my control I shall take care of the gentleman.

Mr. MURDOCK. Thirty minutes is all I ask for. I ask that the gentleman from Virginia yield that time to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. FLOOD of Virginia. Very well.

Mr. COOPER. Would not the gentleman from Virginia consent to have that time increased 10 minutes on a side? I have requests for 2 hours and 40 minutes, but I will cut them down to 2 hours and 10 minutes.

Mr. FLOOD of Virginia. I hope the gentleman will withdraw that request.

Mr. COOPER. Very well, then; I withdraw it.

Mr. FLOOD of Virginia. I make that request, Mr. Speaker.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD], pending the motion to go into Committee of the Whole House on the state of the Union, asks unanimous consent that general debate be limited to 4 hours and 20 minutes.

Mr. FLOOD of Virginia. Four hours, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] just asked that 20 minutes be added.

Mr. FLOOD of Virginia. He withdrew that.

The SPEAKER. Very well. The gentleman from Virginia asks unanimous consent that general debate be limited to 4 hours, 2 hours to be controlled by the gentleman from Virginia and 2 hours by the gentleman from Wisconsin [Mr. COOPER], and that 30 minutes of the Democratic time shall go to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. COOPER. And two hours on this side under my control?

The SPEAKER. Yes. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Virginia that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] will take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill, with Mr. FINLEY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15762, the Diplomatic and Consular bill. The Clerk will report the bill.

The Clerk reported the title of the bill, as follows:

A bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] is recognized.

Mr. FLOOD of Virginia. Mr. Chairman, the Diplomatic and Consular appropriation bill for the fiscal year ending June 30, 1915, carries a total of $4,496,202.66. The bill carries $685,560 more than the bill for the current year. The estimates were $636,400 more than the appropriations for the current year. The bill carries $49,160 more than the estimates, but that difference is due to the fact that since the estimates were sent in the Secretary of State has asked for additional appropriations which the Committee on Foreign Affairs voted to allow.

The increase of $685,000 over the appropriations of last year consists largely of $440,000 appropriated for legation and embassy buildings and $200,000 for important international congresses. There is an appropriation of $150,000 for an embassy building at Tokyo, one of $150,000 for an embassy building at the City of Mexico, and an appropriation of $140,000 for a legation building at Berne, Switzerland. These appropriations are authorized by law, and the committee thought it wise to begin making appropriations this year for the building of our embassies. The wisdom of making these particular appropriations can be discussed when the bill is considered under the five-minute rule.

We also thought it wise to make appropriations for certain international congresses.

These international conferences, or rather the more important of them, are the fifth conference of American States, which meets in the city of Santiago, Chile, in September of this year, and for which we have provided $75,000; the second Pan American Scientific Congress, which meets in Washington in October, 1915, for which we have provided $35,000; the nineteenth conference of the Interparliamentary Union, for which we have provided $50,000; and the fifteenth International Congress against Alcoholism, which meets in 1915, and for which we have provided $40,000.

We have increased the amount available for the hire of clerks at embassies and legations from $75,000 to $100,000, in order to thoroughly Americanize our foreign missions.

The State Department has this to say on this subject:

CLERKS AT EMBASSIES AND LEGATIONS.

I have recommended an increase in the appropriation for this object from $75,000 to $100,000.

The law which requires clerks at embassies and legations to be American citizens, while praiseworthy and safeguarding, involves a much larger expenditure for clerk hire than was the case when foreigners could be appointed. It is impossible to find capable young American citizens who are willing to go abroad as clerks at embassies or legations without fair compensation, required, as they are, to pay their own traveling expenses. The appropriation of $75,000 heretofore made for this object is found to be inadequate. It is entirely apportioned among the different missions, so that when unusual conditions arise, such as have for some time existed in Mexico, the department has found itself unable to make provision from the present appropriation for the additional clerical services made necessary by the greatly increased work of the mission.

Moreover, allotments made to some of the missions are insufficiently attractive to tempt efficient American citizens. Furthermore, the establishment of a separate mission to Paraguay will require an additional expenditure for clerk hire. The department is of the opinion that it should have at its command an appropriation for clerks at embassies and legations sufficiently large to obtain for all efficient and trustworthy American clerical service, and have, in addition, a surplus fund from which it could draw to meet the additional demands which unusual conditions, possible at any of the missions, may require. It is thought that the sum of $100,000 will be sufficiently large, and this amount is asked for.

We provided for an increase in the contingent fund for foreign missions, in accordance with a request of the Secretary of State, amounting to $33,435.

The committee has done all it could to keep the appropriations down to as reasonable an amount as possible, and I trust that the appropriations as recommended by the committee will meet with the approval of the House. [Applause.]

Mr. Chairman, I reserve the balance of my time, and unless the gentleman from Wisconsin [Mr. COOPER] wants to speak now——

Mr. COOPER. I would like to yield 45 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FLOOD of Virginia. Mr. Chairman, if it would be just as agreeable to the gentleman from Ohio, some members of the committee would like to speak this afternoon, and I would like to yield to them.

Mr. FESS. I had just as lief they should speak to empty seats as myself.

Mr. FLOOD of Virginia. Then I yield to the gentleman from Ohio [Mr. SHARP] 30 minutes.

Mr. SHARP. Mr. Chairman, I am very grateful to the chairman of our committee that I have this opportunity to express some thoughts upon a subject that might possibly have been more pertinent at the time the recent naval appropriation bill was under consideration, had it not gone out on a point of order. It was my intention at that time to have spoken upon that bill, as it has to do with the provision for a Government-owned and Government-operated armor-plate plant. As I have devoted some time of late to the study of this subject, I have been impressed with the fact that it is next in importance to the one concerning the strength and adequacy of our Navy and the resultant question whether it shall be increased each year by one battleship or two battleships.

I do not know how many of my colleagues have given any thought or attention to this subject, but if they have they must have been impressed with the fact that for at least 10 years of the 30 years past during which armor plate has been made and furnished for the Government, most of the time by our own manufacturers, we have been compelled to pay a price somewhat above 40 per cent more than the Government estimates of what it would cost if the manufacture of armor plate was conducted by the Government itself. Away back in 1897, I believe, a proposition was made by the Illinois Steel Co., upon certain conditions as to output, to the effect that it would supply for a term of years all the armor plate needed by the Government of the United States at the rate of about $240 a ton; that is, about half the average price paid a year previous to the manufacturers of this country by our own Government. That is even a lower figure than what the Government experts have estimated as being the cost at which they themselves could make armor plate, based upon a total capacity of 20,000 tons a year, which, I understand, the Secretary of the Navy, Mr. Daniels, has recommended as being desirable. The company's offer, however, did not specify face-hardened plates.

I want to digress here for a moment to say that I do not take the position that the privately owned and privately conducted enterprises with which the Government deals are dishonest or extortionate; and when I voted for one battleship the other day in the naval appropriation bill I did not thereby indorse some of the insinuations made by a few of those who advocated a single battleship—that there was dishonesty or collusion on the part of our Government Navy officials with shipbuilding concerns. I can not believe that. In justice to the manufacturers of armor plate in this country in years past, let it be also said that it was a new business for them. Until 25 years ago all the armor plate which we purchased was manufactured abroad. It was a new industry, and it was very expensive to make armor plate.

From the inception of the manufacture of armor plate in this country down to the present time there have been made some very marked improvements and at great expense to the manufacturers. The first improvement probably had to do more with the admixture of the metals; and, in order to make the plate hard enough to withstand the ballistic tests that were applied to it by these powerful guns of ours, a composition of nickel was used. Later on, finding that even with that composition it was not hard enough to withstand the impact and explosive force of the shells projected against it, there was developed a new process of hardening the plate called surface hardening, and known also as the Harvey process from the name of its inventor. That work was also attended with great expense. Practically all these improvements both at home and abroad were protected by patents. But in view of the fact that for the past 10 years or more there has been little, if any, decrease in the price of this material by the three great concerns that furnish it to the Government, if there is not an actual combination that absolutely controls the price of this armor plate, there is a marked coincidence in the bids, because the lowest price at which we have been able to get this armor plate in the last 10 years has been an average of about $420 a ton, and I believe $440 a ton during the past 2 years, and this, too, when there has been great fluctuation in the prices of the raw materials. Knowing something about the cost at least of pig iron, I was somewhat surprised to read in the reported hearings on this subject before the Naval Committee that in 1894, 1895, and 1896, during the panic years, when pig iron sold at the lowest rate ever known, which product contains almost all the raw materials that go into armor plate, nevertheless the price paid by this Government for armor plate was the highest, approximating an average of $625 a ton. Within a year of that time and during the period when this Government was paying upward of $550 a ton, it is a well-known fact that one of the great concerns in this country sold the same kind of armor plate to the Russian Government for $249 per ton.

Conceding that there is something in the argument that the manufacturers of this country put up when they say it does not necessarily follow in all cases that in fairness to the American consumer they should sell their products and their output at the same price at home as that at which they sell it to foreigners

abroad, yet the disparity presented in these figures could hardly be justifiable.

Every manufacturer knows that there are times when there comes a glut of his product in the market. He realizes that in order to keep the establishment operating at the fullest extent, employing the largest number of men possible, in order to make the cost of each unit as low as possible—and, I believe, in not a few instances also to keep his men employed in times of depression—he must get an outlet for the surplus product. Under such conditions there have been times when, in order to get rid of such surplus product, a part of the output has been marketed abroad and sold in open competition with foreign manufacturers at a figure below what was charged here.

But there is another reason, Mr. Chairman, why I am in favor of our armor plate being manufactured by the Government. Not alone on account of price—and it has been shown that we can almost cut it in two—but because war raises exigencies and necessities that differentiate this proposition from many others of which Government ownership is advocated and against which I would, on principle, place my vote with the conservative Members in this House.

Mr. CLINE. Will the gentleman yield?

Mr. SHARP. Yes.

Mr. CLINE. I understand the gentleman is in favor of the Government establishing an armor-plate factory, for one reason, because you can get better armor plate?

Mr. SHARP. Yes; I believe it would come to that.

Mr. CLINE. Does the gentleman expect by that to establish a competition in prices between the Government and private manufacturers, and so reduce the price?

Mr. SHARP. I am glad the gentleman has asked me that question, because I may use, in illuminating that point, the language of Secretary of the Navy Daniels when he said at the hearings recently, in answer to about the same question, that he was in favor of Government ownership of an armor-plate factory even if the Government turned the key in the door and locked it and threw the key away, because the very fact that the Government had it within its power to establish a manufacturing plant to compete against the individual or outside private enterprises would have the effect, as he said, as in all other industries, of lowering the price.

Mr. CLINE. Carrying that proposition a little further, to what extent would the gentleman go to induce the Government to manufacture all of its appliances, munitions, and supplies that enter into the construction of the Navy? Where would the gentleman draw the line if he drew it at all?

Mr. SHARP. The line where the Government should cease to engage in private enterprise must be left largely to the sound sense of Congress itself. There are limitations beyond which the Government should not go. I recognize that. In fact, my position has always been, on general principles, against the Government embarking in private enterprises unless the Government itself is in the position of consumer buying a trust-controlled product. It was in part for this reason that I recently voted in favor of the so-called Alaskan railway bill. The situation in that far-off country presented unusual conditions. Nobody doubted that there was no present promise of a speedy development of its resources, consisting of vast riches in timber, coal, and other minerals, if left to private enterprise. The decisive vote by which it carried in the House—231 to 87—however, by no means reflects the correct sentiment of the Members when applied to the subject in the abstract of Government ownership of railways.

Along this line, as in opposition to Government ownership, I wish also to refer to the argument presented by the gentleman from Texas [Mr. DIES] the other day. There is no man in this House who has a higher admiration or more kindly friendship than I for the able and plain spoken gentleman from Texas.

It was, however, rather suprising to see that gentleman, after using most of the hour allotted to him in speaking about the socialistic tendencies of the times and criticizing things in general, and especially characterizing the Progressive side of the House as being visionary and bordering on the line of socialism, finally wind up himself on horseback, with flaming sword, at the head of an army posing as a reformer in the City of Mexico. After spending much of his time in describing the scenes of disturbance in this country, and especially referring to the Rockefeller class and the striking miners in the Colorado mines as both equally responsible for the bad conditions in this country, he concluded by proclaiming his purpose to be, if given free rein, to ride at the head of a marching army into the City of Mexico and there reform conditions that certainly, according to his own testimony, could not be very much worse than we have here at home. It is true when asked the question what he would do after he got there and whether his stay would be permanent, he discreetly declined to disclose the full purpose of his quixotic expedition.

But I look with considerable doubt upon the wisdom of any course of action that will take you into trouble and then leave you there without furnishing some sort of a diagram by means of which you can get out of the difficulty. The gentleman advocated the policy of marching with his army into Mexico, and said he would make only one trip of it. To pursue that policy, if it means to permanently occupy that country, would be to post the United States upon every international highway in the world as the country of the most monumental hypocrites that ever existed. I am fully in accord with the policy of the present administration.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. SHARP. Not at present. I do not know whether any reflection was intended upon the present policy when the gentleman said that he was with the administration in all of its policies, "whatever they may be"; but I want to say in reply to that statement that I do not believe he is with the present administration in any of its foreign policies, especially as they apply to Mexico, if he would attempt to acquire any portion of its territory by conquest. I now yield to the gentleman from Kansas.

Mr. CAMPBELL. Mr. Chairman, I ask in all sincerity, and for the purpose of ascertaining, if possible, what the foreign policy of the administration is, especially with regard to Mexico. I do not know, and I have been often asked that question.

Mr. SHARP. Mr. Chairman, in answer to that question I want frankly to say that while I am not in the close confidence of either the President or the Secretary of State, yet I do believe that the policy of the administration, the foreign policy to which the gentleman refers, as it applies to all nations, is one founded in absolute justice, good will, and friendship; and I believed, voting as I recently did for the repeal of the canal-toll exemption, that that was one of the steps taken by the administration in the interest of good will and justice to all nations. As far as I can interpret the foreign policy as it applies to Mexico, I would say that the same broad, humanitarian purpose exists there. I can not believe, I do not believe, and I never could subscribe to any policy which, under the guise of friendship—and I disclaim that there is any thought of that kind in the present administration—would demand entering with a conquering army into Mexico and there acquire and permanently annex one foot of its soil.

Mr. CAMPBELL. What is the policy of the administration in regard to Mexico? We have been told for months that in a few days Gen. Huerta would be disposed of; that he would either resign or be deposed by his enemies at home. What is the purpose of the administration when Huerta is disposed of? What is the policy of this administration as to a Government for Mexico for the immediate future?

Mr. SHARP. Mr. Chairman, in answer to that question, I will say that while it is difficult to predict with certainty the events down there of even a day in advance, yet I have such confidence in its wisdom and integrity of purpose that whatever action is taken will be entirely just and humanitarian; and I will say further, if I may assume for a moment the rôle of prophet and put my answer in the negative rather than in the affirmative form, that emphatically it is not the purpose of the administration to acquire by conquest any territory in Mexico. That the restoration of order and the establishing of stable government in that troubled country will yet come to pass—and that without war—is my hope and belief.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. SHARP. For a question.

Mr. HUMPHREY of Washington. I would like to ask the gentleman whether he is in the same frame of mind as the gentleman from Texas [Mr. DIES], and is willing to follow the administration whether he knows what its purpose is or not?

Mr. SHARP. Mr. Chairman, in answer to that question I would say that I am willing to follow the administration for the reason I have just given to the gentleman from Kansas [Mr. CAMPBELL], because I have abiding faith in the wisdom and justice of its purpose.

Mr. HUMPHREY of Washington. And the gentleman is willing to do that whether he knows what its policy is or not?

Mr. SHARP. I am willing to trust to those who are in a position to know better than I the events occurring in Mexico. But, Mr. Chairman, I can not here take any more time in answering these questions. I would be very glad to answer the gentlemen out of courtesy, but I can not take all of my time in doing so.

Mr. HUMPHREY of Washington. The fact is, that nobody knows what the foreign policy of the administration is.

Mr. SHARP. Mr. Chairman, I decline to yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. SHARP. Mr. Chairman, if I did not have such high regard and feeling of friendship for my Texas colleagues, especially my good friends Mr. GARNER and Mr. SMITH, who represent a border line of territory of the modest length of about 800 miles, more or less, along the Rio Grande, I might say that there would be some justice in placing some of those in authority down there upon the firing line, should we have actual hostilities with Mexico, because most of the war talk has come from that direction.

Now, my colleagues, I must confess frankly to the House that I have another purpose in speaking upon the armor-plate proposition. I not only believe in, but strongly commend, the wisdom of the Secretary of the Navy, Mr. Daniels, whose record has been most admirable, in advocating Government ownership of armor-plate factories, and I know that you will excuse me if I take a few minutes of that time in saying that I have also a local interest as to where this industry shall be located.

Mr. CLINE. Will the gentleman yield for just one question before he proceeds further?

Mr. SHARP. Simply for a question.

Mr. CLINE. We all know that the gentleman has had large business experience in manufacture, and he says he has investigated the manufacture of armor plate——

Mr. SHARP. The subject of it.

Mr. CLINE. The subject of the manufacture of armor plate. I would like to inquire of the gentleman whether in his investigations he came to the conclusion that there existed an agreement or understanding between the private manufacturers of armor plate to maintain present prices; and if so, whether he believes that the Government ought to go into the manufacture of armor plate as a competitor of private concerns that now manufacture armor plate as the best method of reducing prices, or whether he thinks the Government might select some other method that would be equally conclusive and not go into business itself?

Mr. SHARP. In answer to that question, Mr. Chairman, I would say that there is only one other alternative to the Government itself embarking in the manufacture of its own armor plate, and that is to permit it to be done by private parties. The latter plan has been the practice for the last 30 years. I do not know that I can better answer that question than to refer him to the two very exhaustive reports of the Secretaries of the Navy, one in 1906, under a Republican administration, and the other in June of last year, under the Democratic administration, both of which boards of investigators advocate a Government-owned armor-plate factory. Now, as to whether there has been any collusion or combination upon the part of the competing, or supposed to be competing, concerns, these private manufacturing plants, I am not certain that there has been such an understanding or combination; but, as I stated in opening my remarks, there has been such a coincidence in prices asked, such a similarity in amounts, that one would very strongly infer, it seems to me, that there was some kind of an understanding and lack of competition between them. We do know that the Secretary of the Navy has found it necessary within the past year to adopt rather drastic means for the purpose of getting a more reasonable bid.

Mr. TAVENNER. Will the gentleman yield?

Mr. SHARP. For a question.

Mr. TAVENNER. Answering the question of the gentleman from Indiana [Mr. CLINE] as to whether competition will bring down prices, I want to call the attention of the gentleman from Ohio to the fact that the naval appropriation bill of June 7, 1900, gave the Secretary of the Navy authority to build an armor plant if he could not obtain a reasonable bid from the armor ring, and that simply the insertion of such a provision in the naval appropriation bill caused the price of armor plate to fall from $413 to $345 a ton, and the mere fact that the Secretary of the Navy had authority to build a plant if he could not get a fair bid saved the Government something like $10,000,000. Simply the threat of competition reduced the price of armor to this extent; but as time passed and the moral effect of the threat wore off, the price of armor went up, and has been going up ever since.

Mr. SHARP. I think from a reading of the reports that the gentleman's statement is fairly corroborated. Now, if I may just finish—I will not say uninterrupted by questioners ,because I must confess I am a little more at home and somewhat more firmly satisfied in my contention in what I shall say in the remainder of my talk than I may have been upon our foreign policy—I am very sure and certain, Mr. Chairman, that when it comes to considering the location for an armor-plate factory we have in Lorain, Ohio, the iron and steel city of Lake Erie, in my own fourteenth Ohio district, the best location in the United States. [Applause.]

Mr. CAMPBELL. I congratulate the gentleman from Ohio.

Mr. SHARP. I have sometimes thought that had Proctor Knott, famous as a wit, who regaled and entertained his auditors in a marked degree within the walls of this Chamber over 40 years ago when he dilated and expatiated upon the future growth and promise of Duluth—of course, in a sarcastic vein—I have often thought that had the eloquent Kentuckian been permitted to have lived and spoken 40 years later than he did, he might have found that his reputation, great even as it was as a wit, was still greater as a true prophet. For Duluth, although it is not located in my district, is nevertheless a city that to-day bears out to the fullest extent all that was so humorously predicted of it by him more than a generation ago. It is rightly called the "Zenith City of the Lakes."

I hope that I may not be considered immoderate and extravagant when, in calling attention to the claims of my own city, I say that, great as is Duluth, the city of the North, we have a city of greater promise at Lorain. Why? Because while Duluth is noted almost entirely on account of its export business as an iron-ore and grain center, garnering the grain of the fertile expanse of the Northwest and also the ore of those great iron mines of the Mesabi Range, yet my city of Lorain not only manufactures out of that raw iron ore, finished products in varied form, but she supplies the coal for the hearths and firesides and factories of Duluth, and, last of all, she furnishes and builds in her harbor the immense boats that, laden with the coal of Ohio's mines, sail northward and bring back in their holds many thousands of tons of the ore.

Mr. MADDEN. Does the gentleman think that Lorain would be the most economical place in America at which to build an armor-plate plant?

Mr. SHARP. I am glad the question is asked by the gentleman from Illinois, because it gives me the opportunity to answer yes, emphatically.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHARP. Mr. Chairman, I would like to have 10 minutes more.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] is recognized for 10 minutes more.

Mr. MADDEN. Will the gentleman tell us why?

Mr. SHARP. I shall be pleased to answer that question, though I do not often assume this rôle of talking to my colleagues.

Mr. MADDEN. The gentleman talks so very well and interestingly that he ought to talk every day.

Mr. SHARP. Let me use the remainder of my time in answering the question of the gentleman from Illinois [Mr. MADDEN] and in explaining why Lorain is the place most economically adapted for the manufacture of armor plate, as he puts it, in America. Twenty years ago the late Tom L. Johnson, former mayor of Cleveland, served several terms as a Member, and a very able Member, of this House. He was great as a statesman and great as a business man. Those who knew of his political career might well have thought that all his powers had been fully used in that direction alone; but when his other side—that as a successful manufacturer and promoter of big enterprises—is considered, we might well say with Goldsmith of his schoolmaster in his "Deserted Village":

> And still they gaz'd, and still the wonder grew
> That one small head could carry all he knew.

But 20 years ago Tom L. Johnson, in looking about, went out of his home city of Cleveland over to the neighboring town of Lorain, then having but 5,000 or 6,000 people—although to-day it has 35,000—and there saw the wonderful advantages of Lorain as a place for the cheap manufacture of iron and steel. There he located a great manufacturing plant that employed in his day 4,000 or 5,000 men. Later he sold it to the United States Steel Co., and they have since more than doubled that plant. We have employed there now, when running full capacity, about 10,000 or 11,000 men. Those great furnaces, turning out 3,000 tons of pig iron a day and turning it out every day in the year, if devoted to that line of manufacture alone could produce 30 miles of track of the heaviest steel rails—or reaching nearly from here to Baltimore—every 24 hours.

Mr. MADDEN. Would it be the gentleman's idea to take this private plant over and make it a Government institution?

Mr. SHARP. Not at all. I was only calling attention to these conditions, in answer to the question of the gentleman, why it was a place where iron and steel could be economically manufactured, because the merest tyro in the business knows that the

chief ingredients used in the manufacture of those products are coke and iron ore.

Now, further, as to the advantage of that location. I am not going to take the time of the House to read at any length from the report and the recommendations of the Ordnance Board of last year, but I will quote, in part, the following observations of that board in its report as to requisites of a site for an armor-plate plant:

Several points must be considered in deciding on the site for an armor plant. The principal ones are the following:
First. Geological character of site.
Second. Facilities for securing raw material.
Third. The labor market.
Fourth. Facilities for delivering completed material.
The forging presses used in the manufacture of armor and of gun forgings are very heavy and operate under a very high hydraulic pressure. Consequently the foundations for them must be of the firmest character, and it is not thought that these machines could be properly installed except on rock bottom. It is therefore desirable and practically necessary that the site selected should offer rock bottom at a moderate depth—probably not more than 30 feet.
The labor market must be given some consideration, although it is quite probable that if the industry were established in any vicinity the necessary labor could ultimately be secured, provided there was a fair prospect of continuous work. To establish a factory, however, in a location in which no allied industry is now established would cause delays in securing the necessary labor and would undoubtedly increase the cost of manufacture for a considerable time.
As to the facilities for shipping completed material, a tidewater site would undoubtedly be best from this point of view, since water transportation is cheaper than rail transportation, and does not impose conditions as to size and weight of armor plates which are imposed by land transportation. The cost of land transportation for armor plates is not excessive, but the sizes of cars, dimensions of tunnels, bridges, etc., have placed a practical limit on the size of armor plates. If these conditions were not imposed it might be found best in the future to make larger armor plates, which would be an advantage from the point of view of the efficiency of the armor in protecting the vessels to which it was supplied.

First, as to foundations: When we dig 6 or 8 feet down below the surface we get a solid shale bed underneath almost that entire city. That is one requirement fully met.

Another is the transportation by water. From the harbor at Lorain can be shipped by water route freight to any seaport in the world. It has also become quite a railroad center.

In this connection, further, speaking about the steel rails made in Lorain, let me tell my colleagues a fact that may not be generally known. We have all heard a certain class of political economists advocate municipal ownership of about everything, especially the ownership of public utilities. They always point with pride to Glasgow as the one most successful exponent of their views. They point to the fact that the street railway systems of Glasgow are so much better managed for the interests of the people than they would be if conducted by private enterprise. Let me say to you that although that city may be far ahead of us in its civil government, yet when it came to supplying the rails for their municipally owned street car system they had to come to Lorain to get the rails, and that, too, right under the noses of the British manufacturers in full competition.

But there are other reasons. Lorain has never been plagued—and I do not use the word in any offensive sense—by conditions such as you unfortunately see out in the mines of Colorado to-day. My good friend from Illinois [Mr. MADDEN], who a few minutes ago asked me some questions, certainly knows that more than one great industry in his home city of Chicago has had to leave that city and get away from it because they could not exist in peace there on account of labor difficulties. I know that several years ago nearly all the piano manufacturers in that city had to get outside of the city limits, in the smaller towns, where they could get more healthy labor conditions. But in Lorain we have had our great manufacturing establishments, employing in the aggregate more than 12,000 men, running smoothly, without a single strike. We have there the satisfactory labor conditions that the Government should have in order to operate an armor-plate plant successfully.

Then, above all, we have the magnificent harbor at Lorain. In this connection let me take this opportunity to give my thanks not only to the House but also to the Committee on Rivers and Harbors, because I never yet went before them and asked for anything for the harbor at Lorain that they did not give it, and I have asked considerable. Why has it been given? Because the Board of Engineers have for years past recognized that that is one of the finest harbors along the Lakes, and that it has been favored by nature for the most economical transportation of raw materials as well as manufactured goods. The official figures show that during the past three years the average tonnage going in and out of that harbor aggregates about 6,500,000 tons a year. So that, assuming that our armor-plate factory is located in the city of Lorain, all these requirements set forth by the ordnance board just quoted will be met in an ideal way.

Lest I forget it, let me digress for a moment right here. I do not see the gentleman from Illinois [Mr. TAVENNER] in the Hall just now, but I will take the liberty to quote him. He is the author of a bill calling for the location of this project—which as yet I must admit is rather ethereal—at his home city of Rock Island, Ill. Meeting me to-day he said, "Why, Mr. SHARP, you have got up at Lorain, in your district, in my judgment, the best location in the United States for this plant."

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FLOOD of Virginia. I will yield the gentleman three minutes more.

Mr. SHARP. Mr. Chairman, the gentleman from Wisconsin wanted to ask me a question and I will now yield to him.

Mr. COOPER. The gentleman speaks of the advantages of this magnificent harbor and how generous the Government has been in improving it. Does not he think, in view of the decision on the tolls question, that they ought to charge tolls there, and is it not wrong to subsidize ships going into that city?

Mr. SHARP. I only wish I had 30 minutes in which to answer the gentleman.

Mr. COOPER. The gentleman will need more than that.

Mr. SHARP. No; but I will refer the gentleman for my position on the tonnage tolls to a speech that I delivered in this House more than a year ago, in which I emphatically agreed with the gentleman. I believe that not only tonnage tolls ought to be applied to Panama, but, to be just and consistent—and I refer now only to the economical and not the international phase of the question—they ought to be applied to the tonnage on every vessel that traverses navigable harbors and waterways that are developed by Government appropriations.

Mr. COOPER. Does the gentleman think where a county or State has improved a highway that a tollgate ought to be put across it and the people compelled to pay?

Mr. SHARP. That is an entirely different proposition.

Mr. COOPER. There is absolutely no difference in principle.

Mr. SHARP. I want to say further that while the Government has been generous in improving the harbor at Lorain, yet that same city has bowed her back under the burden of bonded indebtedness, aggregating $600,000, as a further subsidy to the great vessel owners whose boats traverse those lakes and harbors. That is why I am in favor of putting tolls upon the tonnage of the Great Lakes, just as I am tolls on the tonnage that uses the Panama Canal.

Mr. SHREVE. For what purpose was the bond issue made?

Mr. SHARP. It was for deepening and widening the river that was almost exclusively used by those steamship companies. I want to further add that if I was a shipper of goods, whether by railroad over a line of steel rails or by water in those great vessels, both kinds of carriers would look just alike to me, and I do not believe in favoring either at the Government expense.

Mr. HAYES. Will the gentleman yield?

Mr. SHARP. Certainly.

Mr. HAYES. I want to ask the gentleman if he claims there is any combination or trust among the vessels on the Lakes?

Mr. SHARP. I wish I had more time to speak on that phase of the question, but I will refer the gentleman to the report of the gentleman from Missouri [Mr. ALEXANDER], as chairman of the Committee on the Merchant Marine and Fisheries. Chapter 11 of that report, on 'Steamship company affiliations on the Great Lakes," is very instructive and illuminating, as it deals with these combinations.

Mr. HAYES. I want the gentleman's opinion, because I know he is familiar with the subject.

Mr. SHARP. I know that the greatest subsidy in the last seven years is the $35,000,000 that has been given out by your constituents and mine for improvement of the harbors, channels, and locks on the Great Lakes in the form of Government appropriations. While I favor the continued improvement of our waterways by the Government, yet I believe the special beneficiaries of this great outlay of money—now amounting to nearly $50,000,000 annually—ought to be taxed for at least the upkeep of such improvements.

Mr. FLOOD of Virginia. Will the gentleman from Wisconsin use some of his time?

Mr. COOPER. I will say to the gentleman from Virginia that I was going to yield to the gentleman from Ohio, but he is out.

Mr. CAMPBELL. Mr. Chairman, it is now 5 o'clock, and we have transacted a good deal of business. I wish the gentleman would move to rise.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FINLEY, Chairman of the Committee of

the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and had come to no resolution thereon.

RELIEF OF CERTAIN SETTLERS IN LOUISIANA.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5890) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co.

The SPEAKER. The Clerk will read the bill.

The Clerk read the substitute, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to immediately take up and resume the adjustment and adjudication of all rights and privileges relinquished, granted, conveyed, and confirmed to the New Orleans Pacific Railway Co., as the assignee of the New Orleans, Baton Rouge & Vicksburg Railroad Co., by the act of Congress approved February 8, 1887, and entitled "An act to declare a forfeiture of lands granted to the New Orleans, Baton Rouge & Vicksburg Railroad Co., to confirm title to certain lands, and for other purposes," subject to all the provisions and conditions therein contained for the protection of actual settlers, their heirs and assigns.

SEC. 2. That on the application of persons to make entry in accordance with the provisions of the act aforesaid, the rights only of those who were actual settlers at the date of definite location, their heirs, or other persons to whom they may have assigned their possessory rights, prior to December 1, 1913, shall be given consideration as against the outstanding patent or patents to the New Orleans Pacific Railway Co.

SEC. 3. That in determining rights asserted by or on behalf of actual settlers, their heirs or assigns, proof showing actual settlement at the date of definite location and the existence of such settlement and occupancy at the present time shall be deemed prima facie evidence of the continuity of the settlement claim.

SEC. 4. That all claims adverse to the New Orleans Pacific Railway Co., or its successors in interest, which are not asserted as herein provided within the period of two years from the passage and approval of this act shall be deemed and considered forever barred.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. CAMPBELL. Reserving the right to object, I would like to ask if this bill has been reported by a committee?

Mr. ASWELL. This bill has the unanimous and favorable report from the Public Lands Committee, representing all parties, and it is cordially indorsed by the General Land Office and the Department of the Interior.

Mr. CAMPBELL. I note that certain titles or deeds are practically confiscated by the terms of the bill. Is there any consideration given for the property taken?

Mr. ASWELL. There is no title confiscated; it is to quiet the title of the old settlers who have been on the lands for 30 or 40 years.

Mr. CAMPBELL. These titles are to be settled notwithstanding any patents that may have been heretofore issued?

Mr. ASWELL. It merely brings each case individually upon its own merits to the Land Office.

Mr. CAMPBELL. How much land is involved?

Mr. ASWELL. The original grant was three and a quarter million acres, but it has narrowed down now until it is located nearly all in my district. I do not know how many acres, but about forty or fifty thousand acres, and about 400 old settlers. I am very anxious to have something done with it before those old men pass to the beyond.

Mr. CAMPBELL. This bill was called up last Monday on the Unanimous Consent Calendar.

Mr. ASWELL. Yes; and by a mistake was objected to.

Mr. CAMPBELL. I notice when there was a larger attendance then in the House an objection was made to its consideration.

Mr. ASWELL. I will say that the objection was made through a misunderstanding, and the gentleman who made it is very anxious to have that objection withdrawn. I hope the gentleman will not object.

Mr. CAMPBELL. This bill involves a very large amount of land.

Mr. ASWELL. It puts the whole matter up to the Land Office.

Mr. CAMPBELL. It is not one of those small private bills that ought to be taken up out of its order, when there are very few Members here, and I submit to the gentleman from Louisiana that if he is not absolutely sure of his ground it is a pretty dangerous precedent.

Mr. ASWELL. I am perfectly sure. I have been working upon this for over a year. I hope the gentleman will not object, because this is one of my first bills, and he has been a new Member himself.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I would ask the gentleman from Louisiana if this bill confirms any titles to the railroad corporation, or does it confirm the title only to the actual settlers?

Mr. ASWELL. It brings every case to the Land Office upon its merits.

Mr. BORLAND. And the cases to be adjusted are those where the land has been brought into the hands of actual settlers?

Mr. ASWELL. It does not affect any land except that in the hands of actual settlers in 1882.

Mr. BORLAND. It does not relieve the corporation from any forfeiture of its own grants?

Mr. ASWELL. No.

Mr. CAMPBELL. Has the Senate taken any action on the bill?

Mr. ASWELL. It has not. It has yet to go to the Senate.

Mr. CAMPBELL. Mr. Speaker, in view of the fact that there will be opportunity for further consideration of the bill, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Louisiana asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The gentleman also asks unanimous consent that the substitute be considered instead of the bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion by Mr. ASWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3432. An act to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy.

ARMOR PLATE—EXTENSION OF REMARKS.

Mr. TAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of armor plate.

The SPEAKER. Is there objection?

There was no objection.

CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. SPARKMAN, reference of the bill (H. R. 5502) providing for the marking and protection of the battle field known as Dade's Massacre, in Sumter County, Fla., and for the erection of a monument thereon, was changed from the Committee on Military Affairs to the Committee on the Library.

ADJOURNMENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 13, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (S. 4553) to authorize the appointment of an ambassador to Argentina, reported the same without amendment, accompanied by a report (No. 664), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 11745) to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien, reported the same with amendment, accompanied by a report (No. 665), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 16136) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, reported the same without amendment, accom-

panied by a report (No. 668), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 16472) to provide equipment allowance for rural mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. GOEKE: A bill (H. R. 16473) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. CLAYTON: A bill (H. R. 16474) to provide for search warrants for certain kinds of property and for the disposition thereof; to the Committee on the Judiciary.

By Mr. METZ: A bill (H. R. 16475) to amend section 1754 of the Revised Statutes of the United States; to the Committee on Reform in the Civil Service.

By Mr. RAKER: A bill (H. R. 16476) authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes; to the Committee on the Public Lands.

By Mr. HINDS: A bill (H. R. 16477) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals; to the Committee on the Merchant Marine and Fisheries.

By Mr. BULKLEY: A bill (H. R. 16478) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide a method of applying postal savings deposits to the promotion of the public welfare, and for other purposes; to the Committee on Banking and Currency.

By Mr. PETERS of Massachusetts: A bill (H. R. 16479) to amend the act of April 9, 1912, establishing in the Department of Labor a bureau to be known as the Children's Bureau; to the Committee on Labor.

By Mr. OLDFIELD: A bill (H. R. 16480) amending sections 476, 477, and 440 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. FERGUSSON: A bill (H. R. 16481) to establish the Pecos National Game Refuge, in the State of New Mexico, and for other purposes; to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 16482) to repeal the provisions of the Indian appropriation acts of June 21, 1906, and March 1, 1907, removing the restrictions as to sale, encumbrance, or taxation of allotments within the White Earth Indian Reservation, in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. FERGUSSON: A bill (H. R. 16483) to establish a fish-cultural station in the State of New Mexico; to the Committee on the Merchant Marine and Fisheries.

By Mr. WALSH: Resolution (H. Res. 513) for the installation of an electrical and mechanical system of voting; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16484) to correct the military record of Israel Fogle; to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 16485) granting an increase of pension to Henry C. Bowers; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 16486) granting a pension to Charles M. Hambright; to the Committee on Invalid Pensions.

By Mr. CANTOR: A bill (H. R. 16487) for the relief of Charles R. Barker; to the Committee on the Post Office and Post Roads.

By Mr. CLAYPOOL: A bill (H. R. 16488) to remove the charge of desertion from the military record of David Hart; to the Committee on Military Affairs.

By Mr. EAGAN: A bill (H. R. 16489) for the relief of Thomas Nugent; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 16490) for the relief of the heirs of Andrew D. Kent, deceased; to the Committee on War Claims.

By Mr. FERGUSSON: A bill (H. R. 16491) granting an increase of pension to Robert P. Baker; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 16492) for the relief of J. J. Whitaker; to the Committee on War Claims.

By Mr. HAMILTON of New York: A bill (H. R. 16493) granting a pension to William Butts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16494) granting an increase of pension to Johnson M. May; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 16495) granting an increase of pension to Nels Anderson; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 16496) granting a pension to William T. East; to the Committee on Pensions.

By Mr. J. R. KNOWLAND: A bill (H. R. 16497) granting a pension to John E. Keyer; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 16498) granting an increase of pension to Charles R. Van Norman; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 16499) to reimburse certain employees of Alaska Coal Expedition, 1912; to the Committee on Claims.

By Mr. MOON: A bill (H. R. 16500) granting an increase of pension to John Martin; to the Committee on Invalid Pensions.

By Mr. REILLY of Wisconsin: A bill (H. R. 16501) granting an increase of pension to Anne Werner; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16502) granting an increase of pension to John L. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16503) granting an increase of pension to William Taylor; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 16504) granting a pension to Mary E. Andrews; to the Committee on Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 16505) for the relief of the heirs of Robert Gray; to the Committee on War Claims.

By Mr. STEVENS of New Hampshire: A bill (H. R. 16506) granting a pension to George W. Hutchins; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 16507) granting an increase of pension to Frank Hemenway; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Clarendon, Pa.; Chicago, Ill.; Reily, Ohio; Zanesville, Ohio; and Buffalo, N. Y., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions of certain citizens of West Orange, N. J.; Westtown, N. Y.; Lawrenceville, N. J.; Cleveland, Ohio; Parkers Landing, Pa.; Clarion, Pa.; Muddy Creek Forks, Pa.; Baltimore, Md.; Liberal, Kans.; Bound Brook, N. J.; Perryville, Md.; New Galilee, Pa.; Jersey City, N. J.; Kenmore and Buffalo, N. Y.; McDonald, Pa.; Sioux City, Iowa; New York, N. Y.; Bell Center, Ohio; Ashton, Idaho; Fremont, Ohio; Mount Holly, N. J.; Moscow, N. Y.; Clifton, Ohio; Greenwich, N. Y.; Rockville Center, N. Y.; De Graff, Ohio; and West Middlesex, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AINEY: Petitions of sundry citizens of East Smithfield; the Christian Endeavor Society and 50 citizens of Union Dale; the Woman's Christian Temperance Union of Hamlin; and 400 citizens of Monroetown, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of the International Union of the United Brewery Workmen, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Interdenominational Brotherhood, of Ottawa, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of the American Association of Foreign Language Newspapers, protesting against the enactment of national prohibition; to the Committee on the Judiciary.

Also, memorial of the Newark (Ohio) Trades and Labor Assembly, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. AUSTIN: Memorial of sundry citizens of Jackson, Tenn., favoring the Bristow and Mondell resolution, relative to franchising women; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of the tariff-reform committee of the Reform Club, of New York City, favoring repeal of canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER: Petitions of 62 citizens of Egg Harbor, N. J., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Bridgeton, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of sundry citizens of the sixteenth ward of Pittsburgh, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, papers to accompany bill to increase pension of Henry C. Bowers, late of Company B, Fifteenth Pennsylvania Volunteers; to the Committee on Pensions.

By Mr. BARNHART: Petitions of members of the First Brethren Church and the First Evangelical Church at Elkhart; the Brethren Church at Nappanee; the Methodist Protestant Church of Elkhart; the Evangelical Church of Nappanee; the Young Woman's Christian Association, the Woman's Christian Temperance Union, and the Woman's Missionary Society of the Presbyterian Church, of Elkhart, all in the State of Indiana, petitioning the passage of the Smith-Hughes bill to provide Federal censorship of motion pictures; to the Committee on Education.

Also, petition of sundry citizens of La Crosse and Judson, Ind., favoring the passage of House bill 5308; to the Committee on Ways and Means.

By Mr. CALDER: Petition of the Women's Political Union of New York, favoring women's suffrage; to the Committee on the Judiciary.

Also, petition of the Medical Society of New York, to provide for mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

By Mr. CARAWAY: Petitions of 165 citizens of Marvel, Ark., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER: Petition of sundry citizens of Waukesha and Kenosha, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Civic Class of Racine, Wis., favoring passage of Bristow-Mondell resolution providing equal suffrage; to the Committee on the Judiciary.

By Mr. CURRY: Petition by the Napa Epworth League, representing 75 people, of Napa, Cal., in favor of national constitutional prohibition; to the Committee on the Judiciary.

Also, petition by 45 residents of Contra Costa County, Cal., against House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of 142 citizens of Crockett, Contra Costa County, Cal., against the adoption of House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

By Mr. DANFORTH: Petitions of 283 residents of Genesee, Erie, Livingston, and Monroe Counties, all in the State of New York, against national prohibition; to the Committee on the Judiciary.

Also, petitions of William D. Horstmann, Peter Gerling, Charles E. Cunningham, Albert C. Wischmeyer, L. W. Fromm, Fred Schneider, August Boerner, Otto Boigk, Herbert Leary, Abe Neiman, Frederick Block, B. R. Briggs, P. H. Converse, Alphonse P. Leinen, George F. Loder, L. G. McGreal, William Milbredt, Harry F. Miller, William Mulcahy, Albert F. Nunn, E. H. Sanford, Henry C. Seidel, John Sellinger, Peter Stammerberger, J. B. Sarceno, Emanuel Kovelski, the F. B. Rae Co., the Joseph A. Schantz Co., A. G. Kallmeier, Michael Modella, F. J. Rettig, Samuel Aiole, jr., W. F. Hohmann, F. J. Kelly, E. J. Leinen, E. R. Grafius, W. G. Gilbert, Joslyn Foster, H. N. Steencken, C. M. Flaherty, Eric C. Moore, Henry Logemann, A. F. Mason, Frank D. Smith, jr., J. H. Handley, T. P. Cauley, W. C. Rodenbeck, Joseph F. Engel, Griff D. Palmer, William S. Addison, the Rochester Bill Posting Co., Louis A. Wehle, Frederick W. Zoller, O. E. Goodenough, August Moeller, the Rochester Cooperage Co., E. A. Fletcher, G. F. Jacobs, George C. Gerling, the F. E. Reed Glass Co., William T. Mensing, H. F. Fleck, Fee Bros., George J. Ermatinger, John Byrne, E. M. Bauer, M. E. Wolff, Messner & Swenson, the Bartholomay Brewing Co., the Flower City Brewing Co., the Moerlbach Brewing Co., D. A. O'Keefe, Thomas C. Riley, B. S. Rapplee, F. C. Loebs, E. B. King, the Hotel Eggleston Co., Victor Kiefer, W. A. Perkins, Carmelo Panepinto, G. A. Wegman, Henry Clifton, Frank Ruh, George A. Glaesgens, A. Miller, Edward Bryant, and Messrs. Natt, Bareham & McFarland, all of Rochester; also the Power Specialty Co., of Dansville; James E. Mykins and 21 others, of Charlotte and vicinity; W. F. Crickle, of Batavia; G. L. Savage, of New York City; and the Sonoma Wine & Brandy Co., of Brooklyn, all in the State of New York, against national prohibition; to the Committee on the Judiciary.

Also, petitions of Loren S. Duggan and 54 others, of Wyoming County; F. I. Thayer and 101 others, of Broome County; and B. H. Arnold and 28 others, of Essex County, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DIXON: Petition of 67 citizens of Lawrenceburg, Ind., against nation-wide prohibition and House joint resolution 168 and Senate joint resolutions 88 and 50; to the Committee on the Judiciary.

Also, petition of various retail dealers of Fort Wayne, Ind., against House bill 2972, relative to time guaranties in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of 22 citizens of Franklin and Seymour, Ind., against Sabbath observance bill; to the Committee on the District of Columbia.

Also, petitions of 25 citizens of St. Leon, Ind., and 430 citizens of fourth congressional district of Indiana, against national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of sundry citizens of Danbury, Conn., against national prohibition; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of the State of Kansas, favoring establishment of a bureau of farm loans (H. R. 11755); to the Committee on Banking and Currency.

By Mr. DOUGHTON: Petition of sundry citizens of Salisbury, N. C., against polygamy in the United States; to the Committee on the Judiciary.

Also, petition of D. A. Klutz, of Concord, N. C., against national prohibition; to the Committee on the Judiciary.

By Mr. DRUKKER: Petition of sundry citizens of the State of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. EAGLE: Petition of sundry citizens of Houston, Tex., against national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of the Danbury (Wis.) Equal Rights Club, favoring passage of the Bristow-Mondell resolution, relative to enfranchising women; to the Committee on the Judiciary.

By Mr. FERGUSSON: Petitions of J. L. Haas, B. M. Lorney, and C. E. Cusack, post-office clerks of Tucumcari; and V. H. Waite, Oscar E. Burch, Walter Randolph, and E. O. Thomas, letter carriers of East Las Vegas, all in the State of New Mexico, favoring the granting of compensatory time to postal employees on one of the six days following the Sunday on which service is performed; to the Committee on the Post Office and Post Roads.

Also, petition of Adam Rohe, Fletcher Owen, A. W. Wilde, and 24 other citizens of Artesia, N. Mex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FLOOD of Virginia: Petition of the Methodist Church and the Shiloh Woman's Christian Temperance Union, of Eagle Rock, Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GERRY: Petitions of 700 residents of Rhode Island, protesting against the passage of legislation providing for national prohibition; to the Committee on the Judiciary.

Also, petition of Paul Castiglioni, Dodge & Camfield Co., the Eddy & Fisher Co., and the T. F. Donahue Co., all of Providence, R. I., protesting against the passage of legislation providing for national prohibition; to the Committee on the Judiciary.

Also, petitions of 22 residents of Westerly; 15 residents of Alton; 29 residents of Cranston and vicinity; 21 residents of Providence; 45 residents of Scituate and Foster; William H. Grout, of Providence; and Trinity Baptist Mission, of Providence, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on the Judiciary.

Also, petition of A. J. Magoon & Son, of Providence, R. I., protesting against the passage of House bill 11321, providing for patents on designs; to the Committee on Patents.

Also, petition of the League of Improvement Societies in Rhode Island, protesting against a change from present policy

of Government regarding government of District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Ministerial Association of Westerly, R. I., protesting against the passage of House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of John C. Brennan, Edward Brennan, William F. MacDonald, Maude E. MacDonald, D. S. Duffy, Mabel Harding, G. L. Harding, John J. Duffy, Irene C. Dougherty, Ruth Barton, Emma M. Burke, M. E. Brennan, L. I. Ahern, Lucy McDonald, Thomas J. O'Reilly, Margaret E. B. Doyle, Ella D. O'Reilly, James Gorman, Daniel Gorman, Mrs. Edward Brennan, Margaret J. O'Neill, Catherine E. Lyons, Josie R. O'Neill, H. A. Klemner, Angelina S. Coelho, and Elizabeth A. Doyle, all of Providence, R. I., urging the passage of the Bristow-Mondell resolutions for woman suffrage; to the Committee on the Judiciary.

Also, petitions of Mrs. Caroline Dowell, the Woman Suffrage Party of Rhode Island, and Charles H. Westcott, all of Providence, R. I., urging the passage of the Bristow-Mondell resolutions for woman suffrage; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the tariff reform committee of the Reform Club, favoring repeal of the canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Patriotic Order Sons of America, favoring the literacy test in the immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition of Rev. W. T. Dunkle, pastor of the Lancaster Avenue Methodist Episcopal Church, of Lancaster, Pa., 35 citizens of New Providence, and 13 citizens of Refton, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Medical Club of Harrisburg, Pa., relative to Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. HAMILTON of New York: Petitions of the German Order Hari Gari, Standhaft Lodge, No. 425, of Olean, and citizens of Cattaraugus and Allegany Counties, and of Portland, Randolph, and Fredonia, all in the State of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of 2,013 voters of the forty-third congressional district of New York, protesting against the passage of the national-prohibition resolutions; to the Committee on the Judiciary.

Also, petition of sundry citizens of the forty-third congressional district of New York, protesting against the passage of the national-prohibition resolutions; to the Committee on the Judiciary.

Also, petitions of the faculty of the Friends' Indian School and sundry citizens of Tunesassa, Cattaraugus, and Canaseraga; the Woman's Christian Temperance Union of Little Valley; sundry citizens of Chautauqua, Bolivar, Richburg, Frewsburg, Cuba, South Dayton, Niobe, Little Genesee, Andover, Fredonia, Angelica, Stockton, Dunkirk, and various churches representing 52 citizens of Lake Pleasant, 40 citizens of Panama, 334 citizens of Falconer, 43 citizens of Gerry, 500 citizens of Silver Creek, 158 citizens of Avoca, 610 citizens of Franklinville, 50 citizens of Friendship, 400 citizens of Rushford, 100 citizens of Jamestown, 300 citizens of Portville, and 630 citizens of Wellsville, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Randolph and Fredonia, N. Y., and Allegany County, N. Y., favoring bill to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: Petitions of sundry citizens of Flagstaff, Yuma, Eden, and Mrs. P. Schnur and 40 other citizens of Seligman, all in the State of Arizona, favoring equal suffrage; to the Committee on the Judiciary.

Also, petitions of Mary J. Battin and 52 other citizens of Phoenix, the Woman's Christian Temperance Union and 97 citizens of Flagstaff, 50 citizens of Tucson, 74 citizens of Winslow, and the Federation of Churches of Globe, all in the State of Arizona, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of Mrs. E. McLeese and 250 other citizens at a congregational meeting at the Westminster Church, Salt Lake City, Utah, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULINGS: Petitions signed by 149 voters of Franklin, Venango County, Pa., in favor of the national prohibition amendment; to the Committee on the Judiciary.

Also, petition of 34 voters of Clarington, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petitions of sundry citizens of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Aberdeen, Wash., protesting against loss of life in Colorado mines; to the Committee on the Judiciary.

Also, petition of 191 citizens of Castle Rock, Wash., and 26 citizens of Ostrander, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Socialist Local No. 7, of Hoquiam, Wash., opposing war with Mexico; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Vancouver and Pierce and King Counties, all in the State of Washington, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petitions of the Men's Class, Pawtucket (R. I.) Congregational Church, and 20 voters of North Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of sundry citizens of the fifteenth Pennsylvania district, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. J. R. KNOWLAND: Resolutions adopted by the board of directors of the Chamber of Commerce of San Francisco, Cal., favoring the passage of Senate bill 3998, providing for an appropriation of $500,000 for the erection of new buildings for the United States Marine Hospital in San Francisco; to the Committee on Public Buildings and Grounds.

Also, resolutions passed by Imperial Valley Typographical Union, No. 707, of El Centro, Cal., protesting against the proposed increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the Centennial Presbyterian Church, of Oakland, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, resolution passed by the City Council of Berkeley, Cal., favoring the passage of Senate bill 3677, providing for a grant of right of way and other privileges to Allan C. Rush to construct a suspension bridge across San Francisco Bay; to the Committee on Interstate and Foreign Commerce.

By Mr. KONOP: Petitions of the Danbury (Wis.) Equal Rights Club and Racine (Wis.) Civics Class, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 40 citizens of Gillett, Wis., and 70 citizens of Sister Bay, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of various churches and organizations representing 204 citizens of Coolspring, 16 citizens of Lickingville, 925 citizens of Brookville, 275 citizens of Stanton, 100 citizens of Ohl, 550 citizens of Punxsutawney, and 57 citizens of Baxter, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEVY: Petition of M. K. Simkhovitch, of Greenwich, N. Y., relative to naturalization of immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of sundry citizens and business men of New York and the International Union of the United Brewery Workmen of America, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Association of Master Plumbers of New York City, favoring passage of House bill 14288, relative to saving profit of the middle man; to the Committee on Public Buildings and Grounds.

By Mr. LEWIS of Maryland: Petition of the members of the Just Government League of Maryland, at a meeting held in Baltimore, Md., praying the passage of the Mondell resolution amending the Constitution enfranchising women; to the Committee on the Judiciary.

Also, petitions of the members of the Just Franchise League of Talbot County, Md., at a meeting held in Easton, Md., praying the passage of the Mondell resolution amending the Constitution enfranchising women; to the Committee on the Judiciary.

Also, petitions of the members of the Just Government League of Maryland, adopted at meetings held in Baltimore County; Cumberland, Allegany County; Rockville, Montgomery County; Annapolis, Anne Arundel County; Frederick, Frederick County; and Westminster, Carroll County, praying the passage of the Mondell resolution amending the Constitution enfranchising women; to the Committee on the Judiciary.

By Mr. LIEB: Telegrams of the Evansville Grocery Co., Louis Wasem, the Shimer Wire & Steel Co., M. G. O'Brien, the Ber-

nardin Bottle Cap Co., the Koch Outfitting Co., Samuel L. Orr, the Evansville Bookcase & Table Co., Will C. Gentry, T. R. Corn, the Evansville Investment Co., the I. Gans Co., J. W. Pearson & Co., the Ichenhauser Co., E. Durre, Charles Leich & Co., the Hinkle Shoe Co., the St. George Hotel, H. D. Bourland, Fred Van Orman, the Public Utilities Co., Sebastian Henrich, Frisse & Frisse, Percy P. Carroll, Philip W. Frey, Bernard De Vry, the Andres Co., Charles N. Wittenbraker, the Wm. E. French Co., Sol Hammer, the Progress Clothing Co., Greene & Greene, Mayor Benjamin Bosse, President Emil Weil, of the Evansville Business Association, Will O. Ferguson, A. M. Weil, Max De Jong, Secretary Carl Dreisch, of the German Alliance of Indiana, the Laughlin Realty Co., the Sonntag Investment Co., the Wolflin Luhring Lumber Co., F. W. Griese, Fred W. Lauenstein, H. Karn, the Globe Paper Co., F. W. Bockstege, S. Kahns Sons, F. W. Petersheim, the Evansville Metal Bed Co., the Metal Furniture Co., the Koch Outfitting Co., the Metal Manufacturing Co., William A. Koch, the Bockstege Furniture Co., Fred Geiger & Son, Rosenberger, Klein & Co., the Southwestern Broom Manufacturing Co., the Helfrich Lumber Co., the Peerless Selling Co., the Peerless Tank & Seat Works, the Helfrich Pottery Co., the National Pottery Co., the Anchor Supply Co., the Kellar Crescent Printing & Engraving Co., the Henn, Speck Co., Sterm Stock & Co., A. Bromm & Co., the Sieffert Electric Co., D. S. Bernstein, Strouse & Bros., the Ragon Bros., the Bitterman Bros., A. Brentano, Gus B. Mann, Charles W. Cook, R. H. Pennington, G. Michael Daussman, Henry E. Cook, A. B. Schmidt, Henry Stockfleth, Charles F. Hartmetz, Gus C. Meyer, George P. Stocker, Henry A. Wimberg, all of Evansville, Ind.; also the Indianapolis Hotel and Restaurant Keepers' Association, the Indiana Hotel Keepers' Association, the Liberal League of Indiana, and the Indianapolis Chamber of Commerce, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LOBECK: Petition of the Ladies' Auxiliary of the National Association of Letter Carriers, favoring civil-service retirement; to the Committee on Reform in the Civil Service.

Also, petition of the Omaha Typographical Union, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of F. H. Davis and other citizens of the second congressional district of Nebraska, against national prohibition; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition and resolutions of sundry citizens of Rumford Center; the Maine Street Free Baptist Church, of Lewiston; the Advent Christian Conference at Mechanic Falls; and the Advent Sunday School Association, Mechanic Falls, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McLAUGHLIN: Memorials of sundry citizens of Muskegon, Mich., favoring investigation of Pere Marquette Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, memorials of various residents of Newaygo County, Mich., favoring amendment to Constitution prohibiting manufacture, sale, etc., of intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of Muskegon (Mich.) Lodge, No. 63, Brotherhood of Railway Clerks, against national prohibition of manufacture, sale, etc., of alcoholic beverages; to the Committee on the Judiciary.

Also, memorial of sundry citizens of Manistee County and the Muskegon Trades and Labor Council, of Muskegon, all of the State of Michigan, favoring investigation of Pere Marquette Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of sundry citizens of Traverse City, Mich., favoring House bill 5139, to provide for system of retirement or superannuation for civil-service employees; to the Committee on Reform in the Civil Service.

Also, memorial of various residents of Wexford County, Mich., favoring pure fabric and leather bill introduced by Mr. Lindquist; to the Committee on Interstate and Foreign Commerce.

Also, memorial of sundry citizens of Copemish, Mich., favoring H. R. 12928, to allow compensatory time for postal employees; to the Committee on the Post Office and Post Roads.

Also, memorial of sundry citizens of the ninth congressional district of Michigan, favoring Hinebaugh bill (H. R. 5308) to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Shelby, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petition of sundry citizens of Michigan against national prohibition; to the Committee on the Judiciary.

By Mr. MERRITT: Petitions of sundry citizens of Burke, Wadhams, Gouverneur, and Ogdensburg, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. METZ: Petition of sundry citizens of Brooklyn, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Medical Society of New York, to provide for mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Women Physicians' Branch of Political Equality League, of Brooklyn, N. Y., for woman suffrage; to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany a bill for relief of John Martin; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: Resolutions of Stella Quarterly Meeting of Friends, representing 1,488 people, held in Alfalfa County; the Woman's Christian Temperance Union public meeting, representing 125 people, of Beaver; Willard memorial meeting, representing 156 people, of Arapaho; the Alva Friends Church, representing 60 people, of Alva; the Keystone Methodist Episcopal Sunday School, of Alva; the Alva Friends Christian Endeavor, representing 18 people, of Alva, all in the State of Oklahoma, indorsing national prohibition amendment; to the Committee on the Judiciary.

Also, petitions of Irvin B. Ramseier and 16 other citizens of Major County; Andrew J. Udell and 13 other citizens of Optima; Henry A. Bower and 19 other citizens of Major County; Jennie C. Hanna and 55 other citizens of Beaver County; John C. Conrad and 11 other citizens of Custer County; Rev. M. Porter and 127 other citizens of Woodward; John W. White and 24 other citizens of Dewey County; J. R. McChesney and 13 other citizens of Dewey County; John Scott Johnson and 25 other citizens of Oklahoma City; W. W. Fautlinger and 25 other citizens of Texas County; W. H. Crow and 37 other citizens of Aline; the Edmond Men's Gospel Team, representing 144 men, of Edmond, all in the State of Oklahoma, indorsing national prohibition amendment; to the Committee on the Judiciary.

Also, petition signed by sundry citizens of the second district, State of Oklahoma, favoring House bill 10080, prohibiting the misbranding of an article which is made from fabric, leather, or rubber; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Oklahoma State Sunday School Convention, signed by D. S. Wolfinger, president, and Alvin Campbell, secretary, approving the Sheppard-Hobson resolution for national prohibition; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Petition of the Chicago Federation of Labor, relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also, petition of the Public Ownership Association of San Francisco, Cal., relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also, petition of the Board of Trade of San Francisco, Cal., relative to erection of new buildings for United States Marine Hospital at San Francisco; to the Committee on Public Buildings and Grounds.

By Mr. O'LEARY: Petition of the Medical Society of New York, to provide for the mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of sundry citizens of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Women Physicians' Branch of the Political Equality League, of Brooklyn, N. Y., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petitions of sundry citizens of Massachusetts, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Leominster (Mass.) Civic League, relative to censorship of moving pictures; to the Committee on Education.

Also, petition of sundry voters of Spencer, Mass., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of various business men of Globe Village, Fiskdale, Monson, Three Rivers, West Brookfield, and East Brookfield, all in the State of Massachusetts, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. PATTEN of New York: Petition of sundry citizens of New York against national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Central Federated Union of New York, protesting against national prohibition legislation; to the Committee on the Judiciary.

Also, letters from 15 citizens of Placer and Nevada Counties, Cal., protesting against the passage of national prohibition legislation; to the Committee on the Judiciary.

By Mr. REED: Petition of Ernest Fox Nichols and two others from Dartmouth College, Hanover, N. H., protesting

against intervention by the United States at Mexico; to the Committee on Foreign Affairs.

Also, petition of Clarence E. Kelley, principal of Nute High School, and others, of Milton, N. H., protesting against intervention by the United States at Mexico; to the Committee on Foreign Affairs.

Also, petitions of Rev. Irwing J. Enslin and 28 others, all of Derry, N. H., and of Joseph R. Dionne and 4 others, all of Concord, N. H., protesting against intervention by the United States in Mexico; to the Committee on Foreign Affairs.

By Mr. REILLY of Connecticut: Petitions of Cigarmakers' Union, No. 39, of New Haven, Conn., sundry citizens of the State of Connecticut, and the Central Federated Union of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens and woman-suffrage societies of the State of Connecticut, favoring passage of the Bristow-Mondell resolution, relative to franchise for women; to the Committee on the Judiciary.

By Mr. REILLY of Wisconsin: Petition of sundry citizens of Manitowoc, Wis., against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of sundry citizens of the State of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the third congressional district of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of sundry citizens of Jackson, Tenn., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. SLOAN: Petitions of 100 citizens of Thayer, 200 citizens of Aurora, 350 citizens of McCool Junction, and 600 citizens of Dorchester, all in the State of Nebraska, favoring national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Protest of 62 citizens of Marshall and Calhoun Counties and 25 citizens of Kalamazoo and Kalamazoo County, all in the State of Michigan, against national prohibition (Hobson, Sheppard, and Works resolutions); to the Committee on the Judiciary.

Also, protest of 12 citizens of Albion, Mich., against section 6 of House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas: Petition of the members of the XLI Club, of Gainesville, Tex., favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. SUTHERLAND: Petition of 75 citizens of Good Hope, 50 citizens of Tichenel, 36 citizens of Ravenswood, 32 citizens of Point Pleasant, the State grange (representing 3,000 citizens), 18 citizens of Huntington, 450 citizens of Blacksville, and 38 citizens of Berkeley Springs, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAVENNER: Petition of Earl Anderson, of Warsaw, and C. L. Beardley, of Rock Island, Ill., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of E. E. James, of Prairie City, Ill., favoring passage of House bill 13305, the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Arkansas: Petition of 42 citizens of the sixth district of Arkansas, against national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. T. Y. Murphy, of Pine Bluff, Ark., president of the Woman's Christian Temperance Union in the sixth district of Arkansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of sundry citizens of Peruville, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various voters of Groton, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Chicago Federation of Labor, favoring Government ownership of the mines in the United States; to the Committee on the Judiciary.

Also, petition of the Women Physicians' Branch of the Political Equality League, of Brooklyn, N. Y., and sundry citizens of the United States, favoring passage of the Bristow-Mondell resolution, relative to franchising women; to the Committee on the Judiciary.

Also, petition of the Medical Society of the State of New York, relative to providing for mental examination of arriving immigrants at New York; to the Committee on Immigration and Naturalization.

By Mr. WHITE: Petition of sundry citizens of Ohio against national prohibition; to the Commitee on the Judiciary.

By Mr. WHITACRE: Petition of the Woman Suffrage Party of Mahoning County, Ohio, and Woman Suffrage Association of Canton, Ohio, favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of the Socialists of Stark County, Ohio, relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also, petitions of Epworth League Chapter, No. 929, of the Methodist Epicopal Church of Lisbon, Ohio, and churches and organizations representing 445 citizens of Massillon and 1,025 citizens of Salem, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of E. La Montague's Sons, of New York, against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Wine and Spirit Traders' Society and the Manufacturers and Dealers' League, of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of George H. Armstrong, of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the house of delegates of the Medical Society of the State of New York, relative to examination of immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the independent retail merchants of New York, favoring the passage of the Stevens bill (H. R. 13305) relative to price cutting; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *May 13, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast hidden the sources of Thy power beyond all our power of human thought to reach; but Thou hast revealed unto us Thy personal character, and we have found Thee to be a God of love. Thou hast spoken to us the last word of love. Thou hast performed already the highest and divinest act of love. We are persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus our Lord. We pray that Thy Holy Spirit may shed abroad Thy love in our hearts. May we plan for the present, look to the future, and work for the accomplishment of the highest good, knowing that truth shall overcome error and the light of the perfect day shall some day shine away all the darkness. To this end do Thou guide us. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 4553) to authorize the appointment of an ambassador to Argentina.

The message also announced that the House had passed the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4377) to provide for the construction of four revenue cutters, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5890. An act for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co.; and

H. R. 15503. An act authorizing the appointment of an ambassador to the Republic of Chile.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Chicago, Moline, Arlington, Ipava, Altona, Joy, Rive. Forest, Charleston, Equality, Biggsville, and Springfield, in the State of Illinois; of Lawrenceville, Mount Holly, and Fairton, in the State of New Jersey; of Brooklyn, Wappingers Falls, Gloversville, Buffalo, New York, Moscow, Westtown, Greenwich, Waddington, and Delhi, in the State of New York; of West Middlesex, Clarendon, Rennerdale, McConnellsburg, West Liberty, Air-

ville, Eau Claire, and Harrisville, in the State of Pennsylvania; of Clifton, Reily, Zanesville, Crestline, De Graff, Belle Center, and Fremont, in the State of Ohio; Christiana Village and Wilmington, in the State of Delaware; of Ashton, Idaho; Ackley, Iowa; Woonsocket, R. I.; and St. Paul, Minn., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. SMITH of Arizona presented telegrams in the nature of memorials from Markus D. Markham, secretary of the Bartenders' Union, of Jerome; of W. T. Armstrong, of Winkelman; of the Cooper City Brewing Co., of Douglas; of J. C. Bechetti, of Humboldt; of E. W. Carroll, of Prescott; of D. H. Cargul, secretary of the Hotel and Restaurant Employees' Association, of Jerome; of the Warren District Commercial Club, by J. J. Bowen, L. J. Overlock, H. B. Hunter, E. C. Campbell, M. Newman, and A. E. Downs, directors, and Joseph H. Gray, secretary, of Bisbee; of Hugh R. Wilson, George Aitkins, and Parisia & Belles, of Chloride; of Ed. Olsen, the Melscher Bros. Co., T. H. Meehan (Casa Grande), the Baswitz Cigar Co., John Sedler, J. S. McIwaine, Sylvan Ganz, Joseph Thalhaimer, R. D. Jones, John Stroele, Peter Kraber, Henry Shry, J. D. Robertson, A. A. Gibson, Ben. Butler, W. H. Hart, B. E. Shillings, E. Ganz, Charles Dobry, Goldman & Co., John Northcutt, M. T. Vieux, J. J. Elliott, Col. Fred Bowler, N. Fulman, William N. Ellis, Frank C. Connelly, Edwin Eisele, F. S. Ingalls, Aaron Goldberg, F. A. Hildebran, S. Oberfelder, Jack Boland, George B. Lewis, Billie Gammel, Mrs. G. M. Edmunds, S. I. Tribolet (president Kay Copper Co.), J. R. Marsh, Jack Gibbon, R. S. Heaton, Sam Bland, H. P. Church, C. B. Smith, I. Rosenzweig, S. J. Michaelson, S. H. Rhuart, S. P. Hoefer, A. Iden, W. S. Burt, J. Miller, D. Goldberg, Jake Cottrell, H. Proops, Hans Herlich, George B. Pruitt, and Ed. L. Shaw, all of Prescott; of the Yuma County Commercial Club, J. H. Westover, president, L. W. Alexander, secretary; Charles Gilroy, J. R. Kerr, chairman Yuma County Democratic Central Committee; R. E. Patterson, Ming & Lee, Marchesi & Hibbart, Ming & Thurston, Townsend & Sullivan, Paul Moretti, Eugene A. Ingram, Dunne Bros., John Deane, John Dunne (town councilman), A. L. Verdugo (town councilman), W. C. Pryor (town councilman), and George Downey (town councilman), all of Yuma; of Mrs. A. N. Aveldson, Mrs. G. C. Obryan, Mrs. C. M. Thorbeck, Mrs. F. E. Hawkins, Mrs. T. F. Shea, Mrs. Lola Beckers, Mrs. Hugo Thorbeck, Mrs. W. Haskins, Mrs. John Lane, Mrs. Otto Pitesch, Andy Issoblio, J. M. Sullivan, B. D. Harrington, Gottlice Fischer, I. Altman, and Gibson & Johnson, all of Jerome, in the State of Arizona; also from Louis Melczer, of Los Angeles, Cal., and of Louis N. Hammerling, president of the American Association of Foreign Language Newspapers (Inc.), Woolworth Building, New York, N. Y., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented a petition of Wescustago Grange, No. 27, Patrons of Husbandry, of Walnut Hill, Me., and a petition of the Biddeford and Saco Sunday School Association, of Saco, Me., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Portland, Me., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union, of Calais, Me., praying for national censorship of moving pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Chamber of Commerce of Waterville, Me., remonstrating against the extension of the parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHEPPARD presented a memorial of the Trade and Labor Council of Palestine, Tex., remonstrating against conditions in the mining district of Colorado, which was referred to the Committee on Education and Labor.

He also presented a memorial of J. Danziger, of El Paso, Tex., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the XLI Club, of Gainesville, Tex., praying for national censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a memorial of Cigar Makers' Local Union, No. 39, of New Haven, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented resolutions adopted by the Union Card and Label League and Trades Union Auxiliary, Local No. 1, of Seattle, Wash., favoring Government ownership and operation of coal mines, which were referred to the Committee on Education and Labor.

He also presented a memorial of the Harrison Woman's Relief Corps, Department of Washington and Alaska, of Chelan, Wash., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of Beer Bottlers' Union, of San Francisco, Cal., and a memorial of sundry citizens of San Francisco, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Springfield and Spencer, in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by Local Branch, Massachusetts Woman's Suffrage Association, of Lawrence, Mass., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Boston, Springfield, Cambridge, South Boston, Dorchester, Roxbury, East Dedham, Medford, Revere, Everett, Somerville, Charlestown, Waltham, Wellesley, Watertown, Malden, Worcester, Chelsea, Allston, Brookline, Hopkinton, Lawrence, Andover, Salem, Fall River, Athol, Wollaston, Winchester, Lynn, and Arlington, all in the State of Massachusetts, remonstrating against Nation-wide prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of the Cigar Makers' Local Union, No. 39, of New Haven, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of the Equal Franchise Leagues of Hartford, Meriden, New London, Manchester, Norwalk, Norwich, Lime Rock, Torrington, Bristol, Guilford, Putnam, Norfolk, New Milford, Brookfield, Farmington, Ridgefield, Wallingford, Danbury, Bridgeport, Greenwich, Waterbury, Danielson, Ansonia, Derby, Shelton, Middletown, and New Haven, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. LEE of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Union Congregational Church, of Wilmington, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KERN presented petitions of the Central Labor Union and the legislative committee of the National Glass Blowers' Association, of Indianapolis, Ind., praying for the passage of the so-called seamen's bill and remonstrating against the ratification of the proposed treaty on the safety of life at sea, which were ordered to lie on the table.

He also presented resolutions adopted at a convention of 750 churches in the State of Indiana, favoring national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of the United Association of Journeyman Plumbers, of Indianapolis; of the Painters' Union of Lafayette; and of the Central Labor Union of Peru, all in the State of Indiana, remonstrating against the ratification of the treaty on safety of life at sea, which were ordered to lie on the table.

He also presented a memorial of the Indiana State Federation of Labor, remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Willimantic, Enfield, and Jefferson, in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a resolution adopted by the Socialist Party of Roseburg, Oreg., favoring the report of the congressional committees on strike conditions in West Virginia, Michigan, and Colorado, which was referred to the Committee on Education and Labor.

He also presented a petition of the Central Labor Union of Portland, Oreg., praying for Government ownership of mines in Colorado, which was referred to the Committee on Education and Labor.

He also presented a petition of Culver, Oreg., praying for the enactment of legislation to provide for correct marking of

fabrics, leather, and rubber, which was referred to the Committee on Manufactures.

Mr. SMITH of Maryland presented a petition of sundry citizens of Baltimore, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry woman-suffrage organizations of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of New Castle County and of Sussex County, in the State of Delaware, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Cheswold and Leipsic, in the State of Delaware, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Henry Elsfelder, Robert Holz, Fritz Gobel, and 528 other citizens of Vanderburgh, Spencer, Gibson, Warrick, Posey, Dubois, and Perry Counties; of D. Johnson, Duke Jones, Warford Hart, and 785 other citizens of Evansville; and of John Bender, John Denn, jr., Albert Graves, and 40 other citizens of Dubois County, all in the State of Indiana, protesting against the passage of Senate joint resolutions 88 and 50 and House joint resolution 168, providing for nation-wide prohibition by constitutional amendment, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Evangelical Church of Nappanee, Ind., favoring the passage of the so-called Smith-Hughes bill, providing for a "Federal motion-picture commission," which was referred to the Committee on Education and Labor.

He also presented a memorial of the Indiana Federation of Clubs, protesting against polygamy in the Mormon Church and favoring an amendment to the Constitution of the United States prohibiting polygamy, etc., which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. JOHNSON, from the Committee on Fisheries, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4725) providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast (Rept. No. 511); and

A bill (H. R. 5884) granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal. (Rept. No. 512).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 34) authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5052) to reinstate Donald Marion McRae as a cadet at the United States Military Academy, reported adversely thereon, and the bill was postponed indefinitely.

ESTATE OF GEORGE WRIGHT, DECEASED.

Mr. BRYAN, from the Committee on Claims, reported the following resolution (S. Res. 361), which was read, considered by unanimous consent, and agreed to:

Resolved, That in compliance with the request of the assistant clerk of the Court of Claims, pursuant to an order of the court, under date of May 8, 1914, the Secretary of the Senate be, and he is hereby, instructed to return to the Court of Claims the order of dismissal in the following case, namely, George Wright, deceased, against the United States, No. 14978, subnumbered 14, and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SAULSBURY:

A bill (S. 5543) to acquire the manuscript of Charles Chaillé-Long, containing an account of the unveiling of the McClellan Statue; to the Committee on the Library.

By Mr. JOHNSON:

A bill (S. 5544) granting a pension to Timothy Stone; and

A bill (S. 5545) granting an increase of pension to Lizzie U. Ricker; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 5546) granting an increase of pension to John L. Shields (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5547) granting an increase of pension to Anna B. Davis (with accompanying papers); to the Committee on Pensions.

A bill (S. 5548) for the relief of George H. Rarey (with accompanying papers); to the Committee on Claims.

By Mr. SMITH of Arizona:

A bill (S. 5549) granting an increase of pension to Elizabeth Pulsipher; to the Committee on Pensions.

By Mr. OWEN (by request):

A bill (S. 5550) to secure to the United States a monopoly of means for the transportation of oil by pipe lines; to provide for the acquisition by the Department of the Interior of the trunk pipe lines, pumping stations, and terminal facilities, and to operate the same; to the Committee on Interstate Commerce.

By Mr. DU PONT:

A bill (S. 5551) granting a pension to Ellen Davis; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. RANSDELL submitted five amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SHIVELY (for Mr. STONE) submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. ASHURST submitted an amendment authorizing the Secretary of the Navy to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

DEVELOPMENT AND CONTROL OF WATER POWER.

Mr. BURTON submitted the following resolution (S. Res. 362), which was read and referred to the Committee on Printing:

Resolved, That 1,000 additional copies of Senate Document No. 274, Sixty-second Congress, second session, entitled "Hearings on the Development and Control of Water Power Before the National Waterways Commission," be printed for the use of the Senate document room.

PROPOSED DRY DOCK, NORFOLK, VA.

Mr. SWANSON. Mr. President, I ask unanimous consent to have printed in the RECORD without reading a statement of Mr. E. E. HOLLAND, Representative of the second Virginia district, in which is located Norfolk. It is not a very long statement, but it shows the advantages of the lower Chesapeake Bay as a naval base. It contains a great deal of valuable information, and as the naval appropriation bill is soon to come before the Senate I think the statement will be of much interest to Members of the Senate. I therefore ask that it may be incorporated in the RECORD.

Mr. HITCHCOCK. What is the request?

Mr. SWANSON. It is that a very short statement, which will not take two pages, may be printed in the RECORD, made by Mr. HOLLAND, a Member of Congress from the second Virginia district, in regard to the advantages of Norfolk and the lower Chesapeake Bay as a naval base. It contains a great deal of valuable information, and as the naval appropriation bill will come up in the Senate in a few days, I think it will be a matter of interest to Senators to read it. I simply want to have it printed in the RECORD, where Senators will see it. There is no necessity to have it read at the desk. It will not take more than a page and a half, I think.

Mr. HITCHCOCK. It is rather unusual for the Senate to order the publication of a speech by a Member of the other body.

Mr. SWANSON. It is not a speech made in the House. It is a statement, and I think it would be of interest to Senators to have it appear in the RECORD. I hope the Senator from Nebraska will not object.

Mr. HITCHCOCK. I am wondering when we are going to reform by excluding from the RECORD matters which are not properly a part of it.

Mr. SWANSON. We have not been doing that. We put petitions in the RECORD. A great deal of this matter has been included in a petition of the people of Norfolk, but I think this is a better and clearer statement of the situation.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. E. E. HOLLAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA.

Mr. HOLLAND. Mr. Chairman and gentlemen of the committee, I thank you very much for this opportunity of laying before you Norfolk's claims to the proposed dry dock. Virginia has no representative on your committee and on this account may be placed at some disadvantage. Your permission, however, to appear before you and discuss Norfolk's case with you, as best I can, is an evidence of your desire to be fair and impartial in your consideration of it, and to hear all that can be said on either side before any conclusion is reached. If you will permit me first to present our case and will then ask me such questions as you may desire me to answer, I shall very much appreciate it.

This is not, and should not be made, a sectional or political question. The fact is I had hoped that the time had come when we could consider questions of this kind in a spirit of broad patriotism and solely with reference to the good of the Navy and the good of the Nation. I had believed that the time had come when the narrow sectional spirit of other days had been abandoned, and when, with clearer vision, we could see beyond the limits of our own particular States and find need for improvements not to be located therein. Politics and sectionalism should never be allowed to interfere with our naval progress.

I am willing that this committee shall impartially consider the particular merit of each yard, and then vote for such improvements at each yard as will best promote the interest of the Navy and of the Nation, and without reference to the location of the improvement or to the interest of any particular individual or to any particular State therein. I have a strong conviction that patriotism demands that we shall follow such a course.

I wish that it shall be distinctly understood that I am not opposed to appropriations required for improvements actually needed at stations other than Norfolk. I am absolutely unwilling that my desire for needed improvements at the Norfolk yard shall in any way influence me to oppose needed or even similar improvements at other yards. I am opposed, however, to the mistaken policy of developing any yard without reference to its adaptability for the purposes for which its location best suits it. Such a policy has been too long followed, has resulted in large and unnecessary expenditures, and has not contributed to the military value or usefulness of the yards. In the interest of economy, as well as in the interest of the efficiency of the Navy, such a policy ought to be abandoned.

Everybody knows that every yard is not suitably located for shipbuilding and that every yard is not suitably located for ship docking, and that it is a useless waste of money to provide such equipment and facilities at points where they will not be needed or used for such purposes.

Hastily considered extensions, and without reference to any particular plan or purpose, ought not to be made, and the yards ought to be developed so as to make them of most value for general navy-yard work, and at the same time of most service to the Navy. If you will follow some well-matured plan, a practical and logical development can be had, the expenses of operation lessened, and the actual service of the yards increased. So far as I am concerned, I will say to you, in all frankness, that I do not ask for any improvements at the Norfolk yard that will not contribute to the public good and to the greater efficiency of the Navy.

Having made this general statement of my position with reference to navy-yard improvements and extensions, I desire now to submit to you for your consideration the reasons which have convinced me that certain improvements ought to be made at the Norfolk yard.

I can say nothing in favor of the Norfolk Navy Yard that has not repeatedly been said by Army and Navy experts, men whose trained judgment ought to be entitled to your confidence and to your serious consideration.

For the past 100 years every Secretary of the Navy and every commandant of the yard, with hardly a single exception, has made recommendations for its improvement and extension, and naval boards appointed from time to time to examine and report on its condition have repeatedly declared "that no yard belonging to the United States from its geographical position is more important."

As early as the year 1869, before the passions of the great Civil War had subsided, and when the area of the Norfolk yard was smaller by 272 acres than it is to-day, a naval board composed of Rear Admiral Stringham, Admiral Stribling, and Commodore S. P. Lee, appointed by the then Secretary of the Navy to investigate the condition of navy yards and make recommendations concerning them, reported with regard to the Norfolk Navy Yard as follows:

"This is considered the best site on the Atlantic seaboard for a large navy yard. It is situated near the capes of the Chesapeake Bay on the Elizabeth River. Its natural features—proximity to the sea, central position on the coast, mild climate, secure defense by land and sea, a large accessible harbor, safe from wind, sea, and ice; grand extent of fit and inexpensive land, supplying the most abundant and convenient water front, and almost natural basins, like Paradise Creek—are extremely favorable for the construction of a great and national navy yard for all purposes which modern naval warfare requires."

As late as 1912 Secretary of the Navy Meyer testified before the Committee on Naval Affairs as follows:

"I studied the conditions on the Atlantic coast from Charleston to Portsmouth and put the matter up to the General Board of the Navy, and after they had given their opinion I further assigned it to the joint Army and Navy board for consideration, and they reported that the ideal plan for the Navy would be to have two great naval bases on the Atlantic coast in harbors which would receive and could maintain the entire fleet and its auxiliaries. It appeared self-evident that the only two places which could receive the fleet and all its auxiliaries were Hampton Roads, where we have the Norfolk Navy Yard, and Narragansett Bay. If we were freshly confronted with the duty of locating and building the naval stations required on the Atlantic without regard to existing stations, the interests of the Navy and the Nation would be best served by the establishment of one first-class station on the coast north of the Delaware, equipped for docking, repairing, and provisioning at least half of the entire fleet, and one station of the same capacity at Norfolk."

And Admiral Mahan, generally recognized as one of our greatest naval experts, in Naval Strategy, pages 169–170, makes the following statement:

"Chesapeake Bay and New York, on our Atlantic coast, are two points clearly indicated by nature as primary bases of supply, and consequently for arsenals of chief importance. For these reasons they are also proper ports of retreat in case of a bad defeat, because of the resources that should be accumulated in them."

These statements, if any reliance whatever can be placed in the judgment of Army and Navy experts, furnish the most conclusive evidence that the Norfolk Navy Yard ought to be made one of the great naval bases of the country. Such a naval base should have ample docking and repair facilities and should be so equipped that ships could go there on short notice and be docked, repaired, coaled, supplied, and sent out again with a minimum loss of time. And if the interest of the Navy and of the Nation can be best served by the establishment of such a base, and this is the overwhelming opinion of all Army and Navy experts, then its equipment with proper docking and repair facilities for such a purpose ought not longer to be neglected. It already meets all the other essential requirements for such a naval base.

First. It is located on deep water. The Norfolk-Portsmouth Harbor, on which it is located, is one of the very best on the Atlantic coast, and is accessible at all seasons of the year. It has been so pronounced by ship captains of every nation of the world, by the greatest masters of rail and water transportation in this country, and by every naval board that has been appointed to examine it. It is free from obstruction, free from severe storms, and free from damage by ice. The depth of water from the yard to the sea, only 27 miles distant, is 35 feet, and additional depth, when desired, can be easily obtained and at comparatively small cost. The width of the channel is now 400 feet—will soon be increased to 600 feet—and is sufficiently wide to enable the largest ships of the Navy to reach it without difficulty. There is so little silting in the channel that this width and depth can be easily maintained. And the average range of tide in the river is only about 2½ feet, and never interferes with the safe and easy navigation of the harbor.

Some one, it is true, has suggested that the yard is located "on a little river"; but it is also true that the Norfolk-Portsmouth Harbor, in which it is located, together with Hampton Roads, which is a part of it, is big enough to handle annually more than 23,000,000 tons of water commerce, valued at more than a billion and a half dollars, and is also big enough to float the combined navies of the world.

Some doubt having been expressed as to the depth of the channel, I submit herewith a letter from the Chief of Engineers, United States Army, which reads as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
October 4, 1913.

Hon. E. E. HOLLAND,
House of Representatives.

SIR: Replying to your letter of the 2d instant, I have the honor to inform you that the project for the improvement of Norfolk Harbor provides for a depth of 35 feet at mean low water, and on June 30, 1913, there existed a channel from deep water in Hampton Roads to above the Norfolk Navy Yard of not less than 35 feet at mean low water, but the controlling depth over Thimble Shoal, between Hampton Roads and the ocean was on June 30 only 34 feet at mean low water. It is expected, however, that the full project depth of 35 feet will soon be available over this shoal.

Very respectfully,
WM. T. ROSSELL,
Chief of Engineers, United States Army.

This project has now been completed and a survey has been asked for, with a view to securing a depth of 40 feet. With such a depth any battleship of the Navy can reach the station without difficulty. Two of the Navy's largest dreadnaughts did reach it and were successfully docked at this station only a few months ago.

The modern dreadnaught when leaving a navy yard, with all ammunition, coal, and stores aboard, will have a mean draft of 29 feet 9 or 10 inches, and probably an extreme draft of more than 30 feet. I have the following letter as my authority for this statement:

BUREAU OF CONSTRUCTION AND REPAIR,
January 15, 1914.

MY DEAR MR. HOLLAND: Referring to your inquiry of the 12th instant, I have the honor to inform you that the battleships *New York*, *Texas*, *Nevada*, and *Oklahoma* have a mean draft, under normal displacement—that is, with two-thirds coal, two-thirds ammunition, and two-thirds stores aboard—of 28 feet 6 inches. When leaving a yard, with all coal, ammunition, and stores aboard, they will have a mean draft of 29 feet 9 or 10 inches. Depending upon the distribution of stores, it is probable that each of these vessels will have an extreme draft at one end or other of the ship of more than 30 feet. With the increase in size of ships, it is unquestionable that drafts will be further increased.

Very sincerely,
R. M. WATT,
Chief Constructor, United States Navy.

The Philadelphia yard is located on the Delaware River. The Delaware River has a probable depth of 30 feet 1 inch at mean low water. It will take years of time and millions of money to complete the authorized project of 35 feet for that river. I have the following letter as my authority for this statement:

OFFICE OF CHIEF OF ENGINEERS,
January 15, 1914.

Hon. E. E. HOLLAND,
House of Representatives.

SIR: I acknowledge receipt of your request of the 13th instant. I have the honor to advise you that the maximum draft that can be carried over the shoalest part of the Delaware River from the sea to the navy yard at Philadelphia is 30.1 at mean low water. The mean range of tide varies from 5.3 feet at Philadelphia to 6 feet at the head of the Delaware Bay. The width of this channel is 600 feet in the straight reaches and somewhat wider at the heads.

Second. The annual report of the Chief of Engineers for the year ending June 30, 1913, shows that the 35-foot channel for this section of Delaware River was on that date about 12½ per cent completed. The estimated cost of this channel is $10,920,000, of which $4,110,000 has been appropriated to date, leaving $6,809,200 yet to be appropriated.

Third. During the past fiscal year approximately $1,000,000 was expended in furthering the work on this project. At this rate 10 years would be required to complete the improvement. The present plans contemplate an expenditure of approximately $2,000,000 a year, which would thus cut the time for prosecuting the work down to five years. As a matter of fact, however, the length of time which will be required to carry this work to completion will depend upon the rate at which appropriations for the work are made by Congress.

Very respectfully,
EDW. BURR,
Colonel, Corps of Engineers, Acting Chief of Engineers.

This letter shows that, so far as the War Department is concerned, the channel of the Delaware River is "legislatively completed at 30 feet for mean water," but the actual channel conditions are probably more accurately described by Representative MOORE, of Philadelphia, one of the best informed men in the House on questions of this kind, in the argument he made before the House Committee on Naval Affairs last year. At that time he made the following statement:

"They have reported that we have 30 feet of water, so far as all legislation and engineering is concerned, for a length of 60 miles. There are creeks and rivers running into the main channel which add to the silt formation. It is a slushy, soft sort of material, and men who navigate the river differ as to the actual bottom depth; but it is a fact that we have more than 28 feet at mean low water, and we have what the Army engineers and shipping men consider an actual 30-foot mean low water depth, including this silt. At this time we are working under the new appropriation on a 35-foot channel, and that work demonstrates that here and there may be a formation of silt which raises the bottom at certain points in this 60-mile length. Vessels drawing more than 28 feet can and do push their way through it, but they take advantage of the tides. The problem is one of dredging and maintenance, and we are now trying to meet it." (See CONGRESSIONAL RECORD, 62d Cong., p. 2136.)

The maintenance of the present depth, according to the report of Lieut. Col. Kuhn, "has at all times necessitated careful observation of the channel at all points by survey parties, and the prompt removal of any shoaling on the first indications" (see Rept. U. S. A. Engineers, 1913, p. 1747), and at a total cost of more than $300,000 for the past year, or nearly one-eighth of the total amount expended by the Government on the maintenance and improvement of the Norfolk-Portsmouth Harbor since 1876.

But the depth of the Delaware River, if 30 feet 1 inch at mean low water, is not sufficient for its safe navigation by the present large dreadnaughts, and certainly will not be safe for vessels of larger size and of increased draft. The battleships *New York, Texas, Nevada,* and *Oklahoma* "have a mean draft, under normal displacement, of 28 feet 6 inches," and according to the best "expert naval opinion a safe channel should be swept to at least 3 feet below the maximum battleship draft." I have the following letter as my authority for this statement:

NAVY DEPARTMENT, *January 27, 1914.*

MY DEAR MR. HOLLAND: Your letter to Rear Admiral Blue, respecting the depth of water that should be under a battleship's keel for safe investigation has been brought to my attention, and I beg to reply as follows:

Expert naval opinion considers that a safe channel should be swept to at least 3 feet below the maximum battleship draft. Thus a battleship drawing 32 feet could safely use a channel with 35 feet of water at mean low water. The extra 3 feet is necessary, because every ship "squats" when proceeding in shallow water, the amount of "squats" or increase in draft depending upon the speed. The General Board of the Navy has recommended a practicable depth of 40 feet in all approaches to navy yards, because a ship drawing 32 feet—the maximum draft of new construction—with her compartments forward flooded, is estimated to increase her draft to 39 feet. By proceeding dead slow, she could use a channel with a known depth of 40 feet. The above figures apply to smooth water. If there is an ocean swell at the entrance to a channel, an additional allowance must be made, and this allowance depends upon local conditions. When strong local offshore winds blow for a considerable time, the depth of water in channels leading to large estuaries, such as Chesapeake Bay, and certain harbors, as New York, is very appreciably decreased.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

Hon. E. E. HOLLAND,
House of Representatives.

Would a practical business man, with full knowledge of the condition of the channel approaches to the two stations, build at this time a dry dock capable of accommodating the biggest ships of the Navy, at Philadelphia or at Norfolk?

Second. It is located sufficiently far from the sea to prevent its bombardment by an enemy's fleet, behind ample defenses, independent of the fleet, and with an approach channel that can not be easily obstructed.

The naval board appointed in 1869 to make a report on the conditions of the Norfolk yard, said:

"It is, though near the sea, as inaccessible to attack as if it were far inland, possessing every advantage required for defense by land and by sea, and by its exterior and exterior lines of defense. Its situation is healthy, in a temperate climate, in the sea air, and on a firm, sandy soil."

It has ample defenses independent of the fleet. Large fortifications have been erected by the Government at Fortress Monroe, and these are ample to protect the yard and also to prevent any obstruction of the approach channel. When Cape Henry is fortified, as is now contemplated, it will be the best protected yard on the coast, and can, in the opinion of Army and Navy experts, be easily maintained, even in time of war, as the greatest distributing, equipping, and refitting station of the Navy.

Third. It has good communications, both by rail and water, with manufacturing and supply centers, and is capable of furnishing quickly sufficient coal, fuel, oil, provisions, and other supplies for naval vessels.

Eight great trunk lines, having a trackage of nearly 50,000 miles, and 32 foreign, coastwise, and river lines, operating and reaching out in every direction, connect the Norfolk yard with all the principal material supply depots in the country. Materials of all kinds and of the very best quality used in the construction or repair of ships can be assembled here with great dispatch and at the lowest cost. Such materials, and in such quantities as may be desired, are now assembled at Newport News, located in almost the same harbor, at prices which enable the great shipbuilding plant at that point to successfully compete with all other shipbuilding plants in the country for Government work.

It is now recognized as the great clearing house of the fleet for coal, oil, ammunition, and stores. More than 45 per cent of the coal consumed for naval purposes on the Atlantic coast is delivered to ships and vessels of the fleet from the great terminal coaling points on Hampton Roads. Naval colliers also carry large quantities of this same coal from these same points to the Pacific coast. The kind of coal delivered from these piers is the celebrated Pocohontas coal, long since recognized as the very best steam coal on the market for naval purposes.

Great quantities of ammunition are prepared, assembled, and stored at the naval magazine at St. Juliens, only a few miles from the station. More than 3,000,000 separate pieces of ammunition, including shells, cartridges, and explosives, were delivered from this station to such vessels during the six months ending December 31, 1912.

On the opposite side of the river from the yard are great oil tanks from which vessels can be promptly supplied, and also the St. Helena Training Station, one of the very best, and certainly the least expensive, stations owned by the Government. During the fiscal year ending July 1, 1912, 4,932 men were transferred from this station to seagoing vessels.

I have mentioned these facts to show that this yard, already the Navy's greatest coal, ammunition, and stores supply station, can, by reason of its location and its splendid rail and water transportation facilities, be as easily made one of its greatest material supply depots. I have also mentioned them to show that naval vessels, after they have been docked, repaired, or constructed at this yard, can then be quickly supplied with coal and ammunition, provisioned, and prepared for any cruise or for any service.

Fourth. It is located at a point where climatic conditions are unsurpassed, and where an efficient force of skilled workmen can be secured and maintained at all times.

The climatic conditions of the yard are almost ideal. Its mean temperature is as follows: Spring, 57°; summer, 78°; autumn, 62°; winter, 42°. Severe weather never interferes with its work. Workmen can be comfortable while at work, and are thereby enabled to do better work and in much better time than if compelled to work under different climatic conditions. With a certainty of steady employment, and with a certainty of cheap and comfortable homes, which can easily be had either in Norfolk or Portsmouth, mechanics will be attracted to this yard and an efficient force of workmen can be maintained at all times.

This is best evidenced by the fact that at Newport News, practically within the same harbor, and where climatic conditions are similar, no difficulty has been experienced by the private shipbuilders there in maintaining a sufficient force of skilled mechanics, and at such fair and reasonable wages as to enable them to secure contracts for building great battleships for the Government in competition with all the other great shipbuilders of the country. If such a force of skilled workmen can be secured and maintained at Newport News by private parties, it can hardly be doubted that equally as large a number can be secured and maintained at Norfolk by the Government.

This station, therefore, meets all the requisites for a great naval base, with the single exception that it has not sufficient means for the upkeep and repair of the fleet. Its docking and repair facilities are inadequate. There is an especially urgent demand for additional docking facilities, and for the reasons, briefly stated, as follows:

First. By reason of its geographical location it is visited by a larger number of naval ships and vessels than any other station on the coast.

Naval ships and vessels pass and repass it in going to and returning from all points south of Cape Hatteras. They call at this station for coal, ammunition, stores, and necessary dockings and repairs.

When we examine the sheets issued by the War Department showing the daily movements of vessels for the year 1912 we find, according to a report made by Capt. J. B. Patton, of the Navy, the following:

Arrivals and departures of vessels.

Norfolk Navy Yard	642
Norfolk Harbor, including Hampton Roads	662
Total	1,304
New York Navy Yard	375
New York Harbor, including North River, East River, and Tompkinsville, and including 246 arrivals and departures during naval review, Oct. 12, 1912	437
Total	812
Boston Navy Yard	202
Boston Harbor	1
Total	203
Philadelphia Navy Yard	123
Philadelphia Harbor	0
Total	123

Arrivals and departures, as shown by Movements of Vessels, issued daily by the Navy Department, for the calendar year 1913, are as follows:

Norfolk Navy Yard	564
Norfolk Harbor, including Hampton Roads	828
	1,392
New York Navy Yard	455
New York Harbor, including Tompkinsville, North and East Rivers	142
	597
Boston Navy Yard	179
Philadelphia Navy Yard	138

These figures show that during the years 1912 and 1913 the number of naval ships and vessels at the Norfolk yard for docking, repairs, and other purposes, and in Hampton Roads for coal, ammunition, and stores, was larger than at all the other yards on the Atlantic coast. I have made no examination for the purpose of comparing these figures with the figures for others years, but I am satisfied a close examination will disclose that they are not unusual.

Mr. LEA. I would like to make just a brief statement there. It is pretty hard to answer a statement some time after it has been made, and I would like to answer that statement at this point. I simply want to suggest that two-thirds of the tonnage of the naval rendezvous at New York in October a year ago came from the Philadelphia Navy Yard.

Second. In consequence of the large number of ships that go to this yard the number of necessary dockings is larger than at any other station on the coast.

Hampton Roads is the fleet's rendezvous. Its drill and practice grounds are near the Capes. Its peace cruising is largely done in the West Indies. Ships pass and repass this point in going to and returning from the Panama Canal. It is quite certain, therefore, that

the number of ships which will go to this station for docking, repairing, and other purposes, and to Hampton Roads for coal, ammunition, and supplies, will largely increase each year.

For the calendar year 1912, according to a report made by Capt. J. B. Patton to the department, the number of vessels docked at the several yards on the Atlantic coast was as follows:

Norfolk	103
New York	82
Boston	53
Philadelphia	33

"If we credit," says Capt. Patton, "New York with only 3½ docks, because No. 4 Dock was only in use half the year, and Norfolk with 2½ docks, because No. 1 was used exclusively for six months in rebuilding the *Warrington*, then the activity of the docks at the several yards is indicated by the following figures:

	Vessels.
Norfolk docked per dock per annum	41
Boston docked per dock per annum	26
New York docked per dock per annum	23
Philadelphia docked per dock per annum	16

And this is not an exceptional showing for this yard.

In a letter from the Chief of the Bureau of Construction and Repair, dated August 22, 1913, I find the following statement:

Data regarding vessels docked during the past year.

	Number of vessels docked.	Days dock in use.
Navy yard, Boston:		
Dock 1	32	192
Dock 2	23	175
Total	55	
Navy yard, New York:		
Dock 1	29	237
Dock 2	18	289
Dock 3	26	202
Dock 4	16	168
Total	89	
Navy yard, Philadelphia:		
Dock 1	15	231
Dock 2	28	222
Total	43	
Navy yard, Norfolk:		
Dock 1	28	234
Dock 2	53	266
Dock 3	63	278
Total	144	

This is an exceedingly interesting statement. It shows that we docked at Norfolk last year more than 40 per cent of all the ships docked at all the stations on the Atlantic seaboard. It shows that during the past year as many ships were docked at the Norfolk station as at any two other stations on the coast, considerably more than twice as many as at Boston and considerably more than three times as many as at Philadelphia. It also shows a greater activity of the docks at the Norfolk station than at any other station, each dock at this yard having been in use a greater number of days during the year than any dock at any other yard, with the single exception of Dock No. 2 at the New York yard.

I also submit herewith a statement showing the number of vessels docked at the several yards for the years 1909, 1910, and 1911. This is also an interesting statement. It shows the increasing activity of the docks at the Norfolk yard. Sixty-six vessels were docked here in 1909 and 144 in 1913. At Philadelphia 25 vessels were docked in 1909 and 43 in 1913.

Navy yard.	Dock No.	Number of vessels.			Days dock was in use.		
		1909	1910	1911	1909	1910	1911
Boston	1	14	29	15	89	176	72
	2	12	28	19	93	117	125
Total		26	57	34	182	292	204
New York[1]	1	27	34	32	213	223	196
	2	8	16	2	51	151	251
	3	13	15	26	157	180	166
Total		48	65	60	421	554	613
Philadelphia	1	13	16	6	180	101	253
	2	12	17	20	186	206	136
Total		25	33	26	366	307	389
Norfolk	1	28	20	43	321	277	235
	2	30	24	36	275	233	228
	3	8	16	23	102	132	131
Total		66	60	102	698	642	594

[1]Dry Dock No. 4 was not commissioned until May 9, 1912. First vessel docked Dec. 8, 1906.

If a larger number of vessels are docked per dock per annum at this yard than at any other yard, and if the docks at this yard are used a greater number of days during the year than the docks at the other yards, it would seem to follow that there is a more urgent demand for additional docking facilities at this yard than at any other on the Atlantic coast.

Third. The present docking facilities at the yard are insufficient to meet the needs of the fleet.

This can be established, first, by the testimony of Army and Navy experts, and, second, by the actual physical condition of the docks at the yard.

On page 181 of the hearing before the committee Admiral Stanford, Chief of the Bureau of Yards and Docks, made the following statement:

"The present docking facilities are overtaxed. The present docks are insufficient for the docking of vessels that are now assigned to the yard."

The Board of Inspection for Shore Stations, in its recent report, said: "While an additional dry dock would increase the docking facilities at this yard, it would not constitute a reserve, since the present docking facilities are inadequate"

We now have three docks at this station. Dock No. 1 is a small dock and has been in use since 1832. At that time only wooden ships were constructed. Dock No. 2 is a timber dock and was completed in 1889, or 25 years ago. It is already beginning to show signs of weakness and decay. It is necessary to make large annual repairs on it in order to keep it in condition to be used. The life of a timber dock is only 30 years. Referring to this dock, the Chief of the Bureau of Yards and Docks, in a letter dated September 16, 1913, says:

MY DEAR CONGRESSMAN: Replying to your letter of yesterday (the 13th), inquiring as to the present condition of the timber dry dock at Norfolk—Dry Dock No. 2—and how many years it can probably be safely used, the bureau begs to state that this dock was completed in 1889 and has never received any extensive repairs. The average life of a timber dock, without extensive repairs, is generally assumed to be about 30 years, depending largely on local conditions, but this dock has withstood deterioration unusually well and is now in fairly good condition. It is estimated that it is good for 10 years' useful life, with an annual expenditure of about $3,000. This estimate, however, is based upon a superficial examination which, of course, does not disclose the condition of the foundation, piling, and framework, but is thought to be conservative.

Very respectfully,

H. R. STANFORD, *Chief of Bureau.*

The life of this timber dock is therefore very uncertain. It certainly can not be many years until it becomes unfit for use. It would most probably be condemned before a new dry dock could be completed, even if one should be authorized at this session. Fifty-three vessels were docked in it during the past year. Without this dock many of these dockings, although necessary to maintain the efficiency of the fleet, could not have been had at this station.

Dock No. 3 is the only dock at the yard capable of accommodating the largest ships and is in almost continuous use. If this dock should be damaged or should have to be repaired or should have to be used for many months by one ship undergoing extensive repairs, then the yard could not furnish the docking facilities necessary for the actual needs of the fleet. It is always wise to provide for such contingencies as may reasonably be expected. It is not unreasonable to expect that this dock may have to be repaired or may have to be occupied for a considerable time by a vessel undergoing repairs.

The number of large battleships is increasing. Injuries to ships, necessitating prompt dockings, are liable to occur at any time, and vessels in distress invariably seek this yard. With Hampton Roads used by the fleet as its most frequent base of operations, there is a greater probability of unforeseen dockings at the Norfolk yard than at any other station on the coast. Would it not be the part of prudence to provide ample docking facilities at this section for such contingencies?

There is only one other dock on the Atlantic coast capable of accommodating the biggest ships of the Navy. Would you send these ships there to be docked? Could this station, in addition to the ships assigned to it, take care of the additional dockings required? And if it could, would not the delay and expense of sending ships to that station be considerable and sometimes dangerous?

The fact that docking facilities at this yard are inadequate and that additional facilities are needed is convincingly shown by the circumstances attending the recent arrival there of the disabled battleship *Vermont*. The battleship *Vermont* was docked immediately upon its arrival in order that the extent of its damage might be determined. The battleship *Delaware*, which convoyed the *Vermont* to Norfolk, was found to need examination. There being only one dock there in which the *Delaware* could be examined, it was necessary to undock the disabled warship *Vermont* before any repairs on it had been undertaken and dock the *Delaware* in order that its condition could be ascertained. In the meantime the *New Hampshire* and the *Louisiana* had reached the station, and it was necessary to delay the docking of these warships until the repairs on the *Delaware* could be completed. Such a condition, liable to occur at any time, not only makes it imperative to provide additional docking facilities at this station, but proves conclusively that the present facilities are inadequate.

With such evidence and such conditions before them, the Army and Navy experts have recommended additional docks for this station, and these recommendations have been approved by the department.

The basic value of any yard is usually measured by its dry-dock possibilities and its dry-dock facilities. Its strategical, commercial, and manufacturing advantages, "as well as its adaptability and capacity for contributing to the endurance and efficiency of the fleet," largely determine its military usefulness. The Joint Army and Navy Board must have been satisfied that its dry-dock possibilities were apparent and could easily be enlarged, and that its advantages made it a station of the greatest military usefulness, or else this board would not have advised Secretary Myer "that the interest of the Nation and of the Navy could be best served by the establishment at Norfolk of a first-class station, fully equipped for docking half the fleet."

The Board of Inspection for Shore Stations, in its recent report, declared "that the most important improvement needed at the Norfolk yard, and the one which should be provided at the earliest possible time, is an additional dry dock of the largest dimensions," and gave as one of the reasons for its conclusion "that this yard is centrally located and more liable to be called upon for unforeseen repairs and unforeseen dockings than any other station on the coast."

Admiral Stanford, Chief of the Bureau of Yards and Docks, in the hearing before the committee, page 173, quotes this recommendation of the board in full, and gives it his indorsement.

Admiral Watt, Chief of the Bureau of Construction and Repair, on page 260 of the hearings before the committee, stated that "the lower Chesapeake is a natural base, and that a permanent naval base should have ample docking and repair facilities."

Capt. Winterhalter, speaking for the General Board, recently said, in part, as follows:

"Sectionalism does not enter into the consideration for the good of the Navy. The General Board expresses the best thought of the Navy, embodying research and investigation, together with calm deliberation upon the needs of the right arm of the national defense. Its conclusions may be accepted as those of minds ripened by long experience in the service."

A dry dock of 1,700 feet is necessarily long and unnecessarily expensive. But in order to place Philadelphia in its proper strategical position with regard to the dry-dock question, I requested the General Board, on last Tuesday, for its opinion as to the relative order of importance of location of the next needed large docks. This is it:

"The provision of a new dry dock at Philadelphia should wait upon the provision of the new dry docks at Guantanamo, Norfolk, and New York, in that order of importance, unless the appropriations can be obtained for simultaneous building. That is the Atlantic dry-dock solution—the Navy needs—brought up to date. (See Philadelphia Inquirer, Dec. 20, 1913.)"

Admiral Stanford, Chief of the Bureau of Yards and Docks, on page 184 of the hearings, after quoting the recommendation of the general board as to dry docks, said:

"The recommendation for the Norfolk dock has been repeatedly urged for the past four years."

Could expert evidence in favor of the location of the new dry dock at Norfolk be stronger? It is not the opinion of a single board, but the general consensus of opinion of all the Army and Navy experts who have for years calmly deliberated upon the needs of the Navy, the unbiased conclusion of men whose minds have been ripened by years of experience in the service. Such recommendations had, and ought to have had, strong weight with the Secretary of the Navy. Convinced that he ought to approve them, he did not hesitate to do his duty and to recommend that an immediate appropriation be made with which to begin the construction of the proposed dock. Supported by the best judgment of the Army and Navy experts from every section of the country, he need not be disturbed because of some unjust criticism of his course. I sincerely hope that this committee will adopt his recommendation and will make the appropriation asked for.

I have heard only three objections to the location of the proposed dock at Norfolk.

The first objection is that the channel conditions of the river in front of the yard at Norfolk are not satisfactory.

It is true that these conditions are not entirely satisfactory, and ought to have been improved years ago. Under a project adopted March 2, 1907, a dredged channel 30 feet deep, 600 feet wide from Hampton Roads to Lamberts Point, 800 feet from Lamberts Point to the navy yard, and from 470 to 700 feet in the Southern Branch of the Elizabeth River, was provided for.

By the act of June 25, 1910, the dredging of the channel 35 feet deep and 400 feet wide at mean low water from deep water in Hampton Roads to the Belt Line Bridge above the navy yard, a distance of 11 miles, was authorized. Both of these projects have since been completed, and, in addition, the channel conditions have been improved by dredging authorized from time to time by the Navy Department.

The depth of the dredged channel in front of the navy yard is now 35 feet and from 470 to 700 feet wide, varying according to the pierhead lines on the opposite side of the river. In front of Dry Dock No. 3 this channel is now about 600 feet wide.

Mr. KELLY. How long are the longest battleships?

The CHAIRMAN. I think the longest is five hundred and some odd feet.

Mr. KELLY. How wide is the river in front of the yard?

Mr. HOLLAND. In front of Dry Dock No. 3 this channel is now about 600 feet wide.

This is best evidenced by the fact that two of the Navy's largest battleships, the *Texas*, 565 feet long, and the *Wyoming*, 568 feet long, were recently successfully docked at this station. Steps are now being taken, however, to improve these channel conditions. An appropriation has already been made for the purpose of acquiring, by purchase or condemnation, land on the opposite side of the river at the narrowest point. No agreement could be reached between the Government and the owners on the price to be paid therefor, and, in consequence, proceedings have been instituted for the purpose of acquiring this land by condemnation. These proceedings will shortly be terminated, and, before the completion of the proposed dock, if authorized at this session, the maximum width of channel required for all naval needs can and will be secured, and at a cost not exceeding the appropriation already made therefor. In addition to the improvements already authorized, it is confidently expected that a project providing for a channel 35 feet deep and 600 feet wide, recommended in a recent report and approved by the Board of Engineers for Rivers and Harbors, will be adopted at this session of Congress. When all these improvements are completed, there will be a dredged channel 750 feet wide and 35 feet deep and an available width fronting Dry Dock No. 3 of at least 850 feet. And my information is that if the proposed new dry dock is located, as suggested by Admiral Stanford, Chief of the Bureau of Yards and Docks, there will be in front of this dock an available channel width of at least 1,500 feet. These channel conditions are not, therefore, as grave as some people would have you believe. They can be easily improved, within a reasonably short time, and at a price less than the cost of maintaining the channel in the Delaware River for one year. The fact is, that the channel, without any improvements, is now deep enough to permit the biggest battleships to reach the yard, and, when the authorized improvements are completed, will be wide enough to permit the largest ships now contemplated to be docked there without the slightest difficulty or danger. This objection, therefore, is a mere pretext for opposing, and not a real objection to, the proposed improvement.

The second objection is that the location of the proposed dock is a short distance from the present yard shops.

This is true, but a casual inspection of the yard and a careful study of the location, character, and condition of the buildings will convince any impartial person that this objection is not entitled to serious weight. The present facilities at the yard for economical work, as well as the necessary conveniences for such work, are not such as will be found at any modern shipbuilding plant. Admiral Stanford, in the hearing before the committee, page 173, made the following statement:

"The present yard structures are poorly arranged and poorly designed for the demands which are being made upon them. When this yard was first built they were building wooden ships, and the shops were designed for the building of light-draft wooden vessels."

In the recent report of the Edwards Board I find the following:

"The Norfolk yard, being one of the oldest in the country, contains many old buildings, of a design and construction which, judged from modern industrial needs, are neither adaptable for storehouses nor for manufacturing purposes. While they were undoubtedly of excellent construction for the period in which designed, and have served the purpose for which built, some are now showing signs of weakness and the lives of all can not probably be greatly prolonged. It would undoubtedly promote both economy and efficiency to give consideration to the question of erecting new buildings in preference to attempting any important improvement or extension of buildings which were designed for conditions that no longer exist, and which can not possibly again prevail."

These statements are convincing that new buildings and new machinery must be provided if the yard is to be successfully operated even as a repair station.

A practical business man always strives to secure for his plant every convenience that will enable him to perform his work in the most economical manner. If he finds some of his buildings are inconveniently located, he immediately takes steps to rebuild them on more convenient locations, and if his machinery by reason of age or otherwise will not render efficient service he immediately replaces it with more modern machinery. If the Government wishes to secure satisfactory and economical work, it must pursue the same course that an ordinarily prudent business man would follow. This course may necessitate the abandonment of some old buildings and the purchase of some new machinery, but it will be real economy to take this step rather than to continue to use buildings designed for the handling of "light-draft wooden vessels" and machinery, some of which was purchased before the Civil War and ought to have been condemned years ago. If these new improvements are placed upon the undeveloped tract of land now owned by the Government, and the only logical development of the yard is in that direction, then by the time the new dock is completed this apparent objection will have been entirely removed.

But Philadelphia ought not to raise this objection to the location of the proposed dock at Norfolk.

The appropriations for the Philadelphia yard from 1883, when a naval board recommended that it should be closed unless it could be improved for the purposes for which originally purchased, to 1914, inclusive, have amounted to $9,616,319.21. During the same period the appropriations for the Norfolk yard have amounted to $8,286,958.23, or $1,329,361 less than the appropriations for the Philadelphia yard. My authority for this statement is a letter from the Paymaster General of the Navy, which is submitted herewith:

NAVY DEPARTMENT, *January 17, 1914.*

Hon. E. E. HOLLAND, M. C.,
House of Representatives.

DEAR SIR: Complying with your request on the 13th instant, I take pleasure in inclosing herewith a statement showing the aggregate amount of the appropriations for the Boston, New York, Philadelphia, and Norfolk Navy Yards for the years 1883 to 1914, inclusive.

Very respectfully,

T. J. COWIE,
Paymaster General United States Navy.

Boston	$7,218,360.00
New York	12,533,561.47
Philadelphia	9,616,319.21
Norfolk	8,286,958.23

The two docks built at Norfolk within that period have cost $2,233,945, and the two docks built at Philadelphia have cost $2,020,250, or a difference of $213,695. (See Navy Yearbook, 1913, p. 854.)

Mr. LEE. I wish to state at this point that I showed to the naval expert, Capt. Winterhalter, that instead of a dry dock at Norfolk costing less than a dry dock at Philadelphia, that the dry dock at Philadelphia cost $557,000 less than the dry dock at Norfolk, and I hope the gentleman will correct his figures in that regard.

The CHAIRMAN. He makes his own statement, and your brief is in the record. The two statements will be there for the committee to consider.

Mr. LEE. Capt. Winterhalter showed that he did not know that the power plant at Philadelphia was included in the dry dock.

The CHAIRMAN. Those are questions of fact for the committee to consider.

Mr. WITHERSPOON. That does not render the other statement incompetent at all.

The CHAIRMAN. No.

Mr. HOLLAND. According to these figures, Philadelphia has expended on its buildings and improvements, exclusive of its dry docks, $1,543,056 more than Norfolk has expended during the same period, leaving out of consideration the facts that out of Norfolk's appropriations the St. Helena Training Station has been largely built and 272 acres of additional land purchased, at a cost of $400,000, and added to the original yard. But after all, the location of this dock has not yet been selected, and when selected it may be found that it will be so close to the present yard shops that it will not be necessary to erect many new buildings.

But why should Philadelphia urge this objection? Any experienced employee at any navy yard will tell you that the one shop that ought to be near a dry dock is the machine shop. If the dock should be located at Philadelphia so as to connect the river and the basin—and this is urged as the main argument for its location there—it will be 1,400 feet, or more than a quarter of a mile from the machine shop. The relation, therefore, between shops and dry dock would not be ideal even at Philadelphia. (See Stanford hearing, p. 186.)

The third objection is that the dry dock can not be as economically constructed at Norfolk as it can be at Philadelphia.

It seems to me that the question of cost is one of secondary importance. A new dry dock ought to be constructed at the place where it is actually needed, and not where it can be most cheaply constructed. It ought to be placed at a station where it can be reached by the biggest battleships, so that the present efficiency of the Navy may be promoted. But would it cost more to build this dock at Norfolk? There is no reason why the work can not be done there just as cheaply as elsewhere, and in this opinion Admiral Watt, Chief of the Bureau of Construction and Repair, concurs. On page 261 of the hearings he makes the following statement:

"There are no reasons known why a dry dock can not be constructed there as cheaply as at other stations."

It is not necessary, however, to rely upon mere estimates of cost. Dry docks have been built at the two stations within recent years, and the figures showing the actual cost of these docks have been easily secured. Dry Dock No. 2 at Philadelphia cost $1,471,550. Dry dock No. 3 at Norfolk originally cost $1,200,000. It was subsequently extended, and, with the extension, it cost, fully completed, $1,728,965, or $257,415 more than the Philadelphia dock. (See Navy Year Book, 1913, p. 845.)

A letter submitted herewith gives the cost and size of each dock:

NAVY DEPARTMENT, *January 17, 1914.*

Hon. E. E. HOLLAND, M. C.,
House of Representatives.

Subject: Information regarding dry docks at Philadelphia and Norfolk Navy Yards.

Reference: Your letter of January 13, 1914, to the Bureau of Yards and Docks.

MY DEAR MR. HOLLAND: Referring to your letter above mentioned, the following information is furnished in regard to the dry docks at Philadelphia and Norfolk:

	Philadelphia, No. 2.	Norfolk, No. 3, including extension.
Length	744 feet 6⅞ inches	722 feet 11 inches.
Depth, mean high water, to top of keel blocks.	29 feet 10½ inches	31 feet ½ inch.
Width, 6 feet above sill	91 feet 10 inches	101 feet.
Cost	$1,471,550.57	$1,728,965.93.

The Norfolk Dock was extended in 1910 by the addition of 182 feet at a cost of $528,965.93, which is included in the total cost given above.

The depth and width of the entrance of the Philadelphia Dock are less than the Norfolk Dock.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

You will note that the dock at Philadelphia is a little longer than the dock at Norfolk, but the Norfolk Dock is deeper, has a wider entrance and, according to the testimony of the experts, can now accommodate the biggest ships of the Navy, while the Philadelphia Dock, according to the same experts, is not big enough to do so. It must also be remembered in this connection that the removal of the end of the original dock, in order to extend it, added materially to its final cost and may entirely account for the difference in the cost of the two docks. Conditions at the two yards are the same now as then, and the only sensible conclusion is that the relative cost of dock construction at the two yards can not be materially different. And this statement is sustained by the following letter from Admiral Stanford, Chief of the Bureau of Yards and Docks:

BUREAU OF YARDS AND DOCKS,
September 13, 1913.

Hon. E. E. HOLLAND, M. C.,
House of Representatives.

MY DEAR MR. HOLLAND: The following information regarding certain conditions at the Norfolk Navy Yard is submitted in compliance with your request of December 11:

The present width of channel in front of the navy yard is now about 500 feet. An appropriation has been made for acquiring property on the other side of the river opposite the entrance to the largest dry dock, No. 3, and widening the river by dredging to give a channel 700 feet wide in this vicinity.

In the construction and extension of Dry Dock No. 3, the latest and largest one at Norfolk, no special difficulties were encountered in the foundation. So far as can be determined in advance of complete borings or test pits, similar conditions are anticipated on the site of the proposed Dry Dock No. 4.

As regards the relative cost of dry-dock construction at Norfolk and Philadelphia, the principal features of the work affected would be the cofferdam, work of excavation, cost of common labor, and cost of materials required in concrete. It is not probable that the cost of the cofferdam work would be radically different at the two stations. The cost of excavation would probably be slightly less at Norfolk than at Philadelphia, because of the softer character of material to be handled. It is not practicable to make a reliable estimate of the amount of this difference without first making numerous borings, which would not be warranted until after the work of construction had been authorized. The cost of labor would probably be less at Norfolk than at Philadelphia, and this advantage would probably be somewhat increased due to the less rigorous climate at Norfolk.

It is not improbable that the cost of concrete at Philadelphia would be from $150,000 to $200,000 less than at Norfolk, as result of the favorable deposits of sand and gravel which are found at Philadelphia, and which would have to be removed incident to the excavation of the dock.

Very respectfully.

H. R. STANFORD, *Chief of Bureau.*

Now, if the principal items of dock construction will be, as stated in this letter, the cofferdam work, work of excavation, common labor, and the materials required in concrete, and if the cost of cofferdam work will not be different at the two stations, the cost of excavation and of common labor less at Norfolk, and the cost of materials required in concrete only from $150,000 to $200,000 less at Philadelphia, how is it possible to figure that a 1,700-foot dry dock can be built at Philadelphia at the same price at which our 1,000-foot dock can be built at Norfolk? The fact is, the dry dock at Norfolk, if located as suggested by Admiral Stanford, Chief of the Bureau of Yards and Docks, will cost, according to his estimate, only $2,350,000, while the 1,700-foot dry dock at Philadelphia, as stated by Representative MOORE in his argument before the Committee on Naval Affairs last year, would, in the opinion of Admiral Hollyday, cost in excess of $4,000,000. (See CONGRESSIONAL RECORD, p. 2138.)

But some one has suggested that the relative cost of construction at the two yards might be materially different on account of greater difficulty in securing a solid foundation for the dock at Norfolk. Absolutely no difficulty has been encountered in the past with foundations of dry docks and other structures at this station, and there is not the slightest apprehension of any such difficulty in the future. Marl exists at depths varying from 50 to 150 feet below the surface throughout the area of this yard, and in the case of Dock No. 3 at this station this foundation of marl was of such excellent character as to eliminate entirely all need for foundation piles. The following letter from Admiral N. R. Usher, commandant, explains the subsoil conditions at this yard:

"Results of exploratory borings and experience with foundations of dry docks and other structures in the yard proper and at the Marine barracks, together with knowledge of the experience of others with foundations in this immediate vicinity, all lead to the conviction that subsoil conditions greatly favor the economical construction of a dry dock on the Schmoele tract. As a matter of fact, it is well known that marl exists at depths varying from 50 to 150 feet below the surface throughout the area of this tract. There is nothing whatever indicating the possibility of encountering variations in the subsoil conditions which would warrant the selection of one site over another within the limits of the Government property at this station."

And the statements made in this letter are sustained by the testimony of Admiral Stanford and of Admiral Watt in the hearings before the committee (p. 1783).

But there is one objection that has not been urged against the location of the dock at Norfolk, and that is the cost of widening and deepening the channel to the navy yard. The appropriations for the improvement of harbor conditions at Philadelphia, and in order to secure a depth of 30 feet in the Delaware River, have amounted to $19,217,864.51. (See Report of Chief of Engineers, U. S. Army, 1913, p. 1749.) The estimated cost of the present 35-foot project for that river is $10,920,000. The appropriations for improving the harbor at Norfolk-Portsmouth, and in order to secure a channel 600 feet wide and 30 feet deep and a channel 400 feet wide and 35 feet deep, have amounted to $2,625,458.84. The estimated cost of the present project for a channel 600 feet wide and 35 feet deep is $840,000. The estimated cost of maintenance of the Delaware River channel is $300,000 per year, and of the Elizabeth River channel $15,000. It will cost less than $1,840,000 to give us a channel 600 feet wide and 35 feet deep from deep water in Hampton Roads to above the navy yard. Substantially the same channel in the Delaware River will cost $10,920,000.

I have mentioned these facts not because I object to the improvement of the Delaware River, but in order to show you that a channel of greater depth than 35 feet, if desired by the Navy Department, can be secured for the Norfolk yard at very much less cost than for the Philadelphia yard. And when such depth is secured it can be more cheaply maintained in the Elizabeth River than in the Delaware River.

"There is," says the Edwards Board, "a tendency on the Schuylkill and Delaware River sides of the yard to deposit silt about the piers and in slack water, which gradually reduces the depths in some places at the rate of about 2 feet per year. (See Edwards Board Reports, p. 16.)"

No such conditions prevail at the Norfolk yard.

There is still another objection that can not be made against the location of the dock at Norfolk, and that is that a dock, if located at Norfolk, would have to be 1,700 feet long. Representative MOORE, of Philadelphia, made an argument before your committee last year in favor of the location of such a dock at Philadelphia, but in his argument he was frank enough to say "that nobody ever heard of a dry dock 1,700 feet long, and that there is certainly nothing of the kind anywhere in the known world." (See CONGRESSIONAL RECORD, 62d Cong., p. 2137.)

Capt. Winterhalter, speaking for the General Board, on the 20th of December last, made the following statement:

"The General Board has never asked for so large a dry dock anywhere. The Panama Canal locks are 1,000 feet long, 110 feet wide, and 40 feet deep, and docks of this size are our present limit. A dock of 1,700 feet is, therefore, unnecessarily long and unnecessarily expensive."

Ex-Secretary of the Navy Meyer, in a letter which I have, and which anyone of you may read, referring to the 1,700-foot dry dock, said:

"Personally, I have never recommended it."

Secretary of the Navy Daniels has repeatedly declared:

"We have no need for a dock of this size."

Admiral Stanford, in his hearing before the committee, made the following statement:

"The reason that a dry dock 1,700 feet long was recommended is not because a dry dock having a length of 1,700 feet is a military necessity, but because it is 1,700 feet between the basin and the Delaware River, and the dock was to have sufficient length to connect the two bodies of water." (See hearing, p. 160.)

It is very generally assumed that the size of future battleships will be limited to the size of the Panama Canal locks. What, then, is the necessity for a dock 1,700 feet long? Will you authorize a dock of such length when the General Board of the Navy declares that we do not need it now and may never need it?

"It is," said Admiral Stanford, "the facility that is most necessary to secure the successful use of the reserve basin." (See hearing, p. 157.) reserve basin." (See hearing, p. 157.)

Must we build this dock to secure the successful use of the basin? Can it be true that this basin, urged as one of the arguments in favor of the dock at Philadelphia, is so inaccessible that vessels going into it from the Schuylkill River, "on account of the tides, the narrow and tortuous channel" (see hearing, p. 158), and the "shifting or shoaling of the river bottom" (see hearing, p. 157), require very careful handling? In order to reach it safely are the services of a skillful pilot essential? But do we build docks for the purpose of improving such conditions? The Board for Shore Stations, on page 16 of its report, declares that it "considers that the present access to the reserve basin should be improved by dredging the main channel of the river." This is the usual way of remedying such conditions. Are you going to authorize a departure from the usual custom in this case? Will the danger of some obstruction in the Schuylkill River justify you in doing it? The Edwards Board, on page 16 of its recent report, declares that "there are also places in the main channel of the Delaware River below Philadelphia where accidental or intentional wrecks would temporarily block access to the sea as effectively as obstructions in the Schuylkill."

How are you going to provide against these obstructions? We need the docks at Norfolk, not for the purpose of improving such conditions as these, but in order that we may have facilities for docking the ships of the Navy.

In conclusion permit me to say that Norfolk's claims to the present dock, whether viewed from the standpoint of strategy, economy, accessibility, or naval necessity, can not be successfully disputed. I have said Norfolk's claims, but if you will permit me to change it I will say the Navy need; for no dock ought to be built at any station unless some naval necessity demands it. Our ablest, our most experienced, our most trusted naval experts, of every rank and from every section of the country, after more than four years' careful study of and calm deliberation upon the needs of the Navy, have declared in the strongest terms that the next large dock ought to be

built at Norfolk, and that no dock longer than the Panama Canal locks is necessary or needed. That decision, reached after such careful study and deliberation, by men who are absolutely free from all local influences and all local prejudices and whose only object is to do what may be best for the Navy and for their country, is not only entitled to great weight, but ought to be decisive.

"As at present constituted, and not speaking for myself," said Admiral Dewey, "the General Board of the Navy is an organization that is made up of men whose training, experience, proven ability, and judgment on naval affairs entitle them to the confidence of the American people." (The Navy, February issue.)

We constantly seek their opinion and absolutely rely on their judgment in other matters. If we refuse to be guided by them now and do what they declare is not necessary or needed, we may subject ourselves to the criticism of having neglected our duty or of having permitted considerations other than the good of the Navy to influence our action.

Now, Mr. Chairman, I regret that I have been forced to make this argument. Philadelphia and Norfolk ought to be fighting together and not against each other. Each city has a great navy yard. The business relations between the people of the two cities have been pleasant and intimate, and nothing ought to be done to disturb them.

I thank you for your indulgence, Mr. Chairman.

GIFT OF SENATE TO MRS. ELEANOR WILSON M'ADOO.

Mr. MARTINE of New Jersey. Mr. President, I have a letter here from Mrs. McAdoo which concerns the Senate. I ask that it may be read.

The VICE PRESIDENT. The Secretary will read the letter.

The Secretary read as follows:

CORNISH, N. H., *May 9, 1914.*

DEAR SENATOR MARTINE: The perfectly charming bracelet which you and your colleagues in the Senate sent me on my wedding day gave me infinite pleasure, and the generous sentiment that inspired the beautiful gift gave me, if possible, more pleasure than the gift itself.

It will always remind me of the wonderful period through which we are now passing and of my association, indirectly, with the great men in and out of the Senate who are making the history of to-day.

Will you not kindly express to the Members of the Senate my very deep appreciation and grateful thanks, and believe me,

Very sincerely, yours,

ELEANOR WILSON MCADOO.

PANAMA CANAL TOLLS.

Mr. BURTON. Mr. President, yesterday I gave notice that on Friday I should address the Senate on the Panama Canal tolls question.

At the time I was not aware that the Senator from Connecticut [Mr. MCLEAN] had given notice for that day. So I desire to change the date to Tuesday next following the remarks of the Senator from New Hampshire [Mr. GALLINGER].

Mr. ROOT. Mr. President, I wish to give notice that, with the permission of the Senate, on Thursday, the 21st day of May, immediately upon the conclusion of the routine morning business, I shall make some further remarks regarding the Panama Canal tolls.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following joint resolutions:

On May 8, 1914:

S. J. Res. 142. Joint resolution authorizing the Vocational Education Commission to employ such stenographic and clerical assistants as may be necessary, etc.

On May 13, 1914:

S. J. Res. 145. Joint resolution authorizing the President to detail Lieut. Frederick Mears to service in connection with proposed Alaskan railroad.

HOUSE BILL REFERRED.

H. R. 5890. An act for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co. was read twice by its title and referred to the Committee on Public Lands.

PANAMA CANAL TOLLS.

Mr. THOMAS. Mr. President, in the absence of the junior Senator from New York [Mr. O'GORMAN], the chairman of the Committee on Interoceanic Canals, I ask unanimous consent that House bill 14385, the unfinished business, be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. SMOOT. Mr. President, this is the most extraordinary bill ever seriously considered by the United States Congress, for it affects the sovereignty of our Nation. Our forefathers fought long years for their independence and the right to manage their own affairs. But we are asked in this measure to surrender control of our own territory and management of our own canal and relinquish a most important means of defense in case of attack by a foreign country. For hundreds of years a canal connecting the Atlantic and Pacific Oceans was discussed and various efforts made to bring it about. We made a treaty with Great Britain with that end in view, but the exact location of the canal or how it was to be constructed was not involved in that treaty. It was assumed that the canal would be built by private parties, as in the case of the Suez Canal, and the treaty provided for its neutrality and defense. Nothing was accomplished under that treaty.

The French undertook to construct a canal across the Isthmus, and expended some $300,000,000 for that purpose. They failed, and we undertook to build one ourselves. The old treaty with Great Britain was canceled and another one entered into. At the time that was done it was the expectation that the canal would be constructed on foreign territory. But we became the owners of the land on which the canal now runs, and have built it with our own money without aid of any kind from any other nation. We have expended about $400,000,000, or will have done so, in behalf of the canal by the time it is opened. After having incurred this enormous expense, and redeemed the territory through which the canal runs from its reputation for unhealthfulness, and made it one of the most salubrious parts of the tropical world in which to live, we are now asked to surrender all exclusive rights in the canal. We can not use it for any purpose whatever, except on terms which must be allowed to every other nation that may observe our rules.

During the War with Spain it became necessary to bring the battleship *Oregon* from the Pacific coast to the Atlantic coast. That could only be done by sending the vessel around South America, through the Straits of Magellan. It was an anxious moment for our people, and it greatly strengthened the resolve of this country to build a canal across the Isthmus, so as to avoid such risk and delay in the future. But now that we have the canal nearly complete, the President of the United States asks us to legislate in such a way as to recognize the validity of the claim of Great Britain that we can not pass our war vessels or any other vessels through the canal without the payment of tolls.

But that is not all. Under this British contention, if we should, for instance, become engaged in a war with Japan or any other nation we would have to pass one or more war vessels of that nation through the canal, and then could not pass one or more of our own vessels to follow such foreign vessels until a period of 24 hours had elapsed. That would enable a foreign fleet to come through and attack any of our coast cities before our vessels, if in the Pacific Ocean, could reach them. Moreover, we would not be able to shelter any of our war vessels or other vessels within the canal region or within 3 leagues of the entrance of the canal. Hence, all of this supposed gain in doubling the strength of our Navy in case of war would be lost to us. In fact, our $400,000,000 of expenditures for the canal, to say nothing of our interest in it in other ways, would be as much for the benefit of an enemy attacking this country as for our own good. That is all involved in the British contention as to the effect of the treaty in regard to the canal. But in her magnanimity Great Britain concedes us possible belligerent rights, and, strange to say, the President of the United States takes the British view of the case and asks Congress to legislate to carry it into effect.

That is only one feature of the injurious effect of this extraordinary measure which the President has asked Congress to pass. This country has always provided for free waterways to our own people. The ordinance of 1787 makes such provision. An act passed in 1805 creating the territorial government of Orleans also contains such a provision, as did the act admitting Louisiana as a State. The act passed in 1812 for the government of the Territory of Missouri also contained such a provision. The river and harbor act of 1884 provided that vessels of all kinds engaged in domestic commerce on our canals, rivers, and lakes should be free from the payment of tolls. Our Government has expended or appropriated over $700,000,000 for rivers and harbors, canals, and so forth, exclusive of the Panama Canal, for the use of our people without payment of tolls. It is supremely ridiculous to assume that we would have undertaken to spend $400,000,000 on the Panama Canal and at the same time have agreed that this country should not have a single advantage in that canal over any other nation. The proposition is so fantastic as to be beyond belief. And yet that is the contention of the President, and the majority of the Democrats of this Senate are going to support him in his reversed position on this question, notwithstanding it is less than two years since they voted for the law that is now under consideration for repeal.

If this had been his view from the beginning, and the people had known it when he was a candidate for the Presidency, his election, in my opinion, would have been utterly impossible. But he supported, during that canvass, the bill passed by Con-

gress exempting coastwise vessels from the payment of tolls in the Panama Canal. In his speech delivered to farmers in New Jersey in August, 1912, in which he deplored the nonexistence of an American merchant marine in the foreign trade and directed attention to the Panama Canal, which, he said, would allow agricultural products to be shipped from one coast to the other in coastwise vessels, he referred to the act passed by Congress exempting coastwise vessels from tolls in the Panama Canal as follows:

We are digging a tremendous ditch across the Isthmus of Panama. What interest have you in opening it to the ships of the world? We do not own the ships of the world. By a very ingenious process, which I would not keep you standing in the hot sun long enough to outline, the legislation of the United States has destroyed the merchant marine of the United States. One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports; to allow all the farmers on what I may, standing here, call this part of the continent to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast to South America. Now, at present there are no ships to do that, and one of the bills passed yesterday by the Senate, as it had passed the House, provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent. Everything that is done in the interest of free transportation is done directly for the farmer as well as for other men. So that you ought not to grudge the millions poured out for the deepening and opening of old and new waterways.

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines, and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat.

Now, what was this Democratic platform which the President said was not molasses to catch flies?

We favor the exemption from tolls of American ships engaged in the coastwise trade passing through the Panama Canal.

That was the plank in the platform to which Mr. Wilson referred in his speech, and which he approved and which he accepted, and on which he ran for President. No word of criticism was passed on that plank in the platform. The national Progressive Party in its platform adopted at Chicago in the same year declared:

The Panama Canal, built and paid for by the American people, must be used primarily for their benefit * * * and that American ships engaged in coastwise trade shall pay no tolls.

That was the platform on which Mr. Roosevelt ran for President in 1912. The Republican platform in that year made no declaration on the subject, but President Taft signed the bill which provided for free tolls for coastwise shipping, and he filed with the bill a "memorandum" expressing his approval in a strong and forceful manner. Thus all the candidates of the three leading parties in 1912 approved the act of Congress providing for the free passage of coastwise shipping through the canal, and over 13,000,000 voters approved the exemption from tolls of such shipping. Mr. Roosevelt, who was the candidate of the National Progressive Party, in an article published in 1913, said:

I believe that the position of the United States is proper as regards this coastwise traffic. I think we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are—and I hope and believe will always remain—on such good terms as Great Britain, to make any plea with reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

President Wilson came before Congress to ask the repeal of the law which he had given his approval and which his party had approved and on the approval of which policy he asked for the votes of the people. He submitted no facts for asking us to reverse ourselves in this extraordinary way. He said that, in his judgment, it was—

a mistaken economic policy from every point of view, and is moreover a plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

That is the only reason given for asking Congress to reverse itself. The President now repudiates his party platform and asks all of us to repudiate our platforms on the subject. And the only reason offered is that he thinks it ought to be done. There have been intimations that the provision in the Democratic platform in regard to free tolls was not understood by the people in 1912. It is hard to deal patiently with such an amazing declaration. Senator MARTINE of New Jersey, in a speech in this body on January 22, 1913, said:

This is not a question of the peace of the world nor of the honor of the American Nation, but it is a question of right and justice to the American people. I favor free tolls for American craft, both ocean and coastwise, and desire that the tolls for all other vessels of the world be only sufficient to maintain the physical condition of the canal, and that the cost and interest thereon shall be America's contribution to the world. I believe that such a policy on the part of this Government with reference to the Panama Canal would rehabilitate our merchant marine, and that in a few years we would command the carrying trade of this hemisphere.

Mr. MARTINE has declared that the provision of his party platform in regard to free tolls for coastwise shipping "was spoken from many, many platforms in New York, New Jersey, and Pennsylvania, and with a good deal of vehemence." That is a fair answer to the talk that the people were unaware in 1912 of the platform declarations on this subject, although President Wilson, who was then a candidate himself, spoke in approval of the party platform.

It is wonderful what changes of opinion have taken place in such a short time in both the mind of the President and of his Secretary of State. While the President is now intimating that this question was little understood in the canvass of 1912, yet in his speech of acceptance he said:

We are not building a canal and pouring out millions upon millions of money upon its construction merely to establish a water connection between the two coasts of the continent, important and desirable as that may be, particularly from the point of view of naval defense. It would be a little ridiculous if we should build it and then have no ships to send through it. We would not be putting a new canal at our own very doors merely for the use of our men of war. We must build and buy ships in competition with the world. We can do it if we will but give ourselves leave.

But, if the President's contention at the present time is correct, the canal will not help us in any way to build up our shipping. If every other nation has the same advantage in the canal that the United States has the situation will not be changed in the least from what it is at present. And if our coastwise shipping has to pay tolls such vessels will suffer also, because they can not compete with the subsidized ships of Canada, owned by railroad corporations. Other nations are now paying $46,907,220 yearly as subsidies. They also pay the canal tolls on the Suez Canal by reimbursing their shipping for such payments. The Canadian lines receive subsidies and their vessels can be constructed in foreign shipyards much cheaper than we can construct similar ships in this country, because of the higher wages paid here. There is no ground for any difference of opinion on the subject of wages in this country and in Europe or Asia. Records of foreign nations as well as our own inquiries have established the fact beyond question that wages are about two and one-third times higher here than in England, according to the report of the investigators sent to this country by the British Government, and the difference is vastly greater when compared with Japan and other countries. All those countries have lower wages, lower cost of construction, cheaper rates for money, and then their Governments subsidize their vessels in addition.

Mr. President, the truth is, if this bill becomes a law, the United States will be discriminated against. In this connection I call attention to an editorial in the Washington Post of May 7, 1914, as follows:

WHY DISCRIMINATE AGAINST THE UNITED STATES?

The United States, as owner of the Panama Canal, and the territory through which it extends, stands in a different position toward the canal than any other nation, and it can not place itself in the same position as nonowning nations.

Can the United States pay tolls to itself for the passage of its own battleships through the canal? Can it exclude its own warships from the canal for failure to pay tolls? Can it take steps to violate the neutrality of the canal by blowing up one of the locks, and at the same time punish itself for such an act? If any belligerent's vessels disembark war materials or troops in the canal, all the ships of such a nation can be excluded from the canal. Can the United States exclude itself from the canal, if it should become a belligerent and find it necessary to land troops in the canal?

Those who try to place the United States in the same category with other nations with respect to the Panama Canal are lost in a maze of absurdities.

As owner of the canal, the United States owns the use of the canal. Ownership without use is not full ownership. The right to use the canal in perpetuity has already been paid for by the United States. It should not pay again in the shape of tolls. If its coastwise shipping is required to pay tolls, the United States will be grossly discriminated against. It will be the only nation in the world using the canal which is required to pay twice over for its use.

The Hay-Pauncefote treaty provides for equal treatment of all nations using the canal and respecting the rules. This equality goes into the spirit of fairness, and is not a mere technicality, to be violated in spirit and obeyed in letter. The equality provided for is described as being "no discrimination against any such nation."

If the United States is one of "such nations," it has a right to receive equality of treatment. It is morally bound to treat itself exactly as it treats other nations. How can it do this if it buys and pays for the use of the canal for itself and then imposes another tax upon its shipping? No other nation has done this. No other nation has to pay more than tolls.

The obligation to enforce the neutrality of the canal rests upon the United States alone. No other nation is bound to respect the neutrality of the canal. If a German fleet should be on the Pacific side and it should attempt to pass through the canal for the purpose of destroying a British squadron in the Atlantic, or seizing Jamaica, Great Britain would not be bound to respect the sanctity of the canal as a world's highway. It would be free to blow up the canal, and only the strong arm of the United States would prevent such a move. The only penalty that could be imposed against Great Britain for an attempt to blow up the canal would be the denial of the right to use the canal.

The United States occupies a unique position among the nations with regard to the canal. It can not impose rules upon itself which it can impose upon other nations, for the simple reason that it is the enforcer of the rules.

The United States owns a line of ships running from New York to Colon. It may extend this line through the canal, which these ships have helped to construct. According to the advocates of free-tolls repeal, these ships would have to pay tolls, just as battleships would have to pay. In fact, Col. Goethals has no right to send a vessel of the Panama Railroad through the canal, loaded with a cargo, without paying tolls if the contention of the repeal advocates is correct. This absurd conclusion is not reached even by Great Britain herself in her demand for "equal treatment" of British shipping.

Great Britain admits that American coastwise shipping is entitled to pass through the canal without tolls so long as the shipping is confined to the coastwise trade and so long as British shipping is not taxed extra to make up for the amount that would be paid by our own shipping.

Both of the conditions imposed by Great Britain have been complied with. There is no attempt to exempt anything but bona fide coastwise shipping, and British ships are not required to pay extra tolls to make up the amount remitted to our shipping. There is therefore no violation of the spirit or the letter of the treaty. As Senator STONE has pointed out, Great Britain has made no protest since Congress passed the tolls exemption law. The protest comes solely from persons who confuse the relation which the United States bears to the canal, and who assume that foreign shipping will be taxed more than its just share.

The chairman of the Ways and Means Committee of the House, an eminent Democratic leader whose word will not be questioned by his party, in speaking on this subject, said:

The subsidies and discrimination that European Governments have given to their shipping interests have practically driven American ships from the sea. American ships carried only $280,206,464, or 8.7 per cent of the total sea-borne commerce of this country for 1911, the total of which was $3,210,642,970. We paid foreigners for freight about $135,000,000.

That is an understatement of the sum we pay for carrying our freight in foreign ships. There is very good authority for stating that it is over $200,000,000. Only as far back as 1870 this country carried 35 per cent of its total imports and exports, while now it has declined to something over 8 per cent. That is due to the great difference in the cost of operating American ships as compared with foreign under the requirements of our laws and the higher wages paid in this country. An official investigation showed that the wage and salary cost per gross ton on the American steamship *St. Louis* was 97 cents, as compared with 57 cents on the British steamship *Oceanic* and 54 cents on the German steamship *Kaiser Wilhelm der Grosse*. The United States paid in 1911 to American ships for carrying the mails $1,074,945, while it paid to foreign ships for the same purpose twice as much, or $2,129,654. Great Britain pays in bounties and subsidies $9,700,000 annually. France paid at the date of the latest returns available $13,425,000, and Japan $6,183,000. All the foreign Governments pay over $46,000,000 a year in subsidies. Great Britain pays the Peninsular & Oriental Steamship Co. direct subsidies of $1,485,000 annually, nearly enough to pay all its Suez Canal tolls. Germany meets those of the North German Lloyd Co. in a similar manner by the payment of $1,385,000. France paid three French lines two and one-half times as much as their tolls amounted to.

Russia pays the tolls on her ships going through the Suez Canal, and has already made an appropriation to pay the Panama Canal tolls, and Spain has done the same thing. Other nations will pay the Panama tolls in the same way as they have done at Suez. Germany gives favored railroad rates on exports, and combines them with steamship rates, so that it is difficult to tell the amount of the discrimination; but it gives her exports an immense advantage in the way of transportation rates. American railroads give lower rates on imports than they charge on domestic traffic. The particulars as to such rates have been printed in the CONGRESSIONAL RECORD. Any burden placed upon interstate commerce at the canal destroys to that extent its usefulness as a competitor of the transcontinental railroads and takes from the American people the benefits that would follow free and unfettered competition. If we can not exempt from tolls our vessels passing through the canal, its benefits will accrue to England and not to us.

In the early part of the last century we carried nearly all our exports and imports, but we were induced to make an agreement with Great Britain in 1815 in which we reciprocally allowed her the same rates in American ports as our own shipping paid. That agreement was to the effect that we should not impose upon English shipping any taxes that we did not impose upon our own. That was an agreement similar to that made in the Hay-Pauncefote treaty about the Panama Canal. Under the 1815 agreement we gave up differential duties, while England immediately subsidized her shipping. She also imposed higher rates on shipping in the foreign trade than on her coastwise trade, from which all foreign ships were excluded. And she maintains that difference until this day. An American vessel entering the port of Bristol, for instance, coming from an American port, pays 56 cents per ton port charges, while an English vessel pays only 20 cents. In the United States the foreign vessel pays 12 cents port charges, while American vessels pay nothing. Pilotage fees are also excepted to American vessels in the domestic trade. So it appears that our contention in regard to domestic shipping on the Panama Canal is precisely the same as the British contention in regard to "equality of treatment" under the commercial agreement of 1815; and, what is more to the point, the Supreme Court of the United States, with the present Chief Justice White delivering the opinion, sustained that contention.

American ships in 1913 carried only 8.9 per cent of imports and exports. We can not compete with foreign shipping in the foreign trade. Great Britain employs on her ships about 40,000 Lascars, or Hindus, who live on rice and use the least amount of clothing possible. One of her ships came into the port of Philadelphia in cool weather with Lascar sailors barefooted and wearing cotton clothing. Japan employs seamen of a similar character and who accept a like pittance of wages, and then Japan pays high subsidies.

Chinese are employed generally on vessels on the Pacific. They are employed on subsidized vessels of the Canadian Pacific Railroad. So that it may easily be seen how utterly impossible it will be for American ships to compete with foreign vessels any more after the Panama Canal is opened than is the case to-day unless our legislation is changed to help American ships.

The Democratic Party provided in the Panama Canal act for the free admission of foreign vessels to engage in the foreign trade of this country. But there has been no admission of such vessels under that law, because a foreign vessel can not afford to fly the American flag and employ American officers, as it would have to do under our laws, and give the crew American wages and food and other requirements necessary under our statutes. That shows the folly of attempting to build up shipping unless we meet the competition of foreign countries by the giving of subsidies or other aid.

In the tariff law a provision was inserted giving a lower rate of duty of 5 per cent on imports brought to this country in American vessels from such countries as have no treaties with us providing for equality in such matters. The object of that legislation was principally to lower the tariff. There are countries from which our vessels have brought imports that have no such treaties with the United States, but our free-trade administration assumed the authority to nullify that act. The appraisers in New York do not take that view. They could not do so without a violation of their oaths of office. But the administration does not want to help American shipping in that way and has appealed the matter to the United States Supreme Court. There can hardly be a shadow of doubt as to the decision of that body and the necessary refunding of the excess duties imposed without reason by the administration. That action, however, shows that American shipping can expect no favor from this free-trade administration, and that is one reason for asking for the nullification of the action of Congress in providing for free tolls in our own canal across the Isthmus.

The Commissioner of Navigation, in his report for 1912, states that British steamers get coal cheaper than those of the United States. About 20 per cent of the operating expenses, excluding wages, are involved in the handling of coal. The commissioner says:

Without discussing causes, the fact is indisputable that wages on American ships are higher than on foreign ships.

The reservation of our coastwise trade to American bottoms dates back to December 31, 1792. It has been asserted that this exclusion of foreign competition in the domestic trade has caused our shipping to decline, and a Democratic Member of this body has offered a bill to admit foreign shipping to participation in the coastwise trade. That illustrates the misinformation abroad on this subject. Our coastwise shipping has been increasing to an enormous extent, so that it is much greater than that of any other nation in the world, and the rates charged have declined more than one-half. Shipping in the foreign trade, which is subject to foreign competition, has declined to a still greater extent, while that in the coastwise trade, which is absolutely protected

from foreign competition, has enormously increased. If our coastwise trade is submitted to the same competition as our foreign trade, the same result will follow, and within a comparatively short time we would have to do our coastwise shipping on Japanese and other foreign vessels or on those employing Chinese and Hindu seamen.

American ships to South America must pay American wages, and they can not get crews in South American countries. But British, German, Italian, and other foreign vessels pay the wages of their home country. As a result we have little American shipping going to South America, and that trade is subject to foreign combinations, and we suffer from discrimination in other ways, greatly to the injury of our commerce. The trouble grows out of the much higher wages paid in this country. There are no restrictions as to watch officers on British ships, but all such officers on American ships must be American citizens. The tonnage of the United States, documented for the coasting trade, in 1912 comprised 6,782,082 gross tons, while the total tonnage of the German Empire is only 4,711,998 gross tons. But to admit foreign vessels to our coastwise trade would close many American shipyards and lead to even a greater decline than has taken place in our vessels in the foreign trade.

The increase in the coastwise trade that would follow through the exemption from tolls of coastwise vessels in the Panama trade would be of enormous advantage in helping our shipbuilding. We have not been able to specialize in this country as they do in Great Britain. In a great shipyard there they will be building several vessels of the same size at the same time, thus greatly reducing the cost. But we can not do that in this country, because there is no demand for vessels in the foreign trade. Hence there may be one large vessel and three or four others of different sizes, making specialization an impossibility. By the use of the Panama Canal for our vessels free of tolls it would give a great impetus to vessels going to the Pacific coast and to Hawaii and to the Philippine Islands, and would aid greatly in the work of specialization in the construction of such ships.

In the Suez Canal the method of measuring the tonnage of ships is such as to increase the tonnage 11 per cent above that which would be charged in the Panama Canal. That would make quite a difference in toll charges, being that much greater to the same vessels at Suez than at Panama.

The toll to be imposed at Panama is $1.20 per net ton. At Suez the British Government, which controls the canal, imposes a toll of $1.30 per net ton on ships with cargo, 82 cents on ships in ballast, and $1.03 for each passenger over 12½ years old. The tolls at Suez are so high that the British Government has been receiving a dividend of 31 per cent from its 176,602 shares of the Suez Canal capital stock, which Great Britain acquired at a cost of less than $20,000,000. It takes 17 hours to pass through the Suez Canal without locks, while only 12 hours will be required at Panama with locks. The Suez Canal cost, up to the end of 1910, $126,642,406, and it has outstanding capital obligations of $92,284,544. The Panama Canal will have cost over $400,000,000, over three times as much as the Suez Canal, and yet we impose toll rates very much less than those of Suez.

But that does not satisfy the British Government. It insists that we shall impose tolls on our coastwise vessels. That insistence is not justified in any sense whatever. We took into consideration the tonnage of our coastwise shipping in fixing the tolls, so that foreign vessels are not charged a cent more because coastwise shipping is exempted. There is no reason for the British protest from any point of view whatever, except to benefit the Canadian railroads and the Canadian ships which will do considerable of our trade. It is like the matter of imposing a duty on tea. Canada for long years has admitted tea free, but when it comes from the United States a duty is imposed. That prevents our railroads from carrying a pound of tea to Canada, while a considerable proportion of the tea consumed in this country has been brought on Canadian railroads, and particularly on the Canadian Pacific line, from the Pacific coast. Now, while we make the tolls lower on the Panama Canal than those charged on the Suez Canal, and while we do not impose one penny on British shipping because of the exemption of our coastwise trade, yet the British Government says, without any reason, that we must not give our coastwise shipping any such advantage.

President Wilson immediately abandoned the platform of his party and his own pledges and asks his party to do the same, because of this outrageous demand on the part of the British Government. And a majority of his party in the House of Representatives accepts the dictation and votes, without knowing why, to repudiate its own party platform and the pledges made in the canvass and the law passed by Congress, simply because he asks it to do so.

We could have put the toll rates at $1.62 a ton as easily as at $1.20, and in doing so there would have been very few American ships outside of the coastwise trade that would have had to pay any of the tolls. Thus we surrendered 42 cents a ton for the benefit of the world's commerce. On the British estimate of her tonnage to pass through the canal that 42 cents will amount to $1,680,000 a year as a gift to British shipping. That is our contribution to her subsidies. This is not a question of subsidy but one of right and justice. We are asked to surrender our rights and give up our own property at the demand of a foreign power. The bill as it passsed the House goes even further than the President asked, by striking out the provision of law authorizing the levying of a smaller toll on American vessels.

Great Britain says that we have no right to pay back tolls after they are collected, because that is no difference in principle from the plan of exempting our coastwise vessels from tolls. And yet other nations have been doing that thing in the Suez Canal and propose to do it at the Panama Canal, for which provision has been already made by Russia and Spain. But this country, which has expended $400,000,000 for the canal, and which owns it and the ground on which it is dug, can not do anything of that kind.

It is too ridiculous to be taken into consideration, but nothing appears to be too absurd in that way for this administration. A toll of $1.20 means $9,600 for a ship of 8,000 tons registered capacity, or $12,000 for a 10,000-ton vessel. That will give some idea of the difference that the imposition of this toll will make in the rates charged by coastwise shipping and the benefit that Canada will gain by compelling our vessels to pay tolls, and also the aid that will be given to the Pacific railroads. Last year we passed over 40,000,000 tons through the Sault St. Marie Canal free, although the Government dug that canal and maintains it and Canada shares in the free use of it.

That privilege given to Canada is under an agreement made in 1871 somewhat similar to that we have made with Great Britain in regard to the Panama Canal, though Great Britain gives us nothing in return for the privileges we grant her at Panama, while we were to have under the agreement concerning the Sault Ste. Marie and other canals the like use of the Welland Canal. But as soon as that agreement went into effect Canada imposed a discriminating duty at the Welland Canal, so that a vessel unloading at Oswego or any other American port on Lake Ontario would have to pay 18 cents a ton higher toll than if she unloaded at Montreal. For years our vessels paid that excessive discriminating toll, but finally our Government retaliated by imposing a discriminating tax on Canadian ships passing through the "Soo" Canal. Then the British Government had the discriminating duty at the Welland Canal removed, but it stated in doing so that it did not yield the right to impose such a duty. And yet under her eleventh-hour construction to an agreement without giving any return she holds that we can not favor our domestic shipping on the Panama Canal that has cost us $400,000,000.

The treaty of 1815 is even stronger on the question of "equal treatment" than the Hay-Pauncefote treaty. The 1815 treaty reads:

> No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

But under that provision of the treaty of 1815 providing for equal treatment we exempted American vessels from the payment of pilotage fees imposed by Federal and State laws. That was asserted to be a violation of the treaty, and the matter was finally taken to the Supreme Court, and in the decision, written by Chief Justice White, the court in passing upon the question said:

> Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade.

There seems to be no way of disputing that decision, although the President appears to think that his view is superior to that of the Supreme Court. The Hay-Pauncefote treaty of 1901 contains this provision:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Equal treatment or entire equality is the same in this case as in the treaty of 1815 under which Great Britain discriminated against American vessels in port charges in the United Kingdom, while the 1871 agreement, under which discriminating rates were imposed on the Welland Canal, provided for reciprocal treatment. Great Britain still adheres to her right to impose such discriminating rates in the Welland Canal, though it denies our right to discriminate in the Panama Canal. We never questioned Great Britain's right to discriminate in favor of her shipping in port charges, and we have discriminated in favor of our own shipping in such charges at our ports, but have treated all other nations on an equality, and that is what we propose to do in the Panama Canal. That view has been sustained by some of the best lawyers and judges in this country and abroad and by our Supreme Court.

Even Great Britain has conceded our right to aid coastwise shipping in this manner. In a communication from that Government on November 14, 1912, it is stated:

If the trade should be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by the exemption of bona fide coastwise traffic, then England could not complain.

Sir Edward Grey, the British foreign minister, also proposed arbitration, but President Wilson takes no heed of that, but proposes surrender without even arbitrating the matter. The right of this country to exempt its coastwise shipping from tolls in the canal is not only in accordance with the decisions of the United States Supreme Court but is in harmony with the opinions of some of the best lawyers in this and other countries, including former President Taft and his Secretary of State, Mr. KNOX. Mr. Olney, who was Attorney General and Secretary of State under the Cleveland administration; former President Roosevelt; Senator O'GORMAN, who was long a member of the New York State Supreme Court; Mr. Butte, a German international jurist of high repute; Edward S. Cox-Sinclair, an able English jurist; C. A. Hereshoff Bartlett, another English jurist; Count Reventlow, a noted German international authority; Justice Samuel Seabury, of the New York Supreme Court; and many other distinguished jurists, to say nothing of those in Congress, including such men as Speaker CLARK and Mr. UNDERWOOD in the House; Mr. FITZGERALD, chairman of the Appropriations Committee; and other eminent Democrats in both Houses of Congress. Senator LODGE, who reported the Hay-Pauncefote treaty for ratification, said in this body:

When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its vessels. I did not suppose that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels or that we were included in the phrase "all nations."

Mr. LODGE has reiterated that belief at this session.

Mr. Olney, a man so highly respected by President Wilson that he was offered the ambassadorship to Great Britain and later the head of the reserve board, and who has made a thorough study of this subject, read before the American Society of International Law in this city last April a paper on the subject containing this statement:

On the grounds, and in view of the considerations above stated, the United States may contend, and it is believed can rightly contend, that the Hay-Pauncefote treaty of 1901 does not, as justly interpreted, prevent the United States from exempting its coastwise shipping from the payment of tolls for the use of the Panama Canal.

Mr. Butte, the German jurist, said:

From the standpoint of abstract justice the pretension of Great Britain that she should be put on the same footing as respected the use and enjoyment of the Panama Canal as the United States seems presumptuous.

Mr. C. A. Hereshoff Bartlett, an eminent English jurist, says:

There is no evasion of the rule of equality where all foreign vessels are subject to the same duties and liabilities under similar circumstances. The treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic and coastwise commerce and in the use and enjoyment of its own property as it saw fit. No such restriction could have been in view in adopting "as the basis for neutralization" a rule that the canal should be free and open to vessels of commerce and of war of all nations on terms of entire equality. It would be absurd for the United States to solemnly declare that its own vessels of war might openly and freely navigate its own land-locked waterways and enjoy the privileges that belong to the Nation as a sovereign power in the use of its own territory. The use of the words "vessels of war" shows plainly that the word "vessel" as used refers only and exclusively to those of all nations other than those of the United States, and that the word "nations" was restricted to foreign nations; that is to say, nations foreign to the United States.

Count Reventlow, the noted German authority, says:

That the United States had a right to construe the treaty as Taft did can not be doubted.

Former Senators Towne, Butler, Turner, and others who were in this body when the treaty was considered agree with former Senator Bard, of California, who said:

It was generally conceded by Senators that * * * the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce forbidding the discrimination in charges for tolls in favor of our coastwise trade.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. As the Senator from Utah will recall, about that time I was very deeply interested in trying to get legislation that, in my judgment, would have tended to rehabilitate our American merchant marine. When the question on the Bard amendment came before the Senate it was so clear to my mind that under our navigation laws, which had been in existence for a hundred years, we would have an equal right to pass our ships through that American waterway as we had to pass them through the other American waterways of the country, that I voted against the Bard amendment.

I have never before stated this in public, and I am glad of an opportunity now to say that that was the controlling thought in my mind and the thought which led me to vote against that amendment.

Mr. SMOOT. In that connection, Mr. President, I desire also to say that ex-Senator Bard has told me personally that he was assured, not by one, but by nearly all of the Senators that the statement made by him was the basis of the vote that was cast in the Senate of the United States at that time.

Ex-Senator Towne, of Minnesota, a Democrat, says:

I remember distinctly my own feeling about the matter at the time, which was that we retained under the treaty full sovereignty over the canal and over the incidents of its ownership and control, including the right to fortify it and to regulate its use by vessels of commerce, subject only to the condition that all other nations should be treated alike, and that was the general understanding.

It is unnecessary to quote other authority on the subject. The bill originated in the House of Representatives and passed this body without any Democratic opposition. Certainly the eminent lawyers of this country and others who uphold our right to exempt coastwise vessels from tolls are as good authority as the President and Secretary of State, neither one of whom has been a practicing lawyer and who have changed their opinions completely. Then when we take, in connection with this matter, the platform of the Democratic convention, on which the Democratic Party appealed to the country in 1912, it is impossible to understand the President's situation at the present time.

Even Senator STONE, the chairman of the Foreign Relations Committee, admits that we have the right under the treaty to exempt coastwise vessels from tolls, but tries to make it appear that that question is not involved in the consideration and passage of this bill. I can not agree with the distinguished Senator, for that, in my opinion, is the vital question.

The Democratic platform emphatically declared in favor of exemption of coastwise vessels from the payment of tolls in the canal. Mr. Bryan is credited with the composition of the platform and was chairman of the committee, which was composed of eminent Democrats, not one of whom would be apt to subscribe to such a plank unless he believed in it. To emphasize the matter the platform declares:

Our pledges are made to be kept when in office as well as relied upon during the campaign.

Not a word of opposition was raised in the convention or during the canvass to these declarations by Democrats, and Mr. Wilson approved and asserted in a public address that—

Our platform is not molasses to catch flies; it means business; it means what it says. It is the utterance of earnest and honest men who intend to do business along those lines.

No doubt many votes were caught by that molasses plank, as the President must now describe it. The senior Senator from New Jersey and others have attested to the wide use of that plank. But now it is repudiated by pressure of foreign influence. Washington, the Father of our Country, wisely remarked:

Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.

Nothing better illustrates the truth of what the immortal Washington said than this case. The repeal of this law will be a great benefit to the United Kingdom. The London Times says:

The law will prove a little short of disastrous to British shipowners. With their best brains and energy devoted to their work, the United States will now proceed to turn out vessels on a wholesale scale, and, aided by their freedom from Panama Canal tolls, there is little to prevent them from entering with success all those trades in which British shipowners are now the principal carriers.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I do.

Mr. POINDEXTER. I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Washington makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Poindexter	Sterling
Bankhead	Hughes	Pomerene	Stone
Borah	Johnson	Ransdell	Sutherland
Brady	Jones	Robinson	Thomas
Brandegee	Kern	Saulsbury	Thompson
Bristow	La Follette	Shafroth	Thornton
Bryan	Lane	Sheppard	Tillman
Burleigh	Lippitt	Sherman	Townsend
Burton	McCumber	Shields	Vardaman
Chamberlain	Martine, N. J.	Shively	Walsh
Chilton	O'Gorman	Smith, Ariz.	Warren
Clapp	Overman	Smith, Ga.	West
Gallinger	Owen	Smith, Mich.	Williams
Gore	Page	Smith, S. C.	Works
Hitchcock	Perkins	Smoot	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present.

Mr. SMOOT. Mr. President, when I was interrupted I had just finished reading an item taken from the London Times, referring to the act of the Senate in exempting our coastwise ships from tolls.

That accounts for the "wiles of foreign influence" of which Washington spoke. The case is the more remarkable because of the flagrant violation of the Democratic platform. Secretary Bryan says that—

A man who secures office upon a platform, and then holds the office and betrays the people who elected him, is a criminal worse than the man who embezzled money intrusted to him.

And Mr. Bryan said, further:

Far be it from me to say that any man elected to any office should, as an official, do a thing that his conscience condemns. But does that mean that he should violate his platform? No; it seems that his conscience should commence to work before the election and not hibernate until after the election. * * * If a man, after his election, finds that his platform contains something which he can not honestly support, what ought he to do? He should resign and let the people select a man to do what they would have him do. I desire to announce it as a settled principle, not to be questioned in this country, that a platform is binding upon every honest man who runs upon that platform.

Just how Mr. Bryan explains his own dereliction would puzzle the traditional Philadelphia lawyer to tell. But there is no record of his having selected this particular plank to make a speech on apparently to catch votes, as in the case of others.

That is only one of a number of important violations of the Democratic platform. One of their campaign slogans was the cloture and other alleged czarlike rules of the other branch of Congress when the Republicans were in control, and yet never in the history of that branch of Congress was so important a measure as this one about canal tolls put through in such a complete czarlike manner. No amendment was allowed and only a short time permitted for debate. Chairman UNDERWOOD asserted that 50 Democratic Members of that body could not have been elected excepting for the opposition to cloture, which was so rigidly enforced in this case.

The Democrats have shamefully violated their civil-service plank by "riders" throwing open to political appointment many hundred places formerly under civil-service regulations, and all with the President's approval; they charged their opponents with wasteful extravagance, and yet have increased appropriations beyond anything known before in the history of the Government; they demanded that the recommendations for judicial appointments should be made public and have now repudiated that plank; they demanded that appointments in Alaska should be made from residents and persons familiar with the Territory, while one of the most important appointments was that of a man who has never been within thousands of miles of the Territory. Able and experienced diplomats, who in many cases won their appointments by long service, have been removed without compunction and a brewer and other such men never before heard of in a public way, but who made liberal Democratic campaign contributions, have been appointed in their places.

Perhaps, in view of this record, the request of the President, made without reason, for Congress to repudiate its own action and his party to violate its platform is not as remarkable as ordinary mortals would think it to be. The Democratic platform declared in favor of "a reduction in the number of useless offices, the salaries of which drained the substance of the people," and yet they have increased the number of employees on the Federal pay roll to a total of 470,015, a greater increase than has taken place before in the history of the Government.

Coastwise vessels passing through the Panama Canal are to be denied freedom from tolls because, we are told, it is a subsidy, but such vessels have the free use of other waterways costing the Government over $700,000,000. Is it subsidy in one case and not in another? Are free tolls a ship subsidy in 1914 and not in 1912? We have expended $260,000,000 in the last six years for our rivers and harbors. Is that not ship subsidy? We have appropriated $3,000,000 for the improvement of the Mississippi River. Is that not river subsidy? Would you not call it cattle subsidy for the Government to expend hundreds of thousands of dollars for the eradication of the cattle tick? Is it not cotton subsidy to expend millions of dollars for the destruction of the boll weevil? Is it not an automobile subsidy to appropriate $25,000,000 for good roads? Is it not a foreign subsidy when we are forced to pay duty to other nations on our exports, while we admit their exports into our country free of duty? I ask these questions in all seriousness, and could proceed along the same line with many others.

Coal is taken down the Ohio River, as a result of Government improvements, to New Orleans, a distance of 2,000 miles, without the payment of a cent to the Government for its canalization of the Ohio River and other such improvements. But if it is to be continued to the western coast, a charge of nearly 50 cents a ton is to be made for a 52-mile trip through an American canal. Congress has recently voted $35,000,000 for the construction of railroads in Alaska, and particularly to develop the coal of that section. But if the West is to have the advantage of competition in coal, it is denied by taxing the eastern product nearly 50 cents a ton for passing through a Government canal. There is not a particle of difference in the way of subsidy from the free use of waterways constructed and improved by the Government and the free use of the Panama Canal.

But the imposition of tolls on our domestic merchandise going through that canal will help the Pacific railroads, and will be particularly beneficial to British investments in Canada, and that is the milk of the coconut. Former President Taft is one of the best lawyers in the country, and was a judge of very high reputation. He says:

After a full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls, and the imposition of tolls on the vessels of all nations engaged in the foreign trade, is not a violation of the Hay-Pauncefote treaty.

Disraeli, when premier of England, declared that it was cheaper to buy control of the Suez Canal than to dig it, and that England would gain control in that way, which she did by an expenditure of only about $20,000,000. And although she insists that we shall have no rights over our own canal on our own territory, built at such an enormous cost, yet she does hold control over the Suez Canal for her own particular benefit. Within six years after Disraeli had secured control of the Suez Canal, Great Britain made use of it for her war purposes. The British commander, Lord Wolseley, took possession of the canal, closed it to all commerce, and made it the base of his line of operations against the Egyptians under Arabi Pasha. He was victorious, and the British Government was so pleased that they made him a peer and gave him $100,000 in cash.

In 1885 representatives of the powers interested in Egypt met in London to provide for the more complete neutralization of the canal; but the British Government, through Sir Julian Pauncefote, submitted a memorandum stating that Great Britain reserved the right to make use of the canal when necessary for her purposes in Egypt. Although an agreement was reached at a conference held in Paris, and afterwards signed in Constantinople, Great Britain distinctly reserved, by the use of the note presented in London by Sir Julian Pauncefote, the right to use the canal for the benefit of Egypt, the same as she had done under Lord Wolseley, and, of course, that means for the benefit of the United Kingdom. An announcement was made in 1898 in the House of Commons, by Mr. Curzon, under secretary of state for foreign affairs, while speaking for the Government, that, owing to the British reservation, "the terms of the convention have not been brought into practical operation." The United States has recognized the absolute control of the Suez Canal by Great Britain, and asked the Government of that country at the time of the Spanish-American War whether it would permit American warships to pass through the canal. Secretary Day, in his dispatch to Ambassador Hay, at that time remarked:

So far as the department is advised, Great Britain is the only Government that owns any stock, or, at any rate, a considerable amount of stock, in the canal, and, therefore, the only one in a position to assert any claim of control on that ground.

The United States owns the Panama Canal and owns the ground on which the canal was dug, but Great Britain pretends under the Hay-Pauncefote agreement that we can not do with our own canal what she has done with the Suez Canal, in which her only interest is that growing out of stock which she pur-

chased from the Khedive of Egypt. She closed that canal's commerce at one time, and reserves the right to do it again, but says that we can not do so with our own canal. President Wilson should take to heart the words of President Cleveland in a much more critical period than this concerning the Panama Canal. Mr. Cleveland said:

> There is no calamity a great nation can invite that equals the supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

The British note of protest contains this statement:

> Now that the United States has become the practical sovereign of the canal, His Majesty's Government does not question its title to exercise belligerent rights for its protection.

If we can exercise belligerent rights, then we can exempt our coastwise shipping from tolls. There is no provision, according to the British construction of the treaty, for our exercise of belligerent rights, and this is merely a concession on Great Britain's part to induce us to give up freedom for our domestic traffic through our own canal. Another concession which the British Government is now willing to make, though in violation of its contentions heretofore, is stated in these words by Sir Edward Grey:

> His Majesty's Government do not question the right of the United States to grant subsidies * * * to any particular branches of that shipping.

Heretofore the British have held that we could not do so, but now they offer a subterfuge by which we can accomplish the same end by putting money in one pocket and taking it out of the other, though without conceding our right to exempt coastwise shipping from tolls. Justice Seabury, a member of the New York State Supreme Court, says:

> The British protest concedes that some of the conditions of the treaty have been modified by subsequent events. If that be so, then the whole treaty is voidable. If the state of things which was the vital condition of the treaty no longer exists, the whole treaty may be abrogated. Either one or all of its terms are binding, or none of them is binding.

That is the practical truth of the matter, even though the British contentions had been originally conceded to have been correct. The United States under the treaty did not agree that "the canal shall be free and open to the vessels of commerce and war of all nations on terms of equality." It simply gives that privilege to those nations observing its rules. It is ridiculous to assume that the United States can only use the canal by observing its own rules. All nations in that case simply means "all other nations." The United States prescribes the rules and is owner of the canal.

The treatment, control, and regulation of the domestic commerce of the United States and all of its instrumentalities is a matter which does not concern foreign nations, and is not germane to the question of neutralization. Vattel, in his great work upon the Law of Nations, says:

> The reason of the law of the treaty—that is to say, the motive which leads to the making of it and the object in contemplation at the time—is the most certain clue to lead us to the discovery of its true meaning, and great attention should be paid to this circumstance whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty, or in applying it to a particular place. When once we certainly know the reason which alone has determined the will of the person speaking, we ought to interpret and apply his words in a manner suitable to that reason alone; otherwise, he will be made to speak and act contrary to his intention and in opposition to his own views. (Book 2, ch. 17, sec. 287.)

The language of the treaty can not be made to read to include the domestic commerce of the United States without "too restrained or refined reading." One of the rules that we have adopted concerning the canal provides that—

> The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility committed within it.

Hence, if the United States should go to war with any other nation, under the British construction we must, under our own rules, not blockade the canal or make use of it in any way for war purposes, excepting where we grant the same rights to the enemy. We are spending millions of dollars on defenses for the canal, but as, under the British construction, we can not use them against an enemy, it is all a waste of money.

In the treaty for the neutralization of the Suez Canal, to which the United States was not a party, it provides:

> The Suez Maritime Canal shall always be free and open in time of war, as in time of peace, to every vessel of commerce and of war, without distinction of flag. Consequently the high contracting parties agree not in any way to interfere with the free use of the canal in time of war or in time of peace.

But the British have openly violated this provision, as already stated, and made use of the canal for war purposes. Moreover, about the only use that could be made of the canal for war purposes would be in case that a European power wanted to attack India or an oriental power wanted to bring its warships through to attack British possessions in Europe. But the British Government has taken great care to prevent anything of that kind. Aden, at the southern entrance of the Red Sea, is fortified in a most thorough manner, and since the canal was dug Great Britain has strongly fortified the island of Perim, which, with the fortifications at Aden, gives her complete control of the entrance to the Red Sea, making it virtually a British lake. In addition she has fortifications at Cyprus, Malta, and Gibraltar, besides controlling Egypt. No enemy would think of attempting to send a fleet to India by way of the Suez Canal or of bringing a fleet from the Orient into the Mediterranean through the canal. The European powers protested against the actions of Britain in thus practically fortifying the canal, and her representative, Lord Pauncefote, the joint author of the Hay-Pauncefote treaty, said to them:

> Egypt having become British territory since the construction of the canal and the agreement with the powers, Great Britain could not be bound by the neutrality provisions adopted, so far as they affected Egypt, because it was a recognized principle of international law that treaties are only operative so long as the basic or fundamental conditions upon which they are based continue, and in the event of a fundamental change, such as the change of sovereignty of the soil, any nation which is a party to such treaty could honorably contend that it was inoperative as to her newly acquired territory.

That contention was upheld by the British Government, and the fortifications against which the protest was made were completed, apparently in direct violation of the language in the treaty provision. Now, consider the situation at Panama. The treaty was made before we became the owners of the territory through which the canal is dug. It is not a canal on foreign territory, but our own canal in our own territory, and, as the British Government said in regard to the Suez Canal, even if her construction of the treaty was correct, we could not be bound by the neutrality provisions adopted, because the territory on which the canal is dug has become American territory since the treaty was ratified, and such change of sovereignty warrants any nation which is party to such treaty to honorably contend that it is inoperative as to her newly acquired territory.

Mr. Hall, the well-known authority on international law, says:

> Neither party to an international compact can make its binding effect dependent at his will upon conditions other than those contemplated at the moment when the contract was entered into, and, on the other hand, a contract ceases to be binding as soon as anything which formed an implied condition of its obligatory force at the time of its conclusion is essentially altered.

Dr. Hannis Taylor, a very high American authority on international law, says:

> The conclusion is irresistible that by the radical changes wrought in conditions existing at the time the Hay-Pauncefote treaty was made, through subsequent purchase of the Canal Zone by the United States, the treaty as a whole became voidable; or, to use the words of Prof. Oppenheim, that the vital change wrought by subsequent purchase of the Canal Zone rendered an otherwise "unnotifiable treaty" notifiable.

Mr. Oppenheim, professor of international law in the University of Cambridge, England, says:

> It is almost universally recognized that vital changes of circumstances may be of such kind as to justify a party in notifying a non-notifiable treaty. The vast majority of publicists, as well as all the governments of the members of the family of nations, agree that all treaties are concluded under the tacit condition rebus sic stantibus.

The change in the ownership of the Canal Zone justifies the same construction as that put on the Suez Canal treaty by Lord Pauncefote. The canal is now a part of our coastwise system, and many of the best legal authorities of the world can be quoted in support of our claim as fixed in the law already passed, and as practically upheld by our own Supreme Court. As to the coastwise trade, it follows from the invariable practice of both England and the United States that it is not covered by the treaty any more than the trade through the "Soo" or any other canal or waterways exclusive of Panama, which have cost the United States about $700,000,000 of public money. In the year 1912 the tonnage through the "Soo" Canal was so great that if we had charged only 25 cents a ton that would have amounted to $18,000,000. But under the President's construction we virtually paid that much in subsidies to vessels using that canal. As stated before, England paid in a single year $1,663,920 to the Peninsular & Oriental Steamship Co. on its vessels that passed through the Suez Canal. Germany paid to the North German Lloyd Line $1,385,160 in a year, or more than the tolls through the canal. Japan paid $1,336,000 to one of its lines operating through the canal, which was two and a half times the tolls that line paid. But the British Government says that we can not pass our own domestic vessels through our own canal or even make direct repayment to them of the tolls they pay, a contention that is, in the light of the facts, extremely ridiculous. The British contention is that—

> All vessels passing through the canal, whatever their flag or their character, shall be taken into account in fixing the amount of tolls.

This means not only our coastwise shipping but war vessels and everything else. But our coastwise shipping was considered in fixing tolls.

Prof. Emory Johnson, the expert employed in furnishing information for imposing canal tolls at Panama, estimated that free tolls to our coastwise shipping will save the American people in 10 years $100,000,000 in reduced freight charges. It is well understood the consumer will pay the canal tolls. The president of the Hawaiian Steamship Co., which has been sending a very large tonnage over the Tehuantepec Railroad, a British concern, stated before a congressional committee that he and other shipowners were indifferent as to whether or not tolls were imposed on coastwise ships, because the consumer and not the steamship company would pay the tolls. In fact, the imposition of tolls would practically be a subsidy to the transcontinental railroad lines, of which the Canadian Pacific road, a British-owned concern, would profit perhaps more than any other line. The exemption from tolls would not be of benefit to coastwise shipping, excepting to enable them to lower rates and better compete with the railroads. Every dollar in toll imposed on vessels gives the railroads that much more in freight rates. Oranges and lemons from California to New York pay $27 a ton to railroads in refrigerator cars. But they can be handled through the canal in about the same time for $7 a ton. The consuming public will save $10,000,000 a year on oranges and lemons alone. President Wilson, the candidate, remarked on this subject:

Free toll for American ships through the canal and the prohibition of any ship from passing through which is owned by any railroad company—you can see the object of that, can't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

COASTWISE TRADE AND AN AMERICAN CANAL.

Coastwise trade is interstate commerce, whether through the Panama Canal belonging to the Nation or through the "Soo" or any other canal. The Constitution lodges the power to regulate such trade solely with Congress. A treaty can not take away that right. The Senate rejected the first Hay-Pauncefote treaty because the Senate desired in explicit terms the abrogation of the Clayton-Bulwer treaty, and that the United States should have the right to fortify and defend the canal, and that the other powers should not have the right to interfere in the management of the canal, all of which was granted in the second treaty, of which Secretary Hay said:

The whole theory of the treaty is that the canal is to be entirely an American canal. The enormous cost of construction is to be borne by the United States alone. When constructed it is exclusively the property of the United States and is to be managed and controlled and defended by it.

The United States, on one side, was to own, build, manage, make rules, and so forth, and on the other side, "all nations," whom Great Britain said she represented, were to observe the rules, and if they did they were to have use of the canal on equality. The United States did not provide the canal and then guarantee its use to itself on the observance of certain rules and conditions it was to impose. The United States agreed that there should be no discrimination against any "such nation," which simply means that all nations which observe the rules should be treated alike. If we can not grant our ships any reduction in tolls, we can not allow them any privileges of docking, refitting, supplying coal or stores, repairing, or any other benefit not allowed to the ships "of all nations." No sensible man will contend that we made any such agreement. Secretary Hay, speaking for our Government, objected "to inviting other powers to become contract parties to a treaty affecting the canal," and further asserted that we had "the clear right to close the canal against another belligerent and to protect and defend it by whatever means might be necessary." That is the statement of the man who made the treaty, or drew it up. But we could not do what he says we can do under the construction the British Government now puts on the treaty.

AN ABSURD CONSTRUCTION—BRITAIN AND FAVORED-NATION CLAUSE.

It does not seem reasonable for any person to contend that in the phrase "all nations observing these rules" we meant to include ourselves, and that we must be on terms of equality with ourselves, and as a belligerent respect the neutrality of our own property, and otherwise act in conformity with the rules we adopt, or else be excluded from the use of our own canal.

Great Britain pretended to have rights in Nicaragua, which she afterwards greatly extended in violation of the Clayton-Bulwer treaty. It was in recognition of such pretended rights, and the lack of capital, that led to the agreement, of which nothing ever came and which was abrogated under the Hay-Pauncefote treaty. Great Britain made no claim to Panama territory, and if the French company had succeeded in digging the canal, they would have been under no obligation to Great Britain, and we are not under any obligation to England in this matter either. Lord Lansdowne, in a communication to Lord Pauncefote, in October, 1901, said that the purpose the British Government had in view was "that of insuring that Great Britain should not be placed in a less advantageous position than any other power"; in other words, seeking the most-favored-nation clause and nothing more, to which we have made no objection.

We are told that Secretary Knox was in a fair way to reach an understanding satisfactory to both countries when Senator Root delivered his speech in this body upholding the British contention to even a more marked extent than the British Government itself had put forward. That speech led the British Government, apparently, to take another view of the situation.

For nine years the provisions of the treaty with Panama were unchallenged by Great Britain. But in November, 1912, Sir Edward Grey pointed out that as the vessels of Panama will contribute nothing to the upkeep of the canal the release of them from paying tolls would be an infringement upon Great Britain's rights. If we can not exempt our own vessels, we must not exempt those of any other nation. We have spent this enormous sum of money on the canal, apparently, not for our own benefit but more particularly for that of Great Britain, who has practically one-half the shipping of the world. Thomas Jefferson said that "the marketing of our products will be at the mercy of any nation which has possessed itself exclusively of the means of carrying them." Great Britain is largely in that position and wishes to retain her advantage and never again to see us in the favorable position we were in former times when we carried 95 per cent of our own trade instead of a little over 8 per cent as at present. Some of Britain's friends in this country have done a great deal to bring about this extraordinary situation at this time. The Carnegie Peace Foundation, for instance, admitted that it had spent over $30,000 in a propaganda campaign for the repeal of the tolls-exemption clause, and further stated that 750,000 copies of Senator Root's speech had been circulated in this campaign, and 1,000,000 circular letters had been sent to individuals and organizations. What else it may have done will probably never be known unless its books are examined, but Mr. Carnegie's millions have probably served to a large extent in helping the British side of this case.

The British Government is not slow in looking out for its own interests. Not long since it increased the subsidy to the Royal Mail Line $360,000 a year to "develop the service." Because of our lack of shipping facilities we have a small percentage of the trade in South America and are subject to prejudicial combines of foreign shipping, principally that of Great Britain. She does not want us to interfere with her advantages in that respect, and that is one reason for seeking to prevent us from building up our shipping by the exemption of any part of it from tolls in the canal, although that shipping would not compete with Great Britain directly and would not, because of its exemption from tolls, have the slightest effect upon the tolls imposed on British or any other vessels, for the reason that the coastwise shipping was taken into consideration in fixing the tolls. But any strengthening of our shipping will help American shipyards and threaten British supremacy in our foreign trade. It now takes our mail from 22 to 24 days to go to Valparaiso, and proportionately long to other ports in South America, whereas the time should be from 7 to 9 days quicker. The Royal Mail Line, to which Great Britain has recently increased its subsidy payment, controls much of this South American shipping.

Having passed a tariff law to help Great Britain to such an enormous extent, and her territories, including Canada, President Wilson now apparently wants to still further build up British shipping at our expense. His ambassador to the United Kingdom recently stated in a public address in London that "he could not say that the United States constructed the canal for Great Britain, but that it added greatly to the pleasure of building that great work to know that the British would profit most by its use." It looks as though it was the purpose in asking the repeal of this law exempting coastwise vessels from tolls to more thoroughly carry into effect that declaration of the ambassador in London. If British warships wanted to go to the Pacific coast they would have as much right to use the canal, under the British construction, as those of our own. And if we had another *Oregon* coming to the Atlantic coast, she would have to pay tolls if she used our canal for that purpose. Disraeli said:

England owns the Suez Canal, but did not build it. A channel should be established across the American Isthmus. England should not build it, but should own it.

If England gets what she is now contending for and which President Wilson wants to give her, she will own the canal as much as we do, because we can have no right in it not granted to her, notwithstanding our enormous expenditure in digging the canal and acquiring the property, which, it is estimated by competent authorities, will cost us altogether $700,000,000.

The Tehuantepec Railroad in Mexico, of which Lord Cowdray, otherwise known as Mr. Pearson, who is the brother-in-law of the British secretary of state, is the chief owner, has been carrying 750,000 tons per annum of the coastwise trade of the United States. Mr. Pearson does not want any of that freight to go by way of the Panama Canal, and if tolls are imposed on it he thinks he may retain some considerable proportion of it. He gets in the way of tolls one-third of the freight rate on this large tonnage. That is one of the great interests back of this British contention for imposing tolls on our coastwise vessels, which the President asked Congress to carry into effect in a most humiliating manner. Tolls on American goods going from New England, for instance, to the Pacific coast would be of great benefit to British shipping, as it would enable British manufacturers better to compete with our own on the Pacific coast. Railroads regulate their rates by water rates and charge little or no more, as a rule, to the Pacific coast than the steamships charge, or else the railroads would lose the freight. Hence, the benefit they would derive from the imposition of tolls, all of which would help them in imposing higher rates. The railroads did not want the canal built, and they are now anxious to weaken its competition, something that the President seems to be willing to aid in. If the canal had been built through foreign territory and under the joint control of the United States and Great Britain, as contemplated under the Clayton-Bulwer treaty, the situation would have been different. But under the existing conditions of ownership of both the canal and the territory on which it is located, there is no possible excuse for this House bill which we are now considering.

The attempts that have been made and which are being made in our own country and by our own citizens to convince the American people that the United States is violating its treaty obligations and is looked upon by other nations as lacking in national honor I repudiate. The Constitution confers upon Congress the power to regulate our domestic commerce, and in doing so we are not subject to the charge of violating our treaty obligations. Senators, have you stopped to think that the assaults upon our national honor come from within and not from without? Even Great Britain, through Sir Edward Grey, has intimated that we have the right to exempt our domestic commerce from tolls. No other nation that I am aware of has questioned the right, and does it not seem strange that our right to do so is only questioned by our own people? No Member of the Senate desires to preserve inviolate our treaty obligations more than I, and if I believed this Government had violated the Hay-Pauncefote treaty by the granting of free tolls to our coastwise trade through the Panama Canal I would be the first to acknowledge it and do everything in my power to correct the wrong. I want the United States to enjoy the respect of all nations of the earth, to live in peace with all, and to maintain a desire to accord equal justice to all. This rule of conduct should apply to the smallest, weakest, and poorest as well as to the largest, wealthiest, and most powerful nations. If we must purchase foreign friendship, the price exacted must not involve us in national dishonor. If the United States were attempting to take away from England or any other nation any rights it may have acquired in the canal, the charge of national dishonor would be justified. If any nation had contributed to the cost of constructing the canal or had given some valuable consideration for the right to use it and the United States undertook to deprive such a nation of its rights, no Senator would hesitate to immediately correct such a wrong. But we are not trying to take away the rights of any nation. We paid France the cash for her interest, we paid Panama for the land within the Canal Zone, we constructed the canal which will require an annual maintenance charge of $16,000,000. Great Britain did not contribute one cent to its construction, and now to be informed that our domestic commerce, our coastwise trade, must pay tolls because of Great Britain's demand, or pay tolls to promote international friendship, or to avoid international entanglements, is a form of tribute the American people will not approve of or assume. If it had not been distinctly understood by the American people that the canal was to be an American canal, built by American genius and American money, there would have been no Panama Canal to-day.

When this question was presented to President Taft, he declared we had not violated the treaty, and gave unanswerable reasons for his position. What think you will be our position in the eyes of foreign nations if the act of the former administration is repudiated by the present one, based upon the request that it ought to be done, whether right or wrong? If our position was reversed, is there any Senator who believes that England would yield an interest of vital importance to her to our dictation? No, Mr. President, a thousand times no. And I would commend her for her loyalty to her own. I now say, without fear of contradiction, if we submit to the request and yield our constitutional rights, it will be but the beginning of further demands made upon us by other nations. I can not agree to accept the demands of England, without consideration "whether right or wrong." This is a strange and modern doctrine, a weak and defenseless position for any American to take, and is not worthy of the sons of the patriot fathers of the Revolution, who won for us by blood and sacrifice the blessing of liberty. We should encourage our own merchant marine, built on American soil and by American workmen, manned by American sailors, and flying solely the American flag.

Believing the provisions of the bill to be unwise, unnecessary, and destructive of the best interests of the American people, my duty as a Senator of the United States offers me no alternative than to vote against the bill.

Mr. THOMAS. Mr. President, I have patiently listened to the hearings and the debates upon the pending bill with an open mind, influenced as little as possible by previous impressions. I have endeavored by that means to reach conclusions which should be unaffected either by my own preconceived opinions of the aspects of the controversy or by any feeling of party loyalty beyond that involved in the platform.

Being a member of the Committee on Interoceanic Canals, I have had exceptional opportunity to listen to the hearings and the discussions provoked by them. The debates in this body have covered every feature of the controversy, and consequently I do not perceive either utility or need for recapitulation on my part, except in so far as may be necessary to define the conclusions which I have reached, and whose expression has prompted me to take the floor at this time.

Mr. President, this controversy has, I think, been magnified out of all proportion to its real importance. It has been utilized for the purpose of arousing all of the animosities, reviving all of the traditions, and reciting all our past relations with the mother country, to the end that the real question may be largely obscured. We have heard appeals to patriotism and prophecies of disaster to the Nation in the event this bill shall be enacted into law. Motives have been questioned, the judgment of the President has been challenged, and assaults upon the national sovereignty, to say nothing of the portents of disaster greatly apprehended by gentlemen whose normal temperaments are healthy and whose judgments are generally deliberate.

The controversy, Mr. President, has its genesis in the Clayton-Bulwer treaty, which we recognized, instead of ignoring in 1900 and in 1901. That treaty has been fruitful of nothing save controversy and of dissension. When it was before the Senate of the United States for ratification it was vigorously opposed by Senator Douglas, who protested against the placing of limitations upon the United States in Central America, and who predicted many of the dissensions which were the offspring of that treaty. That it was constantly and almost consistently disregarded by Great Britain is a matter of history; and that a treaty disregarded by one nation is not binding upon another, if it desires to avoid it, is perhaps a truism which will be accepted without any question. But, Mr. President, the United States saw fit in 1900 and 1901 to recognize its obligations under this treaty at the time when the demand for the building of the Panama Canal became insistent—and it became overwhelmingly so—as a result of the trip of the *Oregon* through the Straits of Magellan during the Spanish-American War.

Having recognized the treaty as a subsisting one, we were constrained to negotiate with Great Britain for its abrogation or supercession if we would have a free hand in constructing the canal; and, of course, that negotiation conceded that Great Britain had treaty rights binding upon the Government of the United States in Central America consequent upon this convention; so that as a result further negotiation with Great Britain was essential if the United States should acquire the right of sole construction and control of the canal, as it desired to do. That, of course, meant a new treaty; and a new treaty, Mr. President, was possible only should the minds of the two signatory powers, through their representatives, harmonize upon proposed changes. As a result the Hay-Pauncefote treaty was finally consummated, superseding the old contract, save as to its principle of neutralization, establishing a new one in its stead, which necessarily constitutes a binding obligation between the two sovereign powers.

Having done this, we enacted the statute of 1912, and the sole question here involved is whether the United States has the

right, under its convention, to exempt its coastwise shipping from the operation of a law otherwise general in its application, or, having the right, whether it is just or expedient to exercise it. That is the sum total of the controversy.

That a Government in acknowledging a treaty obligation surrenders its sovereignty, that a Government in considering whether it should or should not legislate with reference to a treaty thereby proposes to commit itself to some policy which virtually subordinates it to the other contracting party, and thereby concludes itself, does not and can not be the logical consequence of its action. Treaty rights may be surrendered or burdensome obligations assumed, but never when the problem presents itself as one of construction whose final solution is preceded by intelligent and exhaustive consideration.

Mr. President, the conclusions which I have reached—and I shall occupy the attention of the Senate for a comparatively short time—are:

That the representatives of the signatory powers, as appears from their correspondence and the statements of the two survivors, both Americans, assumed that the terms of the treaty as finally recommended by them to the two signatory powers applied alike to the Government of the United States, to Great Britain, and to other nations observing its rules; that the language of the treaty is susceptible of the construction contended for by the opponents of the bill, but not of all the arguments used to support it. That the exemption clause of the canal act should be taken in connection with its exclusion clause. They were evidently inspired by the belief that both were essential to the operation of the canal as a permanent competitive water route, and this must be their justification. The exclusion clause is, of course, not here involved; but that the two formed part of a common policy incomplete unless both were present in this legislation is, to my mind, beyond question.

I also conclude, Mr. President, that the economic feature of this controversy is of no great practical importance. It is one which has been magnified out of all proportion to its real character.

And, lastly, that the true policy of the Government should be to make the canal free to the commerce of all the world, and own and operate its own vessels in the coast-to-coast traffic.

Mr. President, so far as the negotiations between the representatives of the two Governments are concerned, I shall have but little to say. This feature of the controversy has been elaborated with so much ability and has been so completely exhausted by the Senator from North Dakota [Mr. MCCUMBER], by the Senator from Massachusetts [Mr. LODGE], by the Senator from Oklahoma [Mr. OWEN], and by the Senator from Georgia [Mr. SMITH] that it would be worse than a waste of time for me to give it further consideration. Suffice it to say that the correspondence which has been read, the statements which have been made before the committee, and the construction placed upon them by these Senators are conclusive upon the proposition that so far as the understanding between the representatives of the signatory powers are concerned at the time of the completion of the treaty it was supposed to be universal in its application.

The United States adopted the convention of Constantinople with reference to the details of the operation of the canal, and, of course, to adopt is "to choose or to take to oneself." Hence, it would seem to me as a reasonable man that it is but natural that a nation whose representatives understood and were given to understand the phraseology of the treaty to mean a certain thing, to respectfully insist, without being charged with a design to overreach, upon the observance of that understanding through diplomatic channels, as has been done in this case, and that the American people should be free to accept or to reject the proposition without incurring either the imputation of treason or a base surrender of American sovereignty or of American honor on the one hand or of a willful disregard of their solemn obligation on the other.

Mr. President, I have said that the language of the treaty seems to be susceptible of the construction which is placed upon it by the opponents of repeal; but some of their arguments, it seems to me, prove altogether too much. If they are to be accepted at their face value they may become extremely inconvenient in their application to other clauses of this treaty and to other treaties, both those in existence and those which are in contemplation. It would seem that when the United States adopted the principles of the Constantinople convention it took them in their entirety and without qualification, because they contain no words of exception or limitation. It is therefore bound by them, and all of them, precisely as the company controlling and owning the Suez Canal is bound; that it can do what that company may do under these rules and regulations, but should abstain from doing what that company may not do under them.

We can not go to these rules and at the same time stay away from them. Therefore we should test the first clause of the third article which is directly involved in this controversy by determining how far the Suez Canal Co. may proceed thereunder by way of discriminatory action.

Mr. President, during an experience at the bar, extending over 40 years, I have always been able the better to care for the interests of my own clients by considering their contentions from the standpoint of the opposition, by occupying as far as possible the place of the attorney for the other side, and thereby thoroughly test their efficiency. I think there is no better method of ascertaining the merits of any proposition than to assume, mentally at least, an unfriendly attitude to the given question, to conjure up all possible arguments and situations of a hostile or unfriendly nature, and by applying them sift out the fit from the unfit by a process of elimination thoughtfully and thoroughly applied.

Let us apply this method to the present instance, Mr. President, and assume that the governors of the Suez Canal should by ordinance, or that Great Britain as the result of its majority ownership of the shares of stock in that canal should by order, exempt Great Britain's coast-to-coast vessels from the payment of tolls through that canal, and that by this process all of the shipping which plies between English ports and East Indian ports and the other dependencies of Great Britain should not be subject to the general law under which tolls are and have been collected upon tonnage passing through that waterway; would such action contravene the principle of the Constantinople convention? If it would, then it seems, Mr. President, to follow that the act of 1912 also contravenes it, for if article 3 of the Hay-Pauncefote treaty, if not word for word, is certainly in substance, that of the Constantinople convention of 1888 with reference to the Suez Canal.

Now suppose, still further, Mr. President, that Great Britain, and not a corporation, were the owner of the Suez Canal, and that Great Britain should by statute make such exemption as the United States has made with reference to the Panama Canal, would such action contravene the provisions of the Constantinople agreement?

These questions, Mr. President, I think present a fair test for the purpose of determining, so far as the treaty is concerned, the character of the legislation in controversy. I leave them to the consideration of Senators. We may also consider two or three other propositions of similar import which, though entirely imaginary, nevertheless may be of importance in the determination of this question. Suppose that Great Britain instead of the United States had constructed the Panama Canal under precisely similar treaty stipulations; in other words, suppose that the position of the signatory powers were reversed, and that Great Britain had by a statute exempted Canadian coast-to-coast traffic from the operation of the toll section of its statute, would she thereby contravene the provisions of the Constantinople convention? And just here it must be recalled that we reserved the right by this treaty to construct the canal through private agencies; and the treaty should be considered from that viewpoint. It is important to note that when the signatory powers agreed to this convention, when the two Governments ratified the treaty, the United States was just as free to provide for the building of the canal through private enterprise as it was to build it on its own account, and we must take into consideration the fact that we might have done so when our own power and authority under the treaty to make exemptions and discriminations are challenged, for the manner of construction can not alter the effect of the obligations which we have assumed or in anywise change the meaning of the contract.

Mr. President, if the Panama Canal had been so constructed, that is to say, if it had been constructed by a private corporation aided by the United States instead of by the United States directly, and this exemption clause of the statute had been enacted or the company had sought by some regulation of its own to make the same exemption, the question arises, Would that corporation, or the United States acting through it, have thereby contravened its obligations under the Constantinople agreement?

It seems to me, giving full play to all the principles of construction which have here been so fully elaborated, that these questions are susceptible of but one answer, and that is, that the spirit and the intent of the convention would be ignored by such a regulation; and I fancy that the protests of the people of the United States, had the canal been constructed by the other signatory power, followed by the exemption of Canadian coast-to-coast traffic from its tolls, would have been far louder, far greater in volume, and far more passionate than those which

are so vigorously made against the enactment of the present bill. We would, Mr. President, have planted ourselves upon the terms of the obligation assumed and would have insisted that the spirit of equality and of international morality, the declaration of neutrality, and the common purpose sought to be subserved by and between the two Governments in making the contract for so great a purpose had been ignored or disregarded, and particularly if, under those circumstances, the understanding between the representatives of the signatory powers at the time the treaty was concluded and ratified had been the same as is declared by these representatives, through their correspondence and by their survivors, to have been the case here.

Mr. President, since this is a question of power, let me put another supposition, because if the Government of the United States has the power, as it is claimed, under the treaty to make the exemption which is here in controversy, then it has the power to make the same exemption as to all of the shipping of the United States, whether it be coastwise or otherwise; that is to say, if it simply be a question of power, if the term "all nations" means all other nations, why can not the United States exempt as well its shipping engaged in the foreign trade as its shipping engaged in the coast-to-coast trade from the payment of canal tolls? Of course I am not unmindful of the proposition that the one is an exclusive monopoly, made so by our navigation laws, while the other affects traffic coming in competition with the traffic of other nations; but that is immaterial to the proposition so long as it is one of power and of right upon the part of the United States, which not being bound by the contract is free to exercise it if it sees fit so to do. Therefore it is a pertinent question whether if the United States should see fit to exempt all of its vessels from tolls the act would be a contravention of the treaty of Constantinople, which is a part of this one. It would seem that if the United States can exempt part of its shipping it can exempt all of its shipping, unless we find something besides the mere question of power and authority under the treaty which imposes a limitation.

Mr. President, the several paragraphs of the article, which is taken bodily from the treaty of Constantinople, must be taken as an entirety; that is to say, they must be considered together when questions of construction or the existence or the absence of authority for a given act based thereon may be under consideration. One of these provisions declares that the canal shall never be blockaded—a most obvious condition; one which, of course, is essential if the purposes of the treaty are to be constantly subserved, because otherwise the canal would be neither useful nor reliable as an artery either of coastwise or of international traffic, since interruptions of its operation would be easy. But is the United States exempted from that provision? Has the United States, as one of the signatory powers, as the owner and controller of the canal, the right under or independently of this treaty, itself to do that which it is declared shall not be done at all?

Do we not, Mr. President, by virtue of our insistence that the treaty clothes the United States with power, or that there is nothing in it which deprives the United States of power, to make this exemption, going so far as to assert the right of blockade should we see fit to exercise it? That we are prescribing regulations and making covenants only for other nations observing them? And yet I think no one will contend for a moment that the United States any more than any other nation observing the rules of the convention can lawfully blockade the canal. We have very properly denied ourselves that power, although we are insisting upon a construction of the treaty which, sound or unsound, will recognize in our Government the reserved right to lay an embargo on its own canal.

Of course, the Government of the United States would never pretend to do this; but we must discover where a contention will lead us if we are to determine its soundness, especially when conventions, carefully and solemnly negotiated and ratified between nations and designed to be not only a rule of property but a rule of conduct for all time and concerning a great world-wide international subject, are the subjects of disputation.

Assertions of sovereignty, of the vast amount of our expenditures, of our right to prescribe rules and regulations for others, of our right to control and use our own property, and all similar assertions seem to me to be entirely beside the main proposition. They prove nothing and demolish nothing. The only proposition in this case, namely, what is the power of the Government of the United States and its authority under the contract which it deliberately negotiated and which it is precluded from saying it was not obliged to negotiate as a condition of building the canal, since it assumed to recognize the force and effect of the Clayton-Bulwer treaty and the necessity of getting it out of the way before it could proceed? Merely this, and nothing more.

We are obscuring the main issue by a great many patriotic speeches, by crimination and recrimination, by imputing sinister motives and challenging sinister influences, by a great many dismal forebodings as to the consequences of our action, by protesting against the humiliation of what is called a surrender, by passionate declarations, and by invocations to the flag; but the admitted facts and circumstances which surround the negotiation and ratification of the contract surely excuse, even if they do not justify, the British Government in its policy of protest. Were conditions reversed we would do likewise, though far more forcibly.

Mr. President, the Senator from Utah [Mr. SMOOT] just now, and other Senators also, have laid great emphasis upon the assertion that if we now repeal the act whereby this exemption was created we do so at the demand of a foreign power, and thereby surrender for all time our right to control the canal in our own interest, even in time of war. The Senator from Utah grew eloquent in picturing the disastrous consequences that would result from such a surrender of this great waterway. His imagination converts it into an engine of danger instead of a weapon of defense in the event of hostilities between this and some of the other great powers of the world. Why, Mr. President, I do not think there can be any possible contradiction of the general proposition that in time of war treaties and conventions affecting or between belligerents are suspended. Were the consequences of affirmative action as dire as the Senator declares, they would, upon a declaration of war by or against us, be as though the treaty had never existed.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Colorado yield to the Senator from Missouri?

Mr. THOMAS. I do.

Mr. REED. The Senator has struck a very interesting question, so far as I am concerned. I agree with the Senator that whereas we have a contract with England, if we should engage in a war with England all treaties between that country and this would be immediately suspended; so that in case of war with England we would not be embarrassed by any condition of this treaty which provides that the vessels of all nations, of peace or war, shall go through on equal terms. Does the Senator believe, however, that war between Japan and the United States would have the effect of abrogating a treaty between England and the United States, unless England gave its consent? If so, I should like to know upon what ground.

Mr. THOMAS. Mr. President, the law of self-preservation is as powerful with nations as it is with individuals. I assume that Japan is one of the powers that will observe the rules of the treaty to which I am referring. Whether it does or not, however, I unhesitatingly say that in the event of war with Japan our right and power to utilize this canal would so influence the treaty, if it contained any provisions affecting that right, as to set them aside and suspend them for the time being.

Mr. REED. That is to say, the Senator believes that in such an exigency as that we would simply brush aside the treaty. He does not claim that there is any clause in the treaty or any principle of law that would make it void?

Mr. THOMAS. Why, certainly not; but it becomes in suspenso during the critical period of hostilities between this Nation and any other nation in so far as we should have need of the canal either in offense or defense.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. THOMAS. I do.

Mr. WILLIAMS. With the Senator's consent, I should like to add that the same principle that suspends during the war a treaty entered into by two contracting parties in case of war between those parties applies likewise to a third party obtaining any benefit under the treaty with whom the contracting party is at war.

Mr. THOMAS. Of course; but the Senator from Missouri is assuming that no such treaty existed.

Mr. WILLIAMS. The only right that Japan has here is the right to equal treatment under the treaty that the United States has made with Great Britain. Certainly a third party, with only incidental rights, could stand upon no higher footing than the other contracting party, to wit, Great Britain itself.

Mr. THOMAS. I think there can be no doubt about that.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado further yield to the Senator from Missouri?

Mr. THOMAS. I will yield once more. I promised——

Mr. REED. If it at all interferes with the Senator's address I shall not ask to interrupt.

Mr. THOMAS. I will say to the Senator from Missouri that it does not interfere with me; but I have assured the Senator from Oklahoma [Mr. GORE], who gave way to me, that I would finish as soon as possible.

Mr. REED. Very well.

Mr. THOMAS. It is only for that reason that I answered as I did to the interruption.

Let us assume, however, that the contrary is the case, and that all of the dire results which are predicted of favorable action upon this bill will follow, and that the Government of the United States could not suspend this treaty in case of a war with Japan or even with Great Britain, in consequence of which the canal would be kept open for the passage of their vessels and munitions of war from one ocean to the other. I know of nothing better that could occur, I know of no more fortunate circumstance for the United States under those conditions. The canal, then, must, in war as in peace, be free to all nations, and the fleets of the hostile power may use it under the treaty and pass through it without hindrance or opposition.

Why, Mr. President, there is no commander, however inexperienced, who would be guilty of such stupendous folly as to attempt to negotiate such a waterway with his fleet in time of stress and conflict, under any circumstances, not even if the fate of the conflict hung in the balance, for the enemy waiting outside could destroy his vessels in detail as they came through into the open sea and passed beyond the 3-mile limit, long before they could be massed in battle formation. It is mere bombast to assert that the treaty, in the event it should remain in full force during time of war, would be a source of serious or any danger to the people of the United States or to its armies or to its navies.

I think there is no higher authority upon this subject than Admiral Evans, one of the greatest naval commanders this or any other nation ever had, a man thoroughly competent to speak upon a question of this sort, and whose words are entitled to the utmost consideration. He declares:

> The value of the canal in time of war is a question on which the officers both of the Army and Navy differ. One opinion holds that unless the canal is strongly fortified at both ends it will be of no practical value in time of war. The other opinion, and I find myself with those who hold it, is that no amount of fortifying will render the canal of real value for the passage of a fleet of war vessels from one ocean to the other after war has been declared or when war is known to be inevitable.
>
> At the Pacific end of the canal fortifications might be so placed on available sites as to assist a fleet in its passage from the Atlantic by holding the enemy's fleet in check until our own had completed its battle formation on the Pacific side. If we may judge by what forts have been able to do in the past when opposed by ships, we have good grounds for thinking that our fleet would run serious danger of being destroyed in detail despite the assistance of such forts.

That means, of course, that for us to attempt to pass the vessels of our fleet, in time of war, one by one through the canal, unless it were done before the hostile fleet were assembled, would be as foolish as it would be for any foreign nation to do so.

> Much would, of course, depend on the ability and courage of our enemy, and on this point we have good knowledge of the officers and men of the only nation we have any danger of ever meeting in battle in this vicinity.
>
> It is granted, however, that forts at the Pacific end of the canal might be of value.
>
> At the Atlantic end of the canal it is not apparent how forts, no matter how many, could assist a fleet passing through the waterway to secure a battle formation before being attacked. There are no outlying islands as on the Pacific side and no high land on which forts could be advantageously constructed.
>
> Some authorities think that mortar batteries would be effective for the purpose, and still others suggest airships. Naval opinion generally places about as much value on the one as on the other; we seriously doubt the ability of mortars to prevent an active naval commander inflicting fatal damage on an enemy's fleet emerging, one ship at a time, from the Atlantic entrance to the canal before it could gain a battle formation. The same opinion is held by many with reference to any guns that may be mounted on the islands about the Pacific entrance to the canal. As to airships, we may safely leave them out of consideration.

A little attention to details and the consideration of actual happenings may perhaps remove many of the apprehensions which spring from a perfervid or overheated imagination and which are designed to magnify the possible consequences of our action here in determining whether the treaty does or does not involve a given right or justify the exercise of a given authority. So, as far as my understanding of this question goes, I am not convinced that there ever will be any serious danger of any nation insisting upon using the Panama Canal for war purposes unless, indeed, as I have stated, the passage of its vessels can be swift and sure and in advance of the necessary preparations for encountering them before they can form in battle array after the passage has been effected.

To illustrate, suppose the American fleet which went around the world in 1907 had encountered a hostile fleet at either end of the Suez Canal, and our vessels had been obliged to take, or had taken, the risk of passing through the canal one by one. Do we not know that a much less powerful fleet, both in numbers and in guns, would have been superior to each one in detail, and could have destroyed our vessels in succession long before it would have been possible for them to assume the combined position at the other end which is necessary for the best results, to say nothing of their own salvation?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. THOMAS. I do.

Mr. REED. I understand that the Senator does not wish to be interrupted, on account of the question of time, but I have great respect for his opinion, as I know the Senate and the country have, and it seems to me he is announcing a startling proposition.

I wish to put this question to him:

Let us assume what we will all undertake to say is a very violent assumption, that we should become engaged in a war with Japan, and that Japan should be massing her vessels to attack our Pacific coast, and we had 20 dreadnaughts in the harbors of the eastern coast. Does the Senator or does any military expert undertake to say that the canal might not be the means by which we could move those vessels to the western coast, anticipating the arrival of the Japanese fleet, and get them through before there was a single vessel to attack them?

On the other hand, continuing the illustration and the question, will any military expert say that a condition might not arise by which we would have sufficient vessels at one end of the canal to protect our vessels as they came through from immediate attack at that point, and yet the necessity of getting the vessels through would be so great that the canal would be of great advantage to us?

Mr. THOMAS. Mr. President, I thought I had anticipated that question. I stated, or intended to state, that this would occur unless the canal were used for the purpose of transporting the fleet from one ocean to the other before the enemy had so organized its fleet as to make it impossible, or as to make it extremely dangerous or hazardous. Certainly if, prior to the concentration of the enemy's forces at either end of the canal, the movement is made, it would be free from the hazards and dangers to which I have referred. But, Mr. President, ours is the nearest fleet; ours is the one which, in the event of hostilities, will get there first; and I am discussing the proposition which has been put forward here with so much force by other Senators, that in such an event we would be humiliated, to say nothing of the danger and disaster to us, if this bill becomes a law, by being obliged to leave the canal open at all times, even to the vessels of an enemy of the United States engaged in actual hostilities. My contention is that nothing more fortunate could occur to the United States than for one of its enemies to attempt to negotiate the passage of the canal and insist upon its rights under those circumstances.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado further yield to the Senator from Missouri?

Mr. THOMAS. I do.

Mr. REED. I agree with the Senator, but I do not put it upon the basis that he does. I simply know, treaty or no treaty, that if we had forts, as we will have forts, the enemy's vessels would never live to get well started through the canal. It would not be a question of treaties, however; it would be a question of armament, of powder, and of shell, and of common sense applied to a situation.

Mr. THOMAS. Mr. President, that may be. I neither affirm nor deny the fact. The extract which I have just read from the statement of Admiral Evans, however, would seem to be somewhat in conflict with the views expressed by the Senator from Missouri as to the effective character of land fortifications. And, I may add, that there is much contrariety of opinion between naval experts as to the value of our canal fortifications for offensive purposes.

I now come to the canal act itself. I think its provisions are defensible as necessary, or as supposed to have been necessary at the time of its enactment, to accomplish the purpose for which the canal was dug. I was not a member of the Senate in 1912. I have not had time to read the debates which then occurred upon the bill; but I have some general recollection of the information which was given to the country generally through the press, and, of course, through correspondence concerning the nature and purposes of the proposed legislation. My recollection is that the canal, being designed primarily as

a great waterway in the interests of commerce, both domestic and foreign, might be subject to the drastic competition and consequent control of the great lines of continental transportation; that mindful of the experiences which the country had had with these lines of railroad in the operation of steamship lines to the Panama Railroad on both sides, and the fact that the competition which once existed had been absolutely destroyed, in one instance by the purchase of the lines of vessels on the Atlantic and on the Pacific, and in the other by subsidizing an independent line so that it was justified in refusing and could make more money by refusing than by carrying freight, thus making that route worse than a negligible quantity in the general system of transportation from coast to coast, the Congress of the United States was actuated by the desire in this legislation to preserve that canal for all time for the purpose for which it was originally designed. That purpose was to construct not only a great competitive water route, but one that would be absolutely and forever free, either from control or from possible extinction, as a line of competition through the powerful action of the tremendous corporations which operate the land lines between the Atlantic and the Pacific coasts. Of course the Nation was justified, and would be justified now, Mr. President—because, as I have said, I think the treaty is susceptible of a construction which justifies the act—in promoting the general welfare, that being the main object of all governments, by so legislating with reference to our domestic traffic as that competition never could be extinguished or controlled, and that the canal should therefore be at all times the great regulator of traffic rates throughout the United States, keeping them down to a certain level, and thereby serving the interests and the welfare of the great mass of consumers who constitute the people of the Nation. And of course the exclusion of vessels owned or controlled by railway systems was inserted in the law for the same purpose.

Mr. President, the question in my mind again is, Will this act as it now stands effectuate that condition? Will it accomplish that purpose? I am speaking now, of course, without reference to the party pledge, to which I shall come a few moments later.

I do not think it will. I have become convinced from reading and hearing the statements of the witnesses before the Interoceanic Canals Committee and from the discussions upon this floor that the economic features of this controversy are trifling in their importance. It is true that a great vessel of 10,000 tons passing through the canal will be required to pay $12,000 in tolls, $1.20 per ton; but 10,000 tons transported from San Francisco to the city of New York, at $20 a ton, makes $200,000. It is easy, of course, to use large sums of money, and by the expression of their aggregate amount to produce a false impression. The real test is, What is the effect of a given rate upon traffic? Now, let us see.

It is declared that a shipping ton consists of 100 cubic feet. That space may be filled with lead, or it may be filled with feathers. Whatever the commodity, it is the space and not the weight of the commodity which constitutes a shipping ton. It is in evidence before the committee that, generally speaking, with reference to all bulky traffic, at least, a shipping ton is the equivalent of 2 actual tons. Now, $1.20 per shipping ton is 60 cents per actual ton, and that is 3 cents per hundred pounds. Three cents per hundred pounds would have about as much influence in the regulation of rates across the continent as a drop of water would have in affecting the level of Lake Superior. It is infinitesimal in its quantity, and it comes to nothing when you consider the great amount of traffic that is to be influenced by it.

Why, Mr. President, competitive rates as they now exist over the Tehuantepec Railroad, the charges being greater than 3 cents per hundred pounds, are sufficient, it seems, to maintain active competition between the waterway and the railways, and to enable the shippers by the use of the former to compete successfully with the traffic of the latter. This is vividly illustrated by the statement of Congressman HUMPHREY, who appeared before our committee. I read from page 404 of the hearings. He says:

> That suggests to me another question which I came very nearly forgetting, and that is the market we hope to reach and that the tolls directly affect. Let me give you an illustration of what I mean. You take a carload of fir lumber to-day, I will say 1,000 feet to-day, and you can send that lumber down the Pacific coast in a vessel to the Isthmus, 103 miles across the Isthmus by the Tehuantepec Railroad—

He should have said 184 miles—

> put it on another vessel, bring it up to Philadelphia, put it on the railroad there, and send it back to Indianapolis for about 1 cent less or 2 cents less than you can send it direct from Seattle to Indianapolis or any of the Pacific coast ports.
>
> Take a still more striking illustration; take canned salmon, one of our principal products on the Pacific coast. You could send a case of canned salmon, or could when I looked it up a few months ago, down the Pacific coast, across the Tehuantepec Railroad, bring it up to New York and put it on the railroad and take it to Buffalo; put it on a vessel there and take it through the Great Lakes and the Soo Canal to Duluth at just the same rates you can send it direct from Seattle to Duluth. That shows you the effect of water transportation. Now, every time that you place 1 cent upon the tolls, every time you add 1 penny to the freight that goes through the Panama Canal you restrict the market that much; you keep us from getting that much farther west and that much farther up the Mississippi River.

I asked the witness:

> If I understood your last illustration, in which you cite the transportation of salmon by water up into Duluth where it could be sold cheaper than the same canned salmon could be transported by railroad to Duluth, you run it over the Tehuantepec Railroad?
>
> Mr. HUMPHREY. Yes.
>
> Senator THOMAS. How does the transportation charge of the Tehuantepec Railroad, including breakage, compare with the tolls that are proposed by this repeal bill to be placed on the same commodities going through the canal?
>
> Mr. HUMPHREY. I am not familiar with that.
>
> Senator THOMAS. It is greater, is it not?
>
> Mr. HUMPHREY. The rate in that way, handling and unloading, of course is a great deal greater than going through direct.

So, Mr. President, we have the condition which it is declared the repeal of this law will kill, notwithstanding the fact that the route, which is and has long been a competitive one, requires the breakage of freight twice and transshipment across the isthmus 184 miles. This record is replete not perhaps with such glaring instances, but with statements which justify the conclusion, so far as the amount of this freight is concerned, that as the basis of the economic feature of the argument it seems to me at least to be of no importance whatever.

It is true that the aggregate which would be paid in the case of tolls would be very considerable. It is true that it would probably put the Tehuantepec Railroad out of business, or at least compel it to meet the competitive route. But it is equally true, Mr. President, that in so far as its effect upon coastwise traffic is concerned its influence will be practically negligible.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New York?

Mr. THOMAS. I do.

Mr. O'GORMAN. If the effect of the canal on the transcontinental railroad traffic will be negligible, has the Senator any explanation to offer as to the persistent opposition of the railroads of the country for more than 30 years against the construction of a canal across the Isthmus?

Mr. THOMAS. Oh, yes, Mr. President, there is no question that the railroads desire to monopolize the entire traffic of the country. They fear water competition as they fear all competition. They do not want a competition which, in my judgment, will eventuate in the Government of the United States operating its own vessels and doing this traffic, thus compelling them to equalize rates all over the country. It is not canal tolls they are concerned about. It is water competition from coast to coast, of which canal tolls are but a feature.

Besides, Mr. President, it is the chronic policy of the railway companies always to oppose even potentially competitive routes, because they generally assume that the ultimate effect will be injurious to them, even though they may be needful to the territory immediately served.

I have already stated that the companion piece of this legislation is the exclusion of railway owned or controlled vessels from the canal. Without this they could easily, through the influences they have heretofore exercised, reduce the canal to the same condition of dependency and uselessness to which the Panama Railroad in times past was brought.

British Columbia shipping is just as active via the Tehuantepec Railroad route in competition for this coast-to-coast traffic as she will be whether this law is repealed or whether it is not. One would judge from the statement of the Senator from Utah [Mr. SMOOT] that free tolls through the canal would enable our shipping to compete with all the other nations of the world, notwithstanding differences in wages, difference in provision, cost of construction, and all the other differences which he declared to be so glaringly in contrast between them and our own. Those conditions, Mr. President, are not dependent upon canal legislation. They will not disappear with canal legislation. No matter what the differences, they are based upon other and entirely distinct and foreign reasons. Of course the Senator is too well informed not to know that just as well as I. Their place in this discussion is not apparent to me, possibly because of my limited perceptions.

Mr. President, this brings me to the real purpose for which I took the floor, and that is the discussion for a moment of the amendment which I offered providing exemption of tolls

for all the traffic passing through the canal, coastwise and foreign and everything.

Mr. WILLIAMS. Of all nations?

Mr. THOMAS. Yes; of all nations. In the first place, Mr. President, this does not contravene, nobody claims that it contravenes, any part or portion of the treaty. It is consonant with the treaty. It is consonant with those who desire the repeal of the present law. It is consonant with the views of those who desire to keep it in existence.

Mr. President, I am neither a prophet nor the son of a prophet, but I nevertheless hazard the prediction that this canal will never fully subserve the great purposes for which it was constructed, and the vast expenditure which we have made until it is made as free to the vessels of all nations as the wide ocean itself, as the Sault Ste. Marie Canal is to-day, as the Mississippi River to our domestic traffic, as the Lakes are to the great inland water traffic of the country.

Mr. President, if this canal is to become useful for over-sea traffic that traffic must be diverted from the Suez Canal. Virtually all of it goes that way. It has done this so long that it has hardened into a custom. These sea carriers have trading stations between their ports of departure and their ports of arrival on both sides of the Suez Canal. They have their coaling stations. With the exception of New Zealand and the South American coast the Suez route brings the world nearer to the great ports of Europe than by way of the Panama Canal. As a consequence, we must offer extra inducements if we are going to divert that traffic to our canal, as we can divert it to the general benefit of this country and in the interests of international commerce.

Mr. President, one of the great benefits that will result from this policy will be that the Suez Canal itself must follow our example and become in turn a great free highway for all the nations of the earth. A free Panama Canal and a toll Suez Canal could not coexist very long. The contribution which a free Suez Canal would make to mankind, given in figures by the Senator from Utah a few moments ago, in the removal of its charges upon the world's traffic, would amount in the course of two or three years to more than all the subsidies which have been referred to during this debate.

Mr. President, I am not going to elaborate this proposition. I have not the time. I read into the RECORD on the 10th day of April the articles of Admiral Evans upon this vastly important subject. He exhausted the proposition, and I trust that Senators who are interested in the proposition will read what he said. I believe they will come to the conclusion which I reached through that channel of information long before this question became an acute one.

Mr. President, whether we repeal this law or not, whether it remains upon the statute books or whether it is to be taken from them, the great problem of cheap coast-to-coast traffic in its material bearings and consequence to the people will find no solution. That must come from another source. The Government of the United States has long operated, through a private company, it is true, but nevertheless operated and controlled, a fleet of merchant vessels plying between its own ports and Panama. It has demonstrated its power as a business factor in the building of the Panama Canal, in the operation of hundreds of miles of telegraph and telephone lines in Alaska, in the spread of the railway system in the Philippines.

Mr. President, if this canal, so far as domestic commerce is affected, is to bring that benefit which we all hope for, and which it was designed to bring, the Government of the United States should build its own line of merchant marine, should operate its own vessels, and by that means place and keep freights and traffic to the level which they ought to occupy. The canal should, of course, be free for private-owned vessels. Those of the Government will not operate at a loss, and there will be traffic for all. The Government vessels will be the regulator, free from combinations and conferences, yet just to consumers and competitors alike.

Mr. President, I do not know how long it may be, I believe this policy will come in time, and the canal will have subserved its purposes, and posterity will rejoice that our money has been expended in the establishment of a highway that serves the people because they operate as well as control it.

Mr. President, we do not tax commerce generally for purposes of revenue. That canal was not constructed as an investment. Reference has been made to $700,000,000 which has been expended by this Government in improving rivers and harbors. Do we levy a single dollar of tax upon any commerce for the use of the improvements which are represented by this expenditure? Why should we make an exception of this our greatest achievement? Why should we exempt it from that general policy of operation which is characteristic of our expenditures for the improvement of navigation?

The great Ambrose Channel, constructed at an enormous expense, is useful only for foreign vessels. There is not a ship flying the American flag which needs that channel. It is and was made necessary in order that the greater craft of other nations engaged in international commerce might reach the wharves of the city of New York. That is only one of many instances I might mention in support of the proposition that a tax should not be levied by this country upon that commerce which represents transportation. So we are not departing from any old policy, we are not establishing any strange policy, we are not branching out in a new line of endeavor, when I plead for free tolls for all, but we are merely carrying out the general plan which has long characterized our expenditures for these great purposes.

Mr. President, I want to say a word with reference to our coastwise traffic, and here I think the Senator from Missouri [Mr. REED] and I will agree. Much has been said concerning the vast importance to its future which this bill carries. It is said that if repeal shall be effected this commerce will dwindle and decay. On the other hand, it is asserted that if the law remains it will expand by leaps and bounds.

I do not believe, I can not bring my mind to believe, that the enactment of this measure or its repeal can influence it in any way. Our coastwise traffic is a monopoly. Ninety-two per cent of it is controlled as completely and as absolutely as the Standard Oil Co. ever controlled the markets of the country. It is the necessary and legitimate consequence of our navigation laws. Years ago we bound up our coastwise commerce as Chinese bind the feet of their women, restricting growth and compelling and forcing it along certain lines. We could not, if we had deliberately so intended, have legislated more effectively for the creation, for the necessary creation, of monopoly in any line of business than in the navigation laws and their application to coastwise traffic. It is not the tolls act which should concern us, but the code of laws of which this crushing monopoly is the lusty and legitimate offspring.

The way, Mr. President, to relieve ourselves of this monopoly is to repeal these laws, set them aside, and open our coastwise traffic to the competitive conditions which the coastwise traffic of the other great nations has long encountered.

Do you tell me that you can not compete? I deny it, Mr. President. But monopolies are odious, and this monopoly should disappear.

Now, it is claimed that another provision in this treaty excludes this shipping from the canal, and it is therefore not concerned in repeal; but we know, Mr. President, that man never yet enacted a statute that the cunning of man could not avoid. Human ingenuity is not proof against human ingenuity, and the most patient and experienced constructor of statutes knows full well that exemptions and exceptions in the hands of skillful men are merely obstructions and difficulties naturally expected, but which can be climbed over or tunneled through.

The exemption clause subserves a good purpose. I fear it will be effective only so long as, and no longer than, this monopoly determines to break through it. Then in all probability an assumed dissolution of combinations or sales of railway interests will take place, and the old form garbed in a new dress will snap its fingers under the nose of the statute.

Mr. President, my amendment is entirely harmonious with the Baltimore platform. That document is giving our Republican friends much concern, and I am anxious, as far as I can, to calm their apprehensions concerning it. And I am also anxious to observe its requirements, since it must govern my action in the premises.

Mr. President, I am both pleased and surprised at the solicitude which our Republican brethren display concerning this party pledge and their anxious demand for its observance. I can not but contrast it with the exhibition of solicitude when the tariff bill was before this body for consideration, which then, however, ran in the contrary direction. We were then warned that if we observed our party obligation we would ruin the country and ourselves. We are now warned that if we violate our party obligation the same results will inevitably follow. It is a sad position to put our party in. "We shall and we shan't, and we will and we won't. We'll be damned if we do, and we'll be damned if we don't." We have, according to our Republican brethren, already put ourselves beyond the pale of possible success by disregarding their earnest protest and keeping the faith in one direction. Notwithstanding that, we are about to bring upon our heads additional disaster by breaking faith in the present instance. Verily the pathway we tread is full of thorns.

But, Mr. President, aside from this pleasantry, let me say that I am not prepared to accept the assurance that the adoption of this plank of the platform was the thoughtless, ill-considered act of the party to which I belong. I must assume that the platform was carefully prepared and carefully considered, and that the statesmen who framed it were quite as well acquainted then with the provisions of the Hay-Pauncefote treaty as they are at present.

Twice in my State have I broken with my party, Mr. President, because of my insistence upon the observation of party pledges. I concede fully that where a party platform contains inconsistent provisions it is impossible for one to comply with all of them, and that it is essential that a choice be made between that which must be followed and that which must be disregarded. There are some differences, perhaps unreconcilable, in our platform, as there are frequently inconsistencies in some well-considered statutes.

But I can perceive no inconsistency here. If I could bring my mind to believe that this exemption was a subsidy, I should feel as most of my colleagues do, and act accordingly. I do not criticize; I rather commend them for their attitude, for they are governed, as I must be, by my convictions of duty. I may be obtuse, Mr. President, but this exemption does not measure up to my definition of a subsidy. If it is a subsidy, then we have voted subsidy upon subsidy in the legislation of the present Congress, as in that of its predecessors. We have subsidized every man whose income is less than $3,000 a year; we have subsidized the American merchant marine by giving it a discrimination of 5 per cent on all the traffic of American bottoms; we have subsidized our merchant marine passing through the Sault Canal; we have subsidized the vessels of all nations which utilize the Ambrose Channel and enjoy the benefits of our chain of lighthouses, our buoys, and our harbor privileges.

I regard a subsidy as something enjoyed by a certain class of people who are a small part of a larger class. For example, the International Steamship Co.—I believe that is the name of it—is subsidized by the Government of the United States in the guise of payment for carriage of the mails. No other ships plying between the same ports are subsidized. Everyone can engage in the coastwise traffic who can build a ship and sustain the competition, thus availing themselves of a common privilege. As a consequence, it is a sort of free-for-all, in so far as freedom can be said to be consistent with the existence of a great monopoly. Hence I am unable to share the view, much as I respect the convictions and argument and logic of others, that this is a subsidy as I understand the meaning of that word. Mr. Taft and many other gentlemen declare it to be one. They may be right, but I must be the judge so far as my own action is concerned.

Mr. President, a party pledge solemnly given should be binding. It should be observed in the absence of any supremely controlling reason for its disregard. Being unable to perceive any conflict between this and our other pledges, I feel that when the Baltimore convention committed the Democratic Party to this exemption I have no authority to disregard its obligations.

I say frankly—and my views have undergone a profound change with reference to the general subject—that were it not for the expression of my party upon the proposition I should not hesitate to vote for repeal, and do so with the full approval of a matured judgment.

I hope my amendment will receive the consideration which I think it deserves, because it will confer a great economic benefit upon the people of this country, and incidentally upon all the nations. And I am unable to see why any exemption should be made which is not absolute. Surely if there is to be a limitation it should apply not in favor of a monopoly, but of those who are in competition with the world for the commerce of all the nations.

Mr. President, I have not attemptd a logical and systematic discussion of canal tolls. I have merely sought to present, crudely, perhaps, but nevertheless to present, the conclusions which I have reached from my considerations of this important measure, together with some of the reasons for entertaining them.

PROHIBITION OF LIQUOR TRAFFIC.

Mr. SHEPPARD. Mr. President, I wish to occupy the attention of the Senate for a very few minutes in reference to a matter in which I feel a deep interest.

I have noted recent statements in the daily press opposing the prohibition amendment to the National Constitution. The statements to which I refer invoke the doctrine of State rights and local self-government against the national amendment.

I regard as almost blasphemous the attempt to invoke the sacred principles of State rights and local self-government for the protection of the liquor traffic. There ought to be no such thing in county, State, or Nation as a right to authorize the liquor traffic. There should be no such thing as a right to authorize a wrong. Those who urge the doctrine of State rights against national prohibition say in effect that they are entirely willing that the liquor traffic shall flourish in this Nation as long as a single State desires it. The liquor interests in this country would go wild with joy if every prohibitionist would take that view. It would mean their perpetuation. It would mean that from their strongholds in one State or a few States they would continue to pour a tide of corruption over all the land. In some States the liquor traffic is impregnably intrenched. I do not underrate the value of State, county, and precinct prohibition. These are infinitely better than no prohibition at all. But the liquor traffic spreads from a few centers all over the country; its ramifications are everywhere. It is a national as well as a local evil, and its power is so tireless and so terrible that the Nation will never be safe as long as it flourishes in even one or a few States. It is certainly to be regretted that the doctrine of State rights should be invoked in behalf of the liquor traffic, which is universally recognized as the most conscienceless violator of State rights the country has ever known. The liquor traffic persistently fought interstate liquor legislation by Congress on the ground that the States had no right to interfere with the liquor traffic in the Nation; now it fights the national prohibition amendment on the ground that the Nation has no right to interfere with it in the States.

If the constitutional views of those who urge the State rights principle in this controversy had prevailed in the past, the States that voted against or failed to ratify the Federal income tax or the direct election of Senators would still be exempt from the levy of the tax within their borders, or would still be electing Senators by the legislatures and not by the people. They seem to be seriously alarmed lest the United States Army might be ordered out to suppress a "blind tiger" or capture a "bootlegger" in the event the national amendment should be adopted. The mere statement of such a proposition is its own refutation.

These gentlemen are afraid that if the States get together in a sufficient number, as they have a right to do, and summon their creature, the Federal Government, to join them and cooperate with them in the contest against the liquor traffic that it will mean the death of State governments, the disappearance of State identity. They seem to be afraid that if the States do right in this instance the shock will be so great that they will immediately agree to disband their respective political organizations and all commit suicide together. Nobody will seriously credit such a contention.

Texas proponents of "State rights" in this matter say that we will do well to work our own crop in Texas and let other crops alone. This is the same old guilty cry of Cain, "Am I my brother's keeper?"

I announced for nation-wide prohibition in almost every speech I made in my campaign for the senatorial nomination, and I referred specifically to the constitutional amendment pending in Congress. There was no question as to where I stood. In supporting this nation-wide amendment I am but keeping my promises to the people. They are above all caucuses, all officials, and to them alone do I hold myself accountable.

I have heard that there is a formidable movement afoot to commit the Democratic Party against the national amendment. If this movement should succeed, it would affront the moral sense of the Nation and lead the Democracy into a contradiction of one of its most vital principles—the greatest good for the greatest number.

It is proper for me to say here that in my own State, the State of Texas, there is in progress a contest for the governorship and other State offices in which State-wide prohibition is one of the dominant issues. Practically all Texas Democratic prohibitionists are properly behind Hon. Thomas H. Ball for governor, although he is not yet convinced as to the expediency of the national amendment. Let it be said to the credit of Mr. Ball, however, that he made it clear in his opening speech that although he had not aligned himself with the nation-wide movement, he had no confidence in the utterly baseless proposition that the nation-wide amendment contravenes the doctrine of State rights.

As a matter of fact, when three-fourths or more of the States, proceeding under the Constitution, join in summoning their servant, the National Government, to the contest against the Nation's most powerful enemy, the liquor traffic, they are exercising their rights in the highest and most beneficent sense. The nation-wide amendment will provide, in effect, that it shall be enforced in concurrence with the States and not to their

exclusion. If the position taken by our friends who are urging the State-rights argument that no further powers shall be given the National Government to meet new conditions is indorsed, then that section of the Constitution providing for its amendment is absolutely meaningless. The proposed amendment contemplates depriving no State of its own power to punish violators of its prohibition laws.

As to the State of Texas, I wish to say that at a great prohibition rally held at Fort Worth early in this year, attended by almost 5,000 representative prohibition Democrats from every section of the State, the nation-wide amendment was unanimously indorsed.

Let me say here that prohibition is a moral and economic issue outside of ordinary party lines, and it should be made a test of no man's fealty to party. Therefore the effort to commit the Democratic Party as a party against nation-wide constitutional prohibition can not be too strongly condemned, and the recent caucus of the Democratic Party in the National House of Representatives acted wisely in not committing itself against the nation-wide movement.

So far as I am concerned, my path is clear. I did not come to the Senate merely to hold the office. Among the things I promised the people to do was to lift my voice against the liquor traffic in the Senate of the United States and to support this nation-wide amendment. Whether my service here be short or long, I shall remain faithful to the people's interest as I am able to see it, and to the people I submit my record.

Mr. President, I ask permission to put in the RECORD in connection with my remarks a brief statement I made before a subcommittee of the Judiciary Committee on the subject of the nation-wide prohibition constitutional amendment.

The VICE PRESIDENT. Is there any objection to printing in the RECORD the remarks referred to by the Senator from Texas, and which were not made in the Senate? The Chair hears none, and the order is made.

The matter referred to is as follows:

STATEMENT OF HON. MORRIS SHEPPARD, A UNITED STATES SENATOR FROM THE STATE OF TEXAS.

Senator SHEPPARD. Gentlemen of the committee, as the introducer of the national prohibition amendment in the United States Senate (S. J. Res. 88), I desire to preface the hearings you have so kindly granted on this subject with a brief discussion. In the beginning, let me say that the prohibition forces desire the resolution amended by inserting, after the word "power," in line 13, page 2, the words "only in concurrence with the States," our purpose being not to have the Federal Government supplant the States in handling this question but to cooperate with them.

The liquor traffic is a permanent menace to the Nation. It is the distribution for profit of a habit-producing drug in liquid form, a seductive poison that breaks down the vital processes of the body, destroys the capacity to resist disease, undermines intelligence, strength, and health, impairs the moral sense, composes the chief source of poverty, insanity, feeble-mindedness, sickness, crime, and transmits an hereditary taint that seriously handicaps posterity. It is the enemy of virtue, honor, manhood, all that life holds sacred, all that life holds true. It is diverting from productive channels a sum now approximating two and a quarter billions of dollars every year, representing an ever-growing proportion of the earnings of the people, a sum which would otherwise be used in building and improving homes, in providing for substantial needs such as clothing, food, shoes, other comforts and necessities, for education, for benevolent undertakings of all kinds. It is time for the Nation to act when more money is being spent every year for intoxicating liquors than for bread or for clothes. Such is the power of the drug that men will vote against it, speak against it, pray against it, and then hold out their trembling hands for the glass that damns. Surely it is a short-sighted statesmanship that would permit $2,000,000,000 to be worse than wasted each year in the production of misery and vice and shame in order that the Government might obtain a revenue of two hundred and twenty millions. If this Republic can not live without the dirty dollars it obtains from the liquor traffic, dollars stained with the tears of women and children, it ought not to live. There are legitimate sources of revenue yet untouched. There are few direct taxes on luxuries. The income tax has little more than scratched the surface of enormous wealth. There is no Federal inheritance tax. Nonalcoholic beverages are untaxed. The national domain, with measureless mineral resources, water powers, forests, and the like, could be managed so as to produce a yearly usufruct of fifty or one hundred millions. The pension roll at last gives promise of rapid decline.

The proponents of the national prohibition amendment assert that the American Republic can not endure if the liquor traffic continues to absorb the earnings and the energies of the people—to threaten their moral and material welfare. The annual consumption of wines and liquors now averages about 22 gallons for every man, woman, and child in the United States. We assert that this country can not withstand the economic loss that comes from an annual waste of two and a quarter billions of dollars, a sum more than double the national debt, and from the use of millions of fertile acres for the production of grain and fruit to be rotted into alcohol, but for which these acres would be making bread and meat for the Nation's sustenance. It is an evil transcending the scope of police powers that pertain to the morals, the health, the physical safety of State populations, although it is partially within the scope of such powers. It portends economic disaster for the Nation. The Nation is threatened and the Nation must act. The preservation of the Republic demands that the traffic in intoxicating liquors shall cease. It is an evil of such proportions and of such character that the Nation must take part in the struggle against it.

This nation-wide prohibition amendment proposes that the Federal Government shall cooperate with the States in the destruction of the liquor traffic. I can not see that it violates in any way the fundamental plan on which our Government was founded or contradicts in any sense the doctrine of State rights. As I understand our history, the Federal Government is the creature of the States and possesses only such powers as are expressly or impliedly delegated by the States. I do not understand that the States are unable to delegate any further powers than those they conferred when the Constitution was originally framed. Whenever it appears to three-fourths of the States that the welfare of the country demands that additional functions should be delegated to the General Government, such States have the power and the right to delegate such functions through proper constitutional processes on such conditions as they deem proper and the whole performance is in consonance with the true theory of American Government. By this amendment the American people, speaking through the Federal Government, their only collective mouthpiece in a governmental sense, will declare that the liquor traffic is an outlaw in every part of the United States, that the Federal Government shall be empowered to enforce such declaration in concurrence and only in concurrence with the States, and that those States which have no laws against the traffic and desire no laws against it have not the right to harbor so frightful a menace to the happiness and prosperity of the Nation. Under this amendment no State will be deprived of the power to legislate against the traffic.

We want the battle to continue in family, precinct, county, State, and Nation. No unit of government or of society is too small, no unit is too large to have a place in the ranks now gathering for this conflict under the banners of Almighty God. The liquor traffic is so firmly intrenched in some sections of the country that national action will be necessary to exterminate it. We are not simply citizens of States. We are Americans above all things else. We can not wrap ourselves in the mantle of a narrow localism. We can not successfully combat national evils by confronting them only in our immediate territory. What would be thought of the man who after apparently conquering the flames in his own room in a hotel would in fancied security sit gravely down to watch the fire devour every other portion of the structure? Let me tell you that if the liquor traffic is permitted to take refuge in one State or in a few States it will be only a matter of time until the whole battle must be refought in every part of the Union.

Let me pay the liquor forces the tribute of saying that they are as shrewd and tireless a set as ever vexed humanity in the cause of evil. They told us when State-wide prohibition was first discussed that the county was the proper unit of local self-government. Now, when Nation-wide prohibition is contemplated, they say the State is the proper unit. They are the most zealous defenders of "local self-government" the world ever saw, but they always make the locality small enough to leave the liquor traffic in operation somewhere beyond its borders. Let prohibitionists be not deceived. The cry of "local self-government" and "State rights" is being raised to-day in the interest of the liquor traffic. Some prohibitionists are being influenced by the cry, but they will soon see the real situation and join their brethren on the fighting line.

An area equal to nearly three-fourths of the national territory containing about half our population has been voted dry, but from its citadels in certain sections the liquor traffic still floods the land with its destructive tide. The consumption of intoxicating liquors is increasing. It was greater last year than ever before. Men, women, and children are succumbing to its pitiless advance. The devastation would be far more rapid but for prohibition in many States and counties, yet it is nevertheless on the increase. State-wide prohibition is good, and we must fight for it at every opportunity. The Webb law is good, and we must preserve it. But not until the American people as a whole unite and acting through their collective Government say that the liquor traffic shall exist nowhere within our borders will the body of this death be permanently lifted.

Gentlemen, it is safe to say that many millions of the American people desire this amendment submitted. Whether you believe in it or not, give the American people a chance to discuss it and to pass upon it. If it should be rejected, one phase of a great issue will have been definitely settled at least for a long period. If it should be adopted, the blessings of heaven will be yours for having aided in securing one of the mightiest reforms of time. We believe that we are entitled to have this tremendous question submitted to the American people acting through the American States. All that we ask is the American privilege and the American right of presenting our cause in the proper forum of American constitutional opinion. [Applause.]

AFFAIRS IN MEXICO.

Mr. OWEN. Mr. President, I believe that many of the people of the United States do not fully appreciate the facts which have justified the United States in refusing to recognize Huerta, in demanding an apology, in taking possession of Vera Cruz, and in massing its forces in preparation for dealing in other ways, perhaps, with Gen. Victoriano Huerta. I feel impelled to present some of the facts which have justified our conduct and which would now justify the United States in demanding and enforcing by arms, if otherwise unavoidable, the restoration of "Government of the people, by the people, and for the people," to the hands of the people of Mexico, and the overthrow of the cruel commercialized military oligarchy now riding the people of Mexico to ruin and chaos.

When Victoriano Huerta usurped the presidency of Mexico by military revolution, February 18, 1913, he found immediate opposition. The legislature of the State of Coahuila passed resolutions instantly supporting Madero (Feb. 19). This resolution made Madero's death expedient to Huerta to prevent organized support of Madero. Madero was killed (Feb. 22, 1913) at once.

It soon became obvious to Huerta that his only chance to hold his power against Carranza and Zapata fighting for the constitution was by exciting a war or some act of aggression by the United States which would enable him through misguided patriotism to rally behind himself the leaders of the constitutionalist movement. Huerta thought he could by exciting their patriotism make them forget or condone his crimes in resisting a common foe and thus get them to support his leadership.

From many quarters since last summer the authorities of the United States have had reason to know of Huerta's wicked purpose against the United States.

Finally, when the unspeakable misconduct of Huerta's administration had not yet moved the United States to take any aggressive action against Huerta, a step was taken by one of Huerta's subordinate officers at Tampico which could not be overlooked or condoned. One of Huerta's subordinate officers, on the 9th of April, 1914, in all human probability instigated by Huerta himself, arrested at Tampico a paymaster of the U. S. S. *Dolphin* and a boat's crew, all in the uniform of the United States. Our sailors were unarmed and entered Tampico to purchase some gasoline. Two of them were in our boat with the flag of the United States at the bow and the stern of the boat, and upon our own soil under the international law. Our unarmed men, in the uniform of the United States, were then paraded through the streets of Tampico as a public spectacle, subsequently released with an apology from the subordinate officer and later with an expression of regret from Huerta. But Huerta deliberately declined to salute the flag, under the rules of international law, as demanded by the President of the United States, for this international affront and indignity, while he temporized for 10 days with President Wilson, evidently with a view to obtaining a cargo of 250 machine guns and 2,000,000 rounds of ammunition which were expected to arrive by a German merchant ship at Vera Cruz on Tuesday, April 21. The President of the United States gave Huerta until 6 o'clock Sunday night, April 19, to make the amends required by international law. The salute was not made. On Monday, April 20, the President of the United States presented the matter to the Congress of the United States, and Congress passed a resolution as follows:

That the President is justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States.

Be it further resolved that the United States disclaims any hostility to the Mexican people or any purpose to make war upon Mexico.

This resolution was justified by a preamble referring to the facts presented by the President in his message to Congress of the 20th of April.

The Senate of the United States, after discussion, voted down a substitute preamble to this resolution, offered by the distinguished Senator from Massachusetts, as follows:

That the state of unrestrained violence and anarchy which exist in Mexico, the numerous unchecked and unpunished murders of American citizens and the spoliation of their property in that country, the impossibility of securing protection or redress by diplomatic methods in the absence of lawful or effective authority, the inability of Mexico to discharge its international obligations, the unprovoked insults and indignities inflicted upon the flag and the uniform of the United States by the armed forces in occupation of large parts of the Mexican territory have become intolerable.

That the self-respect and dignity of the United States and the duty to protect its citizen and its international rights require that such a course be followed in Mexico by our Government as to compel respect and observance of its rights.

Those who voted against the amendment proposed by the Senator from Massachusetts I feel sure did not question the truth of the statements in the preamble, but thought it unwise to repeat these grievances for fear that it would lead to immediate war, as the preamble justified immediate intervention and the President had not recommended intervention. The Government of the United States had been sincerely endeavoring in true friendship to use its good offices to restore peace in Mexico without resorting to armed force, hoping that Huerta and his associates would consent to hold an honest election and restore constitutional government in Mexico. This hope has utterly failed, and in the meantime a terrific war is being waged by armies of Mexicans fighting for liberty and demanding constitution and reform.

Mr. President, I voted against the preamble proposed by the Senator from Massachusetts, although I fully recognized the truth of its recitations, because I very greatly desired to have an adjustment of the difficulties in Mexico with as little loss of life as possible, and I desired to hold up the hands of the President of the United States in his anxious and patriotic purpose to secure the adjustment of these difficulties peacefully, if possible. But, Mr. President, I wish that the people of the United States and that the people of the world might know that our seizure of Vera Cruz and our demand of Huerta to salute the flag had behind it the most abundant justification, and I think that the world should know what the conditions are which have confronted us on our immediate borders and which not only have justified our extremely moderate and considerate conduct in this matter but which would now justify the United States in demanding the complete restoration of peace and order in Mexico and the reestablishment of liberty and the actual sovereignty of the people of Mexico. The welfare of the whole world depends upon the establishment of the ideals of the Republic of the United States, of "constitutional liberty and order and justice between man and man." The people of the United States do not desire in any degree to control the affairs of the people of Mexico, but I do believe that the people of the United States very greatly desire the restoration of liberty, justice, and constitutional self-government in Mexico, so that the people of Mexico can enjoy the rights of life and liberty, the pursuit of happiness, and enjoy the fruit of their own labors.

The President, in his message to Congress, said:

We do not desire to control in any degree the affairs of our sister Republic. Our feeling for the people of Mexico is one of deep and genuine friendship, and everything that we have so far done or refrained from doing has proceeded from our desire to help them, not to hinder or embarrass them. We would not wish even to exercise the good offices of friendship without their welcome or consent. The people of Mexico are entitled to settle their own domestic affairs in their own way and we sincerely desire to respect their right.

Mr. President, I agree with this generous sentiment and I wish we might assist the people of Mexico to restore orderly government without such enormous destruction of life and property. At present, in the attempt to establish order, a series of daily bloody battles are in progress, with thousands of men being killed on the battlefields of Torreon, Monterey, Tampico, and so forth. The people of Mexico have no way in which to express their opinion but by battle. They have no elections in Mexico which deserve to be called by the name. The last election, of October 26, 1913, was a willful fraud and a corrupt mockery of the people of Mexico, engineered by a military oligarchy, directed by Huerta.

Secret instructions were sent out from Mexico City October 22, 1913, in Huerta's interest to have the votes counted for Huerta and to make the elections void as to the presidency by returning a deficient number of precincts, which, under the Mexican law, would leave Huerta as provisional President, and this was accomplished under Huerta's dictatorship.

Mr. President, the real difficulty in Mexico is the establishment of a commercialized military oligarchy, enjoying every form of privilege and monopoly at the expense of the rights of the people of Mexico, millions of whom are denied the rights of property, of liberty, and of life itself. Under this heartless organization the wages of the people are not sufficient to sustain a civilized human being, provide food and shelter, much less provide any opportunity for instruction or for human progress. It is the same condition which caused the great French Revolution in 1789. The murder in Mexico of American citizens, and of Englishmen and of Germans and of Frenchmen and of Spaniards, and the wholesale robbery and destruction of property under the lawless conditions which have ensued from this primary cause are merely details of an unavoidable result. The usurpation and violence of Huerta, his insult to our flag and uniform, are details of the egregious crime against humanity which this commercialized military oligarchy of Huerta and his friends represent. The killing of thousands in Mexico City when Huerta treacherously overthrew Madero is only a detail of this criminal system.

Mr. President, the remedy for this condition is not from the top down; it is from the bottom up. Liberty, freedom, and equal rights are not bestowed by the powerful few on the many as an act of grace and justice, but are established by the many by the ballot, or, where the ballot is denied, at the point of the sword. This was done at Runnymede, when the Magna Charta was wrested from the hands of John. This was done in France, over a hundred years ago, when Louis XVI and Marie Antoinette were dethroned. This was done by the American colonists when we set up the Government of the United States. The common people established liberty in France, in England, and in the United States. And this will be done in Mexico at the cannon's mouth, by the armies of the common Mexican people demanding the right of life, liberty, and the pursuit of happiness. My sympathies are with the common people of Mexico. I want them to govern themselves, and I desire that the United States shall give a friendly hand to those who seek to establish constitutional government in Mexico.

They say that Gen. Francisco Villa, leading the constitutionalist armies, has been a horse thief, a bandit, a robber, a killer of men. It may be true, for Villa was only an ignorant, unlearned peon, whose sister was ruined by a Cientifico. Villa, I understand, when 18 years of age, killed the betrayer of his sister, and took to the mountains to save his own life, in a country where the rights of a peon were little better than the rights of a wolf. The hand of society was against Villa, and Villa made war on society. But Villa, whatever his sins of the past, is now waging a humane warfare, as he has recently learned it out of a volume given him by an American officer.

Villa, at all events, is now demanding the constitution and reform. Villa, at all events, avows his friendship for the United States and its wise policies. Villa, at all events, has taken his own life in his hands and is leading thousands of other common men in the demand for the overthrow of the usurping despot, Huerta, for the overthrow of the entire system represented by Huerta of a commercialized, military oligarchy, and the establishment of constitutional government; and in this enterprise I hope for the reestablishment of the constitution and honest government, trusting and believing that neither Villa nor Carranza, nor the men fighting with them, will ever stand for the restoration in any other form of the evil system which they are gladly shedding their blood to terminate.

I wish to show that we are justified, not by our own grievances alone, but by the grievances of Englishmen, Germans, Frenchmen, Spaniards, and above all, perhaps, by the grievances of the unhappy people of Mexico, whose liberties, whose property rights, and whose lives have been, and are now, at the mercy of an armed military oligarchy, led by Huerta; that no man's life is safe in Mexico, that no man's property is safe in Mexico, that no man, whether he be Mexican, American, Englishman, German, Frenchman, or Spaniard, has any safety in his life or his property under the criminal rule of this usurping military despot, who has declared himself vested with legislative, judicial, and executive power over the people of Mexico.

Until Diaz established his military control of Mexico and carried on a halfway benevolent commercial despotism there were 52 dictators, Presidents, and rulers in 59 years in Mexico. The Encyclopedia Britannica on Mexico, describing the causes of their difficulties, says that the—

CAUSE OF THE PRESENT REVOLUTION IS THE PRIVILEGED CLASSES VERSUS THE PEOPLE.

It says:

Thenceforward, till the second election of Porfirio Diaz to the presidency in 1884, the history of Mexico is one of almost continuous warfare in which Maximilian's empire is a mere episode. The conflicts, which may at first sight seem to be merely between rival generals, are seen upon closer examination to be mainly (1) between the privileged classes, i. e., the church and (at times) the army, and the mass of the other civilized population; (2) between Centralists and Federalists, the former being identical with the army, the church, and the supporters of despotism, while the latter represent the desire for republicanism and local self-government.

On both sides in Mexico there was an element consisting of honest doctrinaires; but rival military leaders exploited the struggles in their own interest, sometimes taking each side successively; and the instability was intensified by the extreme poverty of the peasantry, which made the soldiery reluctant to return to civil life, by the absence of a regular middle class, and by the concentration of wealth in a few hands, so that a revolutionary chief was generally sure both of money and of men. But after 1884, under the rule of Diaz, the Federal system continued in name, but it concealed in fact, with great benefit to the nation, a highly centralized administration, very intelligent, and on the whole both popular and successful—a modern form of rational despotism.

Porfirio Diaz's reign was "popular and successful" in a certain narrow sense. It exploited the great riches of Mexico, it established many monopolies, it maintained order by killing those who dared resist the unsound system, but it eventuated in the only possible result of glorifying property accumulation and making millionaires on the one hand and on the other hand in the result of reducing the mass of the people to abject poverty, of preventing the mass of the people being educated, of preventing the mass of the people having a reasonable opportunity to enjoy life, liberty, and the pursuit of happiness. The Diaz régime or system magnified property rights at the expense of and by minimizing human rights. The necessary results of the Diaz system was his flight to avoid assassination and the succeeding tragedies we have recently been witnessing.

The people of the United States are industrious and kind-hearted, with high ideals of liberty and human brotherhood and a resolute purpose not to interfere with the liberty of others.

The great body of the people of the United States do not wish to acquire the territory now occupied by the Mexican people and do not wish to exercise any political authority over them or their affairs.

All men know, Mr. President, that when nations become involved in the violent excitement of war, when thousands of men are killed on either side, and tens of thousands are wounded, and these terrible evils sending grief to homes in every section are exaggerated, there spring up demands for indemnity and reparation that would not be made in moments of more sober reflection. If, therefore, the United States should be impelled by the unhappy conditions in Mexico to intervene, we should, in my opinion, declare to the world that we will not, under any circumstances, take any of the territory now occupied by Mexico.

We should do more than this—we should declare the true, plain, honest motives which inspire the people of the United States in its present attitude. And these reasons should be such as to fully justify the American Nation before the thoughtful opinion of the people of other civilized nations.

The United States is already more than abundantly justified in declaring armed intervention in Mexico, although the President has not done more than he has deemed necessary to bring about an adjustment with as little force and loss of life as possible. I am glad that the authorities of Argentina, Brazil, and Chile have been accepted as mediators between the United States and the military oligarchy which has usurped the right of sovereignty of the Mexican people, although I am not willing to appear to believe that any agreement with Huerta would have any value whatever unless backed by a cannon or to appear to believe he wishes an honorable adjustment.

It must be kept clearly in mind that our difficulty in Mexico is not, in reality, whether or not Victoriano Huerta, who has declared himself dictator at Mexico City, and who is at the head of an organized army, pretending to represent the Mexican people, shall fire 21 guns in salute to our flag. Our difficulty lies much deeper than this.

Mexico, under the form of a Republic, established a liberal constitution in 1853, an abstract of which I submit as Exhibit I. It will be observed that this constitution, in Title I, section 1, declares "That in the Republic all are born free," and yet the Mexican people are enslaved by cruel commercial and political monopoly, and peonage is found everywhere through Mexico. No man is really free in Mexico.

This constitution declares that instruction is free, and yet the great masses of the people have had no free instruction. And all of the other assurances and guaranties of the constitution have been gradually ignored until no man's life or property is really safe in Mexico. Fifteen millions of Mexicans are substantially denied the right of life, liberty, and the pursuit of happiness, and the bloodiest fratricidal strife has ensued from this evil cause.

The constitution, in Title I, section 1, guarantees the right of petition, and yet when the House of Delegates of the Congress of the Republic of Mexico petitioned Huerta for protection of the lives of the members of Congress, he immediately answered this petition by arresting and throwing into the penitentiary all the delegates who so petitioned—110 in number—on October 9, 1913.

Title I, section 1, article 13, provides that no one shall be tried according to special laws, or by special tribunals, and yet this military oligarchy had killed and imprisoned thousands, including American citizens and consuls, contrary to the constitution. In the prison of San Juan de Uluo, at Vera Cruz, our officers found 325 Mexican men imprisoned without trial, without accusation, by the Huerta military despotism, merely because they were unwilling to enlist as soldiers to support this wicked power. All of the personal guaranties have been ignored. Article 22 forbids mutilation, torture, yet the San Juan de Uluo furnishes overwhelming testimony of the violation of this constitutional provision.

Article 23 declares the penalty of death abolished for political offenses, except treason and murder in the first degree, and yet President Madero, declared elected as the President of the Republic of Mexico, and Vice President Suarez, elected Vice President of the Republic of Mexico, were arrested, their resignations commanded, under the threat of immediate death, and they were immediately killed, and a false account of the killing published to the world, and no judicial investigation ever held as promised to the diplomats representing all nations of the world.

Title I, section 1, article 28, declares that there shall be no monopolies of any kind, whether governmental or private (inventions excepted), and yet for the last 40 years one monopolistic concession after another has been granted, giving monopolies innumerable to private persons—monopolies in agricultural lands, monopolies in grazing lands, monopolies in timber lands, monopolies in oil lands—and it is an open secret that the oil monopolies have given huge sums in substantial bribery of the leading officials of the Mexican Government.

Monopoly has become so complete in Mexico that millions of human beings, willing to labor, own no land upon which they may labor. The same cruel and intolerable conditions of land monopoly described by Thomas Jefferson as existing in France immediately before the French Revolution exist in Mexico today, and make revolution absolutely unavoidable—make revolution absolutely inextinguishable until this crime against human life be corrected and the right of human beings to live shall be recognized and provided. The demand of the Zapatistas is for land upon which the peasantry can support life. These conditions have led to the war by Carranza, Villa, and the constitutionalists. This was the demand which Russia had to heed with her peasantry—and from which was born "Nihilism" and "An-

archism." It is the right of land to live on that caused the unending revolution of the Irish against their alien landlords and the evil policy of government that tolerated and maintained the system.

When all the land is held in the hands of the few, enabling them to dictate the conditions of life upon the millions of people who have no land, enabling them to dictate the political conditions and to seize by force, by fraud, by artifice, and craft the government powers of the common people of Mexico, and then to use the organized powers of the common people against the common people themselves and against their interests, chaos and ruin is the unavoidable consequence.

The people of Mexico are enslaved, yet Title I, section 1, article 39 declares that the sovereignty is in the people, that all public power emanates from the people. And yet, the right of sovereignty of 15,000,000 Mexican people is usurped by Huerta and the military oligarchy that surrounds him. The sovereignty of the people is supposed to be exercised through representatives honestly chosen in fair elections, yet the election on the 26th of October, 1913, was a mockery. Secret instructions had been sent out from Mexico City to make a false return of the votes in favor of Huerta and to make the returns defective in order to throw the presidential office in the hands of the Congress elected as of that date, the preceding Congress being still incarcerated in the penitentiary by Huerta's order. I submit the names of those still confined in the penitentiary November 15, 1913.

Members of the Mexican Congress put in the penitentiary by Victoriano Huerta on October 10 for having dared to pass a resolution to investigate the sudden disappearance of Senator Dominguez, of Chiapas, and demanding safeguard of their own lives by Huerta and still incarcerated on November 13, 1913:

1. Sr. Guillermo Krauss.
2. Sr. Miguel Santa Cruz.
3. Sr. Próspero A. Blanco.
4. Sr. Miguel Campuzano.
5. Sr. Roberto M. Contreras.
6. Sr. Salvador Rodríguez.
7. Sr. Juan Palomares González.
8. Sr. Mónico Rangel.
9. Sr. Rosalío Anguiano.
10. Sr. Manuel S. Núñez.
11. Sr. Alberto Craviotto.
12. Sr. Francisco Lazcano.
13. Sr. Juan Urda Avendaño.
14. Sr. J. Luz Peña.
15. Sr. Salomé Torres.
16. Sr. Santos Ramírez.
17. Sr. Maximiano Galeana.
18. Sr. Germán Malpica.
19. Sr. Elías Sedano.
20. Sr. Severino Reyes.
21. Sr. Juan Rosas.
22. Sr. José Antero García.
23. Sr. Fernando Erquiaga.
24. Sr. Tadeo Gómez.
25. Sr. Antonio Rodríguez Ortiz.
26. Sr. Ponciano Ramírez.
27. Sr. Rómulo Carpio.
28. Sr. Miguel Millán.
29. Sr. David Vallejo.
30. Sr. Antolín Mendizábal.
31. Sr. Angel Loera.
32. Sr. José Loera.
33. Sr. Florentino I. López.
34. Sr. Juan Barrera.
35. Sr. Nazario Arredondo.
36. Sr. Teodomiro Hernández.
37. Sr. Manuel Cabrera.
38. Sr. Téofilo Velázquez.
39. Sr. Pablo Bello.
40. Sr. Ignacio García.
41. Sr. Manuel Antonio.
42. Sr. Federico Oliveros.
43. Sr. Faustino González.
44. Sr. Jesús Santillán.
45. Sr. Martín Santiago.
46. Sr. Nicolás Basilio.
47. Sr. Francisco Tolentino.
48. Sr. Guadalupe Mendoza.
49. Sr. Manuel Chávez.
50. Sr. Ramón Pacheco.
51. Sr. Modesto Pacheco.
52. Sr. Vincente Canales.
53. Sr. Rafael Pacheco.
54. Sr. Pedro Baños.
55. Sr. Jesús Baños.
56. Sr. Manuel Martínez, 1st.
57. Sr. Manuel Martínez, 2d.
58. Sr. Arcadio Martínez.
59. Sr. José Soto.
60. Sr. Juan San Agustín.
61. Sr. Manual San Agustín.
62. Sr. Rosario Huerta.
63. Sr. Librado Heredia.
64. Sr. J. Angel González.
65. Sr. Dionisio Carrión.
66. Sr. Alfonso Castañeda.
67. Sr. Adolfo Osorno.
68. Sr. Miguel M. Torres.
69. Sr. Liborio Torres.
70. Sr. Francisco Pineda Rubén.
71. Sr. Francisco Lu (Chino, inválido de una pierna).
72. Sr. Jesús Pulido Cávares (inválido de las dos piernas).
73. Sr. Gabriel Martínez.
74. Sr. Angel Silva.
75. Sr. Cosme Dávila.
76. Sr. Margarito Ralderas.
77. Sr. Fausto Herrero.
78. Sr. Salvador Acosta.

Many of these men were still in the penitentiary when the United States seized Vera Cruz, April 20, 1914.

By Title I, section 3, foreigners have the same guaranties of life, liberty, and the possession of property. Yet large numbers of foreigners have been killed without any adjustment or diplomatic settlement being made, and hundreds of millions of property belonging to foreigners have been impaired, destroyed, or taken without compensation.

All nations should be patient with another nation torn by civil strife, and where the constituted authorities are doing what they can to establish order and justice; but Huerta's own evil conduct is the cause of these disorders in Mexico.

The constitution of Mexico divides the powers of government into legislative, executive, and judicial, yet Huerta, on the 10th of October, 1913, destroyed the legislative branch and threw the Congress in the penitentiary by military force, invested himself by decree with legislative power and with judicial power, in open and flagrant violation of the constitution which he had sworn to support.

Mr. President, Mexico is upon our immediate borders; our boundary line touches Mexico for near 2,000 miles.

Upon the invitation of the constitution of Mexico, very many thousands of our citizens, who are entitled to the protection of this Government, entered Mexico and invested hundreds of millions of property. Their property has been despoiled, their lives have been taken without redress, and now they are all fleeing or fled from Mexico for the purpose of saving life itself and we, responsible to them and for them before the whole world, with abundant power to protect them, stand face to face with a military despot whose conduct has made their flight imperative, but whose conduct against them and against us is a mild offense compared to his crime against the common people of Mexico, whose Government, such as it was, he overthrew by military force and usurped on the 18th of February, 1913.

We all remember, Mr. President, his boastful telegram to President Taft, February 19, 1913, that he had overthrown the Mexican Government.

Huerta has been trying to unite behind himself all the revolutionary forces of Mexico, and in order to accomplish that he has been trying to force the United States to an invasion of Mexico. He was openly charged with this on the floor of the Mexican Senate by Senator Dominguez, senator from Chiapas, on the 23d of September, 1913. He wished to cause intervention in a form sufficiently mild that he could use the invasion as an appeal to the patriotism of the Mexican military leaders of all revolutionary factions and secure their cooperation without having intervention go so far as to capture Mexico City and compel a restoration of order and the reestablishment of the power of the common people of Mexico in the exercise of their acknowledged constitutional sovereignty. He would, however, much prefer being a prisoner of the United States than being prisoner of Villa or Zapata, both of whom have sworn his death for treason.

Mr. President, the United States would be justified in intervening for the purpose of protecting the rights of life and property of American citizens in Mexico. The United States would be justified in protecting the rights of Englishmen, Germans, Frenchmen, and Spaniards, whose Governments look to us for their protection. The United States would be justified, in order to end the bloody fratricidal strife and restore order and peace and constitutional government on our border.

Mr. President, the United States has borne repeated injuries week after week, month after month, and year after year, awaiting diplomatic adjustment, until at last, in lieu of adjusting these immediate grievances which are of record in our Department of State and which I shall not pause to enumerate as they would fill a volume of themselves, it finally comes to the point where Huerta, with growing indifference and contempt for the rights of the American people, and in view of saving his own life by forced American intervention, permits—if he did not instigate—an international insult to the flag and uniform of the United States, and then refused redress under the rules of international law.

The world should understand that while the United States regards the insult to its flag and uniform with great gravity and is justified in demanding proper amends for this open affront and indignity before the eyes of the world, nevertheless beyond the flag incident is a long series of grievances which the United States has been trying in vain to adjust by diplomatic process. And the world should understand further that the killing of our citizens in Mexico, the destruction of the property of our citizens in Mexico, the killing of Germans and Englishmen and Spaniards in Mexico, and the destruction of their property, for whose adjustment the United States is held morally responsible and for which the United States has anxiously desired a settlement as the nearest friend of the people of Mexico, are all factors in determining the attitude of the people of the United States.

The world should remember that this multitude of individual grievances, which has been impossible of adjustment, is due to an unstable condition of government in Mexico; that the unhappy people of Mexico, judged by their own constitution, have no government; that all constitutional guaranties in the country under the military control of Huerta have been overthrown; that the constitution of Mexico has been trampled in the dust by military power, by treason, by murder; and that the instances of which we complain—of the murder of our citizens and of the citizens of other nations and the destruction of their property—will be indefinitely continued until a stable form of government is established in Mexico. The whole civilized world has a right to complain at the ruinous slavery imposed upon the people of Mexico by the monopolies which have invaded Mexico in defiance of the constitution of Mexico—monopolies in land, minerals, timber, water powers, government supplies, down to monopolies in gambling and female prostitution—

granted to a favored few who by bribery and corruption have secured these favors from the dishonest officials who have misgoverned Mexico under the form of a Republic but in sober truth as a commercialized military oligarchy during the last 40 years.

This criminal oligarchy has not been content with establishing a monopoly of all the opportunities of making a living by the labor of men; it has not been content with the commercial slavery of the people of Mexico and reducing them to peonage, but through the commercial and financial power they have established a corrupt political monopoly of the governing powers which they have concentrated in Mexico City. The power of the sovereign States of Mexico has been invaded, so that Huerta, as the President of Mexico, has not hesitated to set aside governors elected by the people and in their places put military governors; and while Title III declares the supreme power of the federation as divided for its exercise into legislative, executive, and judicial, and that never can two or more of these powers be united in one person or corporation, nor the legislative power be vested in one individual, Huerta, by his own decree of October 10, 1913, vested in his one person legislative, executive, and judicial power in flat violation of the constitution of the people of Mexico.

Mr. President, the real basis of all the difficulties in Mexico is the stealing from the people of Mexico their constitutional rights and retaining the stolen goods by military force. The real difficulty in Mexico is the usurpation of the power of the common people of Mexico by a military oligarchy, pretending to represent the people. Under such conditions there is the absolute certainty that no change from one dictator to another dictator will provide any true remedy so long as the head of this military group, whether Porfirio Diaz, De la Barra, Madero, Lascurain (who was President for a few minutes), or Huerta or the next successful general belonging to Huerta's group who arrests him and puts him to death, will cure the evil in Mexico. The real remedy required in Mexico is to restore to the hands of the people of Mexico their right of self-government, to demand a secret, honest election system, decentralization of power, restoration to the several States of Mexico of the right to manage their own business in their own way under the constitution of Mexico. A constitutional convention is necessary in Mexico to decentralize its powers and to enable the people to exercise safeguarded self-government and to abolish by law the monopolies which have reduced to abject poverty 15,000,000 Mexicans and given stupendous wealth to a few thousand families in Mexico.

I have the faith to believe that the people of Mexico will pass the proper laws for their own protection and for the overthrow of monopoly if they are given an opportunity and that they will establish laws based upon economic and political justice, just as the people of France did.

It was the fishwomen of France, it was the peasantry of France, it was the uneducated, unlearned, common herd in France, despised by the nobility of France, who sang the Marseillaise in the streets of Paris, and who deposed Louis and Marie Antoinette and established in France a Government that recognized the great principles of the French Revolution—liberty, equality, fraternity; and the same spirit is in Mexico now. These people are willing to lay down their lives for liberty, and they are sacrificing their lives wholesale, and they must not be despised,

I know that there have been those who, observing the military despotism that has been parading in Mexico as a Republic, insist that the people of that country are ignorant and unpatriotic, but I have no fears for the people of Mexico. But, Mr. President, I remind you and I remind the Senate that this commercialized military oligarchy made every effort to establish an alliance with Japan at a time when we were having difficulty with Japan over the California case. Such an alliance would bring in its train the most serious consequences for the United States. To permit on our borders such an irresponsible Government as that of Huerta, controlled merely by corrupt avarice and ambition, carries with it danger to the welfare of the people of the United States far greater than the danger involved in now throwing Huerta out of power in Mexico. Have we forgotten his invitation to the officers of the Japanese vessel *Idzuma*, his week of feasting and ostentatious demonstration of excessive affection for the Japanese, at a time when he was stirring the passion and prejudice of the populace of Mexico against the American people?

When the people of Mexico really govern Mexico, under constitutional safeguards, just as our people in the 48 States govern their affairs, there will be no danger whatever from the Mexican Government. They will be our friends, knowing that we are in truth the friends of the Mexican people. Moreover, in intervening in Mexico for the establishment of peace, for the pacification of that unhappy country, for the restoration of order, for the reestablishment of liberty and for that purpose alone; when we declare to the people of the whole world that we have no desire to acquire any part of the territory of Mexico, that we do not wish to govern them, but only wish that they shall have the right in peace, in honor, in dignity, to govern themselves, by choosing their own officials in safeguarded, honest elections, we will do more than make a lasting friend of the people of Mexico; we will give the most satisfying assurances to all of the South American Republics of the uprightness of our purposes. We will thus assure every country on the Western Hemisphere that we are moved alone by purposes of unselfish humanity; we will set the standard before the whole world of a high purpose to maintain the right of life, liberty, and the pursuit of happiness, and to promote the great principle of the brotherhood of man.

Our great Republic is founded on the ideal of human liberty, on the idea of freedom.

Over the magnificent entrance of Union Station in our Capital, where tens of thousands pass, is inscribed in granite this noble sentiment:

> Sweetener of hut and of hall,
> Bringer of life out of naught,
> Freedom, oh! fairest of all
> The daughters of time and of thought.

On our gold and silver coins, from 1795 to this day, we have stamped the word "liberty," and the Goddess of Liberty and the liberty cap and the crowned head of Liberty. Our Constitution bristles with it, and every State and every county and every city and every town and every village and church and every school and home teaches it as the foundation of human safety and happiness and progress. It is the ideal of the Western Hemisphere. On all the coins of the Argentine Republic, of Chile, of Colombia, of Ecuador, of Peru, of Uruguay, of Venezuela, of Bolivia, of Honduras and Guatemala, and Mexico "liberty," in some form, is stamped upon the coins and carried in the pockets of the common people and is cherished in their hearts as the highest ideal of the great Western Hemisphere.

Brazil freed her slaves without bloodshed before 1860 because of the love of her people for liberty.

The people of the Argentine Republic and of Chile erected a statue of Christ, the Prince of Peace, on their joint border line as a lasting memorial of the peace and brotherhood of the people of the two Republics. This statue, unveiled March 13, 1904, was cast out of bronze from old cannon belonging to the two countries.

The great liberty bell that sounded the cry of liberty on July 4, 1776, cast in London in 1752 and recast in 1753 in Philadelphia, bears the prophetic words: "Proclaim liberty throughout all the land to all the inhabitants thereof."

A hundred years later, in 1886, the people of France, who love liberty and who established liberty in France by the French Revolution, presented to the people of the United States the magnificent statue of "Liberty enlightening the world," which our people erected on a giant granite pedestal, where it holds out at the entrance of New York Harbor a blazing torch over 300 feet high, where all the world shall see and do honor to "liberty."

Mr. President, the ideals of all the Western Hemisphere have been torn down by Huerta and the corrupt commercial forces behind him which created him and of which he is a mere instrumentality. He symbolizes corrupt commercialism, monopoly, concessions unearned, using the property and powers of the common people not for their betterment but to their ruin and the death of liberty.

The conditions in Mexico are absolutely unendurable. Our national principles and our national safety are endangered. The welfare of all the North and South American countries would be jeopardized unless liberty and freedom shall be restored to the people of Mexico under constitutional safeguards.

The long triumph of bribery and corruption and military force over the judicial, the legislative, and the executive powers of the unhappy people of Mexico has finally led directly to open treason and the overthrow of even the forms of constitutional government and has led to the establishment of an irresponsible military oligarchy and despotism. Men of great intelligence have been led by avarice and greed and ambition through corrupt processes to monopolize and commercialize the political powers of the people of Mexico through a group of unwise and short-sighted Mexican leaders who have been willing to see the governing powers of the people of Mexico fraudulently controlled and the great values of the lands of Mexico diverted to private hands through monopoly.

Military despotism is now in control of Mexico, with all constitutional guaranties overthrown.

If military revolution is permitted by treason and murder to usurp the governing powers of the people of Mexico, if freedom is thus destroyed by monopoly in Mexico, if liberty is thus slain before our very eyes that avarice and greed may rule the land through a military despotism, overthrowing the civil law, then, Mr. President, the whole of America is in peril.

Powers similar to and to some extent the same that have corrupted Mexico and destroyed constitutional government are busy in Colombia, in Venezuela, and in some of the other Republics of North and South America, and the establishment of a military, commercial despotism in Mexico, if successful, would constitute a precedent, the danger of which should not be ignored.

I congratulate the world that neither the United States, nor Argentina, nor Brazil, nor Chile recognize the military despot who, by treason, seized the governing power of the people of Mexico and by fraud has retained it.

It is well known that the Government of Porfirio Diaz was a military despotism under the color of a Republic, yet, in the main, was conducted apparently with a view to developing the resources of Mexico and of protecting life, at least where submission was rendered to his Government.

Finally, the conditions developed by Porfirio Diaz in establishing innumerable monopolies throughout Mexico by concession of various kinds led to a state of unrest and a dangerous revolutionary sentiment that made it necessary for him to leave Mexico and live in Europe. His conduct was practical flight from imminent danger of revolutionary assassination.

He left his successor ad interim—De la Barra—and Madero was elected as an avowed progressive candidate, professing, at least, the patriotic purpose of reform. He was elected through the defective electoral machinery of Mexico, but his weak Government was soon overthrown by the old commercial oligarchy and its secret allies and sympathizers by mutiny and conspiracy.

On February 9, 1913, at 7 o'clock in the morning, Felix Diaz, who had procured a mutiny among the troops of Madero, escaped, by collusion, from the penitentiary and immediately organized an assault on Madero's Government, with the cooperation of several thousand of Madero's troops. Gen. Huerta was in charge of Madero's troops at the palace, and Gen. Blanquet, at present the right-hand man of Gen. Huerta, was next in importance of Madero's generals. The loyalty of both Huerta and Blanquet was already questioned.

De la Barra and Huerta were, on February 10, already in consultation for the purpose of effecting some arrangement, and Diaz was quoted on February 10 as hoping for a good issue from the negotiations being carried on with Gen. Huerta. Blanquet's troops deserted to Diaz. Huerta carried on warfare with Diaz by day and was having secret conferences with his representatives by night.

Finally, on February 17, Huerta stated that the plans were fully matured to remove Madero. Blanquet's guns were turned toward Chapultepec. Blanquet's troops were put in charge of the national palace, and the troops friendly to Madero were put outside of the palace by Huerta, Madero's commanding general.

On February 18, at 2 p. m., Huerta, the sworn commander of Madero's troops, had Blanquet arrest his chief, the elected President of the Republic, Madero, and the Vice President, Suarez, and the entire Cabinet. At the same time Gustavo Madero, the brother of the President, was arrested and immediately afterwards killed.

On February 15, Pedro Lascurain, secretary of foreign relations, appeared in the hall of the committees of the Chamber of Deputies of the Congress of Mexico and falsely represented that the American ambassador had expressed his positive opinion that 3,000 United States marines would immediately come to the City of Mexico to protect the lives and interests of Americans as well as other foreigners residing there.

This was done in order to force Madero's resignation, but Madero refused to resign. The following action was taken in the Mexican Senate:

(Appendix No. 1.)

SPECIAL SESSION HELD FEBRUARY 15, 1913, IN THE HALL OF COMMITTEES OF THE CHAMBER OF DEPUTIES, SENATOR JUAN C. FERNANDEZ, PRESIDING.

* * * Upon the reading of the inserted dispatch being finished, Mr. Pedro Lascurain, secretary of foreign relations, appeared and was granted the floor for the purpose of reporting. Mr. Lascurain stated that the international situation of Mexico was extremely critical with respect to the United States of America, for telegrams have been received from Washington conveying the decision of that Government, already being carried out, to send warships to Mexico territorial waters of the Gulf and of the Pacific, and transports with landing troops. The secretary of foreign relations added that, at 1 o'clock a. m. today, the United States ambassador had convened in the quarters of the embassy some members of the diplomatic corps to whom he made known the impending arrival of the ships, and his firm and positive opinion that 3,000 marines would come to the City of Mexico in order to protect the lives and interests of Americans as well as of other foreigners residing therein.

JUAN C. FERNANDEZ, *Presiding Senator.*
RICARDO R. GUZMAN, *Senator and Secretary.*
JOSE CASTELLOT, *Senator and Secretary.*

MEXICO, *February 15, 1913.*

When Huerta arrested the President of Mexico, Madero, he immediately gave out a notice to the Mexican people that he had assumed the executive power, and that he was holding under arrest "Mr. Francisco I. Madero and his Cabinet," as follows:

NOTICE.

In view of the most difficult circumstances through which the nation is passing, and particularly in recent days, the capital of the Republic, which, through the work of the defective government of Mr. Madero, may well be characterized as being in an almost anarchical situation, I have assumed the executive power and, pending the immediate convening of the Chambers of the Union, in order to pass upon this present political situation, I am holding under arrest in the National Palace Mr. Francisco I. Madero and his Cabinet, in order that as soon as this point is decided and in an effort to reconcile people's minds during the present historical moments we may all work in behalf of peace, which is a matter of life or death to the entire nation.

Given in the palace of the Executive, on February 18, 1913.

V. HUERTA,
Military Commanding General
in charge of the Executive Power.

At 9.30, February 18, Huerta and Felix Diaz met at the American Embassy, where the American ambassador cooperated in having them reach an understanding to work together, upon the basis that Huerta should be the provisional President of the Republic, and that Diaz should name the Cabinet, and that thereafter Diaz should have the support of Huerta in being elected as the permanent President. Their agreement was reduced to writing, as follows:

In the City of Mexico, at 9.30 p. m., of February 18, 1913, Gens. Felix Diaz and Victoriano Huerta met together, the former being assisted by Attorneys Fidencio Hernandez and Rodolfo Reyes and the latter by Lieut. Col. Joaquin Maas and Engineer Enrique Zepeda; and Gen. Huerta stated that, inasmuch as the situation of Mr. Madero's government was unsustainable, and in order to avoid further bloodshed and out of feelings of national fraternity, he had made prisoners of said gentleman, his cabinet, and other persons, and that he wished to express his good wishes to Gen. Diaz to the effect that the elements represented by him might fraternize and, all united, save the present distressful situation. Gen. Diaz stated that his movements had had no other object than to serve the national welfare, and that accordingly he was ready to make any sacrifice which might redound to the benefit of the country.

After discussions had taken place on the subject among all those present, as mentioned above, the following was agreed upon:

First. From this time on the executive power which held sway is deemed not to exist and is not recognized, the elements represented by Gens. Diaz and Huerta pledging themselves to prevent by all means any attempt to restore said power.

Second. Endeavor will be made as soon as possible to adjust the existing situation under the best possible legal conditions, and Gens. Diaz and Huerta will make every effort to the end that the latter may within 72 hours assume the provisional presidency of the Republic, with the following cabinet:

Foreign relations: Lic. Francisco L. de la Barra.
Treasury: Toribio Esquival Obregon.
War: Gen. Manuel Mondragon.
Fomento: Eng. Alberto Garcia Granados.
Justice: Lic. Rodolfo Reyes.
Public instruction: Lic. J. Vera Estañol.
Communications: Eng. David de la Fuente.

There shall be created a new ministry, to be charged specially with solving the agrarian problem and matters connected therewith, being called the ministry of agriculture, and the portfolio thereof being intrusted to Lic. Manuel Garza Adalpe. Any modifications which may for any reason be decided upon in this cabinet slate shall take place in the same manner in which the slate itself was made up.

Third. While the legal situation is being determined and settled Gens. Huerta and Diaz are placed in charge of all elements and authorities of every kind, the exercise whereof may be necessary in order to afford guaranties.

Fourth. Gen. Felix Diaz declines the offer to form part of the provisional cabinet in case Gen. Huerta assumes the provisional presidency, in order that he may remain at liberty to undertake his work along the lines of his compromises with his party at the coming election, which purpose he wishes to express clearly and which is fully understood by the signers.

Fifth. Official notice shall immediately be given to the foreign representatives, it being confined to stating to them that the executive power has ceased; that provision is being made for a legal substitute therefor; that meantime the full authority thereof is vested in Gens. Diaz and Huerta; and that all proper guaranties will be afforded to their respective countrymen.

Sixth. All revolutionists shall at once be invited to cease their hostile movements, endeavor being made to reach the necessary settlements.

Gen. VICTORIANO HUERTA.
Gen. FELIX DIAZ.

As soon as this agreement was reached, Huerta and Diaz issued the following joint proclamation:

[From Mexican Herald.]

JOINT PROCLAMATION.

To the Mexican people:

The unendurable and distressing situation through which the capital of the Republic has passed obliged the army, represented by the undersigned, to unite in a sentiment of fraternity to achieve the salvation of the country. In consequence the nation may be at rest; all liberties compatible with order are assured under the responsibility of the undersigned chiefs, who at once assumed command and

administration in so far as is necessary to afford full guarantees to nationals and foreigners, promising that within 72 hours the legal situation will have been duly organized. The army invites the people, on whom it relies, to continue in the noble attitude of respect and moderation which it has hitherto observed; it also invites all revolutionary factions to unite for the consolidation of national peace.

Mexico, February 18, 1913.

V. HUERTA.
FELIX DIAZ.

The legislature of the sovereign State of Coahuila, on February 19, the very next day, denounced Huerta's usurpation and directed Gov. Carranza to use the armed forces of the State in supporting Madero as the constitutional President.

On March 24 the Legislature of Sonora denounced the usurpation of Huerta, and thereafter in succession 10 of the elected governors of the States of Mexico joined the revolution. It is interesting to observe what became of the various governors of the various States of Mexico under Huerta's usurpation. The following 10 governors were replaced by military governors and all joined the revolution:

Gov. Felipe Riveros, of Sinaloa; Gov. Venus Tiano Carranza, of Coahuila; Gov. Jose M. Maytorena, of Sonora; Gov. Alberto Fuentes, of the State of Aguascalientes; Gov. Miguel Silva, of Michoacan; Gov. Ramon Rosales, of the State of Hidalgo; Gov. Inocecio Lugo, of the State of Guerrero; Gov. J. Castillo Brito, of the State of Campeche; Gov. A. Camara Vales, of the State of Yucatan; Gov. Matias Guera, of the State of Tamaulipas. Abraham Gonzalez, governor of Chihuahua, was murdered by Rabago, a major general under Huerta, by tying the governor on the railroad track and slowly backing a yard engine over him to give him a proper realization of the horror of death. Gov. De la Barra went abroad to Paris, France; and Gov. Rafael Zapeda, of the State of San Luis Potosi, and Gov. Trinidad Alamillo, of the State of Colima, and Gov. Patricio Leyva, of the State of Morelos, were thrown in prison. Gov. Bibiano Villareal, of Nueva Leon, fled the country and went to New York. Gov. Carlos Potani, of the State of Durango, fled the country and went to San Antonio, Tex. Six of the other governors went to Mexico City, and the governor of Puebla and Tlaxcala and Queretaro were the only ones who remained at home out of 28 governors elected by the people.

On February 19, 1913, under the duress of the fear of death and on the promise of the safeguard of their lives, the President and Vice President of Mexico signed the following resignation:

In view of the events which have occurred since yesterday in the nation and for its greater tranquillity, we formally resign our positions of President and Vice President, respectively, to which we were elected. We protest whatever may be necessary.

FRANCISCO I. MADERO.
JOSE M. PINO SUAREZ.

MEXICO CITY, *February 19, 1913.*

I am informed that this resignation was obtained from President Madero and Vice President Suarez under the fear of instant death, but was signed by them upon the agreed condition that it should be held by the minister from Chile, a friend of Madero, in escro, until President Madero and Vice President Suarez could find safe asylum on a foreign warship. The agreement was broken, the resignation used as a basis of having Lascurain, minister of foreign relations under Madero, proclaimed provisional President. He took the oath of office and did not appoint a secretary of foreign relations, but he did appoint Victoriano Huerta secretary of gobernacion. Huerta took the oath as secretary of gobernacion, and Lascurain immediately resigned as provisional President, thus devolving the presidency upon Huerta as next in line, and he took the oath of office before Congress as President of the Republic. These simultaneous acts, of course—the resignations of the President and Vice President, procured by military force and duress, the resignation of Lascurain under the same force—can not be regarded as a legitimate conduct of public affairs, the entire procedure being void, as treason against the people of Mexico, punishable with death under the constitution and laws of Mexico.

On Saturday, February 22—Washington's Birthday—Huerta, as President, had the deposed President Madero and Vice President Suarez transferred from the national palace, not to a warship, where they might escape with their lives, but to the penitentiary in Mexico City. At 10 o'clock Huerta is alleged to have changed the commandante of the penitentiary, and at 11 o'clock Madero and Suarez were killed.

On February 24, 1913, the new minister of foreign relations, De la Barra, made a report to the members of the diplomatic corps, giving an account of the death of President Madero and Vice President Suarez, and promising the fullest judicial investigation, and that minutes of all proceedings should be furnished the diplomatic representatives of the foreign powers, it being commonly believed that Huerta had had these men assassinated, as was afterwards openly charged against Huerta on September 23, 1913, in the Mexican Senate by Senator Dominguez, of Chiapas.

The minutes of the judicial investigation have never been furnished, and the United States has no adequate official information except the statement of Huerta made to De la Barra and Señor Garcia, 11.30 Saturday night, that as Madero and Suarez were being conveyed in an automobile to the penitentiary they were killed in an exchange of shots between the escort in whose custody they were held and a group of individuals unknown who had attempted to rescue them.

Huerta had assured Madero and Suarez their safety before using their resignations. He was responsible for their safeguard. Huerta was also fully advised, because Madero's mother and Suarez's wife had gone to Ambassador Wilson and prayed him to intercede with Huerta to spare the life of Madero and Suarez and to allow them to go to Europe, stating "that this was the expressed condition attached to their resignation," and Ambassador Wilson made the appeal to Huerta.

I am informed that De la Barra advised Huerta that unless he were satisfied the murder of Madero was not at the connivance of the Government he would immediately resign with two of his colleagues.

It is interesting to see what became of this cabinet, arranged in the pact between Huerta and Diaz and whose members had been named by Diaz.

Of this cabinet named by Felix Diaz under the pact, the secretary of foreign affairs, De la Barra, is in France; the secretary of finance, Obregon, is a general in the Constitutional Army making war on Huerta, and recently refused to consider cooperating with the Federal troops against the United States; Rudolph Reyes, of the department of justice, has been killed; the secretary of public instruction, Estannol, has fled to the United States; the secretary of communications, De la Fuente, has gone abroad; the minister of agriculture, Alvarpe, has resigned; and the secretary of fomento, Alberto Gill; the secretary of interior, Alberto Glenodes, are out of the cabinet and gone.

Felix Diaz, who made the pact with Huerta, fled from Mexico for fear of assassination by Huerta's orders.

The American ambassador, Wilson, made a strenuous effort to have Huerta recognized. As dean of the diplomatic corps, he made a speech of congratulation to Huerta upon his accession to the presidency. He urged our State Department to recognize Huerta. He instructed all American consuls to do everything possible to bring about a general acceptance of Huerta, and advised them that Huerta would be immediately recognized by all foreign Governments. On February 24 Ambassador Wilson advised the Government that the Madero incident had produced no effect upon the public mind and that Consul Holland had telegraphed that Huerta's government refused to accept the adhesion of Gov. Carranza, of Coahuila; was sending troops against him, and that Carranza had evacuated his capital. When the secretary of the British legation expressed the opinion that his Government would not recognize Huerta on account of the murder of Madero, Ambassador Wilson expressed the opinion that it would be a great error, endangering Huerta's government, upon the safety of which all foreigners depended. Our ambassador expressed the opinion that Huerta's government was not privy to the murder of Madero and Suarez, and that either the occurrence was as stated or that the death of Madero and Suarez was due to a subordinate military conspiracy, and he was of the opinion also that the murder of Madero and Suarez, as two Mexicans relegated to private life by their resignations, should arouse no greater expressions of popular disapproval in the United States than the murder, unrequited by justice, of some 75 or 80 Americans in Mexico during the preceding two years.

Our ambassador ceased to be an acceptable medium of communication between President Wilson and the authorities of Mexico, and for this reason his resignation was accepted.

Huerta's usurpation of the governing powers of the people of Mexico, his military revolution, overthrowing the President and Vice President of Mexico and bringing about the immediate death of these officers elected by the Mexican people, was not approved by a large part of the people of Mexico, who, however, were, for the most part, intimidated by the military power of Huerta and by the bloodthirsty disposition shown by him and by his military clique. Huerta is the product of his environment. He had, since his boyhood, been the witness of the killing by military order of citizens who proved obnoxious to the government of Porfirio Diaz. I have no doubt that Huerta regards such conduct as entirely justifiable. There are those in the United States in sympathy with Huerta and his military commercial despotism controlling Mexico, who say

that no other kind of government is possible in Mexico except a military despotism.

Against this cruel, unwise, unjust conception I enter my solemn protest, and I declare it to be my profound belief that the people of Mexico are, in the main, an industrious, worthy, honest, good-hearted people, who would like to be at peace with the world, and who would rejoice in a stable government under constitutional guaranties, and that they have abundant intelligence to carry it out if they can be freed from the despotism now in control of their government.

No man, who has observed the sacrifices which are being made by the people of Mexico in trying to restore constitutional government, should deny their attachment to liberty and the constitutional law.

No man, who looks at the record of the elected governors of the States of Mexico, who might have bought their peace by subserviency of Huerta, who witnessed the brave and upright conduct of the Mexican congressmen imprisoned by Huerta, the brave conduct of Senator Dominguez in speaking the truth at the cost of life and the enormous sacrifices now being made by the Mexicans on the field of battle, should doubt the attitude of the people of Mexico. The people of Mexico have in them the Divine spark, they have been taught the Christian virtues and they have the same natural affections and passions as other people of like blood. They have had no fair chance.

Mr. President, the governors of Mexico were not the only ones to express their hostility to the active usurpation by Huerta. Various members of Congress in Mexico expressed their disapproval of Huerta's conduct, and representing, as they did, the people of Mexico, and even more particularly those who were the beneficiaries of the monopolistic system of Mexico, nevertheless showed were not willing to have the constitutional guaranties overthrown. The cruelty and unlawful violence of the government of Huerta was shown by the methods pursued against them. A few instances of which I think should be enumerated.

For instance, a member of Congress, Serapia Arendon, having expressed his lack of sympathy with the Huerta régime, was warned in several ways that his life was in great jeopardy, and on the night of the 22d of August, 1913, he was suddenly seized, rushed in an automobile to the Thanepantla Barracks, where some shots were heard, and he has never been seen since.

The condition being intolerable, a member of the Senate of Mexico, Senator Belisario Dominguez, representing the State of Chiapas, finally made up his mind to do his duty by denouncing this usurpation and treason, knowing that it would cost him his life. It is reported that he made his will, bade his family farewell, and on the 23d of September delivered in writing a speech in the Senate of Mexico. The president of the Senate refused to allow his speech to be delivered, but could not prevent its being made a part of the record.

I shall read that speech:

Sept. 23, 1913. Address of Belisario Dominguez, Senator from the Sovereign State of Chiapas to the Senate of the Republic of Mexico.

Mr. President of the Senate: The matter being of urgent interest for the welfare of the country, I am compelled to set aside the usual formulas and to ask you please to begin this session by taking cognizance of this sheet and making it known at once to the honorable members of the Senate.

Gentlemen: You all have read with deep interest the message presented by Don Victoriano Huerta to the Congress of the Union on the 16th instant.

There is no doubt, gentlemen, that you as well as myself felt indignant in the face of the accumulation of falsities contained in that document. Whom does that message aim to deceive, gentlemen? The Congress of the Union? No, gentlemen; all its members are cultured persons who take an interest in politics, who are in touch with events in this country, and who can not be deceived on the subject. Is it the Mexican Nation that is to be deceived? Is it this noble country which, trusting in your honesty, has placed in your hands her most sacred interests? What must the National Assembly do in this case? It must respond promptly to the trust and confidence of the nation which has honored this body with her representation, and it must let her know the truth and so prevent her falling into the abyss which is opening at her feet.

The truth is this: During the reign of Don Victoriano Huerta not only has nothing been done in favor of the pacification of the country, but the present condition of the Mexican Republic is infinitely worse than ever before. The revolution is spreading everywhere. Many nations, formerly good friends of Mexico, now refuse to recognize this Government, since it is an illegal one. Our coin is depreciated, our credit in the throes of agony. The whole press of the Republic, either muzzled or shamelessly sold to the Government, systematically conceals the truth. Our fields are abandoned. Many towns have been destroyed, and, lastly, famine and misery in all its forms threaten to spread throughout our unhappy country. What is the cause of such a wretched situation?

First, and above anything else, this condition is due to the fact that the Mexican people can not submit and yield to and accept as President of the Republic the soldier who snatched the power by means of a treason and whose first act on rising to the Presidency was to assassinate in the most cowardly manner the President and Vice President legally consecrated by the popular vote, and the first of these two men, he who promoted and gave position to Don Victoriano Huerta and covered him with honors, was the man to whom Victoriano Huerta publicly swore loyalty and faithfulness.

In the second place, this situation is the result of the means adopted by Don Victoriano Huerta and which he has been employing in order to obtain the pacification of the country. You know what these means are; nothing but extermination, death for all the men, all the families, all the towns which do not sympathize with his Government.

Peace will be made at any cost whatever, said Don Victoriano Huerta. Have you studied, gentlemen, the terrible meaning of these words of the egotistical, ferocious man, Don Victoriano Huerta? They mean that he is ready to shed all the Mexican blood, to cover with corpses the whole surface of the national territory, to convert our country into one immense ruin, so that he may not leave the presidential chair, nor shed a single drop of his own blood.

In his insane anxiety to keep the post of President—

I ask the Senate to listen to this—

In his insane anxiety to keep the post of President, Victoriano Huerta is committing a new infamy. He is provoking an international conflict with the United States of America.

Where was that said? On the floor of the Mexican senate, by a Mexican senator who had made his will, had made his peace with God, had bid farewell to his family, knowing that he would go to his immediate death.

The Senate of the United States wants to observe these words and hear where they come from—from the senator from Chiapas, Belisario Dominguez, who was immediately killed, who knew that he would be killed, and who was willing to die to have the right to speak the truth in the cause of humanity, and of justice, and of Mexico.

In his insane anxiety to keep the post of President Victoriano Huerta is committing a new infamy. He is provoking an international conflict with the United States of America, a conflict, in which, if it is to be solved by fighting, all surviving Mexicans would participate, giving stoically the last drop of their blood, giving their lives—all save Don Victoriano Huerta and Don Aureliano Blanquet; because these disgraced ones are stained with the blot of treason, and the nation and the army will repudiate them when the time comes.

It seems as if our ruin were unavoidable, for Don Victoriano Huerta has taken hold of power in such a way, in order to insure the triumph of his candidacy to the Presidency of the Republic in the elections to be held October 26, that he has not hesitated to violate the sovereignty of the greater part of the States, deposing the legally elected constitutional governors and supplanting them with military governors who will take good care to cheat the people by means of ridiculous and criminal farces.

And so they did cheat the people by elections that were criminal under the order of Huerta, an order which I shall presently read into the RECORD.

However, gentlemen, a supreme effort might save everything. Let the national assembly fulfill its duty and the nation is saved, and she will rise up and become greater, stronger, more beautiful than ever.

The national assembly has the duty of deposing Don Victoriano Huerta from the Presidency. He is the one against whom our brothers, up in arms in the North, protest, and, consequently, he is the one least able to carry out the pacification which is the supreme desire of all Mexicans.

You will tell me, gentlemen, that the attempt is dangerous; for Don Victoriano Huerta is a bloodthirsty and ferocious soldier who assassinates anyone who is an obstacle to his wishes; but this should not matter, gentlemen. The country exacts from you the fulfillment of a duty, though there is the risk, the certainty, that you will lose your lives.

Is this man without patriotism? Is this man without love of country? Is this man without love of justice and righteousness in government, when he makes his appeal to the Mexican Senate? Shall we despise a people capable of such a sacrifice as this great senator who died in the performance of duty deliberately?

He said:

If, in your anxiety to see peace reigning again in the Republic, you committed a mistake and put faith in the false words of the man who promised to pacify the Republic, to-day, when you see clearly that this man is an imposter, a wicked inept who is fast pushing the nation toward ruin, will you, for fear of death, permit such a man to continue to wield power? Reflect, gentlemen, meditate, and reply to this query.

What would be said of those on a vessel who, during a violent storm on a treacherous sea, would appoint as pilot a butcher who had no nautical knowledge, who was on his first sea trip, and who had no other recommendation to the post than the fact of his having betrayed and assassinated the captain of the vessel?

Your duty is unalterable, ineludible, gentlemen, and the nation expects of you its fulfillment.

This first duty discharged, it will be easy for the National Assembly to fulfill others derived from it, asking all revolutionary chiefs to stop all active hostilities and to appoint their delegates in order that by general accord the President be elected who is to call for presidential elections, and who is to use care that these be carried out in all legality.

The world is looking on us, gentlemen, members of the National Assembly, and the nation hopes that you will honor her before the world, saving her from the shame of having as first magistrate a traitor and an assassin.

(Signed) DR. B. DOMINGUEZ.
Senator for Chiapas.

Immediately afterwards, Senator Belisario Dominguez suddenly and mysteriously disappeared and was reported to have been killed.

On October 9th, the Chamber of Deputies of the Congress of Mexico passed the following resolution:

(1) That a commission formed of three deputies be appointed for the purpose of making all necessary investigations to find out where Senator Belisario Dominguez is and that it be empowered with all

the facilities which it deems necessary for the matter in hand. (2) That the senate be invited to appoint a commission for the same object. (3) The commission of the Camara will propose what may be necessary in view of the result of the investigation. (4) That this motion be communicated to the executive so that he may impart whatever aid may be necessary to the commission or commissions, as the case may be, making known to him that the national representation places the lives of the deputies and senators under the protection of said executive who has at his disposition the necessary elements to enforce the immunity which the constitution authorizes to those functionaries. (5) That said executive be informed that in case the disappearance of another deputy or senator occurs and the national representation will be obliged to celebrate its session where it may find guarantees.

Immediately afterwards, on October 10, in the afternoon, Huerta's minister of gobernacion appeared in the chamber and demanded a reconsideration of these resolutions. The president of the Chamber of Deputies arose and adjourned the chamber, whereupon 110 deputies present were arrested by Huerta's soldiers and sent to the penitentiary. Huerta had all the exits barred and appeared in person before the Congress to enforce his demand, and his demand, in spite of his bloody character and cruel power, was not acceded to by the Mexican Congress. Huerta immediately published a decree declaring the Congress dissolved and without further power and immediately declared the judicial and legislative power vested in himself and that the constitutional guaranties against arrest of members of Congress were suspended.

These decrees were signed by him as of October 11, but were put into effect October 10, as follows:

Victoriano Huerta, constitutional President ad interim of the Mexican United States, to its inhabitants makes known that the Chamber of Deputies and Senators of the Twenty-sixth Legislature having been dissolved and inhabilitated from exercising their functions and until the people elect new magistrates who shall take over the legislative powers, and in the belief that the Government should count on all the necessary faculties to face the situation and to reestablish the constitutional order of things in the shortest possible time as is its purpose since October 26 has been set as a date for elections for deputies and senators, has seen fit to decree that articles of decree.

ARTICLE ONE. The judicial power of the federation shall continue in its functions within the limits set by the constitution of the Republic and the decree of the executive of October 10 of this month and such others as shall be issued by him.

ARTICLE TWO. The executive power of the union conserves the powers conferred upon him by the constitution and assumes furthermore the departments of gobernacion, hacienda, and war only for the time absolutely necessary for the reestablishment of the legislative power. In the meantime the executive takes upon himself the powers granted the legislative power by the constitution in the aforementioned departments and will make use of them by issuing decrees which shall be observed generally and which he may deem expedient for the public welfare.

ARTICLE THREE. The executive of the union will render an account to the legislative power of the use which he makes of the powers which he assumes by means of this decree as soon as this is in function. Wherefore, I order that this be printed, published, and given due fulfillment. Given at the National Palace of Mexico, October 11, 1913.

(Signed) V. HUERTA.

Victoriano Huerta, constitutional president ad interim of the Mexican United States, to its inhabitants makes known that in view of the fact that the Chamber of Deputies and Senators of the Congress of the union have been dissolved and inhabilitated to perform their functions, and in view of the powers which I hold in the Department of Gobernacion according to the decree of October 11 of this year, I have seen fit to decree that article 1, the constitutional exemption from arrest and judicial action which the citizens which formed the Twenty-sixth Congress of the union enjoyed in view of their functions, is hereby repealed and consequently they are subject to the jurisdiction of the tribunals corresponding to the case in the event that they are guilty of any crime or offense. Wherefore I order that this be printed, published, and duly fulfilled. Given at the National Palace in Mexico October 11, 1913.

(Signed) V. HUERTA.

On October 11 the entire diplomatic corps was received by the minister of foreign affairs, who advised them that while the act of Huerta's Government was unconstitutional, still that the Government had become impossible with the Chamber as at present constituted. The Spanish minister, at an hour after midnight, October 10, called on Nelson O'Shaughnessy, the American chargé d'affaires, and they went together and demanded guaranties of the minister of foreign affairs for the lives of the arrested Congressmen. What a spectacle before the civilized world is this midnight visit to prevent wholesale assassination! The promise was given, but only a list of 84 was presented as those in prison. What became of the 24 others arrested I do not know, but I should like to know.

On October 13 Huerta charged the members of Congress with sedition and treason, and stated that they should be tried. Huerta's secretary informed O'Shaughnessy that most of the deputies arrested had been set at liberty, but in point of fact they acknowledged having 84 of the 110 arrested in the penitentiary at midnight, October 10, and on November 13, 1913, the members of Congress whose names I have already given were recorded still in the penitentiary, and many of them were still in the penitentiary when we took Vera Cruz.

The President of the United States had refused to recognize Huerta for the reasons well known, and had been urging a new election so that the people of Mexico, even under the defective election law, might choose a successor to Huerta.

On October 10, 1913, when Huerta had put the Mexican Congress in the penitentiary, he issued a decree for the election, on October 26, of a new Congress and of a President.

On October 14, 1913, he issued the following decree, modifying the election laws to make the corrupt control of the election absolutely certain, putting the power in the hands of his instruments. I ask permission to put the decree into the RECORD without reading.

Mr. SHAFROTH. I wish the Senator from Oklahoma would read the order which he says Huerta issued setting aside the election laws.

Mr. OWEN. The first order issued was this:

Victoriano Huerta, constitutional President ad interim of the Mexican United States, to its inhabitants makes known that the Chamber of Deputies and Senators of the 26th legislature having been dissolved and inhabilitated from exercising their functions, and until the people elect new magistrates who shall take over the legislative powers, and in the belief that the Government should count on all the necessary faculties to face the situation and to reestablish the constitutional order of things in the shortest possible time, as is its purpose, since October 26 has been set as a date for elections for deputies and senators, has seen fit to decree that articles of decree.

ARTICLE ONE. The judicial power of the federation shall continue in its functions within the limits set by the constitution of the Republic and the decree of the Executive of October 10 of this month and such others as shall be issued by him.

ARTICLE TWO. The executive power of the Union conserves the powers conferred upon him by the constitution and assumes, furthermore, the departments of gobernacion, hacienda, and war only for the time absolutely necessary for the reestablishment of the legislative power. In the meantime the Executive takes upon himself the powers granted the legislative power by the constitution in the aforementioned departments and will make use of them by issuing decrees, which shall be observed generally and which he may deem expedient for the public welfare.

ARTICLE THREE. The Executive of the Union will render an account to the legislative power of the use which he makes of the powers which he assumes by means of this decree as soon as this is in function. Wherefore I order that this be printed, published, and given due fulfillment.

At the same time he issued a decree declaring that the right of safety and immunity from arrest of members of Congress was set aside and abrogated and, as I have stated, put the whole Congress in the penitentiary. He says:

I have seen fit to decree that article 1, the constitutional exemption from arrest and judicial action which the citizens which formed the twenty-sixth congress of the union enjoyed in view of their functions, is hereby repealed.

Mr. SHAFROTH. And yet some people want such a man recognized as the President of Mexico?

Mr. OWEN. Oh, yes; some people want him recognized. I do not know why. I suppose they do not know about him, but I thought it well enough to let the people of this country know something about Huerta. For that reason I have thought proper to present these various documents, showing his conduct as the alleged head of the Mexican Government. Here is the decree which he issued as to the election laws, putting the power in the hands of his military governors and jefe politicos that they might be able to make false returns of the elections:

Victoriano Huerta, Constitutional President ad interim of the United Mexican States, to the inhabitants thereof: Know ye, that to the end that the extraordinary elections of senators and deputies to the Congress of the Union, convoked by decree under date of the 10th instant, be carried out with all regularity, I have seen fit to decree the following:

ARTICLE 1. In accordance with article 5 of the decree of the 10th instant, the extraordinary elections of deputies and senators will be subject to the conditions of the electoral law of December 19, 1911, with the additions and modifications which follow.

ART. 2. The elections shall be by direct vote; they shall be held at the same time as those for president and vice president of the Republic; the same electoral divisions shall serve for them as were formed under the law to that effect of the 31st of May last, and the same designation of polling officials and scrutinizers which was made under the provisions of the same law shall subsist. Candidates must register.

ART. 3. The registration of the candidates provided for in article 68 of the electoral law of December 19, 1911, shall be carried out before the 20th of this month, and the handing over of credentials which is ordered in the same article, as well as the designation of representatives of parties or candidates, shall be complied with at the same time these latter are inscribed.

ART. 4. The voting shall be subject to the terms of the electoral law of December 19, 1911, and in accord with the following rules: New polling regulations. "1. The polling official shall hand to each voter, in addition to the lists which correspond to the election of President and Vice President of the Republic, the various lists for the casting of votes for deputies and senators and shall proceed to collect the votes in urns or boxes which shall be separate and distinctly marked, one for the election of President and Vice President, another for the election of deputies, and a third for the election of senators.

Second. When the polls are closed definitely, the total count of the votes cast for President and Vice President shall be made in accordance with the law of the 31st of last May, and afterwards the count shall be made of the votes for deputies and senators, respectively, the result of the latter being made known in separate documents, which shall be remitted, together with the designation of the electoral district and the voting slips to the highest authority residing in the place designated as capital (cabecera) of the electoral district (that is, to his military governors), and if there be no cabecera they shall be turned over to the highest municipal authority. Juntas to count ballots.

Third. The count of the votes cast in each electoral district shall be made by a junta formed by the highest political authority to which the foregoing fraction refers, or in default of him by the first municipal authority and by two councilmen (concajales) named by the ayuntamiento of the cabecera of the electoral district. The default of any of the members of this junta shall be made good by the regideres of the ayuntamiento, according to the order of their enumeration, and in default of these, by those who will have held such position the preceding year, according to their enumeration. The designation of the two councilmen who are to form part of the junta shall be made by the ayuntamientos in public session and by secret ballot on Thursday the 23d of the present month. Jefe Politico to preside.

Fourth. The junta shall assemble in junta shall be made by the ayuntamiente on Sunday, the 26th of the present month, at 6 o'clock in the evening, being presided over by the jefe politico, and in his absence by the highest municipal authority. It shall designate secretary from among its members and shall commission another of its members to examine the returns as they be received, and the junta shall reassemble on the 2d day of November next to make the count, after the rendering of the report which the commission shall present.

Fifth. The junta shall abstain from making any remarks respecting the defects which affect the votes cast or those which may be alleged by the parties or candidates registered, and shall limit itself to making them known in its minutes, so that they may be passed upon definitely by the Chamber of Deputies or by the corresponding legislature, according to whether it is a matter of election of deputies or senators. Credentials in quadruplicate.

Sixth. After the count has been made of votes cast, the deputies proprietory and substitute shall be declared elected and the number of votes cast for each one of the candidates for senator proprietory and substitute shall be declared and the corresponding reports shall be made. The report in regard to deputies shall be made in four copies; one shall be sent to the Chamber of Deputies, together with all the election documents and vote certificates; another copy shall be sent to the Ministry of Gobernacion; and the other two shall be remitted to the citizens elected deputy proprietory and substitute, respectively, so that they may serve as credentials. The report of the election of senators shall be made in three copies, one of which shall be sent to the Senate, one to the Ministry of Gobernacion, and the third to the Legislature of the State, that that body may make its declaration relative to the election of senators proprietory and substitute. To report before November 10.

Seventh. The junta shall make its report as soon as it shall have received those of all the municipalities of the electoral district or a report to the effect that the elections were not held, but in any case it must present its report by the 10th of next November. The result of the count made by the junta shall be published immediately after its session shall have adjourned on the doors of the municipal palace and as soon as possible thereafter in the official organ of the corresponding federative entity.

ART. 5. The juntas for examining the votes shall make their counts strictly in accordance with the reports from the various booths and abstain from making any comment on the votes emitted, under pain of a $200 fine for each member of the junta who violates this rule. The respective chamber or legislature, as the case may be, will hand over to the respective judges of the district any violators of this law, so that the fine aforesaid may be duly enforced. Therefore, I order that be printed, published, and duly carried out.

Given in the National Palace of Mexico, October 12, 1913.

(Signed) V. P. HUERTA.

On October 22 there were sent out private instructions to the governors of various States instructing them in effect to make false returns in Huerta's interest, and to make sure that the election of President would be void by returning an insufficient number of precincts, as follows:

PRIVATE INSTRUCTIONS FROM THE FEDERAL GOVERNMENT TO GEN. JOAQUIN MAAS, MILITARY GOVERNOR OF THE STATE OF PUEBLA, TO THE END THAT HE MAY TRANSMIT THE SAME TO THE JEFES POLITICOS OF THE STATE.

First. If any municipal president has entered into agreements with any of the militant political parties his removal from office shall be discreetly sought, and in the case it should not be possible, cautious efforts shall be made to secure complete solidarity between said presidents and the jefes politicos.

Second. It is especially recommended that the persons in charge of the polls should be completely and absolutely reliable, so that they may follow the instructions given to them.

Third. If there should be sufficient time for it, strict orders should be given that polls for rural estates should not be established in the seat of the municipality or town, but in the estates themselves of the electoral division, this for the purpose of avoiding the attendance of those who are to take charge of the polls, the principal object being to prevent the elections in two-thirds, plus one, of the polls constituting the district. Therefore the greatest number of polls shall be ———. To meet the provisions of the law and conceal the above-mentioned commission, a complete list should be published, giving the names of the persons who are to have charge of the polls in accordance with article 13 of the electoral law of May 31, 1913, it being understood that only the appointments corresponding to the third part or less shall be sent to the sections, among which are to be included the polls in the urban wards.

Fourth. In all the polls which may operate blank tickets shall be made use of in order that the absolute majority of the votes may be cast in favor of Gen. Huerta for President and Gen. Blanquet for Vice President.

Fifth. In spite of the fact that article 31 provides that the returns should be at once and directly sent to the chamber of deputies, the chairman of the polls shall be instructed that the returns be sent to the political prefecture, which returns shall be quickly examined by the jefe politico, and if the same are found to be in accordance with the instructions given therein, he shall return them to the chairman, informing them that they must send them directly to the chamber of deputies. If upon making the examination it should appear that the third part of the polls have not acted right, they shall fail to send the number of returns that may be necessary to the end that the chamber of deputies may receive only one-third or less of the total.

Sixth. Political parties and citizens shall be given full freedom in the polls which may operate, allowing them to make all kinds of protests, provided they refer to votes in favor of any of the candidates appearing before the people; but care shall be taken that such protests do not refer to the votes mentioned in paragraph 4 of these instructions.

Seventh. If upon examining the returns the jefes politicos should find that the votes do not agree with the instructions, before sending them they should fix them up to the end that the note of transmission, the minutes of the election, etc., should agree with the instructions.

Eighth. Persons shall be chosen who may inspire absolute confidence and may be well versed in the electoral law to make a quiet and reserved inspection of the polls which may be in operation and to present before them all sorts of protests, in accordance with article 30 of the electoral law, it being understood that all protests should refer to the candidates who may be in the field, but never in regard to votes mentioned in paragraph 4.

Ninth. After elections they shall make a quick concentration of the polls which were in operation and shall communicate this information to the Government if possible on the same day and in cipher and by special courier.

Tenth. Under their most strict responsibility the governor of a State who may receive these instructions shall comply with them under the penalty of discharge of office and other punishment which the Federal Government may see fit to apply.

MEXICO, *October 22, 1913.*

By October 15 it had become obvious, and the representatives of nearly all of the powers except Great Britain had reached the point where they considered armed intervention by the United States as practically inevitable. It was already obvious that Huerta would not permit Diaz to stand as a candidate for the Presidency, notwithstanding his agreement with him of February 18, 1913.

Diaz had named the cabinet, it is true, but the cabinet was set aside one by one, and Diaz was instructed to go to Japan and then to Europe, and finally dared not to return to Mexico, but receiving a command from Huerta to return to Mexico to resume his post in the army, Diaz came to Vera Cruz, was put under instant surveillance by Huerta's forces, but, by a skillful maneuver, fled by night to a warship and saved his life; he profoundly believed that he was on the point of being assassinated and did flee by night just before the election, and is now in the United States.

On October 23 Huerta advised the diplomatic corps of Mexico City that he had dissolved the Congress of Mexico, because it was disloyal and revolutionary, 50 deputies having joined the revolutionists. He stated that he was not a candidate for the presidential office; that votes for him would be null and void, even if a majority of votes were cast for him; that he would not accept the Presidency, not only because the constitution prohibited him, but because he had given public promise to the contrary, and he requested the diplomats to give these solemn assurances to their respective countries.

Immediately before the election of October 26 the country was flooded with circulars urging the people to vote for Huerta for President. The circulars were as big as the door of the Senate Chamber, urging people to vote for this man who said he was not running for the Presidency. Immediately after the election, on October 27, Huerta's minister of gobernacion publicly announced that the election returns from Puebla, San Luis Potosi, showed a "landslide" for Huerta and Blanquet.

Mr. THOMAS. It was a case of the office seeking the man?

Mr. OWEN. Yes, the office sought the man; he could not escape it. Huerta then issued an intimidating decree to raise the army to 150,000 men, a decree which he could not carry out.

On November 20, 1913, the newly elected Mexican Congress convened. Huerta addressed them and they replied with assurances of patriotism, etc., and on December 10 the grand committee of Congress solemnly reported to Huerta that of 14,425 voting precincts only 7,157 reported, and hence that there had been no election of a President, under article 42, clause 3, of the constitution of Mexico. This result (a result which Huerta had carefully planned, as I have explained, by modifying the election laws, and then giving secret instructions to his military governors) they elaborately explained to Huerta could be accounted for, first, because a part of the territory was in revolution, and, second, because a part of the territory was near the revolutionary country, and, third, that where the territory was under Huerta's control the people had not voted for "reasons of a general nature."

They recommended that Huerta continue as President until a lawful election at some future time when Congress should issue the necessary declaration.

I submit Exhibit 4, a memorial of a committee of the people of Puebla and Tlaxcala and addressed to John Lind, showing a very interesting Mexican point of view. I omit names for obvious reasons.

Mr. President, I have thought proper to put into the RECORD the documents showing the conduct of this man, because I do not think the people of the United States sufficiently understand the facts relating to our occupation of Vera Cruz. We

are there primarily because of what might be called the straw that broke the camel's back, the open and flagrant insult before the nations of the world of our flag and of our uniform by the arrest of our unarmed men and parading them through the streets of Tampico in derision, and then refusing to make the amends required by international law. I believe that Senator Dominguez stated the truth when at the cost of his life he charged Huerta with the purpose of bringing about a conflict with the United States. And what was the purpose of bringing about a conflict with the United States? It was to save his precious neck, because Zapata, with thousands of armed men on the south, had sworn to kill Huerta for treason and murder, and Villa, with more thousands of armed men on the north, had sworn to take Huerta's life for treason to Mexico. So there is only one safe place for Huerta, and that is under our flag, that would perhaps have mercy on this miserable wretch, who deserves to be overthrown by his own people and punished by his own people for his crimes against them.

Mr. WEEKS. Mr. President, before the Senator takes his seat, I should like to ask him if he thinks that the statement he has just made will be an aid to the mediators in their labors?

Mr. OWEN. I will say, Mr. President, that I do not think the mediators will be able to accomplish anything with a man like Huerta. I will say further, however, that the history which I have put in the RECORD here this afternoon in regard to this man whom we have not recognized, and ought not to recognize, will in no wise affect the question of mediation. The mediators will deal with the questions that are laid before them, but the people of the United States ought to know what manner of man this is that our Government has refused to recognize, and I feel justified in giving the reasons for that refusal.

EXHIBIT I.

CONSTITUTION OF THE REPUBLIC OF MEXICO, 1853, ABSTRACT RODRIGUEZ'S EDITION.

TITLE I, SECTION 1.—*Rights of man.*

ARTICLE 2. In a Republic all are born free.

ART. 3. Instruction is free.

ART. 4. Every *man* is free to engage in any profession, pursuit, or occupation, and avail himself of its products.

ART. 5. (Amended by law of Sept. 25, 1873.) No one shall be compelled to do personal work without compensation and without his full consent.

ART. 7. (Amended by law of May 15, 1883.) Freedom of publication limited only by the respect due to private life, morals, and public peace.

ART. 8. Right to petition guaranteed.

ART. 10. Right to carry arms guaranteed, but the law shall designate what arms are prohibited.

ART. 13. No one shall be tried according to special laws or by special tribunals. No persons or corporations shall have privileges or enjoy emoluments not in compensation for public service according to law. Military trial of criminal cases allowed only for military discipline.

ART. 14. No retroactive laws shall be enacted.

ART. 16. No person shall be molested in his person, family, domicile, papers, or possessions except under an order in writing.

ART. 17. No arrest for debts. Administration of justice shall be gratuitous, judicial costs being abolished.

ART. 18. Imprisonment only for crimes deserving corporal punishment; otherwise, liberty on bail.

ART. 19. No detention to exceed three days, unless justified by a warrant under the law. Maltreatment during confinement to be severely punished.

ART. 20. Guaranties in every criminal trial—

(1) Grounds of proceeding and name of accuser made known.

(2) Preliminary examination within 48 hours.

(3) Confronted with witnesses against criminal.

(4) Given all information on record which he may need for his defense.

(5) He shall be heard in his defense.

ART. 21. Imposition of penalties by judicial authority. Political and executive authorities to impose fines and imprisonment as disciplinary measures and impose fines of not over $500 and imprisonment not more than one month as disciplinarian measures as the law shall expressly determine.

ART. 22. Mutilation, torture, excessive fines, confiscation of property, corruption of blood prohibited.

ART. 23 Penalty of death abolished for political offenses and not imposed except in cases of treason during foreign war, highway robbery, arson, parricide, murder in the first degree, grave offenses of military character, piracy.

ART. 24. No criminal case shall have more than three instances.

ART. 26. The quartering of soldiers prohibited in time of peace.

ART. 27. Private property condemned for public use and upon compensation.

ART. 28. There shall be no monopolies of any kind, whether governmental or private, inventions excepted.

ART. 29. In cases of invasion or disturbance of the public peace, or other emergency, residents with the advice of the council of ministers and the approval of Congress or during recess of the permanent committee, may suspend constitution guaranties except those relating to life.

TITLE I, SECTION 2—*Mexicans, nationality and duties.*

TITLE I, SECTION 3—*Foreigners.*

TITLE I, SECTION 4—*Mexican citizenship, right to hold office, etc.*

TITLE II, SECTION 1—*National sovereignty and form of government.*

ART. 39. Sovereignty is in the people. All public power emanates from the people. The people have at all times the inalienable right to change the form of their government.

ART. 40. The States are free and sovereign in all that concerns their internal government, but united in a federation under the constitution.

ART. 41. The people exercise their sovereignty through the federal powers and the State powers.

TITLE II, SECTION 2—*National territory and limits of the States.*

TITLE III.—*Division of powers.*

TITLE III, SECTION 1.—*Legislative power.*

ART. 51 (amended by law of Nov. 13, 1874). Legislative power vested in the General Congress, consisting of a Chamber of Deputies and the Senate.

ART. 52 (amended by law of Nov. 13, 1874). Members of Chamber of Deputies elected every two years.

ART. 55. Elections shall be by indirect and secret ballot under the electoral law.

ART. 57 (amended by law of Nov. 13, 1874). The office of Deputy and Senator may not be held by the same person.

ART. 58 (amended by law of Nov. 13, 1874). They may not hold another federal office without consent of their respective chamber. The Senate consists of two senators from each State and two for the Federal District. Election of senators shall be indirect, the legislature of each State declaring who has obtained the majority of votes cast.

The Senate shall be renewed by half every two years.

ART. 60 (amended by law of Nov. 13, 1874). Each chamber shall be the judge of the election of its members.

ART. 62 (amended by law of Nov. 13, 1874). Congress shall hold two sessions each year.

ART. 64 (amended by law of Nov. 13, 1874). Action of Congress shall be in the form of laws or resolutions which shall be communicated to the Executive after having been signed by the presidents of both chambers, etc.

ART. 65 (amended by law of Nov. 13, 1874). The right to originate legislation belongs to the President and to the deputies and senators or to the State legislature.

ART. 69 (amended by law of Nov. 13, 1874). The Executive shall transmit to the Chamber of Deputies on the last day of the session accounts for the year and the budget for the next year.

ART. 71 (amended by law of Nov. 13, 1874). Bills and resolutions passed by both chambers and approved by the Executive shall be immediately published. Bills or resolutions rejected by the Executive may be passed by a majority in each House.

Special sessions of Congress.

ART. 72. (Amended by law of Nov. 13, 1874, Dec. 14, 1883, June 2, 1882, Apr. 24, 1896.) Congress shall have power to admit new states, to form new states upon certain conditions, to establish conditions of loans on the credit of the nation and to approve said loans, to recognize and order the payment of the national debt, to fix duties on foreign commerce, to create or abolish federal offices and to fix their salaries, to declare war, to regulate issuance of letters of marque, taking of prizes on sea or land, the maritime law of peace or war, to grant or refuse permission of foreign troops to enter the republic, to establish mints, regulate the value and kinds of national coin, to make rules for the occupation and sale of public lands, to grant pardons, to appoint at a joint session of both chambers a president of the republic who shall act in case of absolute or temporary vacancy of the presidency, either as a substitute or as a president ad interim.

The chamber of deputies has power to exercise its power regarding the appointments of a constitutional president of the republic, justices of the supreme court and senators of the federal district; to pass upon the resignations of the president of the republic, justices of the supreme court, and to grant leaves of absence requested by the president; to supervise the comptroller of the treasury; to formulate articles of impeachment; to approve the annual budget and originate taxation.

The senate has power to approve the treaties; to confirm certain nominations made by the President; to authorize sending troops outside of the Republic; to consent to the presence of fleets of another nation for more than one month in the waters of the Republic; to declare when the constitutional powers of any State have disappeared and the moment has arrived to give said State a provisional governor, who shall order elections to be held according to the constitutional law of the State; such governor shall be appointed by the Executive, with the approval of the senate or, in time of recess, by the permanent committee; to decide any political questions which may arise between the powers of a State or when constitutional order has been interrupted by an armed conflict in consequence of such political questions; to sit as a court of impeachment.

ART. 73. During the recess of Congress there shall be a permanent committee consisting of 29 members, 15 deputies, and 14 senators appointed by their respective chambers.

ART. 74 (amended by the law of Nov. 13, 1874). The permanent committee shall have power to consent to the use of the national guard as mentioned in article 72; to call by its own motion or that of the Executive an extra session of either or both chambers; to approve appointments under article 85.

TITLE III, SECTION 2.—*Executive power.*

ART. 76. Election of President shall be by indirect, secret ballot under the electoral law.

ART. 78. The President shall enter upon his duties December 1 and serve for four years.

ART. 79. (Amended by the law of Oct. 3, 1882, and Apr. 24, 1896.) In case of absolute vacancy except upon resignation and in the case of temporary vacancy except upon leave of absence, the executive power shall vest in the secretary of foreign relations, etc.

Congress shall assemble on the day next following to elect by a majority a substitute President, etc.

In case of resignation of the President Congress shall assemble as indicated for the purpose of appointing a substitute (acting) President.

In case of temporary vacancy Congress shall appoint a President ad interim.

A request for leave of absence shall be addressed to the Chamber of Deputies, to be voted on in the Congress in joint session.

If on the day appointed the President elected by the people should not enter upon his duties, Congress shall at once appoint a President ad interim if the vacancy prove temporary; but if the vacancy prove absolute, Congress, after appointing the President ad interim, shall order a special election. The elected President shall serve out the unexpired constitutional term.

The vacancy of substitute President and President ad interim shall be filled in the same manner.

ART. 83. (Amended by the law of Apr. 24, 1896.) Form of oath to be administered to the President.

ART. 85. The President has power to promulgate and execute the laws, appoint and remove certain officers, to appoint with the approval of Congress certain officers, to dispose of the permanent land and sea forces and national guard for the defense of the Republic, to declare war after the passage of the necessary law by Congress, to conduct diplomatic negotiations and make treaties, to call with the approval of the permanent committee an extra session of Congress, to grant pardons according to law.

TITLE III, SECTION 3.—*Judicial power.*

ART. 90. The judicial powers vested in a Supreme Court and in the District and Circuit Courts.

ART. 91. The Supreme Court shall consist of 11 justices, etc.

ART. 92. The Supreme Court justices shall serve for six years and their election shall be indirect in accordance with the electoral law.

ART. 95. No resignation of a justice allowed, except for grave cause, approved by the Congress or the permanent committee.

ARTS. 97, 98, 99, and 100. Jurisdiction of federal tribunals.

ART. 101. Federal tribunals shall decide all questions arising out of laws or acts violating individual guaranties and encroaching upon or restricting the sovereignty of States invading the sphere of federal authority.

TITLE IV.—*Responsibility of public functionaries.*

ART. 103 (amended by the law of Nov. 13, 1874). Members of Congress, of the Supreme Court, and of the Cabinet shall be responsible for the common offenses committed by them during their term of office and for their crimes, misdemeanors, or omissions in the exercise of their functions. The governors of the States shall be responsible for the violation of the Federal Constitution and laws. The President shall be likewise responsible, but during his term he can be charged only with treason, violation of the Constitution, of the electoral law, and grave common offenses.

ART. 104 (amended by the law of Nov. 13, 1874). In case of common offense, the Chamber of Deputies shall sit as a grand jury and declare by majority whether proceedings should be instituted. If the vote is affirmative, the accused shall be placed at the disposal of the ordinary courts.

ART. 105 (amended by the law of Nov. 13, 1874). In cases of impeachment, the Chamber of Deputies shall act as grand jury and the Senate as a tribunal. If the grand jury declares by a majority vote, the accused shall be impeached.

ART. 106. No pardon can be granted in cases of impeachment.

ART. 107. Responsibility for official crimes and misdemeanors enforceable only while in office or one year thereafter.

ART. 108. In civil cases, no privilege or immunity in favor of any public functionary shall be recognized.

TITLE V.—*States of the Federation.*

ART. 109 (amended by the laws of May 5, 1878, and Oct. 21, 1887). The State shall adopt a republican, representative, and popular form of Government.

ART. 110. States may fix between themselves their respective boundaries.

ART. 111 (amended by law of May 1, 1896). States can not enter into alliances, treaties, or coalitions with another State or foreign nation; coin money, issue paper money, stamps or stamped paper; tax interstate traffic and commerce.

ART. 112. States can not without consent of Congress impose port duties; have troops or vessels of war, except in case of invasion or imminent peril.

ART. 113. States are bound to return fugitives from justice.

ART. 114. States are bound to enforce the Federal laws.

ART. 116. The Federal Government is bound to protect the States from invasion. In case of insurrection or internal disturbance it shall give them the same protection, provided request is made for same.

TITLE VI.—*General provisions.*

ART. 117. Powers not expressly granted to Federal authorities are reserved to the States.

ART. 122. In time of peace no military authorities shall exercise other functions than those connected with military discipline, etc.

ART. 124 (amended by act of May 1, 1896). The Federal Government has exclusive power to levy duties on imports, exports, and transient goods, and regulate or forbid circulation of all kinds of goods regardless of their origin, for sake of public safety or for police reasons.

ART. 126. The constitution, the laws of Congress, and the treaties shall be the supreme law of the Union.

TITLE VII.—*Amendments to the constitution.*

ART. 127. Amendments must be agreed to by two-thirds vote of the Members present in the Congress and approved by a majority of legislatures of the States. The Congress shall count the votes of the legislatures and declare whether the amendments have been adopted.

TITLE VIII.—*Inviolability of the constitution.*

ART. 128. The constitution shall not lose its force and vigor even if interrupted by a rebellion. If by reason of public disturbance a government contrary to its principles is established, the constitution shall be restored as soon as the people regain their liberty, and the people figuring in the rebellion shall be tried under the constitution and the provisions of laws under the constitution.

EXHIBIT II.

[Translation.]

RESOLUTION STATE OF COAHUILA.

Venustiano Carranza, Constitutional Governor of the Free and Sovereign State of Coahuila de Zaragoza, to the inhabitants thereof, know ye: That the Congress of said State has decreed as follows:

The twenty-second Constitutional Congress of the Free and Sovereign State of Coahuila decrees:

ART. 1. Gen. Victoriano Huerta is not recognized in his capacity as Chief Executive of the Republic, which office he says was conferred upon him by the Senate, and any acts and measures which he may perform or take in such capacity are likewise not recognized.

ART. 2. Extraordinary powers are conferred upon the Executive of the State in all the branches of the public administration, so that he may abolish those which he may deem suitable, and so that he may proceed to arm forces to cooperate in maintaining the constitutional order of things in the Republic.

"ECONOMIC:" The Governments of the remaining States, and the commanders of the federal, rural, and auxiliary forces of the Federation, should be urged to second the attitude of the Government of this State.

Given in the Hall of Sessions of the Honorable Congress of the State, at Saltillo, February 19, 1913.

A. BARRERA, *Deputy, Presiding.*
J. SANCHEZ HERRERA, *Deputy, Secretary.*
GABRIEL CALZADA, *Deputy, Secretary.*

Let this be printed, communicated, and observed.

SALTILLA, *February 19, 1913.*

VENUSTIANO CARRANZA.
E. GARZA PEREZ, *Secretary General.*

EXHIBIT III.

[Translation.]

RESOLUTION STATE OF SONORA.

Special committee.—The executive of the State is pleased to submit to the settlement of the local legislature the present conflict of the State in relation to the supreme executive power of the Republic, the statement whereof appears in the official note referred to the opinion of the undersigned committee. The committee has before it a case which is extraordinary and without precedent in the history of this legislature, and therefore there are no precedents to be consulted in order to enlighten its opinion in the matter, so that in order to express the present opinion we have been obliged to measure its transcendent importance and to consult the laws and opinions which may add light and force to our deficiency in the matter in question, so that we may offer, and submit to the deliberation of this assembly, a proposition which shall emanate from our consciences honestly, patriotically, and calmly.

The axis about which the question propounded turns is the legality or illegality of the appointment of Gen. Victoriano Huerta as provisional President of the Republic. We believe, like the Executive, that the high representative capacity conferred upon the aforesaid Gen. Huerta can not be recognized as constitutional.

As a matter of fact, the apprehension of Messrs. Francisco I. Madero and Jose Maria Pino Suarez, President and Vice President of the Republic, and their cabinet, took place in contravention of article 103 of the constitution of the Republic and the supreme law of May 6, 1904. In these texts it is prescribed that the President and Vice President of the Republic may be impeached only for high treason, express violation of the constitution, attack upon the electoral freedom, and grave offenses in the realm of common law. This provision was violated, for Messrs. Madero and Pino Suarez were apprehended without any impeachment having been made before Congress, which grand jury ought to have decided whether proceedings were to be taken or not against the said officials. From the second of the documents sent as exhibits by the governor of the State it is seen that subsequently it was desired to clothe with a pretended legality the designation of Gen. Huerta by saying that Messrs. Madero and Pino Suarez had resigned their posts; that the presidency had passed to Mr. Lascurain, minister of foreign relations; that the latter had resigned; and that Gen. Huerta had thereupon been designated President. Now that, in our opinion, the culminating point of the question has been defined, it becomes appropriate to connect it with the government of the State of Sonora. The aforementioned article 103 of the federal constitution says that the governors of the States are responsible for infraction of the federal constitution and laws. Would not the recognition of Gen. Huerta as President of the Republic, now that it has been established that said presidency was occupied in express violation of the constitution, imply responsibility on the part of the governor of the State of Sonora? The constitution has been violated, and to approve this violation is to become an accomplice in the crime itself. Now, the undersigned committee believes that it behooves the Executive to make the declaration urgently demanded by the secretary of the interior of the Huerta cabinet according to the last of the exhibits sent to said Executive. But inasmuch as this assembly is in turn confronted with a question of the greatest concern to the destinies of the nation, and as it has a high patriotic duty to perform in these solemn moments of our history, the undersigned committee, on the strength of Section XIII of article 67 of the political constitution of the State, and in view of the statement made by the Executive in the official note serving as a basis for this report, has the honor to propose a bill (draft of a law) of the tenor given below. Honorable chamber, we believe that we have honestly and patriotically fulfilled our duty to pass upon the momentous matter submitted to our opinion. We are firmly convinced that the proposition which we have framed is that which is warranted by the dignity of our State; and if owing to the deficiency of our knowledge there should be any error in the opinion submitted to the most illustrious of you, we at least have the satisfaction of having fulfilled the duties imposed upon us by our conscience. The bill which we submit to the deliberation of the honorable chamber is as follows:

LAW AUTHORIZING THE EXECUTIVE TO REFUSE RECOGNITION TO GEN. VICTORIANO HUERTA AS PRESIDENT OF MEXICO.

ARTICLE 1. The legislature of the free and sovereign State of Sonora does not recognize Gen. Victoriano Huerta as provisional president of the Mexican Republic.

ART. 2. The executive is urged to utilize the powers conferred upon him by the political constitution of the State.

DECREE NO. 1.

ARTICLE 1. The branches of the federal administration are provisionally (placed) in charge of the State and (made) subject to the laws and provisions of the latter.

ART. 2. The making of any payment, for the purposes referred to in the foregoing article, to any office not subject to the executive power of Sonora and existing therein is prohibited.

ART. 3. The said executive power shall provide for the organization and operation of the services belonging to the executive of the Union, attending to everything concerning the branches referred to.

DECREE NO. 2.

ARTICLE 1. The frontier custom houses of Agua Prieta and Nogales are hereby qualified and opened up to international import and export trade.

ART. 2. In all matters contrary to the special laws and provisions of the State there shall be observed the general customs orders of June 12, 1891, and the schedules concerned, together with their additions and revisions in force.

ART. 3. The import duties are reduced 20 per cent and the 5 per cent additional which has been being paid is hereby abolished.

ART. 4. The exportation of cattle and horses shall be assessed as follows:

(a) Cattle, $2.50 a head.
(b) Horses, broken in, $10 per head.
(c) Horses, wild, $5 per head.

I therefore order this printed, published, and circulated for due enforcement.

Given at the palace of the executive of the State, at Hermosillo, March 24, 1913.

IGNACIO L. PESQUEIRA.
LORENZO ROZADO, *Secretary General.*

NOTE.—This document above is taken from the Diario de los Debates (Journal of Debates), of the City of Mexico, which in turn took it from the Official Gazette, of Sonora, and it was at the permanent session of the legislature of Sonora, held on March 5, that the committee gave the opinion referred to, and it was approved.

EXHIBIT IV.

MEMORIAL FROM A COMMITTEE REPRESENTING THE PEOPLE OF THE STATES OF PUEBLA AND TLAXCALA TO MR. LIND.

SIR: In our name and in that of the people of the States of Puebla and Tlaxcala, whose general and almost unanimous sentiments we voice, we address you with the request that you bring to the attention of His Excellency Woodrow Wilson the fact that, as a matter of equity and justice, and considering that he has heard the side of public functionaries and sympathizers of the Huerta Government and of some of the rebels in the frontier of our country, as well as the opinions of Americans residing among us, we, as the genuine representatives of the true people, be given a chance to give our views on the political situation of the country, as it would not be in keeping with the well-known sense of justice of His Excellency Woodrow Wilson to listen only to one side and to ignore the opinion of the Mexican people, expressed in divers ways, and which we know is regarded by you as the principal means to guide your opinion concerning the international issue of the day.

We trust that you as well as His Excellency President Wilson will regard this memorial as a mark of courtesy, shown in this way to you, the President of the American Union and the people of the United States, whose Chief Executive we regard as a sincere and great friend of ours.

We abstain on account of official persecution from sending you our credentials as the representatives we claim to be.

Although we feel certain that the Department of State in Washington must be in possession of ample information concerning the present political situation of Mexico, we nevertheless do not consider it officious to refer to the events which took place between the 9th and the 18th of February last, in order that you may hear the opinion of the people on the following points, to wit: 1st. The illegality of the Government of Gen. Huerta; second, the legality of the revolution of the Constitutional Party; and, third, the serious consequences which would naturally follow the recognition of the Huerta Government by that of the United States, and which would tend to definitely establish the same.

THE ILLEGALITY OF THE PRESENT GOVERNMENT.

First. The revolution of 1910 was an act by which the Mexican people invoked the right it had under article 39 of the Constitution of the Republic, which reads as follows:

"ARTICLE 39. The sovereignty of the nation is essentially and originally vested in the people. All public power emanates directly from the people and is instituted for its benefit. The people have at all times the right to alter or modify the form of its government."

If the revolution headed by Gen. Felix Diaz on February 9 had been popular, it would have been legitimate and justified, because then it would have been initiated by the only body of men who, under the constitution had the right to start it—that is, the people—and therefore any Government emanating from a revolution of this kind will be recognized as a legitimate and justifiable Government.

As a matter of fact, the ostensible and apparent authors of the above-mentioned revolution were Gens. Bernardo Reyes, Felix Diaz, Manuel Mondragon, and Gregorio Ruiz, together with other officers of the army, who caused the men in the School of Aspirantes, of one regiment of light artillery, two regiments of mounted artillery, three regiments of cavalry, and the Twentieth Infantry to mutiny.

The people remained in an attitude of expectancy, due to its surprise and lack of organization, but its sympathy was with President Madero, and if it did not go to his rescue it was because the President did not call on the people. It was also because he still had faith in the discipline and loyalty of the rest of the army.

But while it is true that the people did not take up the defense of the Government, it did not join the rebels, for which reason the revolution was strictly military, and for this reason it lacked the sanction of article 39 of the constitution of Mexico. The rebels did ask the people to join them, but they were not in sympathy with it, and therefore the Government which resulted from the movement in question is lacking in constitutional foundation.

Second. Due to the fact that on February 15 of this year, His Excellency Henry Lane Wilson, convened several members of the diplomatic corps in the building of the embassy and informed them of the coming arrival in Mexican waters of several American vessels and transports with troops for landing, and that it was his firm and decided opinion that 3,000 marines would land on Mexican soil and march to the capital, the Mexican Senate, during an extra session held on the above-mentioned day, decided to ask the resignations of the President and Vice President of the Republic. This act was nevertheless unsuccessful.

We inclose herewith copy of the minutes of the session referred to, as inclosure No. 1.

In view of the above failure nine senators went, on the 18th of February last, to the office of the military commander of the City of Mexico, Gen. Victoriano Huerta, in order to induce him or convince him with all kinds of glowing promises to force the above functionaries to resign. Huerta finally acceded, and with his protection and complicity the above-mentioned senators called on President Madero in order to force him to resign. Having failed in their efforts, they called on Gen. Garcia Peña, minister of war, and told him that the army of the nation should depose the President of the Republic, but the honorable general refused to take the hint.

The decision of the Senate to which we have referred, as well as the acts of the nine senators which followed it, are unconstitutional, inasmuch as article 72, nor any other provision of the constitution, empowers the Senate or any of its members to request or force the President of the Republic to resign. Any senator or authority who does not act within the law and commits acts of violence or of a criminal character is criminally responsible for them, even though he may commit them in his capacity as a senator or authority of any character.

Third. The senators and Gen. Huerta having taken note of the firm attitude of the minister of war in favor of the President, Huerta and the senators, considered from that moment as rebellious to the executive power, directed Gen. Aurelio Blanquet to arrest the President and Vice President at the National Palace and to do this in the name of the army.

When this was done Huerta assumed power and sent all over the country the notice appearing as inclosure 2.

The above acts of violence are also unconstitutional inasmuch as they violate the provisions of the constitution of Mexico.

Therefore, the government which emanated from the second revolution is like the Felix Diaz uprising, contrary to the principles sanctioned by the constitution.

Fourth. The transitory government of Gen. Huerta was sanctioned by a pact signed by Huerta and Diaz, the former aided by Lieut. Col. Joaquin Maas and Engineer Enrique Cepeda and the latter by Attorneys Fidencio Hernandez and Rodolfo Reyes.

Both rebel generals agreed through this pact to prevent by all means the reestablishment of the legitimate government represented exclusively by President Madero and Vice President Pino Suarez; and it was also agreed that Gen. Huerta would assume power at the earliest possible convenience. (Huerta had already assumed it on his own authority.)

We inclose herewith a full copy, under Inclosure 3, of the above agreement, called the pact of Ciudadela.

It is evident that in order to establish the government of Gen. Huerta the constitution was completely ignored and supplanted by the Ciudadela agreement, which confined itself to sanction the military uprising, the acts of violence of Gens. Huerta and Blanquet, to depose the President and Vice President of the Republic, to divest them of their investiture, and to permit Huerta to usurp the executive power of the nation.

Things have developed since February 18 in such a way that there is no room for doubting that the above pact has been the directing force of the present government.

In fact, the first clause of the above-mentioned pact indicates without doubt that the murders of Messrs. Madero and Pino Suarez, immediately after the decision of the legislature of the State of Coahuila became known in the capital, and by which decision, dated the 19th of February, Gen. Huerta was not recognized as President of the Republic, were perpetrated with no other purpose than to prevent the reestablishment of the legitimate government.

ALL OF THAT IS CONTRARY TO THE PRINCIPLES SANCTIONED BY THE CONSTITUTION OF THE REPUBLIC.

Such is the origin of the government of Gen. Huerta, and it matters not that 72 hours later they may have attempted to give it a constitutional form, inasmuch as the old principle of international law which reads, "That which is null in principle is void in its effects," and more so if it is borne in mind that the whole thing was done to put into effect the pact of the Ciudadela, which is not, so to say, the Federal pact, which is the fundamental and supreme law of the land.

Now, then, all events from February 18 ahead and which gave rise to the government of Gen. Huerta, and in spite of the claim they make that it is a matter of "consummated facts," are criminal, illegal, and void and they are so considered in article 128 of the Mexican constitution, a provision which to this date seems to have been ignored, notwithstanding its importance as a fundamental law.

The article in question reads as follows:

"ART. 128. The constitution shall not lose its force and vigor, even though because of a rebellion its enforcement may be suspended. In case that by means of a public disturbance a government contrary to the constitution may be established, as soon as the people regains its freedom, the observance of it shall be enforced, and in accordance with it and with the provisions which may have been dictated pursuant to it, all those who may have figured in the government established by the revolution, and those who may have been their accomplices shall be tried."

This shows your excellency the full force of article 128 of the constitution against the government of Gen. Huerta, and this also shows the motives of basis of the constitutional rebellion which is growing in the heart of the people, and which shall not permit the continuation in power of Gen. Huerta, nor any other government emanating from a military rebellion.

Therefore, to make an effort to legitimize or to recognize the international character of a government which has emanated from a military rebellion, simply because of "consummated facts," means to set aside the constitution of Mexico, and to legitimize and recognize a crime which, though it may have been perpetrated, does not fail to be punishable, nor does it cause article 128 of the constitution to be inoperative.

An act of this kind would be the equivalent of recognizing the right of a thief to the thing stolen.

Therefore, the above pretension, being founded on so frail a foundation, is repudiated by morals, civilization, and common law; and for this reason the Washington Government would be responsible of committing a most lamentable moral and legal error should it recognize the government of Gen. Huerta as a legitimate government, and would recognize it as an international entity.

THE LEGITIMACY OF THE REVOLUTION OF THE CONSTITUTIONALISTAS.

First. If the people were lacking in organization at the beginning of the uprising in order to defend the rights they were divested from by the army which overthrew the Executive elected according to the laws, so soon as it has been able to organize itself into a body it has risen in arms against the usurper, invoking the principle sanctioned by article 39 of the constitution.

The above rights are at the base of the revolution and are deeply rooted in the heart of the Mexican people whose attitude tends to prove that neither public opinion nor the mass of the people have ever sanctioned the present Government. There are a few newspapers in the City of Mexico speaking for the Government, but they do not represent the sentiments of the people or of the popular mind; they are voicing purely and simply the personal views of their publishers, all of whom are under the orders of the minister of gobernacion (Urrutia).

Second. The constitutional government of the free and sovereign State of Coahuila, acting in observance of a decree of its legislature, dated February 19, this year, by which the governor of the State was authorized to disregard the Government of Gen. Victoriano Huerta

and not to recognize any of the acts emanating from this Government. Article second of the same decree of the legislature of Coahuila authorized the governor to arm troops in order to maintain the constitutional order.

Third. The Legislature of the State of Sonora, legally constituted and acting in accordance with the law, approved a decree by which the Government of Gen. Huerta was not recognized. A copy of the decree is herewith inclosed.

Fourth. Article 128 of the federal constitution vests the people with power and tacitly expects it to defend and maintain the integrity of the laws, when it reads "as soon as the people may recover its liberty."

Two constitutional decrees emanating from two legally constituted governments of two States are a sufficient base for the present revolution of the Constitutional Party. Those two decrees are its legal foundation.

SERIOUS CONSEQUENCES OF THE DEFINITE ESTABLISHMENT OF THE GOVERNMENT OF GEN. V. HUERTA.

In the first place it would establish precedent for all the armies of the world, that they could rise in arms and depose their respective rulers and place themselves in their stead, if they would feel that the recognition of the world would be forthcoming simply on the plea of "consummated facts."

What happened yesterday in Mexico could happen in the future in Germany, Russia, England, or the United States, where, with reference to the latter country, the Republican Party, sympathizing with Porfirista, or Huertista party of Mexico, places President Woodrow Wilson on a parallel with Madero, and says that the spirit of the latter has reincarnated in the American President.

What would happen with the laws of a country if they were at the mercy of the army? What would happen to a country where the army instead of being the support would be the arbiter of the government? What would it mean to relegate the will and laws of the people to the caprice of the army?

In view of the above we believe that the "Mexico case" is of interest not only to our country, but it concerns all other nations. As a matter of precaution and future policy the Government of Gen. Huerta should not be recognized.

We are of the opinion that coup d'état should be suppressed forever, leaving the question of changing or modifying the form of government to the people, as vox populi vox dei.

The third Pan-American Conference, which took place at Rio de Janeiro, took the initiative by recommending that government growing out of an act of violence should not be recognized, and we hope that America may be the first to follow this principle in connection with the "Mexico case."

Besides, the government of Gen. Huerta is politically and financially connected with many European interests. It is stated soto voce, for example, that Mexico will not press the contention about the Clipperton Islands and will allow France to win out in payment of its recognition of the Huerta government.

It appears that it is on this acount that Huerta revoked the appointment he had made of Lio de la Barra, as envoy near the court of Italy.

Spain is being given all kinds of encouragement to acquire practically full control of the land interests of the country.

All of the above acts are an outrage against the Mexican nation and contrary to the Monroe doctrine.

With reference to England, it is well known how important a rôle has been played by Lord Cowdray and to what extent he would rule were the Huerta government to become definitely affirmed.

As a consequence of the above Europe would increase its political, financial, and even military influence in Mexico, much to our detriment and contrary to the Monroe doctrine.

We will therefore propose, as a part of the opinions you may have gathered while here, for the information of His Excellency Woodrow Wilson:

First. That the government of Gen. Huerta be not recognized.

Second. That if Washington recognizes the government of Huerta, it should simultaneously recognize the belligerence of the rebels.

Third. That as a matter of humanity the decree which prevents the exportation of arms, ammunition, and war material to countries south of the United States be revoked temporarily.

We say that this be done as a matter of humanity in order to facilitate the means by which the States of the Mexican Union in hands of the Constitutional Party to pacify the country and avoid further bloodshed.

If otherwise, the Washington Government, acting under a strange moral rule or other motive, would recognize the Huerta Government and refuse to recognize the belligerency of the rebels, such act would serve only to prolong the state of war in this country, as the patriotic elements of the country would never give in nor tolerate the government of General Huerta.

We will say before ending that foreign residents will have the fullest protection from the constitutional rebels, and if the requests of the revolution are granted in full or in part this will serve to bring Mexico and the United States much closer in their diplomatic relations.

Please accept the assurances of our highest consideration.

In the name of the committee:

(Names omitted.)

To the Honorable JOHN LIND,
Confidential Envoy of the President of the United States of America.

AMBASSADOR TO CHILE.

The bill (H. R. 15503) authorizing the appointment of an ambassador to the Republic of Chile was read twice by its title.

Mr. SHIVELY. By direction of the Committee on Foreign Relations, I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, as the representative of the United States, an ambassador to the Republic of Chile, who shall receive as his compensation the sum of $17,500 per annum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHIVELY. I move that the bill on the calendar, being Senate bill 5203, of a like title, be indefinitely postponed.

The motion was agreed to.

CONSTRUCTION OF REVENUE CUTTERS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4377) to provide for the construction of four revenue cutters, which were, in line 4, after the word "construct," to strike out all down to and including "$350,000," in line 6; in line 8, to strike out the semicolon and insert: ", and"; and in line 10, to strike out the semicolon and all of lines 11, 12, and 13, and insert: "*: Provided*, That, in the discretion of the Secretary of the Treasury, any of the revenue cutters provided for in this act, or any other revenue cutter now or hereafter in commission, may be used to extend medical and surgical aid to the crews of American vessels engaged in the deep-sea fisheries, under such regulations as the Secretary of the Treasury may from time to time prescribe, and the said Secretary is hereby authorized to detail for duty on revenue cutters such surgeons and other persons of the Public Health Service as he may deem necessary"; and to amend the title so as to read: "An act to provide for the construction of two revenue cutters."

Mr. BANKHEAD. I move that the Senate concur in the amendments of the House numbered 1 and 2.

The motion was agreed to.

Mr. BANKHEAD. I move that the Senate concur in the amendment of the House numbered 3 with an amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In line 1 of amendment No. 3 insert before the word "*Provided*" the following: "One steam revenue cutter of the third class for service as anchorage patrol boat in New York Harbor, such vessel to be especially constructed with adequate equipment for ice breaking, at a cost not to exceed the sum of $110,000; and one steam revenue cutter of the first class for service in waters of the Pacific coast, at a cost not to exceed the sum of $350,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 4168) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 4352) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGLEY managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 4552) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGLEY managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4158) to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md., and it was thereupon signed by the Vice President.

HOUR OF MEETING TO-MORROW.

Mr. GORE. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 14, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 13, 1914.

SECRETARIES OF EMBASSIES.

Charles B. Curtis, of New York, lately secretary of the legation and consul general at Santo Domingo, to be second secretary of the embassy of the United States of America at Rio de Janeiro, Brazil, vice Franklin Mott Gunther, appointed secretary of the legation at Christiania.

Elbridge Gerry Greene, of Massachusetts, to be third secretary of the embassy of the United States of America at London, England, vice Hallett Johnson, nominated to be third secretary of the embassy at Constantinople.

Hallett Johnson, of New Jersey, now third secretary of the embassy at London, to be third secretary of the embassy of the United States of America at Constantinople, Turkey, vice H. F. Arthur Schoenfeld, appointed secretary of the legation to Paraguay and Uruguay.

Louis A. Sussdorff, jr., of New York, to be third secretary of the embassy of the United States of America at Paris, France, vice Warren D. Robbins, appointed second secretary of the embassy at Mexico.

SECRETARIES OF LEGATIONS.

Frederic Ogden de Billier, of the District of Columbia, now secretary of legation to Greece and Montenegro, to be secretary of the legation of the United States of America at La Paz, Bolivia, vice Charles E. Stangeland.

Warren D. Robbins, of Massachusetts, now second secretary of the embassy at Mexico, to be secretary of the legation of the United States of America at Guatemala, Guatemala, vice Hugh R. Wilson.

SECRETARIES OF LEGATIONS AND CONSULS GENERAL.

William Walker Smith, of Ohio, now secretary of the legation and consul general at Santo Domingo, to be secretary of the legation and consul general of the United States of America at Bangkok, Siam, vice Sheldon L. Crosby.

John C. White, of Maryland, now third secretary of the embassy at Mexico, to be secretary of the legation and consul general at Santo Domingo, Dominican Republic, vice William Walker Smith, nominated to be secretary of the legation and consul general at Bangkok.

UNITED STATES ATTORNEYS.

Frank A. O'Connor, of New Hampton, Iowa, to be United States attorney for the northern district of Iowa, vice A. Van Wagenen, removed.

Thomas D. Slattery, of Maysville, Ky., to be United States attorney for the eastern district of Kentucky, vice Edwin Porch Morrow, resigned.

UNITED STATES MARSHAL.

Harry A. Bishop, of Juneau, Alaska, to be United States marshal, first division of the District of Alaska, vice Herbert L. Faulkner, removed.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Guy H. Burrage to be a captain in the Navy from the 28th day of April, 1914.

Lieut. Commander Irvin V. G. Gillis to be a commander in the Navy from the 1st day of July, 1913.

Garland E. Faulkner, a citizen of Virginia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 5th day of May, 1914.

Joy A. Omer, a citizen of Kansas, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 6th day of May, 1914.

Charles Wheatley, a citizen of the District of Columbia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 8th day of May, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 13, 1914.

ASSISTANT REGISTER OF THE TREASURY.

John Floyd King to be Assistant Register of the Treasury.

RECEIVER OF PUBLIC MONEYS.

Edmund James to be receiver of public moneys at Carson City, Nev.

POSTMASTERS.

ILLINOIS.

George H. Luker, Staunton.
Henry J. Richardson, Pecatonica.

MARYLAND.

Thomas Y. Franklin, Berlin.
Oliver C. Giles, Elkton.

MINNESOTA.

Edward A. Purdy, Minneapolis.

PENNSYLVANIA.

Harvey Zeigler, Red Lion.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 13, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we thank Thee for this new day, with its new duties and obligations, hopes and aspirations. Increase our faith and confidence in Thee that with perfect trust in Thy presence we may strive to do something worth while, something that will add to the sum of human happiness, and give strength to our character that we may march on to whatever awaits us with the full consciousness that all will be well. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4158. An act to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md.

ELECTIONS TO COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to elect some gentlemen to fill vacanies in standing committees of the House.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed to the election of certain gentlemen to fill vacancies on committees. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I move the election of the gentlemen whose names I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report the names.

The Clerk read as follows:

JOHN A. KEY, of Ohio, chairman of the Committee on Pensions; C. C. HARRIS, of Alabama, Pensions, Revision of the Laws, and Public Lands; JAMES A. GALLIVAN, of Massachusetts, Foreign Affairs.

The SPEAKER. Are there any other nominations? If not, the vote will be upon the names submitted.

The question was taken, and the Members named were elected.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report an urgent deficiency bill. (H. Rept. 669.)

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

PENSION BILLS.

Mr. RUSSELL. Mr. Speaker, I ask to take from the Speaker's table the bill S. 4168, and insist upon the House amendment and agree to a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table Senate bill 4168 and insist on the House amendments and agree to a conference.

Mr. MANN. Is that a private pension bill?

Mr. RUSSELL. It is.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees.

The Clerk read as follows:

Mr. ADAIR, Mr. RUSSELL, and Mr. LANGLEY.

Mr. RUSSELL. Mr. Speaker, I ask the same order in reference to the bill S. 4352.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Missouri asks to take from the Speaker's table Senate bill 4352, to insist on House amendments, and agree to a conference. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the same conferees.

Mr. RUSSELL. Mr. Speaker, I ask the same order in reference to the bill S. 4552.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Missouri asks to take from the Speaker's table Senate bill 4552 and insist on the House amendments and agree to a conference. Is there objection? [After a pause.] The Chair hears none, and the Chair appoints the same conferees.

MINORITY REPORT ON ANTITRUST BILL.

Mr. NELSON. Mr. Speaker, on behalf of Mr. MORGAN of Oklahoma, Mr. VOLSTEAD, and myself, minority members of the Judiciary Committee, I ask unanimous consent to file minority views (H. Rept. 627, pts. 3 and 4)——

The SPEAKER. On what?

Mr. NELSON. On the antitrust bill reported recently by the full committee.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent, on behalf of himself and certain other members of the Judiciary Committee, to file minority views on the antitrust bill. The Chair would inquire if that bill has been reported?

Mr. NELSON. The bill has been reported.

The SPEAKER. The gentleman asks leave to file minority views.

Mr. NELSON. I would like to say it is on the so-called Clayton bill on antitrust subjects.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, is there any time limit fixed in which these views must be filed?

Mr. NELSON. I intend to file them at once, to-day.

Mr. BORLAND. Forthwith?

Mr. NELSON. Yes.

CALENDAR WEDNESDAY.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This is Calendar Wednesday and the unfinished business is House bill 15578——

Mr. WINGO. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WINGO. To make the point of no quorum.

The SPEAKER. The gentleman makes the point of order that no quorum is present, and the Chair will count. [After counting.] One hundred and fifteen Members are present; not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama moves a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Aiken	Broussard	Clayton	Elder
Ainey	Brown, W. Va.	Connolly, Iowa	Fairchild
Allen	Browne, Wis.	Crisp	Farr
Ashbrook	Bruckner	Dale	Finley
Ansberry	Burke, Pa.	Deitrick	Floyd, Ark.
Baltz	Butler	Dershem	Francis
Barchfeld	Calder	Difenderfer	Gardner
Beall, Tex.	Callaway	Donohoe	Garrett, Tenn.
Bell, Ga.	Campbell	Dooling	George
Blackmon	Carew	Driscoll	Gittins
Bowdle	Carlin	Dyer	Goeke
Brodbeck	Clark, Fla.	Edmonds	Goulden
Graham, Pa.	Langham	Morin	Shackleford
Griest	Langley	Moss, W. Va.	Sherley
Griffin	Lee, Pa.	Mott	Slayden
Gudger	L'Engle	Oglesby	Smith, Idaho
Hamill	Lenroot	O'Hair	Smith, Tex.
Hardwick	Lesher	O'Shaunessy	Stafford
Hart	Lindquist	Palmer	Stanley
Hobson	Linthicum	Peters, Me.	Stephens, Miss.
Houston	Lobeck	Platt	Switzer
Hoxworth	Loft	Porter	Taggart
Hughes, W. Va.	Logue	Reilly, Conn.	Talbott, Md.
Hulings	McClellan	Riordan	Taylor, Ala.
Humphreys, Miss.	McGillicuddy	Roberts, Mass.	Townsend
Johnson, S. C.	Maher	Rogers	Treadway
Jones	Manahan	Rothermel	Tuttle
Kelly, Pa.	Martin	Rubey	Vare
Kettner	Merritt	Rupley	Wallin
Kirkpatrick	Metz	Sabath	Wilson, N. Y.
Kitchin	Miller	Saunders	Woods
Lafferty	Moore	Scully	

The SPEAKER. On this roll call 305 Members have responded to their names, a quorum. The Doorkeeper will open the doors.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to dispense with further proceedings under the call.

The motion was agreed to.

LAWS RELATING TO THE JUDICIARY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 15578. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Missouri [Mr. RUSSELL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary. The Clerk will read.

The Clerk read as follows:

SEC. 62. The clerk of the Supreme Court, on the 1st day of January in each year, or within 30 days thereafter, shall, on a form prescribed by the Attorney General, make to the Attorney General a return, under oath, of all fees and costs collected by him in cases disposed of at the preceding term or terms of the court, and of all emoluments collected by him, and after deducting from such collections the sum of $6,000 as his annual compensation, and the incidental expenses of his office, including clerk hire, such expenses to be certified by the Chief Justice and audited and allowed by the proper accounting officers of the Treasury, shall at the time of making such return pay any surplus that may remain into the Treasury of the United States.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to recur to page 26 for the purpose of offering a short amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] asks unanimous consent to return to page 26 of the bill, for the purpose of offering an amendment. Is there objection?

Mr. WATKINS. Mr. Chairman, I reserve the right to object, and wish to make this statement: We were on that section last Wednesday, and the Members had an opportunity from then until to-day, one entire week, to be ready this morning, the section being held over for amendments to be offered to it if they desired to do so. This morning no amendments were offered. If we were to recur to that section, I have information that several Members here desire to offer amendments to it, and we will be detained here, I do not know how long, but at least during the day, discussing the various amendments that might be proposed to be offered to this section, on which section we have waited an entire week for purposes of amendment. Therefore I object.

Mr. HOWARD. I hope the gentleman will reserve his objection.

Mr. WATKINS. I still reserve the right to object.

Mr. HOWARD. Mr. Chairman, as to the status of this section this morning, I had prepared an amendment to present to the commitee at this particular point. I consulted with my colleague from Georgia [Mr. BARTLETT] about it, and he said it would be ripe for amendment. The gentleman from Arkansas [Mr. WINGO] made the point of no quorum, and while the roll was being called I was temporarily absent from the Chamber on an important matter, and I did not have an idea that this section would be passed before I could return. Now, I am frank to say to the gentleman from Louisiana [Mr. WATKINS] that my amendment seeks to increase the salary of the district attorney in the northern district of Georgia. I think the amendment has much merit in it. I believe that the committee would agree that this particular officer's salary should be increased in view of the facts that I am able to submit, and I guarantee to the gentleman from Louisiana that I will not take over three min-

utes in which to present an amendment and the facts, and if the committee does not agree that this officer should receive an increase in his salary that, as far as I am concerned, will end it.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. WATKINS] withdraw his objection?

Mr. WATKINS. Mr. Chairman, I would do so in this particular case if it were not for other cases of the same kind that would come up. The district attorney whose salary the gentleman wishes to increase is now getting a salary of $5,000 a year, which is twice the salary the United States district attorney is getting in my district and much larger than a majority of the salaries. I object, Mr. Chairman.

The Clerk read as follows:

SEC. 63. The salary of the clerks of the circuit courts of appeals shall be $3,500 a year, to be paid in equal proportions quarterly; and they may also retain from the fees and emoluments of their respective offices, after deducting necessary office expenses, including clerk hire, the sum of $500: *Provided*, That the clerk of the court of the fifth circuit is authorized to pay, out of the fees and emoluments of his office, the necessary expenses incurred by him in transporting from his office in New Orleans to Atlanta, Fort Worth, and Montgomery, and from Atlanta, Fort Worth, and Montgomery to New Orleans, the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held at Atlanta, Fort Worth, and Montgomery, and an allowance for actual expenses not exceeding $10 a day to cover travel and subsistence for each day he may be required to be present at Atlanta, Fort Worth, or Montgomery on business connected with said office, such expenses and allowance to be approved and allowed by the senior circuit judge of said circuit.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. This section fixes the salaries of the clerks of the court at $3,500 and $4,000 a year, and then there is this peculiar proviso, that the clerk in the fifth circuit, the one that it has in New Orleans, shall have $10 a day for subsistence and traveling expenses, and also his necessary expenses in transporting from the office in New Orleans papers to Atlanta, Fort Worth, and Montgomery and back. Now, all of those districts have district courts located at one place, and a number of the circuit courts of appeals meet in different places. Now why should they make a special exception in the case of the clerk at New Orleans which does not extend to the other clerks of the courts of appeals?

Mr. WATKINS. I suppose that is a definite question to which the gentleman wants an answer?

Mr. MANN. Yes.

Mr. WATKINS. My answer is this, that the committee did not feel authorized to strike out the existing law. That is a separate and distinct enactment of Congress, and it had for its object a purpose at the time. That purpose is no longer served; but not feeling authorized to strike out the existing law, we have left it as we found it in the existing statute. If the gentleman makes a motion to strike it out, there will be no objection interposed by the committee.

Mr. MANN. I move to strike out the proviso in section 63.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 31, line 8, strike out the proviso, beginning on line 8, down to and including line 21.

Mr. HOWARD. Mr. Chairman, as this is a very important amendment, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixteen Members are present, a quorum. The Clerk will read. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 65. Clerks of the United States circuit courts of appeals, annually and within 30 days after the 30th day of June in each year, shall make a return to the Attorney General of the United States of all the fees and emoluments of their offices, respectively. Such return shall cover all fees and emoluments earned during the preceding year and also the necessary office expenses for such year, including clerk hire. Such expenses, including clerk hire, shall be certified by the senior circuit judge of the proper circuit, and audited and allowed by the proper accounting officers of the Treasury Department. The respective clerks of the circuit courts of appeals, after deducting such expenses and clerk hire, and the sum of $500, as provided by section 1418, shall, at the time of making such returns, pay into the Treasury of the United States the balance of such fees and emoluments. In case any item of expense, including clerk hire, is not allowed, the amount disallowed shall, within 10 days after notice of disallowance, be paid into the Treasury of the United States. It shall be unlawful for any clerk of a circuit court of appeals to include in his emolument account or return, any fee not actually earned and due at the time such return is required by law to be made; and no fee not actually earned shall be allowed in any such account.

Mr. WATKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 32, line 13, after the word "section," strike out "fourteen hundred and eighteen" and insert in lieu thereof the words "sixty-three."

Mr. WATKINS. Mr. Chairman, this is simply to correct a clerical error.

Mr. MANN. It should be "section 63 of this act," should it not?

Mr. WATKINS. That is understood, because it is used that way all the way through.

Mr. MANN. All right.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I notice in other places, where sections are referred to, you use the language "section of this chapter." For instance, on page 29, line 13, "section 7586 of this chapter," which means this act.

Mr. WATKINS. There is no objection to adding that to the amendment.

Mr. MANN. The only reason why I call attention to it is that in the original law it referred to a section of the Revised Statutes.

Mr. WATKINS. That is correct. An amendment should be added to it, saying, "in this bill."

Mr. MANN. It should be "section 63 of this chapter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment, after the word "sixty-three" the words "of this chapter."

Mr. WATKINS. That is not quite correct. That refers to section 63 of the bill. There are not 63 sections in this chapter. It should be "in this bill" or "in this act."

Mr. MANN. Say "in this act." I used that word because it said "this chapter" in other places.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Strike out the word "chapter" and insert in lieu thereof the word "act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

FEES OF CLERKS OF DISTRICT COURTS.

SEC. 66. For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire, or a summons or subpœna for a witness, $1.

For issuing a writ of summons or subpœna for a witness or witnesses, 25 cents.

For filing and entering every declaration, plea, or other paper, 10 cents.

For administering an oath or affirmation, except to a juror, 10 cents.

For taking an acknowledgment, 25 cents.

For taking and certifying depositions to file, 20 cents for each folio of 100 words.

For a copy of such deposition furnished to a party on request, 10 cents a folio.

For entering any return, rule, order, continuance, judgment, decree, or recognizance, or drawing any bond, or making any record, certificate, return, or report, for each folio, 15 cents: *Provided*, That the record of any one day relating to one proceeding or series of interdependent or closely related proceedings, such as are usually had at the same time or in immediate succession, shall be considered as constituting not more than one entry.

For making and forwarding transcripts on the transfer of criminal cases from one division of a district to another, 10 cents per folio, to be taxed against and paid by the United States when such costs can not be collected from the defendant.

For a copy of any entry or record or of any paper on file, for each folio, 10 cents; but no fee shall be allowed for copies of subpœnas.

For making dockets and indexes, issuing venire, taxing costs, and all other services, on the trial or argument of a cause where issue is joined and testimony given, $3.

For making dockets and indexes, taxing costs, and all other services, in a cause where issue is joined but no testimony is given, $2.

For making dockets and indexes, taxing costs, and other services, in a cause which is dismissed or discontinued, or where judgment or decree is made or rendered without issue, $1.

For making dockets and taxing costs, in cases removed by writ of error or appeal, $1.

For affixing the seal of the court to any instrument, when required, 20 cents.

For every search for any particular mortgage, judgment, or other lien, 15 cents.

For searching the records of the court for judgments, decrees, or other instruments constituting a general lien on real estate, and certifying the result of such search, 15 cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money, in pursuance of any statute or order of court, 1 per cent on the amount so received, kept, and paid.

For all services in connection with the admission of an attorney to practice in the district court, including the furnishing of a certificate of admission or a copy of the record of admission, $1.

For traveling from the office of the clerk, where he is required to reside, to the place of holding any court required by law to be held, 5 cents a mile for going and 5 cents for returning, and $5 a day for his attendance on the court while actually in session.

All books in the offices of the clerks of the district courts, containing the docket or minute of the judgments, or decrees thereof, shall, during office hours, be open to the inspection of any person desiring to examine the same, without any fees or charge therefor.

Mr. WATKINS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Page 34, line 8, after the word "subpœnas," strike out the period and insert the words "for witnesses, or for attaching certificate or affixing the seal of the court thereto."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I offer another amendment.

The CHAIRMAN (Mr. BYRNS of Tennessee). The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Page 35, line 12, after the word "admission," insert the words "and the entry of the order of admission."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 17, after the word "session," strike out the period and insert a colon and the following: "*Provided*, That mileage shall be allowed the clerk for travel to draw jurors when such travel is made by the clerk under the order of the court."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. As to this new provision, inserted at the top of page 34, I suppose that is in relation to the stenographers?

Mr. WATKINS. Not particularly; no, sir. I think that refers to any transcript that is made. The commission thought it was safe to put that in there, because there was a question raised as to whether they would be able to pay for transcripts.

Mr. MANN. Why should these costs be taxed against the United States?

Mr. WATKINS. For this reason: There are some cases that arise, for instance, in the cases of paupers, where that would be advisable; and we have already passed, in one of these amendments, a provision that where the parties were not able to appeal and make a showing to the court that they were not able to pay the costs, that would be done. And whenever the aggregate of the clerk's costs amounts to over $5,000, under this provision the clerk gets $5,000 for his salary; but where the aggregate does not amount to that, it is less than $5,000, and that was counted as a part of his earnings.

Mr. MANN. So that the effect of this is practically to tax the costs against the Government in those cases where the ordinary fees do not pay the full salary of the clerk?

Mr. WATKINS. Yes.

Mr. MANN. In other cases it would be paid in and paid back to the Government.

Mr. WATKINS. Certainly.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 67. No clerk of a district court shall be allowed by the Attorney General, except as provided in the next succeeding section, to retain of the fees and emoluments of his office, including fees in naturalization proceedings and for admission to practice, for his personal compensation, over and above his necessary office expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $5,000 a year, or exceeding that rate for any time less than a year.

Mr. MANN. I move to strike out the last word.

Mr. WATKINS. I have a committee amendment which I should like to submit.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn. The gentleman from Louisiana [Mr. WATKINS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 35, line 23, strike out the section and insert in lieu thereof the following:

"No clerk of a district court shall be allowed by the Attorney General, except as provided in the next succeeding section and under section 13 of the act of June 29, 1906, entitled 'An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States,' to retain of the fees and emoluments of his office, including the fees for admission of attorneys to practice, for his personal compensation, over and above his necessary office expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $5,000 a year, or exceeding that rate for any time less than a year."

The CHAIRMAN. Now, the Chair will recognize the gentleman from Illinois.

Mr. MANN. Mr. Chairman, when I moved to strike out the last word, I intended to ask the gentleman in regard to this naturalization. I am afraid that the gentleman's amendment does not cover the case. As I understand it, the amendment only makes an exception of a section in the immigration and naturalization act; but there have been several provisions since, carried in appropriation acts, in relation to clerk-hire services in naturalization cases. The immigration act is uncertain and doubtful as to its meaning on this subject. The naturalization cases in New York and Chicago were practically held up, and we passed a new provision in one of the appropriation acts—I think it was in an appropriation act—and that was not successful. Then, if I remember correctly, we passed another provision in another appropriation act, although I am not sure of that, before we got the question of clerk hire in naturalization cases disposed of. Now, I am afraid, if this provision goes in in the way it is and becomes a law, the result will be that you can not naturalize citizens over in New York after you have naturalized a certain number. Unless the gentleman has examined that recent legislation carefully, I would suggest to him that he pass this over and look that up.

Mr. WATKINS. I have no objection at all to doing that, but we tried to thrash that out, and went over it as carefully as we possibly could, and then finally submitted it to the Department of Justice.

Mr. MANN. If the gentleman would submit it to the Bureau of Naturalization, he would probably get a great deal more information than he could from the Department of Justice.

Mr. WATKINS. If we could get any more light on the subject and make it any more accurate, I should be willing to pass this over and get further information about it; but we went over this with extra care, so as to get this particular section, as we thought, in proper shape.

Mr. MANN. I remember very distinctly that after the immigration and naturalization act became a law it provided that a certain amount might be used for the payment of clerk hire from the fees that came from the naturalization business; and naturalization stopped in a number of the courts, because it was impossible to do the work without extra clerk hire, and they reached the limit under that act. Since then, as I say, we have had one or two acts in reference to the subject in some of the appropriation acts. I think it would be wise for the gentleman to consult the Bureau of Naturalization on the subject before putting this into the law.

Mr. WATKINS. I have no objection to allowing the amendment to be pending and to pass it over temporarily.

The CHAIRMAN. Does the gentleman make that request?

Mr. WATKINS. That it be passed over by unanimous consent.

Mr. HOWARD. Does this require unanimous consent?

The CHAIRMAN. Yes.

Mr. MANN. I hope the gentleman will not object to that.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the section with the amendment pending be passed over. Is there objection?

Mr. WINGO. Reserving the right to object, this is a very important bill. Everybody seems to be anxious to get through with it, and everybody seems to be anxious to get home. I do not think we ought to go home before we pass this important bill. That seems to be the serious intention of the serious statesmen of this House.

Mr. MANN. I think the gentleman voted to consider it. I did not.

Mr. WINGO. No; I voted my convictions on the parliamentary situation.

Mr. MANN. That was not a conviction.

Mr. WINGO. I call attention to the fact that there is no quorum present, and make the point of no quorum.

Mr. MANN. I compliment the gentleman. You never can bother me by making the point of no quorum, but if gentlemen do not stop filibustering pretty soon I shall be obliged to call attention to it.

The CHAIRMAN. The gentleman from Arkansas makes the point that there is no quorum present. The Chair will count. [After counting.] Sixty Members present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Dooling	Kitchin	Plumley
Ainey	Doremus	Knowland, J. R.	Porter
Allen	Driscoll	Lafferty	Post
Ansberry	Dyer	La Follette	Reilly, Conn.
Ashbrook	Edmonds	Langham	Riordan
Avis	Elder	Langley	Roberts, Mass.
Barchfeld	Fairchild	Lee, Pa.	Rogers
Bathrick	Farr	L'Engle	Rothermel
Beall, Tex.	Finley	Lenroot	Rubey
Bell, Ga.	Fitzgerald	Lesher	Rucker
Bowdle	Floyd, Ark.	Levy	Rupley
Brodbeck	Francis	Lewis, Md.	Sabath
Broussard	Garrett, Tenn.	Lindbergh	Scully
Brown, N. Y.	George	Lindquist	Shackleford
Brown, W. Va.	Gittins	Linthicum	Sherley
Browne, Wis.	Goldfogle	Lloyd	Slayden
Bruckner	Gordon	Lobeck	Slemp
Brumbaugh	Gorman	Loft	Small
Buchanan, Ill.	Goulden	Logue	Smith, N. Y.
Bulkley	Graham, Pa.	McClellan	Smith, Tex.
Burgess	Gregg	McGillicuddy	Sparkman
Burke, Pa.	Griest	McGuire, Okla.	Stafford
Butler	Griffin	Maher	Stanley
Calder	Gudger	Manahan	Stephens, Miss.
Callaway	Hamill	Martin	Stout
Campbell	Hamilton, N. Y.	Merritt	Sutherland
Cantor	Hardwick	Metz	Switzer
Cantrill	Hart	Miller	Taggart
Carew	Hawley	Moore	Talbott, Md.
Carlin	Helgesen	Morin	Talcott, N. Y.
Casey	Houston	Mott	Taylor, Ala.
Clancy	Howell	Neeley, Kans.	Taylor, N. Y.
Clark, Fla.	Hoxworth	Nelson	Ten Eyck
Clayton	Hughes, Ga.	Nolan, J. I.	Thompson, Okla.
Collier	Hughes, W. Va.	O'Brien	Townsend
Connolly, Iowa	Humphreys, Miss.	Oglesby	Underhill
Conry	Johnson, S. C.	O'Hair	Vare
Crisp	Jones	O'Leary	Walker
Crosser	Keating	O'Shaunessy	Wallin
Dale	Kelly, Pa.	Paige, Mass.	Whitacre
Davis	Kennedy, Iowa	Palmer	Willis
Deitrick	Kennedy, R. I.	Parker	Wilson, N. Y.
Dershem	Kettner	Patten, N. Y.	Winslow
Dies	Kiess, Pa.	Peters, Me.	
Difenderfer	Kinkaid, Nebr.	Peterson	
Donohoe	Kirkpatrick	Platt	

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and finding itself without a quorum, had caused the roll to be called; that 252 Members had answered to their names; and he reported a list of the absentees.

The committee resumed its session.

Mr. WATKINS. Mr. Chairman, at the time the point of no quorum was made there was a request pending to pass over section 67, with reference to the fees of clerks.

Mr. TOWNER. Mr. Chairman, as I understand it, the gentleman from Louisiana has offered an amendment in the nature of a substitute.

Mr. WATKINS. That is correct.

Mr. TOWNER. I would like to offer an amendment as a substitute for the gentleman's amendment. Will it be for consideration now, or does the gentleman wish to have the section passed over without further consideration?

Mr. WATKINS. If the gentleman will offer his amendment, I will then renew my request to have it passed over.

Mr. TOWNER. Mr. Chairman, I will offer the amendment and ask that it be printed in the RECORD without reading at the present time, and that I may make a short statement in regard to the nature of it.

The substitute which I offer is, in substance, a bill introduced by the chairman of the Judiciary Committee [Mr. CLAYTON]. It is a bill that was well considered and was, as I understand, unanimously reported by the Judiciary Committee. Under the present system and the gentleman's amendment the clerk and the deputy clerk are paid by fees, which I think, it is unnecessary to argue, is a thing we should abolish if possible.

It was with that object in view that this bill was introduced by the gentleman from Alabama [Mr. CLAYTON]. It fixes definitely the salary of all clerks ranging from $2,500 to $4,500, according to the various districts and according to the amount of work it is supposed they will do. It provides that all fees shall be paid into the Treasury of the United States. It is a well-considered bill, and I think ought to be substituted for the present iniquitous system which practically pays all clerks $5,000 a year, and allows it to be paid out of the fees of the office in such a manner that complaint is continually being made all over the country in regard to the practical operation of the law. I ask that this amendment may be printed and considered when the section comes up for consideration.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his amendment be printed. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that this section be passed over.

Mr. WINGO. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. If this request is agreed to, when the section is considered again will other amendments be in order, or will only these two amendments be in order?

The CHAIRMAN. If the section is passed over by unanimous consent, when it comes up again for consideration it will be subject to other amendments.

Mr. WINGO. It comes up de novo?

The CHAIRMAN. Yes. Is there objection?

There was no objection.

The following is the amendment offered by Mr. TOWNER:

That all fees and emoluments authorized by law to be paid to clerks of United States district courts shall be charged as heretofore, and shall be collected by said clerks and covered into the Treasury of the United States; that it shall be the duty of all clerks of United States district courts to require payment in advance for services to be rendered by them otherwise than for the United States, except where the person requiring the services is relieved by law from prepayment of fees and costs; and that, subject to this limitation, the clerk shall account quarterly for all fees and emoluments earned within the quarter last preceding such accounting, and for all fees and emoluments received within the quarter which had been earned prior thereto: *Provided*, That the portion of the fees which the naturalization law allows clerks of the United States district courts to retain shall be accounted for to the United States, and be included in the quarterly accounting for naturalization fees required by law to be made, except that upon the approval of the Secretary of Commerce a clerk of any United States court collecting naturalization fees in excess of $6,000 in the fiscal year 1914, or in any fiscal year thereafter, may retain so much of $3,000 of naturalization fees in the following fiscal year as may be necessary to pay for the clerical assistants, for naturalization purposes only, which clerks of courts are required to employ by section 13 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596); and said clerks shall be paid for their official services salaries and compensation hereinafter provided, and not otherwise: *Provided further*, That this section shall not be construed to require or authorize fees to be charged against or collected from the United States.

SEC. 2. That the clerk of the United States district court for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per cents, and other compensations now allowed by law, an annual salary, as follows:

For the northern district of the State of Alabama, $4,500.
For the southern district of the State of Alabama, $3,500.
For the middle district of the State of Alabama, $3,500.
For the district of the State of Arizona, $3,000.
For the eastern district of the State of Arkansas, $4,000.
For the western district of the State of Arkansas, $3,000.
For the northern district of the State of California, $4,500.
For the southern district of the State of California, $4,500.
For the district of the State of Colorado, $4,500.
For the district of the State of Connecticut, $3,000.
For the district of the State of Delaware, $2,500.
For the northern district of the State of Florida, $3,000.
For the southern district of the State of Florida, $4,000.
For the northern district of the State of Georgia, $4,500.
For the southern district of the State of Georgia, $4,000.
For the district of the State of Idaho, $3,000.
For the northern district of the State of Illinois, $4,500.
For the southern district of the State of Illinois, $4,000.
For the eastern district of the State of Illinois, $4,000.
For the district of the State of Indiana, $4,500.
For the northern district of the State of Iowa, $3,000.
For the southern district of the State of Iowa, $4,500.
For the district of the State of Kansas, $4,500.
For the eastern district of the State of Kentucky, $4,500.
For the western district of the State of Kentucky, $4,500.
For the eastern district of the State of Louisiana, $4,500.
For the western district of the State of Louisiana, $4,000.
For the district of the State of Maine, $4,500.
For the district of the State of Maryland, $3,500.
For the district of the State of Massachusetts, $4,500.
For the eastern district of the State of Michigan, $3,500.
For the western district of the State of Michigan, $3,500.
For the district of the State of Minnesota, $4,500.
For the northern district of the State of Mississippi, $3,500.
For the southern district of the State of Mississippi, $4,000
For the eastern district of the State of Missouri, $4,500.
For the western district of the State of Missouri, $4,500.
For the district of the State of Montana, $3,500.
For the district of the State of Nebraska, $4,500.
For the district of the State of Nevada, $2,500.
For the district of the State of New Hampshire, $2,500.
For the district of the State of New Jersey, $4,500.
For the district of the State of New Mexico, $3,000.
For the northern district of the State of New York, $4,500.
For the southern district of the State of New York, $4,500.

For the eastern district of the State of New York, $4,500.
For the western district of the State of New York, $4,500.
For the eastern district of the State of North Carolina, $3,500.
For the western district of the State of North Carolina, $4,500.
For the district of the State of North Dakota, $3,000.
For the northern district of the State of Ohio, $4,500.
For the southern district of the State of Ohio, $4,500.
For the eastern district of the State of Oklahoma, $3,500.
For the western district of the State of Oklahoma, $4,000.
For the district of the State of Oregon, $4,500.
For the eastern district of the State of Pennsylvania, $4,500.
For the middle district of the State of Pennsylvania, $4,000.
For the western district of the State of Pennsylvania, $4,500.
For the district of the State of Rhode Island, $2,500.
For the district of the State of South Carolina, $4,000.
For the district of the State of South Dakota, $4,000.
For the eastern district of the State of Tennessee, $3,500.
For the middle district of the State of Tennessee, $3,500.
For the western district of the State of Tennessee, $3,500.
For the northern district of the State of Texas, $4,000.
For the southern district of the State of Texas, $3,500.
For the eastern district of the State of Texas, $3,500.
For the western district of the State of Texas, $3,500.
For the district of the State of Utah, $3,000.
For the district of the State of Vermont, $2,500.
For the eastern district of the State of Virginia, $4,500.
For the western district of the State of Virginia, $4,500.
For the eastern district of the State of Washington, $3,000.
For the western district of the State of Washington, $4,500.
For the northern district of the State of West Virginia, $4,500.
For the southern district of the State of West Virginia, $4,500.
For the eastern district of the State of Wisconsin, $3,500.
For the western district of the State of Wisconsin, $3,500.
For the district of the State of Wyoming, $3,000.

SEC. 3. That the clerk of the district court, when attending court at any place other than his official residence, and when otherwise necessarily absent from his official residence on official business, shall be allowed his necessary expenses for lodging and subsistence, not exceeding $4 per day, and his actual necessary traveling expenses. An account of such expenses shall be made quarterly, in accordance with such rules and regulations as may be prescribed by the Attorney General, and shall be verified on oath before any officer authorized to administer oaths: *Provided*, That said account for expenses shall have attached thereto the certificate of the district judge that the expenses charged were incurred when attending court at a place other than the official residence of the clerk or when otherwise necessarily absent from his official residence on official business. The expense accounts of the clerks, when made out and certified in accordance with this act, shall be paid by the marshal, who shall make such return thereof as may be prescribed by the Attorney General.

SEC. 4. That the necessary office expenses of the clerks of the United States district courts shall be allowed when authorized by the Attorney General. And when in the opinion of the Attorney General the public interest requires it, he may, on the recommendation of the clerk, which recommendation shall state the facts as distinguished from conclusions showing necessity for the same, allow the clerk to employ necessary deputies and clerical assistants, upon salaries to be fixed by the Attorney General from time to time and paid as hereinafter provided. When any of such deputies or clerical assistants is necessarily absent from the place of his regular employment on official business he shall be allowed his actual traveling expenses only and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day. And he shall make and render accounts thereof quarterly, in accordance with such rules and regulations as may be prescribed by the Attorney General, and shall be verified on oath before any officer authorized to administer oaths: *Provided*, That said accounts for expenses shall have attached thereto the certificate of the clerk that the expenses charged were incurred by the deputy or clerical assistant when necessarily absent from the place of his regular employment on official business. The expense accounts of the deputies or clerical assistants when made out and certified in accordance with this act shall be paid by the marshal, who shall make such return thereof as may be prescribed by the Attorney General.

SEC. 5. That all salaries provided by this act shall be paid monthly by the United States marshals for the several districts under such regulations as may be prescribed by the Attorney General.

SEC. 6. That none of the provisions of this act shall be so construed as to prevent or affect the amount of taxation of costs against the unsuccessful party in civil proceedings or against defendants convicted of crimes or misdemeanors.

SEC. 7. That any clerk of a United States district court whose compensation is fixed by section 2 of this act who shall directly or indirectly demand, receive, or accept any compensation for the performance of any official service as such clerk other than is herein provided, or shall willfully fail or neglect to account for or pay over any fees or emoluments collected by him, shall, upon conviction thereof, be punished by a fine of not less than $50 nor more than $500, or by imprisonment, at the discretion of the court, not exceeding five years, or by both such fine and imprisonment.

SEC. 8. That no clerk or deputy clerk of a district court of the United States, or other person employed in such clerk's office shall be appointed a receiver or master in any case whatsoever.

The Clerk read as follows:

MARSHALS' FEES.

SEC. 71. For service of any warrant, attachment, summons, capias, or other writ, except execution, venire, or a summons or subpœna for a witness, $2 for each person on whom service is made.

For the keeping of personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow.

For serving venires and summoning every 12 men as grand or petit jurors, $4, or 33⅓ cents each.

For holding a court of inquiry or other proceedings before a jury, including the summoning of a jury, $5.

For serving a writ of subpœna on a witness, 50 cents; and no further compensation shall be allowed for any copy, summons, or notice for a witness.

For serving a writ of possession, partition, execution, or any final process, and for making the service, seizing or levying on property, a fee of $2, and the same mileage as is allowed for the service of any other writ; and for advertising and disposing of the same by sale, set-off, or otherwise according to law receiving and paying over the money, a fee of $2, and a commission of 2½ per cent on any sum under $500, and 1½ per cent on the excess of any sum over $500.

For each bail bond, 50 cents.

For summoning appraisers, 50 cents each.

For executing a deed prepared by a party or his attorney, $1.

For drawing and executing a deed, $5.

For copies of writs or papers furnished at the request of any party, 10 cents a folio.

For every proclamation in admiralty, 30 cents.

For serving an attachment in rem or a libel in admiralty, $2.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would ask the gentleman whether the insertion here in reference to the commission on sales, and so forth, is what the existing law provides—

One and one-fourth per cent on the excess of any sum over $500.

Is that the same, or is it an increase or a decrease in the fees for making a sale?

Mr. WATKINS. Mr. Chairman, I think that is the same as in other cases. It is the same as in admiralty cases. I think this item in this particular class of cases is the same allowed in similar cases.

Mr. MANN. This particular class of cases covers all of the sales that the marshal makes. If he sells a railroad for several million dollars, a percentum of 1¼ per cent is rather a large fee. What I want to know is whether this is increasing his fees or decreasing his fees or giving him the same amount he gets now, or whether it is a change of law in any other respect?

Mr. WATKINS. Mr. Chairman, as far as my recollection goes, it is the same.

Mr. MANN. It is inserted here as new matter.

Mr. WATKINS. Oh, yes; that is recommended by the commission.

Mr. MANN. I do not care whether it was recommended by the commission or not.

Mr. WATKINS. That is the reason it is printed in italic.

Mr. MANN. It seems to me that a commission of 1¼ per cent on a sale of some millions of dollars is a very large commission.

Mr. WINGO. Mr. Chairman, I would ask the chairman of the committee a question for information. I call his attention to the first paragraph in section 71, which provides for the service of any warrant, attachment, summons, and so forth, or summons or subpœna for a witness, $2, and then further down, in line 14, there is a provision that for serving a writ of subpœna upon a witness the fee shall be 50 cents. What is the distinction?

Mr. WATKINS. The language in line 14 refers simply to a summons that is served on a witness to come into court, and the other refers to the process which is served under order of the court.

Mr. WINGO. In other words, if an ordinary subpœna is issued for a witness by the clerk, upon the customary order having been made, he gets only 50 cents?

Mr. WATKINS. That is right.

Mr. WINGO. But if the court during the pendency of a case orders a subpœna from the bench, he gets $2 for it?

Mr. WATKINS. That is right.

Mr. WINGO. Why the distinction?

Mr. WATKINS. I do not make the distinction. The original law enacted by Congress makes the distinction. We have simply left it there, because there may be cases where it would entail greater responsibility on the part of the officer, or because of the fact that it may be more technical and more difficult to attend to that class of work. It is established law, and has been from time immemorial.

Mr. WINGO. The object I had in mind in making the inquiry was to ascertain why the distinction is made. I have never yet been able to ascertain.

The Clerk read as follows:

SEC. 72. The United States marshal for each judicial district of the United States shall be paid, in lieu of all fees, per cents, and other compensation, an annual salary as follows: For the northern and middle districts of the State of Alabama, each, $4,000; for the southern district of the State of Alabama, $3,000; for the district of Arizona, $4,000; for the eastern and western districts of Arkansas, each, $4,000; For the northern and southern districts of California, each, $4,000; For the district of Colorado, $4,000; for the district of Connecticut, $2,500; for the district of Delaware, $2,000; for the District of Columbia, $5,500; for the northern and southern districts of Florida, each, $3,000; for the northern district of Georgia, $5,000; for the southern district of Georgia, $3,500;

For the district of Idaho, $4,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The gentleman will notice that the salary of the marshal for the district of Connecticut is fixed at $2,500. My recollection is that we passed a law increasing that salary.

Mr. WATKINS. The gentleman is correct. It was increased from $2,000 to $2,500.

Mr. MANN. Oh, that was the increase and this carries the law?

Mr. WATKINS. Yes.

The Clerk read as follows:

SEC. 75. Each field deputy marshal shall, as his compensation, receive the gross fees, including mileage, as provided in section 71, earned by him, not to exceed $1,500 per fiscal year or at that rate for any part of a fiscal year; and, in addition, shall be allowed his actual necessary expenses, not exceeding $2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided further*. That in special cases, where in his judgment justice requires, the Attorney General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than the gross fees earned by such field deputy: *Provided further*, That field deputies shall be paid by the United States for services rendered and expenses incurred in serving and executing process in behalf of parties prosecuting or defending actions in forma pauperis, as provided by law.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is the gentleman quite sure of the effect of that last proviso, that field deputies shall be paid by the United States in pauper cases?

Mr. WATKINS. Mr. Chairman, I see no objection to it at all. It is recommended, and there ought to be some remuneration for it.

Mr. MANN. I can see that if the deputy needs that money to make up his salary, that is one thing; but apparently this is a direct provision that the United States shall pay to these deputies fees in pauper cases, and they shall get their salaries besides. A deputy marshal gets a salary, which is dependent also upon the fees that he earns and that are collected for the Government. His salary is paid out of those fees. I am correct about that, am I not?

Mr. WATKINS. Yes; a field deputy marshal.

Mr. MANN. Having provided that, you add a proviso that field deputies shall be paid by the United States for service rendered and expenses incurred in serving and executing process in pauper cases. Would not that be an addition to the salaries that they receive?

Mr. WATKINS. That was once submitted to the Comptroller of the Treasury, and I will read what the committee report states with reference to it. I read from part 1 of the report of the committee on this bill:

Section 75: A provision is added to section 11 of the act of May 28, 1896, authorizing the payment by the United States of fees in cases prosecuted or defended in forma pauperis. This is in view of a decision of a Comptroller of the Treasury that field deputies are not entitled to fees in such cases, which is considered by the commission as a manifest hardship, since the United States requires them to perform the services. Otherwise the section is identical with the law.

Mr. MANN. I do not think the comptroller decides the question that I am raising. The purpose the commission had in the language undoubtedly was to count these fees in determining what the deputy marshal might receive. The deputy marshal might be engaged in doing nothing else but serving writs, and so forth, in pauper cases, and would not receive any salary at all unless the Government paid it to him; but here you have already the provision that he shall be paid a certain salary out of his fees, and then, in addition, apparently, he is to be paid by the Government for serving the process in pauper cases.

Mr. WATKINS. There is no objection to changing those words "there shall be" to "shall charge" or any other suitable language.

Mr. MANN. I do not know what the best form of language would be.

Mr. TOWNER. Mr. Chairman, I suggest to the gentleman from Illinois [Mr. MANN] that the field deputy marshals are paid from fees exclusively, not to exceed $1,500, and that is to be measured by the gross fees received by the deputy marshal. It occurs to me that if these pauper fees were received by him they would be necessarily included in the gross fees, and that therefore they could not be added to the amount of $1,500 which he would receive if the fees amounted to that.

Mr. MANN. Well, I should question that. Here is the first provision that he shall receive out of the fees earned by him not to exceed $1,500 per annum. Then you provide, in addition to that, that the United States shall pay him the fees in the pauper cases.

Mr. TOWNER. Well, that would be subject to that interpretation unless it should be held, of course, that the fees included what he received from the pauper cases, and of course that could be cured by an amendment in either event.

Mr. WATKINS. If the gentleman will permit me, I will say it was supposed the last verbiage, "as provided by law," would safeguard it, but if the gentleman desires to safeguard the expression by placing in the language "or charged by," or any other language that will express it better, I have no objection, because we did not want him to get any more than the salary.

Mr. MANN. "Provided by law" only refers to the definition of what are pauper cases.

Mr. WATKINS. I thought it referred back to the charges.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

Mr. FALCONER. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Thirty-five Members are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Eagle	Kiess, Pa.	Porter
Ainey	Edmonds	Kirkpatrick	Post
Allen	Elder	Kitchin	Powers
Ansberry	Estopinal	Knowland, J. R.	Prouty
Anthony	Evans	Kreider	Riordan
Ashbrook	Fairchild	Lafferty	Roberts, Mass.
Barchfeld	Farr	La Follette	Rogers
Barkley	Finley	Langham	Rothermel
Bathrick	Fitzgerald	Langley	Rucker
Beall, Tex.	Flood, Va.	Lee, Ga.	Rupley
Bell, Ga.	Floyd, Ark.	Lee, Pa.	Sabath
Bowdle	Francis	L'Engle	Saunders
Brodbeck	Frear	Lenroot	Scully
Broussard	Garrett, Tenn.	Lesher	Shackleford
Brown, N. Y.	George	Lever	Sharp
Brown, W. Va.	Gittins	Levy	Sherley
Bruckner	Godwin, N. C.	Lewis, Md.	Sherwood
Brumbaugh	Goldfogle	Lewis, Pa.	Sisson
Burgess	Good	Lindquist	Sloan
Burke, Pa.	Gorman	Linthicum	Small
Butler	Goulden	Lobeck	Smith, Md.
Callaway	Graham, Pa.	Loft	Smith, Minn.
Campbell	Green, Iowa	Logue	Smith, N. Y.
Cantor	Griest	McClellan	Smith, Tex.
Cantrill	Griffin	McCoy	Sparkman
Carew	Gudger	McGillicuddy	Stafford
Carlin	Hamill	McGuire, Okla.	Stanley
Casey	Hamilton, N. Y.	McKenzie	Stedman
Clancy	Hamlin	Madden	Stephens, Miss.
Clark, Fla.	Hardwick	Maher	Stout
Clayton	Hart	Manahan	Stringer
Coady	Haugen	Martin	Switzer
Connolly, Iowa	Hawley	Merritt	Taggart
Conry	Hay	Metz	Talbott, Md.
Copley	Hayes	Miller	Talcott, N. Y.
Covington	Henry	Montague	Tavenner
Crisp	Hobson	Moore	Taylor, Ala.
Crosser	Holland	Morin	Taylor, N. Y.
Cullop	Houston	Mott	Ten Eyck
Dale	Howard	Nelson	Thomas
Davis	Hoxworth	O'Brien	Tuttle
Deitrick	Hughes, W. Va.	Oglesby	Underhill
Dershem	Hull	O'Hair	Vare
Dies	Humphreys, Miss.	O'Leary	Vollmer
Difenderfer	Igoe	O'Shaunessy	Walker
Donohoe	Johnson, Ky.	Palmer	Wallin
Dooling	Johnson, Utah	Parker	Whitacre
Doremus	Jones	Patten, N. Y.	Wilson, N. Y.
Driscoll	Kahn	Patton, Pa.	Winslow
Drukker	Kelly, Pa.	Peters, Me.	Young, Tex.
Dunn	Kennedy, Conn.	Peterson	
Dupré	Kennedy, R. I.	Platt	
Dyer	Kettner	Plumley	

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and finding itself without a quorum he caused the roll to be called, whereupon 223 Members responded to their names, and he reported back the list of absentees to be recorded in the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 15578, and finding itself without a quorum, under the rules he caused the roll to be called, whereupon 223 Members responded to their names, a quorum, and he reports the list of absentees to be entered upon the Journal. The committee will resume its sitting.

The Clerk read as follows:

SEC. 76. There shall be paid to the marshal his reasonable actual expenses for the maintenance of prisoners of the United States confined in jail for any criminal offense; also his expenses necessarily incurred for fuel, light, and other contingencies that may accrue in holding the courts within his district and providing the books necessary to record the proceedings thereof: *Provided*, That he shall not incur or be allowed in any one year an expense of more than $20 for furniture or $50 for rent of a building and making improvements thereon, without first submitting a statement and estimates to the Attorney General and getting his instructions in the premises.

Mr. HUMPHREY of Washington. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUMPHREY of Washington. I move to strike out the last word. Mr. Chairman, there has been a great desire throughout the country for information in regard to the policy of the President in reference to Mexico. From an article which I hold in my hand, printed in the New York Sun of to-day, it seems to be largely explained——

Mr. MURDOCK. Will the gentleman yield? I missed the first part of his statement. Is this news matter or an editorial?

Mr. HUMPHREY of Washington. Why, it is partly both—an editorial, quoting from a magazine article.

Mr. MURDOCK. I missed the first part of the gentleman's statement, on account of the disorder.

Mr. HUMPHREY of Washington. A certain William Bayard Hale has published a work on "Our Moral Empire in America," and in the prospectus, among other things, occurs this language:

Dr. Hale went to Mexico City to investigate the character of the Huerta régime. He remained three months, returning to Washington with a report which, according to common belief, decided President Wilson to refuse recognition to the Huerta government.

So, if he states the facts we have now at last an explanation of the attitude of the President. While he was so sensitive to foreign opinion and foreign judgment in regard to the Panama Canal that he asked the repeal of the tolls provision because it did not meet with the approval of foreign Governments, yet, upon the judgment of this one man, he stood against the combined judgment of the world, with the exception of three nations, in refusing to recognize Huerta. Here is another paragraph:

Later, Dr. Hale visited the revolutionary chiefs in northern Mexico and held a series of conferences with Gen. Carranza and his staff; these conferences were followed shortly afterwards by the abolition of the embargo on arms and munitions of war, which had placed the revolutionists at a disadvantage.

This also explains the great confidence and admiration of the administration for the splendid heroes that have been devastating and murdering in northern Mexico.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. STEPHENS of Texas. Is it not a fact that President Taft also refused to recognize Huerta, and is it not a fact that the Governments of Argentina, Brazil, and Chile also refused, and did Dr. Hale have anything to do with that?

Mr. HUMPHREY of Washington. As I recall, the Taft administration was in power less than two weeks after Huerta took control of Mexico, but President Taft did not send special personal agents instead of regular accredited representatives to Mexico. That brings me to the point I want to make and that is this: Who is this Dr. Hale whom the President follows if the prospectus to his book, of course prepared, or at least approved, by himself, states the truth. He is a divorced expreacher who left the pulpit to go to muckraking. He is an expert on the scandalous, the unsavory, and the yellow. He is the author of a lot of disparaging, discreditable, and untrue articles which have appeared in magazines attacking different industries and some public institutions, and yet this is the man, if we are to believe his own statement, that is the confidential adviser of the President, and the man upon whose judgment the President of the United States proposes to expend millions of dollars of money and sacrifice thousands of lives of American and Mexican citizens.

It is a most serious statement to be spread broadcast over this country by a man of Dr. Hale's character, to help sell his book. There is so much secrecy and mystery about the administration's policy in Mexico that such statement may mislead many.

If it is true that the President did rely upon Dr. Hale's statement, if he did look upon Mexican affairs through this yellow medium, then it is no longer a matter of surprise that our policy in regard to that unhappy country has been weak, hesitating, and discreditable. A muckraker should not dictate the affairs of Mexico.

Now, if these discreditable statements are not true, the President ought to deny it. This gentleman ought not to be permitted, for advertising purposes, to parade before the country that he is advising the President of the United States. His record is not such as to inspire confidence. As I said before upon the floor of this House, this gentleman in his action in reference to Mexico was not accredited to this country nor a credit to the country.

Mr. BYRNES of South Carolina. Will the gentleman yield to a question?

Mr. HUMPHREY of Washington. Yes.

Mr. BYRNES of South Carolina. What industries did he attack?

Mr. HUMPHREY of Washington. I do not know all of them. I know he attacked the Pension Department for one, and when it was investigated it was found every statement that he made was either wholly untrue or misleading.

Mr. BYRNES of South Carolina. The gentleman said not only institutions, but industries. Did he attack the shipping industry?

Mr. HUMPHREY of Washington. Oh, I do not know. But I want to ask the gentleman what he thinks of the character of a gentleman, a divorced preacher, who leaves his pulpit and goes into muckraking, and then parades over the country that he is the adviser of the President of the United States in order to sell one of his books?

Mr. Chairman, I ask unanimous consent to extend my remarks for the purpose of inserting an editorial——

Mr. WILSON of Florida. I object.

Mr. MANN. Are you afraid of it?

Mr. WILSON of Florida. No; but we have had enough of it.

Mr. BARNHART. I want to inquire if there is anything in the rule that would prevent an excellent gentleman—the gentleman from Washington—from associating with political scarecrows until he frightens himself to death?

The CHAIRMAN. The Chair will state that is not a parliamentary inquiry.

Mr. HUMPHREY of Washington. The entire editorial in the New York Sun is interesting and illuminating, so I will put it all in the RECORD.

MORAL EMPIRE AND WAR FOR THE SERVICE OF MANKIND.

Those who, like the Evening Post of this town, approve warmly of "the President's idealism," yet find that idealism "hard to understand," will do well to study the new idea of war for the service of mankind in the light of Mr. William Bayard Hale's prospectus of "Our Moral Empire in America," published in the World's Work for May. We have already spoken of Mr. Hale's leading part in shaping events toward a war for the service of mankind. The subjoined certificate of actual participation in the Mexican policy of the administration precede his general remarks on moral empire and stamp them, so to speak, with the seal of authority:

"Dr. Hale went to Mexico City to investigate the character of the Huerta régime. He remained three months, returning to Washington with a report which, according to common belief, decided President Wilson to refuse recognition to the Huerta Government.

"Later Dr. Hale visited the revolutionary chiefs in northern Mexico and held a series of conferences with Gen. Carranza and his staff; these conferences were followed shortly afterwards by the abolition of the embargo on arms and munitions of war, which had placed the revolutionists at a disadvantage."

From this it is apparent that not only the implacable determination to recognize the Huerta government in no event whatsoever, but also the decision to supply Carranza and Villa with arms and ammunition, resulted from the investigations and observations of Mr. William Bayard Hale in Mexico. Indeed, the President's unofficial envoy or emissary frankly admits that he is responsible for all that has grown or may grow out of his unfavorable report to Mr. Wilson concerning Gen. Huerta's character. He says:

"The way to make the business of 'promoting' revolutions unprofitable is to see to it that 'promoted' revolutions do not succeed. [Mr. Hale is referring to Huerta's revolution, not to Carranza's.]

"This is what Mr. Wilson is aiming at, if I understand aright. It would not, of course, be possible for a nation which was itself born in revolution to take the position that all efforts of oppressed men to abolish the forms to which they have been accustomed and to institute a new government must be discountenanced. Therefore it is necessary to scrutinize each revolution by itself and to judge whether it be, or be not, morally justifiable."

Accordingly Mr. William Bayard Hale went to Mexico under instructions from President Wilson and scrutinized the Huerta revolution and decided that it was not morally justifiable, and so reported; and Huerta was not recognized and the two nations came to the point of bloodshed for that reason.

Accordingly, also, Mr. William Bayard Hale went into the northern States of Mexico and scrutinized Carranza and Pancho Villa and decided that their revolution was morally justifiable, and so reported; and the embargo was raised and Carranza and Villa were provided with guns and gunpowder with which to kill thousands of Mexicans identified with the earlier but less moral revolution.

Mr. William Bayard Hale continues:

"That duty—of scrutinizing each revolution by itself and judging whether it be or be not morally justifiable—the United States has now assumed, as I understand it, or, indeed, as anyone can see. When Mr. Wilson took steps to inform himself of the facts regarding the Huerta coup d'état, with a view to passing a moral judgment upon the rightfulness of the de facto government in Mexico City, he took, it seems to me, the most far-reaching and fateful step which the Monroe doctrine has inspired in all the process of its evolution."

Manifestly far-reaching, manifestly fateful. For neither in our organic law is there any authority, nor in our national experience is there any precedent, for the establishment of Mr. William Bayard Hale's moral empire, to be enforced by President Wilson's system of moral warfare for the service of mankind. The expenditure of millions of dollars, perhaps the sacrifice of thousands of human lives, depend upon the accuracy of the moral judgment on which Executive action is based; and this moral judgment in its turn depends upon the report of the private informant sent to scrutinize the revolution—in the present case Mr. William Bayard Hale.

What an awful responsibility both for the informant and the informed. As to the Hon. William Jennings Bryan, Secretary of State in the present administration, Mr. William Bayard Hale does not even mention his name while explaining in World's Work the genesis of the moral empire and the beginning of war for the service of mankind.

Mr. HARDY. I wish to inject one or two remarks right here. It is an easy thing for the gentleman from Washington or any gentleman from anywhere to get up here and make various and sundry charges about somebody who is far away. I believe that this country is not ready now to accept the charges or insinuations of the gentleman from Washington to the effect that the President has relied upon a discredited agent to furnish information to him with reference to any of the administrative duties he is about to perform or seeks to perform. I believe that such charges, coming as they do, constitute the worst kind of muckraking that can be presented to the public.

Mr. HUMPHREY of Washington. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Texas yield to the gentleman from Washington?

Mr. HARDY. Yes.

Mr. HUMPHREY of Washington. I did not make those charges. That is what Dr. Hale himself said in the prospectus of his book.

Mr. HARDY. Mr. Chairman, I think we understand what the gentleman said. He read a newspaper article, and from that made charges and inferences that the President of the United States was relying for information upon a discredited agent. Now, so far as all of it is concerned, I know nothing. I do not know what paper he read from, nor do I care; but I have confidence enough in the President of the United States, and the country has confidence enough, to set it over against the charges and insinuations of the gentleman from Washington and rest perfectly content that the President's character is not even impugned by the charges. [Applause.]

The CHAIRMAN. The Clerk will read.

Mr. JOHNSON of Washington. Mr. Chairman, I have a letter here from a constituent of mine—a very prominent Democrat, by the way—in which he states:

> You have doubtless heard a great deal of the law's delays.

We have all heard of the law's delays; but, of course, the writer of this letter did not know that there would be three long, tiresome, "no-quorum" roll calls to-day on this bill—a bill designed to correct some of the paragraphs in our laws that make delay in law procedure and great and unnecessary cost to litigants.

The writer of this letter says:

> I want to call your attention to some extravagance in legal proceedings that is amazing, and it seems that the same should be remedied.

Mr. Chairman, we have just finished reading 20 pages of items pertaining to costs in the Federal courts—marshals' costs, clerks' costs, and so forth. Soon will come pages providing for printers' costs, stenographers' costs, mileage costs, and still other costs, which some one must pay.

In this letter my correspondent goes on to state the method of getting cases up to the higher courts in the State of Washington, and then says:

> This practice or something similar is what I believe we should have in cases on appeal to the United States circuit court of appeals.

He says:

> When we appeal to that court the entire record is first written from the stenographer's notes, making a complete record similar to that in the State court; then the transcript goes to the clerk of the district court, who compares it. In other words, he reads it over, and in the case to which I am about to refer this fee costs us in the neighborhood of $100. We have already paid another $100 or more for the typewriting to the reporter. Then the clerk of the lower court sends the transcript of the evidence and pleadings to the clerk of the circuit court of appeals, and he prints the whole business and binds it in book form.
>
> I have just appealed a case to the United States Circuit Court of Appeals, sitting at San Francisco, and am just in receipt of two statements for printing. One is for the evidence, and the charge is more than $700, and one is for the transcript of pleadings, which amounts to more than $300—the total printing bill, as estimated by the clerk, being a little over $1,100.
>
> Thus you will see that in preparing the record in this case on appeal, which case only involved $6,500, we have already been compelled to expend over $1,300 to get into court. You can readily see that it takes a man almost with the instincts of a gambler to have the nerve to appeal a case to the circuit court of appeals, and you can further see that a poor man would be absolutely prohibited from appealing his case on account of this excessive charge.

The writer, Robert E. Evans, goes on and mentions other charges at considerable length. He goes carefully into the detail of these expenses, such as are being considered in this legislation. I had hoped that this bill would do something toward striking down the law's delays and the excessive costs.

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Indiana?

Mr. JOHNSON of Washington. Yes; I will be very glad to.

Mr. COX. It occurs to me that you are striking at a very vital point. I have myself had some experience along the same line. Does the gentleman make any suggestions as to a remedy?

Mr. JOHNSON of Washington. Yes.

Mr. COX. I wish the gentleman would read them.

Mr. JOHNSON of Washington. Attorney Evans says in the beginning of his letter, which I dropped, this:

> In going up to the higher courts in the State, typewritten copies can go up, three in number.

Mr. COX. Instead of having typewritten copies printed?

Mr. JOHNSON of Washington. Yes; instead of having 12 or more printed copies in cases appealed to the United States Circuit Court of Appeals.

Mr. COX. The gentleman is exactly right. It has always seemed to me like a bunko game to require that printing to be done.

Mr. JOHNSON of Washington. I am glad to hear the gentleman from Indiana say so, in view of the fact that I myself am somewhat inexperienced in connection with the modes of legal procedure here and in view of the fact that every Member of Congress must know that in the last 20 pages of the bill under consideration are dozens of paragraphs which will simply continue these excessive costs of all kinds. I hope at the opportune time to move to strike them out or that some one else will do so.

Mr. COX. What valid reason can be assigned for the fact that the typewritten record, as clear as print, should be reprinted? I have never seen the philosophy of it in all my life.

Mr. MANN. Of course, the gentleman knows that that is not a matter of law.

Mr. COX. It is simply a rule in the courts.

Mr. MANN. The Supreme Court recently revised the rules of equity procedure, and President Taft in the last Congress and I think President Wilson in this Congress have recommended that the law rules be revised. Of course, each member of the Supreme Court must have a copy of the record in some shape. I suppose the first thing to do, to cut down expenses, would be to limit the lawyer's salary or fee in this and other cases, and then limit the cost of making up the record.

Mr. COX. No; I do not think that would be right.

Mr. MANN. I supposed the proposition to limit the lawyer's salary would not meet with much approval in this Congress. [Laughter.]

Mr. JOHNSON of Washington. We are not all lawyers. I, for instance, am a printer.

Mr. COX. I am of this opinion, because I have in my experience had to go up against this same question, and I have never been able to see the reason why these typewritten copies should be printed. The stenographer in transcribing his notes can just as easily make carbon copies, which are easy to read, as to have them printed. The present practice is wrong.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. This lawyer writes me further:

> There is no reason under the sun why this record should be printed at all. The only purpose I can see of it is to give work to the printer and fees to the clerk. The circuit court of appeals consists of three judges, and it seems to me that if a typewritten transcript of the evidence and the record is sufficient in the State supreme court, where we have nine judges, that the same practice ought to be good enough for the circuit court of appeals, especially in view of the fact of the immense expense now required to appeal a case, and all that they need is a copy of the evidence to read over. I consider it an outrage under the practice at the present time, and I can not for the life of me see why the circuit court of appeals requires this printing.

Mr. HUMPHREY of Washington. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. HUMPHREY of Washington. It would seem from that portion of the letter that the printers were beating the lawyers. [Laughter.]

Mr. JOHNSON of Washington. Oh, I do not know; but it makes no difference. We hear on all sides something of the high cost of living, and it is every man's duty to try to strike down these excessive charges. Most people believe that the clerks of Federal courts are overpaid, through fees or otherwise. Court fees pile up unnecessarily. Everybody knows this; the lawyers know it; the printers know it. Neither lawyers nor printers want unfair fees; but when we let such bills as this be used as a buffer for some sort of legislative filibuster, which I confess I can not figure out, and let all such paragraphs as we have heard read to-day go undiscussed and unchallenged, we may be sure that the backs of litigants will continue to bend under the load of "costs," which may include almost everything under the sun.

Mr. J. M. C. SMITH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. J. M. C. SMITH. Mr. Chairman, on hearing the reading and consideration of the bill, I notice that large appropriations are authorized for the payment of fees, and, looking at an article in the paper, the Washington Herald, of Monday, the 11th of May, I notice that under the present working of the tariff law there is a decrease of revenue and an increase of deficit. I

would like to call the attention of the House to one or two extracts in this paper showing the workings of the law. I read:

SIX MONTHS' OPERATION—INCREASED IMPORTS OFFSET BY DECREASES IN RECEIPTS, EXPORTS OF MATERIALS, AND SLOWING DOWN OF FACTORIES.

The official record for the first half year of the tariff law's operation is now available, the Department of Commerce's statement of imports and exports for March completing the figures for six months.

OFFICIAL STATISTICS.

The value of finished manufactures imported in the six months' operation of the law, October 1 to April 1, is $228,000,000, against $215,000,000 in the same period of last year; the value of manufacturers' material imported is $469,000,000, against $517,000,000; the value of manufactures exported is $541,000,000, against $582,000,000; and the receipts from customs are but $140,000,000, against $165,000,000 in the same months of last year.

Meantime the deficit in the Treasury accounts continues to mount, Saturday's official statement showing the "excess of ordinary disbursements" for the fiscal year is $37,097,955, as against an "excess of revenue receipts" of $7,395,706 for the same period of the last fiscal year when the Payne tariff was in operation; or, to put it in ordinary terms, a deficit of $37,000,000 this fiscal year against a surplus of $7,500,000 at this time last year. The administration is depending on the income tax to pull it out of the hole.

On the other hand, the exports of domestic products have steadily fallen, the figures for October, 1913, having been $269,000,000, and in March, 1914, but $184,000,000.

The imports in the six months increased over 37 per cent, while the exports decreased over 31 per cent in the same period. In the last month of the Payne tariff—September, 1913—the exports of domestic products exceeded the imports by $45,000,000; in March, 1914, the sixth month under the Underwood tariff, the exports of domestic products exceeded the imports by barely $1,000,000.

Standing alone the new tariff law is not proving the great success claimed for it by its author and those favoring its passage. It has not proven the boom to business claimed for it. It has not affected the high cost of living. If it has had any beneficial effect to business or the country, it is not apparent so far. Perhaps its benefits will appear later. We are all "watchfully waiting." [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 79. No part of the appropriations made for the payment of fees for United States marshals or clerks shall be used to pay the fees of United States marshals or clerks upon any writ or bench warrant for the arrest of any person or persons who may be indicted by any United States grand jury, or against whom an information may be filed, where such person or persons is or are under a recognizance taken by or before any United States commissioner, or other officer authorized by law to take such recognizance, requiring the appearance of such person or persons before the court in which such indictment is found or information is filed, and when such recognizance has not been forfeited, or said defendant is not in default, unless the court in which such indictment or information is pending orders a warrant to issue; nor shall any part of any money appropriated be used in payment of a per diem compensation to any clerk for attendance in court, except for days when the court is opened by the judges for business, the judge being present, which fact shall be certified in the approval of their accounts.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. GREENE of Massachusetts. Mr. Chairman, I have listened with some interest to the debate which arose from the remarks of the gentleman from Washington [Mr. HUMPHREY] and the reply of the gentleman from Texas [Mr. HARDY].

I happen to live within 19 miles of the place where the Rev. William Bayard Hale formerly preached. He preached in the town of Middleboro. He left the pulpit there; but before leaving, he wrote some articles in regard to the factory tenements of the city in which I live. Those articles were discredited entirely by the people of the community and by the corporation that owned the tenements about which he wrote.

After they had called his attention to the matter and he had paid no attention to it, the attention of the proprietor of the World's Work was called to the matter, and he was asked if he would allow a correction of the misstatements that were made therein. The reply was that they published a magazine and hired parties to write articles for it, and they did not publish anything that went to show that the writers of their articles did not state the facts. At the time, or shortly after the Sherwood pension bill was enacted into law——

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. DONOVAN. Does the gentleman think that as fair a man as the gentleman from Massachusetts is, who is seldom seen or heard doing things out of order, should follow the example of those who violate the rules of parliamentary practice?

Mr. GREENE of Massachusetts. I do not want to listen to any speech. I thought you wanted to ask a question.

Mr. DONOVAN. Yes; it is a query.

Mr. GREENE of Massachusetts. Well, make it.

Mr. DONOVAN. As the gentleman from Massachusetts at his time of life——

Mr. GREENE of Massachusetts. The gentleman need not have any worry about my time of life. I am quite as capable of taking care of myself as the gentleman is.

Mr. DONOVAN. But the gentleman——

Mr. GREENE of Massachusetts. I decline to yield further.

Mr. DONOVAN. I make the point of order that the gentleman is not talking to the question before the House.

The CHAIRMAN. The point of order is sustained. The gentleman will proceed in order.

Mr. GREENE of Massachusetts. And shortly after the passage of the Sherwood pension bill one of my constituents called me to account for voting for that bill.

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DONOVAN. The gentleman is not talking to the question before the committee, which is section 79 on page 47 of the bill. He is talking to a pro forma amendment. He can only explain matters pertaining to this particular section. I feel sorry for the gentleman at his time of life that he should go so far——

Mr. GREENE of Massachusetts. I say the gentleman need not worry himself about my time of life. I will take my chances with the gentleman at any time.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that the gentleman from Massachusetts is not speaking to the question before the committee. If he insists on the point of order, the Chair will have to sustain it.

Mr. GREENE of Massachusetts. Does the Chair sustain the point of order?

The CHAIRMAN. The Chair sustains the point of order.

Mr. GREENE of Massachusetts. Very well; I will be seated and await another opportunity.

Mr. ANDERSON. I move that the gentleman be permitted to proceed in order.

The CHAIRMAN. It is moved that the gentleman from Massachusetts be permitted to proceed in order.

The motion was agreed to.

Mr. GREENE of Massachusetts. I suppose, Mr. Chairman, that I am in order in what I am talking about.

Mr. DONOVAN. Mr. Chairman, a point of order. He can not get the floor without addressing the Chair.

Mr. GREENE of Massachusetts. I did address the Chair. If the gentleman will always do it himself——

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. GREENE of Massachusetts. I am referring to section 79 of the bill, and I wish also to refer to a matter of great interest to this House. That is, that when the Sherwood pension bill was considered here one of my constituents, speaking to me about it, said that I had done a great wrong in voting for that bill. I replied, "I do not think so."

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman can not with impunity violate the rules of the House. He is not proceeding in order.

Mr. GREENE of Massachusetts. I am talking about a matter of the expenses of carrying on the Government, and this is certainly an expense of carrying on the Government. While the Sherwood pension bill was under consideration, or after it had been voted upon, I was criticized for a vote that I had cast in this House on a bill that involved an expenditure on the part of the Government. This man said to me that he had proof in his possession to show that the Pension Department was honeycombed with fraud.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. DONOVAN. Reserving the right to object, if he will proceed in order——

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Now, Mr. Chairman, this gentleman said he had information in his possession to show that the Pension Department was honeycombed with fraud; that the pension roll had upon it a number of men and women who were not lawfully pensioned; and he said that when I was voting for pension legislation I was voting for fraudulent action on the part of the Government of the United States. I did not know then where he got his information. I said: "Will

you furnish me information upon which your statements are based?" He said: "I will gladly do so." I replied: "If you will do that, I will have the matter investigated." In due time he sent me a list of pensions which had been granted, and which he stated were unlawfully granted, and that they took money from the Treasury in behalf of women who were not widows of soldiers and men who did not possess an honorable discharge, and that the evidence had been furnished to the Pension Department, and that department had declined to remove these names from the pension rolls.

I took that matter to the Pension Department and it was investigated. At that time I did not know anything about where my friend obtained his information. An answer was made to charges, and I ask permission to put in the RECORD the correspondence which will show that the statements in an article published in the World's Work was not borne out by the facts. This article was written by William Bayard Hale. In due time I sent the letter of the Commissioner of Pensions to the gentleman who had complained to me, and he wrote a letter to the World's Work, and this magazine was published by Doubleday, Page & Co.—Mr. Page is now ambassador to England and is or was a member of that firm—asking them if they would publish the statement of the Pension Department showing that William Bayard Hale had published an article that was honeycombed with misstatements. They declined to publish that article. I have the letter of the late Commissioner of Pensions in my possession which makes a reply in detail regarding the charges made against the Pension Department, and I think it is a very good time to have this correspondence published in the RECORD, and this correspondence will appear at the close of my remarks. This man Hale has been sent to Mexico with a roving commission, and, so far as I have been able to discover in watching his proceedings, he has been dealing with the parties who have endeavored to overthrow such government as they have there; and it seems to me that it is a credit to such government as they have there that they were generous enough to allow him to draw his breath after he arrived there. It may have been that he was working in the interest of peace, but his methods in my judgment were more toward the encouragement of strife and disorder than the promotion of peace between nations. William Bayard Hale is the man whom the President of the United States commissioned to represent him in the Republic of Mexico. I am very sorry to speak of this fact and did not desire to do it, but I feel justified in so doing because of my knowledge of the facts which will appear in the appended correspondence and also because of the lame defense that has been made here against the statement made by the gentleman from Washington [Mr. HUMPHREY], and I am sure that I can furnish the proof of every statement that I have made upon this floor to-day. [Applause.]

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, April 18, 1911.

Hon. W. S. GREENE,
House of Representatives.

MY DEAR MR. GREENE: With regard to the matter referred to in our recent conversation, and in the letter of your correspondent which you transmitted under date of the 15th instant, I have the honor to state that I have personally examined the papers in the claims and find the facts as follows:

Judge Stillwell, our first deputy commissioner, is pensioned at the rate of $30 per month under the provisions of a special act of Congress approved February 18, 1909, some time prior to his being appointed to his present position.

Mr. Stillwell entered the military service on January 7, 1862, as a private, rose through the grades of corporal, sergeant, second lieutenant to first lieutenant, and was discharged September 8, 1865, after nearly four years' faithful and meritorious service. He never filed a claim for pension until after the passage of the "age act," act of February 6, 1907. He filed a claim under this act on February 16, 1907, which was allowed at $12 per month, he being past the age of 62 years. As heretofore stated, his present pension of $30 per month was allowed by a special act of Congress, and the reasons which prompted Congress to make such allowance may be learned from the report of the committee which recommended such action

I doubt if there have been many claims in all the thousands which have received favorable consideration by Congress which had more to commend them, and there is not one single feature of the matter which casts the least discredit upon Congress, this bureau, or Mr. Stillwell. The allowance was made before there was any thought of his being appointed to his present position.

Matilda Delair was never pensioned in her own right. She filed a claim for widow's pension on December 8, 1887, but abandoned the prosecution of same and it has never been allowed. She was shown to be the legal widow of one Frank Delair, who had a claim for pension pending when he died, and as this claim was established it was allowed and paid to her under the provision of the law which entitles a widow to the pension due her deceased husband to the time of his death.

An examination of the papers in this claim does not show that there was any impropriety in the allowance made. There appears to have been some hesitancy in making the allowance, because of the fact that it carried a considerable amount of money, and because the widow was not legally married to soldier until five days prior to his death, and because of these conditions the claim received the personal consideration of the then Commissioner of Pensions and the Assistant Secretary of the Interior, both of whom approved of the allowance. Although the widow was not legally married to soldier until just prior to his death, she had lived with him as his wife for 17 years prior to their ceremonial marriage. I do not think there could be any doubt as to her being soldier's legal widow, and if there could be any question as to whether the soldier's claim was legally established it could only be a matter of opinion on the weight of the evidence. There is nothing whatever in the case to indicate that the claim was fraudulent or that the allowance was influenced by improper motives.

Catherine Giesbers was allowed pension as the widow of one John Giesbers, a soldier whose wife and widow she had been. In prosecuting her claim she, however, concealed the fact that she had remarried. The bureau later secured information as to this fact and dropped her name from the pension roll, and at the same time brought criminal action against the claimant in the local courts. The payment of her pension was not "continued," as stated by your correspondent, and she has not received pension since July 4, 1903, when her name was dropped from the roll.

Leon A. Canter died December 24, 1910. At the time of his death he was in receipt of pension under the age act of February 6, 1907, and he had previously drawn pension under the act of June 27, 1890. There is nothing in the case to indicate that any allowance therein was improper. Your correspondent states that he was "a notoriously bad egg." I do not know exactly what this means or whether it is true. There is nothing in the case reflecting on Mr. Canter's character. But if he had been of an altogether disreputable or even criminal character such fact would not necessarily have affected his title to pension. It is of course to be regretted, but it is unfortunately true, that among the hundreds of thousands who served the country in its hour of need, and are legally entitled to pension, are some who are not of the highest type of citizenship, but this fact does not affect their title to pension.

Rosetta Jackson was allowed pension as the widow of one Henderson Horton, a colored soldier, whose slave wife she had at one time been. In prosecuting her claim she concealed the fact that she had separated from Horton and remarried to one Jackson, whose wife she was at the time of the close of the war. When the bureau learned of this fact her name was dropped from the pension roll and criminal action was brought against her. She has not received pension sinc May 4, 1899, when he name was dropped.

Phoebe Wright was originally and properly pensioned as the widow of a soldier, one Byron Wright, which pension terminated on March 4, 1875, by reason of her remarriage. She afterwards sought to have her pension restored on the ground that her remarriage was void. Her claim for restoration was rejected while Mr. Evans was commissioner, but your correspondent is in error in stating that the pension was "afterwards restored." It has never been restored, and she has not received pension since 1875.

This is the status of the six cases mentioned by your correspondent. If the magazine articles referred to by your correspondent contained statements of fact at variance with what is herein set forth, such statements were inaccurate.

I do not mean to imply that the magazine intentionally misstated facts, but the information on which the articles were based was probably not full and complete in all cases, being from sources outside the bureau, and the recitals of facts were to an extent misleading because of their incompleteness.

Most of the cases mentioned in the articles referred to were those wherein the bureau had unearthed the fraud, had terminated the pension, and had presented the facts to the proper local officials for such criminal action as should be deemed warranted by the evidence in each particular case—in fact, cases in which the bureau had done its full duty in safeguarding and protecting the interests of the Government.

I have never quite understood what purpose was intended to be served by the recitals set out. I am not inclined to believe that it was intended as a reflection upon the bureau, for even the most unreasonable would hardly contend that the bureau should be able to absolutely prevent the successful prosecution of a fraudulent claim. More than 2,000,000 claimants have been before the bureau in the past 40 years, and of a necessity most of the claims have had to be adjudicated upon ex parte evidence. Under such conditions, with human nature what it is, there is bound to be some fraud. It is rare, however, that this remains undetected. Much of it is detected in time to save the Government from any loss, while in the remaining cases the allowance of the claim usually leads to detection. In such cases I do not think that the bureau has ever failed to act promptly in terminating the pension and taking such further action as the circumstances called for. The cases cited in articles referred to are, as stated, almost entirely a résumé of those in which the bureau had taken such action, and I rather suspect that much of the data for these articles was drawn from the records and criminal dockets of the courts in which actions had been brought under information furnished by the bureau. The record as made up in the articles when properly understood is therefore one creditable to the bureau rather than the reverse.

Very respectfully,

J. L. DAVENPORT, *Commissioner.*

FALL RIVER, MASS., *March 5, 1911.*

Hon. WM. S. GREENE, *Washington.*

DEAR SIR: In pursuance of our conversation of a few days since, I have to give you a few names of pensioners who are said by the World's Work to be humbugs.

It must be admitted that many of the reporters are simply trying to make good stories. We innocent readers are at their mercy until we can disprove their yarns

It is, however, a notorious fact that the Treasury has been and is being raided in the name of "patriotism" by bounty jumpers and other humbugs, and why not acknowledge it?

These names are but a few of those enumerated by the magazine. If they are names of maligned people, why, I will make further quotations:

Leander Stillwell, Deputy Commissioner of Pensions, at $3,600 a year, and said to be a pensioner improperly.

Matilde Delair, No. 420157; Examiner Taylor, representing the United States, was denounced and recommended for dismissal by Pension Commissioner Raum for doubting the propriety of giving this pension.

Catherine Giesbers, No. 381559, acknowledged fraudulent, but no further action taken, except to continue payment.

Leon A. Canter, No. 1050289, a notoriously bad egg.

Rosetta Jackson, No. 256905, ditto.

Phoebe Wright, No. 158348, rejected by Evans (he was too busy an agent honestly trying to protect the Government, and was, it is well

known, hounded out of office by the "patriots") and afterwards restored.

There is probably no use in amplifying this list. Suffice it to say that no good citizen begrudges a cent of the pension appropriation that is being properly expended, but every good citizen does and ought to denounce the looting of the public till.

If I shall prove to be in the wrong in this matter, nobody can be more prompt than I shall be to own my error.

Yours, truly,

V. W. HAUGHWOUT.

—

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 19, 1911.

Mr. VELONA W. HAUGHWOUT,
Fall River, Mass.

DEAR SIR: Your letter came duly to hand, and I thank you for writing me.

I inadvertently mislaid your letter, and when I took it to the commissioner and talked with him about the cases I supposed his stenographer had taken notes of the letter. As he could not find the letter, and he had not taken the notes, it delayed consideration.

I may state that I know the deputy commissioner, Mr. Stillwell, and I believe him to be strictly honest, and his record as a soldier is of the best, and his service was for four years. Regarding Commissioner J. L. Davenport, he has been in the Pension Bureau for more than 25 years. He was appointed commissioner, solely upon his record, by President Taft, and he has the confidence and esteem of every Member of both branches of Congress, because of the thorough and independent and painstaking manner in which he has administered every trust that has been confided to him. This article in the World's Work I never saw. Whoever wrote it undoubtedly wrote for pay and was not particular about his facts.

I have been over hundreds of cases in behalf of many of my soldier constituents and their widows during the past 12 years and 9 months, and I unhesitatingly declare that the Pension Bureau goes into every case with great care, to provide against injustice and also to prevent fraud. The array of documents and testimony in each case would be surprising to anyone who should take the trouble to look up the cases.

There may be fraudulent cases now on the pension roll, but in every case when fraud is shown the case is stricken from the roll and the pension is declared void.

A word as to special pension bills. It is not within the power of a Member of Congress to rush a case to a settlement. Every case for a special pension bill is referred to a pension examiner, who goes through the case with a fine-tooth comb, and a full report is printed and submitted to Congress. These reports are all placed in the hands of the President before he signs the bill, and he has them all looked over by a special examiner. These reports are a part of the record, and they are preserved. If a man has not an honorable discharge, he can not be pensioned. The record of a soldier is sometimes changed if an error is found after investigation, but that is carefully gone over. The Government of the United States is a great institution and its work and the records thereof are marvels of history.

I am glad to send you the information in the cases you referred to.

I remain, very respectfully,

WM. S. GREENE.

—

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., May 10, 1911.

Mr. VELONA W. HAUGHWOUT,
Fall River, Mass.

DEAR SIR: I inclose herewith a letter relative to the status of Gen. Daniel E. Sickles.

He draws no pension and never applied for nor is he eligible to receive one. He is simply on the retired list, just the same as Brig. Gen. Cook, of our city.

I remain, very respectfully,

WM. S. GREENE.

—

FALL RIVER, MASS., *April 28, 1911.*

To the WORLD'S WORK, *New York.*

GENTLEMEN: I have been a diligent reader of your magazine for a long time, and I was so much impressed by your disclosures regarding the alleged frauds against the United States that I investigated some of the cases cited by you, selecting at random, at the Pension Bureau in Washington.

I was astonished that in every instance which I had singled out for proof of rascality your history was false. The irregularity had been detected by the Government, the recipient of improperly granted moneys dropped from the rolls, and in most cases criminal procedure taken against the culprit.

If you desire the substantiation of the truth of my words, I shall take pleasure in submitting it.

I read to find the truth, not a sensation, and I am sure that a magazine of the class you are supposed to represent will be glad to correct your errors when they are pointed out to you.

Yours, truly,

V. W. HAUGHWOUT.

—

THE WORLD'S WORK,
Garden City, Long Island, N. Y., May 1, 1911.

V. W. HAUGHWOUT, Esq.,
Fall River, Mass.

DEAR SIR: We are very much obliged to you for your letter of April 28, alleging that you had investigated our incidents of pension frauds and found our accounts all false.

We should be glad to read anything you may like to offer going to substantiate your assertion.

Yours, truly,

W. K. HALE.

—

FALL RIVER, MASS., *May 4, 1911.*

Messrs. DOUBLEDAY, PAGE & CO.,
Garden City, L. I.

GENTLEMEN: Answering yours of the 1st instant, I shall quote but three misstatements made in the World's Work in relation to the so-called "pension frauds," since the naming of others would be mere repetition.

Catherine Giesbers, No. 381559 (I quote) was allowed pension as the widow of John Giesbers, a soldier whose wife and widow she had been. In prosecuting her claim she, however, concealed the fact that she had remarried. The bureau later secured information as to this fact and dropped her name from the pension rolls, and at the same time brought criminal action against the claimant in the local courts. The payment of her pension was not "continued," as stated by your correspondent, and she has not received pension since July 4, 1903, when her name was dropped from the rolls.

Rosetta Jackson, No. 256905, was allowed pension as the widow of one Henderson Horton, a colored soldier whose slave wife she had at one time been. In prosecuting her claim she concealed the fact that she had separated from Horton and remarried to one Jackson, whose wife she was at the time of the close of the war. When the bureau learned of this fact, her name was dropped from the pension rolls and criminal action was brought against her. She has not received pension since May 4, 1899, when her name was dropped.

Phoebe Wright, No. 158348, was originally and properly pensioned as the widow of a soldier—one Byron Wright—which pension terminated on March 4, 1875, by reason of her remarriage. She afterwards sought to have her pension restored on the ground that her remarriage was void. Her claim for restoration was rejected while Mr. Evans was commissioner, but your correspondent is in error in stating that the pension was "afterwards restored." It has never been restored and she has not received pension since 1875.

Yours, truly,

V. W. HAUGHWOUT.

—

THE WORLD'S WORK,
Garden City, Long Island, N. Y., May 8, 1911.

V. W. HAUGHWOUT, Esq.,
Fall River, Mass.

DEAR SIR: I have a letter dated Fall River, May 4, signed in typewriting with your name, and at the beginning you say "I shall quote but three misstatements made in the World's Work," etc.

You then proceed to quote, but the quotations are not from the World's Work, although they refer to cases we give. I think there is some confusion of punctuation, and I do not quite understand the letter. Won't you please tell me from whom you are quoting in the extracts you give?

Yours, truly,

W. B. HALE.

—

FALL RIVER, MASS., *May 18, 1911.*

Messrs. DOUBLEDAY, PAGE & CO.,
Garden City.

GENTLEMEN: Some letters have passed between us relating to certain misstatements found in your magazine, the World's Work, about alleged frauds in pension distributions by the United States Government.

I write again simply to inquire whether you are satisfied that you misled your readers in some of the denunciations contained in some of your articles.

The main source of information open to many thousands of busy people on topics of public interest is found in the magazines; if that source proves to be a poisoned one, the minds of the people must become infected.

There are but few periodicals which are at all reliable, and I had always rated yours among the few. I hope I may be told by you that you intend to keep its rating unsmirched by acknowledging your errors when they are unmistakably pointed out to you.

Yours, truly,

V. W. HAUGHWOUT.

—

THE WORLD'S WORK,
Garden City, Long Island, N. Y., June 1, 1911.

V. W. HAUGHWOUT, Esq.,
Fall River, Mass.

DEAR SIR: You are right; there has been some exchange of letters between us relating to certain statements—not misstatements—made by me in the World's Work about pension frauds.

You have written somewhat ambiguously, declaring that our citations of the cases of Catherine Giesbers, Rosetta Jackson, and Phoebe Wright were misstatements. To which I can only reply that, on the contrary, the three paragraphs about these women are absolutely correct in every fact and circumstance.

Indeed, if you will refer to the January number of the World's Work, pages 13919–13922, and read the statements made and then compare them with what the Commissioner of Pensions—apparently—has written to you, you will find that he does not deny that the Government was defrauded exactly as I stated. Catherine Giesbers did defraud the Pension Bureau of $3,400. The bureau did bring criminal action against her, but nothing ever came of it—the action was not pressed, and the woman went free. I did not state that the pension was continued.

Rosetta Jackson was paid by the Pension Bureau $4,000, to which she had no right. The Commissioner of Pensions—if he is the authority for the quotation you make—is not correctly informed or he has not taken the time to carefully read the facts in this case, as I have done. However, his mistakes are not essential. He does not deny that she was "allowed a pension." The fact is she was paid $4,000 before her name was dropped.

Phoebe Wright. My statement of the case of Phoebe Wright was exactly in accordance with the facts, though in this case only your authority (whether or not he is the Commissioner of Pensions) disputes the accuracy of one of my statements, namely, that the claim was reallowed. My information is positive that it was.

Yours, truly,

W. B. HALE.

—

FALL RIVER, *June 3, 1911.*

Messrs. DOUBLEDAY, PAGE & CO.,
Garden City, L. I.

GENTLEMEN: Referring to the letter of Mr. Hale, dated 1st instant, I must write at more length than I wish, but the subject seems to compel it.

As to "misstatements," let it go at half statements, if that is more palatable. Half statements are as capable of damage as the other variety.

I will take but one of the three women named by you as represented by your paragraphs "correctly." I do not think that quite ingenuous—to say your statements are "correct" is half true. Why do you not tell the whole tale about Phoebe Wright? The Pension Commissioner says she was never reinstated. You say your "information is positive that" she was. Where do you get "information" so much more valuable than official records? I am afraid that a full recital of the exact facts you professed to expose in your magazine, with no suppressions, would have made rather tame reading and would have made the "exposures" unsalable.

I have been actuated by sincere motives. I am not an old "veteran" and have not even the remotest connection with any pensioner. I was stirred with indignation by your "exposures," and set out, with the

cooperation of our Congressman, to justify my indignation. Instead of justification, my indignation has met mollification. The Pension Commissioner frankly admits that the gigantic disbursement of moneys under his charge has been attended with errors because of fraudulent claimants, but he welcomes and wants to make the Government the beneficiary of the disclosure of facts which may bring such claimants to justice. Let us be just, but let us be sincere. I am done, and subscribe myself,

Yours,

V. W. HAUGHWOUT.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read section 80 of the bill.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. J. M. C. SMITH. I make the same request.

The CHAIRMAN. The gentleman from Washington and the gentleman from Michigan ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 81. Every clerk of a district court shall, on the 1st days of January and July in each year or within 30 days thereafter, make to the Attorney General, in such form as he may prescribe, a written return for the half year ending on said days, respectively, of all fees and emoluments of his office, of every name and character, and of all the necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year. The word "emoluments," as herein used, shall include all amounts received in connection with the admission of attorneys to practice in the court, and all other amounts received for services in any way connected with the clerk's office. Each clerk shall state separately in his returns the fees and emoluments received or payable under the bankrupt act. Each clerk shall also, under rules and regulations to be prescribed by the Attorney General, report and account for all moneys received on account of or as security for fees and costs; all moneys collected or received on behalf of the United States on account of judgments, fines, forfeitures, penalties, and costs; and for any other moneys received in his official capacity, whether on behalf of the United States or otherwise. Each clerk shall also keep and use such dockets or other books for recording, reporting, and accounting for all fees and emoluments earned by him and for all moneys required to be reported under the provisions of this section as the Attorney General shall prescribe. Said returns shall be verified by the oath of the officer making them and a copy thereof filed in his office. It shall be unlawful for any clerk whose duty it is to make the return required by this section, to include in his emolument account or return any fee or fees not actually earned and due at the time such return is required by law to be made; and no fee not actually earned shall be allowed in any such account.

Mr. WATKINS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 48, line 14, after the word "court," insert the words "including the clerks of the district court in Alaska, Hawaii, and Porto Rico."

The amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 49, line 3, strike out the words "bankrupt act" and insert in lieu thereof the following: "act approved July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' and acts amendatory thereof."

Mr. ANDERSON. Mr. Chairman, the bill reported by the committee uses this language:

Each clerk shall state separately in his return the fees and emoluments received or payable under the bankrupt act.

The language "bankrupt act" is very inaccurate and very unusual, and it seems to me that it would be much better to designate the act in the ordinary and usual way. The amendment I propose merely designates the act referred to and the amendments to that act.

Mr. WATKINS. Mr. Chairman, this is a general law intended to apply for all time or until it is changed. The general expression "bankrupt act" would apply in the future to any other act that might be enacted, and it also applies to every other bankrupt act besides the one to which the amendment refers. The general language will cover all classes of bankrupt acts. It is not necessary to make it so explicit, as it might bring about an erroneous construction of the language. I think the general language is much more satisfactory than to designate any special act.

Mr. TOWNER. I think the gentleman from Louisiana is hardly correct in saying that the language here would include the amendments. The reference certainly would be only to the original bankrupt act, because that is the language used in the sentence. Of course fees are now collected not only under the original bankrupt act, but under all the amendments that have been subsequently passed amendatory thereto. I think the gentleman could hardly have any objection to the bankrupt act being specifically designated, and it should include the amendment. I am quite sure the gentleman's amendment ought to be adopted in order to perfect the language of the text.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. WATKINS) there were 14 ayes and 28 noes.

So the amendment was rejected.

[Mr. MOSS of West Virginia addressed the committee. See Appendix.]

Mr. COX. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

The CHAIRMAN. The gentleman realizes that the matter that he is reading now has no bearing upon the amendment pending before the committee, and the gentleman is out of order.

Mr. ALEXANDER. Mr. Chairman, I will state that when the Chairman makes that ruling the gentleman should take his seat. That is the rule of the House.

The CHAIRMAN. The gentleman is out of order, and he will please take his seat.

Mr. MOSS of West Virginia. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. DONOVAN. Mr. Chairman, he must first take his seat before he does that.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. What is before the committee?

The CHAIRMAN. A motion to strike out the last word of section 82. The gentleman makes the point of order that there is no quorum present.

Mr. KEATING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEATING. Would a motion that the committee do now rise be in order?

The CHAIRMAN. Not after the point of no quorum is made.

Mr. FOSTER. Oh, yes, Mr. Chairman, it would.

The CHAIRMAN. The Chair believes that he was wrong. The Chair believes that a motion to rise is in order.

Mr. KEATING. Then I make that motion, Mr. Chairman. We have wasted enough time this afternoon.

Mr. WATKINS. Mr. Chairman, when we are in the House we can move to adjourn, but when the committee is acting under the supervision of the House the committee can not rise after the point of order of no quorum is made, because that is a question that is to be voted on.

Mr. FOSTER. Mr. Chairman, I think the Chair has not yet decided that there was no quorum present, and so the gentleman's motion is in order.

The CHAIRMAN. The motion to rise is in order. Is the motion made by the gentleman from Colorado?

Mr. KEATING. Yes; I make the motion that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Colorado that the committee do now rise.

The question was taken, and the motion was rejected.

The CHAIRMAN. The point of order is made that there is no quorum present. The Chair will count. [After counting.] Seventy-one Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Cantrill	Driscoll	Gregg
Ainey	Carew	Drukker	Griest
Allen	Carlin	Dunn	Griffin
Ansberry	Carter	Dupré	Gudger
Anthony	Casey	Dyer	Hamill
Ashbrook	Church	Edmonds	Hamilton, N. Y.
Barchfeld	Clark, Fla.	Elder	Hamlin
Barkley	Claypool	Estopinal	Hardwick
Bartholdt	Clayton	Evans	Hart
Bathrick	Cline	Fairchild	Hawley
Beall, Tex.	Coady	Farr	Hay
Bell, Ga.	Connelly, Kans.	Finley	Henry
Bowdle	Connolly, Iowa	Fitzgerald	Hinds
Brodbeck	Copley	Floyd, Ark.	Hinebaugh
Broussard	Covington	Francis	Hobson
Brown, W. Va.	Crisp	Frear	Houston
Browne, Wis.	Dale	Gard	Howard
Bruckner	Danforth	Garrett, Tenn.	Hoxworth
Brumbaugh	Deitrick	George	Hughes, W. Va.
Burke, Pa.	Dershem	Gittins	Hull
Butler	Dies	Goldfogle	Humphreys, Miss.
Byrnes, S. C.	Difenderfer	Gordon	Igoe
Calder	Donohoe	Gorman	Johnson, Ky.
Callaway	Dooling	Goulden	Johnson, Utah
Campbell	Doremus	Graham, Pa.	Jones

Kelley, Mich.	Loft	Patton, Pa.	Small
Keily, Pa.	Logue	Payne	Smith, Md.
Kennedy, Iowa	Lonergan	Peters, Me.	Smith, Tex.
Kent	McAndrews	Peterson	Sparkman
Kettner	McClellan	Platt	Stafford
Key, Ohio	McCoy	Plumley	Stanley
Kiess, Pa.	McDermott	Porter	Stephens, Miss.
Kindel	McGillicuddy	Pou	Stephens, Nebr.
Kirkpatrick	McGuire, Okla.	Powers	Stevens, N. H.
Kitchin	Madden	Prouty	Stout
Knowland J. R.	Maher	Rainey	Switzer
Konop	Manahan	Rauch	Taggart
Kreider	Mann	Rayburn	Talbott, Md.
Lafferty	Martin	Reilly, Conn.	Talcott, N. Y.
Langham	Merritt	Riordan	Tavenner
Langley	Metz	Roberts, Mass.	Taylor, Colo.
Lazaro	Miller	Rothermel	Temple
Lee, Ga.	Mondell	Rubey	Tuttle
Lee, Pa.	Moore	Rucker	Vare
L'Engle	Morin	Rupley	Vollmer
Lenroot	Mott	Sabath	Walker
Lesher	Murray, Mass.	Saunders	Wallin
Lever	Nelson	Scully	Whaley
Levy	Oglesby	Seldomridge	Whitacre
Lewis, Md.	O'Hair	Sells	White
Lieb	O'Shaunessy	Shackleford	Williams
Lindbergh	Page, N. C.	Sharp	Wilson, N. Y.
Lindquist	Palmer	Sherley	Winslow
Linthicum	Parker	Slayden	Woodruff
Lobeck	Patten, N. Y.	Slemp	Young, Tex.

The Clerk proceeded to call the roll, when the following occurred:

Mr. TOWNER (interrupting the roll call). Mr. Chairman, a parliamentary inquiry.

Mr. FOSTER. Mr. Chairman, I make the point of order that the gentleman can not interrupt the roll call.

Mr. TOWNER. I am not attempting to interrupt it, but I want to inquire whether or not this vote ought not to be on the——

Mr. FOSTER Regular order, Mr. Chairman.

Mr. TOWNER (continuing). On the question.

Mr. FOSTER. Regular order.

The Clerk resumed and concluded the calling of the roll.

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and finding itself without a quorum, under the rule he caused the roll to be called, whereupon 209 Members responded to their names, and he presented the list of absentees to be entered upon the Journal.

Mr. GARDNER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman will wait until the Chair announces the report of the Chairman of the Committee of the Whole House on the state of the Union. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 15578, and finding itself without a quorum, under the rule he caused the roll to be called, whereupon 209 Members, a quorum, answered to their names, and he reports the list of absentees to be entered upon the Journal.

Mr. GARDNER. Now, Mr. Speaker, before the Chair orders the committee to resume its sitting I move that the House adjourn.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the House automatically goes back into the Committee of the Whole.

Mr. GARDNER. Mr. Speaker, will the Chair hear me on the point of order?

The SPEAKER. Certainly.

Mr. GARDNER (reading):

After the committee has risen and reported its roll call a motion is in order to adjourn before direction as to the resumption of the session.

The SPEAKER. Who renders that opinion?

Mr. GARDNER. It is on page 372 of the House Manual, about the fourth line from the bottom. It is a citation from the fourth volume of Hinds' Precedents, section 2969.

The SPEAKER. Is that the only authority the gentleman has?

Mr. GARDNER. That is all I know about it; that and the next one, which I shall read:

And the failure of a quorum of the House to answer on this roll call does not interfere with the authority of the Speaker to direct the committee to resume its session.

That is the same decision, I think, and found in Fourth Hinds', section 2969.

The SPEAKER. What is the citation the gentleman gives?

Mr. GARDNER. Fourth Hinds', section 2969.

Mr. WATKINS. Mr. Speaker, if the gentleman from Massachusetts has concluded his remarks, I would like to be heard.

Mr. GARDNER. The Chair is allowing me to address him on the point of order.

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. GARDNER. Mr. Speaker, we never could adjourn, if this motion is not in order, unless the committee votes to rise. So long as the committee has less than 100 Members present all that is necessary to keep up this farce which has been going on all day long is to make the point of "no quorum." Then there is a roll call, and the Chairman of the Committee of the Whole House reports. When that happens I insist that you must give the House an opportunity to say whether it wishes to terminate the farce in the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair would ask the gentleman if that is the only way to terminate it?

Mr. GARDNER. It is the only way, unless the committee will rise.

The SPEAKER. Of course.

Mr. GARDNER. A motion is made to rise, and a gentleman raises the point of order of no quorum——

The SPEAKER. To make a point of no quorum in the Committee of the Whole when it undertakes to rise is absolutely futile. That is the one thing that the committee can do without a quorum—to rise. It is the one thing that it can do.

Mr. GARDNER. The committee can not rise without a quorum if the point of no quorum is made.

The SPEAKER. Why, it might be kept up for six months.

Mr. GARDNER. Exactly, and that is the position the Chair is in now. There can be no time, Mr. Speaker, when the Chair has got the mace there beside him that a motion to adjourn is not in order.

The SPEAKER. But the gentleman jumps from a proposition that may be tenable to one that is utterly untenable and which has nothing to do with the question the gentleman raises.

Mr. GARDNER. If the Speaker will permit me. There is only one motion which takes precedence over a motion to adjourn, and that is the presentation of a conference report. To be sure, this is not a question of the precedence of a motion to go back into the Committee of the Whole, but under the rules of the House we must automatically return to the status of a committee. Under those same rules a motion to adjourn has the highest precedence known to the House, aside from the presentation of a conference report. The high precedence accorded the motion to adjourn is founded upon a well-known parliamentary principle, that no House ought to be kept in session against its own will.

The SPEAKER. Well, nobody is contending that; that is, the Chair never heard of anybody contending that.

Mr. GARDNER. The Chair will take notice that if we go into the Committee of the Whole and if the Committee of the Whole wishes to keep the House from adjourning it can always do so by precisely this process. It seems to me that it is always the privilege of the House, whenever the Speaker is in the chair, to ascertain whether or not it wishes to adjourn, no matter whether the committee wishes to rise or not. I assume, of course, that the motion to adjourn is not made for dilatory purposes.

Mr. UNDERWOOD. Mr. Speaker, the purpose of the committee rising when the roll is called in the Committee of the Whole is purely for the purpose of having a record made of the absentees. The committee rising and going into the House and reporting the absentees, and the House resuming the session of the Committee of the Whole, is an automatic matter that is controlled by the rules. It has been repeatedly held when the committee rises for that purpose it is not in order to transact any other business except by unanimous consent. Sometimes a message from the Senate is received or sometimes an order by unanimous consent. Now, if it is in order, Mr. Speaker, to make a motion to adjourn, it is in order to make some other motion. True, the motion to adjourn has precedence over most motions in the House, not all of them; but if it is in order, when the committee rises for this purpose of recording the absentees, for some gentleman to make a motion to adjourn, it would be equally in order, if it rises for that purpose, for a gentleman to call up or present a conference report to the House, a matter of even higher privilege than adjournment.

On the other hand, the quorum that is necessary to transact business under these circumstances is 100, a quorum in the Committee of the Whole. If you can bring in other business before the House when you rise for this purpose, it would be a very easy matter to raise some other question in the House, and then demand a quorum in the House, and the House would then have to secure a majority of the member-

ship of the House instead of 100 Members. A ruling of that kind, it seems to me, Mr. Speaker, would be to erect a machinery that might seriously embarrass the House in the future in attempting to maintain a quorum in the Committee of the Whole House. And notwithstanding the precedent to which the gentleman refers, I think the clear logic of the situation is that when the committee rises it rises, under the rules of the House, to automatically perform a duty that the rules require it to perform, and that is, if there is a quorum present, to have it unanimously recorded on the Journal of the House, and return to the committee automatically.

The SPEAKER. The Chair is ready to rule on this matter.

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. On Wednesday, when we go into Committee of the Whole automatically, would it be in order to make a motion to adjourn before we go into the Committee of the Whole? In other words, could we adjourn on Wednesday?

The SPEAKER. Oh, yes. The real point the gentleman from Massachusetts makes is if it is proper and in order to make a motion to adjourn when, the Committee of the Whole finding itself without a quorum, the Chairman has the roll called and reports back to the House that there is a quorum present. We might as well clear up two or three things while we are at it. The Committee of the Whole can rise without a quorum. If it can not, you might go into Committee of the Whole and could not get out of it shortly. That is the one thing that the Committee of the Whole can do without a quorum when the point is raised. Now, so far as this point of order that is raised by the gentleman from Massachusetts [Mr. GARDNER] is concerned—and the Chair violates no confidence when he says that he has a great deal of respect for any opinion the gentleman from Massachusetts entertains, especially on parliamentary law, as being both intelligent and honest—in this case this rule, which is as plain as the English language can make it, evidently was put in here to prevent waste of time by filibustering. There is not much disposition in these later days to filibuster, but it is still within the bounds of possibility.

Here is the rule:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of one hundred Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear—

That does not mean a quorum of the House, but a quorum of the Committee of the Whole—100—

the committee shall thereupon resume its sitting without further order of the House.

That language was put in there to expedite business. Several times when it has occurred that the committee would rise that way, because they did not have a quorum the Chair would ask unanimous consent to lay before the House a report from the Committee on Enrolled Bills, for instance, where it was a matter of pressing necessity. And so it drifted along that way. The Chair was not trying to violate the rules; but one day there were three or four requests for leave of absence here and the Chair started to put them, when the gentleman from Illinois [Mr. MANN] interposed the objection that nothing could be done except to go back into Committee of the Whole automatically; and he was right. So the Chair has never violated it in the slightest degree since.

Now, this authority that the gentleman from Massachusetts [Mr. GARDNER] cited is very nearly no authority at all. There was not a decision rendered on the point. The Hon. Joseph C. S. Blackburn was acting as Speaker pro tempore. Here is what happened:

Mr. Edward K. Valentine, of Nebraska, moved that the House adjourn. This motion was negatived—81 noes to 38 ayes.

Now, here is what Mr. Blackburn says, and he was one of the "crack" parliamentarians of that day:

A quorum having appeared, there is nothing now for the Chair to do except to announce that the Committee of the Whole will resume its session upon the river and harbor appropriation bill, unless there be made a motion that the House now adjourn.

That seems, as far as it goes, to support the gentleman from Massachusetts [Mr. GARDNER]. Now, the headlines of this paragraph are somewhat misleading, even if they were made by the distinguished gentleman from Maine [Mr. HINDS]. But it seems to the Chair that that was not a positive ruling on the point, because it was not raised. It seems to the Chair, if this motion of the gentleman from Massachusetts is entertained, it opens up the way for every possible motion that can be made in this House, and therefore the Chair overrules the point of order.

Mr. GARDNER. Mr. Speaker, before the Chair rules, will he not give us some citation showing that the Committee of the Whole House is entitled to rise in the absence of a quorum if the point of no quorum is made?

The SPEAKER. The Chair happens to have the authority right in his hand. Section 2975, volume 4, of Hinds' Precedents, says:

The presence of a quorum is not necessary for a motion that the Committee of the Whole rise. On February 15, 1881, the House was in the Committee of the Whole House on the state of the Union, considering the river and harbor appropriation bill.

Mr. E. B. Finley, of Ohio, moved that the committee rise, and on a division on this question there were ayes 35, noes 91.

At that time it required more Members to make a quorum in the Committee of the Whole than it does now.

Mr. John Van Voorhis, of New York, made the point of order that no quorum had voted.

The Chairman (Hon. John G. Carlisle, of Kentucky) ruled:

"The Chair will now decide this point of order, as it is now presented directly. The point of order made is that it is necessary to have a quorum in order that the committee may rise. The Chair will decide, and in accordance with a large vote of this House in the Committee of the Whole during the last session of this Congress, that a quorum is not necessary to rise, which decision the Chair has here before him."

And there are other decisions that follow of the same tenor. But in the very nature of things, even if Speaker Carlisle had never made that decision, or nobody else had ever made it, it is absolutely necessary that the committee be permitted to rise without a quorum. If it were not so, the committee would stay here from now until Christmas, possibly.

Mr. GARDNER. If the Speaker will permit——

The SPEAKER. Certainly.

Mr. GARDNER. Means is provided by which a committee does rise without a quorum. What I am contending is that it is the House which ought to decide, and not the committee, on the question of adjournment. Now, what the Speaker read of Mr. Carlisle's ruling, as does the ruling of Mr. Payson, of Illinois, which immediately follows it, indicates the belief that the committee has as good a right to adjourn as the House, but I do not think that is sound. The committee has no right to adjourn if the House wishes to keep it in session, whereas I believe that the committee has no right to keep the House in session against its will.

It is quite conceivable that this committee, which we will say has had all through the day about 50 members, may be composed of those who do not wish to adjourn. On the other hand, the membership of the House, coming over from their offices, may desire to adjourn. If the Chair rules in the manner in which I am afraid that he is going to rule, it is evident that these Members coming from their offices are to have no opportunity to decide the question of adjournment. It seems to me clearly that the House is a higher authority than the Committee of the Whole House on the state of the Union. It seems to me that, so far as prior rulings are concerned, the only one squarely in point is that of Mr. Joseph C. S. Blackburn.

The SPEAKER. What does the gentleman from Massachusetts say about this ruling of Speaker Carlisle?

Mr. GARDNER. The decision of Speaker Carlisle goes to prove what the Chair said, and that is that the committee can rise without a quorum if it votes so to do. But suppose that we grant that that is true. Suppose that the committee is composed of men who do not want to rise, as obviously this committee is composed to-day. Is it not fair that the other Members shall have the right to insist that the House is an authority superior over the committee, and that the House shall have the right to decide whether it wishes the Committee of the Whole to adjourn?

The SPEAKER. The Chair knows; but the rule is positive. There is no question about the gentleman's contention that the House is a body of greater authority than the Committee of the Whole. But when the Committee of the Whole finds itself without a quorum anybody can raise that point, and then it is binding on the Committee of the Whole and on the Chairman and on everybody concerned to have a roll call, to find out whether or not there is a quorum of the committee here.

The only thing that the committee can do, if anybody raises a point of order and it is ascertained that no quorum is present, is to rise. Of course that is practically an adjournment of the committee. Now, if a committee, sitting after it secures a quorum, concludes that it wants to rise, it rises in the usual way by some one rising and making a motion for it to rise, and then, when the Chairman has *made his* report to the House, temporarily, that committee is functus officio, and the House takes charge of it; and if the House wants to go back into committee again, then some one simply makes a motion, and in this case it would be automatic, and back they would go. If it were not that way we never would get away.

Mr. MURRAY of Oklahoma. Mr. Speaker——

Mr. GARDNER. One moment, Mr. Speaker. Would the Speaker, if a Member rose for that purpose, entertain a motion to appeal from his ruling?

The SPEAKER. Of course.

Mr. GARDNER. How can he entertain an appeal from his ruling? That might require a yea-and-nay vote, and it would require a majority of the House to be present to vote on that appeal if the Chair rules in the way he has indicated.

The SPEAKER. The Chair knows. The gentleman made his motion and made a point of order, and the Chair overrules it; and the Chair thinks the gentleman has the right to appeal if he chooses to.

Mr. GARDNER. If the Chair has ruled, I appeal from the decision of the Chair.

The SPEAKER. The question is, Shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the decision of the Chair will rise.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to lay the motion on the table. Those in favor of tabling the appeal will say "aye."

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARDNER. A division, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] demands a division. Those in favor of tabling the appeal will rise and stand until they are counted.

At this point Mr. HARRISON assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore (after counting). On this vote the ayes are 112 and the noes are 26.

Mr. GARDNER. Mr. Speaker, I raise the point of order that there is no quorum present.

Mr. MURRAY of Oklahoma. Mr. Speaker, I want to make a suggestion in reply to the gentleman's statement.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. CONRY. Mr. Speaker, I raise a point of order that that motion is dilatory and not in order, for the reason that we have just had——

Mr. GARDNER. It is clearly not dilatory. The question of a quorum is raised for the purpose of deciding a very important question.

The SPEAKER pro tempore. The Chair will count to see if a quorum is present. [After counting.] On this vote there are 138 Members present, and the appeal is overruled. The Chair is sustained on the appeal by a vote of 112 to 26.

Mr. GARDNER. But I have raised a point of order that there is no quorum present.

At this point the Speaker resumed the chair.

The SPEAKER. There is a quorum of the Committee of the Whole that has to be here.

Mr. GARDNER. No, Mr. Speaker. This is a question of constitutional right. We are voting on a motion to table a certain proposition. If the vote were on the ruling itself, I should not be so sure; but the motion made was to table an appeal in the House, not in the Committee of the Whole. The mace is there in its place, the Speaker is in his place, and the House can not constitutionally transact business without a quorum.

The SPEAKER. The Chair thinks the gentleman is correct. One hundred and thirty-eight—no quorum present.

Mr. UNDERWOOD. The automatic rule applies there, Mr. Speaker.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of tabling the appeal will vote "yea"; those opposed will vote "nay."

The question was taken; and there were—yeas 169, nays 52, answered "present" 7, not voting 205, as follows:

YEAS—169.

Abercrombie	Brown, N. Y.	Cox	Fergusson
Adair	Bryan	Crosser	Ferris
Adamson	Buchanan, Ill.	Cullop	Fields
Alexander	Buchanan, Tex.	Curry	FitzHenry
Aswell	Bulkley	Davenport	Flood, Va.
Bailey	Burgess	Decker	Fordney
Baker	Burnett	Dent	Foster
Baltz	Byrnes, S. C.	Dickinson	Fowler
Barkley	Byrns, Tenn.	Dillon	Gallagher
Barnhart	Candler, Miss.	Dixon	Gallivan
Bartlett	Cantor	Donovan	Garner
Barton	Carr	Doolittle	Garrett, Tex.
Beakes	Church	Doremus	Gerry
Bell, Cal.	Clancy	Doughton	Gilmore
Blackmon	Claypool	Eagan	Glass
Booher	Collier	Eagle	Godwin, N. C.
Borchers	Connelly, Kans.	Edwards	Goeke
Borland	Conry	Faison	Goodwin, Ark.
Brockson	Covington	Falconer	Gordon
Gray	Lieb	Plumley	Taylor, Ark.
Gregg	McKellar	Post	Taylor, N. Y.
Hammond	MacDonald	Quin	Ten Eyck
Hardy	Maguire, Nebr.	Ragsdale	Thacher
Harrison	Mahan	Rainey	Thomas
Heflin	Mitchell	Raker	Thompson, Okla.
Helm	Moon	Reed	Townsend
Helvering	Morgan, La.	Reilly, Wis.	Tribble
Henry	Morgan, Okla.	Roberts, Nev.	Underhill
Hensley	Morrison	Rouse	Vaughan
Holland	Moss, Ind.	Rubey	Vollmer
Hull	Murdock	Russell	Walsh
Igoe	Murray, Okla.	Seldomridge	Watkins
Jacoway	Neeley, Kans.	Sharp	Watson
Johnson, S. C.	Neely, W. Va.	Sims	Weaver
Johnson, Wash.	O'Brien	Sisson	Webb
Keating	Oglesby	Smith, Idaho	Williams
Kennedy, Conn.	Oldfield	Stedman	Wilson, Fla.
Key, Ohio	O'Leary	Steenerson	Wingo
Kindel	Padgett	Stephens, Tex.	Witherspoon
Kinkead, N. J.	Page, N. C.	Stevens, N. H.	Young, Tex.
Korbly	Park	Stone	
Lever	Peters, Mass.	Sumners	
Levy	Phelan	Talcott, N. Y.	

NAYS—52.

Anderson	Greene, Mass.	Knowland, J. R.	Sloan
Austin	Greene, Vt.	La Follette	Smith, Minn.
Avis	Hamilton, Mich.	Lewis, Pa.	Smith, Saml. W.
Britten	Hayes	McKenzie	Stephens, Cal.
Cary	Helgesen	McLaughlin	Stevens, Minn.
Cooper	Hinds	Mapes	Thomson, Ill.
Davis	Howell	Moss, W. Va.	Towner
Esch	Hulings	Nolan, J. I.	Treadway
Fess	Humphrey, Wash.	Norton	Volstead
French	Johnson, Utah	Paige, Mass.	Walters
Gardner	Kahn	Powers	Willis
Gillett	Keister	Rogers	Woods
Good	Kennedy, Iowa	Sinnott	Young, N. Dak.

ANSWERED "PRESENT"—7.

Browning	Frear	Madden	Underwood
Burke, S. Dak.	Guernsey	Scott	

NOT VOTING—205.

Aiken	Edmonds	Konop	Prouty
Ainey	Elder	Kreider	Rauch
Allen	Estopinal	Lafferty	Rayburn
Ansberry	Evans	Langham	Reilly, Conn.
Anthony	Fairchild	Langley	Riordan
Ashbrook	Farr	Lazaro	Roberts, Mass.
Barchfeld	Finley	Lee, Ga.	Rothermel
Bartholdt	Fitzgerald	Lee, Pa.	Rucker
Bathrick	Floyd, Ark.	L'Engle	Rupley
Beall, Tex.	Francis	Lenroot	Sabath
Bell, Ga.	Gard	Lesher	Saunders
Bowdle	Garrett, Tenn.	Lewis, Md.	Scully
Brodbeck	George	Lindbergh	Sells
Broussard	Gittins	Lindquist	Shackleford
Brown, W. Va.	Goldfogle	Linthicum	Sherley
Browne, Wis.	Gorman	Lloyd	Sherwood
Bruckner	Goulden	Lobeck	Shreve
Brumbaugh	Graham, Ill.	Loft	Slayden
Burke, Pa.	Graham, Pa.	Logue	Slemp
Burke, Wis.	Green, Iowa	Lonergan	Small
Butler	Griest	McAndrews	Smith, J. M. C.
Calder	Griffin	McClellan	Smith, Md.
Callaway	Gudger	McCoy	Smith, N. Y.
Campbell	Hamill	McDermott	Smith, Tex.
Cantrill	Hamilton, N. Y.	McGillicuddy	Sparkman
Caraway	Hamlin	McGuire, Okla.	Stafford
Carew	Hardwick	Maher	Stanley
Carlin	Hart	Manahan	Stephens, Miss.
Carter	Haugen	Mann	Stephens, Nebr.
Casey	Hawley	Martin	Stout
Chandler, N. Y.	Hay	Merritt	Stringer
Clark, Fla.	Hayden	Metz	Sutherland
Clayton	Hill	Miller	Switzer
Cline	Hinebaugh	Mondell	Taggart
Coady	Hobson	Montague	Talbott, Md.
Connolly, Iowa	Houston	Moore	Tavenner
Copley	Howard	Morin	Taylor, Ala.
Cramton	Hoxworth	Mott	Taylor, Colo.
Crisp	Hughes, Ga.	Murray, Mass.	Temple
Dale	Hughes, W. Va.	Nelson	Tuttle
Danforth	Humphreys, Miss.	O'Hair	Vare
Deitrick	Johnson, Ky.	O'Shaunessy	Walker
Dershem	Jones	Palmer	Wallin
Dies	Kelley, Mich.	Parker	Whaley
Difenderfer	Kelly, Pa.	Patten, N. Y.	Whitacre
Donohoe	Kennedy, R. I.	Patton, Pa.	White
Dooling	Kent	Payne	Wilson, N. Y.
Driscoll	Kettner	Peters, Me.	Winslow
Drukker	Kiess, Pa.	Peterson	Woodruff
Dunn	Kinkaid, Nebr.	Platt	
Dupré	Kirkpatrick	Porter	
Dyer	Kitchin	Pou	

So the appeal was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. BURKE of Wisconsin with Mr. FREAR.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SMITH of Texas with Mr. BARCHFELD.

Mr. DALE with Mr. MARTIN.
Mr. SLAYDEN with Mr. BURKE of Pennsylvania.
Mr. AIKEN with Mr. BARTHOLDT.
Mr. PALMER with Mr. VARE.
Mr. SHERLEY with Mr. BUTLER.
Mr. FITZGERALD with Mr. SWITZER.
Mr. BELL of Georgia with Mr. BURKE of South Dakota.
Mr. STEPHENS of Mississippi with Mr. SCOTT.
Mr. GUDGER with Mr. GUERNSEY.
Mr. MURRAY of Massachusetts with Mr. PAYNE.
Mr. DEITRICK with Mr. DUNN.
Mr. LEE of Pennsylvania with Mr. PORTER.
Mr. HARDWICK with Mr. MANAHAN.
Mr. GEORGE with Mr. LINDQUIST.
Mr. DRISCOLL with Mr. MOTT.
Mr. DONOHOE with Mr. LAFFERTY.
Mr. CLARK of Florida with Mr. LANGHAM.
Mr. ASHBROOK with Mr. FARR.
Mr. BROWN of West Virginia with Mr. GRAHAM of Pennsylvania.
Mr. TALBOTT of Maryland with Mr. MERRITT.
Mr. CLAYTON with Mr. PETERS of Maine.
Mr. COADY with Mr. GRIEST.
Mr. DIFENDERFER with Mr. SLEMP.
Mr. HAY with Mr. LANGLEY.
Mr. TAVENNER with Mr. AINEY.
Mr. SMALL with Mr. ANTHONY.
Mr. ROTHERMEL with Mr. BROWNE of Wisconsin.
Mr. MONTAGUE with Mr. CALDER.
Mr. O'HAIR with Mr. CAMPBELL.
Mr. ALLEN with Mr. COPLEY.
Mr. ANSBERRY with Mr. CRAMTON.
Mr. BATHRICK with Mr. DANFORTH.
Mr. BOWDLE with Mr. DRUKKER.
Mr. BRODBECK with Mr. DYER.
Mr. BEALL of Texas with Mr. EDMONDS.
Mr. BRUMBAUGH with Mr. HAMILTON of Michigan.
Mr. CARAWAY with Mr. HAUGEN.
Mr. CARTER with Mr. HAWLEY.
Mr. CLINE with Mr. HINEBAUGH.
Mr. DERSHEM with Mr. KELLEY of Michigan.
Mr. WEBB with Mr. KELLY of Pennsylvania.
Mr. GARD with Mr. KENNEDY of Rhode Island.
Mr. GARRETT of Tennessee with Mr. KEISS of Pennsylvania.
Mr. HOUSTON with Mr. KINKAID of Nebraska.
Mr. HUGHES of Georgia with Mr. KREIDER.
Mr. HUMPHREYS of Mississippi with Mr. LANGLEY.
Mr. KETTNER with Mr. LINDBERGH.
Mr. KITCHIN with Mr. MCGUIRE of Oklahoma.
Mr. LEE of Georgia with Mr. MONDELL.
Mr. LEWIS of Maryland with Mr. MOORE.
Mr. LESHER with Mr. NELSON.
Mr. LLOYD with Mr. PATTON of Pennsylvania.
Mr. POU with Mr. PROUTY.
Mr. RAUCH with Mr. ROBERTS of Massachusetts.
Mr. REILLY of Connecticut with Mr. RUPLEY.
Mr. SABATH with Mr. SELLS.
Mr. SAUNDERS with Mr. SHREVE.
Mr. WALKER with Mr. J. M. C. SMITH.
Mr. DUPRÉ with Mr. TEMPLE.
Mr. ESTOPINAL with Mr. WINSLOW.
Mr. EVANS with Mr. WOODRUFF.
Until May 18:
Mr. MCCLELLAN with Mr. MILLER.

Mr. BROWNING. Mr. Speaker, I voted "no." I have a general pair with my colleague, Mr. SCULLY. I wish to withdraw my vote and to be recorded present.

Mr. FREAR. Mr. Speaker, is the gentleman from Wisconsin, Mr. BURKE, recorded as voting?

The SPEAKER. He is not.

Mr. FREAR. I had a pair with him on another question, and I will allow it to stand on this. I voted "no." I desire to withdraw my vote and to be recorded present.

Mr. SCOTT. I voted "no." I desire to withdraw that vote, as I am paired with the gentleman from Mississippi, Mr. STEPHENS. I desire to be recorded present.

Mr. UNDERWOOD. Mr. Speaker, I have a standing pair with the gentleman from Illinois, Mr. MANN, and he is not present. I voted "aye." I desire to withdraw that vote and to be recorded present.

The result of the vote was announced as above recorded.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. Would it now be in order for the gentleman from Alabama [Mr. UNDERWOOD] to move to adjourn?

The SPEAKER. It would not. The Doorkeeper will unlock the doors.

The Chair wishes to state, while this matter is fresh in the minds of the Members, that in a desire to be absolutely fair the Chair leaned backward. He never ought to have entertained the appeal of the gentleman from Massachusetts [Mr. GARDNER] or anything else. The committee will resume its sitting.

Mr. MURDOCK. Will the Chair yield?

The SPEAKER. The Chair will listen to the gentleman.

Mr. MURDOCK. Ought not the Chair to have refused recognition to the gentleman from Massachusetts? But if the Chair decided the point, then did not the House have the right to pass upon it?

The SPEAKER. Of course, the gentleman is right. The Chair ought to have refused recognition at all. That was, in effect, what the Chair did finally.

Mr. MURDOCK. But after the Speaker had decided the point, then it was within the rights of the House to pass upon it.

The SPEAKER. I know; but the Speaker had no business to recognize the gentleman from Massachusetts, or anybody else, to do anything; and what has happened since convinces the Chair beyond any controversy in the world that he never ought to have recognized the gentleman from Massachusetts or anybody else to make any motion, because this illustrates precisely what could be done. You could keep going around in a circle, wasting time. The committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. RUSSELL in the chair.

The CHAIRMAN. The Committee of the Whole House on the state of the Union is in session for the further consideration of House bill 15578. The Clerk will proceed with the reading of the bill.

Mr. ANDERSON. Before we pass section 82, I should like to move to strike out the last two words. The section provides that—

> The allowances for the personal compensation of the clerks of the district courts and circuit courts of appeal shall be made from the fees and emoluments of that year earned by them, respectively, and not otherwise.

The language "used by them, respectively," is new language. I would like to ask the chairman of the committee what is the effect of that language?

The CHAIRMAN. The Chair will state to the gentleman that section 82 has not yet been read. The Clerk will read.

The Clerk read as follows:

> SEC. 82. The allowances for the personal compensation of the clerks of the district courts and circuit courts of appeal shall be made from the fees and emoluments of that year earned by them, respectively, and not otherwise.

Mr. ANDERSON. Now, Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman the effect of the new language in that section, on page 50, "earned by them, respectively."

Mr. WATKINS. Under the law as it formerly stood the clerk got fees up to $3,500, and in earning those fees he received pay from those alone. Now clerks are placed on a salary of $5,000, and it is only fees they earn themselves, each individual clerk, under the provision of this bill. They receive their pay out of those fees. If the bill is passed in the present form, they will receive $5,000 and no more out of the fees earned respectively by each clerk and for that particular year. If he does not earn $5,000 in amount, he does not get a $5,000 salary.

Mr. ANDERSON. The effect of the language, then, is to limit the salary of the clerk to the amount of fees and emoluments earned by him?

Mr. WATKINS. Yes; provided it does not reach over $5,000. All over that sum goes into the Treasury.

Mr. ANDERSON. I understand there has been a section passed over that provides for fixing the salary of the clerk, and it seems to me that this section ought to be passed over, too.

Mr. WATKINS. There is an amendment pending on that question, but it refers to the fees in naturalization cases, and that would not necessarily change the $5,000 salary.

Mr. ANDERSON. Does the gentleman intend under this section that some clerks shall receive more salary than others?

Mr. WATKINS. No; all receive the same salary.

Mr. ANDERSON. The effect would be to limit the salary, so that it might be less.

Mr. WATKINS. If they did not earn it, they would not get it; but, as far as my examination of the records goes, they have earned that amount heretofore

Mr SCOTT. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SCOTT. Is there not an amendment pending relative to fixing the salary of deputy clerks?

Mr. ANDERSON. I think so.

Mr. SCOTT. Does not that affect directly this section because the compensation of the clerk is governed in part by the question of the fees of the deputy?

Mr. WATKINS. No; not those deputies certified to as necessary for the dispatch of business.

Mr. SCOTT. The deputy must be paid out of the earnings of the clerk, and if the earnings are under the limit allowed it will reduce the sum that the clerk is to be paid materially; the deputies do not draw the same salaries in all districts.

Mr. WATKINS. Under the present law most of the clerks receive a salary of $3,500, and this bill adds $1,500 to the salary of the clerks. That is a little higher compensation than they have received heretofore. But it must be borne in mind that the clerks of the district court have not been called upon heretofore to perform the work for the circuit court which is now abolished.

Mr. ANDERSON. The one question I intended to raise was whether this section ought not to be passed over in view of the fact that a section affecting the salary has been passed over.

Mr. WATKINS. No; the object in passing over the former section was to make an inquiry of the Bureau of Naturalization to determine whether that particular section should be amended or rewritten to conform to the naturalization laws particularly.

Mr. WILLIS. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. WILLIS. If I understand the effect of this new language in this paragraph, it is to provide that in no case shall a clerk receive more than $5,000, and he may receive less in the event that his fees do not amount to that much in any one year. What I want to ask is, Is that cumulative? Suppose the fees earned were $4,000 in one year and in the next $7,000.

Mr. WATKINS. It must depend on the salary for each year.

Mr. SCOTT. Mr. Chairman, I move to strike out the last two words. This section limits the payment of personal compensation of a clerk to the fees personally earned by such clerk. As I have been informed there has been introduced an amendment to a previous section which will take the deputy clerks out of their present class and place them on a salary.

Mr. WATKINS. I have not had an opportunity to examine that amendment; it is in the form of a bill that was introduced some time ago, and it has just been offered as an amendment this afternoon.

Mr. SCOTT. I will say to the gentleman that that bill does provide for placing the deputy clerks on a salary. At the present time the clerks are required to pay the deputies out of the moneys received by the office and as a part of the expenses of the office. Now, under that rule, of course it reduces the total net receipts of the office and would affect the compensation of the clerks under this bill if the total receipts of the office only exceeded the amount of the maximum salary of the clerk by a small amount. That being true, it is quite likely that this section will be directly affected by that amendment. It will directly affect that amendment in all cases where the net receipts of the clerk's office are less than the maximum amount of his salary plus the salary of the deputy. In that case, it seems to me that this section should be passed, and considered in connection with those other sections, because it is inseparably connected. If the gentleman will read that bill, which, as I understand, he has not had time to examine, he will see then that such is the case.

Mr. WATKINS. Mr. Chairman, we can not contemplate something that may be passed hereafter. If we find out that any law is passed that will conflict with any section in the bill, then will be time enough to remedy the defect.

Mr. SCOTT. Mr. Chairman, I am making the suggestion only because I understood that other sections had been passed upon that theory.

Mr. WATKINS. Just the one on the question of fees in naturalization cases. That is all.

The CHAIRMAN. The pro forma amendment will be withdrawn.

Mr. HEFLIN. Mr. Chairman, I desire to ask the gentleman from Louisiana a question. This does not apply to deputy marshals?

Mr. WATKINS. Not in this section.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 85. Before any bill of costs shall be taxed by any judge or other officer, or any account payable out of the money of the United States shall be allowed by any officer of the Treasury in favor of clerks, marshals, district attorneys, assistant district attorneys, or United States commissioners, the party claiming such account shall render the same, with the vouchers and items thereof, to the United States district court, and in the presence of the district attorney or his sworn assistant, whose presence shall be noted on the record, prove in open court, to the satisfaction of the court, by his own oath or that of other persons having knowledge of the facts, to be attached to such account, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and the court shall thereupon cause to be entered of record an order approving or disapproving the account, as may be according to law and just. Accounts and vouchers of clerks, marshals, district attorneys, assistant district attorneys, and United States commissioners shall be made in duplicate, to be marked, respectively, "original" and "duplicate." And it shall be the duty of the clerk to forward the original accounts and vouchers of the officers above specified, when approved, to the Attorney General, and to retain the duplicates in his office, where they shall be open to public inspection at all times. United States commissioners shall forward their accounts, duly verified by oath, to the district attorneys of their respective districts, by whom they shall be submitted for approval in open court. Before transmission to the Department of the Treasury, the accounts of district attorneys, assistant district attorneys, marshals, commissioners, clerks, and other officers of the courts of the United States, except consular courts, made out and approved as required by law, and accounts relating to prisoners convicted or held for trial in any court of the United States, and all other accounts relating to the business of the Department of Justice or of the courts of the United States other than consular courts, shall be sent with their vouchers to the Attorney General and examined under his supervision. The Attorney General, after the examination of said accounts and vouchers under his supervision, shall transmit the same to the Treasury Department for the examination and certification of the accounting officers, in the manner provided in case of other public accounts: *Provided*, That no accounts of fees paid to any juror or fees or expenses paid to any witness upon the order of any judge or commissioner shall be so reexamined as to charge any marshal for an erroneous taxation of such fees or expenses.

Mr. WATKINS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 52, line 8: After the word "that," strike out the remainder of the section and insert in lieu thereof the following:

"The necessary office expenses of the clerks of the district courts shall be allowed, when approved by the Attorney General: *Provided further*, That no accounts of fees paid to any juror, or fees or expenses paid to any witness, upon the order of any judge or commissioner, shall be so reexamined as to charge any marshal for an erroneous taxation of such fees or expenses."

Mr. ANDERSON. Mr. Chairman, I think the chairman ought to explain that amendment.

Mr. WATKINS. Mr. Chairman, I will be very glad to explain it. It is in line with the other enactments on previous sections. The clerk of the court is governed by a fee bill and has collected his pay from the fees of his office. He still collects his salary from the fees of his office as heretofore. It is to the Government's interest that there should be a report made and an examination, so that they can verify the fees which are claimed to be earned and can ascertain which fees had been earned and had not been collected, and the clerk can be held responsible for efforts on his part to make the collection. That is one proposition. The other is that it makes it in harmony with the provisions relating to the other officers which have been heretofore disposed of.

Mr. ANDERSON. Mr. Chairman, there is some language in the bill just preceding the amendment which reads as follows:

The Attorney General, after the examination of said accounts and vouchers under his supervision, shall transmit the same to the Treasury Department for the examination and certification of the accounting officers in the manner provided in case of other public accounts.

Do I understand that it is the intention to give the auditors in the Treasury Department the right to reaudit the accounts which have been audited by the Attorney General?

Mr. WATKINS. The facts are that heretofore those accounts have gone directly to the Treasury Department, wherever it was necessary to refer them at all—that is, where they had a supervision of them—but now this provision is that they shall go directly to the Attorney General, because he is in the Department of Justice, and he is supposed, from the dockets and the reports that he has, to be in touch with that line of work. It goes first to the Attorney General's office, and then is rechecked in the Treasury Department, which makes a double checking.

Mr. ANDERSON. My impression is that the purpose of the audit primarily in the Treasury Department is to determine whether the expenditure is authorized by law. I do not see just how that question can arise in the case of accounts or vouchers to be audited by the Attorney General under this section.

Mr. WATKINS. It does not substantially change the law. It does change the procedure slightly. It has always been the

rule that they must be checked up, that they must be verified. They went first to the Treasury Department, and whatever checking was done in the Department of Justice was done after the Treasury Department had checked them.

Mr. ANDERSON. I do not see why it is necessary to make the change.

Mr. WATKINS. It makes it primarily the duty of the Department of Justice to verify the accounts, to check them up, and after the Attorney General has passed on them they go to the Treasury Department for rechecking.

Mr. ANDERSON. It seems to me to be an unnecessary and absurd proposition.

Mr. WATKINS. I do not know that it is unnecessary to have these claims carefully investigated.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, the House has had a very strenuous day, and I think everybody here is very tired, and those who are away from here are evidently not very much interested, and I suggest the absence of a quorum.

Mr. WATKINS. Mr. Chairman, I recognize the fact that we have had a very arduous day, although slow progress has been made for the amount of time we have consumed, and I agree with the gentleman from Illinois that the best thing we can do is to adjourn, and I therefore move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MCGILLICUDDY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Edward Kelley, H. R. 7154, Sixty-second Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SLEMP, for 10 days, on account of important business.

To Mr. GORDON, for 3 days, on account of important business.

MINORITY VIEWS ON HOUSE JOINT RESOLUTION 250.

Mr. RAKER. Mr. Speaker, House joint resolution 250 had a report filed thereon, No. 579. I obtained unanimous consent last week to file a minority report, since which time the original report has been withdrawn—day before yesterday—and permission given to file a new report. I now ask unanimous consent for 10 days in which the minority members may file a report to the new report when it is filed.

The SPEAKER. What bill is that?

Mr. RAKER. House joint resolution 250.

The SPEAKER. What is it about?

Mr. RAKER. It authorizes and directs the Secretary of the Interior to make classification of unreserved public lands.

The SPEAKER. The gentleman from California asks unanimous consent for 10 days in which to file the views of the minority on House joint resolution 250. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I think that the gentlemen who are interested on the other side of this case should be here when this request is made.

Mr. CANTOR. I will state to the gentleman that I am a member of that committee, and I am on the other side, and that there will be no objection on the part of the committee to granting the request of the gentleman from California.

Mr. RAKER. I want to say to the gentleman from Illinois that night before last, when there were but a few here, the original report filed was asked to be withdrawn and a new report substituted without coming before the committee. Now, I think the minority members, who have given this matter a good deal of study and consideration, ought to be permitted to file their views upon the matter.

Mr. MADDEN. Have they filed any views?

Mr. RAKER. Not yet.

Mr. ANDERSON. Does not the gentleman think he ought to give the chairman of the committee notice to be present to say whether or not he would object?

Mr. RAKER. I desire to say I have been a member of the committee that has been working on these matters, and the last report was withdrawn and consent was given to file a new report. Now, undoubtedly the members of the committee who have been investigating and working on this matter ought to have time in which to file their views, so that the matter may come before the House properly.

Mr. GARDNER. Will the gentleman yield?

Mr. RAKER. I do.

Mr. GARDNER. Is there any possibility of getting this bill up in the next 10 days?

Mr. RAKER. No.

Mr. GARDNER. Hence if the House grants 10 days in which to file the minority views it would not delay the bill.

Mr. RAKER. No; there is no way on earth that I can see. Under the program passed that we will take up certain matters, it will take the House for the next two weeks and more.

Mr. GARDNER. The gentleman is cognizant of where the call of committees rests?

Mr. RAKER. Yes.

Mr. GARDNER. And does not think anything would be lost?

Mr. RAKER. No.

Mr. BRYAN. The gentleman states this is not a resolution included in the Democratic caucus' special program?

Mr. RAKER. It is not.

Mr. BRYAN. Then what is the difference whether the minority reports or anybody agrees on those things?

Mr. RAKER. Simply because I do not propose, if I can help it, to let a resolution lie here from a committee of which I am a member and to which I have given consideration and to which I am opposed without filing the views of the minority of that committee, so that the House will have the benefit of them, or letting it go through without Members having an opportunity to see them.

Mr. BRYAN. This has not any reference to the Democratic caucus' special program?

Mr. RAKER. It has not.

Mr. MADDEN. I suggest that the gentleman have five days. He ought not to object to that.

Mr. CANTOR. It makes no difference whether it is five or ten.

Mr. MADDEN. It may. It may be that there are gentlemen in the committee who will want to call this bill up within 10 days.

The SPEAKER. Does the gentleman from California [Mr. RAKER] change his request?

Mr. RAKER. Why, yes.

The SPEAKER. Is there objection to the gentleman having five days? [After a pause.] The Chair hears none.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 3432. An act to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4167, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio [Mr. KEY] asks unanimous consent to take the bill just reported from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

Mr. KEY of Ohio. To insist on the House amendments and agree to a conference.

The SPEAKER. Insist on the House amendments and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none.

The Chair appoints the following conferees: Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS.

Mr. KEY of Ohio. I also ask for a similar order on the bill S. 4260.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman asks unanimous consent to take the bill from the Speaker's table, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the same conferees as on the previous bill.

Mr. KEY of Ohio. Mr. Speaker, I ask for a similar order on the bill S. 4353.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take the bill from the Speaker's table, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the same conferees as on the previous bills.

Mr. KEY of Ohio. Mr. Speaker, I ask for a similar order on the bill S. 4657.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

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ADJOURNMENT.

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until Thursday, May 14, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting list of acceptances issued by the Department of the Treasury for sites for public buildings and submitting estimates for the necessary appropriations therefor (H. Doc. No. 975), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16392) to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea, reported the same with amendment, accompanied by a report (No. 671), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 15301) authorizing the appointment of Maj. George A. Armes, retired, to the rank and grade of brigadier general on the retired list of the United States Army without increase of pay, reported the same with amendment, accompanied by a report (No. 670), which said bill and report were referred to the Private Calendar.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 237) to authorize the appointment of Charles A. Meyer as a cadet in the United States Military Academy, reported the same without amendment, accompanied by a report (No. 672), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BAILEY: A bill (H. R. 16509) to amend subsection 9 of section 4 of the act entitled "An act to amend and codify the laws relating to municipal corporations in the District of Alaska," approved April 28, 1904; to the Committee on the Territories.

By Mr. ADAMSON: A bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes; to the Committee on Military Affairs.

By Mr. SELDOMRIDGE: A bill (H. R. 16511) to amend the acts of July 1, 1862, and July 2, 1864, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, to declare a forfeiture of certain public lands granted as a railroad right of way, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 16512) authorizing the Secretary of War to donate to E. B. Young Post, No. 87, and Yeager Post, No. 13, Grand Army of the Republic, Department of Pennsylvania, Allentown Pa., two cannon or fieldpieces, to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 16513) to amend an act amending section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved March 3, 1913; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: Resolution (H. Res. 514) to provide for the consideration of H. J. Res. 1; to the Committee on Rules.

By Mr. SHARP: Resolution (H. Res. 515) to provide for the consideration of sundry items in the Diplomatic and Consular appropriation bill (H. R. 15762); to the Committee on Rules.

By Mr. MONDELL: Joint resolution (H. J. Res. 266) authorizing and validating certain exchanges of land between the United States and the several States; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 16514) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. CANTRILL: A bill (H. R. 16515) for the relief of Henry Richardson and others; to the Committee on Claims.

By Mr. CHURCH: A bill (H. R. 16516) granting a pension to Jay A. Griffith; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16517) granting a pension to John M. Unsell; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 16518) granting an honorable discharge to James Neal; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 16519) granting an increase of pension to George W. Wolfe; to the Committee on Invalid Pensions.

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By Mr. FOWLER: A bill (H. R. 16521) granting a pension to James F. Mitchell; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 16522) granting an increase of pension to Michael Petty; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 16523) granting a pension to Louis Naegele; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 16524) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Claims.

By Mr. HARRISON: A bill (H. R. 16525) for the relief of the estate of Robert Moore; to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 16526) granting a pension to Alta M. Comstock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16527) for the relief of Isabel E. Rockwell; to the Committee on Claims.

By Mr. HELVERING: A bill (H. R. 16528) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Phillip Hudspeth; to the Committee on Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 16529) granting a pension to Mary E. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16530) granting an increase of pension to George Lovett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16531) granting an increase of pension to John Smith; to the Committee on Invalid Pensions.

By Mr. McCOY: A bill (H. R. 16532) granting a pension to Margaret M. Van Nortwick; to the Committee on Pensions.

Also, a bill (H. R. 16533) granting a pension to Mary Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16534) to provide for the refund of certain duties incorrectly collected on rough and faced opals; to the Committee on Claims.

By Mr. ROGERS: A bill (H. R. 16535) granting a pension to Mary E. Sweetser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16536) granting an increase of pension to Francis J. O'Hearn; to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16537) granting an increase of pension to Alfred P. Haskill; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 16538) granting an increase of pension to Lewis H. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16539) granting an increase of pension to Lizzie Waltz; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 16540) granting an increase of pension to Benjamin P. Holmes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions from certain citizens of Clarinda, Iowa; Craig, Mo.; McConnellsburg, Pa.; Newark, Del.; Waterman, Ill.; Pittsburgh, Pa.; Ewart, Pa.; Altoona, Ill.; Briggsville, Ill.; Brooklyn, N. Y.; Wilmington, Del.; Passaic, N. J.; Ackley, Iowa; New York, N. Y.; River Forest, Ill.; Gloversville, N. Y.; Equality, Ill.; Springfield, Ill.; Charlestown, Ill.; Woonsocket, R. I.; Harrisville, Pa.; Fairton, N. J.; Crestline, Ohio; Madrid, N. Y.; Wappinger Falls, N. Y.; Moline, Ill.; Arlington, Ill.; Delhi, N. Y.; Eau Claire, Pa.; St. Paul, Minn.; Airville, Pa.; Ipava, Ill.; Keokuk, Iowa; Bellaire, Ohio; Minneapolis, Minn.; Monticello, N. Y.; Valatie, N. Y.; Albany, N. Y.; Mattawan, N. Y.; Montello, Wis.; Thompson Ridge, N. Y.; Joy, N. Y.; West Liberty, Pa.; and Burlington, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of La Grange, Tex., and New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of the Military Order of the Loyal Legion, relative to allegiance to the General Government, etc.; to the Committee on the Judiciary.

Also (by request), resolutions of certain citizens of Cincinnati, Ohio; Washington, Pa.; Niagara Falls, N. Y.; Herington, Kans., New Castle, Pa.; Welford, S. C.; Rochester, N. Y.; Lincoln, Kans.; Oil City, Pa.; Meriden, Iowa; Viola, Ill.; Hudson, Wis.; Des Moines, Iowa; Reading, Minn.; Buda, Ill.; Adel, Iowa; East Unity, Pa.; Hopkinton, Iowa; Calmount, Pa.; New York City, N. Y.; Little Valley, N. Y.; Le Roy, Minn.; and Ottumwa, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAIR: Petition of various voters of Fall Creek Township, Madison County, and Pendleton, Ind., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of sundry citizens of Muscogee County, Ga., favoring national prohibition; to the Committee on the Judiciary.

By Mr. AVIS: Resolution adopted at a mass meeting in the city of Parkersburg, W. Va., certified to by Mrs. Milton McNeilan, chairman of said meeting, favoring woman-suffrage amendment; also, resolution adopted at suffrage meetings held in Wheeling, W. Va., May 1 and 2, 1914, certified to by Miss Anne M. Cummins, corresponding secretary, favoring woman-suffrage amendment; also, resolution adopted at suffrage meetings held in Wheeling, W. Va., May 1 and 2, 1914, certified to by Miss Florence Hoge, president Wheeling Equal Suffrage Association, favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of William Van Buren, H. A. Coffman, R. F. Lewis, and 39 other citizens of Pocahontas County; of P. L. Houghton and 31 other citizens of Upshur County; of W. E. Dollman, E. B. Hinman, and 49 other citizens of Charleston; and of S. F. Boling and 13 other citizens of Fayette County, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of the Bay View Reading Club, of Lewiston, Pa., relative to Government acquiring Monticello, home of Thomas Jefferson; to the Committee on Public Buildings and Grounds.

By Mr. BARTHOLDT: Petitions of the Holekamp Lumber Co., the Western Refrigerator & Manufacturing Co., the Stecker Cooperage Works, the St. Louis Hardware Manufacturing Co., the American Stove Co., the J. B. Sickles Saddlery Co., the P. K. Engineers, Andrew Meyer, sr., Andrew Meyer, jr., and Jacob Ruedi, all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of the International Union of Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

Also, petition of the executive committee of the American Peace Society and the New York Peace Society, favoring mediation with Mexico; to the Committee on Foreign Affairs.

Also, petition of 53 business firms of Kansas City, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 63 citizens of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petitions of F. Courvoisier, the Peelers Pharmacy Co., and the Western Optical Co., all of St. Louis, Mo., in favor of House bill 13305, to prevent discrimination in prices; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the St. Louis Turn Bezirk (5,000 members), the Central National Bank, the Chippewa Bank, the German-American Bank, the German Savings Institution the Kellermann Contracting Co., the Hartmann Bricklaying & Contracting Co., the H. H. Weber & Sons Nursery Co., the A. Graf Distilling Co., the Missouri Tent & Awning Co., and the Liquid Carbonic Co., all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of a public meeting at Chicago, Ill., in favor of a peaceful settlement of the Mexican troubles; to the Committee on Foreign Affairs.

Also, petitions of the Stewart-Greer Lumber Co. and the Boatmen's Bank of St. Louis, Mo., and William Volke & Co., of Kansas City, Mo., in favor of House bill 14328, relative to transmission of false statements through the mails; to the Committee on the Post Office and Post Roads.

By Mr. BEAKES: Petitions of the faculty and students of Spring Arbor Seminary, of Spring Arbor; members of the Presbyterian Church of Concord; faculty of the Michigan State Normal College, of Ypsilanti, all of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petitions of various churches representing 885 citizens of Glendova, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of 17 citizens of Camden County, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 64 citizens of Salem, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Camden, Gloucester, and Salem Counties, all in the State of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petition of 1,400 voters of the sixth New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 175 voters of the sixth congressional district of New York, protesting against passage of national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of Milwaukee Lodge, No. 46, Benevolent and Protective Order of Elks, against national prohibition; to the Committee on the Judiciary.

By Mr. COOPER: Petitions of the University Club and the Woman Suffrage Association of Racine, and sundry citizens of Waukesha, Kenosha, and Milton Junction, all in the State of Wisconsin, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DALE: Petitions of various business firms of New York and 85 voters of the fourth congressional district of New York, protesting against passage of national prohibition; to the Committee on the Judiciary.

Also, petition of the Federal Civil Service Society of New York, favoring passage of House bill 15222, relative to compensation for Federal employees who become incapacitated; to the Committee on the Judiciary.

Also, petition of the American Association of Foreign Language Newspapers, relative to deaths and injuries of our men at Vera Cruz; to the Committee on Military Affairs.

Also, memorial of the National Association of Vicksburg Veterans, relative to appropriation for reunion of Civil War and Confederate veterans at Vicksburg, Miss.; to the Committee on Military Affairs.

The SPEAKER. The Clerk will report the bill by title.

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By Mr. HAYES: A bill (H. R. 16526) granting a pension to Alta M. Comstock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16527) for the relief of Isabel E. Rockwell; to the Committee on Claims.

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Also, a bill (H. R. 16530) granting an increase of pension to George Lovett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16531) granting an increase of pension to John Smith; to the Committee on Invalid Pensions.

By Mr. McCOY: A bill (H. R. 16532) granting a pension to Margaret M. Van Nortwick; to the Committee on Pensions.

By Mr. J. I. NOLAN: Petition of the Beer Bottlers' Union, No. 295, of San Francisco, Cal., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the International Union of United Brewery Workers of America and Central Federated Union of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, protest of Gustave Ericsson, of San Francisco, Cal., and 1,247 other citizens, against the passage of the Hobson nationwide prohibition resolutions; to the Committee on the Judiciary.

Also, protest of Mr. Con Sigrist, of San Francisco, Cal., and 703 other citizens, against the passage of the Hobson nationwide prohibition resolutions, forwarded through the Beer Bottlers' Union, No. 293, of San Francisco, Cal.; to the Committee on the Judiciary.

By Mr. O'LEARY: Petitions of the American Association of Foreign Language Newspapers; Jacob Ruppert, of New York; and the International Union of the United Brewery Workmen of America, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PALMER: Resolution of the Manufacturers' Association of Erie, Pa., protesting against immediate action on trust bills; to the Committee on the Judiciary.

Also, petition of the Sunday School Association of Stroudsburg, 66 citizens of Easton, the Woman's Christian Temperance Union of Matamora, and 70 citizens of Freemansburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Tariff Reform League of New York, N. Y., relative to canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Petitions of the American Association of Foreign Language Newspapers; J. Quinlin, jr., of Boston, Mass.; and three citizens of New Haven, Conn., against national prohibition; to the Committee on the Judiciary.

Also, petition of various members of the Main Street Baptist Church, of Meriden, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of the New Haven Political Equality Club, the Wallingford Equal Franchise League, the Congressional Union for Woman Suffrage, and the New Haven Equal Franchise League, all in the State of Connecticut, favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. ROBERTS: Petition of sundry citizens of Reno, Fallon, Vassor, Ely, and Battle Mountain, all in the State of Nevada, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens of the fifth congressional district of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of 374 voters of the third congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of sundry citizens of the fourteenth congressional district of Texas, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Protest of 2 citizens of Allen, 6 citizens of Hillsdale, and others, all in the State of Michigan, against Sunday-observance bill, H. R. 7826; to the Committee on the District of Columbia.

Also, papers to accompany House bill 16380, for pension to George Federbaum; to the Committee on Pensions.

By Mr. SMITH of Idaho: Memorial of the Midway Branch of the Idaho Congress of Mothers, favoring passage of the Smith-Hughes bill, to censor motion-picture films; to the Committee on Education.

Also, petition of Fritz Shlufer, of Silver City, Idaho, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of the Richmond Club, of Buffalo, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the International Molders' Union, of Lancaster and Depew, N. Y., protesting against the policy of the United States Government in the Colorado strike; to the Committee on the Judiciary.

Also, memorial of the memorial and executive committee of the city of Buffalo, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of sundry citizens of Buffalo, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry organizations, favoring passage of the Bristow-Mondell resolution, relative to franchise for women; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of the Coleman Methodist Episcopal Church, the Woman's Christian Temperance Union of Zephyrhills, and sundry citizens of Tarpon Springs, all in the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEVENS of New Hampshire: Petition of 36 citizens of North Walpole, N. H., and 13 telegrams from sundry citizens of Berlin, N. H., against nation-wide prohibition; to the Committee on the Judiciary.

Also, petitions of 30 citizens of South Acworth; 13 members of the South Acworth Woman's Christian Temperance Union; 150 members of the Franklin Woman's Christian Temperance Union; 110 members of the Methodist Episcopal Church of Sunapee; 36 members of the Woman's Christian Temperance Union of Sunapee; 2,600 members of the New Hampshire Woman's Christian Temperance Union, of Manchester; 197 members of the Baker Memorial Methodist Episcopal Church Sunday School, Concord; Woman's Christian Temperance Union of Colebrook; 200 members of the Woman's Christian Temperance Union of Groveton; 25 members of the Young People's Branch of the Woman's Christian Temperance Union, Groveton; 100 members of the Methodist Episcopal Church of Groveton; 250 members of the Coos County Woman's Christian Temperance Union, of Groveton; 44 members of the Loyal Temperance Legion of Groveton; 30 members of the Superintendents' Conference of the New Hampshire Woman's Christian Temperance Union, Nashua; 1,420 members of the Merrimack County Christian Endeavor Union, Penacook; 75 members of the Bible School of the First Congregational Church of Hudson; 200 members of the Deerfield Congregational Church; 110 members of the Union Avenue Baptist Church Sunday School; 150 members of the First Congregational Church of Hudson; ex-Gov. David H. Goodell and 4,241 voters, all in the State of New Hampshire, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of ex-Gov. David H. Goodell and 4,241 other voters of New Hampshire, praying for the adoption of House joint resolution 168, for national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petitions of the Young People's Christian Union of McDonald; sundry citizens of Beaver County; J. W. Wilson and others, of Beaver Falls; and Boethian class of the First Presbyterian Church of Cannonsburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of employees of Locks Nos. 4, 5, and 6, on the Ohio River, in support of House bill 11522, to fix salaries of certain employees of the United States Government; to the Committee on Reform in the Civil Service.

By Mr. TREADWAY: Petitions of sundry citizens of the first congressional district of Massachusetts, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the Central Federated Union of New York, protesting against national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 14, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee lifting up our hearts to the true and living God, because Thou hast put into our hands a commission more sacred, more binding than any commission that we can receive from our fellow men. Thou hast appointed us as kings and priests unto God. Thou hast put us in the world in pursuit of truth. Thou hast put over us the King of Truth. Thou dost call upon us to make any sacrifice to attain to this great end. We have found that the truth is not attained except through human struggle. We pray that we may have grace to follow on in this sacred pursuit by self-sacrifice, by struggle, holding nothing so dear of worldly good or honor as our pursuit of truth. And when we find it, may the truth indeed set us free. To this end do Thou guide us this day and every day, for Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
May 14, 1914.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day, and directed the Secretary to read the Journal of yesterday's proceedings.

The Journal of yesterday's proceedings was read and approved.

FRENCH SPOLIATION CLAIM.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the assistant clerk of the Court of Claims, requesting, pursuant to the order of the court made at the request of the attorney in the case and consented to by the defendants, the return of the dismissal of the French spoliation case of the schooner *Maria*, Charles Taylor, master. The communication will be referred to the Committee on Claims, and, without objection, the Secretary will return the papers to the Court of Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 4167) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 4260) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 4353) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 4657) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 4553) to authorize the appointment of an ambassador to Argentina, and it was thereupon signed by the Acting President pro tempore of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Monticello, Richmond Hill, Albany, Beacon, Valatie, Little Valley, Rochester, Port Byron, Cuba, Amsterdam, and Thompson Ridge, in the State of New York; of Burlington, Keokuk, Adel, Des Moines, Hopkinton, Ottumwa, Meriden, Jefferson, Springville, and Dounda, in the State of Iowa; of Washington, East Unity, Oakmont, Pittsburgh, Oil City, Newcastle, McDonald, Atwood Borough, in the State of Pennsylvania; of Philo, Buda, Viola, El Paso, Hanover, Gladstone, Grayville, and Chicago Heights, in the State of Illinois; of Cleveland, Cincinnati, and Bellaire, in the State of Ohio; of Brighton, Denver, Fort Collins, and Idaho Springs, in the State of Colorado; of Herrington, Lincoln, Mayfield, and Smith Center, in the State of Kansas; of Dunbar and Superior, in the State of Nebraska; of Montello, Hudson, and Tomah, in the State of Wisconsin; of Leroy and Minneapolis, in the State of Minnesota; of Ironton, St. Louis, and Craig, in the State of Missouri; of Wellford, S. C.; and of Louisville, Ky., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. SUTHERLAND presented a memorial of the Salt Lake Clearing House Association, Utah, remonstrating against any extension of the Parcel Post Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry suffragists, residents of Salt Lake City, Utah, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of sundry citizens of Traverse City, Mich., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Baptist Church of Royal Oak, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented memorials of Local Union No. 181, Beer Bottlers' Union, of Detroit; of Local Union No. 3, Brewers' International Union, of Detroit; of Local Union No. 92, Malthouse Workers, of Detroit; of Local Union No. 24, Cigar Makers' Union, of Muskegon; of Local Union No. 209, Cigar Makers' Union, of Coldwater; of Local Union No. 397, Cigar Makers' Union, of Ionia; and of William Ferris, of Lansing, and C. O. Beardsley, of Norway, all in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregations of the United Presbyterian Church of Springdale, Pa., and a petition of the Reformed Presbyterian Church of Pittsburgh, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Federation of Labor, of Chicago, Ill., praying for an investigation into the conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. NORRIS presented petitions of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of sundry citizens of Portland, Me., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Chamber of Commerce of Waterville, Me., favoring Government ownership of embassy buildings, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Chamber of Commerce of Waterville, Me., remonstrating against an extension of the Parcel Post System, which was referred to the Committee on Post Offices and Post Roads.

Mr LODGE presented petitions of sundry citizens of Millbury, South Royalston, and Malden, in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New Bedford, Haverhill, Lawrence, and Methuen, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented a petition of Guy V. Henry Camp, No. 3, United Spanish War Veterans, of Grand Rapids, Mich., praying for the enactment of legislation to grant pensions to widows and minor children of veterans of the War with Spain and the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Walled Lake and Menominee, of South Side Woman's Christian Temperance Union of Kalamazoo, and of the faculty of Alma College, Alma, all in the State of Michigan praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of Cigar Makers' Local Union No. 209, of Coldwater; of Cigar Makers' Local Union No. 397, of Ionia; of Cigar Makers' Local Union No. 24, of Muskegon;

of Cigar Makers' Local Union No. 167, of Owosso; of Bottlers' International Union No. 181, of Detroit; of Malt House Workers' International Union No. 92, of Detroit; of Brewers' International Union No. 3, of Detroit; and of sundry citizens of Menominee, all in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of Garfield Grange, Patrons of Husbandry, of Garfield, Wash., praying for Government ownership of the telephone and telegraph lines, which was referred to the Committee on Post Offices and Post Roads.

Mr. PAGE presented a petition of sundry citizens of Lyndonville, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of the congregation of the First Congregational Church of Elkhart, Ind., praying for the enactment of legislation providing for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of Barbers' Local Union, No. 14, of Fort Wayne, Ind., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. ROOT presented memorials of sundry citizens of New York, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Presbyterian Church of Morristown and the United Presbyterian Church of Coila, and of sundry citizens, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Altamont, N. Y., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was ordered to lie on the table.

He also presented resolutions adopted by the Chamber of Commerce of the State of New York, favoring the ratification of the proposed treaty for safety of life at sea, which were ordered to lie on the table.

He also presented a petition of sundry citizens of New York City, Buffalo, Wellsville, Syracuse, Brooklyn, and Watertown, all in the State of New York, praying for the adoption of an amendment to the postal laws relative to compensatory time for postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of New York, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Brooklyn, Lockport, Buffalo, Oxbow, Wellsville, Syracuse, Vienna, and Watertown, all in the State of New York, praying for the enactment of legislation authorizing the closing on Sundays of barber shops in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. COLT presented memorials of 90 voters of Providence, R. I., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions signed by 1,000 citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (S. 4004) for the relief of the claimants to the Coppinger grant, in the county of San Mateo, State of California, and all other persons claiming title to portions of said grant by mesne conveyances from Juan Coppinger, submitted an adverse report (No. 513) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (H. R. 1517) for the relief of George W. Cary, reported it without amendment and submitted a report (No. 514) thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 740) to promote and encourage the construction of wagon roads over the public lands of the United States, reported it with amendments and submitted a report (No. 515) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 6052) for the relief of William P. Havenor, reported it without amendment and submitted a report (No. 516) thereon.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 517) thereon.

FISHERIES OF ALASKA.

Mr. THORNTON. On behalf of the Committee on Fisheries I report back favorably without amendment the bill (S. 5504) to authorize the Secretary of Commerce to provide additional inspection of the fisheries of Alaska and authorizing the purchase or construction of vessels and boats to be used in connection therewith. I desire unanimous consent for the present consideration of the bill, and I ask that the Secretary may read the letter from the department which will explain the urgency of the action that is desired.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 11, 1914.

Hon. JOHN R. THORNTON,
Chairman Committee on Fisheries, United States Senate,
Washington, D. C.

MY DEAR SENATOR: Having in mind Senate bill 5504, which you have kindly introduced, let me say that it is important that this should receive favorable action as early as possible. The situation in brief is that for the inspection of a coast line of some 26,000 miles extent of which our operation should cover 15,000 we have four men and no boats. Definite laws require us to supervise the operation of the canneries, to protect and regulate the fisheries, and to prohibit aliens from fishing. As things now are some of this work has to be left undone. The inspection of the canneries can only be carried on by borrowing from the canners, whom we inspect, the boats which are the only means of transit to do the inspection. This is a situation which has existed for years and which ought not to continue a day longer than necessary to stop it. Furthermore, we have "closed streams" in Alaska, and may close others, in protection of the salmon fisheries, but we are quite without means to see whether they are closed or not. They may be fished to-day, for all we know, contrary to law, but because there are no regular means of transportation and we have no boats of our own we can not tell what the facts are.

House Document No. 96, of which copy is inclosed, will give the situation somewhat in detail.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

Mr. THORNTON. If no Senator desires any further explanation of the matter than that given by the letter, I will ask that the bill be put upon its passage.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. SUTHERLAND. I should like to ask the Senator from Louisiana what amount the bill appropriates?

Mr. THORNTON. One hundred thousand dollars.

Mr. SUTHERLAND. For the construction of how many boats?

Mr. THORNTON. One seagoing vessel and as many smaller ones as will be considered necessary by the department to carry out the purpose of the law which they are ordered to execute.

Mr. SUTHERLAND. I was under the impression that we passed a bill on this matter the other day.

Mr. THORNTON. No, sir; the bill passed the other day was introduced by myself, but no bill covering this subject has been passed.

Mr. SUTHERLAND. We passed an emergency bill providing for the construction of some sort of boats.

Mr. PERKINS. Those vessels were for the Revenue-Cutter Service.

Mr. SUTHERLAND. They were for the Revenue-Cutter Service, the Senator from California states.

Mr. THORNTON. That is a different proposition entirely.

The PRESIDING OFFICER. The Chair hears no objection, and the Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of Commerce to obtain, either by purchase or construction, such vessels and boats as are necessary for use in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, including one seagoing vessel, one light-draft tug, and six rapid motor boats, at a cost not to exceed $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALLING THE ROLL.

Mr. MARTIN of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Page	Sutherland
Bankhead	Hitchcock	Perkins	Swanson
Borah	Johnson	Ransdell	Thornton
Brady	Jones	Reed	Tillman
Bryan	Kenyon	Robinson	Vardaman
Burleigh	Lane	Shafroth	Walsh
Burton	Lodge	Sheppard	Weeks
Chamberlain	McCumber	Shields	West
Chilton	Martin, Va.	Smith, Ga.	Williams
Clapp	Martine, N. J.	Smith, Mich.	Works
Clark, Wyo.	Norris	Smith, S. C.	
Crawford	O'Gorman	Smoot	
Cummins	Overman	Sterling	

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] is detained from the Chamber on important public business.

Mr. REED. My colleague [Mr. STONE] is detained from the Senate by business before the departments.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is detained at home on account of sickness.

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent on business of the Senate.

Mr. WALSH. I announce the absence of my colleague [Mr. MYERS] on account of illness. I am glad to say that he is convalescing.

Mr. SMOOT. I wish to announce the unavoidable absence of the senior Senator from New Mexico [Mr. FALL], the senior Senator from Kentucky [Mr. BRADLEY], and the junior Senator from Wisconsin [Mr. STEPHENSON].

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 5552) to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914; to the Committee on Naval Affairs.

By Mr. SMOOT:

A bill (S. 5553) for the relief of Matilda P. Hansen; to the Committee on Finance.

By Mr. SMITH of Arizona:

A bill (S. 5554) granting a pension to James Hester; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5555) to amend an act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910 (with accompanying papers); to the Committee on Commerce.

By Mr. JONES:

A bill (S. 5556) granting an increase of pension to Simon W. Morgan (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5557) granting a pension to Dora D. Walker; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5558) granting a pension to Patrick J. Hyde (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5559) to regulate the transportation of oil by means of pipe lines; to the Committee on Interstate Commerce.

INDIAN ALLOTMENTS.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (H. R. 10832) to amend section 2 of an act approved March 2, 1907, entitled "An act providing for the allotment and distribution of Indian tribal funds," which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. SWANSON submitted an amendment providing that all appropriations contained in the naval appropriation act for 1915 shall be immediately available from the date of the passage thereof, intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

TRANSPORTATION OF PARCEL-POST PACKAGES.

Mr. SMITH of Georgia. I submit a resolution which I ask to have read.

The resolution (S. Res. 363) was read, as follows:

Whereas on August 24, 1912, a Joint Committee on Postage on Second-Class Mail Matter and Compensation for Transportation of Mails was authorized to investigate and report upon the rates, etc., paid to the railroad companies for the carriage of mail matter; and

Whereas the matter carried by the parcel post is of a character that can be handled in a different class of car and at cheaper rates than ordinary mail matter; and

Whereas it is of great importance that the Post Office Department should have an opportunity to readjust its contracts for mail transportation, with a view of providing economical and suitable accommodations for the transportation of parcel-post packages: Therefore be it

Resolved, That the Joint Committee on Postage on Second-Class Mail Matter and Compensation for Transportation of Mails be requested to report at as early a day as possible the result of their investigations and their findings.

Resolved further, That the Joint Committee on Postage on Second-Class Mail Matter and Compensation for Transportation of Mails be requested to advise the Senate of the time at which they will be able to make their report.

Mr. SMITH of Georgia. Mr. President, I desire the resolution to go over under the rule until to-morrow, when I shall call it up.

The PRESIDING OFFICER. The resolution will go over under the rule.

ESTATE OF EDWARD B. BELL.

Mr. SMITH of Michigan. I ask unanimous consent that Senate resolution 112 be taken from the table and be immediately considered. I will say that the resolution has been reported from the Committee to Audit and Control the Contingent Expenses, and it is the customary resolution allowing to the family of a deceased employee six months' salary. When reported I asked that the resolution lie on the table in order that the estate of the deceased employee might be properly administered. I now desire to call it up for consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection, the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate to the executor, administrator, or legal heirs of Edward B. Bell, late a member of the Capitol police force, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

LEASING OF COAL LANDS (S. DOC. NO. 482).

Mr. JONES. Senate resolution 355 provides for the printing of a manuscript relative to the leasing of coal lands in the United States and other countries, by T. P. McDonald, and is a matter of interest. I should like to have the resolution passed. I do not think it will delay other matters, and I ask unanimous consent for its present consideration.

Mr. SMITH of Georgia. Has there been a favorable report from the Committee on Printing on this resolution?

Mr. JONES. There has been.

Mr. SHAFROTH. I ask that the resolution be read before unanimous consent is given for its consideration.

The Secretary read the resolution (S. Res. 355), reported by Mr. CHILTON, from the Committee on Printing, on May 9, as follows:

Resolved, That the manuscript submitted by Mr. JONES on March 27, 1914, entitled "Leasing Coal Lands in the United States and Other Countries," by T. P. McDonald, be printed as a Senate document.

Mr. SHAFROTH. I have no objection to the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

FUTURE OF AMERICAN IDEALS.

Mr. SHEPPARD. I have a copy of an article on the future of American ideals by Prescott F. Hall. I ask that the article be referred to the Committee on Printing with a view to having it printed as a Senate document.

The PRESIDING OFFICER. The article will be referred to the Committee on Printing.

ELECTION OF SENATORS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2800) providing a temporary method of conducting the nomination and election of United States Senators.

Mr. WALSH. I move that the Senate disagree to the amendments of the House, and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. POMERENE, and Mr. KENYON conferees on the part of the Senate.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. Mr. President, I ask that the Panama Canal tolls bill may be laid before the Senate, so that the senior Senator from West Virginia [Mr. CHILTON] may proceed with his remarks in relation thereto.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. CHILTON. Mr. President, as a member of the Committee on Interoceanic Canals, which has had the pending bill under consideration, I desire to present to the Senate some of the reasons which induced a part of the committee to desire that this bill should be reported to the Senate favorably and should become a law

The bill seeks to repeal what is commonly known as the free-tolls clause of the act of August 24, 1912, known as the Panama Canal act That act was in no sense passed as a political measure, and political lines were not drawn upon any vote cast in this Chamber during its consideration. The House of Representatives was then Democratic and this body was Republican, and, so far as I recall, neither in the Committee on Interoceanic Canals nor in this Chamber was any reference made to the political phase of the subject, nor was any effort made to draw political lines. The object of the bill was to govern and control the Canal Zone and the operation of the Panama Canal. The bill vested in the hands of the President the power to appoint officers to control the Canal Zone, and gave him full power to prescribe the tolls which should be charged for passing vessels, freight, and passengers through the canal. The President has, by the bill, full power in the premises, except for what is known as the proviso exempting coastwise vessels. In that respect his power was limited by providing that no tolls should be charged upon such vessels. The bill passed the House without any division on party lines. There were more Democrats who voted against the bill than there were Democrats voting for it. Before the bill passed the Senate the Baltimore convention was held. President Wilson was nominated, and as a part of the platform of that convention there was a plank as follows:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal.

A very short while after this party declaration was made the bill came before the Senate and was passed. I was actively engaged in the campaign which followed, confining my efforts, however, principally to the State of West Virginia. I do not recall that I ever heard a speaker on either side mention the subject. I am sure that there was no general discussion in the newspapers of the State on the subject, and I feel safe in saying that anyone familiar with the campaign in West Virginia in that year will bear me out in the statement that this question was rarely, if ever, mentioned in the press, on the stump, or in the general discussions which the people had prior to the election.

The fact is, that when the act of 1912 was before the Senate for final passage, the Democrats were in the midst of a campaign to regain ascendency in the Nation which had been denied them for 16 years, and they were also fresh from a national convention which had declared for free tolls. Without thinking of consequences, most of them followed the platform declaration which I have just quoted, not stopping to consider the ancient doctrine of "subsidies." Now we are compelled to think. Now we must decide between granting a subsidy and free tolls. We must consider where mental integrity compels us to go. I dodge neither our past history nor our present duty.

The present bill is intended to repeal, and, if passed, will repeal the exception to which I have referred in the act of August 24, 1912, and when that repeal shall be made it will leave the fixing of tolls through the Panama Canal, as was the original purpose of the bill passed at the last session of Congress, in the hands of the President.

The following objections have been made to the passage of this bill: First, that it is in the teeth of the plank of the Democratic platform of 1912 which I have quoted; second, that there is no valid ground for the contention that the act of 1912 violates the provisions of the Hay-Pauncefote treaty; third, that even if it should violate that treaty Congress has the right to pass an act in violation of a treaty, and that in this case its duty to do so is clear; and, fourth, that it is an act of cowardice and a surrender of the principles of the Monroe doctrine to pass the present legislation.

As far as I can do so without sacrificing subject matter to mere form I want to take these objections up in their order and give to the Senate very briefly my reasons for feeling that none of them are founded upon good and sufficient reasons.

It is entirely premature to say that the present bill violates the Democratic platform of 1912. The platform of 1912 should be read, as should every other platform, with three qualifications: First, that the legislation promised can be enacted under the Constitution of the United States. I take it that the Democratic Party, noted for its adherence to the doctrine that the Constitution is the fundamental law and must always be observed, would never knowingly declare for a measure which violated the Constitution. For many years the Democratic Party has declared in favor of the election of United States Senators by direct vote, but there was always understood the provision that this could not be done and would not be done until the Constitution was so amended as to make it possible. Finally the Constitution was so amended. If that amendment had been in a more general form, vesting in the Congress the power to fix the manner by which Senators should be elected, then it would have been the duty of the Democratic Party to see to it, so far as in its power lay, that Senators should be elected in accordance with the repeated declarations of the party.

There is also to be attached to every party declaration the provision that the legislation may not be possible on account of our treaty obligations.

I do not deny that Congress has the power to disregard a treaty. It is too late to controvert the proposition that a treaty and an act of Congress have the same dignity, and the last one to be adopted shall be considered the supreme law of the land. But it never has been the policy of the Democratic Party to break solemn treaties. I have never heard that it was a principle of the Democratic Party to do so, and I have never known of a Democratic convention passing any such resolution.

We are a self-respecting, honorable people. We recognize the treaty-making power. We realize that when dealing with foreign affairs a large part of the power and all of the work are in the hands of the executive department, and I can not believe that a Democratic convention which has not studied the question and has no specific information upon the question, nor can I believe that the mass of the people who respect their Government and its orderly and honest administration, would deliberately say that they desired the United States Government to take the position of violating any treaty. No treaty can become operative and bind us until it has received the sanction of the executive department and a two-thirds vote of approval in the Senate. The ratification of a treaty is a solemn function of Government, and by requiring that no ratification can be made until it shall have been indorsed by a vote of two-thirds of the Senate we attest to its solemn character. When ratified it becomes the supreme law of the land, and when we pass an act which violates a treaty it should be done in that solemn, deliberate, serious way that makes it certain that we know what we are doing.

The Panama Canal tolls question had not been debated generally throughout the United States prior to August 24, 1912. If there was at that time a sentiment in favor of granting free tolls to coastwise vessels, it was based upon a general conviction that we had the right to do so; and I do not think now, were the question submitted to the people, that they would, under any consideration, vote for free tolls if it were at the same time conceded that by doing so a solemn treaty of the United States would thereby be violated. We have that faith in the integrity and the stability of the American character to feel safe in the position that in every party declaration there

is clearly understood to be the proviso to follow that no solemn treaty of the United States shall be thereby violated; and I can not imagine a Democratic convention instructing the Congress to violate a treaty, unless the subject had been debated and well considered. And if that should ever be done, and the people desire a treaty to be violated, it would be the subject of a specific resolution of the convention. It is not a violent presumption, but a reasonable assumption, that it should never be presumed that a Democratic convention meant by any declaration to violate a treaty, unless it passed a specific direction to do so. Therefore I feel that the plank in the Democratic platform of 1912 has annexed to it not only the provision that the Constitution of the United States shall not be violated, but the additional provision that the treaty obligations of the country shall not be violated. But good Democrats will understand that an administration like the one that President Wilson is conducting would keep an eye single to the fundamental principles of the party which have been settled by many conventions, and by the action of Democrats in both Houses of Congress. If there be anything as to which the Democratic Party is committed, it is upon the subject of subsidies.

In its platforms, from the stump, and in the votes of its members in both branches of Congress the party has adopted the policy of opposition to subsidies. Those who have discussed this position from a standpoint antagonistic to mine have taken some trouble to define the meaning of the word "subsidy." I find that Webster's Dictionary describes a "subsidy" to mean—

> A grant from the Government or from a municipal corporation, or the like, to assist and promote an enterprise deemed advantageous to the public; a subvention.

I find that a "subvention" means "A Government aid or bounty." We need go no further in definitions to arrive at the conclusion that this is the very thing which the Democratic Party has declared against. The most prominent illustration from which the meaning of the Democratic Party's hostility to subsidies may be obtained is, strange to say, what is known as ship subsidies, the very subject with which we are dealing at this time. The principle upon which the Democratic Party opposes subsidies is that it is the taking of the money of all the people and giving it to a few; that the shipping business is, after all, but the business of a common carrier. Ships are to the sea what railroads are on the land. They carry freight and passengers for hire. The subsidies granted to the transcontinental railroads, in order to develop our country, probably did much to stimulate business, and some go so far as to argue that without these subsidies the great West would not have been developed. I do not exactly agree with this theory, and feel that, in proper time, the enterprise of the people and the resources of the West would have been a combination of brains and opportunity which would have done the work in plenty of time and would have saved us many follies in government. But I have been unable to see why a grant of land or money to a railroad is not the same thing as a grant of money to ships.

What was the ship subsidy which the Democratic Party has opposed? It was nothing more nor less than a grant of money from the Government to the owners of ships, to induce them to buy more ships and to engage further in the construction of vessels of commerce. Whatever may come of this discussion, whatever may come to the pending legislation, I have no apprehension that the sober judgment of the American people will fail to find ground to distinguish between a grant of money to shipowners and the free tolls provision of the act of 1912.

Say the amount which we could collect from coastwise vessels should be $2,000,000 a year; if we collect it, it goes into the Treasury; if we do not collect it, it stays in the hands of the shipowners, who otherwise would pay it to the Government. In the one instance the Government would get it and put it into the Treasury for the benefit of all the people; in the other case the shipowners would keep it in their own pocket, and it would never get into the Treasury. If the amount which the ships would pay for going through the canal would amount to $2,000,000, then we are subsidizing those vessels to the extent of $2,000,000.

In order to illustrate this further, suppose we should add to this pending bill, which will require coastwise vessels to pay tolls, a provision requiring the Government to repay to the owners of coastwise vessels the exact sum which may be collected from them, such payments to be made, say, within 60 days after collecting the same, and, for the purpose of carrying out that provision, we should make a permanent appropriation from year to year to cover the same. If the amount of the tolls on coastwise vessels should be $2,000,000 a year, we would collect the $2,000,000 a year and then pay it back to the vessel owners. This would be clearly a subsidy. It would be a payment of money by this Government to vessel owners, just as the ship-subsidy bill of a few years ago provided. It would be a direct payment out of the Treasury of the United States; and if we mean to exempt coastwise vessels from the payment of tolls, that is the way to do it. That would not violate the Hay-Pauncefote treaty. We would be passing our coastwise vessels through the canal without discriminating against any other country, and strictly in accordance with the terms of the treaty. Neither England nor any other country on earth could or would raise any objection to that course. As the Senator from Massachusetts has shown, the world objects only to our mode of accomplishing free tolls, recognizing that we can do so by granting a subsidy. It was on the ground that it is a subsidy that Secretary Knox upheld the law. But by doing thus we would commit ourselves to the policy of subsidizing vessels, and thereafter no Democrat could consistently insist that seagoing vessels should not be similarly subsidized.

If the principle of subsidy is right—that is, if it be best for this Government to pay money out of its Treasury belonging to all the people for the purpose of encouraging a coastwise trade—then it is also a good thing to pay money out of the Treasury to encourage the seagoing trade. If we mean to be for subsidies, we ought to do it directly and in the open.

I do not believe that the convention of 1912 nor the voters who elected Mr. Wilson meant or intended that any plank in the Baltimore platform was to reverse the Democratic position on the subject of subsidies, and therefore the Democratic Party must now solve this question by determining whether or not they are more wedded to the antisubsidy policy of the party or to the free-toll doctrine which got into the platform of 1912. If the following clause had been added to the plank on free tolls, what would have been the result? "We favor free tolls, whether the law shall violate any treaty or not; and in order to get them we modify our party position against ship subsidies." That would have been the frank and open way of doing it if the theory of some of us be correct.

Mr. President, the people have always been compelled to watch closely the devious and subtle ways of those who never give up "the patient search and vigil long" for subsidies. History shows that they have come in every form, and once encouraged they hang on with the firm grip of a Republican postmaster. The literature of this discussion has been enriched by the following liberal translation from a tablet found in the excavations at Karnak, which speak of a time 3,500 years before the Shipping Trust saw the budding opportunity in the act of 1912.

> In the days of Seti there arose a mighty controversy which shook all Egypt.
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> It appears that in a prior reign a certain Egyptian had been granted the royal favor of exclusively carrying in vehicles all goods on the roads between Karnak and Memphis, which were not ass laden. A company was organized around this franchise, known as the Karnak-Memphis Transfer Co., and its vehicles quickly drove all asses off the roads.
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> In later years Seti built another road, much shorter and better, and which promptly became immensely popular for all the caravans between Assyria and Babylonia on the east and Abyssinia on the west.
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> The cost of this new road was about 400,000,000 shekels, and was paid out of the royal treasury; but the purpose was, and it was so declared, that this cost was to be defrayed finally by tolls levied on the vehicles, caravans, and asses of all nations using the road. To this declaration the nations joyfully assented, for, be it known, the road was of enormous interest to them.
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> But at about the time the road was to be dedicated, the transfer company solemnly declared that its exclusive franchise would be impaired by charging it tolls. It claimed that requiring it to pay tolls along with foreigners when Egypt had built the entire road was to surrender Egyptian sovereignty—was, in fact, truckling to Babylonia; that there could have been no motive in building the road if its franchise and business were to be taxed; it charged finally that the term "all nations" could not have included Egypt, which built the road.
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> All this produced a high degree of botheration to Pharaoh, for the people, who, before the road was built, regarded the company as a trust, now showed a profound tendency to regard it as a benevolent organization. The air rang with "bad faith," "unconstitutional," "treason," "truckling to Assyria" and the whole nation divided itself into "tollites" and "antitollites."
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> So Pharaoh, in profound distress, proposed a change in the law by exempting the company from tolls. But at this the nations protested, for said they, "If our tolls are to be based on cost, then it is obviously to our advantage to have as many pay as possible." And so the battle raged.
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> At this crisis a Hebrew from Goshen appeared at the palace and addressed the King in this wise:
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> "O King, live forever. Why art thou bothered over this simple question? Dost thou not know that this company hath charged thy subjects all the traffic would bear? Does thou not know that it is already a monopoly in restraint of trade under the antitrust act of the Shepherd Kings? Dost thou not know that it hath waxed fat and arrogant and hath driven all asses off the road from Memphis to Karnak? Dost thou not know that its exclusive franchise of carrying all the freight is immensely valuable? And dost thou not think that it is arrogant and impious for it, with one exclusive franchise, to ask for another, and to throw thy kingdom into turmoil to get it?"
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> At this, the tablet says, the King replied:
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> "Isaac, my son, I perceive that thou art the goods, and that I, even I, am an illustrious chump. Bring hither the directors of that company that they may be slain before me, and that their houses be made

a dunghill, and, as for their franchise, granted by my foolish father, let it be instantly abolished."

But Isaac replied:

"O King, live forever; but be not hasty in this thing. Justice requireth not this decree. Hast thou not heard, even from thy father, that every man—and Kings sometimes—worketh for his own interests? Why rage and marvel that men are selfish? Marvel, rather, that any be unselfish."

"Isaac, my son," continues the tablet, "thou art wise in thy generation; but these men have conspired against the royal treasury, for my sweaty subjects have built this road and have dug the shekels from the Nile's soil to pay for it. If, then, these men be not knaves, they be lunatics or fools. Let them all be taken at once to the royal bughouse that this pest be not propagated and that my subjects be no longer deceived."

Congressman BOWDLE, of Ohio, one of the geniuses of that body, is my authority for this historical reference.

My position is that the true way to solve this is to meet a foreign situation which now confronts us and leave our position upon subsidies, our position upon free tolls, our relations to the Hay-Pauncefote treaty, all for future adjudication and decision. There will not be much in the shape of tolls collected through the Panama Canal until probably after the formal opening in 1915. We are starting in to try out not an inland waterway, but an extension of the ocean. We have spent about $400,000,000 of the people's money. It was the money of all the people. Whether it will pay a return upon that money, whether or not it will prove in the end beneficial to this country, are matters as to which our hopes are high, but our cool judgment tells us it must be a matter for the future alone to tell. We know in our hearts that the scheme is experimental. Like the brave people that we are, we take the chance. We did what seemed to be the right thing at the time, and we now have the canal and must open it next year, and let the future determine whether our expenditures have been wise.

It seems to me that we ought to be slow to settle any permanent policy concerning it. We owe it as a solemn duty to the people of the United States, whose money we have expended and whose property we now hold in trust, to make that canal yield a fair return upon the money. We have no right to give away any of that return to any private firm or corporation without the specific, unmistakable direction of the people to do so; and in considering this question we must remember that it is hard to put on a toll, but it is always easy to take one off. It is easy to reduce rates, but hard to raise them. It seems to me that, as a matter of good business, we ought to determine how much paying traffic will go through the canal. We ought to test its earning capacity before we experiment with subsidies and special privileges to private individuals. That is what a prudent person would do in any business, and that is what we *should do* in handling the people's business.

It so happens that this principle and policy fits into the present situation beautifully. We can make this experiment with the canal before anyone could be affected very much, and in the meantime the Democrats of the United States will have met in their various conventions in the States and congressional districts, and it can be known whether or not the platform of 1912 was the deliberate judgment of the party. There is no need to take the chances of putting ourselves in the unenviable attitude of favoring ship subsidies or the disagreeable and dangerous attitude of violating a treaty with a friendly nation. There is no need for us to do a thing which business experience may teach us is a mistake; and therefore the wise, prudent, and just thing to do is to repeal the free-tolls clause, leave this matter, as we have left all other matters connected with the canal, in the hands of the President, and pass with this bill Senator SIMMONS's proviso, which reserves to us as a Nation all rights which we could possibly have or claim under the Hay-Pauncefote treaty; that is, negative the idea or the fear that in passing this bill we are voluntarily surrendering any rights.

This will be a complete answer to all the arguments which we have heard about surrendering American rights to a foreign country. We are not surrendering any rights; we are not showing cowardice; we are not pulling down the flag; and if the bill shall be passed with the Simmons proviso we will be free from the claim of anyone that we are construing our treaty either one way or the other. The Democratic Party will be free from the charge that it is violating the Democratic platform. Congress will be relieved from the imputation that it is making a mistake from a business standpoint, and the Democratic Party will be further relieved from the imputation that it is granting a ship subsidy. The foreign question, the business question, and the political question will all be left for decision at that time, when a decision will be necessary and when a final position will have to be taken.

I am amazed that anyone should state with positiveness that England must be wrong in her claim regarding this treaty; in other words, that she has no ground for her contention. Let us consider this a moment. There is the State of New York, represented here by a Senator who has been Secretary of War, Secretary of State, and a Senator of the United States, and a prominent lawyer all his life; also by a distinguished jurist who has spent most of his mature life upon the bench of one of the great courts of the Empire State of New York—both of them men of conceded ability. So far as the interests of the State of New York may be concerned, it would be naturally conceded that both view this question from the same standpoint, and yet both, as lawyers and as statesmen, disagree. Take the great State of Louisiana, represented by strong, vigorous lawyers of experience and ability. Both have had experience in public life; both have the courage of their convictions, and yet they differ upon this question. Take the State of Kentucky, represented by two vigorous men of well-known ability and of high character, men who have fought upon every known battle field of civil life; both love Kentucky and her people, and yet they differ as to what this treaty means. Take the great State of Mississippi. One of the Senators from that State on this floor has been a soldier, the governor of his State, and has appeared in public discussions from platforms in most of the States of this Union. The other has served most of his mature life in the lower House and in the Senate of the United States. Both of them are clear-headed, warm-hearted, and both have the courage of their convictions. Both love their native State and their people and their country with true southern ardor. They disagree as to the meaning of this treaty. Take the State of Tennessee. On the one side is a great judge, and on the other side is a great business man and editor; both view this question from the standpoint of Tennessee and her immense interests, and yet they disagree. Take the State of New Hampshire. On the one hand is the Republican leader and one of the oldest in the service of this body, and we know that he would not intentionally misrepresent his State. The other representative is a young, active, vigorous lawyer, and advocate of popular rights, who by personal contact we know to be conscientious and faithful to every trust. These two representatives of that great State disagree.

The same is true of the two Senators from Kansas and the two Senators from Montana. As to each and all I can testify to ability, fidelity, and a sincere desire to do right. Take my own State. The other side of this question is advocated by a Senator who has been in public life practically since he became 21 years of age, first as an officer in the Army, then district attorney, then Secretary of the Navy, then a Member of Congress, and then for over 20 years a circuit judge of the United States, and now a United States Senator; and much as I respect his learning and ability, I can not see my way clear to agree with him upon the construction of this treaty. In none of these cases can the differences be traced wholly to political bias. A Democrat disagrees from a Democrat, Republican from Republican, Democrat from Republican, and Progressive from both of us. In England we find some advocates of the position that we have the right to enforce our doctrine of free tolls. This is unquestionably advocated by one law journal, some newspapers, and some of the public men of England, all of which goes to show that in England and the United States there is independence of thought and freedom of its expression. But it also demonstrates that this is that kind of a controversy as to which honest men can differ, and we have not the right to say that it is clearly one way or the other, but should leave it to friendly discussion and agreement, if possible; if not, then to some tribunal which can decide it once and for all and leave both Nations to adopt that course, under the decision which may be rendered which the domestic policies and necessities of either may dictate to the legislative branch of the Government as best. We are not justified in saying that this is a plain question, free from doubt. On the contrary, it is a grave problem at best. I have studied it with care. I have tried to reach correct conclusions, and the more I have studied it the more I have become convinced that we are not justified in saying that England is simply obstinate and arbitrary in maintaining her present position, and I have come to that conclusion for reasons which I will give further on in this discussion, which are based upon economic as well as upon legal grounds.

But at some time and in some place the true construction of the Hay-Pauncefote treaty must be and will be made, unless, indeed, this country shall ruthlessly and needlessly either deliberately break it or abrogate it, or shall persist in doing what it has never permitted any other nation to do—decide all disputed questions according to its own pleasure.

Ex-President Roosevelt is credited with the suggestion that it is our duty to arbitrate the question at issue. Assuredly he is neither a coward nor a quitter. He was President when the treaty was ratified. If the recent published interview with him

was authorized, he believes that the question at issue should be decided in our favor; but he does not contend that we should be witness, lawyer, jury, judge, and sheriff in our own case. On the contrary, he contends that we should agree to arbitrate the case before The Hague international tribunal. But the defenders of the Shipping Trust's demands call such a course a "surrender" of everything, including the "Monroe doctrine." When I use the term "defenders of the Shipping Trust," I would not have it construed in an offensive sense. The opponents of repeal are admittedly careless in the use of adjectives to describe the "treason" and "cowardice" involved in what the President would accomplish in one way and ex-President Roosevelt would accomplish in another way; but that may be charged to the exigencies of debate rather than to deliberate conviction.

These zealous champions do not seem to realize that history may link their names with the defenders of trusts and special privilege along with the authors and promoters of those subsidies and land grants whose baneful effects have accentuated the opposition to all subsidies. They fail to see that the words "ship subsidy" have a history; that like all special privileges it can not come in under its own name. It must hide behind a patriotic slogan or cover its face with the American flag to get even a hearing before the American people.

Conceding that all the Senators on this floor are guided by their conception of duty, I still cherish the hope that this legislative pill, now coated with the sugar of "patriotism," merchant-marine "glory," and "American interests and rights" will roll in the legislative mouth long enough to wash off the deceptive covering and reveal the bitter pill of ship subsidy that a trust would make us swallow.

The Senator from Kansas, in his discussion of this question, immediately following his reading of the provision of the act of August 24, 1912, which prohibits trust-controlled vessels from passing through the canal at all, makes use of the following vigorous language:

> The allegation of the "repealers" that free tolls benefits only a trust or monopoly is not an honest argument. The truth is that if railroad-owned and trust-controlled ships had not been barred from the canal we would never have had this repeal bill before us. That is where the shoe pinches and that is where this controversy started. This ingenious and dishonest argument had been used by designing men to confuse the public mind and cover up the real purpose of this bill, and many sincere and patriotic people have been misled by their declarations.

By any fair interpretation this would create the impression that the Senator meant that it should be believed that the present bill repeals the provision of that act which excludes trust-controlled ships from going through the canal. The Senator does not say so, and, of course, we all know that such is not the case. There has never been an effort in this body to repeal that provision of the act, and why the Senator would say or insinuate that the owners of these trust-controlled vessels are behind the present effort to repeal another clause of the act, which clause can not be applied to such trust-controlled vessels, appears rather strange. If the trust-controlled vessels can not go through the canal at all, how could they be interested in the question of tolls or exemption from tolls of their vessels which can not go through the canal? If self-interest could have any influence in the matter one way or the other, from the standpoint of trust-controlled ships, it might be to keep the present law providing for free ships, in order that the trust might work out of their hands in some way the vessels, or some of them which they now own. In my judgment, this only shows how an honest man can become so enthusiastic in a cause as to see in the point that is against him a ray of hope. It further shows the vice of never changing one's opinion. I want it distinctly understood in this record that this bill does not repeal that part of the act of 1912 which prohibits trust-controlled vessels from using the canal at all and under any circumstances. This is in harmony with the principles of the plan to curb trusts, over which the Congress has exclusive jurisdiction. If any international question shall rise in the enforcement of that provision, we can decide it when we come to it. The present act will have nothing to do with the decision of that question, however it might arise. In fact, as I have shown to my satisfaction, at least, this act can not be at any time and for any purpose used as a construction of the treaty.

Some interesting figures have been presented which the authors claim prove that at the election of 1912 all the votes cast for Wilson, Roosevelt, and Taft were registered for free tolls for coastwise ships. As I have tried to explain, this must be taken with the proviso that none of the people desired to violate a treaty and none of the Democrats wanted to grant a ship subsidy. I am confirmed in this opinion by the recent statement of ex-President Roosevelt favoring arbitration. He would arbitrate now. It is a part of the history of the act of 1912 that President Taft recommended that an amendment to that act be passed under which the controversy could be submitted to the Supreme Court. Therefore the case stands thus:

Ex-President Roosevelt would submit the case to The Hague court, ex-President Taft stood for a hearing before the Supreme Court, and President Wilson recommends an opening of the case in about the only way left to us to do so. The current use of the words "cowardice" and "surrender" makes no distinctions. The course of the two ex-Presidents is in the minds of the opponents of repeal as "cowardly" as the course of the President. Is it possible that the "free tollers" contemplate turning their backs upon all three of the great leaders and form a party of their own?

If we adopt ex-President Taft's position, we are subject to the criticism of choosing our own national tribunal for the decision of an international question. If we adopt ex-President Roosevelt's recommendation, we are bound to repeal the act of 1912, and that may be the policy of President Wilson, if the Congress shall agree with him.

But now there is nothing to arbitrate. We have hastily passed an act which is the law of the land. No matter what The Hague court might decide, that law binds our executive branch till amended or repealed by Congress. We can not submit anything in dispute to the Supreme Court now, because it is bound to enforce the act of 1912. So that, whether we agree with President Taft's recommendation in 1912, ex-President Roosevelt's recommendation now, or with President Wilson's message, the act of 1912 must be repealed. We are forbidden to take a forward step till we repeal or modify that act.

Mr. President, I do not want to evade what I am doing in favoring the repeal of the act of 1912. While I was ill, and was absent from the Senate by its leave, still I authorized my colleague to announce that, if present, I would vote for the bill, and I was paired in its favor.

This question was new to me then. But, regardless of my illness and my lack of information, I do not plead the "baby act," nor would I conceal the fact that I am about to vote to repeal a law which I helped to enact. But it would be a sad day whenever that course should be deemed impossible or improbable. There are few legislators who have not done so.

One who gets wrong is only a menace to righteousness; it is the one who persists in error who is dangerous and inexcusable. The Bible tells us that even the Maker of the heaven and earth "repented himself" of several things. History records that many of the great men of the world have, in following duty, changed their positions upon public questions. In my view of this matter, I could still favor free tolls for coastwise ships when the time comes that I might want to do so. I have tried to make clear that no good Democrat need blush that his party takes the older pledge for the new, or that it postpones the fulfillment of a pledge till that time when national obligations and honor will justify it.

We know as a party that "free tolls" in the abstract, or in the concrete, are viewed by the three leaders of the three leading parties from the same general standpoint—that is, that all would respect our treaty obligations. Now, what are our treaty obligations regarding the subject of tolls? Let us see what are the claims of Great Britain, and whether or not they can be brushed aside without consideration. The Hay-Pauncefote treaty is as follows:

> The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:
>
> The President of the United States, John Hay, Secretary of State of the United States of America;
>
> And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;
>
> Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:
>
> "ARTICLE 1.
>
> "The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.
>
> "ARTICLE 2.
>
> "It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerents shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

"Done in duplicate at Washington, the 18th day of November, in the year of our Lord 1901.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

This is the first time I have ever been called upon to construe a treaty. Acts of Congress and of State legislatures, deeds, wills, and written agreements I have often attempted to construe under the well-known rules laid down in the law books. As I understand a treaty it is a contract between nations and is to be construed by the same rules that the courts use in construing a contract between persons. The fundamental proposition of these rules as laid down is to arrive at the true intention of the parties. In doing this the law does not permit the courts to guess nor to go outside of the written instrument except, in cases of doubt, to get the surroundings of the parties and the relation of each to the subject matter, and this can be done only in those cases where the words would create an ambiguity. If the parties have written down their agreement in plain and unmistakable terms and the intention of the parties can be ascertained from what has been written down, then the courts can not substitute a more reasonable agreement or a more equitable agreement for the actual one already expressed in the writing. In other words, while the law desires to reach the true intention of the parties to an agreement it recognizes the right of the parties to write their own agreement, and where the minds have met and the writing is clear and unmistakable the parties are entitled to their own agreement and it is beyond the power of the courts to substitute another. I repeat that it is only in those cases in which the parties have been unfortunate in the use of terms, or in which the juxtaposition of sentences or terms makes it doubtful from the words used what the real intention of the parties may be, that the courts will go outside of the terms of the written paper to discover the true intention of the parties. The very purpose of the written agreement is to avoid a misunderstanding and the treachery of recollection. All things in the law proceed upon the theory of the honesty of the parties, a written agreement becoming a necessity in order that parties to transactions might be protected against death, failure of recollection, and any sort of misunderstanding.

If there be a law for the construction of treaties different from the law for the construction of any other contract, I would ignore it in the discussion of the treaty now before us for construction. I prefer to take up this treaty just as if it were a contract between two individuals, and this treaty were pleaded in an action at law or suit in equity, and upon demurrer the court were called upon to construe it and determine the question whether or not under the terms of this contract one of the parties to it is permitted to exempt its coastwise commerce from the payment of tolls through the Panama Canal. It seems to me that two things are settled beyond the shadow of a doubt. One is, that what is known as the Clayton-Bulwer treaty has been behind us ever since the Hay-Pauncefote treaty was ratified. Anything connected with that treaty can be of no use here except as an avenue to exploit learning. Article 1 of the Hay-Pauncefote treaty wiped out the Clayton-Bulwer treaty and made it ancient history in all the relations between this Government and Great Britain. The language is as follows:

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

The English language could not express more clearly that the parties intended that the Clayton-Bulwer treaty should be a thing of the past, and should no more rise up to plague the high contracting parties.

The next proposition, which it seems to me is settled beyond a shadow of doubt, is that it was the intention of the parties to the Hay-Pauncefote treaty that that instrument should express, and was meant to express, the agreement between the parties that no matter what might be the change in situation between the parties thereafter neither one could in good faith use that change as an excuse for receding from any contract or agreement expressed in that treaty. If I be correct in this proposition it will dispose of much of the argument made on this floor. The Hay-Pauncefote treaty was an agreement between two sovereigns concerning an isthmian canal. It is clear from the treaty that both parties understood what the other was trying to do. Both understood the possibilities of each as to territorial aggrandizement, treaty obligations with other countries, and change in international relations and obligations. Therefore article 4 specifically provided that whatever might come as to any change in territorial sovereignty or international relations, no such thing should be thereafter offered as an excuse for a failure to keep the treaty. I quote article 4:

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the aforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Without going outside of the treaty, and without calling to our aid anything but its plain terms as expressed by the parties, it is perfectly clear that the United States understood that England might, through some international relations or change in territorial sovereignty of the Central American Republics, be put in a position from which she might claim that the treaty did not bind her; but it is more likely that England foresaw that the United States would in some way obtain title to or sovereignty over the strip of land through which she would thereafter build the canal, and England understood that in that event there would be those in the United States who would contend, just as it has been contended upon this floor, that the change in territorial sovereignty or international relations would justify the United States in breaking the treaty.

Article 4 was intended to prevent any such contention ever being made. It not only provides that any such event should not affect the "general principles of neutralization," but it also provides that that event should not affect "the obligation of the high contracting parties under the present treaty." In other words, this clause of the treaty fortifies both parties against one of the principal arguments now being made in the Senate of the United States as a reason why this country is not bound by the treaty. I do not mean to reflect upon anyone else when I say that I can not give countenance to this theory. I am as loyal to the United States as anyone possibly could be, and I want her to have every right to which she is entitled. In any view of her domestic affairs—that is, whether she committed herself to the principle of ship subsidies or free tolls—I shall be guided by the ancient Democratic faith that a subsidy, like all other special privileges, has no place in a government attempting to give everyone equal opportunities; yet, as between ourselves and any foreign government, I would not throw away the right, if we have it, to subsidize American vessels, if it is the judgment of a majority of the people of this country that such a policy is best.

In our international relations there should be no politics. When we deal with a foreign Government our rights belong to all the people and should be preserved; but as an individual Senator here I am called upon to construe a treaty and to say by my vote what a written paper means. In doing this I am bound to preserve my intellectual integrity, and I can not be intellectually honest and at the same time say that article 4 of the treaty has any meaning or could be possibly construed by any fair-minded court as meaning anything except that we

shall not hereafter claim anything on account of any change in territorial sovereignty or international relations of the country or countries traversed by the canal. We are bound to construe the Hay-Pauncefote treaty now just as we would have been bound to construe it if we had no title to the Canal Zone and no territorial sovereignty over it. We are bound to construe it as our international relations were at the time that treaty was ratified, because we have solemnly agreed that no change in any of these matters should affect our obligations under that treaty. Therefore, I shall eliminate from the discussion, so far as I am concerned, the Clayton-Bulwer treaty and all change of territorial sovereignty or international relations which have taken place since the Hay-Pauncefote treaty was ratified. I do this because, if I had been called upon or were called upon now to write down in the English language an agreement that bound me to this course, I could not express it in more apt language than is expressed in the last-mentioned treaty. After reading and digesting article 1 and article 4 it seems to me that this Senate will eliminate about two-thirds of the discussion which has taken place upon this floor.

I have been at a loss to understand the force of the argument that inasmuch as there are six rules named as a basis of the neutralization of the canal, and because the last five of them are supposed not to apply to the United States, that for this reason the first one shall not so apply. It is a position in logic that I am not able to work out. I would not be surprised to find in a contract that one clause applied to one party and five clauses to another, or vice versa. I know of no reason and can conceive of no reason why parties to an agreement should not bind one of the parties in clause 1 and bind the other party entirely in five other clauses. Clause 1 of article 3 of the treaty, or rule No. 1 for the neutralization of the canal, is an agreement. It is written in the English language. It is part and parcel of an agreement entered into between England upon the one part and the United States upon the other. It was intended to express the solemn obligation of the United States concerning a great waterway.

If it binds us as a Nation to do a thing, we can not afford to taint our honor by refusing to do it. We ought to read this clause as we would read a contract between individuals, and, without quibbling or dodging, meet the issue, whatever it may be. This matter is being construed by the highest tribunal on earth, the enlightened judgment and the aroused conscience of the civilized world. In that forum there is no place for a dodger or a quibbler. There we shall be judged as a people and as a Nation, and patriots want us to stand in that enviable attitude that was expressed by Washington when he admonished us to live up to every international contract. His idea was to be slow to make international engagements, and then be most conscientious in living up to one already made. We can not, in deciding this question, afford to take the position of a litigant trying to get out from under the terms of a contract; but rather shall we, out in the broad light of day with the eyes of the world upon us, try to keep the place of an honest Christian nation, willing to construe our own contracts as they are and not as we would probably like to have them. Let us endeavor to get at our true intention from what our representatives said when they wrote the contract, and not from what we would like to have if we could write the contract again ourselves. In this spirit let us review clause 1 of article 3. It reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges shall be just and equitable.

The first words that strike our attention, and have been the subject of so much discussion, are the words "all nations." The average citizen of the United States, I take it, would have no trouble in construing the words "all nations" if he should find them in the State statutes, an act of Congress, a speech made upon the floor of the Senate, in a poem by Longfellow, in the resolutions of a political convention, or even on a tablet which Dr. Cook or Admiral Peary may have placed upon the North Pole. In the absence of something to explain, something to modify, something to change their ordinary meaning, "all" embraces every one. "All nations" would include the United States, and when England and the United States would use these two words they would embrace those two countries. In the oft-quoted expression, "All nations shall bow and all tongues shall confess" there can be no doubt what is meant.

When it is used in far-away China, China is not excepted; when it is used in the United States, the United States is not excepted. But we take the next clause, "on terms of entire equality." There the contracting parties use two words of strong import. There shall not only be equality as to all nations, but "entire equality." The contracting parties were not satisfied with using the words "all nations," but they went further and required that all nations should be on terms of entire equality. But they were not satisfied with this clear expression, and went further and used the following:

> So that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

They were not satisfied by saying that "all nations" should be embraced and that there should be "terms of entire equality," but they went further and provided that there should be "no discrimination against any such nation"; and then, to further show what was meant by the parties, they provided that the "citizens and subjects" of every nation should be on terms of equality, and that there should be no "discrimination" against its "citizens or subjects." And what kind of discrimination is meant? The treaty itself explains—"in respect of the conditions or charges of traffic or otherwise." In other words, here are two parties making a contract regarding the use of a great waterway, and under that contract they provide for entire equality. They provided against discrimination, against discriminating against their citizens or subjects; and then, so as to be sure that no one could misconstrue those words, they provided that this equality and this immunity from discrimination shall go so far as to be the security and the privilege of every citizen and every subject of these nations, not only regarding their vessels of war and commerce, but "in respect of the conditions or charges of traffic or otherwise."

It is not alone the tolls on vessels, but the "charges" for traffic and the "conditions of traffic" which are embraced; and then if that was not broad enough to embrace the equality and the immunity from discrimination which the parties have provided, they use the other expressions, "or otherwise," so as to take in every consideration which would affect any vessels or any cargo and its relation to any nation or to the citizens or subjects of any nation. I might ask here, what is not embraced in this solemn covenant? How could a purpose to put every citizen and every subject of every nation and every nation "on terms of entire equality" be more aptly expressed, and what language could be used from which there could be deduced the clear intention that there should be no right, privilege, immunity, or advantage for one nation or the citizens or subjects of any nation over the citizens or subjects of any other nation than are used in this clause of the treaty? But it does not stop there. It then puts a broad mantle of interpretation over all of it—"such conditions and charges of traffic shall be just and equitable." What does "just" mean? It means "right." It means "true," "fair," "without discrimination," without giving one any advantage over another. "Equitable" means "in the spirit of equity." Equity is a practice made necessary by the harshness of the common law. It was for the correction of those things wherein the law, by reason of its universality, was deficient. Equity courts are courts of conscience, into which the dishonest and contract-breaking litigant can not come. The primary principle of the courts of equity is that no one can come into them except with clean hands. He must come wanting to do right, to be fair. The treaty provides, and I want to lay especial stress upon the fact, that we shall not limit this last sentence of rule 1 to charges of traffic. It embraces as well "conditions of traffic." We can not dismiss this last sentence by saying that the charges of traffic through the canal shall be reasonable; that is, that we will not make the tolls too high, and that we will on the vessels and cargoes through which we collect tolls make them just and equitable from a transportation standpoint, and make no discrimination as between citizens and subjects of different nations. We bound ourselves in this treaty to make "conditions of traffic just and equitable," which means that we ought in the court of the world, out in the open, where conscience and good faith must obtain, make the operation of that canal just and equitable, so far as the conditions of traffic as well as the charges of traffic may be concerned. If we are the "dictator" of charges, we could levy an "inequitable" toll or an "unjust" toll. However, we promised never to be unjust and never to be blind to equity.

Now, what is meant by the term "conditions of traffic"? Shall we stand here and say that it has a restricted or a narrow meaning? Shall we be surprised that England, our neighbor, and a friendly nation, respectfully asks us to embrace her and her vessels in every consideration of the construction of these rules? Is it any wonder that she should say that a cargo which she started from Halifax, Nova Scotia, to go to San Francisco by way of the Panama Canal, shall be treated in a different way from a cargo which shall start from Boston to go to San Francisco through the canal? That is traffic; that is commerce. We take our cargo from Boston in a vessel of commerce and

England takes hers in a vessel of commerce. England proposes to observe our rules, and if she does we have contracted with her that those two cargoes shall go on "terms of entire equality." We have solemnly agreed with her that, regarding that cargo, there shall be no "discrimination" against her and no discrimination against her "citizens" nor against her "subjects." We have solemnly agreed that this entire equality and this absence of discrimination shall be in respect not only to the "charges of traffic," but the "conditions of traffic." Are we now surprised as a self-respecting, honest Nation that England should claim that we are discriminating against her when we take to the same market, and go practically over the same route, and yet we have so fixed "conditions and charges of traffic" that we will take our cargo to this common market at a less charge than she can get hers there? Shall we be surprised when she says that that is not "entire equality"? Is it amazing that she should say that this looks like discrimination against her and her subjects? Shall we think it something terrible that this friendly nation shall protest that this course of ours is making the conditions or the charges of traffic harder on her subjects than it is on ours? Should we marvel that the English people say that these conditions or charges of traffic are not just and not equitable under this clause of the treaty? Is it treason, is it cowardice, that a Senator's intellectual honesty compels him at this point to pause and see what he would do if he were concerned as a judge to decide this momentous question?

If we are to be perfectly fair and just in discussing this question, we must realize that the condition here now is not what will be the final outcome of this controversy, but what is our present duty. We are trying to determine what is the right course in dealing with a friendly nation at the present time, because this is a controversy between nations, and we can not settle it here unless we say that we will doggedly and arbitrarily pursue our own course and what we may conceive to be our own rights without consulting the other party to the agreement. In other words, we must try to put ourselves in England's place at the present time. The real question is what would we do if the positions were changed, and what would be our conception of our duty as a nation if we at this time occupied England's position regarding the canal, because we are asked now to say that England has no rights concerning this matter, that she is an interloper, that we will decide all controverted points in our own favor, enter judgment and issue execution, and will not discuss the question with the other party to the contract. In determining what would be the natural position of England on this subject we ought to recollect what we have said and what we have done as bearing upon this question. From the report made by Senator Davis, of Minnesota, to the Senate Committee on Foreign Relations recommending the ratification of the Hay-Pauncefote treaty I take the following extracts:

[Extract from the report of Senator Davis, of Minnesota, from the Senate Committee on Foreign Relations, recommending the ratification of the Hay-Pauncefote treaty.]

That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practical, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.

That the United States would not if they could obtain any exclusive right or privilege in a great highway which naturally belongs to all mankind.

That while they aim at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other great commercial power.

If, however, the British Government shall reject these overtures on our part, and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by the way of the port and river San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interest independently of aid and despite her opposition or hostility.

It was an explicit and peremptory demand for an agreement that would give to Nicaragua the freedom of exit to the sea through the San Juan River for a ship canal that should be open to all nations on equal terms and protected by an agreement of perfect neutrality.

In the origin of our claim to the right of way for our people and our produce, armies, mails, and other property through the canal, we offer to dedicate the canal to the equal use of mankind.

As to neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-Bulwer treaty came from the United States and were concurred in by Great Britain. In no instance has the Government of the United States intimated an objection to this treaty on account of the features of neutrality, its equal and impartial use by all other nations.

Thus the United States from the beginning, before the Clayton-Bulwer treaty, took the same ground that is reached in the convention of February, 1900, for the universal decree of the neutral, free, and innocent use of the canal as a worldly highway, where war should not exist and where the honor of all nations would be a safer protection than fortresses for its security. From that day to this these wise forecasts have been fulfilled, and Europe has adopted in the convention of Constantinople the same great safeguard for the canal that was projected by Mr. Cass in 1857.

No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war and always open on terms of impartial equity to the ships and commerce of the world.

Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the two great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.

The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public international act for its neutralization that is an honor to the civilization of the age. It is the beneficent work of all Europe and not of Great Britain alone. Whenever a canal is built in the Isthmus of Darien, it will be ultimately made subject to the same law of freedom and neutrality as governs the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control.

The European powers gave to this subject the greatest consideration, and reached conclusions that are not open to criticism as being unjust to any nation in the world. Turkey and Egypt, the imperial and the local sovereigns of the canal, and Great Britain, a controlling stockholder in the Maritime Canal Co., had special interests in the rules for regulating the use of the canal, and they united in the convention which deprived them of exceptional privileges in its navigation, in peace and in war, for the sake of justice to all maritime nations and the peace and prosperity of the world.

No nation disapproves of this great act or has had grounds of complaint against it. No American will ever be found to complain of it. It is right in its moral features, in its impartiality, and, above all, in its tendency to decrease the resort to war for the settlement of international quarrels, and will have the cordial approval of the American people.

The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by all nations, without discrimination.

To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries would be unworthy of the United States if we owned the country through which the canal is to be built.

But the location of the canal belongs to other Governments, from whom we must obtain any right to construct a canal on their territory, and it is not unreasonable, if the question was new and was not involved in a subsisting treaty with Great Britain, that she should question the right of even Nicaragua and Costa Rica to grant to our ships of commerce and of war extraordinary privileges of transit through the canal.

It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of a canal through those States on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888; or if we could compel them to give us such advantages over other nations it would not be creditable to our country to accept them.

That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost, we are not called on to divide the profits with other nations. If it is worth less, and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view, it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

The Suez Canal makes no discrimination in its tolls in favor of its stockholders, and, taking its profits or the half of them as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment.

In this convention we stipulate against the blockade of the canal by any nation.

In conditions that may not be entirely remote we would find this provision, in letting our ships through the canal free from capture by our enemy, of great security to our coastwise trade.

The Suez Canal is in the same situation, and none of the European powers would have it otherwise, because it is to the interest of all nations that war shall not exist in or near the canal, and it is made a national crime for any nation to violate the neutral ground. No nation is willing to incur universal hostility by violating the sanctity of waters in which all have equal rights.

But the canal is not dedicated to war but to peace, and whatever shall better secure just and honorable peace is a triumph.

In time of war as in time of peace the commerce of the world will pass through its portals in perfect security, enriching all nations, and we of the English-speaking people will either forget that this grand work has ever cost us a day of bitterness, or we will rejoice that our contentions have delayed our progress until the honor has fallen to our grand Republic to number this among our best works for the good of mankind.

When the second treaty was submitted to the Senate, Secretary of State Hay said:

The United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated and assumes the entire responsibility and burden of enforcing, without the assistance of Great Britain or of any other nation, its absolute neutrality.

Representative STEVENS of Minnesota has given the following statements from our own public men, indicating our general purpose to see to it that no discrimination should be allowed in the use of the canal:

Mr. Clay, Secretary of State, to Messrs. Anderson and Sergeant, United States representatives to the Panama Congress, May 8, 1826:

"A cut or a canal for purposes of navigation somewhere through the Isthmus that connects the two Americas to unite the Pacific and Atlantic Oceans will form a proper subject of consideration at the congress. That vast object, if it should be ever accomplished, will be interesting in a greater or less degree to all parts of the world. But to this continent will probably accrue the largest amount of benefit from its execution, and to Colombia, Mexico, the Central Republic, Peru, and

the United States more than to any other of the American nations. What is to redound to the advantage of all America should be effected by common means and united exertions and should not be left to the separate and unassisted efforts of any one power. * * * If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls."

Senate resolution, 1835:

"* * * The construction of a ship canal across the Isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations. * * *"

House resolution, 1839:

"* * * For the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal to all nations."

Treaty of 1846:

"* * * Any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens. * * *"

President Polk's message:

"It will constitute no alliance for any political object, but for a purely commercial purpose in which all the navigating nations of the world have a common interest.

"In entering upon mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution of March 3, 1835, to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus."

Secretary of State Lewis Cass:

"While the rights of sovereignty of the local governments must always be respected, other rights also have arisen in the progress of events involving interests of great magnitude to the commercial world, and demanding its careful attention and, if need be, its efficient protection. In view of these interests and after having invited capital and enterprise from other countries to aid in the opening in these great highways of nations under pledges of free transit to all desiring it, it can not be permitted that these Governments should exercise over them an arbitrary and unlimited control, or close them or embarrass them without reference to the wants of commerce or the intercourse of the world. Equally disastrous would it be to leave them at the mercy of every nation which, in time of war, might find it advantageous for hostile purposes to take possession of them and either restrain their use or suspend it altogether.

"The President hopes that by the general consent of the maritime powers all such difficulties may be prevented, and the interoceanic lines, with the harbors of immediate approach to them, may be secured beyond interruption to the great purposes for which they were established."

See Seward in note to Minister Adams, 1862:

"This Government has no interest in the matter different from that of other maritime powers. It is willing to interpose its aid in execution of its treaty and further equal benefit of all nations."

In a note to the Colombian minister, January 18, 1869, Secretary Seward expressed himself in the same manner.

Negotiations of Secretary of State Fish:

"* * * A Darien Canal should not be regarded as hostile to a Suez Canal; they will be not so much rivals as joint contributors to the increase of the commerce of the world, and thus mutually advance each other's interests. * * *

"We shall * * * be glad of any movement which shall result in the early decision of the question of the most practicable route and the early commencement and speedy completion of an interoceanic communication, which shall be guaranteed in its perpetual neutralization and dedication to the commerce of all nations, without advantages to one over another of those who guarantee its assured neutrality. * * *

"* * * the benefit of neutral waters at the ends thereof for all classes of vessels entitled to fly their respective flags, with the cargoes on board, on equal terms in every respect as between each other. * * *"

Secretary of State Blaine's instructions to Mr. Lowell:

"* * * Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees, and will by public proclamation declare at the proper time, in conjunction with the Republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal, shall apply with absolute impartiality to the merchant marine of every nation on the globe; and equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations. * * *"

Lord Granville's reply:

"* * * such communication concerned not merely the United States or the American Continent, but, as was recognized by article 6 of the Clayton-Bulwer treaty, the whole civilized world, and that she would not oppose or decline any discussion for the purpose of securing on a general international basis its universal and unrestricted use. * * *"

President Cleveland's message, 1885:

"* * * Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. * * *"

"* * * These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none."

Secretary of State Olney's memorandum, 1896:

"* * * That the interoceanic routes there specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike.

"* * * Under these circumstances, upon every principle which governs the relations to each other, either by nations or of individuals, the United States is completely estopped from denying that the treaty is in full force and vigor."

Message of President Roosevelt in submitting treaty:

"* * * It specifically provides that the United States alone shall do the work of building and assume the responsibility of safeguarding the canal, and shall regulate its neutral use by all nations on terms of equality without the guaranty of interference of any outside nation from any quarter."

President Roosevelt's special message, January 4, 1904:

"* * * Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumes the position of guarantor of the canal and of its peaceful use by all the world."

Secretary of State Hay's note of January 5, 1904:

"* * * The Clayton-Bulwer treaty was conceived to form an obstacle, and the British Government therefore agreed to abrogate it, the United States only promising in return to protect the canal and keep it open on equal terms to all nations in accordance with our traditional policy."

It can thus be seen that the provisions in the treaty are in accord with what the statesmen of this country have set forth as the intention and the purpose of the United States in building the canal, and we should not be surprised at this point, when the cocontracting parties ask for a construction of the treaty, and in a perfectly friendly and respectful way asks us to pause and decide, as a Christian nation should decide, what the treaty means before we enter upon a policy which England claims is in violation of the terms of the treaty. Let us pursue this investigation a little further. England would have the right to claim that for another ground we have been mistaken in our construction of this treaty, and it is worthy of our consideration. It bears directly upon the question what the words "all nations" mean. As I have before laid down, it is the golden rule in construing contracts that every part of the paper must be given a meaning, and where any clause may be doubtful such a construction of that clause must be given, if possible, as to make it harmonize with every other part of the written paper. This is so fundamentally the law of construction of contracts that it is hardly worth while to go to the law books, but this is a question of such importance that I will quote from some authorities to sustain the rules which I shall apply in the construction of this treaty.

INTERPRETATION AND CONSTRUCTION OF CONTRACTS.

The elementary canon of interpretation is, not that particular words may be isolatedly considered, but that the whole contract must be brought into view and interpreted with reference to the nature of the obligations between the parties and the intention which they have manifested in forming them. (168 U. S., 287; 163 U. S., 564; 149 U. S., 1; 159 U. S., 526; 143 U. S., 596.)

The contract must receive a reasonable construction, so as to carry the intention of the parties into effect. (186 U. S., 279.)

The universal rule is that where a contract will bear two constructions equally consistent with its language, one of which will render it operative and the other void, the former will be preferred. (118 U. S., 235; 9 Wall., 394; 117 U. S., 567.)

It is against the rules, both of law and of reason, to admit by implication in the construction of a contract a principle which goes in destruction of it. (Murray *v.* Charleston, 96 U. S., 432.)

The contract must be so construed as to give meaning to all its provisions, and that interpretation would be incorrect which would obliterate one portion of the contract in order to enforce another part thereof. (Burden Cent. Sugar Ref. Co. *v.* Payne, 167 U. S., 127.)

In construing contracts words are to receive their plain and literal meaning. (Caldron *v.* Atlas Steamship Co., 170 U. S., 272.)

Courts in the construction of contracts may avail themselves of the same light which the parties enjoyed when the contract was executed. They are accordingly entitled to place themselves in the same situation as the parties who made the contract, in order that they may view the circumstances as those parties viewed them and so judge of the meaning of the words and of the correct application of the language to the things described. (Wash. *v.* Towne, 5 Wall., 689; Goddard *v.* Foster, 17 Wall., 123; Moran *v.* Prather, 23 Wall., 492.)

Judge Story, in the case of The Amiable Isabella (U. S. Sup. Ct., 1821, 6 Wheat., 1), says:

This court does not possess any treaty-making power. That power belongs by the Constitution to another department of the Government; and to alter, amend, or add to any treaty by inserting any clause, whether small or great, important or trivial, would be on our part a usurpation of power and not an exercise of judicial functions. It would be to make and not to construe a treaty. Neither can this court supply a *casus omissus* in a treaty. *We are to find out the intention of the parties by just rules of interpretation applied to the subject matter*, and having found that, our duty *is to follow it as far as it goes, and to stop where that stops, whatever may be the imperfections or difficulties which it leaves behind.* The parties who formed this treaty, and they alone, have a right to annex the form of the passport. It is a high act of sovereignty, as high as the formation of any other stipulation of the treaty. It is a matter of negotiation between the Governments. *The treaty does not leave it to the discretion of either party to annex the form of passport; it requires it to be the joint act of both, and that act is to be expressed by both parties in the only manner known between independent nations by a solemn compact through* agents specially delegated and by a formal ratification.

In the construction of a treaty its language must control and *can not be varied by any notion of justice or convenience.* (6 Wheat., 1; 92 U. S., 733; 179 U. S., 494.)

Where no exception is made in terms, none can be made by mere implication or construction. (Rhode Island *v.* Mass., 12 Pet., 657, 722; U. S. *v.* Choctaw Nation, 179 U. S., 94.)

A treaty is to be liberally construed. (Shanks *v.* Dupont, 3 Ret., 242; Hanenstein *v.* Lynham, 100 U. S., 48; Ward *v.* Race Horse, 163 U. S., 504.)

The meaning of a treaty is to be ascertained by the same rules of construction as are applicable to the interpretation of a private contract. (183 U. S., 424; 6 Ret., 691; 9 How., 127; 10 How., 609.)

In the construction of a treaty the entire instrument is to be considered and that construction given it which gives a sensible meaning to all its provisions. (United States *v.* Texas, 162 U. S., 136; Geofroy *v.* Riggs, 133 U. S., 258; In re Ross, 140 U. S., 453.)

A compact between nations, like those between individuals, is to be interpreted according to the natural, fair, and received acceptation of the terms in which it is expressed. (United States *v.* D'Anterive, 10 How., 609; United States *v.* Reynes, 9 How., 127; Davis *v.* Police Jury, 9 How., 280.)

A treaty is to be construed in the light of the facts and circumstances surrounding its making. (In re Ross, 140 U. S., 453; Owings *v.* Norwood, 5 Cranch, 344.)

A treaty is to be construed with reference to the contracting parties, the subject matter, and persons on whom it is to operate. (United States *v.* Arredondo, 6 Pet., 691; Geofroy *v.* Riggs, 133 U. S., 258.)

A convention which is operative upon both contracting nations and intended for their mutual protection is to be interpreted in a spirit of uberrima fides. (Tucker *v.* Alexanderoff, 183 U. S., 424.)

It is a fundamental rule that in the construction of contracts if the language is doubtful, the courts, in ascertaining the meaning of the parties, especially as to the subject matter, should look not only to the language employed but to the subject matter, the conduct and situation of the parties as between themselves and with relation to the subject matter, and the surrounding facts and circumstances, and may avail themselves of the same light which the parties possessed when the contract was made. The transaction must necessarily be held to have been entered into with the intention to produce its natural result. (Vol. 4, Encyl. Dig. U. S. Sup. Ct., p. 570, and numerous cases cited.)

Every contract ought to be so construed that no clause, sentence, or word shall be superfluous, void, or insignificant. Every word ought to operate in some shape or other; one part must be so construed with another that the whole may, if possible, stand; but a clause or particular sentence totally repugnant to the general intent of the contract is void and must be rejected. The terms of the contract are to be understood in their plain, ordinary, and popular sense, unless they have generally, in respect to the subject matter, as by the known usage of trade or the like, acquired a peculiar sense distinct from the popular sense of the same words. (Addison's Law of Contracts, 7th ed., p. 45.)

Another rule is that every contract is to be construed with reference to its object and the whole of its terms, and accordingly the whole context must be considered in endeavoring to collect the intention of the parties. (Chitty on Contracts, 15th ed., p. 97.)

As I gather the rule from these authorities it is that in construing a written instrument the lodestar is to arrive at the intention of the parties from what they have written down in the paper if it be possible to do so. We are not justified in disregarding anything that is written down in the paper, and all that the parties have stipulated in writing shall be given a meaning, and from everything that is written we must, if possible, arrive at the true intention of the parties. There is another golden rule of construction, and that is that where words can be given one meaning, if interpreted one way, and by that interpretation of the words they will be in harmony with all other parts of the paper, then such a construction shall be given to the words rather than another which would not be in harmony with other parts of the agreement. We are now construing the meaning of the words "all nations," and I desire to apply these rules to the Hay-Pauncefote treaty. It is said by those against the repeal of the present law that the United States is in the position of a grantor; that in article 3 of the treaty it is granting something to the other nations of the world, and therefore it is to be exempted. I am bound to admit that on the first statement of this proposition it carries some force. Notwithstanding the clear language which rule 1 contains, if it be true that the United States is the grantor, is the lord paramount, and was expressing to the world the rules by which it would permit the nations of the earth to use the canal, there is force in this argument. But it can be said, in answer, that England is also a grantor. We derive our right to make rules by the same treaty. It is a give-and-take instrument, for both parties give and take. Our Government confessed its inability to construct the canal, as it has, without the treaty. Therefore this argument may appear to the world as the position of the litigant, not the argument of the judge. Is it a forceful broad reason that will strike the intellect of the world, or is it an excuse or expedient of a litigant trying to gain an advantage? Let us talk plainly about these very important matters, because the world will talk about them. Our position before the nations of the earth is a greater stake than the little pecuniary advantage that might be obtained. Is this really the broad lawyer's argument or is it an expedient under which we hope to gain our point whether right or wrong? In looking at England's standpoint, what she will say and what she will argue, and in viewing the world's standpoint upon this question, we must be careful that our contentions are reasons and not excuses. We must be sure that our point will be justified by the court of last resort which decides whether or not we are treaty breakers or treaty keepers, and with that in view I want to analyze this part of the treaty.

Article 2 provides that the canal may be constructed under the "auspices" of the United States. It then goes on to provide that we may build it in the following ways: First, directly at our own cost; second, by gift or loan of money to individuals or corporations; and, third, through subscription to or purchase of stock or shares.

We chose to take the first way provided in the treaty—that is, we built it at our own cost—and now, because we chose that way, should we construe the words "all nations" as if that mode of building the canal had been the only mode provided for in the treaty; and, having chosen that mode, shall we call ourselves the lord paramount, the grantor, the giver, in construing the rules set forth in article 3? Suppose that instead of building this canal at our own cost we had given or loaned the money to individuals or corporations to build it. Suppose we had loaned the money to that old French company and it had gone forward and constructed the canal, what would have been our position? We could have reserved a lien upon all of the property, rights, and franchises of the canal company for the repayment of our loan and its interest. We would have had the right of regulation and management of the canal provided for in article 2. We could have reserved the enjoyment of "all the rights incident to such construction" as provided in article 2, but could we in that event have said that certain vessels of ours should be exempt from tolls? Upon what theory could we have done so? The canal company would certainly have a right to make a fair return upon its money. It would have had the right to insist that the charges of traffic should be just and equitable. Why? Because it is provided under the treaty that a corporation might build it or that individuals might build it. That presupposes a right to make an investment that would bring a return, a just and equitable return, to the stockholders. That corporation would have had a right, in that event, to have insisted that this Government should not take its property without due process of law. In other words, having provided that a corporation could build the canal, we must construe the words "all nations" as those words would reasonably present themselves to all the parties concerned in the event that the canal had been built by the old French company under a loan from this Government.

We violate a fundamental principle of construction of the paper when we disregard the condition that the canal might have been built by that corporation and not directly by this Government. In the contingency just named the words "all nations" in the treaty must be construed from the standpoint of the corporation which built the canal. The rights of the stockholders of that corporation would have been bound up in the general proposition that our rules could not deprive it of its property, its tolls, without due process of law; and would also be bound up in the stipulation that "all nations" should enter the canal on terms of entire equality; that there should be no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise; and that corporation would have had the right to insist that the charges of traffic should be just and equitable to it as well as just and equitable among all the nations of the earth. But let us suppose another condition that might confront us at this time. Suppose that the third manner of building the canal had been adopted; that is, through subscription to or purchase of stock or shares. Suppose that the Panama Canal Co., the old French company, had revived and reorganized and had sold some of its shares to England, Germany, France, Belgium, Italy, Greece, Austria, China, and Japan, and some to the United States. This plan would have been perfectly feasible and would have been within the terms of article 2 of the treaty. The language "through subscription to or purchase of stock or shares" is very broad and is consistent with our right to regulate and manage the canal and that it should be built under our "auspices." If a corporation had been organized to build the canal and we proceeded to exercise the authority given by article 2, to wit, "the exclusive right of providing for the regulation and management of the canal," could we in all fairness raise the argument that we are the grantor and that we are the lord paramount of the canal and the Canal Zone and that the words "all nations" referred to all the other stockholders in the canal except ourselves?

In construing the words "all nations," I repeat, we must so construe them as to give them a meaning if the canal had been built in any of the three ways provided for in article 2. In the contingency last mentioned we would have had the anomaly that the nations of the earth, being stockholders in the canal, when we came to construe the meaning of the words "all nations" we would construe them to mean all stockholders except ourselves; and we as stockholders would claim the right to put our vessels through the canal free of charge and make all the other nations of the earth pay a just and equitable toll so as to pay dividends upon our own stock.

Now, in all seriousness, I ask again, is that argument that we are the grantors, and are excluded from the term "all nations" for that reason, in the light of these other conditions which might have been adopted for the building of the canal, an argument or an expedient? Is it a reason or an excuse? How will that great court of conscience of the enlightened civilized world take that argument? Will it put us in the position of contending for our rights or of trying to find an excuse to avoid the terms of the treaty? Therefore I contend that the words "all nations," at the very best that we can possibly claim for ourselves as a nation, may in a court without prejudice and without the prompting of self-interest be construed to include us. There are certainly weighty arguments on that side of the question. "A decent respect for the opinions of mankind" compels us to admit this; and therefore we should not undertake to stop the argument, to decide the case in which we are interested, in our own way, and seize the benefits of that interpretation without consulting the other side to the argument and without treating the request of England in the way that we would expect the same kind of request to be treated were the situation of the parties reversed. The record of this debate will have many points of argument based upon the proposition that by opposing this repeal act we surrender forever the rights of the United States. This has been repeated and repeated, notwithstanding the fact that all of us know that one Congress can not bind the other. All of us thoroughly understand that it is not the intention of those who would vote for the repeal of this act to do anything of the kind. There was adopted by a majority vote of the Committee on Interoceanic Canals the proviso offered by the senior Senator from North Carolina, in the following language: "*Provided*, That neither the passage of this act nor anything therein contained shall be construed or held as waiving, impairing, or affecting any treaty or other right possessed by the United States."

There can be no sort of doubt that this proviso will be a part of the repealing act, if it shall be passed at all. I take it that every Senator here who will vote for the repeal of this act will also vote that the bill contain this proviso. So far as I am personally concerned, I have little doubt that the repeal of the act of 1912 would not commit us to a permanent construction of the Hay-Pauncefote treaty; but I do not want a repetition of the condition brought about by the defeat of the Bard amendment to that treaty. So far as I am concerned, I want us to say what we mean, and that is that we are not construing the treaty at all. We are simply showing the world that we know how to be fair; that we know how to deal with the civilized nations of the earth; that we respect our obligations; that we are sensitive of our honor; and that, at best, the matter is susceptible of debate; and we are willing to go into any forum, willing to carry this matter before the enlightened judgment of the world, and, let come what may, we are prepared to do the right thing; and if, by diplomacy, arbitration, or in any other way, we have the right to free tolls through the canal, whether we exercise the right hereafter or not, we want to preserve it. If we have not the right, we want it to be decided in some way that is just and fair and let the matter be settled forever. There is no use for anyone to try to put us in any other light. We are willing to confer, debate, and treat upon this question, and do not intend to take advantage of the great trust committed to our charge and take a selfish advantage. We are conceding no rights, and say so in the proviso. We are giving away nothing to which we may be entitled. We are making all of that clear. We simply say that we do not intend to put ourselves in the attitude of having a matter of dispute with a friendly power, and, without hearing fully from the other side, proceed to decide the case in our own favor and then appropriate the subject matter of dispute to our own use.

A great deal has been said in this debate over the provision, "This Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal."

They are sweet words when taken by themselves, and might be used as a basis for claiming anything for ourselves under the treaty. Like the claim that we are lord proprietors of the canal, that we stand in the relation of grantors as to the clause enunciated, they can by this be made the basis for doing almost anything that we please under the treaty. We forget, however, that the provision giving us all the rights incident to the construction and the right to regulate and manage the canal, as well as our claim to be the proprietor and our claim to be the grantor, are all made in article 2, "subject to the provisions of the present treaty." Whatever we may claim for article 3, everything in it is an agreement to which there are two parties. It is in one sense a recital, and England will insist, and she may have the right to insist, that all the clauses in article 3, exactly as our claim of the right to enjoy everything incident to the construction of the canal, shall be subject to the treaty. All of us are familiar with logging contracts, under which one of the parties agrees to deliver logs and timber and the other agrees to buy the logs and timber. It is quite usual in these contracts to provide that some rule for measuring logs shall obtain. In my country they usually provide that Doyle's rule shall govern. It is sometimes set forth at length in the contracts, and sometimes it is referred to generally. The man who is to measure the timber agrees that he will be bound by Doyle's rule, for instance, for measurements. This does not mean that the party adopting these measurement rules has any rights not prescribed by the rules. It does not mean that he is in any better position or any worse position by adopting rules than he would be if every condition of the measurement of the timber had been named in the contract. The words in the treaty, "The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say" are claimed seriously on this floor to modify or qualify the six clauses. I can not for the life of me see what can be gained by deciding what is the meaning of the word "neutralization" as used in these introductory words. We must look at the six clauses themselves and see what they mean.

The United States adopted them. Why? Because in article 2 the Government of the United States was given the right, "subject to the provisions of the present treaty," to provide for the regulation and management of the canal, and England was unwilling to accept the treaty unless the rules by which it should be managed should be set forth in the treaty. Out of respect to the United States the form was adopted of having the United States name or specify what those rules should be. They were written down in the treaty and agreed to by both parties. The form in which they are written in the treaty makes no difference. The fact that they were put in the treaty shows that they suited both parties, and the treaty would not have been ratified if they had not suited both parties. They have the same force and effect as if the introductory words had never been used. It is recited that they are substantially as embodied in the convention of Constantinople for the free navigation of the Suez Canal, not for the "neutralization" of the Suez Canal, but for the "free navigation" of the Suez Canal. If there should be in the rules following a variance from the convention of Constantinople which would be against the provisions of the rules, clearly the recital can not be used to contradict a plain agreement of one of the parties. By using the word "substantially" we get the general intention. In other words, the idea I mean to convey is this: That because the word "neutralization" is used in the introductory language some have chosen to say that it was the intention of the parties to modify the set of rules following. This argument taken to its logical conclusion would make the word "neutralization" stronger than the words "free navigation" and outweigh all of the specific rules that follow. To illustrate further what I mean: Suppose that after the word "nations" in rule 1 there had been inserted the words "including the United States," then it would read that "the canal shall be free and open to the vessels of commerce and war of all nations, including the United States, observing these rules on terms of entire equality," and so forth. Then, what force could possibly be given to the word "neutralization" and the meaning thereof contended for by advocates of free tolls? It is illustrative of the doctrine that a specific provision must outweigh the recital or general introductory words. Suppose that a seventh clause had been added in the broad language that the United States shall be included within these rules, then all talk of neutralization and the meaning of it would clearly have no place in this discussion. If the word "neutralization" is strong enough to make the words "all nations" exclude the United States, then anything else thereafter used to show a contrary intent would not have sufficed. Logic that confounds itself is not logic. We can not easily get away from the well-settled rule that the specific provisions of this treaty are the specific promises or agreements entered into by the parties to the treaty, and they must be so construed. The meaning of each word and sentence must be arrived at.

The treaty must be read as a whole and the intention of the parties must be ascertained; and we can not hide ourselves behind expedients and excuses to avoid the plain language of any provision. I have given my idea of what will be and what could be the contentions of Great Britain. I am giving what would be some of my contentions if the United States now stood in the same attitude toward England that she stands toward

us. Whether these be sound or unsound, whether in the end they shall be decided against Great Britain or not, they all go to show that two honest men can differ as to the construction of this treaty. They show me further that, in all probability, if I were not a citizen of the United States I would, if called upon to decide this question, feel that the argument was rather in her favor than against her. Indeed, when we consider all of the arguments and take the treaty by its four corners, as the law books require, and construe it as a whole, I feel that the probabilities are that, on a fair construction of the treaty, we can not claim the right to exempt any of our vessels or traffic from the payment of tolls; but we are not called upon to go that far, and until called upon to decide that question I am willing to present the arguments as I see them upon both sides and let it rest.

But from an economic standpoint it looks to me as if the act of 1912 is a mistake. I fear it is, and the investigation which I have so far made has rather strengthened than alleviated that fear. If the agitation of the last few years has been directed at any one thing more than another it has been at graft and special privileges. I feel that there is an abiding conviction in the minds of the people that no special right or immunity or privilege taken away from all the people and given to a few of the people can in the end be best for the country. It stimulates inordinate greed, is calculated to create wealthy classes, and burdens business and the consumer in the long run. It assuredly is not wise for one generation to grant special privileges when we know that the next generation must take up the burden of getting rid of them. When we recall that the coastwise trade of the United States is almost entirely in the hands of a combination of shipowners, as has been shown by an investigation made under the auspices of one branch of the Government, the force of this thought is accentuated. What is there about the Shipping Trust or about a business which can easily become a trust to distinguish it from the railroad business, the oil business, the steel business, or any other kind of business which is so liable to drift into the hands of a few? The junior Senator from New York estimates that these tolls will not amount, in all probability, to more than $1,200,000 by one calculation which he made, and that calculation is based upon the fact that, excluding the railroad-owned vessels, which the act of 1912 does, there will be left to go through the canal only tonnage that will yield about that sum. We should not allow $1,200,000, or even $12,000,000 to make us violate principles which our experience has taught us are vital to orderly government. It will cost this Government many more millions in the long run to grant any one business a subsidy or special privilege, no matter how small it may be. Its example, its educational force, will cost us untold sums.

But let us look at this question from another standpoint. We have various treaties with foreign nations which may be affected by our position if we decide for free tolls. A Member of Congress has tabulated these treaties, and they may be found in the CONGRESSIONAL RECORD of April 6, 1914, page 5691. He gives a list of 20 of these treaties, and in every one of them there is a clause exempting the coastwise trade from the payment of tolls, showing that it is the custom to make this specific exception in treaties when dealing with vessels and commerce if the intention is to exempt it. For instance, under the treaty with Nicaragua dated December 1, 1884, the provision is "equal tolls for the vessels of all nations." but there is added "except the vessels of the contracting parties engaged in the coastwise trade." An examination of these treaties will, I think, demonstrate the proposition that when we use the term "all nations" or any provisions showing that there shall be no discrimination, and it is the further purpose to except domestic commerce or the coastwise trade, the exception is made in specific language. We are deeply interested in this question from our present position regarding other treaties. We have treaties which affect the lake trade to the north of us. The volume of this commerce is very large. The Soo Canal alone last year passed about 80,000,000 tons of commerce, and it has been estimated that more than 90 per cent of this is American commerce. It has been estimated that the Welland Canal alone, only 14 feet in depth, will carry more American traffic than our entire coastwise traffic which will pass through the Panama Canal, and yet we have, by the act of 1912, made a precedent without realizing the fact that we have scores of treaties where practically this same language has been used, and there may be applied to these treaties the construction which we placed upon the treaty by the act of 1912, and which construction will justify foreign Governments in using against us our own rule, and which affect many, many times more than the amount of commerce that will go through the Panama Canal. We should appreciate the wise, cautious, sound position of the President, who is guarding the interests of this Nation as a whole and does not see fit to give everything to a coastwise shipping interest that may use the Panama Canal. We must not forget that, with the exception of a few States bordering on the Atlantic seaboard and those bordering on the Pacific Ocean and the Gulf of Mexico, the greater part of the commerce of this country originates in the interior. The coal, lumber, wheat, and corn of the West and the Middle West must fight a battle with the railroads before they can get to a ship. The freight on a ton of coal from West Virginia must pay $1.40 to the Atlantic seaboard before it can get in sight of any kind of a vessel. It must pay from 80 cents to $1.05 before it can reach the Great Lakes.

When it gets to the Great Lakes it is interested in all of those questions involved in the treaties which affect the operation of the canals which I have mentioned, and the coal and timber interest of West Virginia is interested in every one of those transportation problems on the Great Lakes much more than the small traffic which may be involved in the coastwise trade that will go through the Panama Canal. If we rush headlong to the conclusion that the words "all nations" in this treaty do not include us, we may not complain when other nations will construe the same words so as to exclude their own domestic or coastwise traffic. We did have a controversy with England about the Welland Canal. It has been mentioned in these debates. There was involved in that controversy the meaning of the words "on terms of equality." Canada violated that treaty by providing a rebate of 18 cents a ton on grain carried to Montreal or points east thereof. Inasmuch as the United States did not carry any grain to Montreal or points east, and Canada carried practically all of her grain to Montreal or points east, the effect of the order was that Canada got all of her freight, or practically all of it, through the canal at practically 18 cents a ton less than was charged the United States. This, we claimed, was making the conditions or charges of traffic unjust to the United States. There was a great deal of diplomatic correspondence upon the subject, and finally the United States passed a retaliatory act, and finally England receded from her position. It is claimed by free-toll advocates that England still maintains that she did not violate the treaty. Even so, but she does not enforce her claim. So with us now, the thing to do is not to enforce any claim which we might have at this time. The great stake which we have in the canals to the north of us, in the business of the world, in the friendly cooperation with foreign powers, in our own dignity and honor, should constrain us to do now as England did then; that is, no matter what our rights may be we need not enforce those rights now, but leave that matter until such a time as we can check up where our interests are, how our position when taken may affect us to the east, south, north, and west, and when that time shall come, when we have all of the information and we are fully informed as to what our rights are, we can then take our position, if we desire to do so. While we may not concede anything now, and we are not, let us not by our demands make a precedent which may lose more than we can possibly gain. From the standpoint of self-interest we should pause and see where we are.

My colleague has paid a beautiful and a touching tribute to the flag of our country. He fought to maintain what he considered its dignity and honor at a time when I was too young to appreciate the issues which were involved. That tribute was worthy of him and of the State which he and I represent on this floor. It was a true burst of sentiment that mingled personal recollections and sufferings with the lofty promptings of his heart; and he is excusable, even to be commended, for forgetting for the moment that the law and its interpretation and justice and her votaries do not appeal to flags or arms.

His long experience at the bar and on the bench, his discriminating judicial mind, and his keen intellect, schooled and skilled to pick the wheat from the chaff in legal discussions, constrained him, no doubt, to prefer to discuss the patriotic viewpoint rather than the cold legal question that is involved on the face of the treaty of 1901.

It is hard for him to be illogical. It is easy for him to magnify and glorify the flag that speaks to him out of the years when his heart was young, his blood ran high, and his youthful patriotism led him to deeds of valor.

My love for my country's flag is as pure as his. Every drop of blood ever shed for its protection and glory I revere as my inheritance. I want it to bedeck the seas of commerce. I want it always to represent liberty and a Government founded upon a people's love and respect. I would have it respected in every land on earth as representing a people who are strong without boasting of it, who are great without self-glorification, wise without pedantry, resourceful without displaying their riches,

and honest and truthful by what they do rather than by what they say.

Diplomacy and foreign policies can not shape the destinies of people except for the moment. Every enlightened, strong people like ours is a force on the face of the earth, and that force will make and unmake nations or spend its vitality in domestic or foreign quarrels. These United States do not doubt for a moment what their rightful destiny shall be. She is standing here between the two great oceans, perfecting a system of government that will avoid the mistakes of the ancient peoples of Asia, Africa, and Europe. Here is a people that take stock of themselves at regular intervals and have never made the foolish mistake of believing that anything made by man is too sacred to be changed, modified, or abolished when experience has taught that it was a mistake or that it had ceased to be useful. This is about the only real fundamental principle in the government of an enlightened, thinking, watchful people. Everything on the earth in the way of government and civilization has been changing. Changes will always go on. This people is learning that one lesson, and their good sense, their education, their energy, their enterprise, and their hatred of anarchy and disorder will take care of every emergency as it arises. There will never be any French Revolution here. Anarchy can not survive among a people who say their prayers, maintain the Christian religion, work for and earn their own living, conserve the great resources of this land, and, in an honest way, seek to make their Government truly representative of the will of a majority. A Government founded upon the consent of the governed is our fixed institution.

But this people can not, if they would, confine their influence within their own boundaries. Our star is shining for the oppressed and the unhappy everywhere. Our sword is only for defense, but our star is for conquest. Our purpose is to conquer no territory, annex no land, without the consent of its people; but our star of destiny shines by night when our people sleep. Wherever the love of liberty has enough life to sparkle; wherever men have ambition to be free and to desire to find a flag which stands for the solution of the problem of keeping opportunity's door wide open; wherever the children of men are born to misery, oppression, and suffering for that which others have done or failed to do the American flag will conquer, not armies and navies, but the hearts of men and women. Our destiny is to defend this Government of the people wherever and whenever its institutions are attacked, and to be ever prepared to do so; and to be for warlike conquest only where that is the surest defense for our threatened institutions. But our conquests of the hearts of men and women have no bounds. The "consent of the governed" is our only limitation.

I can see the day when the American flag will sail every commercial sea; when every foot of land down to the Panama Canal will be governed under a written constitution like ours, and by peaceful elections at stated intervals all political differences will be settled and the great mineral and agricultural resources of these countries will be poured into the coffers of commerce and every kind of human slave will then be a free man working out his own destiny and earning his own living. Whether fate shall take the United States Army and Navy there is very doubtful, but fate will take our influence, our institutions, and the things for which our flag stands wherever there is an unsatisfied yearning for opportunity under free institutions.

With such destiny why can we not see that frankness, honor, truth, and righteousness should be the last things which we would endanger?

As we love the flag let us make it stand for honor as well as glory; let it stand for justice as well as power. If we are to sail every sea and reach every market, what greater asset could we have than the respect and confidence of every people?

President Wilson is not building for a day but for centuries of that kind of power that goes hand in hand with justice and honor.

The fairest and the richest portion of the Western Hemisphere is glad to bow allegiance to the Stars and Stripes. This Government began its life a century and a quarter ago as the voluntary experiment of a brave, strong, enterprising people who had fled from injustice and special privilege, and who, therefore, felt that they could not afford to trust life, liberty, or the pursuit of happiness to any governmental machinery or power not subject to their own control, at least at intervals. Their experiment has been a success.

Their success in agriculture, manufacturing, mining, transportation, and invention has been signal. No less signal has been their success in general education and in raising the standard of living. We have put opportunity at the doorstep of the cabin, so that every child born in this land may have hopes of achieving the highest honors and the richest rewards. Our literature, our inventions, the story of our achievements, go to all lands of the earth; and it is no wonder that the simple story of the great Government of the western continent has challenged the admiration of the world. No one can reckon our influence toward the democratizing of the world; but we do know that, one by one, the arbitrary one-man Governments of the Old World have been liberalized, and each epoch has brought more and more power to the people. Absolute monarchies have become limited, limited monarchies have become republics, till now the enlightened nations of the earth have decided to put away the idea of God-given earthly power in government. It is useless to deny the great influence exercised by this people and their model governmental system in striking down privilege and enthroning the man.

We have made liberty enlighten the world; and the freemen of the earth will bless us for our handiwork, and will look to us for centuries to lead. We are most favorably situated to do so. We could lock up every inch of our shores, and could indefinitely live in luxury without any communication with the outside world. We could feed, clothe, educate, and advance our people till our population became many times what it is without sending a ship from our shores or receiving a cargo from abroad. We have nothing to fear from war. Our national debt is a mere trifle, which our new banking system could finance with a note at 90 days if it became necessary. Without borrowing a copper, and without a dollar of tax placed upon property, we could support an army of 1,000,000 men indefinitely. The resources of our mines and forests for centuries need not be cause for worry, and the manufacturing and agricultural possibilities of our people have never been put to a severe, not to say extreme, test. If liberty shall ever be driven to extremities when it must retire, like David at Hebron, to await God's own time for its acceptance by the world, she will make her last stand in the United States, where there is every resource and opportunity for hundreds of millions of population to live happily and well. But the other nations of the world know this as well as we do; and our products are too necessary to them to make our isolation possible, even if it could be conceived that it would ever be desirable.

In any view of present-day world politics this country and its Government, this people and their relation to humanity and to man's destiny, have an opportunity to remain what they are to-day, the beacon light of the world for governments based upon the consent of the governed. They can put hope, enthusiasm, and ambition into the breast of every young Washington, Jefferson, or Lincoln now struggling in foreign lands against odds that are placed upon him by ignorance, superstition, cowardice, or arbitrary power. America can lead the people of the earth to freedom of religion, freedom of the press, liberty of person, the right of property, and to open opportunity for every human being, if it will be true to its ideals and to the spirit which animated our fathers when they wrestled with the strong governments of the earth in our early days. We, as they, would spurn to bend the knee to any nation on earth. Our resources and our isolation are proofs against national fear. Indeed, the spirit of our people was proof against fear even when we were but a thin strip of colonies on the eastern shore of the Atlantic, and before we controlled the Gulf of Mexico, the Great Lakes, the Mississippi River, or the shores of the Pacific.

Senator JOHN SHARP WILLIAMS, in his lectures on Jefferson, gives what "should, if it does not, constitute permanently a part of the very soul of our relations with foreign nations." Quoting from Jefferson's communication to our Madrid commissioners, he gives this as the "crisp and lofty" as well as the "Demosthenic" style which Jefferson had of expressing our relations with every other Government:

> We love and we value peace; we know its blessings from experience; we abhor the follies of war, and are not untried in its distresses and calamities. Unmeddling with the affairs of other nations, we have hoped that our distances and our disposition would have left us free in the example and indulgence of peace with all the world. We confide in our strength without boasting of it; we respect that of others without fearing it.

Let us "confide in our strength without boasting of it." We are not weak, so as to make it necessary to send messages like those of a Mexican dictator which describe a police force as a mighty army ready to strike for our "altars and our fires." We went through four years of Civil War, with more than a million men engaged, without being attacked by any foreign power, and we were never insulted, never humiliated.

Then, when we were exhausted and weak, we "confided in our strength without boasting of it" and learned anew of the wisdom, the long-headedness of Thomas Jefferson. It is the weak nation, like the weak man, that carries a chip on the shoulder. A bully that will not reason is as disgusting and

disagreeable among nations as among men. But a strong nation, sure of its power but equally sure of its sense of justice, and as sensitive of its honor in keeping its own engagements as it is determined to insist upon its own rights, may walk erect among the nations of the earth without boasting and without fear of insult.

Such is the situation of the United States. Such do the friends of liberty, the world over, hope that she may remain. Such she must be, in order to lead the hosts of human liberty to the gradual attainment of that perfection in a government of the people which is the hope of freemen in every land.

But we can not maintain our enviable position if we fail to pay that "decent respect to the opinions of mankind" which we avowed in the opening utterance of our independence. We can not lead liberty's army unless we are as honest as we are brave, as open and frank as we are powerful and resourceful. We must have the confidence of the world. We should be ashamed to accept less than the unqualified approval of the intelligence of the world in all our foreign relations.

However hard the terms of any treaty may be, however difficult it may seem to keep our engagements with a foreign power, it should be the pride and the boast of this country that its plighted faith to another Government is as sacred as its bond or promise at home. The credit of the United States should never be allowed to be below par, and a debt of honor, which a treaty engagement is, should be regarded with that high sense of pride that obtains among men of honor when a promise can not be enforced at law. Now is the accepted time to show to the world that Americans "fear nothing but God and the doing of wrong."

Mr. WALSH. Mr. President, in the course of the remarks of the distinguished Member who has just addressed the Senate, the idea was advanced, or at least the thought was implied, that the advantages accruing from the construction of the Panama Canal are confined exclusively to narrow strips facing both oceans, and particularly that the great valleys of the Mississippi and the Ohio have no direct concern in the legislation which is now pending before this body.

The tolls were fixed as the result of very elaborate investigations conducted and a very able report made by Prof. Emory R. Johnson, of the University of Pennsylvania. Away back in 1898 he contributed an article to the North American Review, in which he set forth the advantages to the various sections of the country of the construction of such a waterway. I am going to take the time now to read briefly from that article what he said concerning its importance to the Mississippi Valley:

> The business men of Chicago show by the agitation which they have carried on for the construction of the Nicaragua Canal that they appreciate the relation which the waterway will bear to the economic development of the Central West. The region drained by the Great Lakes and the Mississippi River and its tributaries north of a line drawn east and west through the mouth of the Ohio River includes our richest agricultural resources, our most productive iron mines, and our chief stores of bituminous coal. Its forests are of great extent and value. Besides these highly developed extractive industries, the Central West carries on a large amount of manufacture. Iron and steel, machinery, ships, furniture and other woodenwares, flour, and other commodities are manufactured in large quantities. In no other section of the country is the traffic so heavy. Chicago has more commerce than New York and more manufactures than Philadelphia. The growth of Buffalo, Cleveland, Detroit, Cincinnati, Indianapolis, Milwaukee, Duluth, St. Paul, Minneapolis, and the other prominent cities of this region exemplify its industrial resources and energy. This great central portion of the United States owes its phenomenal development mainly to the transportation facilities which have been provided by the great railroad trunk lines and the waterways afforded by the rivers, the Great Lakes, and the Erie Canal. There is no other section of the earth where cheap and efficient transportation has accomplished equal economic results, and there is certainly no section of the United States that will respond more quickly and generally to the transportation influences which the Nicaragua Canal will exert. The traffic between the Mississippi States and the trans-Cordilleran section of our country and with the foreign countries bordering the Pacific Ocean will be large. The Nicaragua Canal will do for the western trade of the upper Mississippi States what the construction of the Erie Canal and the improvement of the Great Lakes did for their traffic to and from the Atlantic.

I should not take the time of the Senate to call attention to these remarks were it not for the fact that it is now urged that that particular section of the country—that is, the Mississippi Valley—ought to be particularly antagonistic to the exemption of coastwise vessels from the payment of tolls, because it is asserted that the railroads transporting traffic from coast to coast will be robbed of a large portion of the revenues which they derive from that traffic, and it will be incumbent upon them, for the purpose of reimbursing themselves, to impose heavier charges upon shipments within that region. The least reflection will disclose that exactly the same argument could be made against the construction of the canal at all, and it is an argument against the construction of the canal at all. I call attention to it now because I do not believe the railroads are going to suffer at all by reason of the exemption of coastwise vessels from the payment of tolls, any more than they will suffer by reason of the construction of the canal in the first instance. I am satisfied that the construction of the canal is going to give such an impetus to business upon both coasts that it will be an advantage rather than a loss to the railroad companies under any circumstances.

Mr. CHILTON. Mr. President, I do not doubt that is the opinion of the distinguished professor from whom the Senator has read; but if the Senator will follow the references which I make in my speech, he will find that on the northern coast of this country we are affected by at least 29 or 30 treaties that we have with other countries, and that through the Soo Canal alone we pass many times more than the entire freight that will go through the Panama Canal. So far as my people, who are in the Mississippi Valley, are concerned, they are chiefly interested in seeing that we maintain our treaty relations and maintain the present construction of those treaties as to what equity and justice require between England and America, and that there shall be no discrimination. We are more interested in seeing that the United States shall not now put a construction upon its treaties which will injure us as to eighty or one hundred million tons of traffic than we are in considering the few million tons that will go through the Panama Canal.

I am afraid of no discussion with Prof. Johnson or with anyone else when we have the cold facts and see where we stand. We can not get away from the proposition that we can not construe our treaty with Great Britain one way this year and expect her not to construe it the same way against us the next year. We are talking about the little thing, and the Mississippi Valley is interested in the big thing, which is the traffic through the Great Lakes. Any investigation of that sort will show that I have not made any mistake in my position, even from the selfish standpoint.

Mr. O'GORMAN. I ask that the tolls bill may be temporarily laid aside in order that the Senator from Oklahoma may call up the Agricultural appropriation bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. Mr. President, I ask that the Agricultural appropriation bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. GORE. I ask the Secretary to read the next amendment following the migratory-bird amendment, which was disposed of when the bill was last under consideration.

Mr. SMOOT. Before that is done I desire to suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Oliver	Shively
Bankhead	Gore	Overman	Smith, Ga.
Borah	Gronna	Page	Smith, S. C.
Brady	Hitchcock	Perkins	Smoot
Brandegee	Hughes	Pittman	Sterling
Bryan	James	Poindexter	Stone
Burleigh	Johnson	Pomerene	Sutherland
Chamberlain	Kern	Ransdell	Thomas
Chilton	La Follette	Reed	Thornton
Clapp	Lane	Root	Tillman
Clark, Wyo.	Lee, Md.	Saulsbury	Townsend
Crawford	Lodge	Shafroth	Walsh
Cummins	McCumber	Sheppard	West
Dillingham	Martine, N. J.	Sherman	Williams
du Pont	Norris	Shields	

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is absent from the Senate on important official business.

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is absent upon official business. I will let this announcement stand for the day.

Mr. CLARK of Wyoming. I desire to announce the necessary absence of my colleague [Mr. WARREN].

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum of the Senate is present. The next amendment passed over will be stated.

Mr. GORE. I ask that the Secretary may read the amendment on page 40.

Mr. SMOOT. There are a good many amendments before page 40 which have been passed over.

Mr. GORE. There is only one, I think; that is, there are a number of related amendments, and I wish to have them passed

over for the present. If we begin on page 40, I think we will expedite the consideration of the bill.

The PRESIDING OFFICER. The Secretary will state the amendment on page 40 which was passed over.

The SECRETARY. On page 40, after line 12, the Committee on Agriculture and Forestry proposes to insert the following:

That hereafter all moneys received as contributions toward cooperative work in forest investigations, or the protection and improvement of the national forests, shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations, protection, or improvements by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, or improvements.

Mr. CLARK of Wyoming. I will ask the Senator from Oklahoma if it is his purpose to offer as an amendment to this amendment the suggestion which I made to him several days ago?

Mr. GORE. I have the amendment in my hand. I send it to the desk and ask to have it read.

The PRESIDING OFFICER. The Secretary will read the proposed amendment to the amendment.

The SECRETARY. It is proposed to add at the end of the committee amendment the following proviso:

Provided, That annual reports shall be made to Congress of all such moneys so received as contributions for such cooperation work.

Mr. GORE. I ask for the adoption of the amendment to the amendment.

Mr. BORAH. Before the amendment is adopted I wish the Senator from Oklahoma would explain briefly what the purpose of it is and what is desired to be accomplished by it.

Mr. GORE. The committee amendment preceding, that to which the amendment to the amendment is attached as a proviso, provides that all contributions made for the purpose of the improvement or protection of forests shall be covered into the United States Treasury as a special fund. There is no power under existing law to cover these moneys into the Treasury, and they are kept in banks. A recent bank failure involved a considerable loss to the Government in connection with this fund. For the sake of convenience in bookkeeping and the greater security of the moneys the amendment has been proposed. It was then suggested by the Senator from Wyoming that a proviso should be added requiring the Secretary of Agriculture to submit an annual report showing the amount of such moneys received by way of contributions and the objects upon which they had been expended. That is the purpose of the proviso.

Mr. BORAH. I do not care to make any further suggestion in regard to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over is, on page 41, line 9, where it is proposed by the committee to strike out the word "chief" before the words "food and drug inspector," and after the word "inspector" to strike out "$3,000" and insert "$2,500," so as to read:

One food and drug inspector, $2,500.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The next amendment of the committee passed over is, on page 46——

Mr. WEST. Mr. President, I notice that I have marked here in the bill an amendment that I want to offer to a committee amendment on page 42, line 23. It says "Western States." I wish to extend the appropriation so that it shall read "Western and Southern States." We have been trying for years to utilize the by-products—the waste that comes from the sawmills—in the Southern States. I do not know why the appropriation was confined entirely to Western States.

Mr. GALLINGER. Does the Senator know why it should not be general—why it should not apply to all the States?

Mr. WEST. I think it ought to do so.

Mr. GALLINGER. We do some lumbering in little New England.

Mr. WEST. I am willing to make it apply to all the States. I know we do quite as much lumbering in the South as is done in the West, and we are trying to make use of the by-products. A fourth, at least, of a tree goes to waste ordinarily in the South in getting lumber out of the tree.

The PRESIDING OFFICER. The Chair is advised that the amendment offered by the committee on page 42 has already been adopted as in Committee of the Whole. The proper course for the Senator from Georgia to pursue, if he desires to further amend it, would be to reconsider the vote by which the amendment was agreed to or to wait until the bill is reported to the Senate.

Mr. WEST. I understand that I can take it up in the Senate. I suggested it, but it was not noticed at the time. I had it marked.

The PRESIDING OFFICER. The Chair is advised that it was not acted upon then, but the Senator can move to amend the amendment at the proper time, when the bill is reported to the Senate from the Committee of the Whole.

Mr. WEST. Very well.

Mr. GALLINGER. In this connection I will now give notice that when the amendment reaches the Senate I will move, if no other Senator does, to strike out the word "Western" and to insert the word "United," so as to read "United States."

Mr. GORE. I ask unanimous consent to accept the amendment suggested by the Senator from New Hampshire.

Mr. GALLINGER. Then I will ask unanimous consent that the vote be reconsidered.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent that the vote by which the amendment on page 42 was adopted be reconsidered.

Mr. GRONNA. Mr. President, a Senator who is very much interested in this amendment is not in his seat just now, and I ask that it may go over until he can be present. The junior Senator from Idaho [Mr. BRADY], who is a member of the Committee on Agriculture and Forestry, is very much interested in the amendment.

Mr. WEST. I did not hear the remark of the Senator from North Dakota.

Mr. GRONNA. I made the statement that the Senator who offered this amendment, the junior Senator from Idaho [Mr. BRADY], is not in his seat at present, and I asked that it might go over until such time as he may be here.

Mr. WEST. All right. I will offer to amend the amendment after the bill gets into the Senate.

The PRESIDING OFFICER. That will be the proper course.

Mr. GRONNA. I do not want to make the objection so that we can not return to the amendment. I simply ask that it go over until the Senator from Idaho is present.

The PRESIDING OFFICER. The amendment has been agreed to as in Committee of the Whole, and it will be open to amendment in the Senate in any event. The next amendment passed over will be stated.

The SECRETARY. On page 46, line 13, after the numerals "$36,500," the committee report to insert the following proviso:

Provided, That of the amount hereby appropriated, the sum of not exceeding $5,000 may be used for the erection of a small laboratory building on the experimental farm of the Department of Agriculture at Arlington, Va., for the purpose of studying fixation of atmospheric nitrogen by electrical methods, plans and specifications for the building to be approved by the Secretary of Agriculture and all work done under his supervision.

Mr. SMOOT. I wish to ask the Senator having the bill in charge if that amount—namely, $5.000—was suggested by the department for this particular purpose?

Mr. GORE. The estimate was submitted, I think, in the regular estimates, but I am not certain about that. However, the matter was submitted to the Committee on Agriculture and Forestry, and since the amendment was passed over the other day at the instance of the Senator from Utah [Mr. SMOOT]—or rather, I believe, at the instance of the Senator from Washington [Mr. JONES]—I have taken it up with the Secretary of Agriculture. It is estimated that $5.000 will be sufficient to construct the necessary building. The purpose is to conduct experiments with reference to the extraction of nitrogen from the air. It is the intention of the department to construct a building about 40 by 60 feet with a peaked roof about 30 feet from the ground. It is necessary to utilize a heavy electrical current and heavy apparatus in conducting these experiments.

The Senator from Washington indicated when he had the amendment passed over that he desired to be informed whether this amount would be sufficient or whether it would be followed up by a larger appropriation hereafter. I think there is no probability of such a request being made. It is a most important undertaking, and I trust the amendment will be adopted.

Mr. SMOOT. I wish to say that the fixation of atmospheric nitrogen by electric methods is known all over the world. Nitrogen is being produced by the million tons, particularly in Norway and in Canada. It does seem to me that a mere appropriation of $5,000 to construct a building here is going

to be an absolute waste of money. I can not conceive what $5,000 will do in experimenting along this line.

Mr. GALLINGER. And, if the Senator will permit me, I want to ask the Senator from Oklahoma if my memory is at fault when I recall the fact that there is a private enterprise in one of the Southern States engaged in this very process.

Mr. SMOOT. In North Carolina.

Mr. GALLINGER. I think in North Carolina or Tennessee. I am sure I read something about it.

Mr. GORE. I am not advised upon that subject. I think the purpose is to cheapen the process. My understanding is that the present processes are more expensive than are justified.

Mr. SMOOT. And I say to the Senator that the expenditure of $5,000 will never demonstrate the question of cheapening the process. Laboratory experiments for cheapening the process of the production of nitrogen from the air based upon an expenditure of $5,000, it seems to me, are absolutely ridiculous.

Mr. GORE. I think the experts in the department have looked fully into the matter, and their information seems to differ from that of the Senator from Utah. The process of extracting nitrogen is well known, but it is desired to experiment with a view to cheapening the process and accomplishing the result on a large scale. It is thought that $5,000 will enable the department to construct a large and commodious but not an expensive building and provide the necessary apparatus to conduct these experiments in a way that will justify the general use of nitrogen obtained from the air.

Mr. SMOOT. Does the Senator really think that private enterprise that has been studying this question for years and years would allow a mere amount of $5,000 to interfere with the processes that may produce a larger production from the air in nitrogen by new experiments? This question has been before the world for a great many years. I know the men who started it. I do not know the amount, but I know they spent hundreds and hundreds of thousands of dollars in the laboratories of Germany. I know when the proposition was brought to this country for the formation of the first company. I know, Mr. President, that those men, studying in laboratories in Germany to-day, have the very highest intelligence that there is in the world. They are looking out for processes for cheapening the production of nitrogen from the air. It does seem to me that a $5,000 appropriation for somebody to be located in a little wooden building down here in Virginia is almost ridiculous.

I want to say to the Senator now, if this appropriation is made and if we ever have any good whatever come from it, it will only be the beginning of an appropriation; that there is no telling what it will be in the future.

Mr. GORE. Mr. President, the object of this appropriation is of vital concern to the farmers of the country. I know of no object upon which $5,000, or even five times $5,000 or fifty times $5,000, could be expended that would be more important. If the Government can add anything to the celebrities who are investigating the subject, with whom the Senator from Utah enjoys personal acquaintance, it certainly ought to be gratifying to the Senator, as it would undoubtedly be gratifying to the farmers of this country.

I have listened during the last few days to the Senator's homily on economy, and I think the modesty of the appropriation was perhaps inspired, in some measure, by the lectures which he had recently been reading to the Senate on the subject of economy.

I now send to the desk a letter from the department on this subject. I confess, Mr. President, no expert scientific knowledge on the subject myself, and with all consideration for the Senator I would feel inclined rather to accept the opinion of the experts of the department than his unscientific—if I may say with due deference—opinion on this subject.

Mr. SMOOT. Mr. President, I do not want the Senator to place me in a position that I do not occupy. There is no Senator in this body who would more willingly than myself appropriate money that would assist the farmers in any way. But I do know if we are going to make an appropriation for this object, we ought to make an appropriation large enough so that some good would come from it, and not appropriate merely $5,000 simply as a starter, and then when we get started have demands made upon us for a larger appropriation. I would rather the amount would be $50,000 right now than $5,000 if we are going to undertake this class of work.

The PRESIDING OFFICER. The Secretary will read the letter at the request of the Senator from Oklahoma.

The SECRETARY. After citing the amendment proposed and as the paragraph would appear when amended, the communication reads:

> The purpose of this amendment is to enable the department to erect a small laboratory building for the study of fixation of atmospheric nitrogen by electrical methods. The experimental work in this direction requires the use of heavy electrical currents, and consequently heavy apparatus, such as furnaces, transformers, generators, switchboards, etc. It is impracticable to mount such heavy apparatus in the laboratory building now occupied by the Bureau of Soils, even if the necessary space were available. Flue stacks would have to be provided, floors for pouring hot slag, etc. A small complete building, separate from other buildings, and of fireproof construction is essential to a safe handling of this work. It is proposed to erect a plain brick and corrugated iron building, about 40 feet wide, 60 feet long, with a peaked roof, 30 feet from floor to ridgepole. It is estimated that the necessary building can be erected for $5,000. The necessary land upon which to erect the building is available on the department's farm at Arlington, Va.

Mr. NORRIS. Mr. President, while I have no definite knowledge on this particular subject, I think, as the Senator from Oklahoma [Mr. GORE] said, it is one of great importance, if nitrogen can be successfully gotten out of the air.

Mr. SMOOT. It has been gotten out of it.

Mr. NORRIS. Yes; in some instances, I understand. It is something worthy of our most careful consideration. I understand from the Senator from North Dakota [Mr. GRONNA], who is sitting in front of me, and who knows more about it than I do, that in Norway they are now successfully extracting nitrogen from the air and shipping it all over the world.

It seems to me that we can well afford to spend some money for the purpose of experimentation in this particular branch of agriculture, and if it should develop that we can improve upon present conditions known to the scientific men of the world and cheapen the product we would have certainly accomplished one of the greatest things that could possibly be accomplished by our Agricultural Department.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield to the Senator.

Mr. GRONNA. I want to say to the Senator from Nebraska that they have what they call saltpeter works, where nitrogen is extracted from the air, at what they call Rjakanfoss Falls, in the country of Norway. They have machinery which amounts to 600,000 horsepower. They are manufacturing hundreds of barrels of this saltpeter every day, and they are shipping it all over the world. As the Senator has said, it is certainly worth trying, but whether this is a sufficient amount, as the Senator from Utah [Mr. SMOOT] has said, that is another question.

Mr. OVERMAN. Mr. President——

Mr. GRONNA. If the Senator will pardon me just a moment, I wanted to ask the Senator from Oklahoma, with the permission of the Senator from Nebraska, if they have water power where they contemplate locating this building.

Mr. OVERMAN. That is what I was going to ask.

Mr. NORRIS. I am going to take up that subject. That is my principal object. I will be glad to yield to the Senator before I do that, if he has anything further to say.

Mr. OVERMAN. I was about to bring up the very question suggested by the Senator. I want to say now that there is being erected in Canada, where they have immense water power, one of these nitrogen plants. I think they have erected one lately in South Carolina, where they have a great water power. What I was going to ask the Senator was where they would get the water power at Arlington.

Mr. NORRIS. I am coming to that. That was my principal object in taking the floor at this time. Of course, the appropriation of $5,000 is only for the purpose of erecting a building here for experimental purposes. If we never went any further than that there would be enough to experiment there, as far as the power required for this experiment. The question the Senator from North Carolina asks, of course, I can not answer. I presume they would construct a building there for experiments with nitrogen and perhaps get some of the corporations to furnish the power.

Mr. OVERMAN. It requires an immense voltage.

Mr. NORRIS. I know that it does require a good deal of power; but what I was going to say was that if this should be successful, if the experiments should develop possibilities perhaps of cheapening the best-known methods now for this work, it seems to me, located, as I understand this plant is going to be, just across the line in Virginia, at Arlington, between here and the Great Falls of the Potomac River, I have no doubt that in the course of a few years there will be developed one of the greatest water powers in the United States. The place selected is very appropriate, it seems to me, because if this power that has for centuries been going to waste in the Potomac River is developed to its full capacity there will be an immense amount of electricity that will be developed from water power that could not be fully utilized in the District of Columbia, even though all the utilities now using electricity were supplied. seems to me it is an appropriate place, because later on

Senate and the other House will have before them for consideration a proposition to develop the water power between Washington and Great Falls on the Potomac River, and Arlington is right on the shore of the river where we will develop the power. If it is developed, it will probably be developed by the Government of the United States; and, as I have said, if it is developed to its full capacity—the object being, of course, to supply electricity to the District—there will be a large amount of electrical energy that can not be utilized, because it will develop more power than the entire city or the entire District could utilize. It seems, therefore, that it is appropriate that we should have the scientific men of the Agricultural Department investigate this matter with a view of cheapening this product, because of its necessity to the farmers of the country; and the place selected for the experiment is very appropriate, for it may eventually become a large establishment.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. I thought the Senator from Nebraska had concluded.

Mr. NORRIS. If the Senator wishes to address the Senate, I had just as lief yield the floor.

Mr. GALLINGER. Mr. President, I desire only to make an observation, as is my custom ordinarily. I notice that the tendency of our appropriation bills lately has been to divert a portion of the appropriations to some specific purpose. I presume ordinarily they are wise purposes. I do not know whether or not this is wise, but it occurs to me that it may well be questioned. The letter from the department which was read says that a building can be erected for $5,000. The appropriation is $5,000. I apprehend that there will have to be some costly machinery in this building before any work can be carried on, and, of course, some additional appropriation will have to be made for that purpose and probably a very large appropriation.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. Certainly.

Mr. NORRIS. The Senator from New Hampshire will note that the entire appropriation is $36,500.

Mr. GALLINGER. Certainly.

Mr. NORRIS. This particular amendment specifies that only $5,000 of that sum shall be used for a building; and I presume the balance of the appropriation would be available for machinery, if it be necessary, or for any other paraphernalia that would be necessary to carry out the object of the appropriation.

Mr. GALLINGER. I am glad to have the Senator from Nebraska call my attention to that fact. I think probably the Senator is right, but whether or not $31,500 additional would come anywhere near doing what would be required in an institution of this kind is, to my mind, very questionable.

As to the location, possibly this is the best one that can be found; but the development of the Great Falls water power has been discussed ever since I have been in public life, and I think it was discussed a great many years prior to my appearance on this scene. It is probable that that water power will at some time be utilized either by the Government or by private parties; but that is in the dim and distant future, as I view it. So I think we will hardly be justified to make an appropriation to establish a building of this kind at Arlington with the view that the power will come from the Great Falls of the Potomac in the near future; but, Mr. President, I am so thoroughly imbued with the idea that this is an appropriation of money in the right direction, that I certainly shall not offer any factious opposition to the item that is being discussed; but I think I agree with the Senator from Utah [Mr. SMOOT] on that point, that if we are going into this matter we ought to go into it with a sufficient appropriation to enable us to make a fair test of this question, so as to demonstrate whether or not our people, with their genius and their enterprise, can accomplish more in this direction than Sweden has done or than Germany has done up to the present time. If we can do that, no appropriation that we could reasonably think of would be too much for the purpose.

Mr. President, that is all I care to say about the matter. I am simply fearful that this small appropriation will not accomplish any good result, and yet it is possible that it may be sufficient, all things considered.

Mr. SMOOT. Mr. President, I am very much interested in this subject. I should like to see nitrogen manufactured in the United States in great quantities. The only way that that can be done is to have an immense water power. I am informed that it would be almost useless to undertake to manufacture nitrogen from the air on a commercial basis without having a water power generating at least 200,000 horsepower. In Norway the smallest one they have generates 400,000 horsepower. I want to say that, if we could manufacture nitrogen in this country, I agree with the Senator from Oklahoma [Mr. GORE] that it would be a splendid thing, because there is not a farmer in the United States who would not be benefited by cheap fertilizers.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Yes.

Mr. GRONNA. If the Senator from Utah will allow me, I wish to say to him that it is just as important and as absolutely necessary to have water as to have power in the manufacture or conversion of nitrogen into fertilizer.

Mr. SMOOT. I am speaking, of course, of water power, because it never in the world would do to create the power by steam, for the reason that it would be too expensive.

Mr. GRONNA. But the reason I make that statement is that it has been stated here that this plant should be located at Arlington.

Mr. SMOOT. Yes.

Mr. GRONNA. Of course no one could expect to make a success by locating a plant of that kind at Arlington to manufacture saltpeter, for it could not be done. You must have the water as well as the power.

Mr. SMOOT. Yes; and in commercial quantities.

Mr. GRONNA. Yes.

Mr. SMOOT. Certainly.

Mr. GRONNA. I wish to add, further, if the Senator from Utah will permit me, that the cost of the plant at Rjukan Foss, Norway, was 40,000,000 crowns, which amounts to in our money nearly $11,000,000.

Mr. SMOOT. From the letter which was read here from the Secretary of Agriculture I take it, now that all of the $5,000 is going into the building, that the building alone will cost that much. I must say that the wording of the amendment is rather strange, and it misled me somewhat, as the amendment reads:

That of the amount hereby appropriated—

That is, $36,500—

the sum of not exceeding $5,000 may be used for the erection of a small laboratory building on the experimental farm of the Department of Agriculture at Arlington, Va., for the purpose of studying fixation of atmospheric nitrogen by electrical methods, plans and specifications for the building to be approved by the Secretary of Agriculture and all work done under his supervision.

I would very much prefer to see the appropriation of $36,500 increased, if we are going into that class of experimental work.

I want to ask the Senator from Oklahoma is there a provision anywhere else in this bill or in any other appropriation bill for the purpose of providing the necessary apparatus with which to make these experiments?

Mr. GORE. Mr. President, I take it that out of the remaining $31,500 the department would probably be able to procure and to install the necessary apparatus. They have been studying the question on a small scale in the laboratory of the Bureau of Soils.

Mr. SMOOT. Mr. President, if we undertake to do that——

Mr. GORE. Of course I may say the sum would be inadequate to install heavier machinery for that purpose.

Mr. SMOOT. Whenever you undertake to do that, of course the $31,500 which would be left would amount to almost nothing for the balance of the purposes provided for in this paragraph.

Mr. GORE. Let me say now to the Senator that he seems to misconceive the idea that I have, or else I misconceive the purpose of the amendment. There is not any view of manufacturing nitrogen for commerce in this establishment.

Mr. SMOOT. The Senator from Utah has never thought that for a moment.

Mr. GORE. The Senator suggested the employment of 200,000 horsepower. I do not suppose there are many places on earth where that much power can be generated.

Mr. SMOOT. The Senator from Oklahoma is not well informed, then.

Mr. GORE. I confess——

Mr. SMOOT. I want to say that I have never had in mind the idea of manufacturing nitrogen from air at Arlington. The Senator from Oklahoma must know, if he knows anything, that a plant that would manufacture nitrogen in commercial quantities would cost millions of dollars and not $5,000.

Mr. GORE. Mr. President, I appreciate the fact that it would require the outlay of a great deal of money to install such a plant. Was the Senator from Utah through? Am I interrupting the Senator?

The PRESIDING OFFICER. The Senator from Oklahoma desires to know whether the Senator from Utah has yielded the floor?

Mr. GORE. I understood I was interrupting the Senator.

Mr. SMOOT. Not in the least. I understand from what I thought I heard the Senator from Georgia [Mr. SMITH] say he wants me to take my seat.

Mr. SMITH of Georgia. I do, Mr. President, and I make the point that the Senator has already been on the floor four times on this subject, and the rule allows him——

Mr. SMOOT. Mr. President——

Mr. SMITH of Georgia. One moment. I have the floor now. I suggested to the Senator from Oklahoma that, instead of interrupting the Senator from Utah, he let him finish his speech and get through, and then for the Senator from Oklahoma to take the floor himself, in the interest of the economy of time. I made that suggestion, and I am perfectly willing for the Senator from Utah to know I made it.

Mr. SMOOT. I want to say to the Senator that I had the floor. The Presiding Officer of the Senate recognized me; I asked a question of the Senator from Oklahoma, who was answering the question, and I never took my seat. The Senator from Georgia had no right to speak when he did. He did not ask for recognition.

Mr. SMITH of Georgia. Mr. President, I make the point of order that the Senator from Utah has already spoken three times on this particular subject, and is not entitled to speak upon it again.

Mr. SMOOT. It is now after 1 o'clock; we are not now transacting morning business, nor are we in the morning hour.

Mr. SMITH of Georgia. It is the general rule of the Senate. I ask the attention of the Chair to Rule XIX, paragraph 1, as follows:

> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

The PRESIDING OFFICER. The Chair is unable to decide how many times the Senator from Utah has spoken. He has had the floor continuously, and has been interrupted.

Mr. SMOOT. I was recognized when I first began to speak, and in consequence of that recognition I claim the floor now.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SMOOT. So far as that is concerned, I want to say to the Senator from Oklahoma, with the permission of the Senator from Georgia——

Mr. SMITH of Georgia. I give the Senator my permission.

Mr. SMOOT. I am not asking these questions to delay this bill; I am not asking these questions for any purpose other than to find out what this appropriation is for. It seems to me, Mr. President, that the chairman of the committee having this bill in charge has not yet stated what it is intended to do with this appropriation. I do not know whether or not he knows what is intended to be accomplished by it, but I do know that if the appropriation is made—and I am in full sympathy with what I understand to be the object of it—then its object ought to be clearly understood by the Senate. It also seems to me that the appropriation that is made is not sufficient to result in a successful investigation of this matter. That is all I care about, and I thought it worth while calling the attention of the Senate to the matter. If the Senate wants to undertake the proposed work with this appropriation, well and good; but I think the Senate of the United States ought to know that with this appropriation it will be impossible to secure the information that is desired by the department. So that, Mr. President, as I have already said, I should like to see this appropriation either increased or not agreed to at all.

Mr. BRADY. Mr. President, the amount of $5,000 set aside under the proviso is for the erection of a small laboratory building on the experimental farm of the Department of Agriculture at Arlington. It is simply a part of the appropriation of $36,500, and I think it is a very wise appropriation for us to make, for the reason that the electrical apparatus is already in place at Arlington. We do not have to erect a great power plant; we simply buy the current from a company; and any company that is selling current furnishes the transformers and delivers the current at a stated price.

In reference to the voltage necessary for the manufacture of this article, that is a very simple matter also. There are many places on farms in my State and on farms in the State of the Senator from Utah where they reduce the voltage from fifty, sixty, and seventy thousand volts down to 110 volts, to be used for heating, lighting, and cooking in the home. It is done by merely placing a simple series of transformers. I can take a single No. 6 wire, smaller than the smallest finger on the hand, and transmit the current over that wire, or a set of such wires, and by putting in a series of transformers, at no great expense, can throw the voltage up to 200,000 volts at the Government station at Arlington.

It seems to me it must be very plain to anyone who has studied this matter that the Government is not going to manufacture this article for commercial purposes. We simply desire to experiment in something which we hope will be beneficial to the farmer; and in experimenting it is not necessary to have a large plant; a small plant will answer all purposes, so as to demonstrate what can be done. There are many places in the United States where there is plenty of power lying idle. To-day on the Snake River in Idaho, within 20 miles of my home, in a distance of 75 miles there is 500,000 undeveloped and unused horsepower running to waste.

It seems to me that it is worth trying to see what we can do. It is not as if we were going to put up a new station. The Secretary of Agriculture appeared before the committee and explained that this appropriation was simply designed to provide a separate and distinct place for this particular work which is to be done for the benefit of the farmers. The Government owns the station there now; other improvements are there; and all that is needed for this special work is the small sum of $5,000 for the erection of the proposed building. Taking everything into consideration, it seems to me that it is only fair that we should accept the statement of the Secretary, who appeared before us, and stated that this sum would be sufficient to demonstrate the matter so far as was necessary at this time. For that reason I think that we should make this appropriation.

Mr. SMITH of Georgia. Mr. President, the House, after conferring with the Department of Agriculture, appropriated $36,500 "for exploration and investigation within the United States to determine possible sources of supply of potash, nitrates, and other natural fertilizers."

When the officials of the department came before us they concluded that they wanted to use part of that appropriation to erect a larger and more suitable laboratory for their experimentation. They have already most of the necessary machinery. It is not for a moment thought that we are going into the industrial pursuit of manufacturing nitrogen out of the air. The Senator from Idaho [Mr. BRADY] has stated the case so clearly that it seems to me every Senator ought to be satisfied. The department simply stated, as to part of this money, that it will be an economy to let us construct a better and a bigger place on the Arlington experimental farm in which to do our work.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. GORE. Mr. President, I wish to say just one word. I do not profess to know as much about this subject or about any other subject as does the senior Senator from Utah [Mr. SMOOT], but I do know that it would require a good deal of capital to establish a plant for the manufacture of nitrogen on a commercial basis. I do know that this is a matter of considerable importance to the agricultural interests of this country. I do not know anything about the technique or the science of this subject. I could not install a plant myself and I could not extract by any process any nitrogen from the air. I am therefore obliged to defer to the department and to the scientists of the department upon matters of this sort. They have estimated for $5,000, and, in their judgment, that amount will be sufficient. In the judgment of the Senator from Utah it will not be sufficient. I simply submit that issue to the Senate, adding that I also know that there are not many places in the world where electrical energy can be developed from water power to the amount of 200,000 horsepower.

Mr. SHAFROTH. Mr. President, I want to say just a word in relation to this amendment. The objection which I understand the Senator from Utah [Mr. SMOOT] makes is not to the gross appropriation of $36,500, but it is to the proviso. That proviso is that of the $36,500, $5,000 may be expended, at the discretion, evidently, of the officers of the department, in the construction of a laboratory. Of course, we are not experts in the matter of the making of nitrogen; but the department evidently had in mind certain experiments which it desired to make, and it thinks that $5,000 will be sufficient for that purpose.

It seems to me that to appropriate a larger amount than that in the proviso would be to cripple the balance of the $36,500 appropriation. In view of the fact that the department will have the expenditure of all of this money, and inasmuch as it estimates that $5,000 is sufficient to make the experiments which it is desired to make, it seems to me that it is wise to keep in

the bill the proviso which is embodied in the amendment offered by the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The SECRETARY. On page 48, line 20, before the word "Argentine," it is proposed to insert "cigarette beetle and"; and in line 21, after the word "ant," to strike out "$59,000" and insert "$84,000, of which sum $25,000 shall be immediately available," so as to make the paragraph read:

For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, $84,000, of which sum $25,000 shall be immediately available.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. GALLINGER. Even, Mr. President, at the risk of receiving an unpleasant suggestion from the Senator from Oklahoma, I want to call attention to the fact that this is another instance of a Democratic subsidy. They are so numerous in this bill that I am not sure that I will call attention to all of them now; but this is manifestly one of them. It is an appropriation of a large sum of money to investigate insects affecting southern field crops, a purely local matter, and doubtless a very desirable thing to do; but when a Senator a few days ago declared that "subsidy" grated harshly on the ears of Democrats, I can not help calling attention to the fact that the ears of Democrats must be very much disturbed as we consider this bill.

Mr. President, beyond that I want a little information—and doubtless the Senator from Oklahoma can give it to me—as to what kind of an insect a "cigarette beetle" is. If it is an insect that eats cigarettes, I want to make a large appropriation for that insect; but if it is an insect that is shaped like a cigarette, or something of that kind, that would give me very desirable information. Will the Senator tell me something about this beetle?

Mr. GORE. Mr. President, I will say to the Senator from New Hampshire that the junior Senator from Florida [Mr. BRYAN] has a splendid assortment of cigarette beetles in his office and will be delighted to regale the Senator, not only with cigarette beetles, but I doubt not with cigarettes themselves; and, enjoying the smoke, I feel sure that his enthusiasm over subsidy and the fact that to some extent he has converted Democrats to his doctrine and his dogma, will bring about a state of splendid exaltation on his part. [Laughter.]

Mr. GALLINGER. Mr. President, I have noticed with great gratification that we are getting some converts on that side to favor subsidies, and I have listened with a great deal of interest to two distinguished Democrats who have treated of this subject recently; but I have no disposition to discuss the question of subsidy on this bill, except, as I have done, to call attention to the fact that it would be well for us all to investigate as well the question of subsidy so as to find out what it is as to find out what is the cigarette beetle.

Now, I will say to the Senator from Oklahoma that I will not accept any of the cigarettes which the Senator from Florida may have, who, in his generosity, no doubt would give me all I wanted, if I used them. I do not use them; but I should like to know just a little something about the cigarette beetle, and I think I am entitled to the information.

Mr. GORE. Mr. President, in a moment I shall yield to the Senator from Florida, who will be able to elucidate this subject, I am sure, to the satisfaction of the senior Senator from New Hampshire. I may say, in this connection, that owing to the long and splendid services of the Senator from New Hampshire, I feel disposed to follow him on almost every subject almost everywhere; and upon the subject of subsidies I will go with him to the sea, but I can not go to sea with him in respect to subsidies. [Laughter.]

I may say that we find in New England a magnificent precedent for this appropriation, as we find New England precedents for almost every patriotic service which we undertake here or elsewhere. Congress has been expending for years large sums of money to exterminate, if possible, the brown-tail moth and the gypsy moth, which have wrought such extensive ravages in the States of New England. It has been the desire of the Committee on Agriculture and Forestry, subsidy or not, to render what assistance we could to that section in exterminating this pest, which is destroying the vegetation of the forests of that region. I have no doubt that this patriotic purpose has the enthusiastic indorsement of the Senator from New Hampshire. The present bill carries, I believe, two hundred and fifty-odd thousand dollars for the extirpation of the brown-tail moth and the gypsy moth. They work no such havoc, so far as value is concerned, as the boll weevil and other pests which afflict the South.

This measure is in no sense a sectional measure. It undertakes to look with equal eyes upon every section, and to lend the helping hand of the Government whenever and wherever it can render real service to any State, to any section, to any community, or to any interest. I doubt not that patriotic purpose challenges the Senator's approval.

Mr. BRYAN. Mr. President, I have introduced an amendment, on behalf of my colleague, covering the cigarette beetle. It seems that the cigarette beetle has nothing to do with cigarettes. I will read to the Senator the letter which my colleague left with me from a gentleman who has made some experiments, in which he describes this insect. He says:

The cigarette beetle is, without a doubt, one of the most damaging enemies to the trade.

That is, to the tobacco trade.

It is very hard to estimate the loss in dollars and cents occasioned each year by this bug—

So it seems that it is not only not a cigarette beetle, but it is not a beetle at all—

but I have seen it placed conservatively at from $3,000,000 to $10,000,000 per annum. * * *

The cigarette beetle lays its egg on the leaf, which leaf is later made into a cigar, at which time the egg hatches into a worm, which bores a hole through the cigar in its effort to get out. This hole, of course, destroys the drawing quality of the cigar and renders it valueless.

The experiments which this gentleman says have been made heretofore have been in the use of X-rays, by which he claims they are able to sterilize the egg and avoid the holes being bored in the cigars; and the department has cooperated in that work, I believe, to the extent of about $2,000. The writer of this letter thinks the method by which they undertake to treat the tobacco leaf is successful, but the department is working along other lines.

That is all I know about the cigarette beetle. I wish to say to the Senator from New Hampshire that he need not hesitate to come to my office, because I neither use nor have any cigarettes there.

Mr. GALLINGER. Mr. President, I wish to express regret that this is not a beetle that devours cigarettes. I hoped it was. If I could be assured of that, I should be inclined to move an amendment increasing this appropriation.

I understand this is a beetle or a bug that attacks the tobacco plant. That being the case, it is on all fours with our appropriations—every one of them subsidies—for the extermination of the boll weevil and the gypsy and brown-tail moth, which the Senator from Oklahoma says infests the New England States—one of the greatest pests the world has ever seen. I have always favored those appropriations, and of course I favor this appropriation. I think it is a very proper one.

Mr. JONES. Mr. President, I wish to ask the chairman of the committee whether or not the increase over the House provision—$25,000—was made on account of the cigarette-beetle provision?

Mr. GORE. It was not made on that account.

Mr. JONES. What is the purpose of the increase?

Mr. GORE. I will refer the Senator in a moment to the Senator from Louisiana [Mr. RANSDELL], who is entirely informed upon this particular item. It has relation to the devising of ways and means to wage war against the boll weevil. As the Senator will remember from the discussion the other day about demonstration work, the boll weevil has been assailed through cultural methods. It is believed by a scientist in Louisiana that he has possibly devised a way or expedient by which he will be able to approach the weevil and prevent it by other resources.

Mr. JONES. Why does not anything like that come under the former appropriation we have made for the boll-weevil problem?

Mr. GORE. It is an entirely different character of work. The former appropriation was carried under a provision for demonstration work. That system is pursued under cultural methods. This is a general provision for the extermination of different kinds of insects, pests, and parasites, and is properly classified in this place. It is under the Bureau of Entomology.

Mr. JONES. Are there any other appropriations in this bill for which the boll weevil is responsible?

Mr. GORE. I think this ends the account of the boll weevil in the pending bill, at least for the present.

Mr. JONES. On page 20, under the paragraph making the appropriation of $628,240 for the boll weevil, the bill says:

and demonstration of the best methods of meeting the ravages of the cotton-boll weevil.

That is not confined to any particular method. It seems to me that under that language you can do what you expect to do under this paragraph. Why is it necessary, therefore, to appropriate additional money for the boll weevil in another paragraph when you have $628,240 for it under that paragraph?

Mr. GORE. Mr. President, the $628,240 is used through the cooperative demonstration work.

Mr. JONES. It may be used in that way, but it is not confined to that use by the language of the bill.

Mr. GORE. Even if that were true, the entire amount is necessary for the work which is contemplated to be done under that provision. It is possible that a proviso attached there, carrying an additional appropriation of $25,000, with a specific direction as to its use, would have answered the purpose; but there is no special reason why that should have been done.

Mr. JONES. Has the department sent in an estimate for this $25,000?

Mr. RANSDELL. Mr. President, if I may be permitted——

Mr. GORE. I yield to the Senator from Louisiana.

Mr. RANSDELL. It has sent in an estimate. I have in my hand a memorandum furnished me by the department, which reads as follows——

Mr. JONES. Is that a recommendation for it, or is it an estimate sent in to Congress in the regular way?

Mr. RANSDELL. It is an estimate sent in after the original estimates were made.

Mr. JONES. Has any estimate been sent through the Secretary of the Treasury for this additional appropriation?

Mr. RANSDELL. I can not answer that question; but the department certainly recommends this appropriation, and the Assistant Secretary of Agriculture was before the Committee on Agriculture and Forestry in reference to it. I have in my hand, as I have just stated, a memorandum showing just what this $25,000 is for. I also have a letter from the agricultural agent at Tallulah, La., showing the purposes to which he is going to apply it, and I think I can explain to the Senator's satisfaction the beneficent purposes to which this appropriation is to be applied, if he will permit me to do so.

Mr. JONES. The Senator need not go into that, so far as I am concerned. I have no doubt the purposes are beneficent purposes; but it seems to me that when we have so many provisions here for the investigation of the boll weevil we ought not to include that in almost every paragraph of the bill. It ought to be covered under one paragraph of the bill, and that ought to be enough.

Mr. RANSDELL. There are hundreds of paragraphs in this bill, and the boll weevil is referred to in only two of them, so far as I know. I think it is a little unfair for the Senator to say that we are including the weevil in almost every paragraph. We have the weevil under the farmers' cooperative demonstration work, the explanation of which has just been given very clearly by the Senator in charge of the bill. That is an entirely different character of work from the scientific investigation conducted by the Bureau of Entomology. The Bureau of Entomology is seeking to find out everything that can be ascertained in regard to all of these insects that affect cotton, tobacco, sugar cane, and so forth, in a general way. When it ascertains information on these subjects, that information is applied by the farmers' cooperative demonstration work, so far as it affects cotton and the other crops with which it is operating.

This sum of $25,000, to be made immediately available, I may say to the Senator, is for the practical work of the agent of the Bureau of Entomology in the very portion of Louisiana where I live. It is to carry on some experiments there, to try some new methods. The boll weevil there, I may say, has practically driven out of business the people of that section. It has caused the loss of a great many millions of dollars.

Mr. JONES. I do not question that.

Mr. RANSDELL. In that immediate section, in the overflowed lands of Louisiana, we suffer from the ravages of water as well as the ravages of insects, and it seems impossible to make cotton. Right in that section, where there is very heavy vegetation, where there is a great deal of moisture, where it is very warm, the Bureau of Entomology is trying to conduct a series of experiments which have been highly recommended by Mr. Smith, who has been there for several years trying to demonstrate his ideas. This gentleman so thoroughly convinced the Assistant Secretary of Agriculture that his plans are correct and that his ideas are good that the Assistant Secretary is anxious to have him demonstrate them. It will take some money to do it.

Mr. JONES. Can the Senator tell me what the appropriation for this purpose was for the current year?

Mr. RANSDELL. I can not answer that question. I assume that it was $50,000. That is what the appropriation was before it was amended by this addition; but I do not know whether it was that amount or not.

Mr. JONES. Can the Senator tell me whether or not the appropriation is exhausted?

Mr. RANSDELL. I was told by Dr. Galloway that it was practically exhausted; that there is no money that can be applied to this purpose.

Mr. JONES. Of course, I am perfectly willing to appropriate all the money that is necessary if there is any hope of checking and overcoming the ravages of the boll weevil. The statement of the Senator that under this paragraph he expects to do that attracted my attention when I remembered that we had increased by $250,000 the appropriation to combat the ravages of the boll weevil, so I was a little bit surprised that one of the main purposes of this paragraph was to do that. I hope it will be successful, and I hope what the Senator expects from it will be realized.

Mr. RANSDELL. I thank the Senator for his kind wishes, and I hope the item will be agreed to without further discussion.

Mr. GORE. Mr. President, I should like to say one word to the Senator from Washington to illustrate the principle upon which the bill has been drafted. It may not be the very best possible principle.

In one section of the bill there is an appropriation of $114,000 carried for the investigation of the best methods of exterminating insects affecting cereals. That would come under the Bureau of Entomology. Another section carries an appropriation of $135,000 for investigating diseases affecting cereals. They are two distinct appropriations, but the service is devolved upon different bureaus or divisions, and for that reason the items are carried in different places and different sections of the bill.

Mr. SMOOT. Mr. President, I wish to ask the Senator why the amount of $25,000 is made immediately available?

Mr. GORE. The work contemplated under this appropriation must begin this spring, prior to the beginning of the next fiscal year. I agree with the Senator that it is a bad practice to make these appropriations immediately available; but in this particular instance it is justified by the fact that an entire year will be lost unless the money is made available at once.

Mr. SMOOT. I wish to say to the Senator that this is a deficiency measure pure and simple. We are going to have a deficiency bill here in a very short time. It seems to me it is not only a very bad practice but a wicked practice to take the regular agricultural appropriation bill and put a deficiency appropriation upon it.

In view of what the Senator from Louisiana [Mr. RANSDELL] has already said, I am not going to make a point of order against this item at this time, because I know what suffering the people of Louisiana are passing through at this time. I know the losses they are sustaining, and the frightful condition they are in, as far as their general business is concerned. If this is going to help Louisiana, I do not want to interfere with it at all; but I wish to say that I shall at least have the Senate express its opinion upon the other items here that are made immediately available.

Mr. RANSDELL. I thank the Senator from Utah very much for his kindness and sympathy with the people of Louisiana, who certainly are suffering in that particular section. In order to explain to him that this is not a deficiency appropriation, let me read very briefly from the letter of Mr. George D. Smith, entomological agent at Tallulah, La., under date of May 5, to show what he is going to do with this money.

Mr. SMOOT. Mr. President, I understand what they are going to do with the money; but this is the proposition: If they had had enough money to go on with this work, of course they would not have been here asking for an additional appropriation. The bill as it came from the House carried $50,000. The Senate committee has added $25,000 to that.

Mr. RANSDELL. For an entirely new work, I may say; for a new idea—something that never has been tried before.

Mr. SMOOT. Of course, I could make the point of order on it, then, that it has not been estimated for; but I say to the Senator that I am not going to do it.

Mr. RANSDELL. I thank the Senator very much.

Mr. SMOOT. I do not care what reason there is or what they are going to do with it; if the Senator thinks it is going to help his distracted State, I am not going to object to it.

Mr. RANSDELL. I thank the Senator. I believe it will help them.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. GORE. I do.

Mr. SMITH of Michigan. I simply rose for the purpose of begging my friend from Utah not to interpose an objection against this appropriation for Louisiana. It is about all the comfort they have been able to get out of the present administration, and I am glad to see them get it.

Mr. GALLINGER. Mr. President, I will ask whether or not, in this matter of the boll weevil and other insects that are ravaging the crops of the southern part of the country, the States are making appropriations in conjunction with the appropriations from the General Treasury?

Mr. GORE. Mr. President, the States, counties, commercial clubs, and individuals, I understand, appropriate something like half a million dollars in the Southern States where this money is utilized.

Mr. GALLINGER. I notice that a proviso has been added, as follows:

That the entire expense of such service shall be defrayed from this appropriation and no contribution or endowment for said purpose shall be received or accepted from any individual, firm, company, or corporation.

Mr. GORE. The Senator has the wrong section before him. That section was disposed of some days since.

Mr. GALLINGER. Yes; but as we are discussing the boll weevil I recur to this item concerning the boll weevil to ask these questions.

Mr. GORE. Very well. I did not mean to divert the Senator.

Mr. GALLINGER. It seems to me rather a new idea that a community may not accept contributions from anybody to improve conditions.

Mr. GORE. The Senator perhaps was absent when a substitute for that provision was adopted by the Senate.

Mr. GALLINGER. I will say to the Senator that I was absent.

Mr. GORE. The substitute has been adopted.

Mr. GALLINGER. The point I want to suggest particularly is that the pest of the boll weevil is somewhat analogous to the wretched condition we have in New England, where our forests are being ravaged by these moths. In my State we make an annual appropriation, and we employ a commissioner to see that that appropriation is properly applied. He has, I think, scores of men under him, paid from that appropriation, and it is used in conjunction with a Federal appropriation. My thought was that if the States where the boll weevil and other destructive insects exist are not cooperating with the General Government in rendering some financial assistance they ought to do so, just as we are doing in New England.

Mr. GORE. Mr. President, that policy has been consistently pursued by the Southern States. Contributions have been made by the States, in some instances by counties, by chambers of commerce, merchants, individuals, farmers, and others, I think, to an amount aggregating half a million dollars. I will say that the committee was in sympathy with the work being done by the State of New Hampshire, and in order to facilitate that work we have increased from 5 per cent to 25 per cent the allowance of the State of New Hampshire for whatever national forests may be situated in that State.

Mr. GALLINGER. I will ask the Senator, because I am not familiar with the fact, whether the present appropriation in this bill is an increased appropriation over that of last year for the extermination or the decrease of the depredations of the moths in our section of the country?

Mr. GORE. I shall be able to answer the Senator's question in a moment. I shall have to look into the matter.

Mr. GALLINGER. I ask the question for the reason that I notice that the appropriation for the boll weevil has been increased a quarter of a million dollars; and I wish to assure the Senator that in spite of all our efforts and appropriations from the individual States and the Federal appropriations, this miserable pest of the brown-tail and gypsy moth is going on. It seems to me it might be well to give a little additional appropriation in this bill for that purpose as well as for the extermination of the boll weevil.

Mr. GORE. I will say that the amount carried in the pending bill for the extermination of the moths referred to is the amount estimated for by the department. It is a slightly reduced appropriation as compared with last year.

Mr. GALLINGER. A slight reduction?

Mr. GORE. Yes, sir.

Mr. GALLINGER. I regret that exceedingly. If it is the estimate, I shall not offer an amendment; but I wish the department would consult—or perhaps it did—with those who are very familiar with the situation in the New England States. I think if the department had done that it would not have reduced the appropriation, but, rather, would have increased it.

Mr. SUTHERLAND. Mr. President, I observe this appropriation "for investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, and so forth." I regret to see anything of a purely jocular character creep into a serious bill of this character, and I should like to ask the Senator in charge of the bill what is the particular use of including sugar cane? What is the necessity of protecting that crop in the South under the existing legislation?

Mr. GORE. I may say that I have a keen relish for the sense of humor always manifested by the Senator from Utah, and I wish to assure him that, in my judgment, the committee has not been guilty of discrimination. We have appropriated $41,000 for the investigation, among other things, of insects and diseases affecting the sugar beet.

Mr. SUTHERLAND. Mr. President, I think it might be a more practical thing if we would do something to protect sugar cane from the inroads of the Democratic Party, rather than to protect it from the attacks of these insects.

Mr. GORE. Mr. President, efforts of that kind would do more harm than good. That is the difficulty connected with the administration of that principle.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 48, line 20.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 48, line 21, where the committee proposes to strike out "$59,000" and insert "$84,000, of which sum $25,000 shall be immediately available."

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 51, line 23, where the committee proposes to strike out the words "noxious animals" and insert:

Wolves, prairie dogs, ground squirrels, and other animals injurious to agriculture.

The amendment was agreed to.

Mr. SHERMAN. Before we pass from that paragraph I wish to give notice that at the proper time I shall submit an amendment, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The Secretary will state the amendment for the information of the Senate.

The SECRETARY. After the word "marten," in line 1, page 52, the Senator from Illinois proposes to insert the following:

Provided, That the rearing or breeding of any such fur-bearing animals that are flesh-eating shall not be promoted or encouraged in any State or Territory of the United States in which poultry is raised or kept for use or profit near enough to expose such poultry to the depredations of such flesh-eating fur-bearing animals.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over is, on page 52, lines 2 and 3, where the committee proposes to strike out:

That of this sum $15,000 shall be used for the destruction of ground squirrels on the national forests: *And provided further.*

The amendment was agreed to.

Mr. LANE. I should like to ask the Senator from Utah what is the trouble with the wild ducks of Salt Lake Valley? I see that the bill provides for them, and I want to find out what is the trouble with them.

Mr. SMOOT. I will say to the Senator that about 10,000,000 of them died within the last year and a half.

Mr. GALLINGER. That looks like a subsidy.

Mr. SMOOT. They have been suffering from some disease. It is not known what the disease is. The department has already had a man there examining into the matter.

The SECRETARY. The next amendment passed over is on page 52, where it is proposed, after line 10, to insert:

For the improvement of the Mesa Verde National Park, $10,000.

Mr. SMOOT. Mr. President, I notice in this bill appropriations for the improvement of national parks, even one of the established national parks. Every year for the sundry civil appropriation bill the Secretary of the Treasury estimates the amount of money required for the care of national parks. In the past this class of appropriations has always been in that appropriation bill. Such appropriations ought to be in the sundry civil appropriation bill now rather than be placed in the Agricultural appropriation bill. I do not know why the committee included these items in this bill. Perhaps the chairman of the committee can tell the Senate why.

Mr. GORE. Mr. President, I think the Senator from North Dakota [Mr. GRONNA] will probably be able to explain this item to the Senate.

Mr. SHAFROTH. Mr. President, I will try to explain it to the Senator, as this is an appropriation in relation to a national park in my State. There are three items for which appropriations are proposed. One is for the Mesa Verde National Park; another is for the Sullys Hill National Park in North Dakota, and the third is for the Platte National Park in the State of Oklahoma. So far as the necessity for an appropriation is concerned, I have received a letter from the superintendent of the Mesa Verde National Park and he states that they really need $75,000. That is a park to which a great deal of attention is being paid. It contains, as Senators know, the ruins of a prehistoric race that existed likely thousands of years ago. The buildings are there, and they have a palace there which contains over 50 rooms.

Mr. OVERMAN. Will the Senator yield to me for a moment?

Mr. SHAFROTH. Certainly.

Mr. OVERMAN. The Senator is a member of the Committee on Appropriations. As he is a new member he probably does not know that the national parks are provided for in the sundry civil appropriation bill.

Mr. SHAFROTH. Yes; I know that.

Mr. OVERMAN. The Senator being a member of the Committee on Appropriations he can see that it would not be proper to have the item in this bill. The estimates come before the Committee on Appropriations when the sundry civil bill is considered, and I think that is the proper way to have this legislation. I ask the Senator to consent to have the item stricken out in order that we may take it up properly when the sundry civil appropriation bill is considered. I think he is probably a member of the subcommittee of that bill.

Mr. SHAFROTH. I am not on the subcommittee, but, nevertheless——

Mr. OVERMAN. The Senator is on the committee, however.

Mr. CLARK of Wyoming. I wish to ask the Senator from Colorado under what department is the administration of this park?

Mr. SHAFROTH. It has been administered under the Interior Department.

Mr. CLARK of Wyoming. And not under the Agricultural Department?

Mr. SHAFROTH. It is not under the Agricultural Department.

Mr. CLARK of Wyoming. Then we are appropriating money here in the Agricultural appropriation bill the expenditure of which would be carried on in the Interior Department.

Mr. SHAFROTH. Yes; but that is not out of the ordinary course. Take the appropriation bill of last year.

Mr. CLARK of Wyoming. I was not seeking to antagonize the Senator. I was seeking information.

Mr. SHAFROTH. Yes.

Mr. CLARK of Wyoming. If that has been the practice heretofore, it occurs to me that it is a very bad practice, because——

Mr. SHAFROTH. That may be, but——

Mr. CLARK of Wyoming. Because these estimates are usually made by the head of the department that has the expenditure of them.

Mr. SHAFROTH. Yes; but I notice in the Agricultural appropriation bill last year that Wyoming got one in for $5,000.

Mr. CLARK of Wyoming. I do not think it ought to have been in. I am not speaking of this from a personal standpoint. I ask the Senator this question, Does he think it is good business to put in the Agricultural appropriation bill an item of expenditure which has nothing to do whatever with the Agricultural Department and with which the Agricultural Department has nothing to do? Ought it not to go into the expenditures of the particular department or into a general bill applicable to all the departments?

Mr. SHAFROTH. It might be that would be true.

Mr. CLARK of Wyoming. In other words, is it not loading up the expenditures of the Agricultural Department with items for which they are not properly chargeable?

Mr. SHAFROTH. It may be that it would have a tendency that way. Still at the same time there are appropriations which are absolutely necessary and greater amounts than probably some of the committees would authorize. It is not out of the usual practice, because there were two items in the appropriation bill of last year, one for the establishment and maintenance of a winter elk's refuge in the State of Wyoming, $5,000, to be available, and so forth.

Mr. SMOOT. But that is under direction of the Secretary of Agriculture.

Mr. SHAFROTH. It seems not.

Mr. SMOOT. The Secretary of Agriculture has that in charge.

Mr. SHAFROTH. I do not know whether he has it in charge or not, but here is the establishment of these new parks and new preserves upon the lands embraced in the Sullys Hill National Park in North Dakota to be used as a permanent national range, $10,000.

Mr. GRONNA. Mr. President——

Mr. SHAFROTH. Of course, if all these items are to be relegated to another committee, and if we are to get a fair showing there, it is all right and good; but if other people are to get appropriations here, I want my share, whatever it may be.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. SHAFROTH. I yield to the Senator.

Mr. CRAWFORD. As I recall it, when the Agricultural appropriation bill was before the Senate in the last Congress, it dealt with a number of the national parks. I remember that we had several such items in that bill; one was with reference to elks in the park in Wyoming. Another had reference to Wind Cave National Park in my State, and the acquiring of some lands and fencing portions of it for bison and large game. That was all dealt with in the general Agricultural appropriation bill in the last Congress.

Mr. OVERMAN. As the Senator from Utah says, they come under the Secretary of Agriculture.

Mr. CRAWFORD. The Wind Cave National Park?

Mr. OVERMAN. I think so.

Mr. CRAWFORD. There is no provision for it in this bill at all.

Mr. SMOOT. I want to call the attention of the Senator and of the Senate to the fact that the appropriation last year for the winter elk refuge in the State of Wyoming was $5,000, and——

Mr. CRAWFORD. That was in the Agricultural appropriation bill.

Mr. SMOOT. The reason is that it is to be administered under the direction of the Secretary of Agriculture. The amendment so states.

Mr. CRAWFORD. There was provision in reference to the Wind Cave Park.

Mr. SMOOT. I will call the attention of the Senator to the next item which was in that bill. There were only two in last year's bill. One was as follows:

> For the establishment of a national game preserve, to be known as the North Dakota National Game Preserve, upon the land embraced within the boundaries of the Sullys Hill National Park in the State of North Dakota, to be used as a permanent national range for elk, deer, and such other game animals and birds as may be placed therein, $10,000, to be available until expended; and the Secretary of Agriculture is authorized to inclose the said game preserve with a good and substantial fence.

The difference is this, that the national parks are under the control and direction of the Secretary of the Interior.

Mr. CRAWFORD. What is the provision for the one in my State? I do not recall about that.

Mr. SMOOT. It is not in this bill.

Mr. CRAWFORD. It was in the Agricultural appropriation bill.

Mr. SMOOT. This is the Agricultural appropriation bill I have; the bill of last year.

Mr. CRAWFORD. It was in a later print of some bill. The bill which we passed had some such provision in it. My interest in the matter is like that of the Senator from Colorado [Mr. SHAFROTH].

I do not want to have the cards shuffled, so that some of these items are going to be recognized in this bill and others left out, and which may be neglected entirely.

Mr. GRONNA. I wish to say, in addition to what the Senator from South Dakota [Mr. CRAWFORD] has said, that there was a provision in the bill making an appropriation for various game preserves, one in Oklahoma, known as the Wichita Game Reserve; one in Montana, known as the National Bison Range; one in Wyoming, known as the Elk Refuge; and one the Senator from South Dakota has just referred to, being the National Game Preserve in South Dakota.

All these appropriations were made in the Agricultural appropriation bill.

Mr. JONES. Mr. President——

Mr. GRONNA. I will yield in just a moment. It is true that all lands which belong to the United States are under the jurisdiction of the Secretary of the Interior. We have in this appropriation bill several items where we appropriate money for experimental farms. The lands belong to the United States, and the lands which belong to the United States are under the jurisdiction of the Secretary of the Interior,

Mr. SMOOT. I wish to say to the Senator that he is mistaken when he says that the national parks are under the direction of the Secretary of Agriculture. The Secretary of the Interior has direct charge of the management and control of the national parks.

Mr. GALLINGER. And the expenditure of the money.

Mr. SMOOT. And the expenditure of the money upon them. I will say to the Senator, further, that there has been introduced into the Senate, and also in the House, a bill to create a national-park bureau, so as to bring them all within the control of one management—that is, outside of the Secretary of the Interior.

Mr. GRONNA. I wish to say to the Senator from Utah that the Sullys Hill Park is a national park. It is owned by the Government.

Mr. SMOOT. I was unfortunate in what I said. The Senator misunderstood me.

Mr. GRONNA. The Senator from North Dakota has never said that the national parks are under the jurisdiction of the Secretary of Agriculture. The Senator from Utah misunderstood me. I said where they have these game preserves or these elk refuges the work is being done by the Department of Agriculture.

Mr. SMOOT. I will admit that, Mr. President, because the bill specifically provides for that. But this is a matter relating to the Mesa Verde National Park. It is not a game preserve. There is no game there. It is created for the purpose of the Government preserving the wonderful relics found within the limits of that park. It is under the direct charge of the Secretary of the Interior. Nobody can go upon the park there unless under the rules and regulations of the Secretary of the Interior. The Agricultural appropriation bill is no place for an appropriation for the improvement of that park.

Mr. GRONNA. Technically, that may be true; but I can see no reason why we should not make an appropriation for the improvement of the Mesa Verde National Park just as well as we make appropriations for other parks in this bill.

Mr. OVERMAN. Here is the trouble which arises: The Secretary of the Interior always sends his estimates to Congress. His estimates will be sent to the House of Representatives, to the Committee on Appropriation there, for the Mesa Verde National Park. The House Committee on Appropriations will probably put $10,000 in the bill for the Mesa Verde Park. Here is an appropriation from the Committee on Agriculture where the estimate was not made at all, and to put it in the bill may cause inextricable confusion.

For example, in the last Congress, as some Senators remember, there was an estimate sent down for an immediate appropriation on the legislative, executive, and judicial bill and we put it on. I happened to come up here one day and saw that there was on the Indian appropriation bill the very same appropriation which had been in the legislative bill, and it was being considered in the Indian appropriation bill. There must be regularity in these appropriation bills. They must be enacted according to the estimates sent down. If we do not do that, you will find in different appropriation bills various sums appropriated for the same object. If we do not have some regularity about it, the Senator will see the confusion that will arise and the duplicating of appropriations that will result.

Mr. GRONNA. Mr. President, while the Sullys Hill National Park, so called, is under the jurisdiction of the Secretary of the Interior, the proposed work must be done by the Agricultural Department. There can be no question about that. But before I proceed, I want to yield to the Senator from Washington [Mr. JONES], who desired to interrupt me.

Mr. JONES. I was just going to suggest that the provisions in the last Agricultural appropriation bill were not in reference to national parks at all. They were in reference to game preserves, the control of which I understand is under the Secretary of Agriculture, and those were entirely proper provisions.

Mr. GRONNA. That is true.

Mr. JONES. It is different with the provision in the pending bill when we make an appropriation for a national park over which the Secretary of Agriculture has no jurisdiction; but if it were a game preserve, the Secretary of Agriculture would have control of it.

Mr. GRONNA. The Sullys Hill National Park, so called, is a game preserve. It is to be used as a game preserve.

Mr. JONES. There is nothing at all in the bill to indicate that.

Mr. GRONNA. It was in the last year's bill.

Mr. JONES. For the Mesa Verde National Park I do not find any appropriation in the last Agricultural appropriation bill.

Mr. GRONNA. It was in the bill when it passed the Senate. I have the bill before me.

Mr. JONES. I have the law here.

Mr. GRONNA. It was probably taken out in conference, for it was in the bill when it passed the Senate.

Mr. JONES. On page 22 there is a provision for the maintenance for a game and bison range, and the Secretary of Agriculture has supervision of that. Of course, that was entirely proper. That was not a national park. It was a matter over which the Secretary of Agriculture had supervision. Another provision was:

> For the establishment and maintenance of a winter elk refuge in the State of Wyoming, $5,000, to be available until expended, and the Secretary of Agriculture is hereby authorized to include in said refuge and to inclose not more than 1,000 acres of unoccupied public lands, which when selected shall be made to conform to the lines of the public surveys, and shall be adjacent to or partly inclosed by said refuge.

Of course, that is a matter entirely within the jurisdiction of the Secretary of Agriculture. I do not know what was the provision that passed the Senate, but that is the way it was enacted into law. There is no provision in the law making an appropriation for a national park.

Mr. GRONNA. I want to read the provision in the bill as it passed the Senate.

Mr. BRADY. Mr. President——

Mr. GRONNA. I will yield in just a moment. On page 54 of House bill 28283 as it passed the Senate last year there is this provision:

> For the establishment of a national game preserve, to be known as the North Dakota National Game Preserve, upon the land embraced within the boundaries of the Sullys Hill National Park in the State of North Dakota, to be used as a permanent national range for elk, deer, and such other game animals and birds as may be placed therein, $10,000, to be available until expended, and the Secretary of Agriculture is authorized to inclose the said game preserve with a good and substantial fence, to construct thereon all necessary sheds, buildings, and corrals for the proper care and maintenance of the animals, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals placed therein.

There was an estimate made for this appropriation last year, and I have before me the statement made by the Secretary of Agriculture, Secretary Wilson, strongly recommending it.

Mr. JONES. I suggest that by the very language of this amendment this is not money for a national park, but it appropriates it for a game preserve, over which the Secretary of Agriculture would properly have control. The provision here is for the improvement of the Mesa Verde National Park. We might provide that a game preserve should be established in connection with it——

Mr. GRONNA. I was referring to the Sullys Hill National Park.

Mr. JONES. And then it would be a game preserve, but not a national park.

Mr. WARREN. If the Senator will allow me, I have not heard all of the discussion upon this subject, but it is perfectly plain that a national park, as such, should be under the jurisdiction of the Secretary of the Interior, and national parks are usually provided for in another bill, the sundry civil appropriation bill. But these preserves that are to be stocked with game are located in parks, and so much as is under the Biological Bureau of the Agricultural Department has been taken care of in the Agricultural appropriation bills. Probably if we follow the line of action adopted heretofore we should only put in this bill provision for such items as are intended to provide for stocking certain portions of the parks with game. I think that that will be regulated sooner or later between the Secretary of the Interior and the Secretary of Agriculture.

Mr. GRONNA. And that could not be done under the bill, as suggested by some of the Senators who have just spoken.

Mr. BRADY. Will the Senator from North Dakota yield to me for a moment?

Mr. GRONNA. I yield to the Senator.

Mr. BRADY. I do not think the objection made by the Senator from Utah and the Senator from North Carolina applies to the section referring to Sullys Hill National Park in the State of North Dakota.

Mr. SMOOT. We were discussing the Mesa Verde National Park.

Mr. BRADY. The objection of those Senators in the case of the Mesa Verde National Park is the fact that it comes under the jurisdiction of the Secretary of the Interior, while the Sullys Hill National Park comes properly under the jurisdiction of the Secretary of Agriculture.

Mr. GRONNA. Mr. President, since we have commenced to discuss the two items I might just as well conclude. I want to say, for the information of the Senate, that Sullys Hill National Park consists of about 780 acres, and I want to be permitted to read a short letter from Secretary Wilson. I ask

the Secretary to read the letter, because he can read it much better than I.

Mr. OVERMAN. No one has made any point against the amendment, I understand.

Mr. GRONNA. I simply want to continue this subject, giving the information, if I may be permitted. Of course, if there is objection to it I can wait.

Mr. OVERMAN. I do not object.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Secretary will read as requested.

The Secretary read as follows:

FEBRUARY 1, 1913.

Hon. HENRY E. BURNHAM,
Chairman Committee on Agriculture and Forestry,
United States Senate.

SIR: I have the honor to acknowledge the receipt of the Senate amendment to the Agricultural appropriation bill (H. R. 28283), proposed by Senator GRONNA for the establishment of a national game preserve in North Dakota, on which you request a report.

This amendment proposes to appropriate $10,000 for the erection of fences, headquarters, and other buildings, and the construction of roads and trails necessary for the establishment and maintenance of the North Dakota National Game Preserve on the land in Sullys Hill National Park, N. Dak.

I inclose herewith a map showing the boundaries of this park. From information on file in the Biological Survey it appears that Sullys Hill Park, on the south shore of Devils Lake, N. Dak., was established in 1904 and has an area of about 780 acres. The land is partially wooded, well watered, and contains some excellent grazing ground. The highest point on the reservation, and the one from which it takes its name, Sullys Hill, attains an elevation of about 1,000 feet above the lake. Apparently no appropriation has ever been made for this reservation or any effort put forth to develop the park for any purpose. If inclosed with a suitable fence it would provide an excellent location for big game of various species characteristic of North Dakota, and the northern plains region, such as buffalo, elk, mule and white-tailed deer, and antelope. The reservation is ample for a herd of moderate size and affords abundant grass and water. The amount proposed is sufficient to construct the fence and necessary buildings. If the appropriation is made at this time the department is prepared to place on the reservation a herd of elk and can doubtless provide a few deer, so that no part of this sum need be expended for the purchase of animals. Once established, the preserve can be maintained at very moderate expense.

I especially call the attention of the committee to the fact that experience in the Yellowstone Park and the Wichita Game Preserve shows the importance of having herds of buffalo and other big game located at several widely separated points in order to prevent the spread among them of contagious diseases which may break out from time to time. The department has already under its jurisdiction small herds of buffalo and elk on the Wichita Game Preserve in Oklahoma, the National Bison Range in Montana, and the Niobrara Preserve in Nebraska. Congress has recently authorized the establishment of a preserve in the Wind Cave Park, in South Dakota. The North Dakota game preserve is smaller than any of the others and can be established and maintained at less cost. If Sullys Hill Park can be used for this purpose it will afford an opportunity of establishing a herd of big game, which can be utilized as a center of distribution for stocking other parks. It will also be a refuge for birds, including two species of grouse native to the region, will provide for the utilization of a reservation hitherto undeveloped, and will afford a park which will be a point of attraction for visitors from North Dakota and other States. The project has my approval as it is entirely feasible, economical, and is desirable from every point of view.

Respectfully,

JAMES WILSON, *Secretary.*

Mr. GRONNA. Mr. President, when this Mesa Verde National Park proposition is disposed of I shall ask to change the language.

Mr. SMOOT. I was going to ask the Senator. Secretary Wilson in that letter asked for an appropriation of $10,000 to inclose the said park with a good and substantial fence; to construct thereon all sheds, buildings, and corrals necessary for the proper care and maintenance of the animals and birds therein; to erect a suitable headquarters; to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and so forth.

He states in the correspondence that that would be sufficient to do this work. I notice that the amendment offered in this bill carries exactly the same words, ostensibly for the same purpose.

Mr. GRONNA. I will say to the Senator that this item went out in conference. Several members of the conference objected to it.

Mr. SMOOT. And it did not become a law?

Mr. GRONNA. So it did not become a law. I ask unanimous consent to use the exact language that was used in last year's bill.

Mr. OVERMAN. Has it been estimated for by the present Secretary?

Mr. GRONNA. We have a favorable report from the Secretary. I have his letter.

Mr. CLARK of Wyoming. Will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. GRONNA. Yes.

Mr. CLARK of Wyoming. Would it fill the purposes of the Senator if the amendment were amended on line 13, so as to insert after the word "of" the words "game preserves in," so as to read "for the improvement of game preserves in Sullys Hill National Park"?

Mr. GRONNA. I think that would do; but here is the language we used last year.

Mr. McCUMBER. Will my colleague yield to me?

Mr. GRONNA. Certainly.

Mr. McCUMBER. I do not see the necessity of using those words or making any change. As has already been suggested, it is a small park, consisting of only 780 acres, and the idea is to use the entire park for this purpose. There has been no improvement of any kind for any purpose upon the park so far. As it provides for the fencing of the entire park, I can not see the necessity for the use of the words suggested by the Senator from Wyoming.

Mr. CLARK of Wyoming. It would only relieve my mind of the situation in this respect. I have tried to get the act creating the Sullys Hill National Park.

Mr. OVERMAN. It is not a park at all; it is a game preserve. One would not call a tract of 780 acres a national park.

Mr. CLARK of Wyoming. Will the Senator yield to me just a moment until I finish my statement? I have assumed that it was a national park of 780 acres.

Mr. McCUMBER. Yes.

Mr. CLARK of Wyoming. And as such I have assumed that it comes directly under the control of the Secretary of the Interior. Now, if that is true, my objection would be that the Secretary of the Interior having control of the park except where there is a game preserve made within the park, when the game preserve is made it comes under the control of the Secretary of Agriculture.

Mr. McCUMBER. I will say to the Senator I assume that this amendment, if passed, converts it into a game preserve, so that it would of its own effect, without any other words, convert the park into a game preserve.

Mr. CLARK of Wyoming. If there is nothing but a game preserve there, I do not see how the amendment which I suggested is objectionable to the Senator.

Mr. McCUMBER. It is not objectionable, but I think it is unnecessary.

Mr. CLARK of Wyoming. "For the improvement of the game preserve in Sullys Hill National Park."

Mr. GRONNA. I had no objection to that, and I will accept it.

Mr. CLARK of Wyoming. That will meet my criticism.

Mr. GRONNA. I wish to accept the amendment.

The PRESIDING OFFICER. The question is, first, on the committee amendment, in lines 11 and 12, inserting the words "For the improvement of the Mesa Verde National Park, $10,000."

Mr. SHAFROTH. Mr. President, I want to say a word in relation to that amendment. I have been assured by the Senator from North Carolina [Mr. OVERMAN] that this matter of an appropriation for the Mesa Verde National Park will surely come in the sundry civil appropriation bill. I will not be satisfied with the appropriation of $10,000 in this bill if I am to get nothing in the other bill. It is an historical point, and it should be fixed up in a manner that will attract people who come there and investigate the prehistoric conditions that are exhibited in that national park.

I should like to have the attention of the Senate to the fact that the ruins in this park were first discovered 30 or 40 years ago, and there have been European scientists who have come over to this country for the purpose of not only inspecting them, but one great scientist of Norway has written a book, which contains fully 650 pages with illustrations, as to the characteristics and the habits of the prehistoric race there disclosed. The park ought to be improved substantially and $10,000 is not enough. If the item properly belongs to the other appropriation bill, I do not care to press it in this bill; but I will take my chances to get a larger appropriation in the sundry civil appropriation bill.

Mr. GALLINGER. Mr. President——

Mr. WEST. Are not all the three amendments here on all fours with each other?

Mr. SHAFROTH. I think not. I think the amendment which the Senator from North Dakota is interested in is somewhat different.

Mr. GALLINGER. It is entirely different.

Mr. SHAFROTH. It involves the question of a game preserve which is within the jurisdiction of the Secretary of Agriculture; but I think the third amendment is in the same category with the amendment in relation to the Mesa Verde Park.

Mr. GALLINGER. I am very glad, Mr. President, that the Senator from Colorado [Mr. SHAFROTH] has concluded to with-

draw the amendment. It will doubtless be included in the sundry civil appropriation bill, and, as a member of the Committee on Appropriations, I will say to the Senator from Colorado that I shall be glad to cooperate with him in getting a larger appropriation than $10,000. From what the Senator from Colorado says, this is one of the most remarkable parks in the world and, of course, its investigation and development must come under the Interior Department, under the jurisdiction of the Smithsonian Institution, and under the active work of the archæologists belonging to that department of the Government. I think we can not do too much in reason toward thoroughly exploring that park and developing for the interests of science the wonderful things that doubtless will be found there, according to statements made by the Senator from Colorado. It belongs on the sundry civil bill, and it surely will be placed there when that bill comes up for consideration.

Mr. SHAFROTH. I withdraw the amendment in view of that statement.

Mr. CRAWFORD. I should like to ask the Senator from Wyoming [Mr. WARREN], who is a member of the Committee on Agriculture and Forestry, as to the park in Wyoming in which the elk were inclosed, as well as the park in South Dakota where provision was made for bison, whether the biological feature in connection with those parks would require that those parks should be provided for in this bill rather than in the sundry civil appropriation bill? I ask the question of the Senator, knowing his long experience and familiarity with all of these different parks. I do not want to take chances in having that item left out of this bill and then having it claimed, when the sundry civil bill is under consideration, that on account of this feature it should have been provided for in the pending bill. Can the Senator from Wyoming advise me on the matter?

Mr. WARREN. Mr. President, the Senator from South Dakota does not find the Wyoming park provided for in this bill.

Mr. CRAWFORD. It is not in this bill.

Mr. WARREN. That game preserve was provided for originally in the Agricultural appropriation bill.

Mr. CRAWFORD. It was.

Mr. WARREN. And I have not asked to insert it here, because I have assumed that the appropriation made for the game was still operative, if not expended, and that the general appropriation for the park would be taken up by the Department of the Interior. I may be wrong about it, but that is what I have expected.

Mr. CRAWFORD. That is the point. I would like to feel that we know what our status is, for if that appropriation should be in this bill I did not want to have it omitted.

Mr. WARREN. The sundry civil bill has not yet reached the Senate and has not been reported, I think, on the House side. I think it is perhaps at the present time in a state of incubation in committee.

Mr. CRAWFORD. It was claimed in the Committee on Appropriations when the matter was mentioned that it would probably come up on the sundry civil bill; so I did not press it here.

Mr. WARREN. That is the expectation. But I desire to say to the Senator——

Mr. CRAWFORD. While I have not pressed it here, I want it understood that the reason I have not done so is because of the claim made that it is a matter to be considered on the sundry civil bill.

Mr. WARREN. Let me suggest to the Senator that he call the personal attention of the Secretary of Agriculture to that condition in the park, and he might, if necessary, also call it to the attention of the Secretary of the Interior. We can do nothing until we see their estimates; but I presume both of those matters will be taken care of in the other bill.

Mr. SMOOT. Mr. President, allow me to suggest to the Senator, that if the item goes out of this bill, he offer an amendment to the sundry civil bill, and then let it go to the Appropriations Committee, and they will consider it.

Mr. CRAWFORD. It is not going out of this bill, for it has not been placed in the bill. It was not placed in the bill because of the understanding expressed that it should properly be put on the sundry civil bill.

Mr. KENYON. I should like to ask the Senator from South Dakota what is the park about which he is talking?

Mr. CRAWFORD. The Wind Cave National Park at Hot Springs, S. Dak.

Mr. KENYON. Is the Wind Cave National Park protected by this bill in any way?

Mr. CRAWFORD. No; it is not.

Mr. KENYON. That is a park in the Senator's own State?

Mr. CRAWFORD. Yes; and it is one of the parks which ordinarily come under the jurisdiction of the Secretary of the Interior to pay for the custodian and matters of that kind, and is provided for in the bill.

Mr. KENYON. I understand that it is not taken care of in this bill.

Mr. CRAWFORD. A discussion arose here because of the fact that as to one of the parks in Wyoming and as to the park in which the Senator from North Dakota is interested provision was made for an inclosure of those parks for wild game, elk, and bison, and it was claimed that on that ground they were properly under the jurisdiction of the Secretary of Agriculture and should be provided for in this bill.

Mr. KENYON. It would seem a great pity that anything should happen to the Wind Cave Park.

Mr. CRAWFORD. "That which we call a rose by any other name would smell as sweet."

The PRESIDING OFFICER (Mr. HITCHCOCK). The Chair understands that the chairman of the Committee on Agriculture asks unanimous consent to withdraw the amendment.

Mr. GORE. I understand the Senator from Colorado [Mr. SHAFROTH] preferred that request.

The PRESIDING OFFICER. Without objection, the amendment will be withdrawn.

The Secretary will read the next committee amendment passed over.

The next amendment passed over was, on page 52, after line 12, to insert the following:

For the improvement of Sullys Hill National Park, in the State of North Dakota, $10,000, the same to be available until expended. The Secretary of Agriculture is authorized to inclose the said park with a good and substantial fence, to construct thereon all sheds, buildings, and corrals necessary for the proper care and maintenance of the animals and birds therein, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals and birds placed therein. The Secretary of Agriculture is also authorized to place in the park buffaloes, elk, deer, and such other wild or rare animals and birds as he may in his discretion decide.

Mr. KENYON. I should like to inquire where that park is located?

Mr. GRONNA. That park is located on the shores of Devils Lake, in the State of North Dakota.

Mr. KENYON. Is it a park now?

Mr. GRONNA. It was set aside for park purposes, but no improvements have as yet been made.

Mr. KENYON. The land is owned by the Government?

Mr. GRONNA. Yes; the land is owned by the Government. I will now ask to amend the amendment, as suggested by the Senator from Wyoming, after the word "improvement," in line 13, by adding the words "as a game preserve."

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 52, line 13, after the words "improvement of," it is proposed to insert the words "as a game preserve."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next committee amendment passed over will be stated.

The next committee amendment passed over was, beginning at the top of page 53, to insert:

To enable the Secretary of Agriculture to improve Platte National Park, in the State of Oklahoma, by inclosing said park with a good and substantial fence, constructing thereon all sheds, corrals, and other buildings necessary for the proper care and maintenance of the animals and birds therein, erecting a suitable headquarters, and constructing and maintaining roads, trails, and other structures necessary for the convenience of visitors; to place in the park such wild or rare animals and birds as he may in his discretion decide, and to incur such other expenses as may be necessary for the proper care and maintenance of the park and the animals and birds therein, $5,000, which shall be available until expended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JONES. Mr. President, it seems to me that it would be well to insert the words "as a game preserve" after the words "National Park," and I offer that amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 53, line 2, after the words "Platte National Park," it is proposed to insert the words "as a game preserve."

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. ASHURST. Mr. President, it is my intention to propose an amendment on page 52, and I now ask that we recur to page 52.

Mr. GORE. I should like to ask if the amendment proposed by the Senator is an original amendment or is it an amendment to a committee amendment?

Mr. ASHURST. It is an amendment to a committee amendment.

Mr. GORE. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none. The Chair will suggest, however, that we finish the pending amendment, and then recur to the amendment to which the Senator from Arizona refers.

Mr. ASHURST. Certainly.

The PRESIDING OFFICER. The question is now on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. ASHURST. The amendment which I propose has been printed. On page 52, line 10, after the word "zones," I move to strike out the figures "$26,500" and to insert the figures "$31,500."

The PRESIDING OFFICER. The committee amendment has been agreed to, the Chair is advised. The Senator can move to reconsider the vote by which the amendment was agreed to.

Mr. ASHURST. Then I move to reconsider that vote.

Mr. WARREN. Will not the Senator from Arizona wait until the bill is concluded? He will then have an opportunity to propose that amendment.

Mr. WEST. Or the Senator will have that opportunity on the third reading of the bill.

The PRESIDING OFFICER. When the bill is in the Senate.

Mr. WARREN. When the bill is reported to the Senate the Senator will have his opportunity to offer his amendment.

Mr. ASHURST. I will now make that motion, if it is in order.

Mr. WARREN. It is not now in order; but, if the Senator so desires, he can offer the amendment when the bill is reported to the Senate.

Mr. ASHURST. It is in order until the Chair holds otherwise.

Mr. WEST. Would it be necessary to have a reconsideration in order to make an amendment?

The PRESIDING OFFICER. It would be necessary to reconsider the vote by which the committee amendment was agreed to.

Mr. WEST. Yes; but the Senator can offer his amendment in the open Senate before the third reading of the bill.

Mr. ASHURST. I am going to offer it now; and if possible am going to have a vote on the amendment.

Mr. WARREN. I think the Senator from Arizona is getting a little warm over nothing at all, because——

Mr. ASHURST. The Senator from Arizona will not be swept off his feet.

Mr. WARREN. Will the Senator from Arizona allow me to finish my sentence? What I desired to say was that the Senator would be in perfect order without moving to reconsider, and he could then take all the time he wants by moving the amendment when the bill gets into the Senate from the Committee of the Whole, and I thought he would prefer to take that course.

Mr. ASHURST. The Senator from Arizona is engaged in assisting in the preparation of a $12,000,000 Indian appropriation bill and does not purpose sitting around this Chamber hour in and hour out waiting to offer an amendment to this bill. If the amendment is not in order, it can be ruled out of order.

The PRESIDING OFFICER. The Senator will be in order if he moves to reconsider the vote by which the committee amendment was agreed to.

Mr. ASHURST. Then, I move to reconsider that vote.

Mr. KENYON. In order to get information, so that we may properly vote on the question, I should like to inquire if the amendment relates to a national park?

Mr. ASHURST. Oh, no.

Mr. KENYON. If it related to a park it might be in order.

Mr. ASHURST. In the provision for conducting biological investigations and surveys to locate the habitat of and destroy prairie dogs and other harmful animals, which in some of the Western States have completely torn up the soil by the township and destroyed the grasses, I simply wish to have the appropriation increased from $26,500 to $31,500, so that the bureau having to do with biological investigations may have a sum of money sufficient to make a proper investigation to ascertain the locality of noxious animals, such as prairie dogs, with a view to their extermination.

Mr. JONES. Mr. President, I want to ask the Senator is not that covered by the preceding paragraph, on page 51?

Mr. ASHURST. I hardly think that the amount there is sufficient.

Mr. JONES. Prairie dogs are there mentioned specifically.

Mr. ASHURST. But the amount appropriated is not sufficient.

Mr. JONES. That provision reads:

> Including experiments and demonstrations in destroying wolves, prairie dogs, ground squirrels, and other animals injurious to agriculture.

I refer to the provision at the bottom of page 51.

Mr. ASHURST. As I have said, I hardly think that the amount is sufficient. I do not wish improperly to quote any official, but some very high officials of the Government have stated that they will need the sum of $31,500; that such amount is necessary to enable them to conduct the biological surveys with a view to exterminating animals that are so injurious to our native grasses and to agriculture in general.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Oklahoma?

Mr. ASHURST. I do.

Mr. GORE. I should like to ask the Senator if he does not think that the appropriation in the preceding paragraph, which was increased $50,000 for the purpose of exterminating prairie dogs and other noxious animals, will cover the matter which he has in mind? It was my understanding at the time the bill was under consideration in the committee that the work contemplated by the Senator could be done under that appropriation.

Mr. ASHURST. I do not think so. If I thought so, it is manifestly true that I should not have proposed the amendment.

Mr. GORE. That is undoubtedly true, but I thought possibly the Senator's attention had not been called to it.

Mr. ASHURST. It has been called to my attention.

Mr. GORE. It was intended to cover the object which the Senator has in mind.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I do.

Mr. BRISTOW. In the confusion I do not know whether I accurately understood the Senator. I inquire if the additional appropriation of $5,000 is to find out how to kill prairie dogs?

Mr. ASHURST. I assume that my friend from Kansas is not facetious and that he is asking for information. The amendment which I propose comes in on page 52, line 10, after the word "zones," to increase the appropriation from $26,500 to $31,500, so that there will be an ample fund for the purpose of conducting the biological investigations and surveys.

Mr. GALLINGER. Mr. President——

Mr. BRISTOW. Mr. President, if the Senator from New Hampshire will pardon me a moment——

Mr. GALLINGER. Certainly.

Mr. BRISTOW. It may be very enlightening to those who live east of the Missouri River to talk about appropriating money to ascertain how to kill prairie dogs, but to one who knows anything about prairie dogs it is simply ridiculous, and it makes a bill like this assinine to talk about appropriating money to ascertain how to kill prairie dogs.

Mr. ASHURST. Mr. President, almost everything that I ever said, did, or thought in the view of the Senator from Kansas is assinine.

Mr. BRISTOW. No; I beg the Senator's pardon——

Mr. ASHURST. Anyhow, it is necessary for me to say these things.

Mr. BRISTOW. I beg the Senator's pardon. I am not reflecting on his knowledge of these things. It is better than mine, of course.

Mr. ASHURST. The Senator could not do so.

Mr. BRISTOW. No; I know I could not, and I would not try.

Mr. ASHURST. The Senator had better not.

Mr. BRISTOW. But, in all seriousness, there may be some kinds of animals that the ordinary western farmer does not know how to kill, but a prairie dog is not one of them.

Mr. ASHURST. Perhaps the farmers of some States have made a deadly charge upon prairie dogs, and the Senator from

Kansas may have led the charge; but I can not see why there should be any opposition to an amendment increasing the sum appropriated, so that the bureau having charge of this work will have a sufficient fund in order to ascertain the habitat and eliminate these injurious animals. I mentioned prairie dogs among them; and while they may not do much damage in Kansas they have, at least to my certain and positive knowledge, in the northeastern part of the State of Arizona uprooted and destroyed the grass in township after township. If it be an unworthy purpose to try to provide means looking to their extermination, if my attempt to include this amendment in this bill is an unworthy effort, then I do not have the same idea of public duty that some other Senators, and especially the Senator from Kansas, possess.

Mr. BRISTOW. I think if we look to the Federal Government to help us kill prairie dogs that we are getting paternalism down pretty fine; I never heard of an appropriation of that kind before.

Mr. ASHURST. I am astonished to hear my Progressive friend talk about paternalistic government.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Hampshire?

Mr. ASHURST. I do.

Mr. GALLINGER. If the Senator from Kansas will turn to page 51, he will observe that an amendment has already been agreed to which provides, among other things, for the destruction of prairie dogs. That ought to come out of the bill if it is unnecessary. I want to ask the Senator from Arizona whether or not this increased appropriation has been estimated for? As the bill came from the House it provided an appropriation of $21,500 for biological investigations, including the relations, habits, geographic distribution, and migrations of animals and plants, and the preparation of maps of the life and crop zones.

The committee has increased that amount $5,000, making the appropriation $26,500. I will ask the Senator if the department has recommended a larger sum than that contained in the bill? On the contrary, it occurs to me that probably the estimate is for the amount put in by the House, although I do not know.

Mr. ASHURST. So far as I am advised at this time, there may not have been made an estimate as required by the rules of the Senate or by law. Of course, I realize that if any Senator makes the point of order, I believe the amendment is obnoxious to the rule.

Mr. GALLINGER. It follows, of course, Mr. President, that if it has not been estimated for or reported by a standing or select committee of the Senate, it is obnoxious to the rule; but I will not invoke the rule. I simply wanted to call attention to that fact.

Mr. ASHURST. I thank the Senator.

Mr. GRONNA. I want to call the attention of the Senator from Kansas, if the Senator from Kansas will hear me, to the fact that on page 51 of the bill there is found this language:

> For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying noxious animals and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $75,000.

That is the way in which the provision passed the House. The Committee on Agriculture and Forestry of the Senate amended the language by striking out the words "noxious animals" and inserting "wolves, prairie dogs, ground squirrels, and other animals injurious to agriculture," and by increasing the appropriation to $125,000.

It seems that when questions of this kind come up some Senator appears to enjoy being facetious at the expense of a fellow Senator. I as one Senator disapprove of that action. The Senator from Arizona has a right to ask that there be a specific appropriation made for the destruction of these noxious mammals. The Senator from Arizona is entirely justified in asking for this appropriation, because any man who knows anything about this mammal knows that it is a most destructive one. Will any Senator on this floor give the formula to eradicate it?

Mr. BRISTOW. That is, the prairie dog?

Mr. GRONNA. Yes; the prairie dog. The Senator from Arizona, Mr. President, has a perfect right to ask the Senate to increase this appropriation, because it is in the interest of the people who live on the lands where these mammals are to be found.

Mr. ASHURST. I thank the Senator from North Dakota.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. BRISTOW. The prairie dog is an awful animal out in our country, it is true, and we ought to have a lot of money to kill him. [Laughter.]

Mr. SMITH of Michigan. Well, something is the matter with the country. [Laughter.]

Mr. BRISTOW. We have an animal out there that gets in the alfalfa fields, noses around, kills the alfalfa occasionally, and works the ground up. We call such animals gophers. It is a little hard to get them out of the alfalfa fields when they get in; but I never thought about having the Government send experts out there to turn the gophers out of our alfalfa fields.

Mr. GRONNA. Mr. President, for the information of the Senate, will the Senator from Kansas inform the Senate how successfully to destroy the prairie dog?

Mr. BRISTOW. If the Senator from North Dakota will go out to any intelligent farmer in central or western Kansas, he will give him all the information that he wants. That farmer is not asking the Government to send an agent out there to instruct him in the matter; he has learned that lesson long ago.

Mr. GRONNA. I want to say to the Senator that I have not time to go out and ask the farmers of Kansas for the information; but I thought the Senator from Kansas might give us that information. In the southwestern part of North Dakota I have seen whole townships where these destructive animals were doing their damaging work.

Mr. BRISTOW. Oh, yes; I have seen a great many prairie-dog towns out in Kansas. The farmer who has a prairie-dog town on his place, if he wants to destroy it, if the prairie-dog community is a big one, goes to the drug store and purchases some gas or liquid, which he takes and pours down the hole, and the prairie dogs or gophers do not appear any more in that vicinity. It is a very easy and simple process, and there is not one farmer in a thousand who is ever bothered with them who does not know just how to get rid of them. It seems to me that this is a strained effort to get more appropriations to give somebody some jobs.

Mr. GRONNA. If the Senator will permit me, with the permission of the Senator from Arizona, I want to ask the Senator from Kansas if the Kansas farmer pours the liquid down the throat of the animal or down the hole in the ground? [Laughter.]

Mr. ASHURST. I wish to use a moment or two of the time that I have.

Mr. BRISTOW. For the information of the Senator from North Dakota and the Senator from Arizona, I will say to these two "tenderfeet" who have wandered to the West in recent years that a prairie dog is very hard to shoot. [Laughter.] I would not advise undertaking to kill him with a revolver; that is somewhat difficult; but to move on a prairie dog with a jug full of poisonous gas and drive him off the prairie and into a hole and chloroform him, so that he never comes out again, is not a very difficult feat to perform. I do not think we ought to have the Army and Navy called out to suppress him; nor do I believe it is necessary to have any very large appropriation to enable the Federal Government to give instructions along that line.

Mr. ASHURST. Mr. President, I rose in good faith to propose an amendment. The Senator from Kansas grows facetious—and I have no objection to that—but he made a statement during his remarks just now which I resent. He said that this proposed amendment looked to him like an attempt to give "somebody some jobs." A statement of that kind can issue from no one except one whose brains lie at the root of his tongue; and if that statement was meant in that way, to insinuate that my motive, sir, in trying to secure this small appropriation was to secure anybody a job, I denounce the statement as unworthy of being made in the Senate, and I specifically here denounce the Senator who would presume to say it. The Senator from Kansas ought not to say that he believes or suspects that this amendment was introduced for the purpose of securing somebody some jobs. It is false, sir; and you falsify if you say it.

Mr. GALLINGER. Mr. President, I think Rule XVIII ought to be read.

The PRESIDING OFFICER. The Senator from Arizona is out of order.

Mr. ASHURST. Of course, he is out of order; but he repeats what he said, that a Senator who says that the purpose of the amendment is unworthy, falsifies.

The PRESIDING OFFICER. The Senator will be required to take his seat under the rules of the Senate.

Mr. BRISTOW. Mr. President, I am not at all disturbed by the emphasis of the Senator from Arizona. I am sure that I was undertaking to give some valuable information on

the killing of prairie dogs, which seemed to be a problem here of very grave concern to the Federal Government. So far as the appropriation being for the purpose of giving somebody some jobs is concerned, I did not think the Senator from Arizona had an army of constituents who were intent upon trying to get on the Federal pay roll. Of course no Senator has friends who want to get on the Federal pay roll; that is something that does not happen in this country of ours. There are very few people who would presume to accept a Federal position if it were open to them, especially from the State of Arizona, and I am sorry that my friend should show such heat about this matter. It is certainly painful to me to have said anything that in any way gave offense to my friend from Arizona. I did not intend that, and if he has no constituents who want to get these good places which are provided for in these appropriation bills he is a fortunate man, and I am very glad that he is in such a comfortable position.

Mr. WORKS. Mr. President, I should like to call attention to the fact that the Government is already expending large sums of money in exterminating the ground squirrel, and I do not know how many other animals of that kind. This is being done by the Health Department of the Government, on the ground that the ground squirrel is the purveyor of the bubonic plague. They have an assistant surgeon in San Francisco now who is giving practically all of his time to the particular subject of exterminating the ground squirrel in our State. I suppose they are doing the same thing in other Western States.

I am not able to say how much money has been expended in that way, but it has been considerable. By some sort of an arrangement between the Health Department and the city organizations and county organizations of California they have joined in raising the necessary funds for the purpose—half and half. The Health Department is undertaking to exterminate the squirrel because he is a purveyor of disease, and the farmers are contributing their share because he destroys their crops. I know that a good deal of money is being expended by the Government in that way, and I think that ought to be considered in making any appropriation under this bill.

Mr. WEST. Mr. President, I see that the committee has already made two amendments in this section—one of $50,000 and the other this very item of $5,000—thereby increasing the total by $55,000 over the amount carried by the House bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona [Mr. ASHURST] to reconsider the vote by which the committee amendment, on page 52, line 10, was adopted. [Putting the question.] The Chair is in doubt.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. Will the Chair state the question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona [Mr. ASHURST] to reconsider the vote by which the committee amendment in line 10, page 52, was adopted. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], who is necessarily absent. I therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I inquire whether the senior Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDING OFFICER. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I have a pair with the junior Senator from Wisconsin [Mr. STEPHENSON], who is absent. I therefore withhold my vote.

The roll call was concluded.

Mr. CRAWFORD (after having voted in the negative). I inadvertently voted in the absence of my pair. I transfer the pair to the junior Senator from Michigan [Mr. TOWNSEND] and will allow my vote to stand.

Mr. KERN (after having voted in the affirmative). I understand the senior Senator from Kentucky [Mr. BRADLEY], with whom I am paired, has not voted. I therefore withdraw my vote.

Mr. WILLIAMS. I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. JAMES. I inquire whether the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The PRESIDING OFFICER. He has not.

Mr. JAMES. I have a general pair with that Senator. I transfer that pair to the senior Senator from Oklahoma [Mr. OWEN] and will vote. I vote "nay."

Mr. GALLINGER (after having voted in the negative). I find that the junior Senator from New York [Mr. O'GORMAN], with whom I have a pair, is not present. I transfer the pair to the senior Senator from Minnesota [Mr. NELSON] and will allow my vote to stand.

Mr. DILLINGHAM. I announce my pair with the senior Senator from Maryland [Mr. SMITH] and withhold my vote.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber, I withhold my vote.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY], the junior Senator from Wisconsin [Mr. STEPHENSON], the senior Senator from New Mexico [Mr. FALL], and the junior Senator from New Mexico [Mr. CATRON]. They all have pairs.

Mr. WALSH. I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Ohio [Mr. POMERENE] and will vote. I vote "yea."

The result was announced—yeas 26, nays 26, as follows:

YEAS—26.

Ashurst	Jones	Perkins	Smith, S. C.
Brady	Kenyon	Pittman	Sterling
Burleigh	Lane	Poindexter	Thompson
Chamberlain	McCumber	Sheppard	Vardaman
Cummins	Martine, N. J.	Sherman	Walsh
Gronna	Newlands	Smith, Ga.	
Johnson	Page	Smith, Mich.	

NAYS—26.

Borah	Hitchcock	Ransdell	Thornton
Bristow	Hughes	Reed	Warren
Bryan	James	Shafroth	West
Burton	Martin, Va.	Shively	Williams
Crawford	Norris	Smoot	Works
Gallinger	Oliver	Stone	
Gore	Overman	Swanson	

NOT VOTING—43.

Bankhead	du Pont	Lodge	Shields
Bradley	Fall	McLean	Simmons
Brandegee	Fletcher	Myers	Smith, Ariz.
Catron	Goff	Nelson	Smith, Md.
Chilton	Hollis	O'Gorman	Stephenson
Clapp	Kern	Owen	Sutherland
Clark, Wyo.	La Follette	Penrose	Thomas
Clarke, Ark.	Lea, Tenn.	Pomerene	Tillman
Colt	Lee, Md.	Robinson	Townsend
Culberson	Lewis	Root	Weeks
Dillingham	Lippitt	Saulsbury	

The PRESIDING OFFICER. The motion to reconsider is rejected. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over is the amendment of the committee at the top of page 64, where it is proposed to insert the following item:

To enable the Secretary of Agriculture to investigate the existence of artesian water suitable for irrigation in the semiarid regions by boring wells, $100,000.

Mr. SMOOT. Mr. President, on what page is that amendment?

The PRESIDING OFFICER. Page 64.

Mr. SMOOT. I have an amendment to offer to that amendment. After the word "the," in line 2, I propose to insert the words "arid and," so that the amendment will read:

To enable the Secretary of Agriculture to investigate the existence of artesian water suitable for irrigation in the arid and semiarid regions by boring wells, $100,000.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. It is proposed, before the word "semiarid," to insert the words "arid and."

Mr. GORE. I ask unanimous consent that the amendment may be accepted.

The PRESIDING OFFICER. Without objection, it will be so ordered. The question now is on agreeing to the amendment as amended.

Mr. THOMPSON. I desire to offer a small amendment or interlineation. After the word "water," in line 2, I move to insert "and other underground water supplies." That will cover the underflow.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "water," in line 2, page 64, it is proposed to insert "and other underground water supplies."

Mr. GORE. I ask unanimous consent that the proposed amendment may be accepted.

The PRESIDING OFFICER. Without objection, it will be so ordered. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

Mr. SMOOT. Did the Secretary say that the amendment on page 64 was the next amendment passed over?

The PRESIDING OFFICER. Yes.

Mr. SMOOT. I call attention to the amendment on page 57, which, I understood, was passed over.

The PRESIDING OFFICER. Which one does the Senator refer to?

Mr. SMOOT. The amendment reading:

That hereafter the powers conferred and the duties imposed by law on the Bureau of Statistics of the Department of Agriculture shall be exercised and performed by the Bureau of Crop Estimates.

The PRESIDING OFFICER. The record shows that that amendment was agreed to on April 30.

Mr. SMOOT. Then, of course, I made a mistake in my record.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The SECRETARY. On page 68 the committee amendments in the paragraph relative to demonstrations on reclamation projects were passed over.

The first amendment is in line 19, after the word "demonstrations," where it is proposed to strike out the word "and" and to insert the word "and" after the word "advice," on the same line, so as to read "through demonstrations, advice, and in other ways."

The amendment was agreed to.

The SECRETARY. On line 20, after the word "projects," it is proposed to insert the words "and elsewhere."

Mr. JONES. Mr. President, I wish to ask the chairman of the committee why those words were put in. The whole paragraph purports to refer to settlers on reclamation projects.

Mr. GORE. That is true, and that is the reason why the amendment was reported. My own State will serve as an illustration. Oklahoma has contributed something more than $6,000,000 to the reclamation fund. We have now no public lands. As a rule the department has used the reclamation fund only in States where there was public land or public domain. It is my judgment and the judgment of others that a great deal can be done in the way of stimulating irrigation on a small scale in the semiarid country by encouraging farmers along the streams to cooperate in establishing small plants instead of these large plants costing millions of dollars; and I thought this might be serviceable in rendering it possible for the department to investigate or experiment along those lines.

Mr. JONES. The only reason I asked the question was that the language immediately preceding it confines this work to the Government reclamation projects.

Mr. GORE. Yes.

Mr. JONES. It seems to me it would have been better to have so changed the preceding language as to accomplish what the Senator desires, to which I have no objection myself.

Mr. GORE. I think this will probably accomplish the purpose. I took up the matter with the Assistant Secretary. Of course, I am not sure the department will undertake the work, but I wanted to make it possible if they should deem it deserving of consideration.

Mr. REED. Mr. President, I do not intend to take more than a moment of time, but before this bill passes I wish to enter a general protest. I do not want to arouse the anger or antagonism of anybody by venturing to utter that protest, but it seems to me this bill contains many items which are utterly unjustifiable.

When we propose to employ Government experts to go out along little streams and tell the farmers that they ought to engage in irrigation, assuming that the farmer himself does not know anything, it seems to me we are going some distance in the way of paternalism. Moreover, I think it is an utter waste of money. When the Federal Government spends money for the purpose of bringing into this country seeds and plants from other countries, for the purpose of experimenting with them and ascertaining whether or not they are suitable to our climatic conditions, I believe it is engaged in a great and practical work, which will be of general benefit; and so I might extend that general illustration through many activities of the Agricultural Department. There is a class of experimentation and a class of scientific knowledge that is legitimately and properly carried on by a government, because it is expensive and difficult, and is, if successful, of general benefit; but somewhere a line ought to be drawn. It ought to be assumed that it is not the duty of the Federal Government to enter into every activity in life and to undertake to regulate everything in the world. It ought to be assumed that a farmer living along a stream will ascertain and know whether or not he can utilize the waters of that stream. My opinion is—and I express it but modestly—that he is very likely to discover the facts much quicker than a Government expert.

When we go to appropriating money for the purpose of exterminating prairie dogs and for the purpose of doctoring wild ducks—and there is such an item in this bill—for the purpose of catching ground squirrels, for the purpose of hunting down gophers, for the purpose of discovering the best means of trapping chipmunks, and for the purpose of doing a hundred other useless things—for they are practically useless—it seems to me we might as well extend them and appropriate a few million dollars to exterminate field mice and to study the habits of centipedes. It would be much more in line with broad national policies if we appropriated a few hundred thousand dollars to exterminate bedbugs and kindred vermin. [Laughter.]

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. They are national in character, and I think it would be more appropriate. [Laughter.]

Mr. REED. I thought I would touch a responsive chord in the Senator who has just spoken when I mentioned that matter.

Where are we going to stop? Everybody knows that in a new country there are some gophers. Their trapping furnished the chief amusement of my illustrious youth. There is an occasional ground squirrel; and as I have read the provisions of this bill, I have wondered what is to remain for the amusement and delectation and mental and moral uplift of the youth of the future if he is to be deprived of the privilege of drowning out ground squirrels and choking them to death in the old-fashioned way. How long, O Lord, how long is this to continue?

As a country becomes populated the gopher disappears, and if he does not disappear of his own volition, the farm hand and the yellow dog get him. I am not much acquainted with this individual known as the prairie dog; but I take it that if there is anybody living on the land he will not be very long in getting rid of the prairie dog as long as arsenic and strychnine are reasonably cheap.

I undertake to say that the talk of economy is turned into a satire or a farce when we read the provisions of this bill. Take the matter of wolves: If there are many people living in a country, there will not be many wolves living in that country.

Mr. WARREN. Mr. President, will the Senator permit me for a moment?

Mr. REED. Certainly.

Mr. WARREN. As to wolves, the United States has reserved about a third of the State in which I live and from a quarter to two-thirds of some of the other States. It has created great forest reserves there. It is renting portions of them to sheep and cattle men, and is receiving a large income in that way. The States surrounding those reserves make large appropriations, amounting to anywhere from $40,000 to $125,000 each per year, for destroying wolves, which would otherwise destroy the cattle and sheep; but the Government, with its forest reserves, furnishes a breeding ground for the wolves. While it gets this revenue from the sheep and cattle men, and the sheep and cattle men are taxed in their States, although the Government is not taxed at all, to eradicate these animals or for any other purpose; yet the Government goes on allowing the wolves to breed. The proposition is that the Government shall do something as the owner of the land, and not leave all of the burden upon the settlers, who have to pay both their taxes and their rental to the Government.

Mr. REED. Then, Mr. President, if this bill were limited to the extermination of these animals upon Government land that it is withholding from settlement, that question would be presented, and the Senator might justly advance the argument he has made.

Mr. WARREN. I will say to the Senator that that is the intention, and that only, so far as wolves are concerned.

Mr. REED. That may be the intention; but, so far as I am concerned, I have gotten tired of having an intention rest in the inner consciousness of somebody or some body of men. There is no such purpose expressed in this law.

Mr. WARREN. The Senator will understand that I am only expressing myself as to the one matter of wolves in making the short statement I have made, the point of which, I think, the Senator will see.

Mr. REED. I see it very plainly.

Mr. WARREN. I do not believe there is any danger whatever of so much of this money as may be used for that purpose being expended anywhere except in the Government reserves.

Mr. REED. I am going to call attention to this language in a moment—indeed, I shall do so now:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry—

I have no objection to that, because it might be of general benefit—

including experiments and demonstrations in destroying wolves, prairie dogs, ground squirrels, and other animals injurious to agriculture, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $125,000.

Of course in the general clause I suppose skunks and muskrats would be included, and while we are propagating those, the rich and valuable furs of the prairie dog are to be destroyed, because we are going to kill the animal. I assume that its fur is rich and valuable, and probably it is, inasmuch as it is worn.

There is no limitation there, as the Senator from Wyoming seems to think, for the use of this money upon Government reservations. There is no limitation to it of any kind. It can be used anywhere; and, under the general language, it can be used for investigations and experiments in the killing of other animals injurious to agriculture, which, of course, takes in the field mouse, the blind mole, and all the other vermin of earth, if somebody in the Agricultural Department concludes that they are injurious to agriculture.

Mr. WARREN. Will the Senator permit me there?

Mr. REED. In just one moment. Then we propose to go to raising minks and martens and other fur-bearing animals. I say there is no limitation whatever; we are not to do this on Government reservations; we do it everywhere; and while we specify a few animals, we can do it with any animal. Common house mice, at least field mice, could come within its purview. I am not sure but under a liberal construction we could go to breeding common gray cats.

Mr. WARREN. Mr. President——

Mr. REED. I yield to the Senator.

Mr. WARREN. The Senator is probably right about the method in which the money can be used, in the way it is appropriated. Special funds make provision for certain experiments, and they have been permitted to the different Secretaries of Agriculture. I am so confident that under the present administration and under the present Secretary of Agriculture we will be perfectly safe in having the money expended as it should be that I am satisfied to accept the language.

The Senator knows that we have to give some latitude to the different Secretaries. For instance, we are using $40,000,000 up in Alaska in building a railroad. A lump sum goes to one of the department heads. He can expend it for switches or ties or railroads, where he chooses.

The Secretary of Agriculture, of course, we assume, first, has common sense; second, that he has judgment; and third, that his intentions are honorable and straight. The only place, of course, to operate upon wolves—and that is one of the subjects—would be in their own possessions, on the lands belonging to the United States, in the forest reserves.

Mr. REED. If the Senator pleases, why would that be the only place to operate?

Mr. WARREN. As far as destroying the animals is concerned, it would hardly be competent for the United States Government to take possession of private property.

Mr. REED. They would not have to take possession of private property to study the habits of the wolf. They might put one of their experts out on a basswood log anywhere and let him sit there observing the habits of wolves for the next 12 months and invade no one's private property. I seldom find that a bad law is proposed but somebody rises up and tries to cover the imperfections of the bad law by asserting that it is going to be enforced by a very good man.

Mr. WARREN. The Senator does not deny that?

Mr. REED. I agree that the Secretary of Agriculture is a very good man, and I apprehend at the same time that he would not know how to catch a gray wolf or to trap a coyote to his lair unless he had more guides than it took to lead Roosevelt to the undiscovered river that had already been located on the map. [Laughter.]

I agree with the proposition that wolves ought not to be allowed to be reared upon land that is withheld from public settlement. I do not refer to a park. If our Government will adopt the policy of letting human beings go on the land and cultivate it and farm it, the farm boys will take care of the wolf proposition.

As far as I am concerned, I embrace this opportunity to say in a very few words that I believe the best kind of conservation there is or ever has been of the lands or the resources of the country is to let human beings go on the land and turn the forest into farms and the desert into gardens. They will produce more of value every twelvemonth than existed there in the 50 years that preceded their entry.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Colorado?

Mr. REED. I yield.

Mr. SHAFROTH. If the Senator will yield to me, I will state that in my State 40 per cent of the forest reserves are above the timber line, where no timber can grow, and that 30 per cent of the forest reserves are between the zone where no timber can grow and where only scrub timber grows. Thus 70 per cent of the forest reserves in my State have no relation whatever to forests.

Mr. REED. Can it be put to some use by man?

Mr. SHAFROTH. They get many of the most valuable mines in the zone above timber line.

Mr. REED. How much of this appropriation of $125,000 are we going to expend in raising minks? How much of it are we going to expend in propagating marten, and other animals? Are we not going in this bill, not only in this item but in item after item, to the very extreme of absurdity? Are we not doing with the taxpayers' money what not one of us would do with our own money?

I see my friend the Senator from Kansas [Mr. BRISTOW] over there smiling, and good-natured as he usually is. It recalls to my mind the fact that a few years ago I used to ride across Kansas going out to the western country and when we reached a little distance beyond the eastern line we began to strike prairie dog towns and we began to see jack rabbits and sagebrush. But Kansas enterprise solved that problem. Kansas farms began to encroach and when the Kansas farmer came the prairie dog left. I think the Kansas Senator was eminently correct when he said they did not need to be taught how to kill prairie dogs out in Kansas. There is no prairie dog town in the world that would not pick up and emigrate over night if it saw even one Kansan advancing toward it. There is no courage, no enterprise, and no stubborness that has ever stood in the way of the onslaught of the Kansan, particularly when he gets a move on him.

But speaking seriously, I say the citizens of Kansas solved this question of farm vermin. They plowed the ground; they brought their families; they planted their crops, and prairie dog towns moved on west and disappeared just as all this sort of pestiferous vermin disappears in the face of advancing civilization.

If there was any great evil overshadowing the country, if the prairie dogs were massing themselves in armies and about to sweep over our land and devastate our plains and depopulate our cities, we might find it necessary to employ a few Government experts to study their habits, to investigate their plans, and to ascertain their deadly methods. But the prairie dog is moving in the other direction. I presume some of them have gotten out into Arizona by this time, and my friend who so earnestly advocates this measure can find solace in the fact that when they begin to cultivate more land in Arizona there will be less prairie dogs, and the more people they have the less need there will be for legislation of this character.

Mr. BORAH. Mr. President——

Mr. REED. I yield to the Senator.

Mr. BORAH. Is there anything in the Baltimore platform on the subject of prairie dogs? [Laughter.]

Mr. REED. If there was I am very sure that most of the gentlemen on this side would be performing the solemn act of recantation. [Laughter.] The difference is that on this side we recant and on the other side you repudiate.

Mr. WARREN. Perhaps the Senator will explain the difference.

Mr. REED. One of them is a little franker than the other. Our method at least carries with it something of a tearful and penitential mood. [Laughter.]

Mr. BORAH. And one of them can be performed a little more quickly than the other also. [Laughter.]

Mr. REED. No Democrat ever repudiated his platform without feeling the compunctions of conscience, while with our friends upon the other side, nobody has ever accused them of possessing that quality of conscience which is capable of being disturbed. [Laughter.]

Mr. WARREN. Perhaps the Senator will tell us what other differences there are between the Republicans and Democrats.

Mr. REED. I do not know of any great differences, except in the habit. The Democratic habit naturally is to try and keep close to the people. Turn a Democrat loose and he goes back home to his folks. Turn a Republican loose and he heads for the citadels of the corporations. There is that fundamental difference. [Laughter.] We get our inspiration from the cottages and hamlets and villages of the land, and our Republican friends for about 50 years got theirs from Wall Street. And they still have their ears to the ground. [Laughter.]

Mr. SMOOT. Is there any appropriation for the improvement of these conditions?

Mr. REED. The people of the United States made an appropriation a few months ago when they went to the polls, which has improved conditions in a marked degree. [Laughter.] At the present time it looks as though the good work would go on indefinitely. The only sorrow I feel is that I look over at my good friends upon the other side and feel how I have enjoyed their society, and wonder if I am to have the pleasure of meeting them when Congress assembles after the next general election.

But, Mr. President, I am very serious about the proposition that this bill appropriates hundreds of thousands of dollars that will be, in my judgment, practically wasted, and I am not in favor of increasing a single item over the amount passed by the House except it be an item that is to produce a practical result and for which good cause can be shown.

Mr. WORKS. Mr. President, I sympathize with what has been said by the Senator from Missouri [Mr. REED] in criticism of the general scope of the bill. If we keep on at the rate we are going, we are likely to bankrupt this country. If the Government were a private corporation, it would be in the hands of a receiver very soon. There are appropriations made, or attempted to be made, that to my mind are absolutely absurd. Let me call attention to one of them. I have not had very much to do with the formation of bills of this kind, because I have never been on the committee nor on the Committee of Appropriations, but I notice on page 63 of the bill this appropriation:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators, and of riparian proprietors and institutions relating to irrigation, and upon the use of irrigation water at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon the use of different kinds of power and appliances for irrigation, and for the preparation and illustration of reports and bulletins on irrigation, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, supplies, and all necessary expenses, $106,400.

Mr. President, what has the National Government to do with this question of irrigation laws to begin with? It is purely a State matter. There are no Federal irrigation laws. The right to the use of water is controlled by State laws entirely, but the National Government is constantly attempting in some way to get into the control of affairs which belong to the States, and this is one of the instances of that kind.

It ought to be an easy matter for anyone to find out what is the law of any State with respect to irrigation, and only the property owners of that State are interested in the question.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Colorado?

Mr. WORKS. I yield to the Senator.

Mr. THOMAS. If the Senator from California will permit me, I wish to state right here that there are two or three well-known codifications of the irrigation laws of the States which occupy the arid region of the country where irrigation is practiced and which perhaps are better prepared for general use than would be prepared by the so-called expert work proposed to be done under the appropriation the Senator is criticizing.

Mr. WORKS. I have no doubt about that. There is no difficulty about finding out what the laws of the different States are in respect to irrigation. They are codified in various ways. The idea of undertaking to employ experts at the expense of the Government to teach us how to irrigate land is equally absurd.

I happen to represent in part a State that resorts to irrigation very extensively. I think probably the farmers in my State know about as well how to irrigate their lands as any expert that might be sent from Washington.

The experts, if they go out, will probably learn something from the farmers who are practically at work irrigating their lands. They do not need any information from experts. They have learned from experience how to irrigate their lands, and irrigate them successfully. They have learned what are the best means to resort to for that purpose.

There is not the slightest reason, in my judgment, for the making of these appropriations for any such purpose. They want the experts to suggest the best methods for the utilization of irrigation waters in California. Now, for whom? That is not a national question; it is a State question; the laws are State laws.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Oklahoma?

Mr. WORKS. I yield.

Mr. GORE. This relates, of course, to the reclamation lands that are being reclaimed by the Government, and which are opened to homestead settlement from time to time. Of course, as the Senator suggests, farmers who have learned from experience how to irrigate need no instruction on the subject; but many of the new settlers do not have that information, and irrigation is a considerable art; it sometimes requires several seasons for settlers to learn how to irrigate. It was felt that possibly, as the Government was spending $60,000,000 to reclaim this land, it might be of service to teach the new settler how to irrigate the first year or the second year without loss of time; at least it was thought possible that the money might be expended in that direction where settlers lack experience.

Mr. WORKS. Mr. President, the Senator from Oklahoma is entirely mistaken. This provision is not confined to the public lands; it is in no way confined to the Reclamation Service. So far as the provision itself is concerned, it has no reference to or connection with the Reclamation Service, and if it did have such reference it is just as unnecessary. The reclamation projects are established by the Government; they have expert engineers in the conduct of their buildings and the preparation of those lands for irrigation purposes who are just as good experts as can be found anywhere in this country.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Oklahoma?

Mr. WORKS. I do.

Mr. GORE. If the Senator from California will observe, the act says "the Government reclamation projects"; that is, the Government of the United States, the projects for which $60,000,000, I believe; has been expended; indeed, I believe $80,000,000 has been expended on these projects, or that sum is in the course of expenditure. It was, in the first place, limited to those projects, and not to private projects, not to those that are receiving attention at the hands of the State of Colorado, and not to the farmers who do not need the information.

Mr. WORKS. I will say again that if that is the intention of the committee this bill will have to be amended, because it is not limited in that way at all. The Senator from Oklahoma will not find any provision in the bill where it is limited to irrigation and reclamation projects. That is only an instance, Mr. President, of the presence of numerous other appropriations which are proposed in this bill that are equally without merit. I should suppose that when we get through with the bill the question as to whether it should be passed at all with all of these provisions in it ought to be taken up very carefully by the Senate.

Mr. JAMES. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. There is a pending amendment. Is the amendment proposed by the Senator from Kentucky an amendment to that amendment?

Mr. JAMES. No; the amendment I propose is to come in on page 20.

The PRESIDING OFFICER. There is a pending committee amendment.

Mr. JAMES. I thought that amendment had been disposed of.

The PRESIDING OFFICER. No; it is before the Senate at the present time.

Mr. JAMES. Then let the amendment which I propose lie on the table, and I will call it up later.

Mr. SHEPPARD. Mr. President, I am unwilling to let the discussion of the appropriation for the destruction of noxious animals pass without suggesting that I introduced the amendment providing for an increase of $50,000 over the amount allowed by the other House for the destruction of noxious animals. I introduced that amendment for the purpose of having the amount carried by it expended in the destruction of wolves and other noxious animals, principally in the State of Texas, where there are no United States public lands, and I want this understood. I did not want to allow the matter to pass without making this statement. I believe it is just as allowable to expend money for destroying wolves and other animals that infest ranches and farms as for destroying the boll weevil and similar pests. There is crying need for the aid of the Department of Agriculture in destroying wolves and similar noxious

animals in large sections of Texas at the present time. The knowledge of this need prompted me to introduce the amendment for an additional sum of $50,000 for this work.

Mr. SMOOT. I offer the amendment which I send to the desk to the committee amendment. It is to come in on page 68, line 22, after the figures "$50,000."

The PRESIDING OFFICER. That is not the amendment now pending. The amendment now pending is, in line 20, page 68, to insert the words "and elsewhere"; quite an unimportant amendment.

Mr. SMOOT. I thought that amendment had been agreed to and that we had reached the other amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, in line 20, page 68.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee which was passed over.

The next amendment of the committee passed over was, on page 68, line 22, to strike out the numerals "$25,000" and to insert "$50,000, of which sum $10,000 shall be immediately available."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SMOOT. I first wish to offer an amendment to the amendment, after the numerals "$50,000," to strike out the words "of which sum $10,000 shall be immediately available."

I want to say to the Senator having the bill in charge that that is virtually an appropriation that should be taken care of by the deficiency bill. It is not to reach into the next fiscal year at all, but it is to be used before the 30th day of June of this year. There will be a deficiency bill here, and, if it is absolutely necessary, it can be taken care of in that bill and not in the Agricultural appropriation bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SMOOT] to the committee amendment. [Putting the question.]

Mr. REED. Mr. President——

The PRESIDING OFFICER. The ayes seem to have it.

Mr. REED. Do I understand the Chair is putting the question so that we are to vote on the committee amendment or on the amendment to the committee amendment?

The PRESIDING OFFICER. The Chair is putting the question on the amendment offered by the Senator from Utah to the committee amendment. The ayes seem to have it; the ayes have it, and the amendment to the committee amendment is agreed to. The question now is upon agreeing to the amendment of the committee as amended.

Mr. REED. I ask for the yeas and nays on the amendment as amended.

Mr. KENYON. May we have the amendment stated, Mr. President?

The PRESIDING OFFICER. The Secretary will state the amendment as amended.

The SECRETARY. On page 68, line 22, it is proposed to strike out "$25,000" and to insert "$50,000."

The PRESIDING OFFICER. The Senator from Missouri [Mr. REED] asks for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended. [Putting the question.] The noes seem to have it.

Mr. GORE. I call for a division.

The question being put, on a division the committee amendment as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the next committee amendment passed over.

The next amendment of the committee passed over was, on page 69, line 1, to strike out the word "Land" and to insert the word "Farming," so as to read:

To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the International Dry Farming Congress, to be held at Wichita, Kans., during the fiscal year ending June 30, 1915, illustrative of the investigations, products, and processes relating to farming in the subhumid region of the United States, including labor and all expenses in the city of Washington and elsewhere, $20,000, to be immediately available.

The amendment was agreed to.

Mr. SMOOT. Mr. President, was the amount of $20,000 agreed to in the amendment which has just been adopted?

The PRESIDING OFFICER. That amount was agreed to.

Mr. SMOOT. The whole amendment went over. I want to ask the Senator having this bill in charge when this Dry Farming Congress meets in Wichita, Kans.?

Mr. GORE. I think it convenes about the 22d or 23d of October. The junior Senator from Kansas [Mr. THOMPSON] can state the exact date of its meeting, but I think, as I have stated, it is about the 22d or 23d of October.

Mr. SMOOT. Then, why make this appropriation immediately available?

Mr. GORE. I think it is possible they have had to construct temporary buildings of some kind.

Mr. SMOOT. Before the appropriation has been actually passed, with a view of it passing?

Mr. GORE. Not before the appropriation has been actually passed, of course.

Mr. SMOOT. It has not been passed up to this time.

Mr. GORE. No; it has not. I suppose they want to begin the work of construction and preparation, as the exposition occurs in October. I presume they thought it was wise to construct buildings now and to make temporary preparations.

Mr. SMOOT. I was going to say that if the appropriation were not available now, of course, just as soon as the fiscal year closes it would be available; that would be the 1st day of July. Appropriations are generally made in that way, but I simply asked the question to learn from the Senator as to when the congress was to be held. Would it not be just as well to allow the bill to carry the appropriation and make it available on the 1st day of July?

Mr. GORE. That may be true, but the Senator from Kansas [Mr. THOMPSON] will know better than I happen to know as to that. If it be true, I am perfectly willing that the amendment be adopted, because I do not like to encourage the practice of making appropriations immediately available.

Mr. SMOOT. I should like to ask the Senator from Kansas if it would not be just as well to make this a straight appropriation, and not make it immediately available?

Mr. THOMPSON. In relation to that matter, I will state that it is considered necessary to have the money so as to make the exhibit, but I think it will suffice if the amount does not become available until the 1st of July. I understand there is no objection to the amendment of the committee increasing the amount to $20,000.

Mr. SMOOT. I will leave that matter to be thrashed out between the House and the Senate; I do not know enough about it to say whether $10,000 or $20,000 is too much, but I do believe the words "to be immediately available" ought to be stricken from the bill.

Mr. THOMPSON. That is perfectly satisfactory.

Mr. SMOOT. I move that the words "to be immediately available," in line 7, page 69, be stricken out.

The PRESIDING OFFICER. The Senator from Utah moves to strike out the words "to be immediately available," in line 7, page 69.

Mr. WARREN. The Senator understands that that will have to be done by unanimous consent or else we will have to turn back to the item after the bill shall have been reported to the Senate.

Mr. SMOOT. I understand that. I ask unanimous consent, inasmuch as it is not a committee amendment, that those words be stricken out.

The PRESIDING OFFICER. By unanimous consent the vote will be taken. The question is on the amendment of the Senator from Utah to strike out the words "to be immediately available," in line 7, on page 69.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the committee increasing the amount from $10,000 to $20,000.

Mr. THOMPSON. I simply want to say that this is the amount that was estimated by the department as necessary to make the exhibit.

Mr. SMOOT. That is $20,000?

Mr. THOMPSON. Yes.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next committee amendment passed over.

The SECRETARY. The next committee amendment passed over is on page 70, line 14, to strike out "$50,000: *Provided*, That no part of this appropriation shall be used in the purchase of animals for breeding purposes," and insert:

Including the erection of such temporary farm buildings as may be found necessary, and for the employment of persons and means necessary in the city of Washington and elsewhere, $100,000, and the Secretary of Agriculture is authorized to sell in the open market or to exchange for other live stock or farm products to the best advantage, without the usual condemnation proceedings and public auction, such live stock or farm products as cease to be needed: *Provided*, That all moneys received from the sale of such live stock or farm products, or as a bonus in the exchange of the same, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That in any State in which this work is undertaken sufficient suitable land for the necessary experiments is made available to the Secretary of Agriculture for the required period of time without cost to the Department of Agriculture,

and that the State live-stock sanitary laws are enforced by the State in such manner as to justify the Secretary of Agriculture in the expenditure of money for the purpose of encouraging live-stock production.

Mr. OVERMAN. May I inquire whether the amendment on page 69, beginning in line 19, has been adopted?

The PRESIDING OFFICER. The record shows that amendment has been agreed to. The question is on agreeing to the amendment just read by the Secretary.

Mr. GALLINGER. Mr. President, it strikes me that of all the extraordinary and unusual provisions in this extraordinary and unusual bill this is the most striking. It is another illustration that some Senators who are inexpressibly shocked at the word "subsidy" find reason for subsidizing the people of the country whenever it suits their purposes.

In the first place, Mr. President, if we are to go into the matter of live-stock development and live-stock production I should like to ask why we should confine it to certain specified States or to a particular section of the country? Why not give all of us a chance? We have a good deal of waste land in New England, and pastures that were once worth ten times what they are worth to-day, and some of us would like to engage in this profitable employment when the Government is back of it and an appropriation is provided to carry on the work.

The proposition as it came from the House was to appropriate $50,000 for this purpose. The Senate committee has increased that to $100,000, and the provision remains in the bill that this money shall be spent "in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States."

Mr. President, every Republican Senator voted in favor of protecting the sugar industry in the State of Louisiana; every Republican Senator felt that the assault that was made on that great industry was unwarranted. But we were voted down, and the Democratic Senators in the majority have absolutely destroyed, as I understand, that great industry in that State, and, unfortunately, sugar is not any cheaper now, notwithstanding the destruction of that industry in Louisiana.

If this is a consolation prize for the damage that was done to that industry, I do not like the form which it assumes. Why should we appropriate $100,000 to enable a few States in the Union to engage in the production of live stock? What is the justification for it? If we are to take into consideration the fact that industries are injured or destroyed in a particular section of the country, let us go into the manufacturing districts of the United States at the present time and find what has happened there because of the same legislation that ruined this great industry in the State of Louisiana.

I recall the fact, Mr. President, that the senior Senator from Louisiana [Mr. THORNTON], who is always frank and open, two days ago said that "subsidy" grated harshly on the ears of Democrats. It does, Mr. President, when it touches the seaboard, but it is a sweet morsel under the tongue when it benefits other sections of the country.

Mr. President, I trust this appropriation will not be made, unless it is enlarged by striking out the words "in the cane-sugar and cotton districts of," so that it will be made for the United States. If it is to be made at all, I say let it be in the interest of all the people of all the States who desire to engage in this industry.

Mr. BRISTOW. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. BRISTOW. Let me inquire, in all seriousness, if we have reached the time when it is necessary for the Government to go into the stock-breeding business?

Mr. GALLINGER. It seems so.

Mr. BRISTOW. Are there not enough intelligent and progressive farmers in the United States who are studying the development of live stock? That is the business of thousands of men in our country, and the progress that has been made along this line is marvelous. For the Government to establish farms and start breeding pens is something that I do not think the farming population is demanding just now; and does not the Senator from New Hampshire think that, with a deficit of some $37,000,000 now in the public revenues, we had better wait awhile until we see just where we are coming out?

Mr. GALLINGER. I would agree to that if we did not have any deficit; but we have a deficit, and the indications are that it is going to be larger in the near future.

I do not believe in this propaganda at all; but if we are going into it, then let us all have a fair deal and a fair chance to see if we can not use some of the abandoned farms of New Hampshire, of Massachusetts, of New York, and of Iowa to good advantage; turn them into stock ranches, and go to raising cattle and horses at the expense of the Government of the United States. So I say that at the proper time, if the amendment of the committee should be agreed to, I shall offer certain amendments, one of which will be to strike this paragraph entirely from the bill. I do not think it ought to be here; but if it is to be here, then it certainly ought to be modified so that we will not restrict this enterprise to 3 or 4 States out of the 48 States of the Union.

Mr. SHERMAN. Mr. President, before the Senator takes his seat, will he yield for a moment?

Mr. GALLINGER. Certainly.

Mr. SHERMAN. It might in part serve to illumine the inquiry made by the Senator from New Hampshire to call attention to the hearing before the House Committee on Agriculture. The committee heard Dr. W. D. Hunter, who is in charge of the southern field-crop insect investigation of the Bureau of Entomology. On page 14 Mr. MCLAUGHLIN, a member of the committee, asked this question:

You will not need so much money as formerly for the sugar-cane pest, will you, because they are not going to raise sugar cane down there any longer?

Dr. Hunter replied:

On the contrary, there is every appearance that sugar cane will be produced on a considerable scale; and our view is that the investigation of sugar-cane insects becomes more important than ever it has been, because of the reduced profits that the planters will have.

That might serve as a motive for this paragraph.

Mr. GALLINGER. It would seem so. Mr. President, I have said all I care to say about the matter.

Mr. RANSDELL. Mr. President, I am sorry to see a point made against this item by the distinguished Senator from New Hampshire. Frankly, this item was placed in the bill to assist the sugar growers of Louisiana in engaging in a new industry. It is unnecessary to refer to the tariff law or its effects——

Mr. WORKS Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from California?

Mr. RANSDELL. I will yield as soon as I finish this sentence. It is unnecessary, I say, to refer to the tariff, and I am not going to do it, except to state that, as almost everyone knows, its effects upon the sugar industry of Louisiana have been very disastrous. People there who, with their ancestors, have been engaged in raising sugar for considerably over 100 years now find it necessary to engage in some new kind of agricultural pursuit. They can not plant cotton in the sugar section of Louisiana because of that other enemy which has been discussed here to-day to some extent, the boll weevil. It is utterly impossible to make a success of cotton in the sugar section of the State.

Those people have had but one idea in their agriculture for over a century They have been devoting their time and their attention to sugar, and raising a portion of the corn and hay needed to feed their work animals. Some few of them raise a very small number of hogs and cattle, but the one great business on which they depended was sugar cane. The crop sold annually for about $30,000,000. Now they can not continue to grow that crop. They must engage in another agricultural pursuit. They must be taught a different industry.

It is well enough to say that people know all about cattle raising and hog raising without being taught; but while it is true that farmers as a rule are very intelligent people, you can not destroy an industry in which men have been engaged all their lives and force them into a new industry all at once without training them as to how they should undertake it.

Mr. WORKS. Mr. President——

Mr. RANSDELL. I now yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator from Louisiana, if his statement be true, why the beet growers of California were not included in this beneficial legislation. We have thousands of acres of land there that are devoted to beet growing. That industry undoubtedly will have to be given up, for the same reason suggested by the Senator from Louisiana. There are some $20,000,000 invested in that industry now in a manufacturing way, and that business is likely to be destroyed. I am not saying that this legislation ought to be adopted in favor of anyone; but certainly it ought to be just and equitable as to all persons affected in the same way, at least.

Mr. RANSDELL. In reply to the Senator I will say that no one is more in favor than I am of equitable and just legislation that will deal out its benefits fairly to all the people of the entire Nation. But there was no claim made before the Agricultural Committee about the necessity of extending this item to the beet-sugar section. If I am correctly informed, there are other agricultural industries in the beet-sugar section of the Union which are well known. Corn is a profitable crop in the beet section; also wheat and oats. It may be that those facts influenced the committee. I do not know but that it is true, also, that cattle and hog raising are quite profitable in the beet-

sugar sections. I have understood that they raise magnificent cattle and hogs in Michigan. My information is that in most of the Western States where beet sugar is raised cattle and hogs and general animal industry are profitable, a very considerable portion of the time of the farmers being devoted to live stock; but that is not true in Louisiana.

I wish to say to the Senator from California, however, that if his section needs similar assistance from the National Congress he can get my vote for it. If his people are in the unfortunate condition that the Louisiana sugar growers are now in, he will not only get my vote for anything they need to help them start a new industry, but he will get my voice with as strong words as I can utter.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from New Hampshire?

Mr. RANSDELL. I do.

Mr. GALLINGER. A gentleman from the State of Louisiana with whom I happened to engage in conversation recently said to me that the people were unduly alarmed; that the land there was just as well adapted to the raising of corn as the land in any other part of the country. Another gentleman who is engaged largely in farming in the State of Louisiana has stated in this city within two or three days that he raises corn in Louisiana successfully and to his entire satisfaction, and that the community where he lives is admirably adapted to the raising of hogs, a very profitable industry. Is the Senator sure that this land, which the United States Government has nurtured by protecting it from the ravages of the Mississippi River by the expenditure of millions of dollars, may not be profitably used for raising other crops?

Mr. RANSDELL. In answer to the question I will say very frankly that I hope and believe that the rich sugar lands in Louisiana may be made profitable in other lines of agriculture than sugar; but I firmly believe that the most hopeful business in which we can engage is animal industry, and I believe it is going to require a great deal of education of our people.

I am glad to hear the Senator speak of hog raising. I believe that is the best thing the people of Louisiana can engage in. I think there is more money in hogs in Louisiana than in sugar if they can go at it right; but you can not expect people who understand cane raising, sugar chemistry, sugar manufacturing, and so forth, to know how to handle hogs profitably, especially on the big plantations of thousands of acres, unless they go at it gradually and are properly taught.

We made an appropriation recently of half a million dollars for hog-cholera eradication. I am told that the great and rich State of Iowa lost over $33,000,000 last year from cholera in hogs. I firmly believe that the natural advantages of Louisiana for hog raising are superior, if anything, to those of Iowa; but we have a great many ignorant colored people in Louisiana on our farms who have not been taught hog raising. The owners of the lands are mostly whites, but they have not practiced hog raising as the people in Iowa have for a long, long time; and until they have been taught something about it they can not be expected to make a success of it.

Mr. GALLINGER rose.

Mr. RANSDELL. If the Senator will permit me further, he spoke about there being very little injury, perhaps—or that was the substance of what the Senator said—to the Louisiana sugar industry. Let me read to you extracts from a telegram dated May 6, 1914, from Mr. Charles Godchaux, one of the most reliable men in the State of Louisiana and one of the largest bankers, to show you how our sugar interests have been affected there recently. It is addressed to Mr. Paul Christian, at the Woodward Building in this city, and the information was given at my request. The telegram reads as follows:

MAY 6, 1914.

PAUL CHRISTIAN,
Woodward Building, Washington, D. C.:

Miles Planting Co. abandoned their properties in Ascension and St. James Parishes, containing over 15,000 acres, fully equipped with three large factories and railroads. They have sold off their live stock and now offering factories at wrecking value. Part of lands leased for rice, corn, and other crops, but large portion idle and labor moved away. Loss to above company, composed of daughter and son, Gen. Miles, not less than half million. In Terrebonne Parish the Argyle property now under seizure will sell at fifty to seventy-five thousand, while owner three years ago purchased one-quarter interest from brother for 100,000. This shows loss of over 300,000. The Bayou Sale property of Mr. Wahl and others, consisting of about 2,000 acres, has been entirely abandoned, due to fact unable to secure money to operate. The seed cane saved to plant in January has not been touched, and loss on this place at least hundred thousand. Could cite dozens more abandoned places if desired. If Senator wants additional information or wishes me to come on will gladly do so. Wexler will be in Washington to-morrow and can possibly give additional information.

CHARLES GODCHAUX.

That gives some idea of the position in which those sugar planters are. I want to say that most of them are not complaining. They complained in advance of the passage of the tariff law, but they are not complaining now. They are going on and doing the best they can to meet these changed conditions, and they ask the help of the National Government to assist in meeting them. They want the National Government to establish a live-stock demonstration farm somewhere in the sugar section, and by actual, practical demonstration there in raising and feeding and handling hogs and cattle and sheep and horses and mules to give some idea as to how they should handle these animals profitably.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Utah?

Mr. RANSDELL. I must yield first to the Senator from New Hampshire, who rose some time ago.

Mr. GALLINGER. I simply wish to get a little information.

Mr. RANSDELL. I shall be delighted to furnish it if I can.

Mr. GALLINGER. The terms of this provision are:

To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States—

Then the Senate committee adds—

including the erection of such temporary farm buildings as may be found necessary, and for the employment of persons and means necessary in the city of Washington and elsewhere.

And the appropriation is increased by $50.000.

Does the Senator contend that the Department of Agriculture can teach the intelligent people of any State in the American Union anything about raising live stock that is not known and that is not set before the people in the agricultural papers of the country and disseminated by farmers, one to another, in the country? Is there anything occult in this matter that requires deep, solemn investigation and development that is not now known?

That is the thought that occurred to me. What will this $100,000 be used for? I see they are going to erect some farm buildings at the expense of the Government. I suppose after they are erected they will belong to the farmers.

Mr. RANSDELL. In reply to the question, I will say that I do not think there is anything very occult about this matter; but I do think that when an industry never has been tried in a community it costs something to make the experiment. You can not tell whether or not, under the climatic conditions in Louisiana, you can make a success of raising, for instance, the Hereford cattle, the great beef breed. You can not tell that until you have tried it. Do you expect farmers, or planters, as we used to call them, who have lost their all—whose property, as I have just shown by Mr. Godchaux's telegram, has diminished in value in one instance from $400.000 three years ago to less than $100,000 now—to make experiments with Hereford cattle, or with the different breeds of hogs and horses and mules which may be adapted to that section?

The idea is to have the Government in a large way make experiments right in the heart of that sugar belt, and have the farmers in the entire sugar section visit the Government farm from time to time and see the results of the Government experiments; and it is also to convey to these farmers the information which other people have. We all know that the average farmer does not pay much attention to the live-stock papers, and that one good live demonstrator going from farm to farm and talking in person to the farmers, talking in person to their laborers, conveys a great deal more information and does a great deal more good than 500 Government publications or 500 agricultural papers. We want to convey the information directly to the people by word of mouth and by showing them what can be done.

Mr. GALLINGER. Mr. President, I wish just to suggest on that point—I am old-fashioned enough and States'-rights man enough, and I sometimes think I am conspicuous in this body because of the views I hold on States' rights—I say I am old-fashioned enough and States' rights enough to believe that those matters should be given over to private enterprise absolutely, and that the Government has no business to engage in them.

Mr. SMITH of Michigan. Does the Senator from New Hampshire deny that the Government has destroyed the sugar industry of Louisiana?

Mr. GALLINGER. I affirmed that a moment ago, and it was destroyed in opposition to my voice and vote and the vote of the Senator from Michigan. That is true. Everything the Senator from Louisiana says is undoubtedly correct so far as

the condition existing there is concerned; and during the pendency of that bill——

Mr. SMITH of Michigan. It is not only correct, but deplorable.

Mr. GALLINGER. During the pendency of that bill it was a matter of profound regret to me that after the Republicans of the Senate had stood united in opposition to a provision that was calculated to destroy that industry the Senator from Louisiana did not help us to protect our own industries.

Mr. SMITH of Michigan. We protected his industry for many years.

Mr. GALLINGER. I think that private enterprise will do this work, and I hope the Government will not get into it.

Mr. SUTHERLAND. Mr. President——

Mr. RANSDELL. I yield to the Senator from Utah.

Mr. SUTHERLAND. I can quite well understand the anxiety of the Senator's party, having destroyed the cane-sugar industry in the State of Louisiana, to at least partially remedy that injury. But I notice this appropriation applies not only to the cane-sugar industry, which has been ruined, but to the cotton districts of the United States as well, and I did not understand that we had passed any legislation that was calculated to injure them. Why do we include the cotton districts as well as the sugar-cane districts?

Mr. RANSDELL. To answer the question I will say I do not know why the word "cotton" was used there. I can tell you, if I understand it correctly, this money will not be used in cotton sections. It will be used in the cane sections, although I may say that there is a borderland, a mutual ground in Louisiana, between cotton and cane, and in that way this demonstration work would be helpful in a way to that portion of the cotton land where the boll weevil has now driven the industry out.

Mr. SUTHERLAND. The Senator from Louisiana, of course, understands that his party has not adopted any legislation which will tend to injure the cotton districts, but the legislation has been directed entirely toward the ruin of the cane-sugar districts.

Mr. SMITH of Michigan. If the Senator from Utah——

Mr. SUTHERLAND. If the Senator will permit me——

Mr. RANSDELL. I think cotton is on the free list, just as sugar is.

Mr. SMITH of Michigan. There is a relationship between cotton and sugar.

Mr. SUTHERLAND. Does the Senator understand that any legislation has been passed which has injured the cotton districts?

Mr. RANSDELL. I do not know that any legislation has been passed intending to injure any section of the United States. I certainly do not think that they have tried to injure cotton, and I do not know that they have tried to injure sugar, but they certainly have injured it.

Mr. SUTHERLAND. They did not take any extreme measures to prevent the injury of the cane-sugar industry, at any rate.

Mr. RANSDELL. They certainly did not.

Mr. SMITH of Michigan. They gave it slow poison.

Mr. SUTHERLAND. I am still without any information from the Senator as to why we provide for expending a part of this appropriation in the cotton districts.

Mr. RANSDELL. The only answer I can give, as I stated before, is that in the State of Louisiana, in the Atchafalaya River Basin and along the Mississippi River, where the vegetation is very rich and there is a great deal of moisture, there are certain lands which, before the advent of the boll weevil, would make pretty good cotton, and a little farther south they were entirely devoted to sugar. Now, when the boll weevil came in and drove the cotton farmers out, sugar planters moved northward and planted in sugar cane the lands that had once been in cotton. When the recent tariff bill was enacted they found that they could not make cane profitably there any more. They had been driven out of the cotton business in that section, and they could not grow cotton profitably. So they were between the devil and the deep blue sea, and they are appealing to the National Government now to help them raise animals of some kind there. That is the only reason I can explain why the word "cotton" was used along with "sugar."

Mr. SUTHERLAND. I wonder if the Senator from Louisiana would be willing to strike out the words "cotton districts" and insert the words "sugar districts of the United States" in place?

Mr. RANSDELL. I believe that would destroy the purpose of the bill. I am perfectly willing to strike out the word "cotton." if the Senator insists on it, and insert "sugar cane," and if you do that——

Mr. SMITH of Michigan. Mr. President——

Mr. RANSDELL. Let me finish my answer, please. If the Senators from the beet-sugar sections state that they need a similar appropriation to help them tide over the change from one industry to another, as stated by the Senator from California, I will vote for it and talk for it; but no effort of that kind was made before the Agricultural Committee. If there had been, I am sure we would have given them a reasonable appropriation.

Mr. SMITH of Michigan. Will the Senator from Utah permit me to make an observation?

Mr. SUTHERLAND. I yield.

Mr. SMITH of Michigan. We are not quite as hopeless in the beet-sugar section as are our friends in the Louisiana cane districts. Since this crime was perpetrated by our friends upon the other side of the Chamber there has been a distinct revulsion of public sentiment in the beet-sugar States. The unanimity existing among all the opponents of the Democratic Party is so great that we confidently expect to survive this serious blow, defeat the free-trade party, and come out with a revived American sugar industry.

I have no doubt whatever that the folly committed by our opponents under the leadership of the distinguished Senator from Kentucky who sits near me [Mr. JAMES] will soon be corrected, and that out of their defeat will come with new strength an independent, profitable American sugar industry. We have suffered in Michigan as have the sugar growers of Louisiana.

Mr. JAMES. Has sugar increased in price 1 cent, as the Senator prophecied it would when put on the free list?

Mr. SMITH of Michigan. Almost every article upon which the tariff was reduced has increased in price rather than diminished, but the volume of production has decreased.

Mr. JAMES. Except sugar, which has gone down in price.

Mr. SMITH of Michigan. The present price of sugar is perhaps being maintained just below the normal level on the world's market for the purpose of satisfying such extreme advocates as my distinguished friend from Kentucky that his labors were not wholly in vain. But when the sugar fields of Louisiana are turned over to stock raisers and the beet fields of the Northern States are turned over to cereals, the price of sugar will go back just where it was before free trade was begun; it will be controlled by practically one interest, and that interest has never been so vitally interested in the welfare of the American people as to reduce the price of its product voluntarily.

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Kentucky?

Mr. RANSDELL. I yield.

Mr. JAMES. The Senator has gone astray from his former prophecies made in the debate.

Mr. SMITH of Michigan. No.

Mr. JAMES. The Senator said then if we put sugar on the free list the price would not go down.

Mr. SMITH of Michigan. Oh, no.

Mr. JAMES. Now, it has been placed on the free list and the price has gone down.

Mr. SMITH of Michigan. Yes.

Mr. JAMES. The Senator tells us that it is because of some sort of legerdemain that is being performed.

Mr. SMITH of Michigan. Legislative legerdemain, there is no doubt about that.

Mr. JAMES. The consumers like that sort of a thing, and if we get a few more things on the free list the prices will be reduced.

Mr. SUTHERLAND. Sugar is not yet on the free list.

Mr. SMITH of Michigan. The Senator from Kentucky may lay that flattering unction to his soul, if he desires, but the unblushing truth is that when his party destroyed the American sugar industry they put into the hands of the big refining companies, who are refining the raw sugar of Cuba, a weapon with which to exact from the American consumer practically their own price for sugar. Under Republican rule one-half of the sugar consumed in America was produced from our own fields in competition with the refiners.

Mr. JAMES. Will the Senator——

Mr. SMITH of Michigan. And that fact resulted in holding the price of sugar at a lower figure than was ever before enjoyed by the people of our country.

Mr. JAMES. As the Senator is telling us about the disaster that has befallen those engaged in producing sugar by reason of the reduction in the price of sugar, will he be kind enough to give us some sort of an estimate as to the benefit that has been bestowed upon the consumers of sugar by the reduction in

price, so that we may level it up and see who has been benefited most and who has been injured most?

Mr. SMITH of Michigan. I will leave that to the Senator from Kentucky.

Mr. JAMES. It is true, the Senator will not deny, that sugar to-day is cheaper than it has been since 1894.

Mr. SMITH of Michigan. Possibly, but the people have less money to buy it to-day than they have had in the last 20 years.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. RANSDELL. I yielded to Senators for a question, and I hope they will permit me to proceed and finish the remarks I was making. Before concluding I wish to read a letter from the Secretary of Agriculture in regard to this proposition. It is a very intelligent letter, and I hope Senators will pay close attention while I read it. It is dated the 27th of April and is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 27, 1914.

Hon. JOSEPH E. RANSDELL,
United States Senate.

MY DEAR SENATOR RANSDELL: With regard to the need for investigations and demonstrations in connection with the development of live-stock production in the cane-sugar and cotton districts, as approved by the Senate committee and incorporated in the bill now before the Senate, I would say that the department has for some years been impressed with the need for a redirection of the agriculture of those sections where, for various reasons, single crops, such as sugar cane and to a certain extent cotton, in the deltas of the rivers flowing into the Gulf of Mexico, have been the main dependence of the farmers.

The cane-sugar industry in the United States has been continuously subject to very great fluctuations of yield and return. This has been due to various causes, particularly to the fact that it involves the production of a staple crop, which is very sensitive to low temperatures, in regions where the growing season is frequently too short for profitable production, in competition with tropical regions not subject to this handicap.

The soils best suited to cane production are unfortunately in many cases subject to destructive overflow under the conditions that exist, and consequently sugar cane is not infrequently menaced or actually damaged by overflow in the early portion of the season and by untimely frosts which damage the cane before the crop can be worked up at the end of the season. Since the advent of the cotton-boll weevil the same causes have operated to reduce very greatly the regularity of production, and therefore to increase the risk of the cotton growers in the fertile delta lands, the control of the boll weevil having been found decidedly more difficult and uncertain in such districts than in most of the cotton territory.

Study of the situation by the department and the experiment stations indicates that the most promising direction for agriculture to take in these sections is through the development of a better-balanced and more self-maintaining agriculture than now exists, which necessarily includes live-stock production. Unfortunately the long dependence of the farmers upon sugar and cotton has prevented the accumulation of practical experience with live stock, with the result that comparatively little is as yet known regarding the methods which will be necessary to adopt in developing a live-stock industry in those sections. Some experimentation has been made by the State experiment stations, but there is very great need at the present time of comprehensive experiments and demonstrations along this line in these sections. The situation is acute, and to be of greatest value to the farmers the work should be promptly inaugurated and vigorously prosecuted upon a scale sufficiently large to insure the accomplishment of effective results.

The situation as it exists is very unusual in that it is necessary for a large number of farmers who have through two or three generations practiced a single-crop agriculture to very suddenly and radically change their whole industry—a condition which has but rarely occurred in the history of American agriculture and which appears to require rather unusual governmental consideration.

Yours, very truly,

D. F. HOUSTON, *Secretary.*

Now, Mr. President and Senators, I do not wish to take more time of the Senate. I appeal to you, to every one of you, to vote for this appropriation. I earnestly believe it is going to be helpful to the people who certainly need help. I am not in the position of a mendicant in this appeal. I am making it because I believe it is simple justice that I ask for my people. They have been put in this unfortunate position because of legislation which has been adopted by a majority of Congress. It is not their fault that they are in this position, but certainly since they are in it we ought to do what we can to help them. If an industry which paid to the sugar growers of Louisiana $30,000,000 a year can possibly be restored, or, rather, if something can be established in place thereof at an expenditure of $100,000, it is surely a good business proposition to do it. If we can raise a large quantity of beeves and hogs and other food products on those sugar lands in Louisiana it may help to solve to some extent the high cost of living.

Mr. MARTINE of New Jersey. Mr. President, I admire the earnest enthusiasm of my friend from Louisiana [Mr. RANSDELL], but it does seem a little stretching the limit. There is not a man in Louisiana, I believe, but who is intelligent enough, capable enough, living in an agricultural community, to know as much now about increasing his herd or his drove of hogs as he would know after a demonstration had been gone into at the hands of the Agricultural Department.

I say this is burdening a thing almost to the breaking point, and I urge my friend from Louisiana in all reason just to let up on this part of agricultural demonstration work. Nature will attend to that. You supply the embryo of the herd or drove and it will fill your land with hoofs and plenty, and happier days will come to you.

Mr. SMOOT. Mr. President, I am very much surprised to see a provision of this kind in an appropriation bill. It is paternalism run mad, and I do not believe that if the appropriation were made that it would do very much good to the people of Louisiana.

The Senator from Louisiana [Mr. RANSDELL] knows that my heart goes out in sympathy to his people. He knows what I predicted on the floor of the Senate would happen if the proposed legislation was passed. I say to him now that I would rather vote a straight-out appropriation of a million dollars and have it distinctly understood what the appropriation was for than to vote for a provision of this kind.

I want to say also to the Senator that if his people should undertake to raise horses or cattle according to the plan that will be shown to them by the representatives of the Agricultural Department in buying blooded stock and spending money upon the keep of it as nobody but a millionaire could do, they would go bankrupt even if they had the money with which to begin. Therefore it does seem to me that this is the wrong way for Congress to proceed to help the unfortunate people of Louisiana.

Mr. President, I feel constrained at this time to offer a point of order against this amendment. In doing so I will call attention to Rule XVI, paragraph 2. In the first place all admit that it is general legislation upon an appropriation bill. Paragraph 2 of Rule XVI provides:

2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

I do not think that the amendment was ever offered in the Senate.

Mr. RANSDELL. Mr. President, it was offered in the Senate. I introduced it myself.

Mr. SMOOT. In the shape in which it was reported in this bill?

Mr. RANSDELL. I introduced an amendment proposing to increase the appropriation by $50,000.

Mr. SMOOT. Ah, yes.

Mr. RANSDELL. Some of the wording was changed, but the amount was the same and the principle was the same.

Mr. SMOOT. I am not denying the fact that the Senator from Louisiana introduced an amendment increasing this amount, but the whole wording of this amendment has been added. It comes from the Appropriations Committee, I will admit.

Again, I call attention to paragraph 3 of Rule XVI.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Just as soon as I get through with this matter, I will gladly yield to the Senator.

Paragraph 3 of Rule XVI provides:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Mr. President, there is not any Senator who does not know that this is general legislation upon an appropriation bill; there is not anyone here who does not know that it was never estimated for. Not only that, but it was never offered here and referred to the committee by way of amendment. I make the point of order against the amendment on those grounds.

Mr. GRONNA. Mr. President, I wish to say that I do not happen to have the printed report of the hearings held in the other House in regard to this matter before me, but I am inclined to believe that the item was estimated for; that is, the $50,000 item. Of course the increase was not estimated for; but the provision as it came from the other House was estimated for.

Mr. SMOOT. I wish to say to the Senator that what I am making the point of order on is the amendment which is here. The point of order can not be made as to whether we shall appropriate the $50,000 provided for in this bill as it came from the other House. The only way that can be reached is by a vote of the Senate; and when the proper time comes, if no other Senator offers such an amendment, I shall offer an amendment to strike that out.

Mr. GRONNA. Mr. President, I understand the Senator's point of order is made on the amendment as reported by the Senate committee?

Mr. SMOOT. Entirely.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. RANSDELL. I did not understand the ruling of the Chair.

The PRESIDING OFFICER. The Chair sustains the point of order made by the Senator from Utah [Mr. SMOOT].

Mr. RANSDELL. To strike out the whole of the amendment?

The PRESIDING OFFICER. The Senator from Utah makes the point of order that the amendment offered by the committee is legislation; that it was not presented in the form of an amendment; that it is not germane, and is out of order for various other reasons. Without reciting those other reasons, the Chair sustains the point of order.

Mr. RANSDELL. I wish the Chair would hear me on that for a moment. I certainly hope a matter so important as this is to my State is not going to be thus disposed of.

The PRESIDING OFFICER. The point of order is not debatable; but the Senator from Louisiana can appeal from the decision of the Chair.

Mr. WARREN. A point of order does not lie against the House part of the provision. That can not be put out of the bill on a point of order.

Mr. RANSDELL. I understood that the addition of $50,000, which is necessary and without which we can not get any material benefit, would go ont under the point of order.

Mr. SMOOT. That was the point of order that I made as against the amendment.

Mr. RANSDELL. Against the additional $50,000?

Mr. SMOOT. Yes; against the whole amendment.

Mr. WARREN. That leaves $50,000 standing yet in limbo. The House put in $50,000, which we have stricken out. That does not come under the point of order.

Mr. RANSDELL. I understand that.

Mr. GALLINGER. Mr. President, I move to strike out the entire appropriation as it stands in the bill.

The PRESIDING OFFICER. The unanimous-consent agreement under which the Senate is operating was to first consider only committee amendments.

Mr. GALLINGER. Then I withhold my amendment until the bill comes into the Senate.

The PRESIDING OFFICER. The Secretary will read the next committee amendment passed over.

The SECRETARY. The next committee amendment passed over is, on page 71, after line 14, where the committee propose to insert the following:

The Secretary of Agriculture is hereby authorized and directed to prepare a plan for reorganizing, redirecting, and systematizing the work of the Department of Agriculture as the interests of economical and efficient administration may require; such plan shall be submitted to Congress in the Book of Estimates for the fiscal year 1916; and the estimates of expenses of the Department of Agriculture for the fiscal year 1916 shall be prepared and submitted in accordance therewith.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. I should like to ask the Senator having charge of the bill, before passing over the question, to explain in just as few words as possible the real object of this amendment.

Mr. GORE. Mr. President, the Senator from Utah will remember that several years ago we made an appropriation creating a Board of Efficiency and Economy. That board has submitted numerous and voluminous reports suggesting ways and means for the reorganization of various departments, coordinating the work, and eliminating duplication of services. The present Secretary of Agriculture, Mr. Houston, is an experienced executive officer, having been president of the Agricultural and Mechanical College of Texas, having been connected with the University of Texas, and having been president of Washington University, in the State of Missouri. It is his desire to reorganize the work. I have here a letter from the Secretary upon the subject.

Several of the bureaus are to some extent performing the same service now. That results in an increased and unnecessary expense. It is the desire of the Secretary of Agriculture to be authorized—probably he has the power as it is, but he desires special authorization of Congress—to proceed to prepare plans for the reorganization of the department in the interest of economy and efficiency. The plans are to be submitted to Congress at its next session for the further action of Congress. I think this is a most important amendment, and I trust it will be allowed to remain in the bill.

Mr. SMOOT. I wish to say that I have been rather in sympathy with the work that has been done in the past by the commission spoken of by the Senator, although I understood that there was not going to be an appropriation to continue that commission for the coming year.

Mr. GORE. I think not; no, sir.

Mr. SMOOT. I want to ask the Senator if the work of that commission is completed so far as the Department of Agriculture is concerned?

Mr. GORE. Mr. President, I am really not able to answer that inquiry.

Mr. SMOOT. Well, Mr. President, I will not object to the amendment, but I really would like to have the information for which I asked.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next committee amendment passed over.

The SECRETARY. On page 71, after line 23, it is proposed to insert:

Hereafter employees of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Porto Rico, and Guam may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in exceptional or meritorious cases where an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days additional in any one year.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, I should like to ask the Senator if this is a cumulative leave of absence?

Mr. GORE. It is a cumulative leave of absence. At present employees in the Philippines can not come and go in the 30 days allowed under the law, but during three years they can accumulate 90 days, which would afford them an opportunity to return to this country, to have some vacation, and then to return to their posts of duty.

Mr. SMOOT. I do not remember the provisions of the original law, but no doubt the Senator has examined that law and can answer the question I am about to ask. This provision does not increase the leave of absence, taking the three years together, does it?

Mr. GORE. No, sir; it does not.

Mr. SMOOT. It simply provides that they shall have the same leave of absence as the employees of the Agricultural Department in continental United States?

Mr. GORE. Yes, sir. Under the present law they really have no leave of absence, because they can not come and go in the 30 days allowed.

Mr. SMOOT. They have it under the law, whether they can use it or not.

Mr. GORE. They can under the circumstances have practically no vacation.

Mr. SMOOT. Yes.

Mr. WARREN. I want to call the attention of the chairman of the committee to the wording of the provision. I am afraid it does not cover the point exactly as he wishes it to be covered. What we ought to do is to allow 30 days' leave of absence in a year, and to allow an accumulation for not exceeding, say, three or four years; but the amendment provides for an additional 30 days, without making it cumulative, except as to one year, which would have the effect of granting 60 days' leave in one year.

Mr. SMOOT. That is why I asked the Senator from Oklahoma if it was intended to be cumulative, because it does seem to me, under the wording of this amendment, that not only will the employees of the Agricultural Department in Alaska, Hawaii, Porto Rico, and Guam be given 30 days, but 60 days each year.

Mr. GORE. Mr. President, the amendment has no such intention as that, and if it is subject to that construction, of course it ought to be corrected. I will say that the amendment was prepared by the officers of the department and was explained to me as having that intention solely in view. Of course, I would be glad to have it made more definite.

Mr. WARREN. It ought to be arranged as it is in the Army.

Mr. SMOOT. Let me call the attention of the Senator from Oklahoma to the exact wording of the amendment to see if he does not agree with the construction that has been placed upon the provision. It reads that the employees referred to shall—

be granted leave of absence not to exceed 30 days in any one year—

That is the present law—

which leave may, in exceptional or meritorious cases where an employee is ill, be extended, in the discretion of the Secretary of Agriculture—

Now, listen—

not to exceed 30 days additional in any one year.

Or, in other words, in those meritorious cases the Secretary of Agriculture can give 60 days' leave in one year.

Mr. GORE. I believe the proper construction would be that it would be cumulative for two years, and not further than that. It could not be extended for three years so as to grant 90 days' leave in any one year.

Mr. SMOOT. I do not believe it could be extended two years under the wording. I believe it would allow 60 days' leave in one year.

Mr. GORE. There is no reason why it should not be placed beyond a doubt, so far as that is concerned.

Mr. SMOOT. Will the Senator allow this to go over to-night so as to ascertain if we can not word the provision in such a way that there will be no objection to it?

Mr. GORE. I have no objection to that.

Mr. STONE. I should like to ask the Senator in charge of the bill if he has any expectation of completing the committee amendments to-night?

Mr. GORE. I rather doubt our ability to entirely complete them, although there are only three or four more remaining. I suggest to the Senator that if he will allow us to proceed for a few more minutes, if any amendment really leads to discussion, I will not insist upon it.

Mr. STONE. I intended to move, as soon as it was agreeable, an executive session.

Mr. OVERMAN. It is 20 minutes of 6 o'clock now. I suggest to the Senator from Oklahoma that he let the bill go over.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. STONE. I will not make the motion just now.

Mr. GORE. If the Senator will allow me a few more minutes, if any of the remaining amendments result in debate I shall not insist on proceeding to-night.

The PRESIDING OFFICER. The next committee amendment passed over will be stated.

The SECRETARY. On page 72, after line 7, it is proposed to insert:

To enable the Secretary of Agriculture to better carry into effect the provisions of the act of March 1, 1911 (36 Stats., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," the moneys appropriated therein shall be available for the employment of agents, clerks, assistants, and other labor required for the purpose of said act in the city of Washington.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next committee amendment passed over was, on page 72, after line 18, to insert:

The Secretary of Agriculture may hereafter exchange general scientific apparatus and laboratory equipment purchased from any lump-fund appropriation of the Department of Agriculture.

Mr. SMOOT. Mr. President, that is a very peculiar provision, and I want to ask the Senator what it is intended for, because it seems to me that it might open—I do not say that it would do so—the door to a great deal of fraud?

Mr. GORE. Mr. President, I will say that under existing law the department is allowed to exchange old typewriters and some other machines and appliances for new apparatus. That has resulted in considerable economy, so the department advises me, and they say that the same treatment——

Mr. OVERMAN. Why do you say in the amendment "purchased from any lump-fund appropriation"?

Mr. SMOOT. That is what I object to.

Mr. OVERMAN. Why are those words used?

Mr. GORE. There are several lump-sum appropriations carried in this bill, and I assume that some of the machinery and apparatus to be affected by this provision may have been purchased under a lump-sum appropriation, and in order to cover them the expression was used. I would say "lump-sum appropriation or otherwise." I see no use in limiting the provision.

Mr. OVERMAN. Why limit it by retaining the "lump-fund" provision at all? Why not strike out those words and let the department exchange scientific apparatus when they want to do so?

Mr. GORE. I think that would be better.

Mr. SMOOT. The provision is now limited by the words "purchased from any lump-fund appropriation of the Department of Agriculture," and it seems to me that the only danger lies in that limitation, because when apparatus and appliances are specifically provided for the Committee on Appropriations know how many are purchased and the amount paid for them; but as to those purchased from a lump-sum appropriation we never know.

Mr. GORE. There is a bare possibility that they may now have the privilege of exchange with reference to such appliances as are purchased otherwise than from lump-sum appropriations; but upon that I am not advised. It seems to me to be better not to restrict it to appliances purchased from lump-sum or lump-fund appropriaions.

The PRESIDING OFFICER. Does the Senator offer an amendment?

Mr. GORE. Yes, sir; I suggest that as an amendment.

The PRESIDING OFFICER. Will the Senator state the amendment for the benefit of the Secretary?

Mr. OVERMAN. Strike out the words "lump fund."

Mr. GORE. I suggest that we omit the words "lump fund."

Mr. SMOOT. I do not know whether the Senator intended that the provision should read "lump sum" or "lump fund." The bill reads "lump fund," but I suppose by that is meant a lump-sum appropriation.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Oklahoma to the amendment reported by the committee.

The SECRETARY. In the amendment reported by the committee, on page 72, line 21, it is proposed to strike out the words "lump fund."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the committee as amended.

Mr. WILLIAMS. Mr. President, I thought I would utter a few words upon the merits of the proposition itself; but as the Chair has taken the vote, and has declared it passed, I shall not do so.

The PRESIDING OFFICER. The Chair will state that the amendment as amended is not yet agreed to. [After a pause.] The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The SECRETARY. It is also proposed to insert the following after the amendment just agreed to:

And hereafter the Secretary of Agriculture is authorized to make studies of cooperation among farmers in matters of rural credits and sanitation and of other forms of cooperation in rural communities; to diffuse among the people of the United States useful information growing out of these studies, in order to provide a basis for broader utilization of results secured by the research, experimental, and demonstration work of the Department of Agriculture, agricultural colleges, and State experiment stations; and to employ such persons and means in the city of Washington and elsewhere as the Secretary may consider necessary, $50,000.

Mr. SMOOT. Is this for the purpose of establishing another bureau here in the department?

Mr. GORE. Mr. President, I think it will not be necessary to have another distinctive bureau established. The services contemplated under this provision possibly would be devolved on several different bureaus, pursuing different lines of investigation and inquiry.

Mr. SMOOT. Was this item estimated for?

Mr. GORE. I am not certain whether it was contained in the original Book of Estimates or not. It was subsequently recommended by the department in a supplemental communication.

Mr. SMOOT. I do not care for a recommendation. I want to know whether it was really estimated for by the Secretary of the Treasury in his Book of Estimates.

Mr. GORE. I will ascertain in a moment.

Mr. MARTIN of Virginia. It is general legislation.

Mr. SMOOT. Then I ask that the amendment go over. I will look it up in the meantime.

Mr. WARREN. If the chairman of the committee will permit me, I have before me the language of the law which provides for these additional leaves of absence; and I should like to offer an amendment to the provision on page 72.

Mr. SMOOT. Did the Senator from Oklahoma allow the last amendment that we had under consideration to go over?

Mr. GORE. Yes; I think it had better go over.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent to revert to the amendment on page 72.

Mr. OVERMAN. We can take that up to-morrow.

Mr. WARREN. We have not finished this yet. It will take only a moment.

EXECUTIVE SESSION.

Mr. OVERMAN. We can not finish the bill to-night. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 15, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 14, 1914.

UNITED STATES ATTORNEY.

Alfred Jaques, of Duluth, Minn., to be United States attorney, district of Minnesota, vice Charles C. Houpt, whose term expires June 7, 1914.

UNITED STATES MARSHAL.

Henry A. Skeggs, of Decatur, Ala., to be United States marshal, northern district of Alabama, vice Pope M. Long, whose term has expired.

POSTMASTERS.

ALABAMA.

George Cotton to be postmaster at Dothan, Ala., in place of Byron Trammell, removed.

John J. Dunlap, jr., to be postmaster at Eutaw, Ala., in place of Mary H. Hays, removed.

Ella M. Harris to be postmaster at York, Ala. Office became presidential January 1, 1914.

William M. Head to be postmaster at Ozark, Ala., in place of Clifford M. Cox. Incumbent's commission expired January 19, 1914.

R. M. Jemison to be postmaster at Talladega, Ala., in place of John A. Bingham. Incumbent's commission expired April 15, 1914.

John E. McGee to be postmaster at Carrollton, Ala. Office became presidential October 1, 1913.

Robert L. O'Neal to be postmaster at Huntsville, Ala., in place of William T. Hutchens. Incumbent's commission expires June 21, 1914.

ARIZONA.

Andrew J. Herndon to be postmaster at Prescott, Ariz., in place of Albert L. Smith. Incumbent's commission expires June 1, 1914.

ARKANSAS.

William H. Austin to be postmaster at Gravette, Ark., in place of William D. Foster. Incumbent's commission expired March 2, 1914.

John A. Bridgford to be postmaster at Eureka Springs, Ark., in place of Clio W. Miller. Incumbent's commission expired April 15, 1914.

F. O. Cogbill to be postmaster at Wynne, Ark., in place of George E. Davis. Incumbent's commission expired February 4, 1914.

Hugh J. Floyd to be postmaster at Bentonville, Ark., in place of Elijah O. Lefors. Incumbent's commission expired February 25, 1914.

Joel M. Harrison to be postmaster at Prairie Grove, Ark., in place of Clinton E. Cole. Incumbent's commission expired February 21, 1914.

Arthur G. Morris to be postmaster at Heber Springs, Ark., in place of John H. Hutson. Incumbent's commission expires May 31, 1914.

Adah L. Roussan to be postmaster at Osceola, Ark., in place of David F. Taylor. Incumbent's commission expired February 4, 1914.

John P. Stafford to be postmaster at Springdale, Ark., in place of Robert C. Mayes, resigned.

William H. Watkins to be postmaster at Harrison, Ark., in place of James W. Slover. Incumbent's commission expired February 16, 1914.

CALIFORNIA.

R. A. Boyd to be postmaster at Highland, Cal., in place of Alfred A. True. Incumbent's commission expires June 22, 1914.

George E. Glover to be postmaster at Azusa, Cal., in place of Thomas C. Bouldin. Incumbent's commission expires June 22, 1914.

Charles B. McDonell to be postmaster at Ventura, Cal., in place of D. J. Reese. Incumbent's commission expires June 22, 1914.

May A. Miller to be postmaster at Glendora, Cal., in place of Keith M. Suydam. Incumbent's commission expired December 13, 1913.

John H. Quinlan to be postmaster at Half Moon Bay, Cal., in place of William Nelson. Incumbent's commission expired December 16, 1913.

R. Warner Thomas to be postmaster at Redlands, Cal., in place of William M. Tisdale. Incumbent's commission expires June 22, 1914.

COLORADO.

M. A. McGrath to be postmaster at Eaton, Colo., in place of Gerald H. Denio. Incumbent's commission expired April 15, 1914.

Herbert R. Sabine to be postmaster at Alamosa, Colo., in place of Rose Wilder, removed.

Robert W. Tandy to be postmaster at Del Norte, Colo., in place of Robert C. Hall. Incumbent's commission expires May 19, 1914.

CONNECTICUT.

Daniel J. Driscoll to be postmaster at Cheshire, Conn. Office became presidential January 1, 1914.

FLORIDA.

Joseph F. De Sha to be postmaster at Waldo, Fla. Office became presidential April 1, 1914.

GEORGIA.

Susie M. Atkinson to be postmaster at Newman, Ga., in place of Susie M. Atkinson. Incumbent's commission expired January 26, 1914.

John L. Callaway to be postmaster at Covington, Ga., in place of Hervey D. Bush. Incumbent's commission expired May 2, 1914.

John W. Clark to be postmaster at Augusta, Ga., in place of Thomas D. Murphy. Incumbent's commission expires June 10, 1914.

Mrs. Alexander Stephens Clay to be postmaster at Marietta, Ga., in place of George H. Keeler. Incumbent's commission expires June 24, 1914.

IDAHO.

Joseph S. Robison to be postmaster at Montpelier, Idaho, in place of Francis M. Winters. Incumbent's commission expires June 14, 1914.

ILLINOIS.

Herbert I. Baldwin to be postmaster at Tonica, Ill., in place of George H. Forster. Incumbent's commission expired December 16, 1913.

Ralph I. Dunlap to be postmaster at Jacksonville, Ill., in place of John J. Reeve. Incumbent's commission expires May 25, 1914.

Howard F. Dyson to be postmaster at Rushville, Ill., in place of Tilford P. Hawkins, deceased.

John McCann to be postmaster at Arcola, Ill., in place of Joel S. Ray. Incumbent's commission expires June 2, 1914.

Charles G. McClary to be postmaster at Edinburg, Ill., in place of Abraham L. Williams. Incumbent's commission expired April 25, 1914.

Frank W. Meisenheimer to be postmaster at Ava, Ill., in place of Roger Walwark. Incumbent's commission expires May 18, 1914.

Elby Ozment to be postmaster at Carriers Mills, Ill., in place of Marion T. Capel, resigned.

Herbert P. Stearns to be postmaster at Byron, Ill., in place of William H. Mix. Incumbent's commission expired March 17, 1914.

F. H. Stevens to be postmaster at La Grange, Ill., in place of Fred O. Munn, resigned.

Benjamin F. Wineland to be postmaster at Flora, Ill., in place of George J. Price. Incumbent's commission expired March 17, 1914.

INDIANA.

John W. Bosse to be postmaster at Decatur, Ind., in place of William A. Lower. Incumbent's commission expires June 14, 1914.

Oscar C. Bradford to be postmaster at Marion, Ind., in place of Marion F. Evans. Incumbent's commission expires June 21, 1914.

William W. Briggs to be postmaster at Geneva, Ind., in place of Fred J. MacWhinney. Incumbent's commission expires June 14, 1914.

William E. Cartwright to be postmaster at Summitville, Ind., in place of William C. Gordon. Incumbent's commission expires June 10, 1914.

John C. Gorman to be postmaster at Princeton, Ind., in place of Henry Tichenor. Incumbent's commission expired April 13, 1914.

Julius C. Fishel to be postmaster at Hope, Ind., in place of Simeon W. Norton. Incumbent's commission expired March 7, 1914.

Anderson B. Lee to be postmaster at Alexandria, Ind., in place of J. C. Brattain. Incumbent's commission expires June 21, 1914.

Sylvester Rennaker to be postmaster at Converse, Ind., in place of Charles Carter. Incumbent's commission expires May 18, 1914.

James R. Sage to be postmaster at Milroy, Ind. Office became presidential April 1, 1914.

Albert Spanagel to be postmaster at Lawrenceburg, Ind., in place of Ezra P. Hayes. Incumbent's commission expires May 19, 1914.

Frank J. Vessely to be postmaster at North Judson, Ind., in place of Charles H. Kuester. Incumbent's commission expires June 10, 1914.

IOWA.

Charles H. Bloom to be postmaster at Delmar, Iowa, in place of E. C. McMeel, resigned.

S. H. Brainard to be postmaster at Wyoming, Iowa, in place of Zella Biglow. Incumbent's commission expired April 21, 1914.

KANSAS.

S. C. Bybee to be postmaster at Garnett, Kans., in place of John H. Vaughn. Incumbent's commission expired December 21, 1913.

Lulu M. Crans to be postmaster at Formosa, Kans., in place of Lulu M. Crans. Incumbent's commission expired January 10, 1914.

A. B. Hoffman to be postmaster at Harper, Kans., in place of Samuel C. Labaugh. Incumbent's commission expires June 2, 1914.

William W. House to be postmaster at Peabody, Kans., in place of Henry B. Van Nest. Incumbent's commission expires June 24, 1914.

Siegfried Kuraner to be postmaster at Fort Leavenworth, Kans., in place of J. W. Niehaus, deceased.

Charles N. Page to be postmaster at Oberlin, Kans., in place of Robert A. Marks. Incumbent's commission expires May 31, 1914.

Glenn Smith to be postmaster at Horton, Kans., in place of Melville H. Soper, deceased.

Theodore D. Webster to be postmaster at Bronson, Kans., in place of Harry Ross. Incumbent's commission expired February 18, 1914.

KENTUCKY.

Albert Doom to be postmaster at Kuttawa, Ky. Office became presidential January 1, 1914.

J. Ray Graham to be postmaster at Fulton, Ky., in place of Robert B. Beadles. Incumbent's commission expires May 19, 1914.

John A. Hines to be postmaster at Wickliffe, Ky., in place of De Witt C. Tackett. Incumbent's commission expires June 20, 1914.

John G. Roberts to be postmaster at Bardwell, Ky., in place of Lucien J. Bodkin. Incumbent's commission expires June 20, 1914.

LOUISIANA.

Henry W. Blanks to be postmaster at Columbia, La. Office became presidential October 1, 1913.

MAINE.

Edward C. Bridges to be postmaster at York Village, Me., in place of James L. Holland. Incumbent's commission expires June 22, 1914.

F. S. Doyle to be postmaster at Caribou, Me., in place of Joseph W. Gary. Incumbent's commission expired April 1, 1914.

Clinton S. Eastman to be postmaster at Westbrook, Me., in place of Benjamin J. Woodman. Incumbent's commission expired February 4, 1914.

George S. Pitts to be postmaster at Harrison, Me., in place of George C. Tarbox. Incumbent's commission expires June 10, 1914.

MASSACHUSETTS.

James H. Creedon to be postmaster at Middleboro, Mass., in place of Augustus M. Bearse. Incumbent's commission expired April 15, 1914.

Robert H. Howes to be postmaster at Southboro, Mass., in place of Charles L. Fairbanks. Incumbent's commission expired January 31, 1914.

Edward F. Maher to be postmaster at Hyannis, Mass., in place of Daniel Bearse. Incumbent's commission expired April 15, 1914.

Merton Z. Woodward to be postmaster at Shelburne Falls, Mass., in place of Merton Z. Woodward. Incumbent's commission expired January 24, 1914.

MICHIGAN.

Edward Austin to be postmaster at Battle Creek, Mich., in place of Miles S. Curtis. Incumbent's commission expires June 13, 1914.

W. M. Beadle to be postmaster at Marcellus, Mich., in place of Clinton L. Kester. Incumbent's commission expires June 13, 1914.

Walter E. Hodges to be postmaster at Pentwater, Mich., in place of Daniel J. Halstead. Incumbent's commission expires June 13, 1914.

Patrick Kearns to be postmaster at Vulcan, Mich., in place of Harry K. Myers. Incumbent's commission expires May 25, 1914.

Thomas H. Sawher to be postmaster at St. Clair, Mich., in place of Hannibal A. Hopkins. Incumbent's commission expires June 21, 1914.

MINNESOTA.

F. J. Reimers to be postmaster at Stewart, Minn., in place of Amos F. Avery, deceased.

H. M. Wheelock to be postmaster at Fergus Falls, Minn., in place of Benjamin D. Underwood. Incumbent's commission expired January 11, 1913.

MISSISSIPPI.

George C. Jackson to be postmaster at Belzoni, Miss., in place of George C. Jackson. Incumbent's commission expires June 14, 1914.

John L. Kirby to be postmaster at Water Valley, Miss., in place of Neal M. Woods. Incumbent's commission expires May 31, 1914.

MISSOURI.

William M. Bayliss to be postmaster at Clarence, Mo., in place of John C. Rickey. Incumbent's commission expired April 29, 1914.

Francis L. Stufflebam to be postmaster at Bolivar, Mo., in place of Edmond L. Schofield. Incumbent's commission expires June 24, 1914.

John T. Summers to be postmaster at Lathrop, Mo., in place of George K. Gwathmey. Incumbent's commission expired April 21, 1914.

MONTANA.

John H. Booth to be postmaster at Ekalaka, Mont., in place of P. M. McLean, declined.

Thomas A. Busey to be postmaster at Conrad, Mont., in place of George W. Seebeck. Incumbent's commission expires June 14, 1914.

Augusta C. Sheridan to be postmaster at Bigtimber, Mont., in place of Augusta C. Sheridan. Incumbent's commission expired March 7, 1914.

NEBRASKA.

Elbert M. Vaught to be postmaster at Genoa, Nebr., in place of W. E. Kennedy. Incumbent's commission expires June 14, 1914.

NEW JERSEY.

James J. Cowley to be postmaster at Passaic, N. J., in place of Dennis W. Mahony, deceased.

Patrick J. Devlin to be postmaster at Matawan, N. J., in place of Orwill Van Wickle. Incumbent's commission expires June 24, 1914.

George F. Moore to be postmaster at Oradell, N. J., in place of Adolphus Landmann, deceased.

John J. Roche to be postmaster at Palisades Park, N. J. Office became presidential April 1, 1914.

Alice E. Shaw to be postmaster at Delanco, N. J. Office became presidential April 1, 1914.

NEW MEXICO.

E. V. Long to be postmaster at East Las Vegas, N. Mex., in place of Fred O. Blood, resigned.

NEW YORK.

Owen J. Burns to be postmaster at Clinton, N. Y., in place of Fred E. Payne. Incumbent's commission expired February 25, 1914.

James M. Dwyer to be postmaster at Geneseo, N. Y., in place of Lewis C. O'Connor. Incumbent's commission expired April 12, 1914.

Arthur E. Hammond to be postmaster at East Aurora, N. Y., in place of Howard McMillan. Incumbent's commission expired March 17, 1914.

Thomas H. Kavanagh to be postmaster at Livonia, N. Y., in place of Edward E. Boynton. Incumbent's commission expired April 8, 1913.

Lawrence M. Kenney to be postmaster at Saugerties, N. Y., in place of Edward J. Lewis. Incumbent's commission expired January 20, 1914.

Albert R. Kessinger to be postmaster at Rome, N. Y., in place of Charles A. Fowler. Incumbent's commission expired January 31, 1914.

Mark J. Lockington to be postmaster at Lima, N. Y., in place of M. Emma Ferris, name changed by marriage.

George H. Martens to be postmaster at Fort Totten, N. Y. Office became presidential October 1, 1912.

Charles T. Sammis to be postmaster at Northport, N. Y., in place of George E. Call. Incumbent's commission expired April 19, 1914.

C. Gordon Simmons to be postmaster at Vernon, N. Y., in place of George L. Bowers. Incumbent's commission expired January 25, 1914.

Philip J. Smith to be postmaster at Webster, N. Y., in place of J. R. Hawley. Incumbent's commission expired March 7, 1914.

George H. Steele to be postmaster at Oriskany, N. Y., in place of George M. Gregory. Incumbent's commission expired April 19, 1914.

Bruce M. Sweet to be postmaster at Fillmore, N. Y., in place of Max J. Lahr. Incumbent's commission expired April 19, 1914.

Stephen Van Tassel to be postmaster at Mount Vernon, N. Y., in place of R. A. Greenfield. Incumbent's commission expires June 1, 1914.

Michael J. Ward to be postmaster at New Lebanon, N. Y., in place of Lincoln Sackett. Incumbent's commission expired June 28, 1913.

William J. White to be postmaster at Livingston Manor, N. Y., in place of William Smith, resigned.

NORTH CAROLINA.

James A. Harrington to be postmaster at Ayden, N. C., in place of George W. Prescott. Incumbent's commission expired March 24, 1914.

John R. Rankin to be postmaster at Gastonia, N. C., in place of E. Grant Pasour. Incumbent's commission expires June 13, 1914.

Watson Winslow to be postmaster at Hertford, N. C., in place of Joshua P. Jessup. Incumbent's commission expired May 2, 1914.

NORTH DAKOTA.

E. H. Stenvick to be postmaster at Minot, N. Dak., in place of Anna D. Murphy, resigned.

OHIO.

Frank C. Carey to be postmaster at Waynesville, Ohio, in place of Frank H. Farr. Incumbent's commission expires June 24, 1914.

Elijah T. Dando to be postmaster at Wellston, Ohio, in place of Adelbert E. Shattuck. Incumbent's commission expires June 6, 1914.

Mathew H. Darby to be postmaster at Deshler, Ohio, in place of Homer L. House. Incumbent's commission expires June 24, 1914.

Charles B. Dechant to be postmaster at Lebanon, Ohio, in place of E. S. Conklin. Incumbent's commission expires June 10, 1914.

Ambrose E. Hough to be postmaster at Hillsboro, Ohio, in place of James E. McDermott. Incumbent's commission expires June 24, 1914.

John S. Hummel to be postmaster at Wilmington, Ohio, in place of William F. Hains. Incumbent's commission expires June 24, 1914.

Thomas Kyer to be postmaster at Jackson, Ohio, in place of John Robbins. Incumbent's commission expires June 24, 1914.

Frank Miller to be postmaster at Paulding, Ohio, in place of William H. Cullen. Incumbent's commission expires June 24, 1914.

Carl W. Smith to be postmaster at Kenton, Ohio, in place of William C. Kohler. Incumbent's commission expired March 30, 1914.

Harvey N. Steger to be postmaster at Cardington, Ohio, in place of Henry S. Mooney, resigned.

John L. Strange to be postmaster at Greenfield, Ohio, in place of John B. Elliott. Incumbent's commission expires June 24, 1914.

Charles A. Trinter to be postmaster at Vermilion, Ohio, in place of Edgar M. Kane. Incumbent's commission expires June 24, 1914.

William A. Turnbull to be postmaster at Cedarville, Ohio, in place of S. C. Wright. Incumbent's commission expires June 6, 1914.

George F. Zeller to be postmaster at Ottawa, Ohio, in place of Allan Graham, jr. Incumbent's commission expires June 24, 1914.

OKLAHOMA.

George W. Barefoot to be postmaster at Chickasha, Okla., in place of Jesse W. Kayser. Incumbent's commission expired May 4, 1914.

S. B. Elrod to be postmaster at Hominy, Okla., in place of Arthur B. Pattison. Incumbent's commission expires June 21, 1914.

F. B. Hutchison to be postmaster at Kaw, Okla., in place of William J. Krebs. Incumbent's commission expired February 16, 1914.

J. O. Parker to be postmaster at Avant, Okla., in place of Lucian B. Avant, resigned.

PENNSYLVANIA.

Stanley Diopreski to be postmaster at Nanticoke, Pa., in place of Jacob R. Evans. Incumbent's commission expired February 8, 1914.

J. F. Kurtz to be postmaster at Lewisburg, Pa., in place of William E. Housel. Incumbent's commission expired March 31, 1914.

Bernard J. Rountree to be postmaster at Haverford, Pa., in place of Elmer E. Fleming. Incumbent's commission expires June 1, 1914.

SOUTH DAKOTA.

Stephen Donahoe to be postmaster at Sioux Falls, S. Dak., in place of Peter J. Rogde. Incumbent's commission expires June 21, 1914.

Patrick Holland to be postmaster at Fort Pierre, S. Dak., in place of William C. Mathieson. Incumbent's commission expired January 31, 1914.

C. W. Marley to be postmaster at Colome, S. Dak., in place of J. M. Miller, resigned.

TENNESSEE.

W. B. Hale to be postmaster at Rogersville, Tenn., in place of Gale Armstrong. Incumbent's commission expires June 13, 1914.

John E. Helms to be postmaster at Morristown, Tenn., in place of James F. Smith. Incumbent's commission expires June 25, 1914.

TEXAS.

George D. Armistead to be postmaster at San Antonio, Tex., in place of John J. Stevens. Incumbent's commission expires June 20, 1914.

M. B. Brown to be postmaster at Burnet, Tex., in place of H. A. Burns. Incumbent's commission expired February 18, 1914.

W. H. Brown to be postmaster at Navasoto, Tex., in place of James M. Sloan. Incumbent's commission expires June 21, 1914.

Bessie Cannon to be postmaster at Florence, Tex. Office became presidential April 1, 1914.

William Clark to be postmaster at Jefferson, Tex., in place of Hal Singleton. Incumbent's commission expires June 22, 1914.

W. H. Miller to be postmaster at Seymour, Tex., in place of D. C. Bellows. Incumbent's commission expires June 13, 1914.

Chester A. Purcell to be postmaster at Burkburnett, Tex. Office became presidential April 1, 1914.

G. B. Sanders to be postmaster at Jewett, Tex., in place of William R. Dotson. Incumbent's commission expired April 5, 1914.

H. C. Williams to be postmaster at Merkel, Tex., in place of Henry W. Derstine. Incumbent's commission expires June 22, 1914.

UTAH.

D. L. Argyle to be postmaster at Salina, Utah, in place of William H. Rex, deceased.

James H. Clarke to be postmaster at American Fork, Utah, in place of Leonard S. Harrington. Incumbent's commission expires May 18, 1914.

A. Horace Gleason to be postmaster at Garland, Utah, in place of Eva C. Wilcox. Incumbent's commission expired February 2, 1914.

James Gowans to be postmaster at Tooele, Utah, in place of Alfred L. Hanks. Incumbent's commission expires June 21, 1914.

VIRGINIA.

J. D. Askew to be postmaster at Pulaski, Va., in place of Ernest V. Jameson. Incumbent's commission expires June 24, 1914.

Clinton B. Camper to be postmaster at Fincastle, Va., in place of Hampden Spiller. Incumbent's commission expires June 24, 1914.

John H. Massie to be postmaster at Edinburg, Va., in place of John N. Coffman. Incumbent's commission expires June 6, 1914.

Frank H. Rinehart to be postmaster at Covington, Va., in place of Samuel F. Chapman. Incumbent's commission expired April 5, 1914.

WASHINGTON.

Sherman E. Huntley to be postmaster at Buckley, Wash., in place of Forest W. France. Incumbent's commission expires May 18, 1914.

Le Roy R. Sines to be postmaster at Chelan, Wash., in place of Le Roy R. Sines. Incumbent's commission expires June 22, 1914.

WEST VIRGINIA.

H. H. Berry to be postmaster at Burnsville, W. Va., in place of William G. Meadows. Incumbent's commission expired April 13, 1914.

Guy F. McComas to be postmaster at St. Albans, W. Va., in place of Ulysses S. Jarrett. Incumbent's commission expired April 20, 1914.

W. B. Stewart to be postmaster at Chester, W. Va., in place of Allen E. McDonald. Incumbent's commission expired April 13, 1914.

WISCONSIN.

Olaf R. Skaar to be postmaster at La Crosse, Wis., in place of W. B. Tscharner. Incumbent's commission expired January 24, 1914.

Charles Donohue to be postmaster at New Richmond, Wis., in place of F. A. R. Van Meter. Incumbent's commission expired April 26, 1914.

John E. O'Keefe to be postmaster at Portage, Wis., in place of Thomas J. Wells. Incumbent's commission expires May 19, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 14, 1914.

UNITED STATES ATTORNEYS.

Hubert F. Fisher to be United States attorney, western district of Tennessee.

Lee Douglas to be United States attorney, middle district of Tennessee.

Frank A. O'Connor to be United States attorney for the northern district of Iowa.

UNITED STATES MARSHALS.

Daniel F. Hudson to be United States marshal, district of Wyoming.

Cooper Stout to be United States marshal for the eastern district of Illinois.

RECEIVER OF PUBLIC MONEYS.

William H. Edley to be receiver of public moneys at Lander, Wyo.

POSTMASTERS.

ARKANSAS.

William H. Austin, Gravette.
Joel M. Harrison, Prairie Grove.
Adah L. Roussan, Osceola.

GEORGIA.

Mrs. Alexander Stephens Clay, Marietta.

IOWA.

Patrick H. McCarty, Rock Rapids.

KANSAS.

S. C. Bybee, Garnett.
Alonzo Glass, Waverly.

MASSACHUSETTS.

F. B. Estabrook, East Northfield.

MICHIGAN.

John H. Brewer, Imlay City.
James A. King, Manistee.
Charles E. Lovejoy, Milford.
F. W. Richey, Dowagiac.

NORTH DAKOTA.

E. H. Stenvick, Minot.

OHIO.

David Snyder, Archbold.

OKLAHOMA.

H. A. Crawford, Temple.

UTAH.

N. H. Felt, Manti.

VERMONT.

Andrew H. Peters, Bradford.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 14, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinitely wise, all-powerful, and ever-loving God, "Thy throne is established of old; Thou art from everlasting." Thou alone knowest the beginning and the end. "Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain." Help us to realize, O God, that if our work lives and bears fruit, it must be in accordance with the eternal laws which Thou hast established. Inspire us, therefore, that we may ever be actuated by the highest and purest motives, and thus by the rectitude of our behavior receive at last Thy benediction. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

DANIEL ALOYSIUS HAGGERTY.

Mr. PAIGE of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Massachusetts [Mr. PAIGE] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what he desires to speak on?

Mr. PAIGE of Massachusetts. I desire to speak on the life of Corpl. Daniel Aloysius Haggerty, whose funeral is held at Cambridge to-day. He was killed at Vera Cruz.

Mr. UNDERWOOD. Mr. Speaker, I do not desire to object to a request of that kind under these peculiar circumstances, but I think we have reached the point in the session where we can not afford to have speeches by unanimous consent coming in front of the public business. But under the peculiar circumstances of this case I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUCKER. What is the time, Mr. Speaker?

The SPEAKER. Five minutes.

Mr. PAIGE of Massachusetts. Mr. Speaker, on the 22d day of April last my colleague, Mr. DEITRICK, called the attention of the House to the death at Vera Cruz, Mexico, of Daniel Aloysius Haggerty, a resident of Cambridge, Mass. While I can not add to the tribute paid him by my colleague, I desire to state that although Daniel Haggerty was a citizen of Cambridge he was born in the town of Brookfield, in the district which I have the honor to represent—a district that has had a great record for patriotism from the earliest days of the Republic.

Comparatively rare, permit me to say, are the localities around which cluster such varied historic interests, centered in which are so many historic relationships, and springing from which are so many historic influences, as belong to the territory in which young Haggerty first saw the light of day.

The hills and valleys of the beautiful Brookfields have their association with events deservedly memorable, and no doubt the historic events that occurred in this locality had a great influence on the mind of the growing young Irish-American.

In Brookfield in 1660, in the midst of the heart of the forest, surrounded by savages, the pioneers set up a hamlet. They were also the pioneers in humanity's greatest achievement—the founding of the American Republic.

It is fair to assume that young Daniel Haggerty inherited from his environment a little of the love of freedom and the patriotism of the early settlers of the Brookfields.

Fifteen years after the settlement of the town the daring Philip, the ambitious son of the dead Massasoit, resolved to strike for self-preservation, and then began the massacre at Brookfield, known as King Philip's War, with its awful siege, when 82 survivors of the original massacre suffered four days and nights of absolutely incessant attack and defense, with bullets and arrows piercing the walls of the extemporized fort. Every home was destroyed, the fields laid waste, and the horses and cattle killed or driven away.

I stood upon this historic spot a short time ago, where are marked by monuments or tablets the occurrences of those days, occurrences which were made familiar to young Haggerty as he roamed the fields and forests of his native town in his boyhood days.

When the news reached Brookfield, on the afternoon of April 19, 1775, of the Battle of Concord and Lexington, three com-

panies of Brookfield men set forth that very night, and in the Battle of Bunker Hill many of these men fought.

Is it any wonder that Daniel Haggerty was a patriot when you recall that at a town meeting held in his native town on May 22, 1776, it was voted that—

this town will support the honorable Congress in the measure if they, for our liberty, shall see fit to declare the Colonies independent of Great Britain—

thus anticipating the immortal Declaration of Independence of July 4, 1776, by full 43 days.

The courage of Brookfield's sons was demonstrated, and the blood of Brookfield men shed, on nearly all the fields which marked the long and bloody duel between France and England for the control of the continent.

And when, in 1861, the call to arms rang through the North the Brookfields sent forth some 650 men, not merely the quota that was called for, but some 49 in addition. It is a matter of history that from the beginning of the township to the death of Daniel Haggerty, at Vera Cruz, on the 21st day of last month, Brookfield has fulfilled to the utmost her patriotic obligations to the country, and to-day, throughout the limits of a settlement so ancient, so historic, so worthy, there is a fresh civic pride because of the added luster he has brought to the heritage of the Brookfields.

From the Navy Department I learn that Private Haggerty was born April 4, 1878, and first enlisted July 24, 1906, at Boston, Mass. He served at Boston, New York, Puget Sound, Wash., on board the U. S. S. *Philadelphia*, and 34 months on board the U. S. S. *Colorado*. He was honorably discharged July 23, 1910, with character "excellent," by reason of the expiration of his enlistment, but he reenlisted January 7, 1911, at Boston, Mass., and served at Boston, Port Royal, S. C., Philadelphia, Camp Elliott, Isthmian Canal Zone, and was ashore in Nicaragua from September 4, 1912, to January 10, 1913, participating in the capture of Masaya on October 3 and 4, 1914. He was killed in action at Vera Cruz, Mexico, at 1 o'clock on the afternoon of April 21 last, while attached to the Eighth Company, Second Regiment of Marines.

Corpl. Haggerty, who was called "Dinny" by those who knew him best, was the type of American we all admired. Soldierly in bearing, manly in appearance, and courteous in demeanor, commanding the respect of all with whom he was acquainted. Throughout his extended period of service he never shirked his duties, going about them in a manner which marked him a born soldier. In short, he was courageous, frank, sympathetic, of a helpful nature, and a hater of sham and hypocrisy.

Mr. Speaker, the sons of Massachusetts, from its earliest days to the present time, have always responded to the calls of the country, and now the name of Daniel Haggerty is added to the long list of the pride and hope of uncounted households who, departing to serve their country, return no more, but whose names are enrolled in the hearts and memories of a grateful people. [Applause.]

CONTRIBUTIONS FOR POLITICAL PURPOSES.

Mr. RUCKER, Mr. BARNHART, and Mr. FLOOD of Virginia rose.

The SPEAKER. The Chair thinks the gentleman from Missouri [Mr. RUCKER] was up first.

Mr. RUCKER. Mr. Speaker, I call up privileged House resolution 256.

The SPEAKER. Is it privileged?

Mr. RUCKER. Yes, sir; it is privileged.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the resolution, as follows:

Resolution (H. Res. 256) providing for the appointment of a committee to investigate and report whether any Members have been guilty of violating the provisions of the Criminal Code by soliciting contributions for political purposes, etc.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This is a resolution for the appointment of a special committee to make an investigation which was referred to the Committee on Election of President, Vice President, and Representatives in Congress. The gentleman from Missouri [Mr. RUCKER], the chairman of that committee, has made report, No. 655, stating in the report that—

The Committee on Election of President, Vice President, and Representatives in Congress, to which was referred, by order of the House, the resolution (H. Res. 256) entitled "Resolution providing for the appointment of a committee to investigate and report whether any Members have been guilty of violating the provisions of the Criminal Code by soliciting contributions for political purposes, etc.," having had the same under consideration, respectfully submits to the House the facts ascertained and its conclusions thereon—

apparently making no report on the resolution; not a favorable report, or an adverse report, or even reporting the resolution back to the House. At the end of the report there is included a recommendation for the passage of two resolutions which have not been printed, at least in bill form.

Now the question is, If this resolution is taken up for consideration, what will be before the House?

The SPEAKER. What does the gentleman from Missouri [Mr. RUCKER] say?

Mr. RUCKER. I say that the resolutions reported by the committee will be before the House as a substitute for the resolution which was referred to the committee.

The SPEAKER. Have those resolutions been printed?

Mr. RUCKER. I can not say that either of them has been printed in bill form, but they are printed in the report.

Mr. UNDERWOOD. May I ask the gentleman a question?

Mr. RUCKER. Certainly.

Mr. UNDERWOOD. Is the resolution which the gentleman seeks to consider on the calendar?

Mr. MANN. They are not on the calendar.

Mr. UNDERWOOD. I think that manifestly settles the proposition. The House can not consider a resolution that is not on the calendar. It seems to me, Mr. Speaker, manifest that the only resolutions or bills which the House can consider are those that are on its calendar, except by unanimous consent or under a suspension of the rules, because all bills or resolutions when reported to the House for consideration must go on the calendar. If these resolutions are not on the calendar, there is nothing before the House to act upon, except by unanimous consent or on a motion to suspend the rules.

Mr. MANN. House resolution 256 is, I believe, on the calendar.

The SPEAKER. That is the original Mann resolution? That is on the calendar?

Mr. MANN. Yes.

Mr. UNDERWOOD. I think that would be in order for consideration as a matter of privilege under these circumstances.

Mr. MANN. The question is whether it is properly on the calendar. It is not reported back. I have no objection to the consideration of the proposition in some shape, but I would like to know what is to be considered.

Mr. RUCKER. Mr. Speaker, the resolution reported to the House by the committee is plainly a substitute for the resolution of the gentleman from Illinois, which is on the calendar.

The SPEAKER. The report says:

Your committee is firmly of opinion that congressional committees or members thereof may lawfully solicit and receive contributions for political purposes from Senators and Representatives in Congress; that such solicitation or receipt of contributions from Senators or Representatives may be lawfully made and had in offices assigned Senators and Representatives, and therefore recommends the adoption of the following resolution:

"*Resolved*, That it is no violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

"*Resolved*, That it is no violation of section 119 of the Criminal Code of the United States for a Senator or Member of the House to solicit contributions for political purposes from other Senators or Members of the House by letters written in his office in the Senate or House Office Building."

Mr. MANN. Those resolutions are not on the calendar.

The SPEAKER. No; those are not on the calendar.

Mr. RUCKER. They are a substitute for what is on the calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. I have not a copy of the resolution in my hand; but did the original resolution provide for the appointment of a committee to investigate certain questions?

Mr. RUCKER. The committee was directed to make an investigation.

The SPEAKER. It did; and on motion of Mr. CRISP, of Georgia, the House itself referred the Mann resolution to the Committee on Election of President, Vice President, and Representatives in Congress.

Mr. GARRETT of Tennessee. What was the original substance of the Mann resolution—to create a committee to investigate, or was it to make an investigation?

Mr. MANN. It was to create a committee to investigate.

Mr. GARRETT of Tennessee. If that be the case, then let me ask the gentleman from Missouri [Mr. RUCKER] whether or not it was not the duty of his committee, it being referred to that committee, to report, not upon the merits but upon the question of whether there should be a committee to investigate?

Mr. RUCKER. I thought that was the question submitted to the committee.

Mr. GARRETT of Tennessee. The gentleman from Illinois has just stated that the substantial part of his resolution was

that part which directed the creation of a committee to investigate.

Mr. MANN. That is all there was in my resolution.

Mr. RUCKER. To investigate certain specific matters. That was the gist of it.

The SPEAKER. Evidently the House itself did not regard the last resolve, that a committee of seven Members be appointed by the Speaker to investigate and report to this House, and so forth, as being a part of the resolution.

Mr. MANN. That is the only resolve there was.

The SPEAKER. Oh, no.

Mr. MANN. I beg the Speaker's pardon, but that was the only resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, what was the form of the resolution under which it was referred to the Committee on Election of President, Vice President, and Representatives in Congress?

The SPEAKER. The gentleman from Georgia [Mr. CRISP] simply rose in his place and moved that the whole thing be referred to the Committee on Election of President and Vice President. The gentleman from Illinois [Mr. MANN] presented his resolution as privileged, which it was, and then the gentleman from Georgia [Mr. CRISP] made his motion, and the House disposed of it in that way. That is the history of the transaction.

Mr. MANN. I think the Speaker probably just now looked on page 2 of the printed resolution and found the word "resolved." That is a quotation of a resolution adopted by the Democratic national congressional committee, and is not a part of my resolution but is a part of the preamble.

The SPEAKER. The gentleman's statement is correct.

Mr. MANN. It seems to me——

Mr. GARRETT of Tennessee. If the gentleman will pardon me, if the substance of his resolution was merely to create a committee to investigate, it is doubtful whether it was privileged or not.

Mr. MANN. Well, it is too late to raise that point.

The SPEAKER. To raise what point?

Mr. MANN. Whether that resolution was privileged.

The SPEAKER. The Chair has no doubt that it was.

Mr. MANN. It is too late to question now whether it was privileged or not.

Mr. GARRETT of Tennessee. I submit that, while of course it is too late now to raise any question as to the original resolution of the gentleman from Illinois [Mr. MANN], as to whether it is privileged, yet this is presented now as a privileged proposition. If the original resolution presented by the gentleman from Illinois was not privileged, although the point was not made, it might affect the question of the privilege of the resolution now presented by the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. I do not think there can be any question about the resolution being privileged. I do not think anybody will raise that question.

The SPEAKER. The Chair does not recall whether it was raised originally or not; but even if it was not, if it was raised now the Chair would rule that the Mann resolution was privileged. If it is not a privileged matter to find out whether Members of Congress were committing felonies or misdemeanors, I can not conceive of anything that could be privileged.

Mr. GARRETT of Tennessee. If the Speaker will pardon me, that is probably true; but it depends on the way in which you go about it. The gentleman from Illinois [Mr. MANN] has stated that the germ of his resolution—the fundamental phase of it—was to create a committee to make the investigation. I submit that a resolution simply to create a committee is not necessarily privileged.

The SPEAKER. Now, the truth about this whole business is that this entire report by the Committee on Election of President, Vice President, and so forth, might be considered as surplusage, except the resolution which they bring back here in the nature but not in the form of a substitute for the Mann resolution. When you come down to the gist of the matter, that is what it is; and if the Mann resolution was privileged originally, then this resolution is privileged.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry. Is it in order at this time to ask for an agreement for debate?

Mr. MANN. We have not got to that point yet.

The SPEAKER. No. The way to dispose of the Mann resolution, in the condition into which it has gotten, if anybody wants to do it, is for the Committee on Election of President, Vice President, and so forth, to report the Mann resolution back with the recommendation that it lie on the table, and then put this resolution in as a substitute.

Mr. MANN. Mr. Speaker, I am not sure that that is the proper method. If my resolution was laid on the table, there would not be anything left before the House. I suggest, Mr. Speaker, that the proper way to do would be to report my resolution back or to report their resolution back in lieu of it.

The SPEAKER. That is what the committee practically do on the last page of the report.

Mr. MANN. They do not say anything about it.

Mr. RUCKER. We do not use the words "in lieu," but we tried to make this resolution in lieu of yours, and I believe it is in lieu.

Mr. MANN. What I asked was, What would be before the House?

Mr. RUCKER. I think the matter before the House will be the adoption of the resolution submitted by the committee in lieu of the Mann resolution.

Mr. MANN. Would it be as an amendment to the Mann resolution?

Mr. RUCKER. No; it is a substitution for it.

Mr. MANN. The only resolution on the calendar is the Mann resolution. Is this a substitute for that?

Mr. RUCKER. It is substituted for the Mann resolution.

Mr. MANN. Which one is to be voted on? That is what my parliamentary inquiry is.

Mr. RUCKER. So far as I am concerned, I do not care which one is voted on first. I want a vote on the one the committee reported.

Mr. MANN. It is highly desirable to know before we start in, if we can.

Mr. COOPER. Mr. Speaker, I notice that the original resolution introduced by the gentleman from Illinois reads as follows:

Resolved, That a committee of seven members shall be appointed by the Speaker to investigate and report to this House whether any Members of this House have been guilty of violating any of the provisions of the Criminal Code by soliciting or receiving or by being in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person receiving any salary or compensation from moneys derived from the Treasury of the United States, and particularly from Members of this House—

And so forth.

That is a demand for an investigation and a finding of facts. Now, it is clear that the resolution reported by the committee, of which the gentleman from Missouri [Mr. RUCKER] is chairman, fails to cover what is contemplated in the original resolution. The committee resolution reads as follows:

Resolved, That it is no violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

Resolved, That it is no violation of section 119 of the Criminal Code of the United States for a Senator or Member of the House to solicit contributions for political purposes, from other Senators or Members of the House, by letters written in his office in the Senate or House Office Building.

In this resolution there is no finding of facts, but only a statement that a Senator or a Representative may solicit or receive political contributions from other Senators or Representatives without violating the Criminal Code. And, too, is confined entirely to contributions "from Senators or Members," whereas the original resolution refers also to contributions—

from any person——

Mr. RUCKER. Oh, no.

Mr. COOPER. The original resolution suggested an inquiry to ascertain whether any Member of the House was guilty of soliciting a contribution from "any person," in violation of law, and "particularly from any Member of the Senate or House."

Mr. RUCKER. Will the gentleman yield?

The SPEAKER. Will the gentleman read the rest of that resolution?

Mr. RUCKER. He does not read it all.

Mr. COOPER. It says:

And particularly from any Member of the Senate or House.

Mr. RUCKER. Yes; the line before that:

Contribution to any political purpose whatever from any person receiving a salary or compensation derived from any moneys of the Treasury of the United States.

Mr. COOPER. The committee resolution does not say whether any Senator or Member of the House is guilty or not guilty of unlawfully soliciting or receiving contributions from any person.

The SPEAKER. It does not say "any person"; it says, "any other person drawing a salary."

Mr. COOPER. That is the language of the law and of the resolution, and, of course, is what I meant. Senators and Representatives draw salaries from the United States Treasury,

and there are other persons who also draw salaries from the Treasury. The committee resolution declares that it is not a violation of law for a Senator or Representative to solicit contributions from other Senators or Representatives, but it makes no report of an investigation nor findings of fact showing whether any Representative has in vioaltion of law solicited contributions from "any person" drawing a salary from the Treasury.

The SPEAKER. The Chair is ready to rule on this matter. The substance has nothing to do with it; it is the form. The report of the committee does not recommend anything to be done with the Mann resolution, and it does not suggest any substitute for the Mann resolution. In substance it is a substitute. So the Chair thinks the Committee on Election of President and Vice President will have to remodel its report.

Mr. RUCKER. Mr. Speaker, I concede what I presume it is necessary to concede, that the report may be subject to criticism from a technical standpoint, but in view of the fact that this is a very important matter, affecting every Member, I ask unanimous consent that the report may be considered as amended so as to report back the Mann resolution (H. Res. 256) and the committee resolutions as a substitute therefor.

Mr. MANN. Reserving the right to object, I have no objection to considering the resolution at any time, but would it not be better to make a report to-day and have the resolution which the gentleman proposes printed so that we can have it in the House and let him call it up to-morrow?

Mr. RUCKER. I do not think it would be better, as it only goes to the form rather than to the substance.

Mr. MANN. Most of the Members are used to passing upon matters that are in the regular form.

Mr. RUCKER. I want to submit to the Speaker that no two parliamentarians sitting around me can agree on the exact phraseology which the report ought to contain.

The SPEAKER. That is true.

Mr. RUCKER. Then, how does the Speaker expect me to draw a report that will meet the views of all Members?

Mr. MANN. The gentleman has the power to make such a report as his committee agrees upon.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent that the report may be considered as in the form suggested by each of the parliamentarians who addressed the Chair. [Laughter.]

The SPEAKER. Then you would be in such a muddle that you would never get out.

Mr. MANN. In view of the fact that we ought to adjourn some time this summer, I should have to object.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent that the report shall be considered as containing this language: "That your committee therefore reports back as a substitute for House resolution 256 the following resolution."

The SPEAKER. The gentleman from Missouri asks unanimous consent that the language on page 11 of the report be made to read that "the committee hereby reports back as a substitute for House resolution 256 the following resolution." Is there objection?

Mr. MANN. Reserving the right to object, if this were not a privileged matter, I would not object, but being a privileged matter the gentleman can call it up at any time.

Mr. RUCKER. Oh, I ask the gentleman to withhold that.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. How is the committee having charge of this important matter to get rid of the charge that the gentleman from Illinois has made against the integrity of the House?

The SPEAKER. What the committee can do is to make a report something like this: That the committee hereby reports back as a substitute for the House resolution 256 the following resolution as a substitute.

Mr. RUCKER. Another parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. If the chairman goes to the committee room and prepares a report in the very language used by the Speaker, I presume that it will be held in order.

The SPEAKER. It will for a fact. [Laughter.]

Mr. RUCKER. Can we make a report in 15 minutes and get it back here?

Mr. MANN. It would have to be on the calendar.

Mr. RUCKER. Well, I give notice that immediately after the reading of the Journal to-morrow morning I will call it up again. I would have called it up long ago if it had not been for a suggestion of the gentleman that I call it up to-day.

Mr. COOPER. Mr. Speaker, I ask a moment's indulgence to make a suggestion—I think a pertinent suggestion—in this connection.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to make a suggestion to the Speaker. Is there objection?

Mr. RUCKER. Reserving the right to object, I want to know on what subject. The trouble is there have been too many suggestions made now. However, I will not object.

Mr. COOPER. Mr. Speaker, I understood it to be tacitly admitted here, at least it has been asserted and apparently not contradicted, that the resolution reported by the committee would, in and of itself, be privileged. But I call the attention of the Speaker to the fact that it merely states abstract conclusions of law—interpretations of two sections of the criminal code—without even the slightest application or reference to any facts.

Mr. MANN. May I make a suggestion to the gentleman?

Mr. COOPER. Certainly.

Mr. MANN. I think that the Speaker did not state that the substitute resolution would be privileged. The original resolution would be privileged, and if the substitute was germane it would come in when the resolution was reported. I think the Speaker made no decision on the other point.

Mr. COOPER. Mr. Speaker, the committee resolution states only abstract conclusions of law and makes no reference to the resolution introduced by the gentleman from Illinois nor to any facts concerning any Member of the House.

The SPEAKER. The Chair suggested to the gentleman from Missouri that he report back that the committee had had under consideration the House resolution 256 and reported back the following resolution as a substitute.

SCHOONER MARIA—FRENCH SPOLIATION CLAIM.

The SPEAKER laid before the House the following communication, which was read:

COURT OF CLAIMS,
Washington, D. C., May 13, 1914.

Hon. CHAMP CLARK,
Speaker House of Representatives, Capitol.

DEAR SIR: Pursuant to the order of the court, made at the request of the attorney in the case and consented to by the defendants, I respectfully request the return of the dismissal of the French spoliation case of the schooner *Maria*, Charles Taylor, master, Nos. 2555, 2630, 4365, 633, which was certified to you December 3, 1913, and can be found in House Document No. 379, Sixty-third Congress, second session, page 8.

Very respectfully,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The SPEAKER. Without objection, the papers will be returned in accordance with the request.

Mr. MANN. I notice in the Senate yesterday that where action was taken on a similar matter the Senate adopted a resolution returning the papers, and the following provision is contained in that resolution:

And the said court is hereby authorized to proceed in such case as if no return therein had been made to the Senate.

That is on page 9226 of the RECORD of yesterday. I do not know whether that is necessary or not, but apparently it was so thought by the Committee on Claims in the Senate. If these papers are to be returned, it might be advisable to have the RECORD show a similar resolution in the House.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the communication may be referred to the Committee on Claims, with authority to report at any time.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the communication may be referred to the Committee on Claims, with the privilege of reporting at any time. Is there objection?

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill.

THE CONGRESSIONAL RECORD.

Mr. BARNHART. Mr. Speaker, I will ask the gentleman from Virginia to yield to me in order that I may prefer a request for unanimous consent to address the House for five minutes to discuss what I think is a matter of privilege.

The SPEAKER. Does the gentleman from Virginia yield?

Mr. FLOOD of Virginia. Mr. Speaker, if I yield it will not affect my rights at all?

The SPEAKER. No.

Mr. FLOOD of Virginia. Very well; I yield to the gentleman.

Mr. WINGO. Mr. Speaker, as I understand it, the pending motion is a motion made by the gentleman from Virginia that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering an appropriation bill.

The SPEAKER. The gentleman did make that motion.

Mr. WINGO. And by what parliamentary rule does he now yield to the gentleman from Indiana?

The SPEAKER. He could not yield. All he had to do was to withhold his motion, and the Chair will recognize the gentleman from Indiana.

Mr. MANN. But consent has not been granted.

Mr. WINGO. Consent has not been granted.

The SPEAKER. Is there objection to the gentleman from Indiana addressing the House for five minutes?

Mr. WINGO. Mr. Speaker, reserving the right to object, I hope the gentleman will not press the matter at this time. I think it is important that we consider these appropriation bills and the antitrust bills and get that part of the program out of the way, with the hope, though it is a faint one, that we will yet have time to consider and agree on farm-credits and cotton-gambling legislation at this session of Congress. [Applause.]

The SPEAKER. Is there objection?

Mr. WINGO. Under the circumstances I shall not object at this time, but I am going to object to any further waste of time.

The SPEAKER. The Chair hears no objection, and the gentleman from Indiana is recognized for five minutes.

Mr. BARNHART. Mr. Speaker, I rise to call the attention of the membership of the House to the edition of the CONGRESSIONAL RECORD under date of Tuesday, May 12, which came to you this morning as a separate volume from the regular daily publication. It contains the speech and extension of remarks of one Member of Congress and covers 368 pages, mostly printed in fine, solid type. The cost of this publication as computed by the Government Printing Office is $9,941.85, and the additional necessary cost for the permanent and bound edition will be $3,819, a total cost to the taxpayers of the country of $13,760.85. If each of the 531 Members of the Congress were to pad the CONGRESSIONAL RECORD like that, it would cost the country $7,307,011.35, and to this could safely be added several more thousands as the cost of the wrapping and franking necessary to get this publication out to the reading public—in all a colossal expense.

The publication is made up almost entirely of communications from individuals and organizations on the railroad freight-rate question.

As to the merits of the question involved I have nothing to say, as that is not here under consideration. But as to the justice and propriety of such printing and franking extravagance I want to be heard. There has never been such an abuse of the CONGRESSIONAL RECORD printing and franking privilege since I have been a Member of this House. That the substance of the communications and the names of the authors would have been all sufficient any sensible man can readily see. That the purpose of the bulky publication is to exploit a name or an issue many will surmise; and that the unnecessary, extravagant expense is an outrage upon the taxpayers of the country everybody will admit.

Mr. MURDOCK rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MURDOCK. Mr. Speaker, I make the point of order that the gentleman is not in order. He is making reference to a Member of another body.

The SPEAKER. The Chair has not heard the gentleman from Indiana mention anyone's name.

Mr. BARNHART. How does the gentleman know I am referring to a Member of another body?

Mr. MURDOCK. I followed the gentleman, and everyone knows that he is.

Mr. BARNHART. I have not said so.

Mr. MURDOCK. If the Chair will hear me, the gentleman referred to the CONGRESSIONAL RECORD of Tuesday of this week, and he named the number of pages of the volume, and told to what it related, and everyone here who has examined the RECORD knows that he is referring to a Member of another body. He stated that it was printed by a Member of Congress. That is true; but the Member of Congress is a United States Senator.

The SPEAKER. If he were commenting on what a Senator said or anything of that kind, if the rule were strictly construed, it would shut him out, and yet I have heard Senators quoted here time and again, and have done it myself, without objection. It is against the rule; but in this case the House has as much jurisdiction over the CONGRESSIONAL RECORD as has the Senate, and the gentleman from Indiana was not discussing any gentleman in the Senate by name. He is discussing what he finds in the CONGRESSIONAL RECORD.

Mr. BARNHART. I have not even mentioned the Senate.

Mr. MURDOCK. So far as the gentleman confines himself to the proposition of the merits or demerits of printing this much in the RECORD at one time, well and good. But the gentleman begins an attack upon a Member of the other body by saying he was seeking to exploit his name.

The SPEAKER. Oh, no; the gentleman did not.

Mr. MURDOCK. And I would be out of order to mention it, and I do not propose to do it.

Mr. GARRETT of Tennessee. The gentleman is out of order now in interrupting the gentleman who is in order.

The SPEAKER. The gentleman from Indiana did not say he was a Senator, but he said he was a Member of Congress.

Mr. HENRY. If the gentleman will permit——

Mr. BRYAN. Will the gentleman yield?

The SPEAKER. The point of order is overruled, and the gentleman from Indiana has the floor.

Mr. BARTLETT. May I ask the gentleman just a question there?

Mr. BARNHART. Yes; I yield.

Mr. BARTLETT. On page 7734 is published a diagram. According to the rules no Member of the House can have diagrams published in the CONGRESSIONAL RECORD except on authority and approval of the Joint Committee on Printing. Did the Joint Committee on Printing give consent to that?

Mr. BARNHART. The joint committee has held that it is within the rule that the insertion in the RECORD of a single-page size of a map of the United States or any line drawing illustrating a point in hand is permissible.

The SPEAKER. The time of the gentleman has expired.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. BARNHART. Gentlemen, this one abuse of the printing and franking privilege, at a cost of $13,760.85, is the strongest illustration of the importance of at once considering and passing the printing bill, introduced in both House and Senate, that could possibly be given. Under the provisions of the proposed law no Member will be permitted to inflict extension-of-remarks expense upon the people of more than four RECORD pages without a resolution duly and regularly passed to that effect. It is a flaming suggestion of our duty to stop such impositions upon the Public Treasury, and stop it now, and I hope every Member of the House will assist the Printing Committee to secure early and favorable consideration of this important matter.

Mr. MURDOCK. Will the gentleman yield?

Mr. BARNHART. I will yield in a moment.

In addition to the abolition of such abuses as this, the new printing law will give Members of Congress what their constituents need in the matter of printing; it will stop the franking and printing waste; it will give much relief in many other respects, and save a million dollars a year in unnecessary and useless expense. [Applause.]

Now I yield to the gentleman.

Mr. MURDOCK. I think I am in agreement with the gentleman in this, that I would like to see the RECORD of Congress an actual record of the day's proceedings, but how on earth are we going to reach the gentleman's bill under the present situation? The gentleman has said that if Members of Congress will aid him in reaching that bill——

Mr. BARNHART. I will answer the question——

Mr. MURDOCK. All right; I want to know.

Mr. BARNHART. Just help us to get consideration of this bill and we will easily show you.

Mr. MURDOCK. How can we help? I am anxious to help, but Calendar Wednesday is occupied, you are going to do away with Unanimous Consent Monday, you have a continuing order which is privileged, and the antitrust bills are waiting also, and for them a special rule is proposed. Now, how can we reach the bill? I am anxious to do it.

Mr. ADAIR. After the antitrust bills are passed.

Mr. BARNHART. As soon as we get through with the antitrust bill I think there will be found a way, if the gentleman will join me, to bring the matter up and get it through.

Mr. MURDOCK. I sincerely hope there will be.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. GARRETT of Texas. I want to suggest to my colleague from Indiana, that there is nothing to keep us from meeting some night and considering that bill?

Mr. BARNHART. That is the purpose in contemplation.

The SPEAKER. The time of the gentleman has again expired. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union——

Mr. MANN. Mr. Speaker, I ask for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, the Senator who inserted these remarks in the RECORD needs no defense from me; he is quite able to take care of himself. I think at first blush every one who received that copy of the RECORD naturally thought it was an abuse of the printing privilege, yet the Senate has given to that Senator the right to print these documents in the RECORD. Undoubtedly, as disclosed by the RECORD itself, the Senator who printed these documents believed that a widespread effort, which might almost be called a conspiracy, was being made to improperly influence the Interstate Commerce Commission in reference to the most important question which has ever been brought before that commission, and the only way possible for him to demonstrate or endeavor to demonstrate his opinion and his position was by the publication of those documents; and while $13,000 is a considerable sum of money, it is a mere bagatelle compared with the value involved in the proposition pending before the commission and with the money involved pending before the commission. I have seen a great deal of matter published in the RECORD, extending over many more than 368 pages, of no public importance, without objection, and I have no desire to criticize a matter where there is public importance and not private effort——

Mr. BARNHART. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BARNHART. The gentleman from Illinois is not in favor of continuing the abuse of publishing all sorts of communications in the RECORD, is he?

Mr. MANN. I am not saying that this was an abuse, so I am not in a position to answer the question. I am as particular as any Member in this House against abuses of the printing privilege, and if all gentlemen of the House would be as careful about it as I am the RECORD would not be so long; and when great numbers of pages are printed in the RECORD simply and solely for the benefit of home consumption and the reelection of individual Members of Congress, I am not disposed to criticize some one who inserts something because he believes it is of public importance.

The SPEAKER. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 15503. An act authorizing the appointment of an ambassador to the Republic of Chile.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4377) to provide for the construction of four revenue cutters.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WALSH, Mr. POMERENE, and Mr. KENYON as the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4553. An act to authorize the appointment of an ambassador to Argentina.

ELECTION OF SENATORS.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2860, insist on the House amendment, and agree to the conference asked for by the Senate.

The SPEAKER. While it is irregular, the Chair will entertain the motion. The Clerk will report the title.

The Clerk read as follows:

S. 2860. An act providing a temporary method of conducting the nomination and election of United States Senators.

The Senate amendments were read.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent to take the bill S. 2860 from the Speaker's table, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. RUCKER, Mr. BROUSSARD, and Mr. AINEY.

CONTRIBUTIONS FOR POLITICAL PURPOSES.

Mr. RUCKER. Mr. Speaker, may I have the attention of the gentleman from Illinois [Mr. MANN] a moment? I ask unanimous consent to withdraw the report heretofore made on House resolution 256.

Mr. MANN. Withdraw Report No. 655.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent to withdraw Report No. 655 and asks leave to file an amended one. Is there objection? [After a pause.] The Chair hears none.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER. The ayes have it, and the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular appropriation bill, with the gentleman from South Carolina [Mr. FINLEY] in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 15762. A bill making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

Mr. FLOOD of Virginia. Mr. Chairman, I would like to know how much more time there is for general debate.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] has 72 minutes and the other side has 2 hours.

Mr. FLOOD of Virginia. Mr. Chairman, I will ask the gentleman from Wisconsin [Mr. COOPER] to consume some of his time now.

Mr. COOPER. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, I have just received a very interesting letter from Col. Goethals, Governor of the Panama Canal Zone. It contains some statistics not hitherto published. A couple of months ago I requested the Washington office of the Panama Canal Commission to give me statistics showing the number of deaths which occurred during the building of the Panama Canal and the number of accidents and the number of deaths from fevers. The office at Washington was not able to give me that information and said that no statistics had ever been compiled. I am just in receipt of a letter from Col. Goethals saying that they have completed a tabulation of the statistics, and, as his letter is short, I will read it. It is as follows:

CULEBRA, *April 30, 1914.*

Hon. GEORGE M. YOUNG,
Representative in Congress, Washington, D. C.

SIR: A copy of your letter of the 23d ultimo to the Washington office of the Isthmian Canal Commission, desiring to know how many persons connected with the building of the canal lost their lives through accidents, how many received personal injuries from accidents, and how many suffered or died from malaria or other fevers, was referred to this office for direct reply.

Our records do not give all the information desired but show the following:

May 1, 1904 to Mar. 31, 1914, lives lost through accidents covers only those deaths which resulted from accidents happening on the work, except that it includes 167 deaths from accidental drowning, all of which did not occur on the work)	1,219
Aug. 1, 1908, to Mar. 31, 1914, accidents resulting in injuries	25,101
May 1, 1904, to Mar. 31, 1914, suffered from malaria fever	98,785
May 1, 1904, to Mar. 31, 1914, deaths from malaria fever	743
Jan. 1, 1907, to Mar. 31, 1914, suffered from typhoid fever	1,162
Jan. 1, 1907, to Mar. 31, 1914, deaths from typhoid fever	228

Respectfully,

GEO. W. GOETHALS,
Governor.

You will notice that the loss of life through accidents was 1,219. That is more than were killed during the entire War of 1812 and more than were killed during the Mexican War. You will notice, also, that the accidents resulting in injuries were 25,101, doubtless many of them permanently disabled; those who suffered from malaria fever, over 98,000; deaths from malaria fever, 743; suffered from typhoid fever, 1,162; and deaths from typhoid fever, 228.

Mr. BARTON. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. BARTON. I was, indeed, surprised to learn of the great number that we had lost through sickness, death, and accidents, and I want to ask the gentleman, inasmuch as he used the comparison of the War of 1812 and the Mexican War, if he knows how many men were lost during the Spanish-American War, and how that loss would compare with the loss we have had on the Panama Canal Zone?

Mr. YOUNG of North Dakota. Mr. Chairman, I will say to the gentleman that Gen. SHERWOOD, of Ohio, gave statistics along those lines in an address here a few months ago. The number

killed or who died on the battle field, and from wounds, in the Spanish-American War, was 267, and in the Mexican War those who died from wounds or were killed in battle numbered 1,049. In the War of 1812 the number that were killed on the battle field or afterwards died from wounds was 1,085. For purposes of comparison perhaps the casualties during the war of the Philippine insurrection should be added to those of the Spanish-American War. I have not been able to obtain the statistics respecting the war of the Philippine insurrection, but they were much greater than the Spanish-American War.

Mr. ALLEN. Will the gentleman yield a moment?

Mr. YOUNG of North Dakota. Certainly.

Mr. ALLEN. These statistics which are given include all classes of employees, not American solely, but every employee during the 10 years?

Mr. YOUNG of North Dakota. I should say so. The letter is quite plain.

Adding the number of deaths caused by accident and by fever together, connected with the work on the Panama Canal Zone, makes a total of 2,190. Now, that is more than were killed or died from wounds in the Revolutionary War. In that war there were 1,735 who lost their lives on the battle field or who afterwards died from wounds received on the battle field. It is more than the total of the War of 1812 and the Mexican War together. And to anyone who has not considered the tremendous cost of the canal from the standpoint of brain, muscle, blood, and suffering, these statistics are a revelation. The cost of the Panama Canal can not be measured in dollars and cents. It is a great American enterprise, and its control without foreign dictation is of supreme importance to the Nation.

BISMARCK TRIBUNE'S ATTACK.

Mr. Chairman, the Tribune, published at Bismarck, N. Dak., has questioned the honesty of my position upon the Panama Canal tolls-repeal bill. It has without foundation in fact, justification, or excuse insinuated that I was influenced by the Shipping Trust. It is my desire at all times to be courteous and fair to opponents as well as friends, and I shall endeavor to use language tempered with moderation.

There was a time when the Bismarck Tribune had much influence under the talented editorial management of Marshall Jewell. But under its present editorial management it has become the special advocate and sponsor for the railroad interests. It even advocates the raising of railroad rates.

RAILROADS ANTAGONISTIC TO CANAL.

Mr. Chairman, what has been the attitude of the railroads with respect to the Panama Canal? It has been one of constant opposition and relentless antagonism from beginning to end. When the problem of building the canal was only a dream, when it was being agitated, the railroads through their publicity bureaus sought to create the belief that, if it could be built at all, it would require a hundred years and countless treasure. They have discouraged it in every conceivable way. They have feared its competition, and since the adoption of free tolls to coastwise shipping in 1910 it has been a constant nightmare to them.

Now, a word as to the Coastwise Shipping Trust. It is a demonstrated fact that 92 per cent of the coastwise shipping is owned by the railroads. No man upon this floor will deny it, and everyone knows that the railroads have been active in their support of any proposition which would force the payment of tolls upon all shipping.

SHIPPING TRUST A DECOY.

Nevertheless, the Bismarck Tribune has made a cowardly insinuation that my vote was influenced by the Shipping Trust. Knowing that 92 per cent of the coastwise shipping is owned by the railroad companies, no sane man will believe that the railroad companies who have maintained a lobby will permit a trust controlled by them to maintain a lobby opposing them. The fact is there has been only one lobby in connection with this legislation, that of the railroads, and they have been foxy enough to start the cry that the Shipping Trust was seeking to influence legislation. It has been done with the idea of fooling the public and it may have succeeded to a certain extent, but I rather think in the long run the people will catch on to the methods used to cloud and obscure the real purposes of the railroad companies, and I do not think there is a farmer or merchant in my district who can be made to believe that the railroad companies maintained a lobby down here against free tolls and then financed another lobby upon the part of their own offspring to oppose them. The Shipping Trust has simply permitted itself to be played up to the people by its owners, the railroad companies, as a decoy to fool those who pay the freight.

This condition of affairs is well illustrated by the sworn testimony of Timothy E. Byrnes, former vice president of the New Haven Railroad, who testified this week before the Interstate Commerce Commission. He made oath that the sum of $1,000, paid by the Four Rivers Shipping Co. to Clarence W. De Knight, of Washington, for services in connection with Panama legislation, in reality came from the treasury of the New York, New Haven & Hartford Railroad.

THE PARAMOUNT QUESTION.

It was the belief of many of us in the House that from the economic standpoint all ships passing through the canal should be required to pay tolls, but as Great Britain had demanded the repeal of the free-tolls provision respecting coastwise or domestic shipping, claiming that it was a violation of the Hay-Pauncefote treaty, we believed that if, in response to that demand, the tolls provision were repealed, it would amount to an acknowledgment that the English interpretation of the treaty was correct, and which would later interfere with our orderly and proper control of the canal in other respects. It would be a surrender of American rights without even so much as requiring the question to be arbitrated. We believed that the treaty rights of the United States should be safeguarded and that the free-tolls provision should not be repealed at so great an expense as the relinquishment of those rights. We were of the opinion that, as the people's directors, voting in respect to a great public enterprise which had cost many lives and the huge sum of $400,000,000, it was our duty to protect American rights in the canal and that we ought not to pass the bill without amendment; that it would be folly to do so.

Under the special rule amendments were not permitted, but one of the Members from Rhode Island, a Democrat, made a motion to recommit the bill with instructions to add to it an amendment for the purpose of safeguarding the treaty rights of the United States. I voted for the bill in that form; but the word having gone forth that the bill was to be passed without change, the motion to recommit was lost. Consequently, I voted "no" on the final roll call. And I would vote the same way again if the question were to come up in the same form if it were my last act on earth.

A COMPLETE VINDICATION.

What has happened since? The Senate committee, after having made a searching inquiry and after having studied it thoroughly, reported to the Senate, recommending that the Panama Canal bill be amended by adding the following:

That neither the passage of this act nor anything therein contained shall be construed or held as waiving, impairing, or affecting any treaty or other right possessed by the United States.

That amendment received the support in the committee of all the Democratic members, was framed by Senator SIMMONS, the Democratic chairman of the committee, and was offered after having received the approval of the President of the United States.

So those of us who wanted the bill amended in the House have been vindicated by the action of the Senate committee, and I venture to predict that our position will also be vindicated by a majority of the Senate, and that the President of the United States will approve the bill with the amendment included therein.

DANGERS AHEAD.

If the amendment is not included it would be supreme folly. If not so amended, what will be the next move? The three great transcontinental railways of Canada—the Canadian Pacific, the Grand Trunk Pacific, and the Canadian Northern—will join again in an application to Great Britain to protest against the exclusion of railroad-owned ships which are now barred from the use of the canal by law. They will claim it a violation of the Hay-Pauncefote treaty in that it is a discrimination. If we pass the bill now without a definite provision declaring and reasserting our rights under the treaty Great Britain will rely upon the passage of this act by Congress as establishing their right to also be freed from the discrimination as to railroad-owned ships, and if the Canadian ships of railroad ownership are permitted to pass through the canal, then the next move of the American railroads will be to demand that they have equal treatment with their competitors, the Canadian railroads. Those are the questions which will inevitably be forced upon us if the Senate fails to incorporate into the canal bill the provision offered in the House and proposed by the Senate committee to preserve our treaty rights. Now is the time to stand out against the designs of the railroad companies with respect to this, perhaps the greatest, American enterprise.

TRIBUNE SPEAKS FOR RAILROADS.

Mr. Chairman, it is also a significant fact that the Bismarck Tribune carried an editorial a few weeks ago strongly sup-

porting the railway companies in their application to the Interstate Commerce Commission to increase railway rates. Those whom the Tribune seeks to mislead should ponder that fact.

In one of its editorials attacking Senator CUMMINS, I find this statement worthy of the dark ages:

If we starve the railroads, we starve ourselves. That is an economic truth our friends, the politicians, should take home.

It is doubtful if that wild statement would have commanded respect even in the days of the corrupt Horace Walpole.

Mr. Chairman, this is the kind of newspaper, so called, which has attempted and would, if it could, rob me of a good reputation. I do not believe the attacks of the Tribune will weaken the faith of the people in me, and I doubt if even the accustomed readers of the Tribune will follow its leadership in this respect.

Mr. Chairman, I realize that this is a question which may be viewed from many angles by honest men. There is the question of the meaning of the treaty, the economic and other sides. I respect the rights of others to vote according to their consciences. I claim the same privilege for myself.

CHARGES FALSE IN EVERY PARTICULAR.

Now, to sum up:

First. Ninety-two per cent of the coastwise shipping, the only shipping affected by this bill, is owned by the railroad companies.

Second. The railways want tolls as high as possible and the canal burdened by as many treaty restrictions as possible.

Third. The Bismarck Tribune openly stands for higher freight rates, is the willing tool of the railroads, and knows its master's voice.

Fourth. It has attempted to mislead the people and defame me.

Fifth. Its charges are base, cowardly, and absolutely false in every particular.

I presume the Tribune, stung by the truth, will continue its abuse of me, but I have too much faith in the intelligence of the people of the district I have the honor to represent to believe that many of them will be fooled or misled by it. [Applause.]

Mr. COOPER. Mr. Chairman, I yield 45 minutes to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for 45 minutes.

Mr. FESS. Mr. Chairman, I notice in this bill provisions for an appropriation for the Interparliamentary Union, the Pan-American Union, the Fifth Conference of the American States, and other items looking to a better condition of international relationship between our country and other countries, and I want to address myself to the relationship of North America—or, rather, the United States—to the South American and Central American countries, including Mexico. I want to call attention of the membership of the House to the meaning of our foreign policy. The foreign policy of the country might be considered as couched into two Executive decrees. One is known as the neutrality law, or neutrality rule, announced by President Washington in 1794, and the other might be known as the Monroe doctrine, announced by Monroe in 1823.

The first was occasioned by a situation in Europe affecting England and France. France had assisted us in the Revolutionary War by the French Alliance of 1778, secured by Benjamin Franklin, and when France was in difficulty with England, later on, a representative of the French Government—Citizen Genet—came to our country to win favor on the part of our Government to France.

Citizen Genet, as the student of history will recall, did not land at Philadelphia, the capital of the country at that time, but he landed at Charleston, S. C., and then made his way up to Philadelphia, and on his way was received with great ovations at various points, which encouraged him to declare that if the President of the United States did not assist France in her struggle he would appeal from the President to the people at large. That at once induced President Washington to announce his famous doctrine of neutrality, which in a sense offended France, because of a conviction that it showed ingratitude; but it is the doctrine to which we then subscribed, that when Europe is in trouble we ought to keep our hands off—that we ought to attend to our own affairs. That doctrine has been studiously and religiously observed from that day to this, so far as I know.

In 1823 a second doctrine—the Monroe doctrine, which completes our foreign policy—was announced. That was announced by James Monroe, then our President. However, it was written by John Quincy Adams, his Secretary of State, and it was probably initiated by George Canning, the prime minister of Great Britain. The Monroe doctrine is the outgrowth of the Napoleonic wars, which not only unsettled absolutism in Europe but on account of those wars all South America and Central America, then under the dominion of Spain, became disturbed.

Mr. COOPER. Mr. Chairman, will the gentleman yield to an interruption?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Wisconsin?

Mr. FESS. With pleasure.

Mr. COOPER. The gentleman says that the Monroe doctrine was probably originated by Canning. That has always been supposedly true, but very recently has, it is strongly asserted, been proven not true. The gentleman will find what purports to be a complete refutation of the Canning claim by consulting a document presented in the Senate and printed in the CONGRESSIONAL RECORD a few weeks ago. According to that analysis of the acts, speeches, and letters of Canning and others, Canning did not initiate the doctrine.

Mr. FESS. I will accept the statement of the distinguished gentleman from Wisconsin, with the privilege, however, of making a further investigation. I always understood that George Canning was really the one person that initiated the movement which ultimately led to the formulation of the Monroe doctrine. The position of England would lead me to believe that such a doctrine would be most welcome to the British Empire.

What I was going to say was that the Napoleonic wars had unsettled absolutism in Europe. All South America sought independence, except Brazil and the Guianas. Mexico also sought and secured her independence from Spain. A congress was called by four countries, not specially to protest against anything in America, but to consider what ought to be done in the interest of the monarchical forms in Europe, which were being overturned by Napoleon. Then another congress was called at Verona, and finally the Holy Alliance, consisting in 1822 of Russia, Prussia, and Austria, was established. You will notice that England, which was a part of the first congress, dropped out at this time.

This Holy Alliance made the famous announcement that it was to the interest of the peace of the world that the South American Provinces that had proclaimed their independence should return to their allegiance under Spain. This was the movement that stirred Great Britain's ministry, and especially Mr. Canning; and, as I said before, I understood that Mr. Canning consulted with Dr. Richard Rush, then our minister to England, who communicated the matter to our Secretary of State, John Quincy Adams, who looked upon the suggestion with favor and formulated the doctrine. In 1823 James Monroe put it in his message.

Whether this be absolutely correct or not I, of course, must be somewhat in doubt since the distinguished gentleman from Wisconsin [Mr. COOPER] has made his statement, because I know he would not make the statement without pretty thorough investigation.

In 1823, however, the Monroe doctrine was simply this: Any attempt on the part of a European country to extend colonization in the Western Continent would be regarded by our Government as unfriendly.

Then, in 1826, the Pan American mission was called. It was to meet at Panama and is known in history as the Panama Mission. Our country was to be represented, but in the selection of the delegates the question was raised by John C. Calhoun as to the subjects to be discussed. And when it was outlined it included one sensitive question, namely, the abolition of the slave trade. Mr. Calhoun took the position that probably our country should not enter upon a discussion of such a sensitive question where so many other countries had a voting power, and consequently John C. Calhoun opposed the appointment of a delegate to this mission. However, he was outvoted and a delegate was appointed, but he died before he reached the mission, and consequently the Pan American mission of 1826 was held without a representative from our Government. Among other resolutions of the mission it passed one that led to the recognition of the Monroe doctrine, enunciated three years before.

In 1846 the treaty of New Granada, which really gave us a partial control over a strip of land across the Isthmus, and also placed upon us the obligation to guarantee to Colombia a certain sovereignty in the Isthmus, was made. I refer to the treaty of New Granada by which we again made a reaffirmation of the Monroe doctrine.

Then, in 1847, occurred the Yucatan episode. The Indians, who formed two-thirds of the population, rebelled against the whites who were in control. Finally the Government appealed to the United States to establish a protectorate over that country. The United States declined to do it. Then Yucatan ap-

pealed to Spain, then to England, and finally to the three countries, and asked us to effect a tripartite joint protectorate over Yucatan in the interest of order.

Now, I call special attention of the membership of this House to this most remarkable position of our country: We declined to establish a protectorate Then we forbade Yucatan having a protectorate established for her by three countries—one in the Western Continent and two in Europe—and we did it on the ground that that would involve the Monroe doctrine, and that if we left the matter of the control of any country in the Western World to a joint protectorate, two parties to which were European States, then we had surrendered the Monroe doctrine, because it had given two votes to one; and we not only refused to do it, but we refused to allow Spain and England to do it. That was in 1847—the most far-reaching step this country has taken upon the interpretation of the real meaning of the Monroe doctrine. It meant that Europe could not interfere, even when she was invited to do so by the American country in interest.

Then, in 1850, the Clayton-Bulwer treaty was entered into, and while all citizens of this country regretted it as an unwise treaty, mark you, this country never intended to do it except on account of one consideration, namely, a committal of Great Britain to the Monroe doctrine. It was so stated when it was made, and Richard Olney, in 1896, made the statement that Great Britain in that treaty did recognize the Monroe doctrine. In 1854 the Ostend manifesto, that looked to the purchase of Cuba, was proposed by our three ministers to England, France, and Spain, in which we set out our right to possess Cuba because of her position in the continent. The proposal was repudiated by our own country. This claim was put upon the doctrine that gives the dominant voice on this continent to the United States in matters pertaining to all American issues.

Later James Buchanan resumed efforts to bind Great Britain to the Monroe doctrine, and at the same time to release us from the unfortunate obligations in the Clayton-Bulwer treaty. Now, it is not necessary for me to go further into the history here, other than simply to say that in 1863 Abraham Lincoln, through William H. Seward, reannounced the Monroe doctrine. In 1867 Andrew Johnson sent Phil. Sheridan at the head of 50,000 soldiers to the Mexican border, and commanded France to withdraw, which was done.

In 1878 Gen. Hayes, through William M. Evarts, one of our greatest international lawyers, took a new view, and said that the constructing of a canal across the Isthmus by our own country would be justified, because the canal would be a part of our coast line, and we could do it in spite of the Clayton-Bulwer treaty. He partly relied upon the force of the Monroe doctrine.

In 1881 James G. Blaine, then Secretary of State, called the first Pan American Congress to meet in this country. The death of President Garfield cut short the sitting of that congress, and consequently it was delayed until 1889, when the second congress was called by Blaine, then Secretary of State under President Harrison. That congress sat in session for six months.

The dominance of our country in American matters was emphasized in 1881 through the correspondence of Blaine on the canal proposition as affected by the Clayton-Bulwer treaty, and reemphasized in 1889 in the Pan American Congress of that year. This idea that the United States is the dominant power in this continent, not only of North America but of Mexico and Central America and South America, is an American doctrine. It is not partisan. It has been indorsed by all parties. It was announced in 1823 by James Monroe, a Democrat; reaffirmed in 1826 by John Quincy Adams, a National Republican; and in 1846 and again in 1847 by James K. Polk, a Democrat; and in 1850 by Millard Fillmore, a Whig; and in 1854 by Franklin Pierce, a Democrat; and in 1857 by James Buchanan, a Democrat; and in 1863 by Abraham Lincoln; 1867 by Andrew Johnson; 1878 by Rutherford B. Hayes; 1881 by James A. Garfield, through his Secretary of State; and by Benjamin Harrison, William McKinley, Theodore Roosevelt, and William Howard Taft, all Republicans; in 1887 and again in 1893 by Grover Cleveland, a distinguished Democrat. Every single party that has controlled this Government since 1823 has taken an affirmative position upon that question. And singularly enough with each successive administration it has taken on newer and greater scope.

Now, we hear it claimed that the doctrine is a serious one, and that probably we ought to give it up. I have read it in the press, and I have heard it from the lips of Members of this House, that the Monroe doctrine is a hot potato, which we would drop instantly if we could, but it seems that we can not. It is apparent that there are persons who want to drop it. I am wondering whether that really is true, and how deep is the conviction and how widespread the wish so frequently heard expressed. I have noted in the press, and I have also heard from Members of this House, that the present Mexican mediation proposition of the A. B. C. countries will commit South America to the Monroe doctrine. These expressions are adulatory, commending the step as a distinct achievement. I speak guardedly, for I am one of the Members of the House who would not wish in any way to say anything that would disturb the efforts on the part of the administration to prevent war by methods of peace. But I have heard that the mediation proposition by the three South American countries is the one claim whereby we will commit South America to the Monroe doctrine. I wish to call attention to a possible serious complication. It is generally understood that Mexico hates the Monroe doctrine. She hates our flag; I mean some of the Mexicans do. I have no way to tell how general it is. The present Government spurns it. Some of them insult it; and I am told by people who have been in Mexico that some of the Mexicans spit upon our flag, and that they resent the idea of the big brother. Many Central Americans take the same position. Usually the more irresponsible the country the more resentment it displays. South America is taking the same position. It is well known how Colombia regards us, and how all southern countries sympathize with her. It is quite well understood that Argentina, Brazil, and Chile resent the idea that we assume to be the guardian and they the wards; that we are exercising a sort of suzerainty over those countries. Like Venezuela, which we saved from serious controversy with Germany in 1902, they dislike it. They resent it. This feeling is quite general and well known to us. Secretaries have made extended trips and toured the countries to create a better feeling. I have understood that the mediation proposition is looked upon as the one step which may alleviate that situation, and that ultimately, instead of the Monroe doctrine, we will make a Pan American doctrine whereby we will unify all the countries of South and Central America in the adoption of that doctrine. This is evidently in the minds of all the eulogists of the plan of the A. B. C. mediation.

Now, Members of the House, this is what I rose to speak about. I want to ask the pertinent question, Is there any danger, in the accomplishment of these statesmen, that mediation is a supersession of the Monroe doctrine? Does it mean that we are taking a step for a Pan American doctrine to supersede the Monroe doctrine? This is the professed purpose of many who affect to be interested in its success. What would be the difference? How does a Pan American doctrine such as John Barrett would like differ from the Monroe doctrine? Why, the Monroe doctrine is based upon the position that the United States is the dominant party on the western continent when there is any question in dispute with Europe pertaining to the western continent; that is, this country is not compelled to get the consent of any country before it can state a position in matters of interest to the western world. There are those who say that when the Monroe doctrine was announced it was necessary, but that the necessity has passed away, and we ought now to give it up. They assert that in 1823 we were weak and the western world was subject to exploitation, but to-day we are strong and the South is no longer in danger. There are Members in this House who want us to give it up. They claim there is no contention in Europe to extend monarchy as in 1823. They speak in favor of releasing us from the obligation because it is unnecessary, it is not wanted, and it is destined to give us trouble. But I am afraid of such a position, and I frankly confess that I am afraid of the possibilities that are included in a mediation proposition where the representatives of three countries, all of which are opposed to the Monroe doctrine, will be in a position to adjudicate questions pertaining to American policies. If, as has been professed, the object of this mediation is to unify all the Americas, including Mexico, back of the Monroe doctrine—if that be the purpose, then I ask you upon what basis is the Pan American doctrine to operate? How many countries will make up the union which must be consulted before action can be taken? To the United States you will add Mexico, 6 Central American countries, and 9 South American countries, excluding the Guianas and Canada. Or would you include these European provinces? There will be at least 16 sovereign countries to be consulted. If you are going to effect a Pan American doctrine in which there are 16 units, how much authority will the United States have, and how much do you give to each individual unit? How much will you give to the little country of Costa Rica, an independent Republic with a government like our own, with a population less than 400,000, less than the population of the city of Detroit? How much authority will you give to Guatemala, with less than the population of Chicago? How much will you give to Honduras? How much to Salvador? How much are you going to give to each

individual in the six Central American countries, whose entire population is about that of my own State of Ohio? How much will you give to all South America, with its 35,000,000 people, 17,000,000 of whom are Indians and 10,000,000 of whom are negroes?

There are perhaps not more than eleven to twelve million of European people in all South America. What part of the vote—in this Pan American Union, the Pan American policy that is to supersede the Monroe doctrine—how much of a vote are you going to give to the individual 16 units?

Mr. MADDEN. The gentleman from Nebraska stated a few minutes ago that this was a new application of the 16-to-1 principle. [Laughter.]

Mr. FESS. It probably is from the later utterances I have heard. I have understood that our distinguished Secretary of State, distinguished as the 16-to-1 statesman, says that this is what is to be done, that we are to unify South America and Central America back of the Monroe doctrine.

Mr. THOMPSON of Oklahoma. Will the gentleman yield?

Mr. FESS. Yes.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I think in this very important matter before the House that there ought to be a quorum.

The CHAIRMAN (Mr. WINGO). The Chair understood the gentleman from Ohio to yield to the gentleman from Oklahoma for a question.

Mr. GARNER. The gentleman from Oklahoma can not get recognition for a question and then make a point of order of no quorum.

Mr. THOMPSON of Oklahoma. I make the point of no quorum.

The CHAIRMAN. The gentleman from Oklahoma was not recognized by the Chair, and the gentleman from Ohio did not yield to him for the purpose of making a point of no quorum.

Mr. MANN. Mr. Chairman, I make the point of order that a Member at any time can make a point of no quorum, because the Constitution and the rules require that a quorum shall be present. This is as much a part of the business of the House as any.

Mr. FESS. Let me ask the gentleman from Illinois [Mr. MANN] if I can be interrupted except by a point of order relating to myself as to whether I am in order or not? Can I be interrupted upon a point of no quorum?

Mr. MANN. Undoubtedly. There has never been any variation of the ruling in the House; a point of no quorum can be made at any time, whether a Member has the floor or not. I hope, however, that the gentleman from Oklahoma will withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. GARDNER. Mr. Chairman, will the Chair hear me on the point of order?

Mr. BATHRICK. Mr. Chairman, I think the gentleman from Oklahoma will withdraw the point of order.

The CHAIRMAN. The present occupant of the Chair is of the opinion that the spirit of the rule should be observed rather than the form, and while it is true that, technically, a point of order can be raised at any time——

Mr. GARDNER. Mr. Chairman, it has happened a hundred times in the last five years that Members have been taken off their feet by a point of order, either that they were not discussing the pending measure or impropriety in debate or a point of no quorum.

Mr. FESS. Mr. Chairman, I want to ask the gentleman from Illinois a question. When I am on the floor I can be interrupted by anybody at any time on a point of order applying to my conduct, but I want to know whether I can be interrupted by a call for a quorum?

Mr. MANN. Certainly; it does not lie with any Member who has the floor to determine whether there is a quorum in committee. That would be taking it out of the power of the committee to have a quorum and leave it in the power of one man.

The CHAIRMAN. The Chair, on reflection, thinks that he is in error and that the gentleman from Illinois is correct. The gentleman from Oklahoma makes the point of no quorum, and the Chair will count. [After counting.] Sixty-eight Members are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following-named Members failed to answer to their names:

Ainey	Brodbeck	Callaway	Clayton
Ansberry	Brown, W. Va.	Campbell	Coady
Ashbrook	Browning	Cantor	Connolly, Iowa
Avis	Bruckner	Cantrill	Copley
Barchfeld	Bulkley	Carew	Covington
Bartholdt	Burke, Pa.	Carlin	Cox
Beakes	Burke, S. Dak.	Church	Crisp
Beall, Tex.	Butler	Clancy	Dale
Bell, Ga.	Byrns, Tenn.	Clark, Fla.	Deitrick
Dershem	Hoxworth	Merritt	Shreve
Dies	Hughes, W. Va.	Metz	Sisson
Difenderfer	Humphreys, Miss.	Miller	Slayden
Dillon	Johnson, S. C.	Morgan, Okla.	Slemp
Dooling	Jones	Morin	Small
Driscoll	Keister	Moss, W. Va.	Smith, Md.
Dyer	Kelly, Pa.	Mott	Smith, Tex.
Edmonds	Kettner	Murray, Okla.	Sparkman
Elder	Kless, Pa.	Nelson	Stanley
Estopinal	Kirkpatrick	Oglesby	Stephens, Cal.
Fairchild	Kitchin	O'Hair	Stephens, Miss.
Farr	Korbly	O'Shaunessy	Stevens, N. H.
Fitzgerald	Kreider	Palmer	Sutherland
Floyd, Ark.	Lafferty	Patton, Pa.	Switzer
Francis	Langham	Peters, Me.	Taggart
George	Langley	Platt	Talbott, Md.
Goodwin, Ark.	Lee, Pa.	Plumley	Taylor, Ala.
Gordon	L'Engle	Porter	Temple
Goulden	Lenroot	Powers	Thacher
Greene, Vt.	Lesher	Prouty	Thomas
Gregg	Lever	Reed	Underwood
Griest	Lewis, Md.	Riordan	Vare
Griffin	Lindquist	Roberts, Mass.	Walker
Gudger	Lobeck	Rothermel	Walsh
Hamill	Loft	Rucker	Watson
Hardwick	Lonergan	Rupley	Whaley
Hart	McClellan	Sabath	Whitacre
Hayden	McGillicuddy	Saunders	Wilson, N. Y.
Hayes	McGuire, Okla.	Scully	Woods
Helgesen	Maher	Seldomridge	
Hobson	Manahan	Shackleford	
Howard	Martin	Sherley	

The committee rose; and Mr. RUSSELL having assumed the chair as Speaker pro tempore, Mr. WINGO, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15762, the Diplomatic and Consular appropriation bill, and, finding itself without a quorum, he had directed the roll to be called, that 272 Members had answered to their names, a quorum, and he reported the list of the absentees to the House.

The committee resumed its sitting.

The CHAIRMAN (Mr. FINLEY). The gentleman from Ohio is recognized. He has 20 minutes remaining.

Mr. FESS. Mr. Chairman, when I was interrupted by the point of no quorum I confessed it was a new experience for me. I have often seen audience rooms emptied, and have helped to empty them, but this is the first time that any friend on the side line secured an audience upon a point of no quorum when a speaker was on his feet.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. RAKER. The audience did not know that the gentleman was going to talk. If they had, they would have all remained. [Applause.]

Mr. FESS. I thank the gentleman; but I am afraid that what will occur within the next 15 minutes will disprove his statement. [Laughter.]

Mr. Chairman, I was just raising the question if we supersede the Monroe doctrine by what is called the Pan American doctrine, upon what basis would each individual unit that makes up this Pan American doctrine vote? I refer to the fact that if we take all the countries of South America and Central America, including Mexico, and make out of them, with ourselves, a Pan American union, and announce a Pan American doctrine instead of the Monroe doctrine, then what vote would you give each unit that makes up this union when we come to settle any particular question affecting any country such as now is covered by our conception of the Monroe doctrine? I am concerned about that particular situation that might grow out of the mediation situation or proposals that might be made by the mediators. As long as there is any problem between the United States and Europe or between any of the American countries or all of the American countries on one side and Europe on the other, that problem heretofore has been solved by our own country, and we have refused to submit to arbitration by European countries any question that would involve the integrity of the Monroe doctrine.

We have constantly refused to submit to arbitration any question involving the Monroe doctrine by any country or any set of countries. For this position we have been unjustly criticized, but always by the opponents of the Monroe doctrine. We have not only refused to arbitrate the Monroe doctrine with Europe as arbitrators, but we have refused to submit the question for arbitration to American countries. We have stood from the beginning until now upon the fundamental principle that the Monroe doctrine, an American doctrine, must not be interpreted by any but our own country. We have never used any latitude or extended its interpretation to any South American countries, to any Central American countries, or to Mexico, or to all of them combined.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. BORLAND. The Monroe doctrine involves the relation of European countries with countries in the Americas.

Mr. FESS. Yes.

Mr. BORLAND. And the Pan American doctrine involves, does it not, the relation of the American countries with each other? And does not the gentleman see how it will be possible to maintain the Monroe doctrine against the noninterference of European nations and at the same time have a Pan American doctrine for the interrelation of American Republics?

Mr. FESS. Mr. Chairman, I thank the gentleman from Missouri for the question, because it introduces another delicate situation, as I see it. He asks whether the Monroe doctrine is not a doctrine that applies to Europe and America, while the Pan American doctrine would not apply to Europe, but would apply simply to the Americas. I answer him that if we become involved in any question of mediation, as in the matter of Mexico, where the situation involved the rights of citizens of foreign countries—citizens of Germany and citizens of England, as well as citizens of France and other countries—we can not make it purely an American doctrine confined to American interests. In the Mexican situation as it now stands European interests are at stake. In the mediation we are involving European interests, or at least such interests must be considered before Mexico can hope to be at peace. To-day Sir Edward Grey announces that he has a solution of the Mexican situation. Suppose that solution be submitted to the mediators. I want to know what authority we have, if we submit it to the mediators, to say to the mediators, "You can not consider that problem or anything pertaining to the interests of Europe."

Mr. BORLAND. That is very easily answered. The mediators have no power to make a final decision in any event. They are compelled to submit any proposals to us.

Mr. MONTAGUE. They are acting merely in an advisory capacity.

Mr. FESS. On the other hand, if the mediators act purely in an advisory capacity, and will submit a plan that represents the judgment of the mediating body made up of representatives of three great nations, and we, because of our right to do so, refuse to agree to it, then our problem is complicated. It shows either bad faith on our part or that we have no confidence in the work of our mediators. To have declined at the outset unless the sphere was well defined would have been no offense. But to reject the findings I fear will offend deeply all South-American and Central-American countries. Is it not dangerous, because of the very thing the gentleman asks, that we may involve ourselves in a situation that will be a virtual surrender of the Monroe doctrine or else offend these countries because we stand on the Monroe doctrine? That is certainly a possibility, if not a probability. That is the situation that makes it serious and critical to my mind.

Mr. BORLAND. Mr. Chairman, I think the gentleman is assuming in his subconscious mind that this proposal that the mediators are going to submit would involve a surrender of the Monroe doctrine as to European nations, and that is not a supposable proposition at the present time.

Mr. FESS. I should think that would be a fair assumption. The Mexican situation involves more than a dispute between us and Huerta. If not, why attempt to induce the constitutionalists to join? Does it not involve European interests? If these mediators receive suggestions from outside countries in Europe, like England, through Sir Edward Grey, or other countries through their representatives, it is too late to say they are not concerned. These countries, it seems to me, are the very countries that must not extend their influence in Mexico or in Central America or in South America, yet they, next to ourselves, are most interested because of European citizens and European property in Mexico. The very fact that we have passed over to the mediators for solution a critical question that pertains to the interests of four European powers as well as a dispute between us and Huerta it seems to me gives them authority to consider the rights of these powers. And if so, then what is the probable consequences of giving a body of men a subject that we ourselves would not allow any country to adjudicate?

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. FESS. Certainly.

Mr. KELLEY of Michigan. Is it not true, having reference to the question of the gentleman from Missouri, that Argentina, Brazil, and Chile all feel more or less keenly that the Monroe doctrine has already served its purpose and might well be set aside?

Mr. FESS. I stated that fact before the gentleman from Michigan came into the Chamber.

Mr. KELLEY of Michigan. I did not hear the gentleman.

Mr. FESS (continuing). In the outset I stated that this mediation is now in the hands of representatives of countries who resent the Monroe doctrine.

Mr. KELLEY of Michigan. That is the point to which I was calling the gentleman's attention.

Mr. FESS. And it is a problem, it seems to me, of submitting to that group of people, or any other group who resent it, a question that might involve the very thing we do not want, namely, the surrender of the Monroe doctrine, which they do not like. Mediation of a question involving the Monroe doctrine by countries which resent the doctrine is serious.

Mr. TOWNER. Will the gentleman yield?

Mr. FESS. Yes.

Mr. TOWNER. Does not the gentleman think when he refers to European influences that it would hardly be an interference with the Monroe doctrine for a European nation to exercise its friendly influence of persuasion, of suggestion, or any other method of that kind? That certainly would not be interference with the Monroe doctrine.

Mr. FESS. That reminds me of the fact, if the gentleman will recollect. In 1898 Europe made overtures to President McKinley, offering their good offices to settle the difficulties between us and Spain. President McKinley thanked them in a most courteous manner for their friendly offices and went on to state that this was a matter that pertained to the welfare of our Nation as well as humanity, and gave those countries to understand that it was a problem that we must settle, and we proceeded to settle it. We could have accepted their good offices, but it might have proved serious.

Mr. TOWNER. Yes; I think that is true, yet certainly the United States maintains that kind of attitude with reference to that sort of influence. It welcomes it, it approves it; every friendly influence certainly ought to be approved by every man who looks for peace or anything that might tend to bring about better conditions between the countries. It is only the influence, as I understand it, that interferes with the Monroe doctrine, and has something in its nature of a protectorate, something tangible, something real, some influence that amounts to control and power, that is interfering with the Monroe doctrine, but not such influence that might perhaps be derived from a statement that might be friendly or merely in its nature suggestive in bringing about a better condition of affairs.

Mr. MONTAGUE. Mr. Chairman, before the gentleman answers that question, will the gentleman yield to me?

Mr. FESS. I will.

Mr. MONTAGUE. Along the same line of the question of the gentleman from Iowa, does not The Hague conference provide especially for mediation and such other suggestions of similar character through any government, whether welcome or unwelcome? Is not that now provided for?

Mr. FESS. The Hague conference established a tribunal to adjust national difficulties, but made certain exceptions, as the distinguished Member from Virginia will note, certain exceptions specifically made in which questions of national honor and questions of vital interest were involved.

Mr. MONTAGUE. If the gentleman will pardon me, the point I desired to make—perhaps I did not make myself particularly clear—is this: Did not The Hague conference promulgate a convention which specifically provided for mediation?

Mr. FESS. Yes; arbitration——

Mr. MONTAGUE. Not arbitration, but mediation, which is very distinct from arbitration. Mediation is only suggestive, advisory, persuasive.

Mr. FESS. The distinguished Member from Virginia is correct in his statement. The answer I want to make to the gentleman from Iowa is this, that in the present situation we are confronted with at least two angles. The first is the pitiable situation of the people of Mexico themselves. Anybody who would study modern Mexico would note the growth of those cities, how remarkably they have grown in the last 20 years. I refer to Chihuahua, Torreon, Tampico, Durango, San Luis Potosi, and many other cities in that country, with all the modern improvements of an American city. Yet in those cities, so rapidly growing, can be seen every degree and grade of civilization known to that country. I am told that every stage of the human race, from the rich to the very poorest, can be observed, a condition that appeals to our American sense of duty. It convinces us that something is abjectly wrong with the Mexican system or their customs or laws; I do not know which it is. The situation appeals to us with pity.

Mr. MADDEN. Is not that true of American cities?

Mr. FESS. Yes; but on a different basis and from a different cause. I doubt whether we can interfere with that or not. How are we going to change conditions where 90 per cent of the

people are indifferent? Now, the other point is this: In those sections American citizens have gone; European citizens have gone; the citizens of England and of Germany, of France, and of other nations have gone by invitation. Modern Mexico is due to these outside influences. England is interested and Germany is interested in the outcome of the situation. If we are going to say that we will stand upon the Monroe doctrine, that we will make it unnecessary for those countries to enter Mexico to protect the rights of their people, then it would seem that we are in duty bound to assure them that we will stand in their shoes. In order to keep them from going in we have a problem of our own. If we submit that problem to an outside body, we might concede to those countries power to repudiate the Monroe doctrine. That is the thing of which I am speaking. If England, France, and Germany had no interest there, so there could be no European problem, I would see no particular complication; but as I see it now it becomes of vast public concern. It becomes a European and an American problem.

Mr. VAUGHAN and Mr. CLINE rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. FESS. I yield to the gentleman from Indiana.

Mr. CLINE. I do not understand that in the original purpose of the Monroe doctrine the three great powers that are now attempting to mediate on questions which are involved are adverse to us, but that they are in full accord with us as to the original purpose of declaring the Monroe doctrine; that is, that they are in harmony with the original purpose of the Monroe doctrine as declared against the western powers of Europe with respect to colonizing any portion of the South American Republics.

Mr. FESS. That would be indicated by their action in 1826.

Mr. CLINE. Then do you anticipate that they would be subject to any undue influence on the part of the powers of Europe?

Mr. FESS. I do, for this reason: The Monroe doctrine in 1823 was to their advantage; in 1826 it was to their advantage; in 1846 it was to their advantage; up to that time they looked upon our attitude with favor. It was because they felt they needed us; but they are resenting our attitude now in regarding them as wards of our Nation. They are unfriendly to that position. The change of tone might be due to many things.

Mr. CLINE. I understand; but as to the original purpose of the Monroe doctrine, to prevent the colonization, they are exactly in harmony with us and want to protect themselves as much as we want to protect them.

Mr. FESS. I will say that these countries might see an advantage to meet Europe's demand for certain indemnity from Mexico. I do not know what is in their minds. I am afraid of the possibility. Suppose Europe demands as a basis of settlement coaling stations in Mexico, and the adjustment is with these mediators, what should be our situation?

Mr. CLINE. Has there been a period in the whole history of the Monroe doctrine when it was as thoroughly established and as thoroughly acceded to by the western powers of Europe that it is a part of our foreign policy as now?

Mr. FESS. I want to reply to my friend from Indiana by quoting Salisbury when President Cleveland, a man, I think, of strong backbone, took the position that if England did not submit the question to arbitration in adjusting the boundary line in Venezuela that had been established from 1842 by the Schomburgk line, he would ask Congress to appoint a commission to make the investigation. This he did, and also asked Congress to give him power to stand by the report of that commission. It was on this occasion that Salisbury made this statement, the most remarkable that has ever been made by a European statesman concerning the Monroe doctrine, and I want the gentleman from Indiana to note it. He said in substance: The Monroe doctrine is not international law and can not be binding on other nations. It is a mere announcement of one country, and an announcement can not be international law, no matter how brilliant the statesman who announces it or powerful the nation that supports it.

That is Salisbury's statement.

Mr. CLINE. Is it not true that England acceded to the letter of Mr. Olney, then Secretary of State under Mr. Cleveland, before his commission had taken any evidence or made any report on the proposition?

Mr. FESS. Not until President Cleveland asked Congress to give him authority to make investigation and to support it. Then Salisbury submitted to arbitration.

Mr. CLINE. That was before any evidence was taken?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. FESS] has expired.

Mr. COOPER. Mr. Chairman, I will yield three minutes more to the gentleman from Ohio.

Mr. FESS. That is all I want. I wanted the three minutes in order to state that every patriotic citizen, whether he believes in the Monroe doctrine or believes in a Pan American doctrine, is anxious that the situation in Mexico which has brought out this discussion shall pass without any more serious trouble than we have at present. And I want to make it quite specific that when I raise what I regard as a very pertinent question, I do it guardedly, because I realize that the mediators are to meet next Monday, and I am anxious to know what their province is. And I am deeply concerned about this one question, whether consulting about matters that are English and German and French and Japanese we have given over into their hands the power to make suggestions of adjustment in regard to those things. If we have, you can not answer it by saying we are not bound by what they suggest, for the moment that they make their suggestions that we can not abide by, that moment we have offended them, and more than we would have offended had we courteously said, "This matter is a concern that is American, and we go into Mexico, if we go at all, for the honor of this Nation, the rights of the citizens of this country, and for the benefit and welfare of unhappy Mexico, as well as to protect citizens of countries which we have asked not to go into Mexico now." It seems to me we ought to be pretty careful about the program that these mediators shall adopt, the questions that they are to discuss, before we do a thing that I fear will amount to a surrender of the Monroe doctrine, by giving to every little, irresponsible Republic in Central and South America the right to make all the debt it wants, float its bonds, and let them be taken in England or Germany or France, and then have these creditors come around and ask that we be their collecting agency for those irresponsible countries. It seems to me that the true American doctrine is expressed by the Monroe doctrine, not subject to adverse interpretation of other countries, and we ought not to attempt to supersede it by a Pan-American doctrine that requires us to consult 16 Republics, containing altogether 60,000,000 people, three-fourths of which are native. This country, with a hundred million people, with the sole purpose to secure the highest welfare of all concerned, is the one policing power to maintain Americanism on this continent. I hope for peace; but if war results from a blunder of diplomacy at Tampico, we can not justify ourselves in an attempt to correct the blunder by taking steps that might result in far more serious results by an abandonment of an American policy that has stood for nearly a century. I raise this as a pertinent question and to sound a warning. [Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield to the gentleman from Texas [Mr. VAUGHAN].

Mr. VAUGHAN. Mr. Chairman, it sometimes becomes necessary to remind ourselves that the Government of the United States does not possess over territory within the States the general governmental powers exercised by the other Governments of the world, but such powers only as are conferred upon it by the Constitution, and it is well to consider why this is so and why it should be so. The careful student has observed that it was the general purpose of the framers of the Constitution to confer upon the Federal Government such powers only as are necessary to enable it to maintain itself and to exercise control over transactions, affairs, and relations with foreign countries, of the States with each other, and between citizens of different States. In general, our foreign affairs and the mutual relations of the States with each other are committed to the Federal Government, and all other affairs are withheld from it and reserved to the States or to the people.

Why? That as to other nations we may act as a unit; that as to matters affecting our relations with each other the common government of all should control; and that the regulation of the civil rights of the people and the making of police regulations should be in the hands of that government which is closer home, closer to the people, more directly under their supervision, inspection, and control.

The diversified habits, customs, conditions, resources, industries, and interests of the peoples of the several States made it apparent that the people of each State could best govern themselves, for the simple reason that being better acquainted with their own situations they know best what should be done.

There is now more reason than ever for this division of the powers of government between the States and the Federal Government and this limitation upon the powers of the latter. When the Constitution was adopted we were only thirteen States, covering only a part of the Atlantic coast and a few hundred miles into the interior, and the conditions of life were simple and much more alike in the different States. We now cover the continent from ocean to ocean and from the Lakes to the Rio Grande. If our interests were sufficiently diversified

then to make it wise to divide the powers of government between the State and the Federal, as I have explained, the multiplication of that diversification and the vast extension of our territory certainly multiply the reasons for the continuation of the same wise policy.

In some States we have the simple life, worthy of the poetic description of "The Cotter's Saturday Night." In other States we have thousands huddled in the same tenement, buying their food and water, dependent upon the Government for regulations to protect them against disease and extortion, and dependent upon some individual or corporation for employment to earn a livelihood.

In some States the principal industry is raising cotton; in others, corn; in others, wheat; in others it is manufacturing implements; in others, manufacturing something else; in others it is commerce. In no territory of the same extent as that of the United States is there greater diversity of industries, occupations, resources, and conditions of life.

The candid, thoughtful man who will consider these facts will become more and more convinced that Mr. Jefferson's opinions and views of this subject accord with wisdom and common sense. Permit me to borrow his language to express a few pertinent thoughts. He said:

The extent of our country was so great and its former division into distinct States so established that we thought it better to confederate as to foreign affairs only. Every State retained its self-government in domestic matters, as better qualified to direct them to the good and satisfaction of their citizens than a general government so distant from its remoter citizens and so little familiar with the local peculiarities of the different parts.

Again—

Our country is too large to have all its affairs directed by a single government. Public servants at such a distance, and from under the eye of their constituents, must from the circumstance of distance be unable to administer and overlook all the details necessary for the good government of the citizens; and the same circumstance, by rendering detection impossible to their constituents, will invite the public agents to corruption, plunder, and waste.

Again—

It is not by the consolidation or centralization of powers, but by their distribution that good government is affected. Were not this great country already divided into States, that division must be made that each might do for itself what concerns itself directly and what it can so much better do than a distant authority.

Again—

When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated.

Again—

I was in Europe when the Constitution was planned, and never saw it until after it was established. On receiving it I wrote to Mr. Madison urging the want of provision for the freedom of religion, freedom of the press, trial by jury, habeas corpus, a substitution of militia for a standing army, and *an express reservation to the State of all rights not specifically granted to the Union.* He accordingly moved, in the first session of Congress, for these amendments, which were agreed to and ratified by the States as they now stand.

Again—

I wish to preserve (in a new constitution for Virginia) the line drawn by the Federal Constitution between the general and particular governments as it stands at present, and to take every prudent means of preventing either from stepping over it.

It was on this very subject that differences caused the first division of our people into political parties. It was adherence to the views and principles of Mr. Jefferson on this subject that constituted the fundamental doctrine of the Democratic Party, and if there is any doctrine, any principle to which the Democratic Party is committed, it is that the States alone have and that the States alone should have the powers of government over commerce within the States; the regulation of the civil rights of the people, including the right of suffrage, police regulations, and all other domestic affairs; and that the exclusive powers of the States to govern themselves in these matters should be maintained unabridged.

There may be some who believe this division of powers between the State and the Federal Governments and the limitation upon the powers of the latter were destroyed by the War between the States; but they are in error. The war was not fought for the destruction of the rights of the States, but for the preservation of the Union; and while war measures were taken which resulted in depriving the States of their right to determine some questions over which dissensions had arisen resulting in the war, and while the right of States to secede was denied by the arbitrament of arms, the other reserved rights of the States and limitations upon the powers of the Federal Government were saved.

This very doctrine saved the Southern States from negro domination and from carpet-bag government after the war was over, from the force bill, and from the infamies the reconstructionists would have loaded upon us; and it is the wall of fire around us now that protects us now against those who, under the pretense that they are their "brothers' keepers," assert that they have the right to govern us and would force us to have whites and negroes attend the same schools and otherwise mingle on terms of social equality.

I am unwilling to destroy that wall of fire; I am unwilling to make any breach in it even in so good a cause as the war upon the liquor traffic, because each breach furnishes a precedent for the next. Even now we find the advocates of some proposed amendments which would contravene this doctrine, using the adoption of the amendment providing for the election of United States Senators by the people and that giving Congress power to levy an income tax, neither of which in the least conflicts with the doctrine, as precedents for the adoption of their proposed amendments which are in direct conflict with it.

While I favor prohibition of the liquor traffic, vote for prohibition in precinct, county, and State, and hope the time will come when the traffic will be prohibited in every State in the Union and am willing to do my part to bring about that "consummation devoutly to be wished," I am quite sure it is not necessary to adopt national prohibition in order that each State may free itself from the liquor traffic whenever it desires to do so, and that each State may do so whenever it desires, and I believe that the people of each State can best determine for themselves when it is best for them to adopt prohibition and whether it is best for them to do so, for the simple reason that they are better acquainted with their own conditions and needs and are entitled to determine for themselves.

I understand full well that the States have agreed in the Constitution that it may be amended in the manner prescribed therein, by two-thirds of each House of Congress voting in favor of the amendment, and the ratification of the same by the legislatures of three-fourths of the States. But this does not prove that the prohibition and suffrage amendments would not contravene the doctrine that each State has and should retain the right to govern itself in such matters. An amendment providing for a consolidated, centralized government could be adopted in the same way, and the rights of the States to govern themselves absolutely done away with.

There are those who attempt to answer these objections with denunciation; who class as defenders of the liquor traffic those who believe the proposed prohibition amendment contravenes the doctrine of States' rights, because they are unable to answer otherwise. No man can truthfully accuse me of being a defender of the liquor traffic. I helped rid my town and county of the saloon before it became popular to be a prohibitionist, and I have done as much to promote the success of the cause of prohibition in my State as my limited ability would permit. Freely have I given my time and whatever talents I possess, but I have always been a Democrat, always believed in the doctrine of States' rights, and I shall not be induced to support propositions in plain violation of the fundamental principles of the Democratic Party by denunciation or otherwise.

I do not believe it necessary to give to the Federal Government any additional power to enable it to do for the cause of temperance and prohibition all that need be done by it to make that cause a success in every part of the country where it can be made a success by any kind of law.

Let the Federal Government exercise the powers of taxation and the power over interstate commerce it now has in support of the laws the States have adopted in restraint of the traffic; let it levy a prohibitory tax on those who engage in the traffic without license from the State and local authorities; let it take away from the brewers and distillers the tariff protection they enjoy under the difference in their favor between the tariff on imported liquors and the internal-revenue tax on domestic, and it will do all that need be done to enable each State to do for itself as much as can be done by law, and there will be no necessity for setting a precedent for the next proposition that may be made to wipe out State lines and centralize government at Washington.

It is said that the traffic is a national evil, a national crime, a national curse. In the same sense, so is immorality and every other vice that is prevalent in all the States.

It is said that it will take the power of the Federal Government to destroy the liquor traffic. The Federal Government already has all the authority necessary to the exercise of the power to destroy the liquor traffic whenever its exercise would be justified by conditions prevailing in the States. Time and again the Supreme Court of the United States has said that "the power to tax is the power to destroy." That very power has been used to destroy the opium traffic.

But the power to tax is not only the power to destroy; it is also the power to favor and protect. And, strange to say, many of our friends who are so anxious to destroy the liquor traffic have for years sat quietly by without protest while the power of the Federal Government to tax has been used to protect and enrich the liquor traffic instead of to destroy it.

The excess of the tariff tax on imported spirits over the internal-revenue tax on spirits made in the United States, which excess is $1.50 per gallon, amounts to $1.50 per gallon protection in favor of the American distiller, and enables the Whisky Trust to get about $180,000,000 more every year from the American consumers of whisky. And the excess of the tariff tax on imported beers and other fermented liquors over the internal-revenue tax on such liquors made in the United States, which excess is more than 40 cents per gallon on such liquors when imported in bottles and jugs and more than 19 cents per gallon on such liquors when imported otherwise, amounts to that much protection in favor of the American brewers and enables them to get about $300,000,000 more every year from the American consumers of beer.

It will thus be seen that the power of the Federal Government to tax has been and is being used to favor and protect the liquor traffic. For many years this policy of protection and favor has been going on. Instead of the power of taxation being used against the liquor traffic it has been used in its favor. I have introduced a bill (H. R. 4335) to correct this and to start the Government in the right direction, to take away from the liquor interests the protection they now derive from the differentials to which I have called attention. My bill would turn into the Treasury of the Government of the United States the several hundreds of millions of dollars that now flow into the tills of the liquor lords through the favoritism of the Government.

And yet there are those who recklessly class me as a defender of the liquor traffic because I am unwilling to abandon the fundamental teachings and principles of the Democratic Party to help them set a precedent that will enable the centralizationists to follow with force bills and measures interfering with our elections and otherwise meddling with domestic affairs.

I am unwilling to surrender the doctrine that has enabled us to maintain white supremacy in the South or to help set a precedent that may be used against us when we invoke that doctrine in our defense in the future.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 30 minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, there has come to my attention a matter connected with our Consular Service of which I think Congress should take notice.

I am informed that an American citizen living in China died leaving a large estate. The United States consul general at Shanghai took jurisdiction, marshaled the estate, and distributed the proceeds.

There are charges made that the consul made no accounting of a large part of the estate, and distributed such portion as he did distribute according to the terms of a will which was alleged to be forged, all of which was done without warrant of law, as there is no law authorizing a consul to distribute the estate of a decedent, and there appears to be no remedy for an American citizen defrauded by such usurpation, and I take this opportunity to bring to the attention of the Foreign Affairs Committee the need for a statute determining what the consular powers are regarding the estates of decedents.

There is another matter to which I wish to call attention.

It is not inferior in importance to any question which has been or will be considered by this Congress.

It has been more widely investigated and the committees of the House and Senate have given more time and effort to its study than perhaps all other questions before Congress.

I refer to "agricultural credits," or "farm loans." I sincerely regret that the Democratic caucus has decided not to enact a measure of this kind at this session.

There is no measure more urgently needed. We are promised a great bumper crop this year. The farmers will need help to harvest and market this crop. They have been led to expect this help. It is legislation of a type that every nation except our own has long since enacted.

A failure to enact remedial legislation, after all the promises, will be a disappointment that will surely be reflected in the agricultural vote in the next elections, that will prove anything but satisfactory to the party responsible for the denial of a very general demand of our people.

I beg the attention of the House while I make some observations upon this most important subject, which I hope may induce the House to review and reverse the decision of the Democratic Party so improvidently made.

The stage of academic discussion of the merits of agricultural cooperation and farm loans has long since been passed.

Every doubt has been resolved; theory has been translated into practice; it has been practically demonstrated in every civilized country save our own that systems of credit by which farmers may obtain loans at a low rate of interest not only aid a worthy and the most numerous class of citizens, but powerfully promote the welfare of all other classes.

It would seem strange in the light of what other countries have proved by years of experience, in the light of the great benefactions these systems of "farm loans" have brought to their people, that this country should have so long neglected to adopt similar policies.

IS GOVERNMENTAL AID TO FARMERS JUSTIFIABLE?

The arguments against the adoption of such policies naturally come from the "money lenders."

A half-baked editorial in the New York Herald opposes "cheap loans to the farmers unless the butcher, the baker, and the candlestick maker" are included in the "fool" scheme.

A moment's reflection reveals such sophomoric twaddle in all its silliness. But since this argument against "governmental aid to farmers" crops out in bankers' speeches and bankers' newspapers, and elsewhere in opposition, I propose to meet it face to face at the outset.

The argument that the "baker, the butcher, and the candlestick maker" have the same right to governmental aid as the farmer may be true, *but they do not have the same need*, and aid to them would not benefit the people and public as aid to agriculture will. As President Wilson says: "They do not stand on the same footing." The public welfare which is the only justification for giving either of them special consideration is deeply involved in the conditions of the farming class.

The urban worker is usually in receipt of wages, salary, or income from day to day or month to month by which he can gauge his outlay to his income. The building associations and the savings banks have gathered up his savings until they have reached an enormous sum. He is in a great creditor class. His subsistence comes from the labor of the farmer, and like all other classes he benefits from improved agricultural conditions.

But the farmer has no certain income. The reward for his year's labor comes from crops exposed to all the vicissitudes of weather and climate. And while every industry depends upon his industry, he is in a tremendously large debtor class burdened by exorbitant interest charges which "hobble" him and indirectly injure all other classes, and from which for this reason intelligent public policy seeks to relieve him.

The charge that this is "class legislation" will not bear analysis. The fact that all beneficial legislation benefits some individuals or class of individuals specially, is in no sense "class legislation" if the enactments promote the public welfare. Indeed, it may be admitted that any legislation that promotes the welfare of all classes inevitably will be of special benefit to some individuals. Whether it be river improvements, public roads and buildings, protective tariffs or revenue-only tariffs, parcel-post, or other similar legislation, somebody always especially benefits.

Legislation that benefits a class at the expense of the public is class legislation, iniquitous, and indefensible.

Legislation that benefits a class at no expense to the public may be in the "twilight zone," but I regard it as dangerous and always to be avoided.

But legislation that benefits a class at no expense to the Government and promotes the welfare of all classes is not class legislation at all, but lies properly and justly within the sphere of intelligent statesmanship.

The $450,000,000 expended by the Government on the Panama Canal will surely be of special benefit to some classes. There is no guaranty that the money will ever be returned.

And a farm loan properly secured, to be certainly repaid with reasonable interest, for a purpose discerned to be of great public benefit, is not a gift; it is not class legislation, not an advantage given to a class because they are farmers, but a simple business engagement entered into by the people, the Government, in the belief that it will benefit the whole people, and is wholly as just and proper as pensions or appropriations to war or naval or other colleges, though every man is not entitled to a pension nor can every boy attend college.

I agree that the Government may justly extend aid or dispense its bounty to an industry only when it is made accessible to all citizens in that industry upon equal terms, and not then unless such dispensation will clearly promote the general welfare. The crucial question must always be, "Does it promote the general welfare?"

The donations of about 158,000,000 of acres of the public domain to railroad companies were held to be justifiable on the ground that the public welfare would be promoted by the building of the railroads. And although those donations were usually improvident, and the methods by which special interests secured them were generally scandalous and corrupt, yet the railroads were of great public benefit.

The Government grants monopolies of inventions to patentees, who as a class benefit by the special privilege, but the grant is justified purely on the ground that in the end the public welfare is promoted.

For many years it has been the settled policy of the Government, and the greatly preponderating sentiment of the American people now is, to protect our industries from foreign competition by means of a tariff for no other reason than that in the end the public welfare is promoted. The general results have amply justified the policy of the protective tariff, although gross abuses devised by powerful beneficiaries have well-nigh destroyed the system in the public esteem.

The tariff law recently enacted protects industries and certain classes of producers and reduces or removes the protection from certain industries and classes of producers. Perhaps there was no deliberate intention to discriminate in favor of southern industries and southern products against other industries and products. Perhaps it was merely incidental that the goat's hair, rice, tobacco, and other southern products are protected, while wool, wheat, cattle, and other northern products are not protected. Let us assume that the apparent discriminations in favor of such industries as are carried on in the South are merely incidental; but to be entirely fair, the fact is that under any bill that possibly could be devised, even if there are sectional discriminations, in which the present tariff bill seems to abound, there were bound to be advantages to some classes not enjoyed by others, for which there would be perfect justification, provided the legislation promoted the general welfare of all classes.

The Government dispenses enormous sums for river and harbor improvements which nine-tenths of our citizens will never see and which are, incidentally, of great advantage to certain classes of citizens, but which are perfectly justified when they promote the public welfare.

The national banks for 50 years have enjoyed the use of an enormous sum of money, amounting now to $735,000,000, belonging to the Government, for which they pay one-half of 1 per cent. They buy Government bonds, then they deposit the bonds with the Government and get their money back in national-bank currency, and they lend this great sum to the people at the highest rate they can get. Meanwhile the Government pays them interest on the bonds.

This has been an enormous bounty to the money-lending class, but there has not been general complaint, for the reason that the people have been made to think that the strength and stability thereby given to our financial system promoted the public welfare, although, in my humble opinion, the issue of national-bank currency might quite as well have been "greenbacks," saving to the Government the enormous sum paid the banks as interest on the bonds lodged as security.

A short time ago the Secretary of the Treasury announced that he would lend to the banks $150,000,000 at 2 per cent interest, which they could lend to the people at what they could exact. The banks let a "yelp" out of them because the Government exacted 2 per cent, but the transaction and this additional bounty to the banks was justified on the ground that the money was needed to move the crops, and would promote the public welfare.

Mr. Chairman, it is unnecessary to multiply proofs that it has been the settled policy of this Government—and I might say of all other Governments—to aid and assist internal development, to aid classes of business and classes of citizens, purely upon the ground that such aids would promote the public welfare, although certain classes would incidentally and especially benefit thereby.

IT IS STATESMANSHIP, NOT CHARITY.

If "agricultural credits" or "farm loans" were proposed as a mere charity, a dole to be paid out of the public crib to an industry, however large or however deserving, there would be no justification for it.

But if it is shown that governmental assistance to the agricultural classes will promote the welfare of all classes the objections to governmental aid are met, our case is made out, and it will only remain to determine upon the plan to be adopted.

THE DRIFT TO THE CITY.

The drift from the farm to the city and the shops may be attributed to one cause or another, but the big reason is that the city has more attractions, bigger pay, more "soft snaps," and fewer "blisters."

The cold facts revealed by the census tell the story.

From 1900 to 1910 the increase of population in the United States was 21 per cent. The increase in cities and towns of 2,500 population and over was 35 per cent; the increase in rural population, 11 per cent.

That is to say, about half the normal increase in the rural sections moved to the city and raised the increase there to about three times the rural rate of increase.

Complaint is made of the hard conditions of life in the city among the working classes, but labor always goes where it is best paid, and when the boy leaves the farm for the city it simply proves that whatever the conditions are in the city they are harder still on the farm.

We used to boast that America could feed the world. Now we are fetching beef from Argentina and Australia, eggs from Japan, and breadstuffs from Canada, and we are pointed to a day in the near future when we will import largely farm products which heretofore we have raised at home.

As a matter of public policy of the greatest importance this condition should be changed.

WHAT HAS BEEN DONE ABROAD.

Germany was confronted with the same conditions. Forty per cent of all she ate was imported. Her farms were run down. Her agricultural classes were poor and distressed. Her statesmen, like our own, could offer no remedy. It remained for a couple of private citizens to organize systems of relief that were so successful in a small way that widespread attention was drawn to them. Philanthropists, bankers, statesmen, but most of all the farmers themselves, have developed systems of farm credits that have practically revolutionized German agriculture; and Germany, with her 66,000,000 of people in a country less in size than the State of Texas, with a rapidity of increase in her industrial developments that quite outstrips that of the United States, is to-day raising within her own borders 95 per cent of her breadstuffs.

But it is not in Germany only. France, Austria, Italy, Russia, Australia, wherever systematic effort has been applied to aid agriculture, the same results, differing in degree only, have been realized.

Statesmen the world over recognize that all industries, all human activities, are absolutely dependent upon agriculture. They see there can be no real national prosperity unless agriculture is in a prosperous condition. The efforts to improve agricultural conditions which have engaged their thought in Europe for the last 60 years are in nowise altruistic. They proceeded not for love of the farmer particularly, but from an enlightened selfishness, clearly discerning that prosperous agriculture is the enduring basis upon which all other industries must rest. As statesmen, knowing that "credit" is the very lifeblood of industry, they perceived that agriculture was handicapped, as banking as it was carried on in commercial circles did not and could not accommodate itself to farmers' needs.

They perceived that a different sort of banking was required for agricultural needs.

That is as true here as in Europe, and our statesmen are late in setting about the establishment of a system of banking that will serve the farmers.

It has been objected that farmers nowadays ride in automobiles and need no help; that they are prosperous and more able to lend to the Government than the Government is able to lend to them.

Let me, then, even though it be a repetition of what others have more cogently stated, show some facts regarding the condition of the farmer in this country.

WHY THE FARMER LEAVES THE FARM.

There are about 6,600,000 farms in the United States. The farmer, his family, and helpers working on the farm number about 31,000,000 and constitute about one-third of the entire population. The rural population, as shown by the census of 1910—that is, the people living outside of towns having 2,500 residents and over—number 49,348,000, or 54 per cent of the total population.

According to the census report of 1910, there are—

	Acres.
Of arable lands in crops	311,000,000
Of improved lands not in crops	167,451,000
Woodland in farms	190,865,000
Untilled land in farms	209,482,000
Land not in farms:	
Tillable	261,202,000
Nontillable, but valued for pasture and orchards	361,000,000
Useless for agriculture	402,289,000
Total area of the United States	1,903,289,000

It will be observed that the farms averaged 138 acres in size, of which 75 acres were under cultivation and 63 acres were uncultivated. Roughly speaking, only 1 acre out of every 4 of tillable land is tilled.

The farmer as a class is the most thoughtful, most careful, industrious, hard working, independent, and dependable of all classes of our people.

His farms, buildings, stock, and machinery are worth upward of $41,000,000,000.

On this property he raises annually $9,750,000,000 worth of products, valued at the farm. Of this amount, the "crops" are of the value of $6,100,000,000 and the animal products are of the value of $3,650,000,000.

If from this gross product is deducted the value of products consumed on the farm the cash sales from the farms of crops and animal products for 1913 are estimated at $5,847,000,000.

Now, since there are about 6,600,000 farms in the United States, the average cash income per farm, which averages about 138 acres, is about $886; deduct average cost of fertilizers per farm, $18; employed help, $102; maintenance of implements and buildings, $89; feed purchased, $47; taxes, $39; miscellaneous expenses, $44; which leaves of cash income about $547 per farm.

The farmers owe an enormous sum, variously estimated from $6,500,000,000 to $8,000,000,000, and pay an average rate the country over of 7¼ per cent interest, amounting to $510,000,000, not counting lawyers' fees, recording, and commissions, or about one-tenth of his annual product, or about equal in value to the entire wheat crop of the country, or a rate which would kill the Steel Trust or Standard Oil, and which makes a charge of $77 per farm. This leaves his net income about $470.

Considering that the investment in land, tools, and buildings on the average farm is $6,443, and that for his labor and the labor of his wife and children and his "investment" the farmer annually gets his "grub" and $470, it is not hard to understand why the farmer boy drifts to the city. And if you allow him 5 per cent on his investment he would have $153 for his labor. The wonder grows that he stays on the farm at all.

A recent bulletin of the Agricultural Department, given out February 7, 1914, gives the result of investigations made in the "corn belt" in Indiana, Illinois, and Iowa, chosen because these districts "excel all other regions in wealth of farm products" and where the system of agriculture is "unequaled," in which it is stated that the average labor income of farm owners operating their own farms was $408, and "they had in addition a house to live in and those products which the farm furnished toward their living."

Now, if this is true of farming in the very richest part of America, what think you is the "labor income" of the average farmer, and the average man is the man whose circumstances are of public concern?

The census reports of farm mortgages is incomplete. The number of farms in 1910 was 6,361,502, but the mortgages were only computed for 3,948,722 farms, of which 1,327,439 farms are reported as mortgaged; and the amount of mortgages are only reported on 1,006,511 farms, on which the mortgage debt was $1,726,173,000, or an average of $1,715 per farm. If the same proportion of all the farms were mortgaged at the same rate, the mortgages would amount to about $4,000,000,000, or one-tenth of the value of lands and buildings.

But since the amount of mortgages on some farms were not reported, the real amount of the farm mortgages can only be guessed at, but would hardly be less than $5,000,000,000. This is in addition to whatever the farmer owes which is not secured by mortgage, and which would probably bring the total indebtedness up to $6,500,000,000.

THESE ARE STAGGERING FIGURES.

It is significant that of the farms reported the mortgage debt was 27 per cent of the reported value of the farms, and that in 20 years farm mortgages have increased in amount 40 per cent.

Farm property has increased enormously in value. From 1900 to 1910 the value of farm property increased from $20,500,000,000 to $41,000,000,000, or just double what it was in 1900; but from 1890 to 1910 the number of mortgaged farms increased 440,442 and the average mortgage per farm increased from $1,224 to $1,715.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Michigan?

Mr. HULINGS. Certainly.

Mr. J. M. C. SMITH. Does the gentleman offer any remedy or policy to prevent or to obviate the tendency of young men to go from the farm to the city?

Mr. HULINGS. I hope I shall be able to later on.

Mr. J. M. C. SMITH. I thank the gentleman.

Mr. HULINGS. I shall do so further on.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Michigan?

Mr. HULINGS. Certainly.

Mr. HAMILTON of Michigan. The gentleman was speaking a moment ago about the increase of farm mortgages. My attention was diverted for the moment, and I did not catch what the gentleman said. Will he kindly repeat that statement?

Mr. HULINGS. I said the average increase per farm was from $1,224 to $1,715.

Mr. HAMILTON of Michigan. Between what years?

Mr. HULINGS. From 1890 to 1910. This proves that the farmers' prosperity very largely consists in the rise in the price of land, and that it is not in "working the farm" that he realizes profits, but to realize his prosperity he must sell his land. In other words, the farmer who did not farm is about as prosperous as the farmer who farmed, as the rise in value of farm lands came to both.

These facts, gleaned from the census reports, disclose that he is a tremendous borrower. They show that farming is loaded up with a burden and an interest charge that would ruin any other industry.

FARMING AND BANKING.

There are other features not disclosed by the census. It may be stated that business in a large way is impossible without the aid of commercial credits, furnished usually through the instrumentality of the banks.

But the farmer, whose only assets are real estate, finds commercial banking closed to him for a number of reasons. A farm mortgage is not such a liquid security as a bank desires; and if it were, "short-time" loans do not meet the necessities of the farmer, who must cover the time from planting until sale of crops; and no bank will lend on 9 or 12 months' time as long as it can lend on 3 or 4 months' paper.

The doors of the national bank have been closed by law to the borrower on real estate; and though the new currency bill admits him to the bank, he will never get a loan until no one else wants the money on short-time loans. This provision of the new currency law is a "tub thrown to the whale," and will help the farmer very little.

And so the farmer is driven to the private lender, as a rule, or to the State banks, and when he finds a lender he is obliged to hire a lawyer to search his title, to prepare the mortgage, and when the interest, the lawyer, the notary, and the recorder are paid he discovers that his loan has cost him not 5 per cent or 8 per cent but, if the sum borrowed be a small one on short time, more likely 15 to 20 per cent.

Commercial banking brings him as a borrower in competition with the short-term borrower. The merchant who borrows $1,000 will turn it, perhaps, four times a year, at a profit of 5 per cent for each turn, or $200. Deducting the interest, he has left as his net profit $140. But the farmer turns his money but once a year, and if he makes even 12 per cent on the turn the interest charge eats it all. One of the reasons why the farmer and his boys are drifting to the city is that under our present system he is denied access to credit such as is essential to other branches of industry, or he is required to pay ruinous rates, and he goes to the city because he can not stay on the farm.

THE WELFARE OF EVERY CLASS DEPENDS UPON THE LABOR OF THE FARMER.

But it is not the farmer as a class, worthy and large as it is, that should claim first consideration. The welfare of every class and the needs of the whole Nation depend upon his prosperity, and action is imperative.

That a remedy should be provided is admitted by all thoughtful persons.

The important matter now is, What shall the remedy be?

Experience abroad has been considered, and various remedies are proposed in bills already presented to this Congress.

With one exception they all follow one or the other of the German systems, with modifications.

THE LANDSCHAFTEN SYSTEM.

The Landschaften system was introduced by that great soldier and statesman, Frederick the Great, in 1769, when little Prussia had fought all Europe to a standstill and was herself impoverished, and her fields, sodden with blood, were idle and unproductive. By this system the farms of a community are mortgaged to an association of borrowers; the association issues

bonds based on the collective security of all the mortgages. The association in some cases receives Government aid in various forms and issues to the mortgagor the bonds of the association, which he sells in the open market or secures advances upon them. In this way long-term loans are secured, which are extinguished by annual payments equal to 4½ to 5 per cent of the sum borrowed, and great benefits are derived, but will scarcely, I think, ever be favorably received by our people, for it has the fatal objection that it requires one man to make his property liable for another man's debts, and has other objectionable features.

THE REIFFEISEN SYSTEM.

The Reiffeisen system of short-time loans was first introduced in 1848, in a small way. For 20 years it made little headway, but gradually improved and established itself as a great and benign institution. There are about 17,000 local branches in operation in Germany, and they have proved of wonderful benefit to agriculture there. It is practically a system of small local banks of peasant proprietors, receiving deposits from members and the public, paying interest, obtaining funds, and, from savings deposits and the price of the shares paid in by the members and from the bank's obligations, lending to members only on short-time loans, usually all operations being secured by the full or limited liability of each member for any obligation of the bank. There is involved also the machinery of central banks, Government control and inspection.

These local banks are cheaply operated, the average expense being $153 per year, and are confederated in central banks, which receive loans from the Government. Various modifications of the Reiffeisen system are in operation in Germany, numbering altogether over 24,000 banks, the effect of which is shown in the wonderful activity and success, not only on the German farm, but in German manufactures as well.

THE CREDIT FONCIER SYSTEM.

The Credit Foncier system of France differs practically only in the fact that patronage and cash contributions of the Government are enjoyed by the central organization, which has a lottery feature to promote the sale of its bonds, and the profits of the business are distributed as private gains to its members.

OBJECTIONS TO THESE PLANS.

None of these plans are compatible with the American conditions and train of thought.

The European farmer dwells in villages where the social conditions differ greatly from American conditions, where the people are widely separated, each on his own farm. Many of the "farms" are but 30 feet wide and 300 feet long. Ten to 15 acres is quite a "farm." Intensive farming and "handwork" are carried on to an extent unknown to us. The habits of life are greatly different. In this regard the recent report of the Agricultural Department already referred to—bulletin 41—makes these significant statements:

> The American type of farming needs large areas in contrast to the European type.
> Modern machinery has made the small farm an inefficient unit.
> If the small farm has a place, it must be near a city.
> The old hand-labor methods still common in Europe are suited only to small areas. If these methods prevailed here, our agricultural civilization would gravitate toward the peasant conditions existing in some parts of Europe.

The women do most of the work, at a wage of $3 per month, with board and lodging. There is little need for money where men work for 50 cents and women for 20 cents per day. A great proportion of the loans under this system is less than $20. The American farmer needs to employ machinery, requiring a great deal more money in his operations.

This all shows that European systems of agricultural credits, however adaptable to conditions there, would find here utterly different conditions. The American idea is bigger and broader. He is not accustomed to do business with a "teaspoon."

I gravely doubt whether any system can be transplanted from European practice that will work in American soil without modification that will make it practically another system.

THE REMEDY MUST PRESERVE PERSONAL INITIATIVE.

The remedy should not be sought in any plan which involves governmental or political or expensive and complicated machinery or makes the man merely a cog in a social cooperative machine.

Plans thus far offered by the distinguished gentlemen who have labored upon this subject involve the organization of a multitude of local organizations either under State or Federal authority, or both; a multitude of central organizations, pyramided upon which is a national control. Within these constructions is the imperative employment of an army of clerks, bookkeepers, salaried officials; the expenses of banking paraphernalia; rents; plate glass; burglar-safe vaults, and so forth; and the farmer foots the bill.

POLITICAL INFLUENCE MUST BE AVOIDED.

But vastly more objectionable than all this is the danger that it will build up a great political machine or put in the hands of the political party that for the time is in control a powerful "pull," reaching down through the central banks to its officers, agents, and employees, down through the local banks to the farmers upon the land, with all the coercion and cajolery of "banker's influence," and none need be told what that means.

This objection is not so powerful in a monarchial government, but in a republican form of government I regard it as insuperable.

Nor will the public fail to appreciate this danger. A case in point is furnished in the State of Pennsylvania. A constitutional amendment was required to authorize a proposed issue of $50,000,000 of bonds to be expended in road improvements, and the voters decided the question at the November election. Now practically everybody in Pennsylvania, as in all other intelligent communities, is in favor of good roads, and it was generally conceded that a bond issue which would permit the rapid building of the roads and give the people immediate use of them, at the same time spreading the cost over a term of years so that future users of the roads may help pay for them, is a sensible, businesslike plan.

But just here came in an objection which upset a plan that met general approval.

The people were afraid of the political machine that could, and undoubtedly would, be built on this bond issue. The people had no faith in the administration in Pennsylvania.

The Republican Party organization holds the governor in the hollow of its hands.

The superintendent of public highways was believed to be grossly extravagant if not corrupt. With $50,000,000 to dispense, the "Penrose organization" would be hard to unhorse. And so in the fear that a corrupt and unscrupulous political machine would control, the people defeated a measure that otherwise they favored.

There is, however, no need to run any risks of this kind.

AN AMERICAN PLAN.

There has been in this country a practical demonstration of a system which, with some adaptation, can be applied to farm loans with great success.

I refer to the wonderful development in this country of the building and loan associations.

There are, I am informed, 6,300 building and loan societies in the United States, with 2,500,000 members and $1,137,000,000 invested in mortgages, and the administration expenses are less than three-fourths of 1 per cent of the receipts.

These organizations exist, I believe, in every State of the Union except Vermont, varying somewhat in methods of management in order to make the system flexible and adapted to the particular needs of the community served.

They are naturally doing their work in the cities for reasons that I shall refer to later.

There is one particular, however, that I would call especial attention to, and that is that when it has been attempted to confederate these local societies into national associations the result has been failure.

Every society is local and independent, without a retinue of salaried officials, without political bias or control or overseers or inspectors, each society meeting one evening in a month at trifling cost, transacts its business, makes its rules, absolutely controls its own business, and accomplishes a purpose that has been of inestimable advantage to its members and to the general public as well. Our people are familiar with it.

THE PROPOSED PLAN IS AMERICAN.

It is an American plan, worked out to suit American conditions—simple, cheap, and efficient in operation.

Efforts are being made in many of the States to adopt the building and loan plan to farm loans, notably in Ohio, Indiana, Wisconsin, and New York.

The difficulty is that while urban borrowers, paying monthly dues out of monthly wages, can quickly accumulate loanable funds, unlike him, the farmer needs the help most while he is waiting for his crop, and when he has no income from which to pay dues, and therefore the ordinary building and loan company doing business in a needy farming community would have to go afar to find loanable funds, and would have to pay attractive commercial rates of interest on the loan, on top of which would be the administration expenses.

The Hirsch Foundation and the societies growing out of it, the Jewish farmers' cooperative credit unions and the Jewish agricultural and industrial aid societies, have been in operation

for more than 20 years. These societies have made loans to 2,500 Jewish farmers, aggregating $1,800,000. The credit unions, 17 in number, are a new offshoot, first organized in 1911.

But all of these—and I venture to say all of the building and loan societies—seeking to operate in farm communities will encounter the difficulty of accumulating the funds to start with, and will be obliged to go outside and pay commercial rates, which will defeat the aim to secure low rates.

The plan which I propose is an adaptation of the building and loan plan to farm loans, in which this difficulty is overcome.

This bill has been printed and is known as H. R. 9988.

In some of its details it may require amendment. Its general features may be described as follows:

Any number of practical farmers, not less than 25, within a given radius from the chosen place of business may organize a Federal corporation with a capital stock of not less than $25,000 in manner following closely the method of organizing national banks. Subscribers are required to give their notes, secured by mortgage upon farm lands that for three years preceding have been assessed for taxation at double the amount of the mortgage, payable to a trustee, for use of the United States, with such rate of interest as the association may prescribe.

The association then makes its note payable to the Treasurer of the United States for the amount of its capital stock for the term of 25 years, with 3 per cent interest, with amortized payments that will, after the second year, gradually discharge the principal debt; and as a security therefor, attaches the individual notes and mortgages of the subscribers, together with a satisfactory bond of the trustee and policies of insurance of the titles by approved title-insurance companies.

If upon investigation the proceedings are found to be correct and the securities satisfactory, the Secretary of the Treasury issues to the association, out of the funds not otherwise appropriated or from the proceeds of 3 per cent United States bonds that are authorized to be sold for the purpose, Treasury notes to the amount of the capital stock of the association, and places in the hands of the trustee the individual notes and mortgages for collection and, in addition, charges him with the prevention of waste or other diminution of the securities.

The association distributes this fund among its shareholders in proportion as they have contributed the securities.

THE HAUNTING FEAR OF FORECLOSURE.

So long as the shareholder pays the rate of interest agreed upon—which presumably will be 3 per cent semiannually—foreclosure, the haunting fear of the farmer who goes into debt, has no terrors for him. He is assured that if the stipulated interest is paid to the end of the term he will be free from debt, and every dollar paid above 3 per cent and the cost of administration discharges a part of his debt.

Of course, "one can not make a wig without hair." If the Government is repaid with 3 per cent interest, the amount required annually in amortized payments to discharge the debt is a simple question of mathematics. The longer the term the smaller is the sum required each year, and of course to this sum must be added the administration expenses, which, for a small association not meeting oftener than twice a year, should be much less than for the ordinary building and loan association, which meets monthly, and should not exceed $250 per annum.

PROVISION FOR SHORT-TIME LOANS.

My proposition includes also the plan of requiring a cash subscription of 10 per cent, which would defray preliminary expenses and serve as a fund from which small loans could be made to meet the temporary wants of the members. This provision, coupled with the plan of paying no part of the principal for two years, and then gradually increasing the amortized payments to a sufficient sum to repay the Government within the term, would result in the gradual increase of a fund from which "short loans" could be made. Each association can also provide that members or nonmembers may deposit savings which can be loaned to short-term borrowers working out a scheme on the same general plan of building and loan companies without in any manner involving the Government or affecting its security.

Many of the details embraced in the bill may doubtless be improved.

The plan provides a term for the "association" of 25 years, for the plain reason that the longer the term the smaller the required annual payment will be.

The stipulations of repayment to the Government are provided as follows:

Three per cent of sum borrowed for 2 years.
Five per cent of sum borrowed for 3 years.
Six per cent of sum borrowed for 10 years.
Seven per cent of sum borrowed for 10 years.
This is an average of 6.04 per cent.

On this basis, upon the assumption that the members of the association will pay the association 3 per cent semiannually on their individual notes during the term, their debt would be extinguished, and over and above the administration expenses there would be accumulated in the treasury of the association a surplus to cover possible contingencies.

HOW THE PLAN WILL WORK.

Worked out on the assumed plan that 10 per cent were originally paid in cash for preliminary expenses and capital, and that a loan for $25,000 should be secured from the Government, and the administration expense should not exceed $250 a year—which should be sufficient for a small neighborhood concern—the following would be the results:

The total cost to the shareholders would be		$45,912
Less surplus at end of term	$2,231	
Less cash received from Government	25,000	
		$27,231
Net cost of loan to shareholders		$18,681
Net cost of loan annually		$747
Average annual amount of loans to stockholders		$28,955
Rate of interest paid resultant from compounded accretions—per cent		2.58

That is, 3 per cent paid semiannually for 25 years will pay the principal and 3 per cent interest plus the assumed administration expenses and accumulate besides a sum sufficient to reduce the actual cost of the loans to a 2.58 per cent rate.

The cost of a loan under this plan as compared with a straight 6 per cent loan is apparent:

Interest on $28,955, at 6 per cent for 25 years		$43,432.50
Principal that must be repaid		28,955.00
Amount of principal and simple interest		72,387.50
Cost of same by this plan	$45,912	
Less surplus at end of term	2,231	
		43,681.00
Difference in favor of this plan		28,706.50

If it be objected that many borrowers may not favor mortgaging their property for such a long period, the answer is that provision can be easily made for the withdrawal of his security and the substitution of another borrower, or in case there are none, that his mortgage and note can be surrendered to him upon payment of the remaining unpaid sum. And since the longer he stays in, the greater will be the advantage to him, each society will doubtless prepare tables showing the "book value" of shares so as to show members just what they will have to pay at any time to enable them to withdraw.

Many of such details have been practically worked out in building and loan associations, and can be easily adapted to farm loans.

It will be observed that while the capital derived from the Government is but $25,000, the average loans by the society are $28,955. This excess of $3,955 is the accumulations of the difference between the interest paid by shareholders and the amortized payments paid to the Government and the compounding thereof, and constitutes a fund to which the members may have recourse for such "short-time" accommodations as a little circle of farmers might require in addition to their "long-time" loans; or it could be loaned to nonmembers who could give proper security.

WHAT IT COSTS.

But in any case the farmer would be getting his loan at the dead cost of the amount paid the Government plus his share of the administration expenses. There would be no expensive officers or offices, rents, mahogany desks, and so forth, to keep up. The entire business would confine itself to the community where every member knows the character and responsibility of every other member. The sole concern of the Government would be that its bonded officer serving as he would in most cases and as they invariably do in the Reiffeisen system without salary, living amongst the borrowers and acquainted with their circumstances shall collect the semiannual interest on the individual notes and remit to the Government the amortized payments as they fall due and turn the residue over to the association.

COOPERATIVE FEATURES.

Such associations will naturally become the agencies, and an important part of the plan is, although it is optional with each society, that it shall become an agency for the purchase of fertilizers and farmers' supplies at wholesale, distributing them at cost to members, and for other approved cooperative methods.

The "association" would have legal authority to receive deposits either as stipulated payments of dues upon shares or as voluntary deposits of savings. These deposits would increase the fund from which members could be accommodated with "short-time" loans, or would provide for the establishment of agencies for cooperative purchases, distributions, and marketing.

This branch of operations could be carried on after the fashion of building and loan society operations promoting sav-

ings deposits and requiring none of the paraphernalia of banking business, and the Government would be in no wise concerned, for whether such operations were successful or failures the Government security would be unimpaired.

This feature would embrace all the advantages and furnish all the inducements to savings and thrift that the building and loan societies offer to their members precisely to the extent that farmers who require capital would find it possible to contribute to a savings fund.

And I wish to observe that just to the extent that the farmers would not or could not contribute to a savings fund that could be loaned out to short-term borrowers, precisely to the same extent would all these projects that contemplate the organization of "banks" with capital contributed by the farmer fail.

Any system of "banking" predicated upon bonds issued by a bank and secured by farm mortgages and depending on the finding of purchasers of the bonds amongst the "lenders of money for hire" will surely develop in its management cupidity, selfishness, and an interest rate and an array of discounts, commissions, salaries, and expenses which the mortgagors will have to meet.

Mr. THOMPSON of Oklahoma. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. THOMPSON of Oklahoma. The gentleman from Pennsylvania [Mr. HULINGS] is talking about the most important subject that is pending before the House—the question of rural credits—and unless that question is taken up at this session of Congress we shall have to have a quorum present to do business. I make the point of order that there is no quorum present. [Applause.]

Mr. HAMILTON of Michigan. Will not the gentleman withhold that point until the gentleman from Pennsylvania finishes?

The CHAIRMAN. The gentleman from Oklahoma [Mr. THOMPSON] makes the point of no quorum. The Chair will count.

Mr. HAMILTON of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMILTON of Michigan. Can a gentleman who is addressing the House be taken off the floor by a demand for a quorum?

The CHAIRMAN. Undoubtedly he can. [After counting.] Eighty-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Ainey	Dyer	Kitchin	Riordan
Ansberry	Eagan	Knowland, J. R.	Roberts, Mass.
Anthony	Eagle	Konop	Rothermel
Ashbrook	Edmonds	Korbly	Rupley
Barchfeld	Elder	Kreider	Sabath
Bartholdt	Estopinal	Lafferty	Saunders
Bartlett	Fairchild	Langham	Scully
Bathrick	Falconer	Langley	Shackleford
Beall, Tex.	Farr	Lee, Ga.	Sharp
Bell, Ga.	Ferris	Lee, Pa.	Sherley
Brodbeck	Fitzgerald	L'Engle	Shreve
Broussard	Floyd, Ark.	Lenroot	Sinnott
Brown, N. Y.	Francis	Lesher	Slayden
Brown, W. Va.	Garner	Lever	Slemp
Browning	George	Lindquist	Sloan
Bruckner	Glass	Lobeck	Small
Brumbaugh	Goldfogle	Loft	Smith, Saml. W.
Buchanan, Tex.	Goodwin, Ark.	Lonergan	Smith, Tex.
Burke, Pa.	Gordon	McClellan	Sparkman
Burke, S. Dak.	Goulden	McGillicuddy	Stanley
Burnett	Graham, Ill.	McGuire, Okla.	Stephens, Miss.
Butler	Gregg	Maher	Stevens, N. H.
Callaway	Griest	Manahan	Stout
Campbell	Griffin	Mann	Switzer
Cantor	Gudger	Martin	Taggart
Cantrill	Guernsey	Merritt	Talbott, Md.
Carew	Hamill	Metz	Taylor, Ala.
Carlin	Hamilton, N. Y.	Miller	Thacher
Clark, Fla.	Hardwick	Mondell	Thomas
Clayton	Hay	Morin	Thomson, Ill.
Coady	Hayden	Moss, W. Va.	Towner
Connolly, Iowa	Hayes	Mott	Townsend
Conry	Helgesen	Nelson	Treadway
Copley	Hobson	Nolan, J. I.	Tuttle
Covington	Holland	Norton	Vare
Crisp	Howard	Oglesby	Vollmer
Dale	Hoxworth	O'Hair	Walker
Danforth	Hughes, W. Va.	O'Shaunessy	Wallin
Deitrick	Humphreys, Miss.	Palmer	Walsh
Dershem	Jones	Parker	Webb
Dies	Keister	Patton, Pa.	Whaley
Difenderfer	Kelly, Pa.	Payne	Whitacre
Donovan	Kent	Peters, Me.	Wilson, N. Y.
Dooling	Kettner	Plumley	Young, Tex.
Driscoll	Key, Ohio	Porter	
Drukker	Kiess, Pa.	Pou	
Dunn	Kinkead, N. J.	Prouty	
Dupré	Kirkpatrick	Raker	

The committee rose; and Mr. JOHNSON of Kentucky, having taken the chair as Speaker pro tempore, Mr. FINLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15762, the Diplomatic and Consular appropriation bill, and finding itself without a quorum had caused the roll to be called, and 246 Members had answered to their names, and he presented a list of the absentees.

The committee resumed its session.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. HULINGS] is recognized.

Mr. HULINGS. Sir, I am inclined to think that any system that requires the farmer to depend upon money lenders in the open market or in the broker's office or that involves the employment of an army of overseers and inspectors will not furnish the relief sought.

If this bill were enacted it would cost the Government not one penny. If it would not work, nobody would be out a dollar and nobody would be into an office.

CROPS AND PRICES.

Paradoxical as it may seem, an increase of farm products does not necessarily imply an increase in farm revenues; in fact, it often means less.

"Making two blades of grass grow where one grew before" is an expression of economic poesy, but in cold fact neither insures more revenue to the producer nor less cost to the consumer.

Bigger crops may and frequently do mean less revenue. The problem can not be solved by a "jump in the dark."

Of course while it is true that a larger crop may bring less money than a smaller one, as the facts frequently prove, yet it is plain that if the farmer can secure cooperative methods, can reduce interest charges, and at the same time increase his crops by better farming, and if on top of this he adopts better and more economic methods of marketing, he can sell at far less prices and make more money, and right here is where the public welfare is served.

"Marketing" and the "middleman" are involved. The farmer sells in the wholesale market and buys at retail. The middleman takes a "hack" at him going and coming. The farmer gets but 40 or 50 cents out of the dollar involved.

COOPERATIVE PURCHASES AND MARKETING ESSENTIAL.

The system that will solve the problem must not only furnish the farmer with tools to work with; that is, available credit, but it must naturally and easily engage him in cooperative agencies for the supply of farm purchases at wholesale and for the distribution and marketing of his products.

Such a system will make farm life easier and more profitable and lower the cost of living to the consumer.

These results can be obtained under the methods I propose.

Mark well this feature of my plan: From the time the loans leave the Government Treasury until they reach the farmer, THERE IS NO PLACE FOR ANY OF THEM TO STICK, THERE ARE NO PALMS TO BE GREASED, NO MACHINERY TO BE OILED, AND NOTHING TO GET OUT OF GEAR.

THE CHIEF FEATURE.

The simplicity of the plan is apparent, but simplicity is not the chief feature. The chief feature is the prompt application of the remedy precisely to the places where needed. It gives the farmer funds to work with on terms he can meet, without cumbersome and expensive machinery, while promoting and encouraging savings and cooperative methods.

SOME OBJECTIONS CONSIDERED.

The objection has been raised that the Government should not engage in banking; that the Government should not engage in business.

For years the express companies put up this cry. Very tardily the Government undertook the parcel-post business, although in a piecemeal and fragmentary sort of way. Out of a very tender regard for the express companies, the weight was fixed at 11 pounds, now raised to 50 for certain distances, and a scale of rates fixed at about double what they should be, but nevertheless the department is now doing business, greatly relieving the public from the extortions exacted by the express companies for many years.

The Post Office Department does a bigger business than any corporation in the United States—just carrying packages. The Government is already "doing business," and many people believe that the Government *should* do more business and take over the express business, and others think it should take over the telegraph and the telephone business, and wipe out these extortionate monopolies, as England and Germany have done.

And then the fact is that the Government already is in the "banking business," and has been for the last 50 years, at

least to the extent this bill would put it into the banking business.

The national banks now hold $735,000,000 of money issued to them by the Government, for which they pay nothing save a tax of one-half of 1 per cent, and they made a big howl because the Government proposed to charge 2 per cent interest on additional deposits.

All the banks of the country, National and State, with a capital of $2,010,000,000, owe their depositors the colossal sum of $17,024,000,000. This they lend to borrowers, and derive great revenues from what they owe.

If the farmers were given a "snap" like that, the people would surely object, but the bankers are able to get away with it. He is a "long-headed" brother that can live on his debts and get rich.

The bankers, by putting up security, have obtained the use of this great sum of Government money for 50 years practically without cost. Under the new currency law the bankers can obtain Government money practically without limit on the security of the notes of Tom, Dick, and Harry, which may or not be good a fortnight hence.

It can not therefore be regarded as any great stretch of generosity if the farmer is loaned Government money, for which he pays 3 per cent interest and puts up as security approved mortgages on land, which can not run away. He need not feel that he is a subject of "charity," for no other class receiving Government aid ever paid 3 per cent interest or put up a sounder security for the return of the loan.

Mr. THOMPSON of Oklahoma. Will the gentleman yield?

Mr. HULINGS. Yes.

Mr. THOMPSON of Oklahoma. I would like to ask the gentleman if, considering the fact that Congress has just passed a bill to expend $35,000,000 for a railroad in Alaska, and $400,000,000 in building the Panama Canal, if he does not think it would be good economy to finance these banks and help out the farmer?

Mr. HULINGS. I am glad the gentleman asked the question, because it calls attention again to the central feature of the bill, and that is that the farmers to secure Government aid will put up good security, land that can not run away, approved after investigation, pay 3 per cent interest, and it is no great stretch of generosity to do that for them, because I have just shown that the Government has been issuing to the national banks alone $735,000,000 on which they pay but one-half of 1 per cent.

Mr. MAPES. Will the gentleman yield?

Mr. HULINGS. Yes.

Mr. MAPES. The gentleman is giving a very interesting and instructive speech. I would like to ask the gentleman a question. The provisions of his bill, if I understand him correctly, require a security of twice the amount that the farmer can borrow; that is, it allows the farmer to borrow one-half of the assessed valuation of his farm, and the shareholder on an average must borrow $1,000; that is, there must be a capital stock of $25,000 and 25 shareholders in order to organize an association.

Mr. HULINGS. Not necessarily; there may be $50,000 and there may be $100,000 capital, though no association with less than 25 members or less than $25,000 can be formed. This, however, is a mere detail.

Mr. MAPES. The question I had in mind is, How are you going to help the man who has got $300 or $400 and a few farm implements and a team; how are you going to help him get money to buy a farm?

Mr. HULINGS. I think that could easily be accomplished. If he had $300 or $400 and teams and farming tools, if he had a neighbor that wanted to sell 50 or 100 acres of land, he could make an arrangement through him by which the land becomes security for the loan he secures to pay for the land.

Mr. MAPES. Does the bill allow anybody except a shareholder to borrow money from the association?

Mr. HULINGS. No.

THE SAFETY OF FARM MORTGAGES.

Another objection is that farm mortgages would not make the Government safe in issuing the loans.

Those who believe that "gold" is the only real security may be interested to learn that according to the Treasury report of September 24, 1913, the amount of gold in the Treasury was $1,284,000,000, while the indebtedness, including the outstanding bonds, was $2,987,000,000, or about 40 cents of gold for the dollar of obligations. Gold is as good a standard of value as any commodity can be, but the "wabbling" character of the gold standard will be recognized if we contemplate for a moment the effect of a general crop failure in the world or the sudden exhaustion or a rapid increase of the gold supply.

Compared with the enormous sum of about $168,000,000,000 of business done in the country annually through the clearing houses alone, the amount of gold in the country cuts a very small figure.

Upon what does the great volume of the business stand? Gold? No. Ninety-eight per cent is done on credit. What is the basis of the Government's power to float loans at 3 per cent interest? Credit. The faith and confidence that the Government will redeem any of her obligations that may be presented at any one time in gold, though everybody knows that there is not enough gold in the country, and never will be if all of her obligations were to be redeemed at any one time. It is the confidence in the power of the Government to procure gold when wanted.

Primarily the credit of the Government (for the Government is at all times in the debtor class) and her power to procure gold or pay her debts depends upon her unlimited power to tax the lands and the people upon the lands.

Thus in the final analysis the foundation of the gold supply, and the integrity of the Government, and her fiscal undertakings, and, indeed, of all business credits, is the land and the labor of the people upon the land.

For this reason selected farm mortgages, though they do not have the liquidity essential to commercial banking, are the soundest possible securities, and in the hands of the Government the quality of liquidity is unimportant.

Mr. Chairman, the more I have studied this great subject and the suggested systems of farm loans, the more I am convinced that the true course is along plain, simple lines with which our people are already familiarized by building and loan society operations, which shall be simple and inexpensive, beyond political influence and control, and where each association shall be separate and independent and free to address itself to the conditions in its own community, becoming, if its members choose, a cooperative society for purchasing farm supplies and marketing products; or if its members choose to operate as a savings society, yet in no wise involving the Government, or impairing the securities of the governmental loan by any operation which it may undertake.

Every other plan proposed that I am familiar with involves the expense of "banking houses" and of Government control, with an army of salaried officers and the inevitable building of a political machine.

If I understand the Moss or the Fletcher bill, it means the inevitable drift of the enormous volume of farm indebtedness into the control of the money-lending class. That class will organize the banks that will issue the bonds on the mortgages the farmers bring to them. The money must come from those who have it; and you may tell me that they will take no advantage, but I know human nature pretty well, and I see the risk; and, besides, it is an expensive and a roundabout, if not risky method, which is wholly avoidable and unnecessary.

The Government need not be concerned in anywise whatever, except that its bonded officer shall collect the interest as it falls due and see that no waste is committed.

The association dealing with its own members should not be a subject of Government espionage or inspection. It is not in its power to injure the Government. The repayment of the loan or the security for the loan are not derived from, or in any way affected by, any business the association may do.

Professional banking with its expenses, Government control with its salaried officials and enormous expense, which are involved by the bill considered by the committee, can be avoided by a proper bill.

Such a bill, in my opinion, is H. R. 9988, and I offer it in the hope that it may be given earnest consideration.

In making this contribution to the thought that is given to a subject of such high importance, I indulge no great pride of opinion. I have given it many months of study, desiring only to reach rational and practical conclusions.

If a better plan is devised, I shall cheerfully and earnestly work for its enactment.

As representatives of the people, and intrusted with the mighty powers of legislation, we shall fail in our opportunity and fail in our duty if we do not adopt a carefully wrought-out plan of agricultural credits which the general welfare demands, and which will afford to the great farming class opportunities that if they do not compare with the advantages given by the Government to the banking class shall at least alleviate the hard conditions of farm life, since it can be done at no cost to the Government.

We bemoan the fact that the boys are "leaving the farm." Well, then, let us make it possible for them to stay on the farm. Let us give them the tools to work with, and the chiefest of these is "credit." If we can devise a fair system of "farm

loans," it will be the best work done in a long day for the public welfare and the best thing ever done directly for the farmer's benefit.

The farmer seeks not sympathy nor charity. He is "toting" his load, asking no odds. But enlightened statesmanship,

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purely on the ground of the public welfare, has aided the farmer in other lands, and demonstrated the great benefits that will accrue to all classes of our citizens if we shall devise a proper system of farm loans.

The great question transcending all others in importance and embracing every class is involved; the efficiency of farm production, better roads, better country schools, and better methods of marketing farm products; and at the basis of these is a proper system of agricultural credits.

I can not conclude my remarks better than by quoting the words of President Wilson in his recent message to Congress, though unfortunately he has not sought to impress them upon the Democratic caucus:

> I present to you the urgent necessity that special provision be made for facilitating the credits needed by the farmers. * * *
>
> Our thoughts may ordinarily be concentrated upon the cities and the hives of industry, the crowded market places, and the clangor of factories, but it is from the quiet interspaces of the open valleys and the free hillsides we draw the sources of life and prosperity. * * * Without these every street would be silent, every office deserted, every factory fallen into disrepair.
>
> The farmer does not stand upon the same footing with the forester and the miner in the market of credit. * * * The security he gives is of the character not known in the broker's office. * * *
>
> * * * We lag behind many other great countries of the modern world in attempting to do this. Systems of rural credit have been studied and developed on the other side of the water, while we left our farmers to shift for themselves in the ordinary money market. * * *

[Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I do not desire to discuss the merits of this bill, but I do desire to discuss the condition of public business in this House. This House has been in almost continuous session for three years. In my judgment the membership of this House are entitled to great credit for earnest work and a desire to do their duty and for the work that they have performed in the interest of the American people. But I equally believe that this House is entitled to adjourn at a reasonable date this coming summer. [Applause.] The membership of this House are entitled to go home to present their views to their constituents in the coming elections. More than that, this country is looking for peace, not only peace on the American border, but industrial peace. [Applause.]

The people of the United States are not clamoring as much for legislation to-day as they are for an opportunity to do business. [Applause.] But there are some matters of importance before this House that ought to be transacted before the House adjourns, that the Congress ought to have an opportunity to vote upon before the adjournment is reached. If the membership of this House will do its duty, will maintain a quorum of the committee and a quorum of the House during the sessions of the House, and other Members will be reasonable, so far as their own personal ambitions are concerned and their own personal desires are concerned, and suppress them, we will be able to vote on the great public matters that are before us and reach an adjournment, in my opinion, early in July. [Applause.]

But we certainly can not accomplish it if the House intends to pursue the tactics that have been pursued in the last two days. In the first place, it is the duty of Members to maintain a quorum here. In the second place, it is the patriotic duty of every Member of this House not to throw any unreasonable obstructions in the way of the House doing business.

Mr. THOMPSON of Oklahoma. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. THOMPSON of Oklahoma. Does the gentleman mean that as a criticism of a Member who makes a point of no quorum?

Mr. UNDERWOOD. I think, in a way; yes.

Mr. THOMPSON of Oklahoma. I propose to see that a quorum is here to do business unless we pass a rural-credit bill.

Mr. UNDERWOOD. I think the gentleman from Oklahoma is right about the rural-credit bill. The gentleman is not half as much in favor of a rural-credit bill as I am, because I have strenuously insisted and endeavored to have a rural-credit bill presented to this House; but I say that the policy the gentleman is pursuing in his efforts to get a rural-credit bill is not a credit to him or an aid to the cause he supports. [Applause.] I say this without any intention of personal criticism of the gentleman, but I desire to point out to him where he is not aiding his cause.

Mr. THOMPSON of Oklahoma. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. THOMPSON of Oklahoma. The gentleman has a perfect right to criticize me and my conduct.

Mr. UNDERWOOD. I am not endeavoring to do that, and I would not have brought the gentleman into it if he had not brought himself in.

Mr. THOMPSON of Oklahoma. I think the gentleman was intending his criticism for me.

Mr. UNDERWOOD. Oh, no; the gentleman from Oklahoma is not the only one who has made points of no quorum.

Mr. THOMPSON of Oklahoma. I want to say that the gentleman's position in the caucus does not square exactly with his talk on the floor.

Mr. UNDERWOOD. There is where the gentleman is dreaming. [Laughter.] In the caucus a resolution that I presented at the clerk's desk originally had in it a provision in reference to rural credits, but when it was ascertained that the committee was not ready to report, that there was a difference between the committee and the Executive as to this bill, and the bill could not be reported to the House, it would have been folly for the caucus at that time to insist that a rural-credit bill should be a part of the program, a bill that had not been reported and a bill that had not been acted upon. To put it in the resolution would stop all business until the business of the program was completed. That would have been absurd.

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. THOMPSON of Oklahoma. Does not the gentleman know that the subcommittee has reported a bill?

Mr. UNDERWOOD. The gentleman from Oklahoma, I am sure, is well enough acquainted with the rules of this House to know that a subcommittee can not report a bill to this House. [Applause.] I understand the subcommittee has agreed on a report; and I will say to the gentleman from Oklahoma that I have read the bill of the subcommittee and it meets with my personal approval.

Mr. THOMPSON of Oklahoma. It does not meet with my approval.

Mr. UNDERWOOD. Then the gentleman is using obstructive tactics in favor of a bill that is not yet written because this one that is written does not suit him. [Applause.] Mr. Chairman, as I said, the gentleman's position is not as strong as mine in reference to the rural credits proposition.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. WINGO. Mr. Chairman, the gentleman stated a moment ago that the gentleman from Oklahoma [Mr. THOMPSON] was not the only man who made the point of no quorum.

Mr. UNDERWOOD. I did.

Mr. WINGO. As I on yesterday made the point of no quorum on two different occasions, and as the gentleman is now undertaking, as leader of the party, to read a lecture, I want to know if his lecture is intended for me?

Mr. UNDERWOOD. As I said before, and stated to the gentleman from Oklahoma [Mr. THOMPSON], I am not attempting to lecture him or anyone else. I am stating, as it is my duty to state, the party conditions in this House and appealing to this House to do business. [Applause.] I will say to the gentleman that I, of course, did not intend to bring either the gentleman from Oklahoma [Mr. THOMPSON] or the gentleman from Arkansas [Mr. WINGO] into this controversy. I did not expect to mention any names. Here is the result——

Mr. WINGO. Before the gentleman goes to that I want to ask him a further question.

Mr. UNDERWOOD. I yield.

Mr. WINGO. Does not the gentleman think it would be fairer to mention names and not deal in the class of criticisms he was making before the gentleman from Oklahoma interrupted?

Mr. UNDERWOOD. No; I do not.

Mr. WINGO. I will state to the gentleman that I would much prefer, when he undertakes to read a lecture to me, that he call my name so that I may answer.

Mr. UNDERWOOD. I will say to the gentleman from Arkansas that really I had forgotten he was one of the gentlemen who had made the point of no quorum. [Laughter and applause.] I mean that in good faith.

Mr. WINGO. And I will state to the gentleman, in view of the emissary who came to me this morning, I am, of course, very much surprised at the gentleman's latter remark.

Mr. UNDERWOOD. I had forgotten it. I did not have the gentleman in mind at all when I made the remark.

Mr. WINGO. Oh, the gentleman can be gratuitously facetious if he wishes.

Mr. UNDERWOOD. But I do not intend it for facetiousness. I mean it as a statement of fact. I had overlooked the fact that the gentleman himself had made the point of no quorum.

Mr. WINGO. The gentleman may as well understand that a few Democrats and a few Republicans do not constitute the Committee on Banking and Currency, which has not met since last September, and I have not received any notice or any word of any of the conferences, and yet I am a member of that committee.

Mr. UNDERWOOD. That is just the point that I desire to come to. I did not desire to bring the gentleman from Oklahoma or the gentleman from Arkansas into this question, but now, as they have themselves come into the matter, I desire to bring to their attention their own statements, that here is a bill that has been agreed on by a subcommittee, which the gentleman from Oklahoma says he does not agree to——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FLOOD of Virginia. Mr. Chairman, I yield the gentleman five minutes more.

Mr. UNDERWOOD. And the gentleman from Arkansas says this committee has not been in session since September and has not considered it, and yet these gentlemen are prepared to stop the business of this House because a committee that one of them is a member of has not acted on this question. [Applause.]

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Certainly, I yield.

Mr. WINGO. The gentleman wants to be fair?

Mr. UNDERWOOD. Certainly, I do.

Mr. WINGO. I have made no effort to obstruct public business. The gentleman sat by me this morning when I very clearly insisted that I would not object as long as we were considering appropriation bills or antitrust bills, presuming that the Democratic caucus was sincere when it acted, and that I would object only when they undertook to frivol away time, as they have been doing for four weeks on Calendar Wednesday. As a matter of fact, the gentleman from Alabama knows that there has been a pussy-footed filibuster going on on Calendar Wednesday for four weeks. [Applause.]

Mr. UNDERWOOD. I do; and I agree with the gentleman from Arkansas that it is absolutely unjustifiable.

Mr. WINGO. That is all I have tried to stop.

Mr. UNDERWOOD. I want to say to the gentleman from Arkansas that, although I came in here to answer roll calls, I was not here when he made the point of order, and that is the reason I had overlooked that he had made it.

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Certainly; but I will ask the gentleman not to take up too much of my time.

Mr. THOMPSON of Oklahoma. I shall not take up much of the gentleman's time. Does not the gentleman think that it is quite important that the rural-credit bill should be reported here in view of the fact that the Democratic caucus last August instructed the Banking and Currency Committee to bring in this rural-credit bill at this session?

Mr. UNDERWOOD. So much so that I framed that resolution of instructions myself.

Mr. THOMPSON of Oklahoma. After voting against incorporating it in the banking and currency act?

Mr. UNDERWOOD. Yes.

Mr. THOMPSON of Oklahoma. When a few of us were insisting that it should go there in that act?

Mr. UNDERWOOD. And the result of the committee's action up to this time, the delay, shows that they were not prepared to write a rural-credit bill at that time without greatly delaying the other bills.

Mr. THOMPSON of Oklahoma. And a few of these fellows who are interested in banks never will be able to write a real farmers' credit bill. [Applause.]

Mr. UNDERWOOD. I am not going to fall out with the gentleman about that proposition, but he must remember the committee must agree before we can get the legislation on the calendar.

Now, I want, with the utmost good nature, to call to the attention of the gentleman what we are doing by filibustering in favor of a bill that is not reported, a bill that it is impossible for this House to act on, a bill that I would gladly vote for a rule to consider whenever it is prepared to come before this House. In the meantime filibustering tactics and delays will delay the enactment into law of the great trust bills that the Democratic Party promised to this country. It will delay the enactment into law of a bill to extend the time for the settlers on irrigated lands to pay for their homesteads. It will delay the time for the consideration of a bill in order that the great West may have legislation on the statute books by which its public lands can be leased and settlement encouraged. It will delay the time when we may consider a bill that is reported and on the calendar stopping gambling in cotton contracts and taking care of the southern farmer. [Applause.] It will delay the time when we can consider a bill that is being considered and to be reported to do the same thing for the grain farmer of the West. [Applause.]

Mr. THOMPSON of Oklahoma. Will the gentleman yield?

Mr. UNDERWOOD. I do.

Mr. THOMPSON or Oklahoma. I want to ask the gentleman if he did not vote against the proposition of incorporating a provision prohibiting national banks, or these banks under the Federal reserve system, from loaning money for the purpose of gambling in farm products?

Mr. UNDERWOOD. I do not recall the provision the gentleman is talking about.

Mr. THOMPSON of Oklahoma. There was a provision introduced to that bill.

Mr. UNDERWOOD. Senator CLARK sent over to the House an amendment to the tariff bill prohibiting cotton gambling, or, rather, taxing it out of existence. I offered it as an amendment, and it passed this House, and it would have been enacted into law if the Senate itself had not receded from its own amendment, and a bill since that time in substance has been passed by the Senate, and, I understand, is reported and on the calendar to be considered, or has it been reported?

Mr. TAYLOR of New York. It has not been reported yet—not before the end of this week.

Mr. UNDERWOOD. It will be reported shortly.

I am not criticizing the gentleman from Oklahoma, and do not desire to do so. My criticism is general. I say we ought to get an early adjournment in July [applause], and I say to accomplish that result it is the duty of every Member to stay here and attend the sessions of the committee and the House, and it is also the duty of every Member not to throw unreasonable obstructions and delays in the way of public business. [Applause.]

Mr. FESS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Chairman, I wish the gentleman from Wisconsin would consume some of his time.

Mr. COOPER. Mr. Chairman, I yield 15 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. FLOOD of Virginia. Mr. Chairman, before the gentleman from Washington begins I would like to know how much time I have left?

The CHAIRMAN. Twenty-seven minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, if there is anything that grieves me beyond expression it is a Democratic quarrel; and if I thought I was equal to the task I would attempt to pour oil upon the troubled waters.

Mr. HAMILTON of Michigan. And then set the oil afire?

Mr. HUMPHREY of Washington. I think it would set itself afire from the heat that has been displayed on the other side. It would not be necessary to do anything but furnish the oil. But, Mr. Chairman, I am consoled by the fact that the more Democratic dissension we have the better it is for the country. [Applause on the Republican side.] I agree with the distinguished gentleman from Alabama [Mr. UNDERWOOD] that we ought to adjourn as soon as possible. The greatest blessing that the Democratic Party could confer upon this country would be to pass the appropriation bills and adjourn and never assemble again. [Laughter and applause on the Republican side.]

Mr. GARRETT of Texas. Does not the gentleman think it would have been a greater blessing if the standpat Republican Congress had adjourned before they passed the Payne-Aldrich tariff bill?

Mr. HUMPHREY of Washington. I think it would be a great deal better for the Democratic Party if it had adjourned before it passed the Underwood bill, and in that opinion I am in accord with a great majority of the people in this country after six months' experience under it. [Applause on the Republican side.] I agree with the gentleman from Alabama that what this country needs is more prosperity and less legislation. Now, I want just for a moment to call attention to a few features suggested by the very wise observation made by the gentleman from Texas

[Mr. GARRETT]. I want to compare just for a few moments the Payne-Aldrich law, to which he referred, and the Underwood law. We have now had some experience with this new Democratic law. We have had some six months' experience of having our wits sharpened in contest with foreign countries in accordance with the advice and suggestion of the President. I want to call your attention to some of the results. It will be remembered that one of the greatest contentions of the Democratic Party was that we needed a reduction of the tariff in order that we might go out and capture the markets of the world. Now, let me give you a few figures. Taking this year, from October 1 to April 1 and comparing it with the like period of last year. This is six months under the new tariff law. I find that in that period from October 1 to April 1 of this year that our imports were $228,000,000 as against $215,000,000 of the same period of last year. That shows how the foreigner is capturing our markets. That is the way we always capture theirs under a Democratic tariff.

I find that manufacturers' materials—that is, materials that are brought into this country and used in manufactures here—that during that same period our imports were $469,000,000, while last year for the same period they were $517,000,000. These figures tell in vivid language that can not be disputed a marked decrease in manufacturing in this country, while we are constantly increasing our purchase of manufactured articles finished abroad. No one can read these figures and fail to understand why many of our mills are closed, why wages are being reduced, and why the army of the unemployed constantly increases. No one can look at these figures and then fail to understand the universal fear and mistrust in which this administration is held by the business interests of this country. No one can look upon these figures and fail to understand why there is everywhere in this Nation to-day fear, dread, and uncertainty. No one can study these figures and fail to understand the universal feeling of lack of confidence in all branches of business in this country. These figures show the folly and the falseness of every Democratic promise and prediction as to the result of the Underwood bill. They refute every slander and attack made by the enemies of the Payne law. These figures demonstrate that the Payne law meant prosperity, that the Underwood law means poverty.

Let us look upon this new tariff law for a few moments as a revenue producer. I find that during the first six months of that law, from October 1, 1913, to April 1, 1914, the customs receipts were $140,000,000. During the same period last year they were $165,000,000. During the same period the excess of expenditures for this year over receipts was $37,000,000. During the same period last year the excess of receipts over expenditures was $7,500,000, or a balance in favor of the working of the Payne law that my friend from Texas [Mr. GARRETT] refers to, during six months, of $44,500,000. [Applause on the Republican side.] And yet my friend from Texas wishes to make a few sneering remarks about the Payne-Aldrich law. I suggest he get these figures and circulate them throughout his district.

Mr. GARRETT of Texas. Is the gentleman in favor of the Payne-Aldrich bill?

Mr. HUMPHREY of Washington. Yes, sir. I voted for it, and I never regretted or apologized for it; and to-day my country stands for my opinion of it.

Mr. GARRETT of Texas. What part of the country?

Mr. HUMPHREY of Washington. All except Texas, where they managed to save "their goat" under the Underwood law.

Mr. GARRETT of Texas. The last election returns do not indicate that the gentleman is correct.

Mr. HUMPHREY of Washington. Why, the majority of the people of this country voted in favor of protection. My Democratic friend goes strutting up and down the aisle as though he thought the majority of the people approved the Democratic Party.

Mr. HAMILTON of Michigan. Have they heard from New Jersey?

Mr. HUMPHREY of Washington. Have you heard from New Jersey recently? And another thing, if it will console the gentleman any, day before yesterday the city of Martinsburg, in West Virginia, that is now represented by a Democrat in this House, went Republican by a majority of 500, the first time in 10 years. [Applause on the Republican side.]

Mr. ADAIR. Will the gentleman yield to me for just one question?

Mr. HUMPHREY of Washington. Certainly.

Mr. ADAIR. I would like to ask the gentleman if the question as to the indorsement of the Payne bill did not occur at the election of 1910? Was not that an indication of what the people think of it?

Mr. HUMPHREY of Washington. The gentleman probably can interpret that as well as I can. I want to talk about the Underwood bill. Let us talk about something that is still on the statute books. Let us talk about something the Democrats have been bragging about.

Now, the increase of manufactured articles imported into this country—now, listen how you are capturing the markets of the world, how your tariff law is letting us into the markets of the foreigner and keeping the foreigner out of ours—the increase in imports of November, 1913, over that of November, 1912, was $2,000,000. The increase of imports in December, 1913, over December, 1912, was $7,000,000. The increase in January, 1914, over January, 1913, was $4,000,000. The increase in February, 1914, over February, 1913, was $5,000,000. The increase in March, the last month for which I have the figures, under this Underwood law, under the law that was to enable us to go out and capture the markets of the world, of imports of manufactured products into this country was over $8,000,000 greater than in March a year ago. Now, look at the other side of the picture. The exports in March, 1914, were $133,000,000; the exports in March, 1913, were $183,000,000; or, in other words, the goods that we sold in foreign markets decreased $50,000,000 last March under this law that was to give us the control of the markets of the world.

In the last month of the Payne-Aldrich law—September, 1913—the exports exceeded the imports by $45,000,000. In the last month of the Underwood law the imports exceeded the exports $1,000,000. Or, taking the last month of the Payne law, compared with the last month of the Underwood law, the balance in our favor under the Payne law, in favor of our country, was $46,000,000. That is the law that they are telling you is bringing such great prosperity to this country—a law that during the month of last March alone brought a balance to the foreigner of $46,000,000. The imports since the Underwood law has gone upon the statute books in the first six months have increased 37 per cent. The exports during the first six months of the Underwood law have decreased 31 per cent. How we are capturing the markets of the world! Is it any wonder that people are out of employment, that men are idle, that wages are being reduced, when you look at these figures and see that our imports have increased 37 per cent and our exports have decreased 31 per cent in the first six months of the "New Freedom" under the new law that has given us the opportunity to experience the blessings of foreign competition? Or, in other words, while the people of this country are buying less food than they did a year ago they are purchasing much more abroad. While they are wearing fewer clothes than they did a year ago they are purchasing more abroad. While there is less work in this country to-day than there was a year ago, yet we are giving more work to the foreigner. While the workingmen in this country are earning less wages to-day than they did a year ago, we are paying far more wages to the foreigner to do our work. We are getting rich by producing employment abroad and idleness at home. The Democratic doctrine is, give your money and your work to the foreigner if you would prosper at home.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will yield.

Mr. JOHNSON of Washington. Has my colleague heard or read that one week ago the Department of Agriculture issued an order that all cases of eggs brought into this country from China should be marked "Product of China"?

Mr. HUMPHREY of Washington. I understood that they had done something of that kind. I know that will be a great blessing to the poor man in my State.

Mr. JOHNSON of Washington. And another shipload has arrived in the last two days in Puget Sound, and the price of eggs at retail has not been reduced.

Mr. HAMILTON of Michigan. Will the gentleman permit a pertinent interruption?

Mr. HUMPHREY of Washington. Yes.

Mr. HAMILTON of Michigan. I want to inquire if he has seen the press reports to the effect that the Congregationalists throughout New England will observe next week as a week of prayer for the unemployed in New England?

Mr. HUMPHREY of Washington. Yes; I have it right here on my desk, and I will say that is a very familiar thing. It reminds me of the blessed Democratic days of 20 years ago. I hold here in my hand the CONGRESSIONAL RECORD, and seeing my distinguished friend from Indiana [Mr. CLINE] sitting over there, it calls to my attention a remark he made the other day when the gentleman from Minnesota [Mr. HAMMOND] was making a speech. He said:

Mr. Chairman, I have taken occasion to make an investigation of the prices on 12 leading farm articles for the last 10 years in the markets of Chicago and New York, and of those 12 farm articles for

10 years, on the 1st day of March, 9 of them are higher this 1st day of March than they have been any time in the last 10 years.

That is the way the Democratic Party is reducing the cost of living.

Mr. CLINE. Will the gentleman yield?

Mr. HUMPHREY of Washington. In just a moment. Wait until I have finished reading. The gentleman from Minnesota [Mr. HAMMOND] in that same speech said:

From the tables which have been presented the conclusion reached is a conclusion of fact. Notwithstanding the reduction in the new tariff law and the importations which have followed its enactment, the farmers of the United States are receiving better prices for their products than they received a year ago.

Now, those statements were made here upon the floor of this House on the 8th day of May. On the day before a distinguished gentleman in another body in this Capitol, belonging to the same political faith as the gentleman from Indiana [Mr. CLINE] and the gentleman from Minnesota [Mr. HAMMOND], inserted an article in the RECORD intended to demonstrate that the prices of farm products are now less than they were before the enactment of the Underwood bill. That table was furnished to him, it seems, by a grocer, and that grocer, in transmitting it to the distinguished gentleman, said:

I feel that you are entitled to know of this great reduction in the cost of living in the larger cities of the State of New Hampshire, and I shall be pleased to have you lay these facts before the United States Senate.

That letter comes from a grocer, so that evidently his profits have not been reduced, as he makes no complaint. So we have now the beauties of this Democratic tariff, according to Democratic authority: The farmer is receiving more for his products; the man who sells them is getting just as much as before; and the man who buys them gets them for less. [Laughter on the Republican side.]

My distinguished friend from Michigan [Mr. FORDNEY] used to refer in terms of a great deal of scorn to a distinguished Progressive, who in making a political speech said that if his party went into power——

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. COOPER. I yield one minute to the gentleman.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] is recognized for one minute.

Mr. HUMPHREY of Washington. He said that if that party went into power it would place a law on the statute books that would increase the price of everything that everyone sold and decrease the price of everything that everyone bought; but the Democratic Party, according to their own statement in the RECORD, has beaten the Progressives to it. [Laughter on the Republican side.]

Mr. CLINE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Indiana?

Mr. HUMPHREY of Washington. I will yield to the gentleman if I have time.

Mr. CLINE. I want to correct the gentleman's impression he seeks to leave with the House, namely, that the Democrats promised to reduce the high cost of living by reducing the price of farm products. No Democrat every proclaimed that the Democratic Party would reduce the high cost of living by taking the price out of the farmer's profits. No man ever claimed that the farmer was getting too much or even enough. They did claim that they would reduce the high cost of living by attempting to break up the monopolies which the trusts and combinations had formed while your party was in power.

Mr. HUMPHREY of Washington. You said in your platform that the main cause of the high cost of living was the tariff.

Mr. CLINE. That is true, but we never said the cost of living would be reduced by a reduction in the price that the farmer gets for his products.

Mr. HUMPHREY of Washington. You said you would reduce the cost of living. Have you done it?

Mr. CLINE. We have made reductions in the price of some articles, notably in the price of clothing, which is not as high now as it was during the Taft administration.

Mr. HUMPHREY of Washington. You had better revise your remarks in the RECORD if you have reduced the cost of living.

The Democratic platform declared that the tariff was the main cause of the high cost of living. Many Democrats have preached this fallacy so long that some of them actually seemed to believe it. For years in every campaign the Democratic Party has declared that the tariff was a tax and that it was added to the price of the article. The first thing they did when they came into power was to reduce the tariff to lower the price of the necessaries of life.

Now we hear a new and strange doctrine being preached day after day on this floor by these same Democrats.

They placed farm products on the free list. What for? They say that the price will not be reduced by removing the tariff. If that be true, then what becomes of the ancient Democratic faith that the tariff is a tax, that it is added to the price of the article and the consumer pays? If the removal of the tariff will not reduce the price of farm products, how will it do it with other products? How is it that the tariff works differently when applied to agricultural products than to any other? Will the Democrats that live in great cities dare say, as does the gentleman from Minnesota [Mr. HAMMOND], that the price of farm products are higher to-day than when the Underwood law went into effect? Will they dare say with the gentleman from Indiana [Mr. CLINE] that since placing them on the free list farm products are higher to-day than at any time in 10 years? If this be true, then why all these Democratic tears about the poor man's breakfast table? Has he ceased to eat the products of the soil? Why did the Democratic Party place farm products on the free list?

Mr. Chairman, as bearing upon the general effect of the Underwood law I will insert some articles from newspapers.

[From the Washington Herald, Monday, May 11, 1914.]

REDFIELD SHOWS TARIFF FIGURES—SHARPENING WITS OF AMERICAN MANUFACTURERS GIVES FOUR DEFINITE RESULTS—SIX MONTHS' OPERATION—INCREASED IMPORTS OFFSET BY DECREASES IN RECEIPTS, EXPORTS OF MATERIALS, AND SLOWING DOWN OF FACTORIES.

Six months' experiment with President Wilson's recipe for "sharpening the wits of American manufacturers," by opening our doors to the manufacturers of other parts of the world has given four very definite results: First, an increase in importations of manufactures; second, a slowing down of our own factories; third, a falling off of the exports of manufactures; and, fourth, a falling off in revenue.

The official record for the first half year of the tariff law's operation is now available, the Department of Commerce's statement of imports and exports for March completing the figures for six months.

OFFICIAL STATISTICS.

The value of finished manufactures imported in the six months' operation of the law, October 1 to April 1, is $228,000,000, against $215,000,000 in the same period of last year; the value of manufacturers' material imported is $469,000,000, against $517,000,000; the value of manufactures exported is $541,000,000, against $582,000,000; and the receipts from customs are but $140,000,000, against $165,000,000 in the same months of last year.

Meantime the deficit in the Treasury accounts continues to mount Saturday's official statement showing the "excess of ordinary disbursements" for the fiscal year is $37,097,955, as against an "excess of revenue receipts" of $7,395,706 for the same period of the last fiscal year when the Payne tariff was in operation; or, to put it in ordinary terms, a deficit of $37,000,000 this fiscal year against a surplus of $7,500,000 at this time last year. The administration is depending on the income tax to pull it out of the hole.

REDUCTION IN RECEIPTS.

In every month of the period in which the new law has been industriously "sharpening the wits of American manufacturers" by bringing in foreign manufactures at reduced rates of duty, the customs receipts have fallen below those of the corresponding period of last year. In five of the six months the imports of finished manufactures have exceeded those of the same months of the preceding year; and in four of the six months the imports of manufacturers' materials and the exports of manufacturers have fallen short of the record of the corresponding months of last year.

The first month of the new law did show on its face a lower valuation of manufactures imported than in the same month of the preceding year, but this was due to the fact that much of this class of merchandise had been imported and placed in warehouse in the preceding month, thus appearing in the import records of September, while they, in fact, entered in October under the new law. In every other month of the period the imports of finished manufactures is greater than in the same months of last year.

COMPARISON OF MONTHS.

The excess in November, the second month of the new law, was less than $2,000,000 when compared with November of the preceding year; December, $7,000,000; January, $4,000,000; February, $5,000,000; and March, $8,000,000. The closing month of the period also showed larger total imports than any other, $183,000,000 against $133,000,000 in its first month. On the other hand, the exports of domestic products have steadily fallen, the figure for October, 1913, having been $269,000,000, and in March, 1914, but $184,000,000.

The imports in the six months increased over 37 per cent, while the exports decreased over 31 per cent in the same period. In the last month of the Payne tariff, September, 1913, the exports of domestic products exceeded the imports by $45,000,000; in March, 1914, the sixth month under the Underwood tariff, the exports of domestic products exceeded the imports by barely $1,000,000.

It is the persistent fall in the importation of manufacturers' materials, however, that there is the gravest concern. No part of the machinery of the Government gives such excellent opportunity to measure the activities of the manufacturers of the country as does the record of the imports of their requirements for manufacturing and of the manufactures which come in competition with them.

The record of imports of manufactures during the six months' operation of the new law, including in this term the materials for further use in manufacturing, shows a total of but $469,000,000 against $517,000,000 in the same months of last year, while the record of finished manufactures imported shows $228,000,000 against $215,000,000 in the same months of the preceding year and under the preceding tariff.

PRICES NOT REDUCED.

Nor can it be said that the fall in value of manufacturers' materials imported is due to lower prices. An examination of the detailed records of the period shows, in many cases, much smaller quantities of the various materials brought in in the recent months. The total quantity of raw cotton imported in the six months under the new law is but

51,000,000 pounds against 79,000,000 pounds in the same period of last year; pig tin for use in the tin-plate factories, 37,000,000 pounds against 46,000,000 pounds; hides and skins, 280,000,000 pounds against 295,000,000 pounds; rubber, 62,000,000 pounds against 63,000,000 pounds; and in many other articles of this class there is a like falling off in quantity imported.

In those articles of manufacture in which the duty was reduced in order to "sharpen the wits" of their producers at home, there has been a striking increase in importation and in most cases a corresponding decrease in exportation, due apparently to a slowing down in production by our manufacturers. In tin plate, for example, in which the duty was decreased about one-third, the imports of the six months under the new tariff were more than 33,000,000 pounds against less than 3,000,000 in the same months of last year, an increase of 1,000 per cent, while the exports fell from 74,000,000 in the six months of last year to 43,000,000 pounds in the six months under the new law.

LEATHER AND ITS MANUFACTURES.

In leather and its manufactures, in which the duties were either removed or largely reduced, the imports increased over 40 per cent, while the exports declined 15 per cent. In cotton manufactures, on which there was a reduction of duties, the imports show an increase of nearly $5,000,000, while the exports show a falling off in total values. Duties on iron and steel manufactures were reduced, and the exports of iron and steel manufactures have fallen $30,000,000 in the six months' period.

Meantime the talk about increased supplies of food and reduced prices through removal of duties on foodstuffs is making manifest its real qualities. The records of the six months show an importation of 83,000,000 pounds of fresh beef in that period, or about 2 ounces per month for each individual in the United States, but the official records of the Department of Commerce show that the price at which the importation occurred was over 30 per cent higher in March, under the new law, than in September, the last month of the old law, while in many other of the articles on which duties were reduced the prices abroad were promptly advanced.

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[From the New York Sun, Saturday, April 11, 1914.]

BIG SLUMP IN STEEL BUSINESS IN MARCH—DECREASE IN UNFILLED ORDERS LARGER THAN HAD BEEN ANTICIPATED—CONTINUES DURING APRIL—OUTLOOK DISCOURAGING IN VIEW OF THE IMPROVEMENT AT BEGINNING OF YEAR.

The slump in the steel business during March was shown yesterday in the decrease of 372,615 tons in unfilled orders of the United States Steel Corporation on the books on March 31, as compared with the orders at the end of February.

This was bigger than expected. Estimates had placed the decrease at from 300,000 to 350,000 tons. The corporation had 4,653,825 tons of unfilled orders at the end of March, against 5,026,440 at the end of February.

The slump in the industry during March, which is continuing this month, according to all reports, was exceedingly discouraging, because of the improvement that had been made in January and February. The big slump came with the advent of the tariff on October 3. The corporation dropped 500,000 tons in its tonnage during that month. There was a further slump of about 200,000 to the end of December, when the industry reached its lowest ebb.

The end of January saw a recovery of 331,000 tons, and the close of February saw a further improvement of 413,000 tons. This was the peak of the recovery, and March has seen an ebbing back to a low state of business. The tonnage reported yesterday, however, is higher than any since September, with the exception of February.

The Steel Corporation, it is reported, is working on about 50 per cent of capacity.

The following table gives the record of unfilled tonnage for periods back:

	Tons.
Mar. 31, 1914	4,653,825
Feb. 28, 1914	5,026,440
Jan. 31, 1914	4,613,630
Dec. 31, 1913	4,282,108
Nov. 30, 1913	4,396,347
Oct. 31, 1913	4,513,767
Sept. 30, 1913	5,003,785
Aug. 31, 1913	5,223,468
July 31, 1913	5,399,316
June 30, 1913	5,807,317
May 31, 1913	6,324,432
Apr. 30, 1913	6,978,762
Mar. 31, 1913	7,468,956
Feb. 28, 1913	7,656,714
Jan. 31, 1913	7,827,368
Dec. 31, 1912	7,932,164
Nov. 30, 1912	7,852,883
Oct. 31, 1912	7,594,381

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[From the Daily Trade Record, May 2, 1914.]

MILL NOTES.

FALL RIVER.

The mill situation: Mills are continuing to report further losses of skilled help and a more extended reduction of production. Idle machinery throughout the mills has been estimated this week at approximately 85 per cent, and it is expected that the enforced curtailment will reach one-fifth of the total production within a short time.

The exodus to outdoor employment has already begun, and it is affecting mostly the weaving department, where the skilled operatives are employed. Yet the treasurers are not, apparently, disturbed, and in many cases they are even satisfied to shut down a fifth of their machinery. They point out that goods are now piling up and the idle machinery affords a curtailment that will keep down the accumulation. Conditions for the next few weeks will be watched with keen interest by the treasurers, because of the general feeling that failure to improve will result in a curtailment policy. Such a plan will be taken up only as a last resort, because the millmen realize that the labor shortage is a serious problem here, and every effort is to be made to keep all the skilled help possible in the mills and in the city.

Textile union officials are also viewing the situation with interest, but whatever plans were considered for a renewal of the agitation for a wage increase have been abandoned for a time at least. They realize that conditions do not warrant steps toward an increase in wages, and this matter will probably not be taken up by the textile council until some marked improvement in the trade is apparent.

Mr. COOPER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 48 minutes.

Mr. COOPER. I yield 15 minutes to the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized for 15 minutes.

Mr. GREEN of Iowa. Mr. Chairman, the Department of Commerce is presided over by a gentleman who is distinguished for his ability upon the platform and with his pen. Ordinarily it would have been thought that these accomplishments, while always valuable and sometimes necessary, were not indispensable for the position which he holds. It seems, however, that these qualifications are absolutely necessary if the department is to enter into political campaigns through the newspapers.

There are, of course, some critical individuals who would insist that, while a member of the Cabinet might as an individual properly appear on the stump, his department, as such, had no business in politics, and that when issuing official circulars it should confine itself to facts, without attempting to draw political conclusions from them through a perversion of the figures. But it should be remembered that these are the days of the "new freedom," when everybody is free except Congress, and that is free—to do as the President dictates. [Laughter on the Republican side.]

If the administration wanted a press agent and advertising manager—and just now it needs one badly—it could not get a better one than the present Secretary of Commerce; but he has been extremely unfortunate in the materials with which he had to work. The time has arrived when the acid test is to be applied to the new tariff law. Neither Republicans nor Democrats can longer speak with the voice of prophecy. Results now speak for themselves. Further trial is not needed to show the effects of the Underwood tariff upon business, nor is it even necessary to state it. Everyone knows that business is depressed, that commerce is halting, and that trade is stagnated. He who makes these statements can no longer be characterized as a "prophet of evil." He does not prophesy; he recites the facts; and he is but doing his duty when he informs the American people as to who are responsible for these conditions.

The press bureau of the Secretary of Commerce is organized for the purpose of persuading the people that this situation is not caused by the tariff, and from time to time he issues bulletins intended to show that it is working favorably.

I have not time to take up all of these bulletins, but I shall undertake to discuss the latest issue, which is a fair sample of the others. I hold this document in my hand. It is headed:

CONFIDENTIAL—FOR THE USE OF MORNING PAPERS OF THURSDAY, MAY 7, 1914.

It purports to give the latest advices on our export and import trade and is prepared with the evident attempt to show that the new tariff is a success.

This particular publication is one of the most striking exhibits of the peculiar ability of the Secretary to color a bad situation with radiant words. I read from his review of conditions for March:

In crude materials for use in manufacturing there is shown a balance of trade against the United States of about $6,500,000. Nevertheless, this is a great improvement over March, 1913, when imports in that class exceeded $55,600,000, and exports were but a little more than $36,000,000 and the balance of trade against the United States more than $19,600,000.

This sounds plausible but will not bear analysis.

As a matter of course, the larger the balance of trade in our favor with reference to manufactured goods the greater the prosperity of our factories; but with reference to raw material for manufacturing, a gain in such balance necessarily shows that our manufacturers are languishing, for it means either that our factories are taking from abroad less raw material to be worked up by American labor, the pay for which labor will go to American workmen, or it means that we are not using in our factories as much of raw material produced in our own country as before, but are sending this material abroad to be manufactured and returned to us as the finished product, for which work we will pay European artisans, or it may mean a combination of both of these matters.

If the Secretary of Commerce is disposed to rejoice over such a condition, he need not have confined himself to the one month of March, but could take great pleasure in recording that in the six months ending with that month, under the new law, we imported but 51,000,000 pounds of raw cotton, as against 79,000,000 in the same period of last year. He could also congratulate the country on the fact that we imported but 37,000,000 pounds of

pig tin for use in our tin-plate factories, against 46,000,000 under the old law. He could be happy in the thought that of hides and skins we imported only 280,000,000 pounds, as against 295,000,000, and he could become quite hilarious over the fact that there is a great falling off of the importation of other articles consumed by our factories, either as raw material or as partly manufactured merchandise to be finished by them. It is hardly necessary to show the other side of this picture, for with these figures before us we know what has happened. We imported nearly $5,000,000 worth more of manufactured cotton during this period than we did under the old law for the same months, and our workmen lost the wages which they should have obtained in making this cloth and our manufacturers some profits. Our importations of tin plate for this period were more than ten times as much as they had been under the old law for the same time, being 33,000,000 pounds against 3,000,000. There was an increase also in the same time of about 40 per cent in imported leather and its manufactures.

But this is only one part of the story of the decline of our industries. While we have increased the amount of raw material which we have sent abroad and decreased our importations for the use of our factories, the increase in the amount of manufactured goods and foodstuffs imported has brought the balance of trade in our favor down almost to the vanishing point. In the same circular before referred to, the Commerce Department, hunting for bright spots, calls attention to the fact that our balance of trade for that month as to Germany and France is more favorable than for the same months of 1913.

Sporadic instances of this kind may be found, but the fact remains that the total of our imports increased $26,000,000 for that month, and that we imported over $8,000,000 more of manufactured goods ready for consumption in last March than the March of 1913, and the balance of trade in our favor on all imports and exports was only $4,800,000, which is about $23,000,000 more unfavorable to us than in March, 1912. The Secretary takes pains to state in this circular that for the nine months ending last March the balance of trade in our favor was $484,700,000. This sounds well, but the only good part of it was produced under a Republican law. The new tariff could scarcely be said to be working until the month of November last. One of the most important schedules, that of wool, did not go into effect until January 1, and on sugar it only went into effect on March 1. Nevertheless, the five months ending March 1 show a loss in our balance of trade of $137,000,000 as compared with the same time the year before.

Last January Secretary Redfield, in addressing the New Haven Chamber of Commerce, thus declared himself:

> Even the fearful have seen with surprise—and I hope with growing confidence—that the flood of foreign goods that was to overwhelm us has not happened; that the stories of how the cheap products of the pauper labor of Europe were to crowd our marts of trade to the exclusion of our own goods, have proved to have no foundation more than any old wives' tale, and how, in the face of what must seem to them an almost open door, our products have gone outward and foreign products have not come inward as the prophets of evil said.

I suppose I am one of the "prophets of evil," but my prophecies in that respect have come true. The Secretary of Commerce would not make these statements at the present time, I fancy.

Is it any "old wives' tales" that we imported $5,000,000 more of finished manufactures in December, 1913, than in December, 1912; that in January of this year our importations over the previous January were increased by nearly $4,000,000; and is it strange that the "fearful" did not get any more confidence in February, when the imports were increased nearly $6,000,000, and that the "confident" lost hope entirely when they found the "flood" increasing to the amount of more than $8,000,000 in March? These figures are taken from the monthly reports of his own department. But this is not the worst of the situation. Our exports are continually decreasing, not merely in agricultural products, but also in the products of our manufactories. In January last our exports of finished manufactures fell off $8,000,000. In February the decrease was nearly $11,000,000; in March, $5,000,000. This is the way in which "our products are going outward" and "capturing the markets of the world" under the new tariff.

Mr. HAMILTON of Michigan. Has the gentleman heard whether Haman's gibbet has been taken down?

Mr. GREEN of Iowa. I think it has. It ought not to have been. [Laughter on the Republican side.] I assume that the gentleman refers to the one which the President was going to erect. It is needed, but not in the way he intended.

Truly our manufacturers need to "whet their wits." Is it strange that from every quarter we hear reports of factories running on part time, of men out of employment, and of general paralysis of trade?

Mr. Chairman, the railways of this country have recently been contending for an increase of rates before the Interstate Commerce Commission. What the commission will determine I can not tell, but I do know this: That what the railways need is not so much an increase of rates as a Republican administration and a Republican tariff. [Applause on the Republican side.] Under the Republican tariff the receipts of our railways reached the highest point ever known, and last year both gross receipts and net income were steadily climbing upward until the new tariff went into effect. As soon as it was fully in operation both gross and net receipts declined and have been ever since declining. On the first of this month there were over 228,000 idle freight cars reported. Last May the report showed less than 40,000. The conditions of the railways simply indicate the blight that has been cast upon all kinds of business by the Democratic administration. When business is good people travel on business and on pleasure, merchandise is being transported back and forth, the whirring wheels of the factories make the wheels of the freight cars turn; but as business declines people travel less, they have no occasion to ship goods, and inevitably business declines and idle cars increase.

Mr. Chairman, the injuries inflicted by the tariff have not fallen alone upon the manufacturer or the business man. The agriculturist has suffered as severely, and the loss has occurred in all lines of produce and farm animals from the smallest items to the greatest.

The other day my colleague, Mr. VOLLMER, paid a glowing tribute to the Iowa hen, whose "son never set." This may be true, but "her sun" is dangerously near an eclipse when we note in the dispatches that in a single cargo 1,000 tons of eggs, nearly 7,000,000 in number, have been received in Vancouver, mostly for shipment to this country. The Iowa housewife has not yet a vote, but when she finds on taking eggs to market that they must be sold in competition with Chinamen the Democratic Party will hear from her.

Mr. SLOAN. The Chinese hens are laying for them. [Laughter.]

Mr. GREEN of Iowa. And the Iowa farmer's wife will "lay" for the Democratic Party. My colleague [Mr. VOLLMER] also referred to the importations of Argentine corn, and scouted the idea that the shipments from that country could have any appreciable effect upon our markets. The gentleman is one of the most distinguished lawyers in my State, and has recently given evidence on this floor of his oratorical powers, but I am safe in assuming that he has not made a careful study of market prices or had practical experience in marketing farm products. The corn crop of 1912 was the largest in the history of the country, being about 3,100,000,000 bushels; but under a Republican administration it was taken care of at a price which, considering the yield per acre, returned a good revenue to the farmer. Last year's crop was nearly a failure in many localities, and it totaled nearly 700,000,000 less than that of 1912. With this falling off of nearly one-fourth of the number of bushels, the Democratic Party is congratulating itself that the farmers are able to get almost as much for what they have to market as they obtained for their enormous surplus of the previous year.

My colleague compared the amount which Argentina exports with the total amount of corn raised in this country. He and other gentlemen upon the other side of the House who have spoken on this subject do not seem to be aware that about 85 per cent of our corn crop is used upon the farms, and that this percentage remains about the same regardless of the size of the crop, as much more is fed when the crop is large than when it is small. Of the remaining 15 per cent only around 250,000,000 bushels reach the central markets. This varying but always comparatively small amount fixes the price not only at those markets but elsewhere. The Argentine crop of 1912–13 was 255,000,000 bushels, and of this about 10,000,000 were sent to the United States. The 1913–14 crop, that is now being sold for export, is officially estimated at 348,000,000 bushels, of which 240,000,000 can be spared for export, and if Europe takes the same amount as it did last year there will be 70,000,000 to be exported to the United States. It is no wonder that we find in nearly every recent market report a statement that every offer from West to East of corn is met by offers from Argentina, with a diminishing scale as to price and an ascending scale as to quantity. The result of this great Argentine surplus upon corn prices this fall, if we should have a fairly good crop at home, can best be understood by observing the effect of the 10,000,000 bushels that came in from the crop of the preceding year.

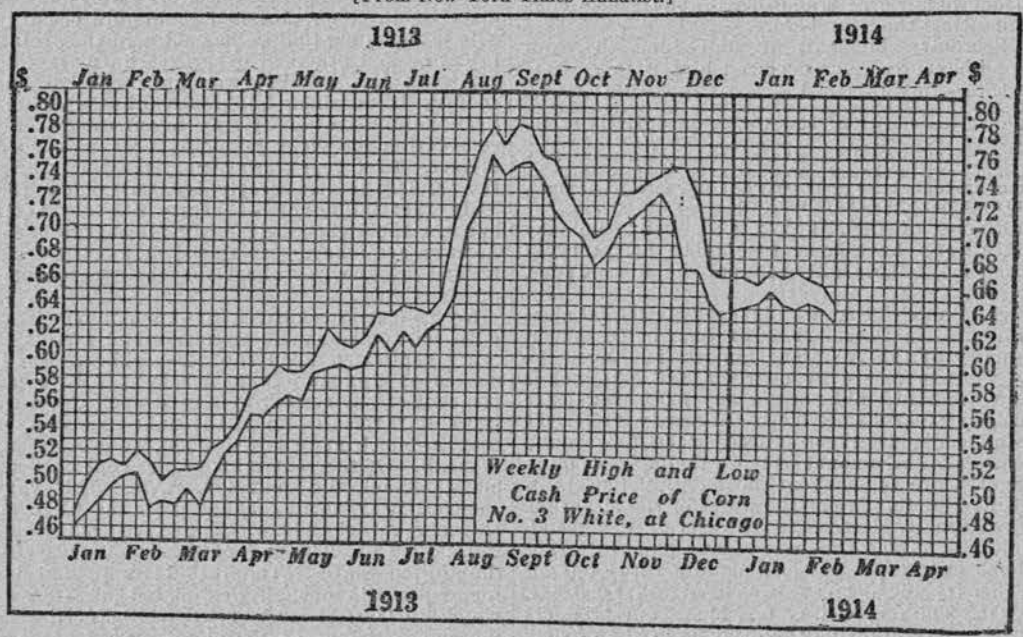
As the prospect in this country for a good crop last year gradually faded the price steadily rose, reaching the highest point in September. In October the Argentine importations commenced under the new tariff, and the price fell off 10 cents. Subsequently it reacted, regaining about 6 cents of the loss in November, but in December it became evident that a larger crop of corn was being marketed in Argentina, and imports began again, with the result that it dropped lower than before. I am using as my authority a chart from the New York Times Annalist, a Democratic paper, which I will insert in the RECORD, if permitted. Every slight rise in price recently has been made by renewed offers of Argentine corn, cargoes of which have been sold to come to Montreal or Chicago, as high as 750,000 bushels in a single week, according to the market reports. I am informed by my colleague [Mr. HAUGEN] that the other day Argentine corn was quoted at 62 cents in Baltimore, and corresponding grade 72 cents in Chicago. The farmer has lost the eastern market for corn entirely and much of the southern.

It has been asserted that Argentine corn is inferior in quality to our own. Exactly the contrary is true. It has a smaller percentage of moisture and is more valuable for certain manufacturing purposes than our own. It is safe to say that the American farmers have lost at least 10 cents a bushel on their market surplus of corn by reason of the Argentine imports. It will thus be seen that the importations from last year's crop of Argentina caused a loss of the American farmers of not less than 10 cents a bushel upon their marketable surplus of corn, which would amount to not less than $30,000,000 and has generally been put much higher. What the losses of the farmers will be if a crop of usual size is raised this year can only be estimated, but it is likely to be double the amount last mentioned. The farmers had a right to expect, in view of the shortage in last year's crop, that the corn would be from 10 cents to 20 cents higher. Instead, those who sold generally got less than last year, and those who are holding in expectation of getting a higher price must meet additional Argentine shipments.

The brevity of the time allotted to me will not permit me to discuss as I would like the effect upon other agricultural products. About 83,000,000 pounds of fresh beef have been imported during the first six months of the new tariff. It is idle to tell the farmers of Iowa that they have suffered no loss in the price received by reason of these importations. Nearly every man who has fed cattle there during the last winter has learned a lesson concerning Democratic tariff through his pocketbook, for everyone knows that the returns did not equal those of the previous year by about $1 per hundred. Our Democratic friends have also consoled themselves with the fact that there is but slight difference in the price for hogs. They forget to mention the ravages of hog cholera which was prevalent all over the country last year. In my own State, which sends to Chicago, the greatest stock market in the world, 52 per cent of the hogs there received and 40 per cent of the cattle, the losses from hog cholera were five times as great last year as in the year preceding and were nearly as large as the total from all the States in the year 1912. Probably one-third to one-fourth of the swine of the country were carried off last year, thus reducing the "hog crop," so called, by as large if not larger proportion than the corn crop, and hogs are only worth about what they were the year before. Our opponents are welcome to such consolation as they can derive from this situation, but it will not satisfy the farmer when he comes to judge the effect of Democratic control in the case of such production of swine as may be expected when the usual number of hogs are put upon the market.

Mr. Chairman, I regret that I have not more time to show how the Democratic tariff has affected all classes of farm products, and yet we in Iowa are so far fortunate that the wave of depression has not yet struck us with its full force. It takes time for it to come from the East. So far we have only felt the effect of foreign competition. Soon we must feel the effect of decreased home consumption. Men have lost their jobs and may continue for a while to purchase supplies out of their past accumulations or upon credit, but this will not last long, and the prostration of business in the East will be reflected in decreased purchases. To what extent this will prevail I do not undertake to say. The Democratic Party, when it took charge of affairs, found the country so wealthy and so prosperous that it would seem impossible for it to entirely destroy business everywhere, although it has already brought financial ruin to many. What it has done already furnishes a sufficient lesson to the American people through bitter experience, and when they come to cast their votes next November they will turn to the Republican Party convinced that only under its wise direction can prosperity be restored and our Nation progress in commerce again resumed. [Applause on the Republican side.]

THE TREND OF CORN PRICES.
[From New York Times Annalist.]



EXCERPT FROM MARKET REPORT OF CHICAGO RECORD-HERALD, APRIL 13, 1914.

The pressure of the Argentine corn has been the heavy artillery of the bears. The Argentine crop is apparently so large and fine that it is being pressed for sale at a constantly declining level. It is keeping the eastern buyers out of the cash market and affecting the far Southwest actually and the nearer Southwest mentally. Meanwhile, the railroads are reducing their freight rates inland bound so as to widen the zone of influence of the Argentine grains.

Argentine cargoes aggregating about 750,000 bushels were sold last week to come to Montreal or Chicago at prices that would show little, if any, loss if sold for May delivery in the pit, but the grain would bring a far better figure in eastern territory.

Mr. THOMPSON of Oklahoma. I do not care what the gentleman says about his proposition. I say there is no quorum present now.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that no quorum is present.

Mr. MURRAY of Oklahoma. Mr. Chairman, I make a point of order against that. The rules of this House are against dilatory tactics. I have the authorities here to show that time after time, even when a point of no quorum is made, that it would

not be permitted because it was dilatory. We know what the purpose of the gentleman from Oklahoma is, and I am ready to submit the authorities upon it.

The CHAIRMAN. The Chair has some knowledge of the precedents, and, with the indulgence of the gentleman from Oklahoma [Mr. MURRAY], the Chair overrules the point of order. The gentleman from Oklahoma [Mr. THOMPSON] makes the point of order that no quorum is present, and the Chair will count. [After counting.] Ninety Members present; not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Estopinal	Lee, Ga.	Porter
Ansberry	Fairchild	Lee, Pa.	Pou
Anthony	Farr	L'Engle	Prouty
Ashbrook	Fitzgerald	Lenroot	Rainey
Avis	Floyd, Ark.	Lesher	Reilly, Conn.
Barchfeld	Francis	Lever	Riordan
Bartholdt	Frear	Lewis, Md.	Roberts, Mass.
Bathrick	Garner	Lindquist	Rothermel
Beall, Tex.	Garrett, Tenn.	Linthicum	Rupley
Bell, Ga.	George	Loft	Sabath
Borland	Gillett	Lonergan	Saunders
Brodbeck	Gittins	McAndrews	Scully
Brown, W. Va.	Godwin, N. C.	McClellan	Sells
Browning	Goldfogle	McCoy	Shackleford
Bruckner	Gordon	McDermott	Sherley
Buchanan, Tex.	Goulden	McGillicuddy	Sherwood
Burke, Pa.	Graham, Pa.	McGuire, Okla.	Shreve
Burke, S. Dak.	Gregg	McKellar	Slayden
Burnett	Griest	McKenzie	Slemp
Butler	Griffin	McLaughlin	Small
Callaway	Gudger	Maher	Smith, Md.
Campbell	Hamill	Manahan	Smith, Tex.
Cantrill	Hamilton, N. Y.	Mann	Sparkman
Carew	Hardwick	Martin	Stanley
Carlin	Haugen	Merritt	Stephens, Miss.
Carter	Hay	Metz	Stephens, Nebr.
Chandler, N. Y.	Helgesen	Miller	Stevens, N. H.
Clancy	Hill	Mondell	Stout
Clark, Fla.	Hobson	Montague	Sutherland
Clayton	Howard	Moore	Switzer
Coady	Howell	Morin	Talbott, Md.
Connolly, Iowa	Hoxworth	Morrison	Taylor, Ala.
Conry	Hughes, W. Va.	Moss, W. Va.	Temple
Copley	Hullings	Mott	Thacher
Covington	Humphreys, Miss.	Neely, W. Va.	Towner
Crisp	Jones	Nelson	Treadway
Dale	Keating	Nolan, J. I.	Tuttle
Danforth	Keister	Norton	Vare
Deitrick	Kelly, Pa.	O'Brien	Vollmer
Dershem	Kettner	Oglesby	Walker
Difenderfer	Key, Ohio	O'Hair	Wallin
Dooling	Kiess	Oldfield	Walsh
Doremus	Kindel	O'Shaunessy	Whaley
Driscoll	Kinkead, N. J.	Paige, Mass.	Whitacre
Dunn	Kirkpatrick	Palmer	White
Dupré	Kitchin	Parker	Wilson, N. Y.
Dyer	Konop	Patten, N. Y.	Winslow
Eagan	Kreider	Patton, Pa.	Woodruff
Eagle	Lafferty	Payne	
Edmonds	Langham	Peters, Me.	
Elder	Langley	Peters, Mass.	

The committee rose; and Mr. JOHNSON of Kentucky having taken the chair as Speaker pro tempore, Mr. FINLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15762, the Diplomatic and Consular appropriation bill, and finding itself without a quorum had caused the roll to be called, and 232 Members had answered to their names, and he returned a list of the absentees.

The committee resumed its session.

Mr. FLOOD of Virginia. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman, I rise for the purpose of appealing to my friend from Oklahoma [Mr. THOMPSON] to stop the dilatory tactics that he is indulging in, and to say to him that he is not helping the farmer by the course that he is now pursuing, but he may hurt him. I see from the RECORD that my good friend was unfortunate in that he never voted at all for the splendid banking and currency bill passed by the House. That law contains one of the best provisions that any Congress has ever been able to put into a banking and currency law, and that is the provision on the extension of time on farm loans and the recognition of farm paper as merchantable paper.

We are confronted by a serious situation. With war threatened on one side with Mexico, and a big problem—the trust problem—to settle at home, and a general clamor amongst the people for an early adjournment, the President of the United States has suggested a program looking to that end. I appeal to the gentleman from Oklahoma to stop these tactics that he has carried on to-day.

Mr. THOMPSON of Oklahoma rose.

Mr. HEFLIN. Oh, I have only three minutes. I want to say to the gentleman it is estimated that it costs $2,500 an hour to conduct the business of this House. The gentleman has forced three roll calls this afternoon that have accomplished absolutely nothing, and the time consumed has cost this Government $5,000, and his constituents will be taxed in part to pay it. [Applause.] The gentleman is doing no good when he is making the point of no quorum. He is delaying the passage of this bill. The floor leader of this House, carrying out the suggestion of the Democratic President and the will of the Democratic caucus, is doing what he can to facilitate the business of this body that we may adjourn at an early date.

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. No; I have but little time. Mr. Chairman, there are those of us who are in favor of this legislation for the farmer, and if the gentleman will allow us and help us we will hasten this trust legislation through the House and then go to work to pass a bill on rural credits. I hope to do that, but if he keeps on with these tactics he will hurt instead of help the cause that he claims to want to help.

Mr. WINGO. Mr. Chairman, I rise to a point of order. The gentleman's remarks are plainly out of order. He has no right to criticize and question the motives of any Member on this floor.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I hope the gentleman will withdraw that point of order.

Mr. WINGO. I will not.

Mr. THOMPSON of Oklahoma. I do not object to criticism from the gentleman from Alabama or anybody else when I am fighting in the interest of the farmer of this country.

Mr. HEFLIN. I do not want this to be taken out of my time, Mr. Chairman.

Mr. WINGO. Mr. Chairman, I insist upon the point of order.

Mr. HEFLIN. I am not criticizing the motives of the gentleman from Oklahoma. I am criticizing his acts.

Mr. WINGO. Mr. Chairman, I have made the point of order, and I think I am entitled to a ruling upon it.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that there is a rule which provides that language complained of shall be taken down.

Mr. THOMPSON of Oklahoma. I hope that this will not be taken out of the time of the gentleman from Alabama.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I would like to ask unanimous consent that the gentleman may proceed until he concludes his remarks. I like that kind of criticism from a gentleman who has been here for 10 years and who has never done anything in the interest of the farming and laboring classes.

Mr. FLOOD of Virginia. Mr. Chairman, I yield one minute more to the gentleman from Alabama.

Mr. HEFLIN. Mr. Chairman, I want to say to the gentleman from Oklahoma, who is serving in a fashion his first term, that I have served in this House for nearly 10 years, and I am perfectly willing to stand on my record of friendship for and service to the farmers of this country. My record speaks for itself, and the gentleman's statement shows how utterly innocent he is of information regarding my record. I am trying to push legislation along here so that we can reach the farm-credit bill and the bill to regulate cotton exchanges.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. CLINE].

Mr. THOMPSON of Oklahoma. Mr. Chairman, I would like to have a little time in which to reply.

The CHAIRMAN. The time is in the control of the gentleman from Virginia.

Mr. THOMPSON of Oklahoma. Very well, if they want to criticize me without giving me opportunity to reply.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Indiana is recognized for 15 minutes.

Mr. CLINE. Mr. Chairman, I have for a long time been greatly interested in the commercial and political development of the South American Republics. The commercial development of any country depends largely upon its political development. The geographical situation of the United States with reference to the South American Republics make their trade and political relationship much more important to us than to any other country. Since 1823, nearly a century ago, the United States has felt a growing interest in the welfare and progress of these Republics. It went so far in that year as to give official notice that we should consider any attempt upon the part of any Euro-

pean Government to colonize their territory as inimical not only to their interests but to our own. I am not addressing myself, however, to the Monroe doctrine so much as I am to the trade possibilities for our people in the rapidly growing Republics of South America. We have only two great competitors for the foreign trade of these Republics—England and Germany. It is well known to everybody that the construction of the Panama Canal will give us a great advantage in distance over our competitors in reaching part of this trade. It is also known that foreign trade is stimulated and developed through the consular service of the several countries seeking to obtain the same. It is therefore apparent that if we desire to capture our portion of the South American trade we must keep up with the rapid pace set by England and Germany in its consular service. These countries are new, and to them has turned a great tide of immigration that is building up their cities and settling on their boundless areas of fertile land. The leading nations of South America are not manufacturing people. They are more largely devoted to agriculture. Their increase of importations is indicated by the fact that their total import trade in 1911 was valued at $790,000,000; in 1912, at $900,000,000; in 1913, $1,000,000,000. Of this amount, in 1911 we took $132,000,000, or about 17 per cent; in 1912, 16 per cent. Our trade relationships, compared with England and Germany, is as follows: England, first; Germany, second; and the United States, third. This fact can not but be somewhat humiliating when we are the second export nation in the world, our export trade for the year 1913 being nearly twice that of Germany, and yet the German people were able to come into the markets that should belong to us and capture our trade. This was done through the effectiveness of the German consular service and its associated business methods. I am including in my remarks a compilation from official documents showing expenditures of the British, German, and United States Governments on their consular service in 1907 and 1912, arranged by countries.

In 1907 we spent the following sums:

	United States.	England.	Germany.
Argentina	$14,974	$24,819	[1] $17,797
Bolivia	(2)	3,406	8,568
Brazil	47,670	58,772	74,762
Chile	17,953	37,179	16,767
Colombia	10,930	4,379	8,568
Ecuador	7,321	7,785	7,328
Paraguay	2,502	4,623	7,806
Peru	10,046	14,963	5,702
Uruguay	5,910	4,623	8,568
Venezuela	13,913	6,182	8,560
Total (1907)	101,902	119,010	80,417
Total (1912)	131,249	166,822	171,584
Increase for 1912	29,329	47,812	91,167

[1] Buenos Aires alone. [2] Nothing.

In other words, Germany has more than doubled her expenditures on her consular service in South America since 1907, while we are expending less than $30,000 more than we did in 1907.

We have spent $400,000,000 on the construction of the Panama Canal. That will bring Ecuador, Peru, Chile, and the west coast of Colombia very near to us. These countries are now buying $25,000,000 a year from the United States and five times as much from European countries, $125,000,000. In other words, we can get in our export trade an amount equal to 30 per cent of our national investment in Panama if we will go after the business of the west coast of South America. We can never do this unless we strengthen and increase our Consular Service there. Although Brazil and Argentina are not affected, so far as distance is concerned, materially by the construction of the Panama Canal, it is just as important that we should use every effort to get our share of the great and growing business of these two leading countries of South America. Let me suggest a comparison. Without any lack of appreciation of the trade possibilities of China, I respectfully submit that we sold in Argentina, with its 7,500,000 people, last year nearly three times what we sold in China, with its 400,000,000 people. Yet we spent on our Consular Service in Argentina only about one-tenth of what we spent on our Consular Service in China. While the comparison is not wholly fair because of distance and race differences, yet the investment we made in the Consular Service in Argentina shows what can be accomplished through that agency. We sold Uruguay last year between a third and a half of what we sold to China, and yet we only spent in Uruguay one-twentieth of the money we spent on our Consular Service in China. Buenos Aires, Argentina, is a city of 1,500,000 white people. It is the third largest American city, tying with Philadelphia for that place. It is the second largest port in all the Americas so far as the value of the merchandise imported and exported is concerned.

The Argentine Republic has a greater per capita foreign trade than any other country in the world except Belgium and Holland. It is a third as large as the United States and the best customer we have in the world for agricultural machinery. Our exports to Argentina are more diversified and come from a wider area in the United States than can be said of those of most any other foreign country. There can be no manufacturing in Argentina, or, at least, will be none, compared with what will be done after she has reached a greater state of development, for the reason that her immigration is settling in the country and on her rich lands and engaging in the different lines of agriculture. Since April 9, 1906, our trade with Argentina has doubled. Our trade with Uruguay has more than doubled in that time. If we are to continue to improve, there can be no question but that this Government must increase the number of its consuls and its trade and commercial agencies in these countries. It is known to everybody that we do not pretend to employ the facilities for obtaining our share of this trade that the competing countries do. Both Germany and England have established their own banking facilities in the principal cities of the South American Republics. They send into these countries agricultural experts and commercial experts, and establish newspapers for the promotion of their respective interests. Undoubtedly the recent currency bill passed in this House, which permits the establishment of foreign banks, will be an agency to promote our interests. Germany prescribes in her schools, in addition to her agriculture and commercial experts, a course of study for young men, especially preparing them to represent the great business houses of Germany and its large manufacturing institutions in South American centers of trade. The predominating language of South America is Spanish, with the exception of Brazil, which is Portuguese, and some schools in our own country are providing for a course in Spanish to fit young men to represent our trade interests in that country. There is the best of feeling existing between the United States and these countries, and we should take advantage of that fact to continue the cultivation of that friendly relationship that always leads to good business relationships.

It is an interesting fact that a movement was set on foot just recently which resulted in the University of Chile exchanging students and professors with Harvard University. The Argentine Government, that heretofore has sent its graduate students to Europe to be educated in postgraduate studies, has very recently passed a law directing that its students shall be sent to this Government. They come to study law, medicine, surgery, engineering, and agriculture. These students come from the graduates of the three universities of Argentina—two students from each of them. They send those having the highest ratings and the Government pays each of them $130 a month to enter our schools and pursue a course of study along the lines indicated. The Argentine legation, so I am informed, maintains an office for the express purpose of caring for their arriving students. They may select any school they choose, of course being advised according to the course of study pursued. Six of these students arrive in this country each year from Argentina. It may be remarked in passing that the Government of Argentina has purchased thousands of dollars worth of school furniture and school appliances from the American manufacturers to equip every school in their country. The Government of Uruguay has very recently sent six young men here to study agriculture and has recently passed a law requiring all young men sent abroad to study agriculture to be sent to the United States, where the expenses are defrayed by the Government. These statements point to what may be accomplished by a careful study of conditions and an effort made to meet the same. The present appropriation bill carries two items of especial interest; one providing for the payment of $75,000 to meet the actual and necessary expenses of delegates of the United States to the Fifth International Congress of American States to be held in the city of Santiago, Chile, in September of this year. These meetings are largely attended and are rich in results for all those who participate in them. These meetings speak for a closer and better bond of union, both friendly and commercial, and should be encouraged and promoted as a necessary means of extending to the southern Republics a completer knowledge of our recourses, and through them we are able to express our anxiety to meet their trade requirements as well as our own.

The other item, $50,000, is to defray the expenses incident to the nineteenth conference of the Interparliamentary Union, to be held in Washington in 1915. Mr. Chairman, there can not possibly be a wiser expenditure of money than the amount sug-

gested for this item. This society, composed of representatives from about all of the nations of the world, seeks the elimination of war and the settlement of international disputes by arbitration. This organization seeks to formulate those principles into proper expression and seek their adoption by the body that will appeal to the nations of the world that are tired of war and its burdens, and who seek the more civilized and peaceful methods of solving international difficulties.

I am glad to remind the House that one of our Members, Dr. BARTHOLDT, of Missouri, is a member of the Interparliamentary Union, and has done more for the accomplishment of its high and noble purposes than any other American.

Members know that we should not be behind in comparison with other countries in our endeavors to promote all those forces that make for peace, and I hope that no point of order will be made against this paragraph when it is reached.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Certainly.

Mr. J. M. C. SMITH. How are we to have any advantage by the construction of the Panama Canal if we pay the same tonnage that England and foreign countries pay?

Mr. CLINE. We have this advantage, I will say to the gentleman from Michigan: We are 3,000 miles nearer than our competitors are to these points.

Mr. J. M. C. SMITH. I will say that that is true under present conditions—that we are 3,000 miles nearer those markets now without the canal.

Mr. CLINE. We will increase that distance between us and our competitors, when we open the canal, to about 3,000 miles over our competitors in reaching those markets. And I will say further that, regardless of the fact that our shipping has not entered into that transportation, we have been able, with our manufactured goods carried in British vessels, to go into ports in which the British have been selling and undersell and give the customer a better quality of goods than our competitors have been manufacturing.

Mr. J. M. C. SMITH. But only about 15 per cent compared with foreign countries.

Mr. CLINE. That does not lie in the fact we have not got the shipping facilities, but in the fact that we have not got the consular service to operate in these South American States to work up the trade.

Mr. J. M. C. SMITH. I quite agree with the gentleman.

Mr. FESS. Will the gentleman yield?

Mr. CLINE. In a moment. Let me call the attention of the gentleman to one fact. I have a manufacturing institution in the district I represent that does $300,000 worth of business alone in Argentina. It has done that by virtue of sending its own agents into that country to work up its trade. We have no banking facilities with the South American Republics; and in a conversation I recently had with a gentleman who traveled through those countries, he told me whenever there was a bill of lading sent to any German or English bank a copy of the bill of lading drawn in favor of an American manufacturer was sent immediately to the manufacturers of Germany and England, as the case might be.

Mr. J. M. C. SMITH. I agree with the gentleman that we ought to build up our trade there.

Mr. CLINE. I now yield to the gentleman from Ohio.

Mr. FESS. I think I agree with the gentleman in his statement that we ought to adopt the methods of Germany, in order to develop our trade, and I wondered whether our lack of trade was due largely to the lack of facilities of communication directly between North and South America.

Mr. CLINE. Our lack of trade is not due so much to lack of facilities of communication as it is to the fact that the language of the South American Republics, with the exception of Brazil, I think, is Spanish, and in order to make trade successful you must have representative agents there who can converse in the language of those localities if you desire to increase and work up trade with those people.

Mr. FESS. Has the gentleman made an investigation as to how much of the trade which has come to North America from South America goes first to Liverpool and then back again?

Mr. CLINE. No; I have not.

Mr. FESS. I understand there is a good deal of it.

Mr. WILLIS. Will the gentleman yield for a question?

Mr. CLINE. Certainly.

Mr. WILLIS. The gentleman has just referred to the important influence of language. Does the gentleman know how many of our consular and diplomatic representatives in South America speak the language of the country to which they are accredited?

Mr. CLINE. I will say to the gentleman from Ohio that our Consular Service requires those parties to have some knowledge of the Spanish language, but the difficulty comes from the fact they do not have a sufficient force. For instance, England and Germany have at Buenos Aires, employed in the consular service, from 8 to 12 persons. It costs those countries, respectively, nearly $20,000 a year. We have employed there three persons at a small salary at the present time, but we expect, of course, to raise them to the position of an embassy and give those posts a larger force.

Mr. WILLIS. Does the gentleman know whether this is a fact—I have seen it currently reported in the press—that of the recent appointees to diplomatic positions in South America there was not one who spoke the language of the country to which he was accredited?

Mr. CLINE. No, sir; I do not know that. I do know, however, through what little investigation I have made in the State Department, that it is the rule in reference to applicants for such positions that they must be acquainted with the language of the country to which they are sent.

Mr. WILLIS. But the gentleman is speaking of the Consular Service, and I am now speaking of the Diplomatic Service. My information is that none of those who have recently been appointed to those positions speak the language of the place to which they are sent.

Mr. CLINE. That may be true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state his question of personal privilege.

Mr. THOMPSON of Oklahoma. The gentleman from Alabama [Mr. HEFLIN] a little while ago in his address questioned my motives in making points of order that there was no quorum present and criticized me for doing so, and I think in view of those criticisms and such questioning of my motives here I have a right to make a personal explanation.

Mr. FLOOD of Virginia. I rise to a point of order.

Mr. THOMPSON of Oklahoma. To a personal explanation.

Mr. FLOOD of Virginia. A personal explanation is not in order in the Committee of the Whole.

The CHAIRMAN. The Chair would like to hear what the gentleman from Oklahoma [Mr. THOMPSON] wishes to state.

Mr. FLOOD of Virginia. He said it was a question of personal privilege.

Mr. THOMPSON of Oklahoma. I did, and stated it.

The CHAIRMAN. The Chair will state to the gentleman from Oklahoma that it is a matter that properly comes before the House.

Mr. THOMPSON of Oklahoma. Then I understand that a gentleman can be criticized and his address impugned in committee without any defense whatever on his part?

Mr. HEFLIN. Mr. Chairman, I desire to say that I never criticized or questioned the gentleman's motives.

Mr. FLOOD of Virginia. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The Chair wishes to make his statement or ruling, which is that the rules amply provide for the protection of every Member. The right of the gentleman——

Mr. FLOOD of Virginia. Mr. Chairman——

The CHAIRMAN. Paragraph 5 of Rule XIV, on page 321 of the Manual, says:

> If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

Mr. THOMPSON of Oklahoma. I have no objection if the words are taken down.

Mr. FLOOD of Virginia. I ask unanimous consent, Mr. Chairman, that the gentleman from Oklahoma be allowed to proceed for five minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] asks that the gentleman from Oklahoma be allowed to proceed for five minutes—not to come out of the time of either side.

Mr. FLOOD of Virginia. Not to come out of anybody's time.

Mr. HEFLIN. Mr. Chairman, if the gentleman proposes to say anything about me, and if at the end of that time I desire to reply to him, I ask that courtesy.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman have what time he wants in which to reply.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. FLOOD]? [After a pause.] The

Chair hears none, and the gentleman from Oklahoma [Mr. THOMPSON] is recognized.

Mr. THOMPSON of Oklahoma. Mr. Chairman, the gentleman from Alabama [Mr. HEFLIN] saw fit a few moments ago to read me a lecture for my conduct here this afternoon in making points of order that there was not a quorum present. Now, I have no objection to the gentleman from Alabama criticizing me or any other gentleman in the House criticizing me at any time for my conduct or for my vote. But I would have taken this with a great deal more of grace, Mr. Chairman, if the gentleman's record here for 10 years had been a record in the interest of the farming and laboring classes of this country.

Now, the gentleman says that I did not vote for the currency bill last September. That is true. But we all remember, Mr. Chairman, that after that currency bill had left the Democratic caucus and it was brought on the floor of the House, the Committee on Banking and Currency brought in a gold-standard amendment that was in violation of every Democratic platform ever written in this country, and foisted it on the Democratic Members of this House; and the gentleman from Alabama voted for the gold standard. [Applause on the Republican side.] I am not surprised at Republicans applauding a Democrat who votes for the gold standard.

The RECORD will show, Mr. Chairman, if the gentleman will go back to it, that a motion was made to recommit that bill with instructions and to incorporate a provision preventing the interlocking of directorates, and I am sure the gentleman from Alabama is acquainted with the Pujo report, which shows that the interlocking of directorates by the great financial institutions of this country puts into the hands of 112 men in this country more than twenty-two thousand million dollars of the capital of this country, and the gentleman voted against recommitting the bill with instructions to put that in the bill, in the face of the Democratic platform that promised that we would legislate on that subject.

Now, Mr. Chairman, that banking and currency bill did not suit me, and I said so at the time. It did not suit me because it did not take care of the farming and laboring classes of the country. A few of us attempted to put in that banking and currency act a provision that the bank should not loan money to be used in purchasing futures on staple farm products, and the gentleman from Alabama voted against that in caucus. When the banking and currency act was brought in here it only provided that farmers' paper should have a maturity of not more than 45 days. We fought that in caucus and extended that time to 90 days. It provided, when it was brought in here, that national banks should not loan money on farm land for more than 9 months. We fought it in caucus and extended that time to 1 year. The Members of this House who stood up for the farming and laboring classes in this country wanted that personal security extended to 6 months and they wanted the farm loans extended to 5 years. And in the Senate these extensions were made, and they are now in the bill. When the bill came back here from the Senate the gentleman from Oklahoma, my colleague [Mr. MURRAY], moved that we accept the Senate amendments. I voted for the motion and the gentleman from Alabama voted against it, and sent it to the committee, doubtless with the idea of striking out of the bill those beneficent provisions for the farmers and laborers of this country.

Now, Mr. Chairman, I want to say this: We pledged the people of this country, in our last platform, rural credits. We pledged them a bill of this kind. Is a platform molasses, made to catch flies?

A MEMBER. Yes! [Laughter on the Republican side.]

Mr. THOMPSON of Oklahoma. Or is it a covenant with the people that we intend to live up to?

A MEMBER. No! [Laughter on the Republican side.]

Mr. THOMPSON of Oklahoma. Mr. Chairman, that may be true. These gentlemen who say "No" and who say "Yes" may believe that, but I do not. I do not believe that the Democrats of this country believe that.

A MEMBER. Nor the people.

Mr. THOMPSON of Oklahoma. And the people of this country, when they believe that any party—Democratic, Republican, Progressive, Bull Moose, or any other party—simply puts a provision in its platform to catch votes, like a platform of a railroad car, to get in on, and to be used no longer, that party will be scourged from power, and ought to be scourged from power. [Applause on the Republican side.]

Mr. Chairman, we ought to put through at this session of Congress a rural credits bill. It is more important than any other bill on this calendar. That is the reason I am making a fight. I am making a fight to live up to the platform pledges of the Democratic Party and to give the farmers and laborers of this country what we pledged them; and I will continue to make that fight until the final gavel sounds at the close of this session.

Mr. Chairman, unconsciously, I am sure, the gentleman from Alabama [Mr. HEFLIN] is repeating a slander which has been sent out from Washington by a party whose name I can call, and whose name I challenge the Republican newspapers who have reproduced the article charging me with not voting on the banking and currency act to give the public. I have already stated the reasons why I did not vote for the banking and currency act, but I can add to those reasons; and since the gentleman from Alabama has seen fit to repeat on the floor of this House what was carried in the Republican papers of Oklahoma—the Oklahoma City Times, Tulsa World, and the Ardmore Statesman—these insinuations and slanders, I want to say to him that if he will refer to the RECORD and refresh his memory he will find that there were three roll calls on September 18, 1913, on the banking and currency bill, and these roll calls appear on pages 5503, 5504, 5505, and 5506 of the CONGRESSIONAL RECORD of that date. The first roll call was on a provision to insert in the bill what is commonly known as the gold-standard amendment. The gentleman from Alabama, in the face of the history of the Democratic Party, which has declared from time immemorial against the gold standard, voted in favor of it. I voted against it.

And, Mr. Chairman, I want to say in this connection that there was a great deal of treachery about the way this gold-standard provision found its way into the banking and currency bill. The Banking and Currency Committee knew that they could not foist this on the Democrats of the House; therefore they did not dare put it in the bill in the committee nor did they dare attempt such an amendment in the caucus; but after the bill had left the caucus and had been reported to the House they brought in this amendment, without authority from the caucus and without knowledge on the part of the Democrats and the Progressives in the House, who stood for the people. They knew that with the aid of the stand-pat Republicans they could run it over us and forever restrict the circulating medium of this country to gold, thereby appreciating the value of gold and depreciating the value of the farmers' and laborers' products, for the products of the farmer and the laborer increase in proportion to the amount of circulating medium of the country.

The next proposition presented was a motion to recommit with instructions to the Banking and Currency Committee to amend the bill by incorporating a provision that no officer or director of any national bank, State bank, banking association, or trust company admitted to membership in a Federal reserve bank under the provisions of the act should be an officer or director of any other bank or financial corporation or institution admitted thereunder who was an officer or director of any national bank, State bank, or trust company which was not a member of a Federal reserve bank or who was a member of a firm or partnership of bankers engaged in the business of receiving deposits. This provision was commonly known as the "interlocking-directorate provision." I voted in favor of incorporating that provision, as will be seen from page 5505 of the CONGRESSIONAL RECORD of that date, and the gentleman from Alabama voted against it, and that, too, in the face of a platform pledge that we would do away with the interlocking of directorates and do away with a few men on Wall Street controlling all the money of this country. One hundred and twelve men, according to the Pujo report, control twenty-two thousand millions of dollars of the capital of this country.

I was then called to the telephone, and came back into the room when my name was called the second time, and it is true I did not vote at all. I was disgusted that the Democrats of the country should go body and soul over to the money power by the incorporation of the gold standard and the refusal to incorporate a provision against the interlocking of directorates that would prohibit a few millionaires from controlling the finance of our country.

I believed then as I believe now that the finances of the country is a governmental function that ought to be controlled by the Government in the interest of the people, and not by a few men in their own selfish interests. I am not ashamed of my record on that question; and the appointment of Mr. Paul M. Warburg, of the firm of Kuhn, Loeb & Co., of New York, on the Federal Reserve Board has not changed my views on the banking and currency act. If the gentleman will refer to the report on the Money Trust investigation and will read that report, beginning on page 77, he will find that Mr. Warburg is a member of the firm of Kuhn, Loeb & Co., who the committee report as being—

one of the six great banking corporations that have done more than all others toward bringing about the concentration and control of the money and credit of the country—

and he will find further that from 1907 to 1912 the firm of which Mr. Warburg is a member purchased security issues of corporations amounting to $530,862,000, and, in conjunction with the five Money Trust banks, issues amounting to $704,777,708, and that from 1897 to 1906 it purchased, with other banks, issues amounting to $821,289,000; that it is affiliated with the Fourth National Bank of New York City, with the Equitable Trust Co., National Bank of Commerce, United States Mortgage & Trust Co., National Park Bank, Bank of Manhattan County, Merchants' National Bank, Union Exchange National Bank, all of New York, and the First National Bank of Chicago, and the Title Guaranty & Trust Co., of New York; that it is also affiliated with the Baltimore & Ohio Railroad, Union Pacific Railroad, Southern Pacific Railroad, Chicago & North Western Railroad, Chicago & Alton Railroad, Eastern Illinois Railroad, Illinois Central Railroad, Pennsylvania Railroad, Wabash Railroad, Atchison, Topeka & Santa Fe Railroad, Chesapeake & Ohio Railroad, Chicago, Milwaukee & St. Paul Railroad, Delaware & Hudson Railroad, Hocking Valley Railroad, Missouri Pacific Railroad, New York, New Haven & Hartford Railroad—and in passing I might remark that in the last few days we have heard a great deal about this railroad, about how it monopolized and purchased all the street railroads and electric lines in New England, and how it manipulated the stock and made millions for its officers at the expense of the traveling public—St. Louis & Southwestern Railroad, Wells-Fargo Express Co., Westinghouse Electric Manufacturing Co., Armour & Co., Baldwin Locomotive Works, Consolidated Coal Co., American Beet Sugar Co., American Telegraph & Telephone Co., Western Union Telegraph Co., Kansas City Railway & Light Co.; and that it, with the other banks, has foisted upon the people of the country—the unsuspecting purchasers—hundreds of millions, yes, billions, of dollars of stocks and bonds.

Mr. Chairman, I might say other things and call the gentleman's attention to other matters incorporated in that bill, but I will pass on to another subject.

The subcommittee of the House Banking and Currency Committee has reported to the full committee and has introduced in this House, through its chairman, what is denominated a rural-credit bill. I am very much interested in this subject because the great majority of the people whom I represent here are farmers and laborers—nearly 250,000 people—and regardless of the lecture of the gentleman from Alabama [Mr. HEFLIN], I shall continue to represent their interests on this floor, whether it pleases him or any other Member of this House. My people—farming and laboring classes of people—are paying interest rates all the way from 10 to 36 per cent. Any man who has studied the economics of any business knows that that business can not last long under this kind of a burden. I am fighting, therefore, to keep my people out of bankruptcy and to save them from ruin. A farm-credit bill that is a real farm-credit bill will aid them, and I propose to stand here and insist that no business be done in this House until they are afforded some relief from the burdens that they now bear unless a quorum is present at all times to vote me down. I do not believe that the bill reported by the subcommittee affords them any relief whatever. In the first place, it provides for private ownership and a dividend on the stock. This means that the business will be conducted for profit. I stand, on the contrary, for a Government-owned system of banks, conducted in the interest of the borrowers and not in the interest of the stockholders—a system run without profit that will afford the people the money they require to conduct their business at a reasonable rate of interest, not to exceed 5 per cent where it is secured by land, and not to exceed 6 per cent where it is secured by chattel property or personal indorsement. The bill as reported by the subcommittee makes no provision to take care of any class of people except those who own land. I will never agree to a bill that does not also take care of the tenant class of farmers who own no land.

President Wilson, after looking over the bill reported by the subcommittee of the Banking and Currency Committee, in an interview carried in the Washington Star of yesterday, stated that he could not approve the bill because it did not extend credit to the tenant farmers. I stand with the President and approve his views in this respect. The bill as reported places no limitation on the interest that can be charged, except the local rate in the different States of the Union. I will never agree to any bill that fixes a rate of interest on farm loans exceeding 5 per cent and on personal property and personal indorsements that exceeds 6 per cent. The bill does not provide against usury. I will never stand for a bill that does not have a provision in it denouncing usury. The bill provides, further, that no man can borrow except he be a stockholder in the banks. A man who is able to take stock in these banks for profit and in the hope of securing a dividend does not stand in great need of cheap money, because he is able to get money on his own responsibility.

Mr. Chairman, I recognize that I may be criticized for the position I take and for the fight I am making in the interests of the farming and laboring classes of this country, but I am responsible for my course. The farming and laboring people elected me to this position, and as long as I remain their representative in Congress I intend to stand here and fight for their interests, regardless of criticism from the gentleman from Alabama or from any other source. Mr. Chairman, the people whom I represent may be farmers and laborers, but there is no class of people in this Republic more intelligent, more brave, or more patriotic than they. I was born on a rented farm and raised up among these people. I know their wishes; and if I should falter or hesitate in this fight, which means so much to them, I would not be worthy the position with which they have honored me. Gentlemen can criticize and denounce me all they choose. I welcome it when I know, as I do in this case, that my fight is in the interest of the farmers and laborers of Oklahoma.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MADDEN. Mr. Chairman, we have had a long day and an arduous one, and I am now constrained to make the point of order that there is no quorum present.

Mr. HEFLIN. Before the gentleman makes that point, I would like to have five minutes.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MADDEN. I withdraw it, Mr. Chairman.

Mr. HEFLIN. Mr. Chairman, since the gentleman from Oklahoma [Mr. THOMPSON] attacked my record and reflected on my motives, I ask for five minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that he be permitted to speak for five minutes, the time to be taken out of——

Mr. HEFLIN. No. That is nobody's time. That is the way time was granted to the gentleman from Oklahoma.

The CHAIRMAN. The time to be added to the time allotted for general debate. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I would like to inquire of the gentleman on the other side if he has used up all his time?

Mr. FLOOD of Virginia. I have 10 minutes left.

Mr. STAFFORD. I understood it was the aim on the part of the gentlemen on the other side to expedite legislation, but now if we are going to have this continuous performance running along we shall never get through with general debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] is recognized.

Mr. HEFLIN. Mr. Chairman, I repeat that I never criticized the motives of the gentleman from Oklahoma [Mr. THOMPSON]. I have been rather amused at his labored defense of his performance here to-day.

The gentleman, hard pressed for arguments to sustain his position, accused me of voting for the gold standard. The proposition that was brought up in the bill to which he refers was in the nature of a recodification of the law already on the statute books, and it was simply inserting in the new law that which was already the law. It was thought by those high in authority in the administration that it ought to be retained in the new law, and that was done.

I supported a provision to recognize cotton-warehouse receipts and to give the farmers a longer time upon their loans. I am ready to support a rural-credits bill at this session of Congress, and I want the gentleman from Oklahoma to help us and not hinder us in reaching this bill.

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield for just a moment?

Mr. HEFLIN. Yes; briefly.

Mr. THOMPSON of Oklahoma. If the gentleman will guarantee me that, I will make no further points of order. [Laughter.]

Mr. HEFLIN. I can not guarantee it; but I will say to the gentleman that if he will come with us and help push these other bills already on the calendar through, he will come very much nearer getting it than he will by antagonizing the Democratic Party in this House, to the delight of the Republican Party. The gentleman has noted, doubtless, that in every attack that he has made he has had applause from the Republican

side, because they love to see any kind of a disturbance on the Democratic side. [Laughter on the Republican side.] They always applaud when they can get a row stirred up on this side. I have been in the service here a good long time. I have been fighting the great enemy of the people, the old stand-pat Republican Party [laughter on the Republican side], and I have never had that party to applaud me yet when I have been fighting the battles of the people here. [Applause.] So beware, my friend, when the Republicans applaud your attacks on the Democratic administration.

The gentleman from Oklahoma talked about keeping promises. The Democratic Party has done more in 12 months for the people than the Republican Party has done in 16 years. Do not be deceived; the people are grateful to our party, and they realize that we can not do everything in a day. Do not furnish the Republicans political material. Let them supply their own much-needed aid in this regard.

Let me tell you that the people of this country are with the Democratic administration. [Applause on the Democratic side.] Let the Republicans criticize and abuse us, but let them find no evidence of Democratic dissension and Democratic discord in a time like this. [Applause on the Democratic side.]

Mr. MADDEN. We have enough now.

Mr. HEFLIN. Yes; look at the large number of Democrats here now and a mere handful of Republicans on that side. [Laughter and applause.]

Now, Mr. Chairman, again I want to say to the gentleman from Oklahoma that the course he is pursuing is not the wise course. Let us push legislation through this House and make the way certain for legislation on rural credits. Let us present a solid front to the fast-waning remnant of the Republican Party and do our duty as Democrats, and all will be well in the end. [Applause on the Democratic side.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, it has been about 12 months since the eastern railroads of the United States filed their applications for an increase in freight rates with the Interstate Commerce Commission and thus far no decision has been rendered, although the commission has had the information at hand to decide the application many months ago.

The proceedings of the commission in regard to holding hearings on the application of the railroads for increase in freight rates have been very informal and irregular. The entire membership of the commission should have heard the arguments for and against the increase of freight rates instead of only one of the commissioners presiding. In many instances none of the commissioners were present, only the stenographers.

In many of the courts throughout the country the judges can not hold up decisions longer than 60 days, whereas in the Interstate Commerce Commission there is no telling as to the length of time they might hold up decisions, and in many instances they have been held up for a period of two years or more. I dislike to say that the commission is incompetent, but I will say that they are derelict in their duty to the people of the United States in not deciding promptly the cases before them. In the case of the eastern railroads applying for an increase in freight rates it is so plain and evident that an increase must be granted on account of the increase in cost of materials and the increased allowances of their employees that the commission could have allowed the increases asked for and have gone on with the hearings. If, after the hearings, the commission was convinced that the previously granted increases were excessive, then they could have made the rates what the evidence convinced them were just and proper.

In July, 1913, the Interstate Commerce Commission decided the Terminal Rate case, but did not promulgate their decision until January, 1914. On December 15, 1913, the commission closed the railroads' side of the Freight Rate Increase case and adjourned hearings until January 15, 1914, when the shippers' side of the case was to be taken up. In January, 1914, the commission reopened the railroads' side of the case by submitting to them a number of questions. Many of the questions applied to the decision in the Terminal Rate case, and the information thus sought was already on file in the archives of the commission, and had been for many months. It was very improper for the commission to proceed with the hearings in the Freight Rate Increase case when they had not promulgated their decision in the Terminal Rate case until January, 1914, although said decision had been reached in July, 1913.

Mr. Chairman, during the years 1911, 1912, and 1913 the eastern railroads increased their property investment $659,862,000. During the last fiscal year the gross earnings of these roads were $1,424,119,000, or $186,775,000 more than they were during the fiscal year ending June 30, 1910. During the last fiscal year the operating expenses and taxes for the same roads amounted to $1,087,365,000, or $203,087,000 greater than they were in 1910; so that even though these railroads earned in gross during the last fiscal year $186,775,000 more than was earned during three years previous, the net result, after the payment of operating expenses and taxes, was actually $16,311,000 less than it was in 1910, notwithstanding the fact that over $659,000,000 additional had been spent in the meantime for additions, betterments, and equipment. [Applause.]

According to the figures of Mr. C. Stuart Patterson, of the Pennsylvania Railroad, submitted to the Interstate Commerce Commission with reference to the revenues and expenses of the carriers that are asking for an increase in freight rates, the statistics show enormous increases in operating expenses, decreases in total operating expenses, and an unprecedented decrease in operating income. According to Mr. Patterson's figures, the decrease in total operating revenues for the first seven months of the present fiscal year, as compared with the same period of the preceding year, was $6,995,529, the increase in total operating expenses $39,210,233, and net operating revenue decreased $46,205,762. For the first seven months of the present fiscal year taxes alone showed an increase of $2,244,000. The operating income of the carriers showed a total decrease of $51,026,935, or 22 per cent less than for the seven months of the preceding fiscal year of 1913, which is more than the advance they request of the Interstate Commerce Commission.

From the foregoing figures it is very evident that the increases applied for by the railroads should be granted. [Applause.] If the commission fails to grant the applications, it will indirectly affect about 25,000,000 people throughout the country engaged in various occupations and enterprises, and many additional persons will be thrown out of employment. The prosperity of the railroads is the prosperity of the country. At the present time we need 100,000 additional miles of railway in this country, and I feel certain that when the increase is granted the railroads will again begin the construction of additional lines and at the same time we will have renewed prosperity, instead of the stagnation that exists at the present time. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks by printing several letters which I have received on the subject.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The letters are as follows:

NEW YORK, *March 9, 1914.*

Hon. JEFFERSON M. LEVY,
House of Representatives, Washington, D. C.:

Congratulations on your courageous stand regarding railroad rates.

WARREN M. VANNORDEN.

NEW YORK, *March 7, 1914.*

Hon. JEFFERSON M. LEVY,
House of Representatives, Washington, D. C.:

Deutsche Bank reports freight rates in United States lowest in the world; the English average twice ours, whereas wages in Europe are but half those on railroads of United States.

WARNER U. VANNORDEN,
Care Lotos Tea Concern,
Fifty-seventh Street and Lexington Avenue.

SCHENECTADY, N. Y., *February 26, 1914.*

Hon. JEFFERSON M. LEVY,
Washington, D. C.

FRIEND LEVY: The various newspapers are quoting your remarks that you anticipated as soon as the Interstate Commerce Commission allowed the railroad companies an increase of freight rates that the business of this country would be more prosperous than it has ever been before. I fully agree with you that the main trouble with the country to-day is too much interference on the part of the Government and too little consideration as to the rights of the railroad companies by the Interstate Commerce Commission, and we can not expect good times as long as the Interstate Commerce Commission disregards the rights of the railroad corporations, as they are the largest employers of help next to the farming interests, and good business with the railroads means good business for many concerns dependent upon them.

Railroads are owned by millions of people as stockholders and bondholders, and thousands of widows and orphans are dependent upon the income they derive from their investments on railroad securities. The Interstate Commerce Commission have more power than any European king or even the Czar of Russia, and instead of increasing their power their wings should be clipped and much of the power they now have should be taken away from them. Many people are of the belief that they are playing the stock market, and that there is more money in the market for them individually by manipulating the market than by granting the wishes of the people and allowing an increase of freight rates.

Congress has had many investigating committees appointed during the past few years, but the most important committee that could be appointed has not been made; that is, a committee to investigate the actions of the Interstate Commerce Commission as to their ignoring the wishes of the people.

With the best of wishes for your future success and prosperity, I am,

Most respectfully, yours,

H. S. DE FOREST.

MORRISTOWN CHAIR CO. (INC.),
Morristown, Tenn., March 17, 1914.

Hon. J. M. LEVY, *Washington, D. C.*

DEAR SIR: You are not our Representative, but we want to congratulate you on the stand you are taking in regard to the Interstate Commerce Commission, and to let you know that millions of people are getting tired of unsettled business conditions, caused in a great measure by this commission.

This endless hearing of the shippers is useless, as everyone wants the lowest rate possible on the product in which he is interested. That is human nature.

The C. M. & St. P. episode is causing this commission to be criticized by many, and some have gone so far as to say they believe a part of it is dealing in stocks. While everything is being investigated or prosecuted, why not try them?

With best wishes for your success with the bills, I am,

Yours, very truly,

GEO. W. BAKER.

MIDDLETOWN, ORANGE COUNTY, N. Y., *March 16, 1914.*

Hon. JEFFERSON M. LEVY,
House of Representatives, Washington, D. C.

MY DEAR SIR: I know of your immense correspondence and dislike very much to trouble you to read a note from me, but I certainly congratulate you upon the position you are taking in regard to the Interstate Commerce Commission. You are certainly on the right track, and one which will result in great benefit to the country. You should have many followers in this direction.

I am becoming very much disappointed in President Wilson's noninterference in this matter. He certainly must read that unless something is done by this Interstate Commerce Commission, as you suggest, we will not elect a Democratic Congressman, at least in the State of New York, in the coming campaign.

I might add that I was candidate for State senator in this—Gov. Odell's—district on the Democraitc ticket, of course, and you know what that means. A Democrat has very little show, and I was defeated. Yet I was on the stump all the time and took a very active part during the entire campaign in behalf of President Wilson. I told the people that his election meant prosperity, etc. I am quite embarrassed. It is anything but prosperity.

Again complimenting you on your course, I am,

Sincerely, yours,

THOMAS WATTS.

MORRISTOWN, TENN., *March 18, 1914.*

Hon. JEFFERSON M. LEVY, M. C.,
Washington, D. C.

DEAR SIR: This town is full of people who are your friends. They are not confined to New York by any means The men composing this commission are, in my judgment, men of insignificant mental caliber; that is, I base my belief on their actions. I do not know any of them personally. I think you are on the right track. I think also that if you can't reach them in the near future they will burst with self-importance and dictatorial pomp, and the country will get a little relief in that way.

Yours, sincerely,

J. C. THOMPSON.

Mr. RAKER. Mr. Chairman, I understand from the gentleman's argument and from the figures he has given that he is much opposed to any increase in freight rates.

Mr. LEVY. Oh, no. I say that we ought to grant the increase now. We have granted the powers to a commission that does not attend to its business. Congress should take hold of it and advance the rates. Do we want to bankrupt the railroads?

Mr. RAKER. Does not the gentleman think that the railroads have been bearing hard enough on the people heretofore, sapping the very life out of the consumer?

Mr. LEVY. Oh, no; the consumers and the shippers are asking for the increase of rates. In 700 cases there is no objection at all. In the Toledo grain case the shippers ask for the increase.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FLOOD of Virginia. Mr. Chairman, I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a report on the resolution submitted to the Committee on Interstate and Foreign Commerce by the gentleman from New York [Mr. LEVY].

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks by printing a report and resolution. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I submit the following resolution and report in reply to the gentleman from New York:

House resolution 492.

Resolved, That the President of the United States be, and he is hereby, requested to report to the House of Representatives, for its information, all the facts within the knowledge of the Interstate Commerce Commission which show that said commission has in many cases failed to grant an increase in freight rates to the railroads where no objections to such increase have been filed and where the shippers in many instances have requested that such increase be granted on the ground that it was just and reasonable.

[House Report No. 586, Sixty-third Congress, second session.]

INCREASE OF FREIGHT RATES ON RAILROADS.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following adverse report to accompany House resolution 492:

The Committee on Interstate and Foreign Commerce, to whom was referred House resolution 492, having considered the same, report thereon with a recommendation that it lie on the table.

The committee has heretofore declined to expedite the consideration of resolutions of this character to the exclusion of important business requiring the attention of the committee, because the committee had not recognized such resolutions as privileged under the rules. The Speaker, however, lately held that such a resolution is privileged, and the committee with pleasure bows to that ruling, and at its first meeting thereafter took action on the resolution mentioned, as hereinbefore stated.

The committee is unable to report this resolution with a favorable recommendation for several reasons; one is that we regard it as improper for Congress to interfere with the discretion and quasi judicial action of the commission in passing upon the question of rates. It is an independent body, the members of which are answerable to Congress and to the President for misconduct, but as a body sitting for the hearing and determination of causes it would be exceedingly reprehensible for Congress or the President or anybody else supposed to have and exercise influence to interfere in any way with the orderely proceeding of the commission to hear and adjudge such cases. It is assimilated strongly to a court in its functions as to the hearing and determination of justice and fairness of rates, and certainly ought not to be subjected to outside influence or inquiry. It will be observed that this resolution does not call for abstract facts appearing of record which physically could be examined and brought to the attention of Congress, but it relates entirely to matters on which the commission is expected to pass in its quasi judicial and entirely administrative capacity of determining and ordering rates, and certainly should be untrammeled and uninterfered with until final action is reached.

Second. The resolution is to all intents and purposes a complaint that railroad rates have not been increased by the commission and in a measure argues the justice and propriety of such increase. The committee respectfully submits that the commission was originally organized for the purpose of regulating railroad rates and practices and, if possible, requiring and securing fair, just, and reasonable rates for the public. The field of inquiry and usefulness covered by the commission is the entire territory of the United States. If it were true, as stated in the resolution, that shippers have consented in some cases to an advance in rates, it would furnish no reason to support this resolution, for collusion of shippers in certain cases for advances in rates can not bind the public nor move the commission in its action.

This committee has been for many years working to help the commission carry out the purposes of its creation, and we have not yet succeeded in reducing the general level of rates low enough to conform to the requirement that they should be just, reasonable, and fair. It may be that in some cases they are too low to be remunerative, but almost without exception in such cases that is true because the railroads have voluntarily made them so from improper motives to cut rates and compete at some points to the injury and loss of other points, where the before-mentioned loss to the railroad has been more than compensated for by high rates.

The railroads have been many times advised that if they would use a little policy and fairness in equalizing their treatment of different communities and different persons and cease to discriminate by charging a high rate to one town and a low rate to its competitor, give everybody a fair deal and cease to discriminate in favor of or against anybody they would find the general level of rates would be satisfactory to the public and remunerative to the carriers, and they would find universal friendship for them existing among the people, and they would find a perfect willingness among the people and a readiness on the part of the commission and Congress to permit them to raise rates that were really found to be too low, but the committee declines to demand an increase of rates made abnormally low on the initiative of the carrier until the rates abnormally high are reduced, or a distinct purpose expressed that the two actions shall take place simultaneously.

The committee doubts not that in every congressional district there are points where rates unjustly high are maintained at which the suffering shippers would rise in outrage and remonstrate if carriers were allowed either a special raise at other points or a horizontal increase at all points. The committee respectfully declines to urge the commission directly or indirectly to diverge from its proper course and conduct to increase rates on particular lines and at particular points until something like general equality and fairness can be secured throughout the country. As long as the carriers infuriate business men at a particular point by hauling freight through in both directions to distant points beyond at lower rates than they will stop and deliver the same class of freight in the town discriminated against, they come with poor grace to ask this committee and Congress to prod the commission into hurrying an increase in rates anywhere. Let them act fairly before asking for relief. The carriers everywhere ought to be allowed to make enough income to provide for the upkeep of the roads, safety appliances, proper service, and a reasonable income on the capital actually and honestly invested in the transportation of persons and property, and the committee has no doubt of the general willingness of the public that such should be done, and if the carriers would study the question of fair treatment of all persons and the different communities and show a disposition to equalize their treatment of such places and persons they would find no trouble in securing the consent of Congress and the people to improve their systems, provide all facilities for travel and safety, and still realize a reasonable income.

The committee therefore recommends that the resolution lie on the table.

Mr. FLOOD of Virginia. Mr. Chairman, in view of the remarks of the gentleman from Ohio [Mr. FESS] in reference to the relations of this country and Latin-American countries I ask unanimous consent to incorporate as a part of my remarks a statement prepared at my request by Mr. John Barrett, the able and efficient Director General of the Pan American Union on this subject. I believe Mr. Barrett is the best posted man on the feelings and affairs of our southern neighbors in this country.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. FLOOD of Virginia. Will the gentleman from Wisconsin now use some of his time?

Mr. COOPER. Will not the gentleman from Virginia consent to adjourn? We will not take much time to-morrow.

Mr. FLOOD of Virginia. How much time has the gentleman remaining?

Mr. COOPER. I have half an hour left.

Mr. FLOOD of Virginia. Will the gentleman consume it himself?

Mr. COOPER. No; I have three speakers. It will take only half an hour.

Mr. FLOOD of Virginia. Mr. Chairman, I do not believe that there is a quorum here, and if I were not disposed to grant the gentleman's request I would not be in a position to refuse.

Mr. JOHNSON of Washington. Mr. Chairman, my colleague, Mr. HUMPHREY, has been suddenly called from the Chamber. I ask unanimous consent that he be permitted to extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that his colleague, Mr. HUMPHREY, may be permitted to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I ask unanimous consent for permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. RAKER having taken the chair as Speaker pro tempore, Mr. FINLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15762, the Diplomatic and Consular appropriation bill, and had come to no resolution thereon.

CONTRIBUTIONS FOR POLITICAL PURPOSES.

Mr. RUCKER. Mr. Speaker, by direction of the Committee on Election of President, Vice President, and Representatives in Congress, I file herewith a privileged report (No. 677) on resolution 256, the so-called Mann resolution, respecting campaign contributions, accompanied by a substitute resolution.

The SPEAKER pro tempore. The gentleman from Missouri files a privileged report on House resolution 256, which is referred to the House Calendar and ordered printed.

REVENUE CUTTERS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4377, to construct certain revenue cutters, as amended by the House, with Senate amendments thereto, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I will ask the gentleman to permit that to go over until to-morrow. It is very late in the day, and the matter might provoke some debate.

Mr. ADAMSON. Very well; Mr. Speaker, I withdraw the request and will prefer it to-morrow.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KONOP, for two weeks, on account of illness in his family.

ADJOURNMENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Friday, May 15, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation in the sum of $17,000 for repairs, painting, vault equipment, etc., old building Bureau Engraving and Printing, and recommending that the matter be made the subject of a special bill and that action be taken at an early date (H. Doc. No. 976), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CURRY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16346) to amend section 4131 of the Revised Statutes of the United States of America as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses, reported the same without amendment, accompanied by a report (No. 674), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill (S. 60) to provide for the disposition of the surface of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals, reported the same with amendment, accompanied by a report (No. 675), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 16192) to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian, reported the same without amendment, accompanied by a report (No. 673), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GORMAN: A bill (H. R. 16541) providing a minimum wage for certain employees of the District of Columbia and in the civil service of the United States; to the Committee on the District of Columbia.

By Mr. CLINE: A bill (H. R. 16542) for the control and regulation of the waters of Niagara River, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DOOLITTLE: A bill (H. R. 16543) to provide old-age and cripple's pensions; to the Committee on Pensions.

By Mr. FERGUSSON: A bill (H. R. 16544) to establish the Pecos National Game Refuge, in the State of New Mexico, and for other purposes; to the Committee on the Public Lands.

By Mr. THACHER: A bill (H. R. 16545) to mark the approaches to the Cape Cod Canal and Buzzards Bay and Barnstable Bay; to the Committee on Interstate and Foreign Commerce.

By Mr. FERGUSSON: A bill (H. R. 16546) creating the National Park of the Cliff Cities; to the Committee on the Public Lands.

By Mr. SMITH of New York: A bill (H. R. 16547) for the control and regulation of the waters of the Niagara River in the State of New York, for the preservation of Niagara Falls, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 16548) granting an increase of pension to Lewis Bockoven; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16549) granting an increase of pension to Henry W. Edens; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 16550) granting an increase of pension to Charles Lee; to the Committee on Pensions.

By Mr. BAILEY: A bill (H. R. 16551) granting a pension to Jasper Robinett; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 16552) granting an increase of pension to Alexander Smith; to the Committee on Pensions.

By Mr. CARR: A bill (H. R. 16553) granting an increase of pension to Peter Knepp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16554) granting an increase of pension to Nancy J. Scott; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 16555) for the relief of Daniel D. Stocton; to the Committee on Military Affairs.

By Mr. CHANDLER of New York: A bill (H. R. 16556) to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914; to the Committee on Naval Affairs.

By Mr. CRAMTON: A bill (H. R. 16557) granting a pension to Charles H. Conklin; to the Committee on Pensions.

By Mr. EAGAN: A bill (H. R. 16558) granting an increase of pension to Rose Rockenstyre; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 16559) granting a pension to Thomas H. Jones; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 16560) for the relief of the heirs of Joseph Tucker; to the Committee on War Claims.

By Mr. GARRETT of Tennessee: A bill (H. R. 16561) granting a pension to Levi William Walden; to the Committee on Pensions.

By Mr. GRAY: A bill (H. R. 16562) granting a pension to Rebbecca S. Merritt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16563) granting an increase of pension to Emily Elliot; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16564) granting an increase of pension to Maria A. Endsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16565) granting an increase of pension to Raphael Gall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16566) granting an increase of pension to David Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16567) granting an increase of pension to Mary C. Kitchen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16568) granting an increase of pension to John C. Leonard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16569) granting an increase of pension to Lovisa Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16570) granting an increase of pension to Sarah E. Parish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16571) granting an increase of pension to Virginia E. Ratliff; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 16572) granting an increase of pension to Nels E. Johnson; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 16573) granting an increase of pension to Cornelia Bronaugh; to the Committee on Invalid Pensions.

Also, a bill (H R. 16574) granting an increase of pension to Rebecca E. Spicer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16575) granting an increase of pension to William T. Tillery; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 16576) granting a pension to Louise S. Pearce; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 16577) granting an increase of pension to Edward Middleton; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 16578) for the relief of Frank P. Sammons; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Brighton, Colo.; Chicago Heights, Ill.; Fairberry, Nebr.; St. Louis, Mo.; Philo, Ill.; Atwoodboro, Pa.; McDonald, Pa.; Louisville, Ky.; Greyville, Ill.; Ironton, Mo.; Tomah, Wis.; Taylorville, Ill.; Idaho Springs, Colo.; New Castle, Pa.; Amsterdam, N. Y.; El Paso, Ill.; Smith Center, Kans.; Hanover, Ill.; Superior, Nebr.; Dunbar, Nebr.; Jefferson, Iowa; Pittsburgh, Pa.; Cleveland, Ohio; Gladstone, Ill.; Fort Collins, Colo.; Denver, Colo.; Mayfield, Kans.; Bennett, Mo.; Green Island, N. Y.; Cuba, N. Y.; Chicago, Ill.; Noblestown, Pa.; Mediapolis, Iowa; Ottumwa, Iowa; Ottawa, Kans.; Salinville, Ohio; Clayton, Ill.; Albia, Iowa; Albany, Ohio; Omaha, Nebr.; Dirby, Iowa; Metuchen, N. J.; and Duluth, Minn., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions by certain citizens of Hawarden, Iowa; Mulvane, Kans.; Atlanta, N. Y.; Lawrenceville, Ill.; Youngsville, Pa.; Oshkosh, Wis.; Allerton, Iowa; Chicago, Ill.; Walnut, Iowa; and Oelwein, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAMSON: Petitions of Mrs. John L. Strozier, of Greenville, and sundry citizens of Talbot, Muscogee, and Harris Counties, W. G. Colton, G. H. Whittaker, and Rev. O. B. Chester, all of Columbus, Ga., favoring national prohibition; to the Committee on the Judiciary.

By Mr. AINEY: Petition of the Clinton Center Baptist Church, the South Clinton Baptist Church, the Aldenville Baptist Church, sundry citizens of Gravity, and 66 voters of Nicholson, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petitions of sundry citizens of Delphos and Van Wert, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the congregation of the First Presbyterian Church of Columbus Grove, Ohio, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of E. W. Allen and other business men of Muscotah, Kans., in support of House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of the Young People's Missionary Society of the Grace Lutheran Church, of Johnstown, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Manufacturers and Dealers' League of Western Pennsylvania, against national prohibition; to the Committee on the Judiciary.

By Mr. BALTZ: Petition of Cigarmakers' Union, Local No. 250, of Belleville, Ill., protesting against national prohibition; to the Committe on the Judiciary.

By Mr. BELL of California: Petition of 100 citizens of Rivera, 200 citizens of Glendale, 1,122 citizens of Pasadena, and 100 citizens of San Fernando, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Petition of Frank M. Finn and 26 other citizens of Port Huron, Mich., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of George C. Whitney Post, No. 188, Department of Michigan, Grand Army of the Republic, protesting against changing the form of the United States flag; to the Committee on the Judiciary.

Also, memorial of the Bay County Equal Suffrage Association, the Equal Suffrage League of Wayne County, and the faculty and students of Olivet College, all in the State of Michigan, favoring the passage of the Bristow-Mondell resolution for an amendment enfranchising women; to the Committee on the Judiciary.

By Mr. CURRY: Petition of H. J. Lawrence, jr., and 15 other residents of Fair Oaks, Sacramento County, Cal., in favor of national constitutional prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of the Proessler & Hassbucher Chemical Co., of New York City; the Davenport (Iowa) Malt & Grain Co.; and A. C. Berker, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DILLON: Petition of various business men of Alpena, S. Dak., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of the South Dakota State Luther League, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Faulk County, S. Dak., favoring suffrage for women; to the Committee on the Judiciary.

Also, petition of sundry citizens of Charles Mix County, S. Dak., favoring passage of House bill 12923, the Federal loan act; to the Committee on Banking and Currency.

By Mr. FERGUSSON: Petition of W. E. Willoughby, J. W. Morris, M. C. Johnson, and 21 other citizens of Yeso, N. Mex., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Church of the Brethren, signed by Samuel Weimer, elder, and Paul D. Willoughby, secretary, representing a membership of 15, of Buchanan and Yeso, N. Mex., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of E. S. Showalter, F. C. Lewis, C. E. Daugherty, and Oscar Linberg, members of Branch No. 1009 of the United National Association of Post Office Clerks, of East Las Vegas, N. Mex., favoring the granting of compensatory time to postal employees on one of the six days following the Sunday on which service is performed; to the Committee on the Post Office and Post Roads.

By Mr. FOSTER: Petitions of the Primitive Baptist and Methodist Episcopal Churches of Waltonville, Ill., and sundry

citizens of Sumner, Lawrence County, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Clinton County, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Military Order of the Loyal Legion of the United States, relative to true allegiance, etc., to the United States of America; to the Committee on the Judiciary.

Also, petition of the Central Federated Union of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GRAY: Petition of 6 churches and ministerial associations and 102 citizens of the sixth congressional district of Indiana, protesting against section 6 of House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Shelbyville, Newcastle, Oldenburg, Connersville, and Brookville, all in the State of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 42 citizens of Richmond, Ind., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Shelby County, Richmond, Maxwell, Newcastle, Lewisville, and Greensfork, all in the State of Indiana, favoring constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also, petition of sundry banks and citizens of the sixth congressional district of Indiana, for a tax on nonresidents selling goods directly to consumers by mail; to the Committee on Ways and Means.

Also, petition of C. R. Breece and others, members of Typographical Union No. 542, of Shelbyville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Connersville, Shelbyville, Rushville, Brookville, Shirley, Liberty, and Newcastle, all in the State of Indiana, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Oldenburg, Brookville, Newcastle, Batesville, Shelbyville, and Charlottesville, all in the State of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 47 citizens of the sixth congressional district of Indiana, favoring a pure-fabric law; to the Committee on Interstate and Foreign Commerce.

Also, petition of 32 churches and societies of the sixth congressional district of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 27 churches and ministerial associations of the sixth congressional district of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 115 citizens of the sixth congressional district of Indiana, protesting against the union of church and state, and especially House bill 7826; to the Committee on the District of Columbia.

Also, petition of Ed C. Muller, as president, and John J. Dandt, as secretary, Fraternal Order D. I. L. of A., of Richmond, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of the Brotherhood of Railway Carmen of America, Industrial Lodge, No. 338, of Midvale, Utah, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of Lodge No. 941, International Association of Machinists' Helpers; Local Union No. 354, Union of Steam and Operating Engineers; Tailors' International Industrial Union, Local Union No. 52; Cigar Makers' International Union of America, Union No. 224; International Brotherhood of Electrical Workers, Local No. 354; International Union of Elevator Constructors; International Association of Bridge and Structural Iron Workers, Local No. 27; United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of America, Local No. 559; Millmen's Local No. 725; Brotherhood of Carpenters; Lodge No. 106, International Association of Machinists; American Brotherhood of Cement Workers, Local No. 122; Mailers' Union No. 21; Deseret Lodge of Operative Plasterers' International Association, Local No. 68, all of Salt Lake City, Utah, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

By Mr. HOXWORTH: Petition of 38 citizens of Alpha, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Quincy, Ill., against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Knoxville, Victoria, Mendon, Rio, Woodhull, Abingdon, Annawan, and Galesburg, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Kewanee, Ill., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Galesburg, Ill., favoring House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. KEISTER: Petitions of sundry citizens of Cokeville, Branch, and Seward; the Woman's Christian Temperance Union of Alverton, and the Union Presbyterian Church of Mars, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of 400 voters of the third congressional district of Rhode Island, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the St. Paul's Episcopal Church, of Pawtucket, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of various members of the Fraternal Order of Eagles, No. 245, of Cumberland, Md., against the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of various members of Cumberland (Md.) Lodge, No. 271, Loyal Order of Moose, against the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. LEWIS of Pennsylvania: Petition of Samuel A. Knouss, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of W. J. McGinn, of Windsor Locks, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. McCLELLAN: Telegrams of D. C. Dow, jr., T. E. Dornet, B. P. Sharp, Lee Youngs, V. H. Cohn, C. C. Brown, V. S. Moore, all of Cobleskill, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of South Fallsburg, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MADDEN: Petition of sundry citizens of the State of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petitions of various churches and organizations of Lincoln, Nebr., representing 474 citizens, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petition of various cigarmakers of Ionia, Mich., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MITCHELL: Petitions of 10 citizens of Boston and other places in Massachusetts, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Petitions of the Ash Chapel Methodist Episcopal Church and the Ash Chapel Methodist Episcopal Sunday School, Clarksburg; and the Shapespeare Club; the Epworth League, Methodist Episcopal Church; the Ladies' Aid Society, Methodist Episcopal Church; the Ladies' Aid Society, Christian Church; the Ladies' Aid and Mission Circle of the Baptist Church; the Young Women's Christian Club; the Methodist Protestant Aid Society; and the Shinnston Woman's Christian Temperance Union, all of Shinnston, W. Va., for national prohibition; to the Committee on the Judiciary.

By Mr. O'LEARY: Petitions of C. H. Schilling Sons, of Rockaway Beach; S. Hochstadter; the Central Federated Union of New York City; and the Wainwright & Smith Co., of Rockaway Beach, all in the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of the American Association for International Conciliation, favoring mediation with Mexico; to the Committee on Foreign Affairs.

Also, petition of the Glad Hand Class of the Haven Methodist Episcopal Church, of East Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Providence, R. I., favoring woman suffrage amendment; to the Committee on the Judiciary.

By Mr. RAKER: Letter from the California Retail Hardware Association, Oakland, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, letters from eight citizens of Sacramento, Cal., protesting against national prohibition; to the Committee on the Judiciary.

Also, letter from Davenport Malt & Grain Co., Davenport, Iowa, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. REED. Petitions of E. J. Knowlton and 1,770 others, of Manchester; Thomas Cole, of Franklin; William G. Lussie and two others, of Goffstown; A. Charnley and two others, of Auburn; John Goff, of Litchfield; L. L. Tarr, of Bedford; Charles W. Swan, of Hillsboro, all in the State of New Hampshire, opposing national prohibition of the liquor traffic; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petitions of various churches representing 75 citizens of Sweetwater, 200 citizens of Fort Ogden, 1,000 citizens of Lakeland, and 125 citizens of Winter Haven, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Memorial of the Utica (N. Y.) Trades Assembly, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TAVENNER: Petition of the Warfield Lumber & Coal Co., of Monmouth, Ill., favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Arkansas: Petition of various churches representing 272 citizens of McGehee, Ark., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of sundry citizens of Beaver County, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Beaver Falls and Darlington, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. THACHER: Petition of sundry citizens of the fifteenth congressional district of Massachusetts, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of various voters of Jacksonville, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Davenport (Iowa) Malt & Grain Co., the Proessler & Hasslacher Chemical Co., and the Central Federated Union of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Niskayuna Woman's Christian Temperance Union, of Schenectady, N. Y., favoring passage of Bristow-Mondell resolution enfranchising women; to the Committee on the Judiciary.

By Mr. VARE: Petition of 2,200 women, calling upon Congress to pass the Bristow-Mondell resolution proposing an amendment to the United States Constitution enfranchising women; to the Committee on the Judiciary.

By Mr. WILLIAMS: Petition of sundry citizens of Henry County, Ill., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Independent Miners' Union of Morris, Ill., and Chicago Federation of Labor, relative to the strike of the United Mine Workers in the coal fields of Colorado; to the Committee on the Judiciary.

Also, petition of sundry citizens of Pike and Calhoun Counties, Ill., favoring amendment to the Federal fish and game laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Commercial Club of Omaha, protesting against placing Omaha's banking territory in reserve district No. 10; to the Committee on Banking and Currency.

By Mr. WILSON of New York: Petitions of the Hotel Association of New York City, of the International Union of United Brewery Workmen and Otto C. Meyer & Co., of Brooklyn, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. WINSLOW: Petitions of sundry citizens of Worcester, Mass., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Millbury and Worcester, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WOODRUFF: Petition of sundry citizens of the State of Michigan, protesting against national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *May 15, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast given to us a vision fair and beautiful of the highest form of human civilization. Thou hast united us in heart and mind to build a temple of justice in conformity to the Divine revelation. Thou dost say unto us as Thou hast said to Thy people in the ancient time. See that Thou make all things according to the pattern showed to Thee in the mount. We desire to apply the vision beautiful to that which we build for human happiness and for human prosperity, remembering that conformity to the original plan insures the strength, the beauty, and the permanency of our institutions. To this end do Thou guide us in all our work. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read.

Mr. STONE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Overman	Smith, Mich.
Bankhead	Hitchcock	Page	Smith, S. C.
Borah	Hollis	Perkins	Smoot
Brady	Hughes	Pittman	Sterling
Brandegee	Johnson	Poindexter	Stone
Bristow	Jones	Ransdell	Sutherland
Bryan	Kenyon	Reed	Thompson
Burleigh	Kern	Robinson	Thornton
Burton	Lee, Md.	Root	Tillman
Chamberlain	Lodge	Shafroth	Vardaman
Chilton	McLean	Sheppard	Walsh
Clark, Wyo.	Martin, Va.	Sherman	Warren
Dillingham	Martine, N. J.	Smith, Ariz.	Weeks
du Pont	Norris	Smith, Ga.	Williams
Gallinger	O'Gorman	Smith, Md.	Works

Mr. OVERMAN. I announce that my colleague [Mr. SIMMONS] is detained at home on account of sickness.

Mr. SHAFROTH. I wish to announce the unavoidable absence of my colleague, the senior Senator from Colorado [Mr. THOMAS].

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The Journal will stand approved as read, subject to future correction.

HARBOR TONNAGE AND CONSTRUCTION OF LOCKS (S. DOC. NO. 483).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of the 9th ultimo, a statement showing the cost of operating the locks constructed by the United States and the total tonnage passing through each. The Chair is not advised what Senator introduced the resolution or what he would desire to have done with the report.

Mr. O'GORMAN. I suggest that the communication be referred to the Committee on Interoceanic Canals.

Mr. BURTON. What was the object for which the report was called? What committee called for it?

Mr. O'GORMAN. My impression is that it was called for by the Committee on Interoceanic Canals; but I will modify my suggestion, and instead of requesting that it be referred to that committee I ask that the communication be printed as a document, for the use of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the communication will be so printed and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUCKER, Mr. BROUSSARD, and Mr. AINEY managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 15503) authorizing the appointment of an ambassador to the Republic of Chile, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Brooklyn, Hillburn, Utica, Gouverneur, Atlanta, and Green Island, in the State of New York; of Derby, Albia, Mediapolis,

Hawarden, Oelwein, Allerton, and Walnut, in the State of Iowa; of Highland, Summerfield, Americus, Mulvane, and Ottawa, in the State of Kansas; of Taylorville, Clayton, Chicago, Lawrenceville, Alexis, and Bethany, in the State of Illinois; of Erie, Wrightsville, Ingram, Youngsfield, and Noblestown, in the State of Wisconsin; of Deneen and Fort Collins, in the State of Colorado; of Metuchen and Liberty Corner, in the State of New Jersey; of Albany, Oreg.; Omaha, Nebr.; Duluth, Minn.; Bennett, Me.; Salesville, Ohio; Bridgeport, Conn.; and Nampa, Idaho, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. GALLINGER (for Mr. BRADLEY) presented telegrams, in the nature of petitions, from the Federation of Churches of Campbell and Kenton Counties and from the Federated Laymen's Leagues of Campbell County, all in the State of Kentucky, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also (for Mr. BRADLEY) presented a telegram, in the nature of a memorial, from the American Association of Foreign Language Newspapers, of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also (for Mr. BRADLEY) presented memorials of sundry citizens of the State of Kentucky and a memorial of the Central Federated Union of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented a petition of sundry citizens of Rockland, Me., praying for the enactment of legislation granting compensatory time for Sunday services to employees of the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented a telegram, in the nature of a petition, from the faculty and students of the Enterprise Normal Academy, of Enterprise, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry churches and Sunday schools in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Baltimore, Md., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the medical and chirurgical faculty of the State of Maryland, praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. SHEPPARD. I present a list of the total number of people represented by resolutions sent to Congress through the Woman's Christian Temperance Union, from churches, clubs, societies, and public meetings throughout the country, in behalf of the nation-wide prohibition amendment. I ask that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Total indorsed resolutions sent to Congress through Woman's Christian Temperance Union from churches, clubs, societies, and public meetings throughout the country in behalf of nation-wide prohibition amendment up to May 6, 1914.

State.	Organizations.	People represented.
Alabama	29	4,780
Arizona	10	1,153
Arkansas	62	11,436
California	275	67,318
Colorado	166	56,845
Connecticut	90	14,921
Delaware	82	11,264
District of Columbia	10	6,884

Total indorsed resolutions sent to Congress, etc.—Continued.

State.	Organizations.	People represented.
Florida	95	16,637
Georgia	122	52,774
Hawaii	1	55
Idaho	50	3,962
Illinois	492	168,315
Indiana	680	156,611
Iowa	362	63,752
Kansas	337	141,732
Kentucky	128	27,005
Louisiana	66	23,763
Maine	93	15,101
Maryland	192	30,916
Massachusetts	358	81,694
Michigan	326	92,823
Minnesota	208	37,971
Mississippi	32	7,232
Missouri	315	56,303
Montana	55	6,371
Nebraska	147	21,522
New Hampshire	104	11,641
New Jersey	326	67,066
New Mexico	83	12,015
New York	681	131,384
North Carolina	43	17,460
North Dakota	174	24,175
Ohio	478	106,495
Oklahoma	130	32,841
Oregon	209	45,055
Pennsylvania	1,130	293,109
Rhode Island	75	17,153
South Carolina	50	11,707
Tennessee	163	33,962
South Dakota	22	1,311
Texas	128	1,012,293
Utah	24	2,119
Vermont	163	26,210
Virginia	85	16,719
Washington	88	10,263
West Virginia	155	26,760
Wisconsin	154	31,317
Wyoming	48	8,389
Total	9,296	3,358,586

Mr. SHEPPARD presented a memorial of sundry citizens of Galveston, Tex., remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Galveston, Tex., praying for the adoption of certain amendments to the postal and civil-service laws, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented a resolution adopted by the Woman's Christian Temperance Union of Wabash, Ind., favoring the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KENYON. I present a petition signed by members of the Woman's Christian Temperance Union of West Branch, Cedar County, Iowa, praying for the adoption of the national constitutional prohibition amendment. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. SMITH of Arizona presented petitions of sundry citizens of Yuma, Thatcher, Tucson, and Flagstaff, all in the State of Arizona, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented memorials of Harry Miner, of Williams, and of sundry citizens of Miami, in the State of Arizona, and of the Malt & Grain Co., of Davenport, Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented telegrams, in the nature of memorials, from 12 local labor unions in the Warren mining district, of Bisbee, and of sundry citizens of Bisbee, all in the State of Arizona, remonstrating against the adoption of an amendment

to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of Mrs. Frank T. Ming, Mrs. J. E. Clone, Miss Oriola Moriega, Miss Jennie M. Thurston, W. A. Moser, Mrs. J. R. Dunne, and sundry other citizens of Yuma, Ariz., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of the Local Socialist Party, of Mount Vernon, Wash., remonstrating against the conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. MARTIN of Virginia presented a memorial of Local Union No. 661, Bartenders' League, of Roanoke, Va., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Portland and New Sweden, in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMOOT presented a memorial of the Salt Lake Rotary Club, of Salt Lake City, Utah, remonstrating against the further extension of the parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. WORKS presented a petition of the Anaheim Dry Federation, of Anaheim, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented memorials of the French American Bank of Savings, of San Francisco; of Beer Bottlers' Local Union No. 293; and of sundry citizens of San Francisco, all in the State of California, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Orleans, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of sundry citizens of Haverhill, Mass., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of South Royalston and Millbury, and of Eastern Scandinavian Grand Lodge of Massachusetts of the Independent Order of Good Templars, of Malden, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Wells H. Button, Forest Kensinger, William A. Thornton, and 62 other citizens of Terre Haute; Joe Belle, John Collins, F. D. Ryan, and 7 other citizens of Fort Wayne; of Adam Boes, August F. W. Sturm, W. Ganske, and 509 other citizens of Richmond, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of 67 citizens of Roann, and of Rev. Blaine E. Kirkpatrick, Rev. Charles A. Decker, Rev. J. H. Evans, and 206 other citizens of South Bend, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Castle United Brethren Church, of Elkhart; the Mennonite Church of Middlebury; the Episcopal Church of Elkhart, and the Zion Reformed Church of Millersburg, all in the State of Indiana, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and I submit a report (No. 518) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. ASHURST. From the Committee on Indian Affairs I report back favorably with amendments the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, and I submit a report (No. 519) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, reported it without amendment and submitted a report (No. 521) thereon.

Mr. KENYON, from the Committee on Military Affairs, to which was referred the bill (S. 725) to correct the military record of Aaron S. Winner, reported it with an amendment and submitted a report (No. 522) thereon.

He also, from the same committee, to which was referred the bill (S. 2981) for the relief of Edward W. Whitaker, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SAULSBURY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2985) for the purchase of a site and erection of a Federal building at Crisfield, Md., reported it without amendment and submitted a report (No. 524) thereon.

RAILROADS IN ALASKA.

Mr. PITTMAN. From the Committee on Territories I report back favorably without amendment the bill (S. 5526) to amend an act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," and I submit a report (No. 520) thereon. I request unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CLARK of Wyoming. Let it be read for information.

Mr. SMOOT. I ask that the bill may go to the calendar.

The VICE PRESIDENT. There is objection, and the bill will go to the calendar.

GORDON W. NELSON.

Mr. O'GORMAN. Mr. President, I ask the attention of the Senate for just a moment regarding an emergency bill. On the 6th of June the graduates from the Naval Academy at Annapolis will receive their diplomas. Among them is a young man named Gordon W. Nelson, who has not yet been naturalized as a citizen. A few days ago we passed a bill permitting his graduation on that date with the understanding that he would become naturalized by January 1 next. Through some inadvertence the date was fixed for January 1 next when it should have been July 1 of next year.

From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 5552) to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914, and I submit a report (No. 523) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which was read, as follows:

Be it enacted, etc., That an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914, be amended so as to read as follows:

"SECTION 1. That the President be, and he is hereby, authorized to commission, by and with the advice and consent of the Senate, Gordon W. Nelson an ensign in the United States Navy on the date of his graduation after the four years' course at the Naval Academy, to take rank as an ensign with the other members of his class according to their standing as determined by their final multiples for the four years' course at the Naval Academy: *Provided*, That unless the said Gordon W. Nelson becomes a citizen of the United States on or before July 1, 1915, he shall on said date cease to be an officer of the Navy."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VESSELS IN COASTWISE AND FOREIGN TRADE.

Mr. NEWLANDS. On April 17 the Senator from Texas [Mr. SHEPPARD] submitted a concurrent resolution (No. 23) directing the Interstate Commerce Commission to investigate and report facts regarding the ownership, organization, operation, and rates of vessels and steamship lines transporting freight between the Atlantic and Pacific coasts, and it was referred to the Committee on Interstate Commerce. I am directed by that committee to report a Senate resolution (S. Res. 364) as a substitute for the concurrent resolution of the Senator from Texas, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I object.

The VICE PRESIDENT. There is objection, and the resolution goes to the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 5560) to purchase an oil painting entitled "Our Glory—the Battleship *Oregon*"; to the Committee on the Library.

By Mr. JOHNSON:

A bill (S. 5561) granting a pension to Gardner L. Eastman; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 5562) for the erection of a public building in the city of Tucson, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 5563) granting an increase of pension to Henry C. Jacks; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5564) granting an increase of pension to Allison Molyneux (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5565) granting an increase of pension to Frances E. Porter; to the Committee on Pensions.

By Mr. GALLINGER (for Mr. BRADLEY):

A bill (S. 5566) granting an increase of pension to Amanda G. Moody (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5567) granting an increase of pension to Harrison Welsh;

A bill (S. 5568) granting an increase of pension to Lorena M. Long; and

A bill (S. 5569) granting an increase of pension to Charles F. Roberts (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 5570) to increase the appropriation for the erection of an immigration station at Baltimore, Md.; to the Committee on Public Buildings and Grounds.

A bill (S. 5571) for the relief of the heirs of Henry B. Strevig, deceased; to the Committee on Claims.

A bill (S. 5572) for the relief of Charles W. Skinner; to the Committee on the District of Columbia.

By Mr. CHILTON:

A bill (S. 5573) to provide for the erection of a public building at Williamson, W. Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 5574) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States; to the Committee on the Judiciary.

STAR SPANGLED BANNER CENTENNIAL CELEBRATION.

Mr. SMITH of Maryland. I introduce a joint resolution, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. SMOOT. Let the joint resolution be stated.

The joint resolution (S. J. Res. 148) authorizing the President to extend invitations to foreign Governments to participate through their accredited diplomatic agents to the United States in the National Star Spangled Banner Centennial Celebration was read twice by its title.

Mr. SMITH of Maryland. I will say there is no appropriation called for by the joint resolution.

Mr. SMOOT. It must be referred to a committee. If it were simply a Senate resolution, it might be considered at this time and without reference to a committee; but it is a joint resolution and must be referred to the appropriate committee.

Mr. SMITH of Maryland. Very well. It is, however, such a harmless measure I thought it might possibly be acted upon at once.

Mr. O'GORMAN. I suggest that the joint resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. In the absence of objection, the joint resolution will be referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment providing that hereafter the laws relating to annual leave in the Navy shall apply to classified civil-service per diem employees of the clerical, drafting, inspection, messenger, and watch forces at navy yards, naval stations, and other offices or stations under the Navy Department, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment authorizing the accounting officers of the Treasury to allow members of the Naval Nurse Corps the amounts which as commutation of subsistence at any time have been checked against their accounts, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment providing for the pay of electrical expert aids and electrical experts in the classified service of the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

Mr. JONES submitted an amendment proposing to appropriate $200,000 for collecting and maintaining an adequate Alaskan exhibit at the Panama-Pacific Exposition, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $200,000 for collecting and maintaining an adequate Alaskan exhibit at the Panama-Pacific Exposition, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Industrial Expositions and ordered to be printed.

Mr. RANSDELL submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. In this week's issue of the Saturday Evening Post, of Philadelphia, there was published an article expressing certain views of David Jayne Hill, who was Assistant Secretary of State under John Hay at the time of the negotiation of the second Hay-Pauncefote treaty. I request that the article may be inserted in the RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

THE MEANING OF THE HAY-PAUNCEFOTE TREATY.

(By David Jayne Hill.)

Without touching on the expediency of either affirming or surrendering such rights as the United States may possess in the Panama Canal, it may be useful at this time to inquire what are the respective rights of the United States and Great Britain under the Hay-Pauncefote treaty.

The Clayton-Bulwer treaty: In 1850 the occupation by Great Britain of territory in the vicinity of a possible future canal connecting the Atlantic and the Pacific led to the negotiation of a treaty between the United States and Great Britain, signed on April 19 of that year, which contained the following provisions:

"The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America," and so on.

So long as this convention remained in force—that is, down to the year 1900—it was impossible for either Great Britain or the United States to build an isthmian canal over which it could, without a violation of the treaty, exercise such rights of control and defense as would justify the expenditure of the cost of construction by either nation.

Meanwhile, under rights obtained from Colombia, a French company began, but afterwards abandoned, the construction of a canal across the Isthmus of Panama.

In 1900 the Government of the United States desired to construct an isthmian canal for the purpose of connecting its Atlantic and Pacific coasts by a waterway through which its ships of war and its domestic commerce might be transferred from ocean to ocean. This was to be an American canal, constructed and controlled by the Government of the United States. The obstacle to procedure was the Clayton-Bulwer treaty, by which the United States was solemnly bound not to exercise the control it now desired to exercise.

The abrogation of the Clayton-Bulwer treaty: The task was intrusted to the Secretary of State, Mr. John Hay, to open negotiations with Great Britain for the purpose of liberating the Government of the United States from its agreement with Great Britain, in order that it might be free to proceed with the construction of a canal under its own exclusive control.

Would Great Britain agree to release the United States from the then existing obligations? That was the question which Secretary Hay was called on to face. On the one hand, Great Britain might be reluctant to permit the United States to construct and control a waterway between the two oceans, through which American ships might at all times pass freely and from which British ships might sometimes be excluded.

On the other hand, Great Britain, as the greatest of maritime powers, might profit greatly by the construction of such a canal; and there was the possibility that the United States, whose position in the Western Hemisphere had been profoundly modified in the 50 years that had elapsed since the signing of the Clayton-Bulwer treaty, might consider it expedient to denounce that treaty, on the ground that treaties, even when alleged to be perpetual, are morally binding only rebus sic stantibus, and cease to be so when conditions have essentially changed.

In the conduct of the negotiations Mr. Hay discovered that Great Britain was deeply interested in the construction of a canal at the expense of the United States, and would readily consent to it on condition that the general principle of neutralization, which had been definitely specified in the Clayton-Bulwer treaty, should be recognized in a new convention.

Accordingly a new treaty was signed on February 5, 1900, designed to take the place of the Clayton-Bulwer treaty, in which it was agreed

that a canal might be constructed "under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares."

The first Hay-Pauncefote treaty: Though the treaty of February 5, 1900, released the Government of the United States from some of the obligations of the Clayton-Bulwer treaty, it did not release it from all.

In the second article it was declared:

"The high contracting parties, desiring to preserve and maintain the 'general principle' of neutralization established in article 8 of the Clayton-Bulwer convention, which convention is hereby superseded, adopt, as the basis of such neutralization, the following rules."

The rules, substantially as embodied in the Suez Canal convention, signed by nine powers in 1888, then follow. The first one reads:

"The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and war of all nations, on terms of entire equality; so that there shall be no discrimination against any nation, or its citizens or subjects, in respect of the conditions and charges of traffic, or otherwise."

The seventh rule reads:

"No fortification shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder."

Evidently here, as in the Clayton-Bulwer treaty, Great Britain shared with the United States the power to determine the conditions under which the canal should be used. It was distinctly agreed that all nations, without qualification of any kind, and therefore plainly including the United States, were to be treated on terms of entire equality with the United States.

The language is plain and explicit, and can have no other meaning. So complete is the condominium in the control of the canal that Great Britain in the first Hay-Pauncefote treaty still possessed and exercised the right to forbid the fortification of the canal, as well as to share on terms of entire equality all the privileges of the United States, both in war and peace.

The second Hay-Pauncefote treaty: Though it is well known that the first Hay-Pauncefote treaty was not ratified by the Senate of the United States and was returned to Secretary Hay with several proposed amendments, the language of that treaty has so impressed itself on the memory of many persons that they persist in quoting its words as constituting the present obligations of the United States, unmindful of the fact that it was never ratified.

It is therefore of the highest importance to a comprehension of this subject that we should not only distinguish between the unratified treaty of February 5, 1900, and the treaty of November 18, 1901, which was duly ratified and is now in force, but that we should closely follow the steps of the transition from the one to the other by which the relations of the two Governments were radically modified.

Without encumbering this brief exposition with the discussion of the first Hay-Pauncefote treaty before the committee of the Senate, it may be sufficient to point out the nature of the modifications actually adopted, with the reasons for making them.

When the Senate declined to ratify without amendment his first treaty, Secretary Hay reopened the negotiations with Great Britain on the understanding that the canal was to be exclusively American; that the right of fortification was not to be denied; and that neutralization as a general principle could not be interpreted as excluding the owners of an object from unlimited control over it, so long as all neuters were subjected to equal treatment. Great Britain and all others were to be treated with strict equality, but the United States was to have a free hand in the management of its own property.

In pursuance of this purpose the draft of the second Hay-Pauncefote treaty withdrew from the obscurity of a merely parenthetical clause the statement that the Clayton-Bulwer treaty was superseded, and brought to the front as the first article the plain declaration:

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850."

It is therefore useless to look back of the Hay-Pauncefote treaty of November 18, 1901, for any light on the present rights and treaty relations of the United States and Great Britain. So far as the Clayton-Bulwer treaty and the first Hay-Pauncefote treaty are concerned, they have no existence and no effect. The rights of the two countries respecting the canal are therefore to be determined solely by an interpretation of the second Hay-Pauncefote treaty, which alone is still in force.

Happily we have clear and authentic written evidence of the intentions of both sides in this negotiation. In communicating the new treaty to the Senate for ratification Mr. Hay says:

"The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it. Under these circumstances, and considering that now, by the new treaty, Great Britain is relieved of all responsibility and burden of maintaining its neutrality and security, it was thought entirely fair to omit the prohibition that 'No fortifications shall be erected commanding the canal or the waters adjacent.'"

There are then, from Mr. Hay's point of view, no limitations whatever on the enjoyment by the United States of "all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal," as provided for in the second article of the new treaty. The Clayton-Bulwer treaty casts no shadow on the new convention, which is based on a new conception of the relations of the two Governments to the canal.

That the British Government took the same view is evident from the difference between the two Hay-Pauncefote treaties and the statements of Lord Lansdowne, the British minister of foreign affairs, in his communications to Lord Pauncefote.

The changes in the treaty as ratified: Lord Lansdowne's memorandum for the instruction of Lord Pauncefote, dated August 3, 1901, reveals how completely the British Government had modified its point of view since the negotiations began.

"In form," says Lord Lansdowne, "the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis on which the canal was to be neutralized. In the new draft the United States intimate their readiness 'to adopt' somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforth be assumed by the Government of the United States. The change of form is an important one; but in view of the fact that the whole cost of construction of the canal is to be borne by that Government, which is also to be charged with such measures as may be necessary to protect it against lawlessness and disorder, His Majesty's Government are not likely to object to it."

In brief, the rules for the use of the canal, instead of being laid down, as in the first treaty, by the United States and Great Britain jointly, in this new treaty are now to be laid down by the United States alone; the reason for this being that the cost of constructing, maintaining, and defending the canal is now to be borne solely by the United States. The bilateral agreement becomes a unilateral regulation. In exchange for the added burdens assumed by the United States, Great Britain surrenders all rights in the canal except those explicitly accorded under the rules adopted by the United States.

This radical change in the ground conception of the treaty seemed to Lord Lansdowne to require a corresponding change in the phraseology of the rules. Accordingly, in the draft of the treaty sent by the British foreign office to Lord Pauncefote, Lord Lansdowne proposed to change the expression in the first rule from—

"The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and war of all nations, on terms of entire equality; so that there shall be no discrimination against any nation, or its citizens or subjects, in respect of the conditions and charges of traffic, or otherwise"—

To the form—

"The canal shall be free and open to the vessels of commerce and war of all nations which shall agree to observe these rules, on terms of entire equality; so that there shall be no discrimination against any nation so agreeing," and so on.

The significance of this change is evident. The rules in question were now to be adopted by the United States alone. The canal was not to be thrown open to "all nations," but only to "all nations which shall agree to observe these rules." Not only so, but the expression "in time of war as in time of peace," which apeared in the first treaty, is now dropped, thus giving the United States in time of war the right, if necessary, to close the canal, even to those naticns that agree to observe the rules laid down by the United States.

Clearly the United States Government in this new treaty occupies an entirely different position from the one it occupied in the previous treaty. It now possesses the right not only to fortify the canal but to close the canal in time of war. It is recognized as sole proprietor, and as such is empowered not only to adopt rules but by its own means and at its own cost to enforce the observance of them.

What, then, is the position in the new form of the treaty of all other nations, Great Britain included? "All nations which shall agree to observe these rules," now adopted by the United States alone, and no others, are, according to Lord Lansdowne, to enjoy the use of the canal. A distinction is here made that did not appear in the first treaty. In the first treaty the United States and Great Britain together adopted rules that opened the canal to "all nations, on terms of entire equality." In the second treaty the United States alone adopts the rules; and, as sole owner of the canal, offers terms of entire equality to all nations that shall agree to observe them.

Does the equality here referred to mean equality with the Government of the United States or equality among those agreeing to observe the rules? This is, without doubt, the critical point in the interpretation of the treaty, and it is necessary to proceed with extreme caution and absolute freedom from prejudice of any kind.

It would appear that the right to fortify the canal and to adopt rules for its use, with the power of closing it in time of war for purposes of defense, places the Government of the United States in a position quite different from that which it occupied when all these prerogatives were denied. The consideration offered by the United States to Great Britain for these new advantages was the assumption of the whole burden of maintaining and defending the canal as a piece of national property, thus relieving and discharging Great Britain from any obligation whatever, except observance of the rules.

A close examination shows that not one of the rules the nations were to agree to observe could be regarded as applying to the owner of the canal; so that the expression "all nations which shall agree to observe these rules," can hardly be regarded as including the United States.

The purpose and character of the rules seem to forbid such inclusion. They are almost exclusively prohibitions that could not well apply to the United States as sole proprietor of the canal, whose whole interest would be to secure the observance of the rules and could not in any way be promoted by violating them—such as blockading the canal; committing acts of hostility within it; the revictualing of belligerent vessels; delay in transit; the treatment of prizes of war; the embarkation or debarkation of troops and munitions of war, and so on; and the occupation of waters adjacent to the canal by belligerent vessels—all of which relate to acts interfering with the control of the canal. Such rules have from their very nature no application to the United States, which, therefore, can not fairly be regarded as included in the expression, "all nations which shall agree to observe these rules."

We have, then, apparently two classes of powers designated in the provisions of this treaty: (1) The sole builder, owner, and controller of the canal, on the one hand, and (2) the nations that agree to observe the rules it has adopted, on the other. Does the United States consent in this treaty to extend to other nations entire equality with itself in the use of the canal, or only entire equality among themselves as equal and neutral powers?

The answer to this question is to be found in the statements relating to the effect of the treaty by those who commented on it at the time when it was negotiated. Lord Lansdowne, in his instructions to Lord Pauncefote, states very clearly his reason for changing "all nations" into "all nations which shall agree to observe these rules." His reason is—with the new conception of the treaty as giving to the United States complete control of the canal, thus making it exclusively American—that Great Britain would be placed at a disadvantage if all nations, without distinction, were to enjoy the privileges of the canal without any obligation to observe the rules.

"The omission of the words under which this country"—Great Britain—"became jointly bound to defend the neutrality of the canal, and the abrogation of the Clayton-Bulwer treaty," Lord Lansdowne admits, "would materially diminish the obligations of Great Britain." "This," he adds, "is a most important consideration." "But," he continues, "having assumed the whole burden of defending the canal, the United States would have a treaty right to interfere with the canal in time of war or apprehended war. Great Britain alone, in spite of her vast possessions on the American Continent and the extent of her interests in the East, would be absolutely precluded from resorting to any such action or from taking measures to secure her interests in and near the canal," though other powers not bound by the treaty would be free to take such action as they pleased.

"I would therefore suggest," he concludes, "the insertion, in rule 1, after 'all nations,' of the words 'which shall agree to observe these rules.' This addition will impose on the other powers the same self-denying ordinance as Great Britain is desired to accept, and will fur-

nish an additional security to the neutrality of the canal, which it will be the duty of the United States to maintain."

What, then, is the substance of this self-denying ordinance on the part of Great Britain and this new burden assumed by the United States? Is it not the complete and unrestricted surrender of the control of the canal to the one power that takes the place of the two powers which before acted jointly, so that all other powers must agree to observe its rules on a plane of equality among themselves?

The Government of the United States objected to requiring all nations desiring the use of the canal to agree to observe its rules, on the ground that such an agreement would make those nations parties to the contract and thus give them contract rights in the canal. Mr. Hay proposed to change the reading of Lord Lansdowne's suggestion to "all nations observing these rules"; thus preserving the distinction already made plain in Lord Lansdowne's amendment between the nation adopting and the nations observing the rules, but without making them parties to the contract.

The question still remains, Did the assumption of the full control of the canal by the United States in any way affect the pledge of the United States Government in the first Hay-Pauncefote treaty to accord to all nations terms of entire equality with itself?

The change in the relations between the high contracting parties expressed in the new treaty seems to imply a change in this respect also; and Lord Lansdowne appears to have thought it did, for he proposed the insertion in the new treaty of the words, now for the first time suggested, "such conditions and charges of traffic shall be just and equitable."

If it was clearly understood that the United States and all nations observing the rules were to be subject to identical conditions and charges of traffic, would there have been any occasion to demand of the United States that these should be just and equitable? Could the United States Government, on the assumption that "entire equality" applies to itself and other nations, have any motive for imposing conditions and charges of traffic that were not just and equitable on its own citizens?

This new insertion apparently implies the conviction that entire equality with the United States was no longer, as in the first Hay-Pauncefote treaty, a prerogative of the other powers, including Great Britain; and that the only way to guard against excesses by the United States was not, as might otherwise be expected, to write into the treaty the simple words, "no other conditions or charges of traffic are to be demanded than those paid by vessels of the United States," but, instead, the far feebler proviso, quite meaningless if entire equality were already accorded, "such conditions and charges of traffic shall be just and equitable."

Undoubtedly Great Britain was, to use Lord Lansdowne's expression, making a "self-denying ordinance." The new treaty was radically different from the old. The compensation to Great Britain, however, was twofold. Without these changes the canal would probably never be built, and Great Britain was desirous that it should be built; but, in addition, Great Britain was relieved of responsibilities by placing the control exclusively in the hands of the United States.

Could Great Britain expect, under these circumstances, to obtain entire equality in all the advantages of the canal? What compensation in that case would the United States receive for assuming not only the cost of construction but the responsibilities Great Britain thus evaded?

If the transaction is to be esteemed a fair bargain, such as should preserve the honor of both nations—and it is difficult to see how the honor of one can be involved without involving the honor of the other—it was just that the United States should receive some compensation for undertaking single handed to open a great waterway between the oceans that all nations observing its rules should use on equal terms. This was duly recognized by Lord Lansdowne, and there is not a word in the entire correspondence that is not inspired by a spirit of equity on both sides.

It would be as dishonorable to interpret unjustly the meaning of this treaty, and to insist that one side never really gave up anything, as to have made the treaty itself dishonorable or dishonoring to either side. In authorizing the signature of the treaty, as finally agreed on, Lord Lansdowne, in his final instructions to Lord Pauncefote, reverts to the words "all nations" and Mr. Hay's change in the form he had suggested, by remarking:

"His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers."

It would seem absurd to claim for Great Britain all that was voluntarily surrendered in her self-denying ordinance. Her rights appear thereby to have been reduced to the use of the canal on terms of equality with all nations observing the rules, with the added proviso that "such conditions and charges of traffic shall be just and equitable." All other rights in the canal are accorded by the treaty now in force to the Government of the United States, whose only duties to foreign nations are defined in the following paragraph:

"The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects, in respect of the conditions and charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

The principle of neutralization unaffected: It was not intended that these changes in the treaty should affect the general principle of neutralization; and Mr. Hay, in recognition of the concessions made by Great Britain in the treaty of November 18, 1901, voluntarily proposed, and it was formally agreed in the fourth article, that no change of territorial sovereignty should affect the obligations of the high contracting parties under the present treaty.

Since the ratification of the second Hay-Pauncefote treaty the United States has acquired by purchase from the Republic of Panama the right to exercise sovereign authority over the Canal Zone and the adjacent waters within the 3-mile limit; but this in no way affects the general principle of neutralization.

It is important, however, to comprehend the meaning of the term "neutralization" and the powers implied in the control of neutralized territory. Belgium, Switzerland, and Luxemburg are neutralized States; but their domestic concerns are in no way affected by this fact. Their duty consists solely in maintaining and defending their neutrality as between foreign powers. Their sovereign rights are in no way abridged. Within their own territory all of these rights remain intact.

No other power has a right to interfere with the relation between their treasuries and their domestic commerce. They are under a solemn obligation, voluntarily assumed, to treat other powers alike, so far as privileges within their territory are concerned; and especially not to permit their territory to be used as a military base or source of supplies for belligerents. This is precisely what the Government of the United States is pledged to do in respect to all nations observing the rules of neutralization adopted by the United States, namely, to furnish equal treatment and equal service in the canal.

If it were contended that the Government of the United States should enjoy no privileges in the canal other than those possessed by the nations observing its rules, there would be no historic example of neutralization and no intelligible definition of the term on which such a contention could be based. This contention would impose on the builders of the canal such servitude to noncontractants as was never yet imposed by any power on the owner of any neutralized object.

What, under that interpretation, would become of the agreement in the second article, that "the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal"?

It is true that all these rights are subject to the provisions of the present treaty; but they are not subject to theories and definitions not in harmony with these provisions, and they can not be in any way legally limited, except by the clear and express stipulations of the treaty itself.

It has been claimed as a restriction on these rights that the preamble of the treaty now in force expressly states that its purpose is "to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the general principle of neutralization established in article 8 of that convention"; and that therefore article 8 of that treaty is still in force.

A careful examination of the article in question shows that this can not possibly be the case; and that it is merely the general principle of neutralization, and not at all the specific form of neutralization presented in that article, which the second Hay-Pauncefote treaty is designed not to impair.

Article 8 of the Clayton-Bulwer treaty contemplates the construction of a canal by neither Government, but by some company to be formed for that purpose, under the protection of both Governments. The canal is, in return for this equal protection, to be "open to the citizens and subjects of the United States and Great Britain on equal terms."

Both Governments are pledged not to exercise any control over this tertium quid. Suppose, then, such a company had built the canal, would there be any doubt about its right to pass its own ships freely through its own waterway? Would there be any impairment of the general principle of neutralization so long as all the protectors of the canal were equally served?

The difference between the Clayton-Bulwer treaty and the second Hay-Pauncefote treaty consists precisely in this: In the Clayton-Bulwer treaty the United States and Great Britain were joint protectors of a tertium quid, while in the second Hay-Pauncefote treaty the United States Government becomes, by a new and special agreement with Great Britain, both the sole owner and the sole protector of a canal built entirely at its own expense, while Great Britain ceases to bear any burden or accept any responsibility as protector of the canal.

That the right to equal treatment agreed on in the Clayton-Bulwer treaty is based solely on participation in this obligation to protect the canal is evident from the last words of the article in question.

The article reads: "* * * shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

With the falling away of this protection, which in the first Hay-Pauncefote treaty was still joint between the United States and Great Britain, and was to be shared by other powers also, disappears entirely the specific form of neutrality embodied in the Clayton-Bulwer treaty; and only the general principle, as already defined, remains, namely, that the owner grants entire equality to all nations observing the rules.

The removal of all ambiguities: If it be claimed that the language of the second Hay-Pauncefote treaty is ambiguous, and that, therefore, the broadest possible construction should be placed on it, there is a very simple method of ending all controversy regarding the obligations of the treaty.

Let it be assumed that the Government of the United States is in honor bound to treat the vessels of all nations precisely as it treats its own, what results from this concession? If such conditions and charges of traffic are to be just and equitable, it is proper that every gross ton of shipping passing through the canal should bear its due proportion of the total interest charge and cost of maintenance, operation, and defense of the canal.

If it be a point of honor on account of the obligations of the treaty for the Government of the United States to accord to the vessels of all nations the same treatment that is accorded to its own vessels, it is also a point of honor for all nations availing themselves of the use of the canal to make good to the Treasury of the United States their share of the cost of the service rendered.

It would therefore be fitting for the Government of the United States, if this construction is to be placed on the treaty, to add a rule requiring the nations using the canal to pledge themselves, as a condition of enjoying its benefits, to pay from their respective treasuries such sums as may be necessary to meet any deficit in the annual budget of the canal, in proportion to the gross tonnage of the vessels sailing under their respective flags.

Mr. O'GORMAN. I make a further and similar request regarding the views of Chandler P. Anderson, who was Solicitor of the State Department under Mr. Knox, which appeared in the Washington Post under date of April 19, 1914.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

CHANDLER P. ANDERSON EXPLAINS NEGLECTED PHASE OF TOLLS ISSUE.

[Washington Post, April 19, 1914.]

The discussion of the rights of the United States under the Hay-Pauncefote treaty of 1901 has been devoted principally to the consideration of the question of whether or not the exemption of American coasting vessels from the payment of the tolls which are imposed on the vessels of other nations is a "discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise," in contravention of the provisions of article 3 of the treaty.

This exemption has been, and may well be, justified on the ground that it is not a discrimination against any other nation or its citizens

or subjects, inasmuch as the vessels of no other nation are permitted under the laws of the United States to compete with the vessels of the United States in its coastwise trade, and when there is no competition there can be no discrimination. In stating this proposition it is assumed that the exemption is intended to be limited to vessels engaged in the bona fide coastwise trade of the United States from which foreign vessels are excluded, and to the exclusion from which no objection has been or can be made by any foreign nation.

But whatever may be said on this point, it must be remembered that this contention is only a secondary part of the interpretation of the treaty, hitherto insisted on by the Government of the United States, which is that the rules adopted by the United States under article 3 of the treaty, insuring that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality," etc., do not apply in any way to the vessels of war or of commerce of the United States.

If this interpretation is justified, then no question of discrimination or inequality of treatment in favor of American vessels of war or vessels of commerce, whether engaged in coastwise or foreign trade, can be raised by any other nation under the treaty. It is surprising, therefore, that in this discussion so little attention has been paid to the fundamental question underlying this whole controversy, which is whether or not the rules adopted by the United States under article 3 of this treaty "as the basis of neutralization of the canal" were intended to impose restrictions upon the use of the canal by the United States as well as by other nations.

The United States has adopted six rules in article 3 of this treaty, the last five of which relate to the use of the canal by belligerents in time of war. Secretary Hay stated in the history of these negotiations, which he submitted to the Senate with this treaty, that in case the United States became a belligerent it had "the clear right to close the canal against the other belligerent and to protect it and defend itself by whatever means might be necessary."

That these rules relating to belligerents do not apply to the United States always has been and still is the view held by the Government of the United States. The correctness of this view also has been admitted and accepted by Great Britain, as appears from the statement in Sir Edward Grey's note of November 14, 1912, that "Now that the United States has become the practical sovereign of the canal, His Majesty's Government does not question its title to exercise belligerent rights of its protection."

This right was not questioned by Great Britain even before the United States acquired title to the Canal Zone, as appears from former Ambassador Choate's recently published letter of October 2, 1901, in which he says, speaking of Lord Lansdowne, that he "gives us an American canal, ours to build as and where we like, to own, control, and govern on the sole condition of its being always neutral and free for the passage of the ships of all nations on equal terms, except that if we get into a war with any nation we can shut its ships out and take care of ourselves."

Obviously the last five of these six rules are not rules which the United States is required to apply to itself, and they must apply only to other nations.

It follows, therefore, as a matter of course, that in adopting the first rule by which the United States guarantees that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules,' the United States did not intend that this clause should apply to itself, for, as above shown, the rules to be observed are rules 2 to 6, none of which were understood by the United States or Great Britain as imposing any restrictions upon the use of the canal by the United States.

In other words, the United States has adopted six rules for the neutralization of the canal. In the first one of these rules the United States undertakes that the canal shall be free and open on equal terms to the vessels of all nations observing these rules, and the rules to be observed are the five rules which follow, regulating the use of the canal by belligerents, and therefore having no application to the United States. It is only in consequence of the observance of these rules that the vessels of other nations become entitled to equal treatment, and the United States alone of all nations assumes any obligation for the enforcement of these rules, and has the right to exclude the vessels of other nations from the use of the canal upon their failure to observe these rules, namely, rules 2 to 6.

It seems perfectly clear, therefore, that inasmuch as, for the reasons above stated, the United States is not required by the treaty to itself observe the rules restricting the use of the canal by belligerents, the United States consequently can not be regarded as one of the nations included in the phrase in rule 1, "all nations observing these rules," to which nations alone the provisions of rule 1, requiring equality of treatment, apply.

CHANDLER P. ANDERSON.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On May 14, 1914:

S. 540. An act for the relief of Joseph Hodges.

On May 15, 1914:

S. 4158. An act to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md.

IMPORTATION OF CONVICT-MADE GOODS.

Mr. STONE. Mr. President, some time ago a motion was made by the Senator from Maryland [Mr. LEE] to reconsider the vote of the Senate by which a bill to exclude the importation of convict-made goods was referred to the Committee on Manufactures. I had left the city on account of illness when that motion was made, and the Senator from Maryland kindly requested that the motion should go over until I returned. I should like now to have that motion taken up and disposed of this morning.

The Senate will doubtless recall that the bill in question is a House bill. When it came over and was laid before the Senate I asked that it be referred to the Committee on Manufactures, to which committee an exactly similar Senate bill had been previously referred, and upon which the committee had made a favorable report, and which bill is now on the calendar. I asked that the House bill be referred to the same committee. Some Senator objected to that reference, contending that the bill should go to the Finance Committee; thereupon I moved to refer the bill to the Committee on Manufactures. That motion prevailed. Some two days afterwards the Senator from Maryland entered his motion to reconsider, which motion is still pending.

The VICE PRESIDENT. Is there objection to the present consideration of the motion referred to by the Senator from Missouri? The Secretary will state the motion.

The SECRETARY. The Senator from Maryland [Mr. LEE] moved to reconsider the action of the Senate agreeing to the motion of the Senator from Missouri [Mr. STONE] referring to the Committee on Manufactures the bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor.

Mr. LEE of Maryland. Mr. President, I should like to say on this subject that the Senator from Missouri [Mr. STONE], being unwell and desirous of going away, he made the request that this bill be referred to the Committee on Manufactures. As a matter of courtesy more than any other reason I voted in favor of his motion. A day or two afterwards it was called to my attention that this was somewhat a reversal of methods and that it involved a very large question. As a similar matter of courtesy I then moved to reconsider the vote by which the bill was referred.

The Senate has only to read the title of this bill to see what a remarkable scope the measure has. Not only does it prohibit the importation and entry of goods wherein the merchandise is made in whole or in part by convict, pauper, or detained labor, but it covers articles made in whole or in part from material which has been made in whole or in part or in any manner manipulated by prison or convict labor.

Mr. President, it is perfectly obvious that the field which is covered as indicated merely by the caption of the bill is almost unlimited. If the matter of the reconsideration of our tariff system is to be taken up at this stage of the session, it ought to be taken up by the committee which has already so creditably considered that great subject. The general purpose of the bill seems good. The Senate should be advised by the usual committee, one especially familiar with the tariff schedules, what the effect of this measure will be before acting upon the bill.

Mr. SMITH of Georgia. Mr. President, I only wish to say a word in addition to what has been said by the Senator from Maryland [Mr. LEE].

The scope of this bill is not at all limited to goods manufactured by convict, prison, or pauper labor; but if the original raw material in any way was touched, I might almost say, by prison, convict, or pauper labor, the product is excluded. If anything it is wrapped in was remotely touched by such labor, it is excluded. If anything that it is boxed in was touched by such labor, it is excluded. I suggested when the Senator from Missouri [Mr. STONE] moved that the bill go to the Committee on Manufactures that the Committee on Finance ought to investigate the bill and let us know how far-reaching it would be.

To illustrate, take our chemicals that we must buy from Germany in large part in connection with our dyes in this country. I understand that nearly all of them have some ingredients where the original raw material was mined by convict labor. To what extent would it exclude our dyes, our chemicals, essential to so many lines of manufacture? To what extent would it exclude cotton bagging? To what extent would it exclude bagging used for grain and wool? I do not know. I have had the suggestion brought to my attention by the Treasury Department; I have seen a letter from the First Assistant Secretary of the Treasury, Mr. Hamlin, indicating that it might be infinitely more far-reaching than any Senator for a moment would wish. It was for this reason that I thought the bill should go to the Committee on Finance, which has experts who have been studying the tariff question, and who are in a position to follow out the subject and to furnish to the Senate information that could not properly be expected to come from the Committee on Manufactures.

It is really a problem that involves the whole tariff question. Almost every schedule of the tariff is involved. If we are to rely for information to help us determine what we are doing, we ought to refer this bill to the Committee on Finance and let them call in the experts who served them on the various schedules of the tariff bill and gather the information, so that we may know to what extent the bill will reach.

Mr. STONE. Mr. President, it is easy enough to make an argument when you assume your premises, for then you may safely take extreme positions. The Senator from Georgia assumed the existence of facts, and upon his assumption proceeded to discuss the merits of this bill. I do not wish to discuss the merits of the bill at this time. The only question before us to-day is the question of reference. I am willing at any time to discuss the bill in all its phases and go fully into its merits, but——

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Certainly; but I was about to remark that I do not think this quite the opportune time to discuss the bill itself. The question now is, To what committee shall the bill be referred?

Mr. GALLINGER. This simply involves the question of reference?

Mr. STONE. Yes; the question of reference only. The merits of the measure will come up for consideration later.

Mr. GALLINGER. May I ask the Senator one further question? There have been several bills relating to convict labor. This one simply deals with the importation of goods made by convict-labor abroad?

Mr. STONE. Yes; that is correct.

Mr. GALLINGER. I thank the Senator.

Mr. SMITH of Georgia. And the raw material from which goods are made?

Mr. STONE. Yes; and the raw material from which goods are made. I am not wise enough, however, to draw a line separating raw materials made by convicts and completed fabrics made by convicts. I can see no good reason for admitting one and excluding the other. Both are convict-made, and are therefore in the same class and should be treated alike.

Mr. WEST. Mr. President, I should like to ask the Senator from Missouri a question.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. STONE. Yes.

Mr. WEST. Where does the Senator draw the line as to pauper labor? I understand pauper labor is included in the bill. Where would the Senator draw the line on that? What is pauper labor in Europe and what is not pauper labor?

Mr. STONE. As used in this bill pauper labor means pauper labor restrained. The labor that is referred to is of course——

Mr. WEST. The bill mentions "confined labor" before it does "pauper labor."

Mr. LODGE. It is perfectly clear in the bill what it means.

Mr. STONE. It is perfectly clear; and if the Senator would only read the bill, he would not divert me into a useless discussion.

Mr. President, the question involved here I say is one of reference. To what committee shall it go? That is the question. But I might say in passing that the Senator from Georgia [Mr. SMITH] is opposed to this bill, because it would prevent the importation of a little cotton bagging made by convicts in England and Scotland. That is the real nut of the thing with him; that is the basis of his opposition.

Mr. SMITH of Georgia. That is one of the bases; that is one of the nuts.

Mr. STONE. That is the principal nut.

Mr. SMITH of Georgia. That attracted my attention to it.

Mr. STONE. Yes; that is exactly what attracted the Senator's attention to it, and the Senator's attention would not in all probability have been attracted to it except for cotton bagging.

Mr. SMITH of Georgia. I am not sure about that.

Mr. STONE. Well, I have a pretty definite opinion as to that.

Mr. President, the Senator says that the bill would affect the importation of dyes, and the Senator from Utah [Mr. SMOOT] amended that remark by adding that it would affect every schedule in that tariff law. I think these are gratuitous statements not warranted by the facts. For example, the Senator from Georgia stated when this matter was up before, as he states now, that the bill would affect the importation of dyes, because, he said, that sulphur was an ingredient in the manufacture of dyes, and that German manufacturers of dyes, from whom we get the bulk of dye imports, obtained their sulphur from Sicily, where the sulphur mines are worked by convicts. I suppose the Senator is under that impression now.

Mr. SMITH of Georgia. Yes.

Mr. STONE. The Senator says "yes." I took occasion, Mr. President, after I had heard from the Senator several weeks ago on this subject, to make some inquiry about the sulphur mines of Sicily. I addressed a letter of inquiry to the Italian Embassy at Washington. The embassy answered that while quite certain that no convicts are worked in the mines of Sicily, yet, to be absolutely sure, I was advised that it would be better to make some further inquiry. Thereupon I addressed a letter to the Italian consul general at New York, whose answer I have here and will read. Under date of April 28, 1914, the Italian consul general at New York wrote me as follows:

SIR: In answer to your favor of the 27th instant, I have the honor to state, from my personal knowledge, that no convict labor is employed in the sulphur mines of Sicily. I have also consulted with natives of Sicily and others who are familiar with labor conditions in that island, and they have uniformly confirmed your and my understanding as to this matter.

With the assurance of my highest respect—

And so forth.

Mr. WILLIAMS. Who is that from?

Mr. STONE. That is from the consul general of Italy stationed at New York.

So, you see, Mr. President, that my friend from Georgia is mistaken about the labor employed in Sicilian sulphur mines. The testimony of the Italian consul general on this subject should have greater weight than a vague impression of the distinguished Senator from Georgia. Let a man assume his facts and he can argue with ease.

Mr. President, the question here is not a revenue question; it is an industrial question. Revenue is not involved in it except incidentally. The main question before us is one relating to manufactures and labor. The revenue feature of it, so far as there is one, is somewhat remote and purely incidental. If this were a revenue bill—if the object of the measure was to increase or diminish the revenues—I concede that in the ordinary practice of the Senate it would go to the Committee on Finance, but there is no rule that gives the Committee on Finance jurisdiction even of revenue bills. Distinctly revenue bills go to the Finance Committee as a matter of orderly procedure and practice, and not because of any fixed rule. It is a matter entirely within the province of the Senate itself to determine the reference to be given a bill of this character. Generally speaking, that is true of all bills, with the possible exception of appropriation bills.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I yield.

Mr. SUTHERLAND. Mr. President, I was not in the Chamber when the Senator began his statement, and perhaps he may have made a statement upon the matter I am going to inquire about.

I find on the calendar Senate bill 257, which bears exactly the same title as the House bill to which the Senator is directing his remarks. Is that identically the same bill?

Mr. STONE. Yes; it is.

Mr. SUTHERLAND. I understand that bill has gone to the Committee on Manufactures and has been reported from that committee.

Mr. STONE. That is true of the Senate bill.

Mr. SUTHERLAND. The House bill which has been referred to the Committee on Manufactures is in identical terms with the Senate bill?

Mr. STONE. I will state to the Senator that I introduced the bill in the first instance in the Senate, and it was referred to the Committee on Manufactures. While it was pending before that committee, and a few days after it was introduced here, an exact duplicate of the bill was introduced in the House and referred to some committee of that body. I can not certainly state at this moment just what committee it was referred to in the House.

Mr. SMOOT. Ways and Means?

Mr. STONE. No; I think it was the Committee on Labor. I am sure it was not the Committee on Ways and Means. I will state, further, to the Senator from Utah [Mr. SUTHERLAND] that the Senate bill was taken up and considered by the Senate Committee on Manufactures and reported to the Senate, and is now on the calendar.

As the Senator knows, I have been away from the Senate almost constantly for several months, and largely because of that fact the Senate bill, which has been reached more than once on the calendar, has been passed informally and without prejudice. In the meantime the House bill was considered and passed by the House with two or three slight amendments, but none of the amendments affected the bill in any substantial way. When the House bill came over here and was laid before the Senate I happened to be present, and I asked that it be referred to the Committee on Manufactures, as the Senate bill had been.

Some Senator objected, and thereupon I moved to have it referred to the Committee on Manufactures. A yea-and-nay vote was taken on that motion, and the Senate itself, by a decisive vote, referred the bill to the Committee on Manufactures. The following day I left the city and was absent about three weeks. The Senator from Maryland [Mr. LEE] during my absence entered the pending motion to reconsider the vote by which the bill was referred.

Mr. LA FOLLETTE. Mr. President, if the Senator will permit an interruption to preserve the history of this legislation correctly, the House bill was never referred to the Committee on Ways and Means at all. As the Senator from Missouri has suggested, it went by reference to the Committee on Labor, and was reported from that committee to the House, as I find on examining the RECORD.

Mr. STONE. I am obliged to the Senator. I stated that I was sure it did not go to the Committee on Ways and Means.

Mr. LA FOLLETTE. It did not.

Mr. STONE. I thought it went to the Committee on Labor. The Senator from Wisconsin, having examined the RECORD, corroborates my recollection.

Mr. SUTHERLAND. If I understand the situation, then, while there may be some verbal differences in the two bills, the essential provisions are the same?

Mr. STONE. Absolutely so.

Mr. SUTHERLAND. And the Committee on Manufactures has given full consideration to those provisions?

Mr. STONE. Yes; to the Senate bill.

Mr. SUTHERLAND. I will say to the Senator that while I would have had some doubt originally as to whether this bill should not go to the Committee on Finance, it seems to me, the Committee on Manufactures having had the Senate bill, and having given the subject full consideration, and the House bill having been also referred to it, that there ought to be no reason now why it should be taken away from that committee.

Mr. SMITH of Michigan. It was referred by a vote of the Senate?

Mr. SUTHERLAND. Yes.

Mr. GALLINGER. If the Senator will permit me, in examining the two bills—the House bill and the bill that the Senator's colleague reported, which is now on the calendar—I find that there are some verbal changes, but I do not find anything that is consequential.

As an illustration, in the House bill the words "knowingly and fraudulently" are found in section 4. In the bill reported by the Senator's colleague the words "and fraudulently" are omitted. There is likewise in the House bill a proviso to section 8 giving the Secretary of the Treasury authority to destroy goods that were made by persons affected with disease or diseases, and so forth, and that is omitted in the bill reported by the Senator's colleague; but I find no difference that is very important.

I wish to say for myself that while I am of opinion that this bill might well, and perhaps properly should have been, referred to the Committee on Finance originally, in view of the legislative history of the bill I can see no reason for changing the reference now.

Mr. STONE. Mr. President, I think the particular differences in phraseology referred to by my friend from New Hampshire are amendments offered to the House bill and agreed to in the House.

Mr. GALLINGER. That may be so.

Mr. STONE. The Senator is absolutely right when he says that no changes were made that affect the bill substantially or change it in any material way.

Now, Mr. President, I hurry along in what I have to say about this matter.

I have said that this is not a revenue bill. It is not a tariff bill. It is not its purpose to increase or diminish revenues, although imports may be in some minor degree incidentally affected. The mere fact that the revenue from imports may be in some degree incidentally and collaterally affected does not give the Committee on Finance jurisdiction when the chief, main object and purpose of the bill, plainly set forth, relate to wholly different questions. I contend that the main purpose of a bill and the chief object sought to be accomplished by it should indicate the committee reference and not some merely incidental effect of it. The main purpose of this bill is confessedly and manifestly to save American manufacturers and workmen from competing with foreign establishments employing foreign convict labor. Its chief effect, if enacted into law, would be to prevent that, and would thus accord with the general American policy with respect to free labor competing with convict labor. The sentiment of the whole country is righteously against that kind of competition even as to American convicts, and all the States are striving to rid themselves of it, or at least to minimize the evil as far as possible.

Mr. President, either the Committee on Manufactures or the Committee on Education and Labor has a better right to this bill than the Committee on Finance, because those committees deal with and have primary jurisdiction of the principal questions involved in the measure; and in the House of Representatives, as I have shown, the same bill was referred to the Committee on Labor and not to the Committee on Ways and Means, which has jurisdiction of revenue bills. In the Senate the original Senate bill was referred to the Committee on Manufactures, and this House bill has been given a like reference by a yea-and-nay vote of the Senate. The action taken by both Houses confirms my contention.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for just a moment?

Mr. STONE. I will.

Mr. SMITH of Georgia. Then has there been any thorough investigation to see how far-reaching this bill will be, either in the House or anywhere else?

Mr. STONE. I was not before the committee of the House. I do not know what investigations that committee made. Presumptively it was duly considered. I do know the bill was quite extensively discussed in the House of Representatives. The better part of two days was devoted to its discussion in the House, and it was passed, as I remember, without a dissenting vote. I do not think the Senate Finance Committee, of which I have the honor to be a member, has any divine right to grab a bill or that it can be trusted beyond other committees to examine into a bill and make an intelligent and honest report upon it.

Mr. SMITH of Georgia. If the Senator will pardon me, however, has it not done more work on tariff schedules, and has it not within its reach the facilities to make an investigation to determine just what class of goods would be excluded as perhaps no other committee of the Senate has?

Mr. STONE. Oh, Mr. President, of course it has done more work on tariff schedules than any other committee.

Mr. SMITH of Georgia. And also examined into the effect on the revenue? Might not this bill possibly exclude one-half of the things that are now imported?

Mr. STONE. "Possibly might," the Senator says. I say that that is not a possibility, much less a probability.

Of course, the Finance Committee has had more to do with tariff legislation than any other committee. It is its business to consider bills fixing the rates of tariff duties. It has undoubtedly considered questions relating to taxation on imports more than any other committee. I assume, however, that any committee to which this bill may be referred will have the same means of acquiring information upon any phase of it into which the committee may care to inquire that the Committee on Finance could have. It would have the same power to investigate, and the same processes at its command, as the Finance Committee; and I will not assume that the Finance Committee is better qualified, morally or intellectually, to pass upon the merits or effect of the bill.

The incidental question of revenue is not the only question involved in this measure, Mr. President; it is not even the principal question involved, for that question is involved only in a very secondary degree.

Mr. WILLIAMS. Mr. President, if the Senator will permit me, were any hearings held by the Committee on Manufactures before they favorably reported the bill which is identical with the House bill? If so, are those hearings in print anywhere?

Mr. STONE. I do not think so.

Mr. WILLIAMS. Were any public hearings held there?

Mr. STONE. I do not think there were any public hearings.

Mr. WILLIAMS. Were there any hearings of any sort?

Mr. STONE. I can not say. I do not know. I was sick in bed at the time the matter was under consideration. I only know that the committee duly considered and reported the bill. My friend from Michigan [Mr. SMITH] suggests to me that if this were a revenue bill it could not have originated in the Senate: that it would have had to originate in the House. But as a matter of fact the first bill on the subject was introduced in the Senate and referred to the Committee on Manufactures and reported without objection. Nobody ever objected to the Senate having jurisdiction of it. There was no ground for an objection, for it is not in any technical or essential sense a revenue measure.

Mr. President, the chief question in this bill is, Shall materials manipulated and goods made by foreign convict and like kinds of labor—that is, restrained labor—be excluded from our ports? Shall foreign convict-made goods be shut out of our markets? That is the only substantial question here involved.

Mr. SMITH of Georgia. May I ask the Senator another question?

Mr. STONE. Certainly.

Mr. SMITH of Georgia. Is this bill limited to convict-made goods? Does it not go away beyond that?

Mr. STONE. Well, it says "pauper labor," too; and——

Mr. SMITH of Georgia. Does it not go away beyond goods made by convict labor and include the remotest relationship to any of the raw material? If 1 per cent or the smallest part of the raw material is produced by convicts, are not the goods excluded?

Mr. STONE. Mr. President, the bill contains no limitation in that direction. It is very broad—intentionally so. But the Senator's question goes to the merits of the proposition, and I prefer to wait until the bill is before the Senate on its passage before discussing every question affecting its merits. I will not now go into that.

I hold that the Finance Committee has no better right to jurisdiction over this bill than the Committee on Manufactures, nor any greater facilities for investigation, if for any good reason hearings are desirable. The revenue feature of the bill, whatever that may amount to, can only be appealed to by the opponents of the bill as an argument against the passage of the bill, and I will address myself to that when the occasion comes.

Mr. President, I think I have said enough. I wish merely to add that as the Senate bill, in all respects similar to this House bill, was referred to the Committee on Manufactures and reported back, and as the House bill has also, by a vote of the Senate, been referred to the same committee, I can see no sound reason why that reference should not stand. Why does any Senator wish to change the reference? Is it to delay the consideration of the bill, and kill it by procrastination?

Mr. SMITH of Georgia. Does the Senator wish an answer?

Mr. STONE. Yes; I really do.

Mr. SMITH of Georgia. I should like to have it delayed until there can be a full investigation.

Mr. REED. May I ask the Senator from Georgia a question? Has he any reason on earth to assume that the Committee on Manufactures will not give this bill proper investigation?

Mr. SMITH of Georgia. I have the greatest respect for the Committee on Manufactures, and especially for its chairman. I served on it until last March. But I do not believe that the committee has the facilities or the agencies at hand to make the investigation that the Committee on Finance has.

Mr. REED. What agency is there that the Committee on Finance has that the Committee on Manufactures can not call before it in five minutes of time, except, perhaps, the power of summoning the superior wisdom of the members of the Committee on Finance?

Mr. STONE. You could hear those members, too.

Mr. REED. We could hear them and be enlightened.

Mr. WILLIAMS. You did not do it.

Mr. REED. We did not do it because there were no applications on their part. One would hardly have the temerity to seek the wisdom of those men unless it was tendered.

Mr. WILLIAMS. What I meant is, when you considered the bill before you did not have any hearings at all, if I am correctly informed.

Mr. REED. You are not correctly informed.

Mr. WILLIAMS. They are not printed.

Mr. SMITH of Georgia. I wish to answer the question of the Senator from Missouri [Mr. REED]. The Finance Committee was divided into subcommittees—at least, the Democrats were—and they worked over the schedules of the tariff bill. I think the Republican members divided and worked over it, too. There was a long list of experts who were called in for conference on the schedules. I was one of a subcommittee which had before it on the schedules we had under consideration experts, and I know there were experts selected upon the different schedules. I know the information obtained from the experts who helped prepare the tariff bill did give the members of the Finance Committee a facility for investigation, not that they were men of greater ability who were on the committee to do this work. I think they could go on with this bill and get the information much more readily. I do not for a moment suggest that the chairman of the Committee on Manufactures is not at least the equal mentally of any man on the Finance Committee and is not just as capable of doing the work that is assigned to him as any Senator here; and he knows my very high personal regard and esteem and friendship for him.

Mr. STONE. Mr. President, the Senator from Georgia refers to the fact that the majority members of the Finance Committee were divided into several subcommittees, and that different schedules were assigned to those subcommittees. I suppose the Senator would now like to have those subcommittees reassembled to take up this bill, and to have the bill chopped into several parts, and the parts conveyed to the subcommittees, respectively. That would mean that the bill would not be seen again under the mellow skylights of this Chamber. The Senator from Georgia could then rest in peace. Clearly this whole movement for a change of reference is to dispose of this bill by some slow process of committee strangulation.

Mr. SMITH of Georgia. Will the Senator yield to me for a moment?

Mr. STONE. I will.

Mr. SMITH of Georgia. I want to say to the Senator that I should like to have it delayed until I may know just what it is going to reach. The moving thought of the bill appeals to me, but I want to know that it does not exclude things from coming in here that ought to come in. It is so far-reaching in its scope that I confess I do not know what it will exclude, and I should like to have an investigation long enough and thorough enough to find out.

Mr. STONE. The Senator has had several months since the Senate bill was reported to make investigations. Although he has been very busy, the Senator has not been so busy that he might not have discovered that the sulphur mines of Sicily were not worked by convicts, and thus have saved himself from being imposed upon by some interested sharper. He has had plenty of time to make inquiries from responsible and trustworthy sources concerning the matters that appear to trouble him. He has neglected his opportunities.

Mr. SMITH of Georgia. I said I wanted to investigate it.

Mr. STONE. If the Senator wants to investigate, he might get some of the so-called experts he refers to and make inquiries of them. I think the Senator can find out all he cares to know or needs to know if only he is diligent.

Mr. President, the Senator says he wants to know who is going to be hurt or what is going to be hurt by this measure. There is the rub. There are some Senators here from cotton States who seem to fear that they may lose something if they are shut off from a little cotton bagging made by foreign convict labor. There is the rub. Heaven knows I have only the kindliest feeling for the cotton raisers of the South. Their work is one of tremendous importance to the Nation, both as to our exports and our industries. Besides, these people are close to my heart. We have cotton raisers in Missouri. In several of our southeastern counties a large number of our farmers are extensively engaged in the production of cotton, and a very high grade of cotton, too. I certainly would do anything I could honorably do for the well-being of this worthy constituency; and I would do the same thing for the cotton producers of Mississippi and Georgia. But I think the cotton raisers and buyers, while asking for themselves, should remember to be just to other people and other interests.

Mr. President, after all, the cotton raisers have been pretty well treated by this Congress. We have made numerous large appropriations and enacted several statutes for their special benefit. They have been given free cotton bagging from all the world. It may come free even from India, where the labor wage is only a few cents per day. It may come free from any country on the globe. By our new tariff law we gave this freedom to these importations for the special benefit of the cotton States, and this notwithstanding other Americans had millions invested in cotton-bagging manufacturing plants, in which thousands of high-wage American workingmen are employed. Now, do you really wish to go farther than we have gone, and do you really want to put our manufacturers and laborers into a hard and sharp competition with the foreign convict labor of the world? We do not now do that in Missouri, even with respect to our own convicts. You do not do it in Georgia. You do not do it in Mississippi. All the States have been legislating against that sort of thing.

It is a difficult problem, I know, but the people of our several States are trying to solve it, so that free labor may as far as possible escape competition with convict labor. But now, while we are closing our own penitentiary doors against this character of competition, would you open wide our national gateways to the free entrance of fabrics wrought by the hands of foreign convicts? Have we a more tender regard for foreign convicts than for our own? It is hard for me to believe that the cotton planters of the South are willing to stand in that light before the country.

Nevertheless, Mr. President, most regretfully I am constrained to believe that if this cotton-bagging proposition were not present my friends from Georgia and Mississippi would not be sweating blood nor sweating anything else over this bill. They would be taking it easy, and their course would be at least marked by a high degree of indifference.

Mr. President, let me assure my friends that their constituents have little or nothing to fear from this bill if it becomes a law. The amount of cotton bagging that would be excluded would be negligible as compared with the total importations. Let me show you why this is true There are in America 33 manufacturers engaged in making bagging, including piece and rerolled bagging. There are also 10 American manufacturers engaged in working over second-hand bagging; 43 in all. Two of these are located in my State, and they have a large amount of capital invested and employ a large number of men.

Mr. President, I voted for the new tariff law, but I am not willing that American manufacturers and workingmen shall be put into open competition with the imprisoned labor of the outside world, especially when in all of our States we are devising ways and means to avoid this character of competition at home.

Mr. WILLIAMS. What do the convicts make in your State?

Mr. STONE. As I understand, most of them are now working upon things produced for the use of the State. Until recently convicts in Missouri were hired to contractors engaged inside the prison in making shoes, harness, overalls, and a few other things for sale in the general market; but the legislature recently passed a law putting a stop to labor contracts of that kind.

Mr. WILLIAMS. What articles are manufactured?

Mr. STONE. I presume whatever the State needs in its various institutions. It is a serious problem in our State, where we have twenty-odd hundred convicts, as it is a serious problem in other States, to find employment for these prisoners without having them working in competition with free labor; but my State has decided upon that policy, and we are working out the problem as best we can, just as other States are working it out.

Mr. SMITH of Michigan. It is not necessary to find employment for the convicts of Europe when we have our own to take care of.

Mr. STONE. No; the Senator is right; and if we shut out the home products of convict labor, why should we furnish a market for the products of foreign convicts?

I have spoken of the 43 American concerns engaged in the manufacture of cotton bagging. Now, as to foreign concerns—and to this I invite the special attention of the Senators from Georgia and Mississippi out of a hope that I may in some measure allay their fears—there are 61 foreign concerns engaged in manufacturing cotton bagging. Of the entire number in this country and in all other countries, being 106 all told, only 2 in the whole world use prison-manipulated materials or employ prison labor in their business. One of these is Cleghorn & Co. (Ltd.), of Dundee, Scotland, and the other is The Bootle Jute Co. (Ltd.), of Bootle, England.

Cotton bagging is on the free list, and American users of cotton bagging could continue to buy freely from any of the 104 American and foreign manufacturers who employ only free labor. There are only two concerns, one in Scotland and one in England, who employ convicts in their business, and the products of these two only would be reached and barred by the provisions of this bill.

Mr. SMITH of Georgia. That is the final manufacture; but what about the production of the raw material?

Mr. STONE. They are the only two in all the world, as I am most credibly informed, who use material made by convicts.

Mr. SMITH of Georgia. No.

Mr. STONE. The Senator says no. Does he affirm the fact to be otherwise?

Mr. SMITH of Georgia. I do not know, but I have just been told that there are more. If I were sure that you are right, I would not be worrying about it. I am afraid you are mistaken.

Mr. STONE. I think I am right.

Mr. SMITH of Georgia. I know you think it is so.

Mr. STONE. I do think it is so.

Mr. SMITH of Georgia. I am afraid you are mistaken.

Mr. STONE. Mr. President, if my information is correct, then it shows that my friends have conjured a bugaboo and are needlessly afraid. But even if the amount of cotton bagging involved was many fold greater than I think, I would still stand for the just principle of this bill and urge its enactment. Cotton bagging is not the only commodity involved in this bill. It is only one of many. I have spoken at length especially of cotton bagging, because that is the one item which invokes the stubborn opposition of my friends from Georgia and Mississippi. But, as I have said, there are many articles manufactured by convict labor in foreign countries and sent forth into the markets of the world. I could name numerous articles thus manufactured, but I do not regard it as of sufficient importance at this time to occupy the attention of the Senate for that purpose. I can do that hereafter when the bill is up for consideration on its merits. At this time I will refer to but one article of foreign manufacture in which convict labor is employed. I am told that in the prisons of Austria many people are employed in making buttons, particularly shell buttons, for sale in the general market of the world. It so happens that along the upper Mississippi River, in Missouri and Iowa, a great many people are engaged in making shell buttons, and they receive wages conforming to the American standard. In the interest of American manufacturers and consumers we materially reduced the tariff duty on all kinds of buttons imported from abroad. I voted for that bill, but I am not willing to subject our people who are engaged in this industry to a competition with the products of Austrian prisons. The cases I have cited are sufficient for the present. In the interest of justice and fair dealing, I am bound to take a firm stand for the principle of this bill, and I do not intend to be driven from it by any sophistry or any vague apprehension that it might interfere with imports and impair the revenue. I want to interfere to the fullest extent necessary to make the importation of foreign convict-made goods impossible. If anyone desires by any means to take care of foreign convicts and encourage their employment at the expense of American workmen, he and I can not travel together. I will not force our people into a destructive and almost immoral competition of that character.

Mr. President, unless some Senator desires to say something further, I shall move to lay the motion to reconsider on the table.

Mr. WEST. I desired to ask the Senator a question before he took his seat.

Mr. STONE. I will hear the Senator.

Mr. WEST. I notice in the discussion of the senior Senator from Missouri that he never one time referred to pauper labor. If pauper labor is not mentioned in this bill, then convict labor is not mentioned.

Mr. STONE. What is the point the Senator has in mind?

Mr. WEST. I have this point: If we exclude the product of the pauper labor of all Europe from entry into American ports, it would cut down half of the tariff law. That is what I have in mind.

Mr. STONE. Upon what state of facts does the Senator base that observation?

Mr. WEST. I ought not to endeavor to elucidate this fact to the distinguished Senator from Missouri.

Mr. STONE. I deny that is a fact.

Mr. WEST. It has been discussed here in this Chamber time and again when the tariff was up, and when they endeavored to get a tariff on the manufactured products of the country they would say you have to meet the pauper-labor conditions of the world.

Mr. STONE. I will say to the Senator——

Mr. WEST. But that word, I say, is not here. It is used disjunctively. You say convict labor, pauper labor, and restrained labor——

Mr. GALLINGER. But the term "pauper" is defined in a later section of the bill.

Mr. STONE. If the Senator will read the bill, as I have suggested to him, he will find an answer to his question. He should read the bill before discussing it.

Mr. WEST. It is in the caption.

Mr. STONE. But the caption is not the bill.

Mr. WEST. It is in the bill.

Mr. STONE. If the Senator would read the text of the bill it would save him time and trouble.

Mr. WILLIAMS rose.

Mr. STONE. I will not, for the moment, make a motion to lay on the table the motion of the Senator from Maryland, until the Senator from Mississippi has been heard.

Mr. WILLIAMS. Mr. President, I do not care to discuss the merits of the bill which the Senator has introduced or of House bill 14330, which is identical with it, any more than I can not avoid it. That there is something more behind the end sought in this legislation than merely to exclude products of convict labor will become very evident to the mind of any Senator who will read the bill and the present tariff law. From page 92 of the tariff law, paragraph 1, I read as follows:

That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

Paragraph 408 of the tariff law puts on the free list—

408. Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, sesg, Russian seg, New Zealand tow, Norwegian tow, aloe, mill waste, cotton tares, or other material—

And so forth.

That being the cotton bagging free-list provision of the tariff law. Senators will notice that aloe, mill waste, Russian seg, and so forth, are included. As a matter of fact, the Russian seg is all produced by convict labor, and the mill waste which goes into the cotton bagging made in Scotland is all produced by convict labor, though the cotton bagging itself is not so produced.

The bill introduced by the Senator from Missouri, as you might expect in the case of a bill introduced by him, covers every point which he seeks to cover. He and I are such good friends that we could not afford to deal with one another in any other way than frankly. He has stated that the reason why we were objecting to this bill was largely because we thought it would prohibit the introduction of cotton bagging. He is telling the truth. I doubt if my attention would have been called to the bill at all but for the fact that it affected largely the interests of my own constituents.

Senators have a great deal to do, and except when things affect some cardinal, vital, moral, fundamental, or constitutional principle, or else some interest of their constituents, they are apt to let things go through. That, by the way, accounts for the fact that this bill was originally permitted to be referred to the Committee on Manufactures. It was simply because nobody noticed it; we heard only the title, and did not understand what the bill was aiming to do, and so made no objection. When the bill was rereferred upon a vote of the Senate, it was, as Senators will remember, because debate was cut off. I was upon my feet, and was taken off my feet without an opportunity to debate upon the subject.

Mr. President, as I said, I do not want to discuss the merits of the bill; but this bill, whose sole object is said to be to prohibit the entry of convict-made goods, has 11 sections to it, and it would be well for Senators to study the 11 sections when they come to consider the bill upon its merits. By the way, it would be well to study the first paragraph of section 3 especially, in which these goods are "liable to be proceeded against, probable cause having been shown, in any district court of the United States within the district where the same is found and seized, for confiscation by a process of libel for condemnation," thus giving the Bagging Trust of this country a new process—that is, new to the tariff laws—of stepping in and embarrassing and bedeviling the importers of cotton bagging by an admiralty process until they have discouraged them from further importation, and the manufacturers shall thereby have secured to themselves the sale of their cotton bagging to the cotton producers of the South; and amongst the members of that great Cotton Bagging Trust are the two great cotton-bagging manufacturing plants in the city of St. Louis, Mo., who have been disgruntled and dissatisfied ever since bagging was put on the free list.

The Senator from Missouri says we ought not to object, because we have put cotton bagging upon the free list. We are objecting because we think this bill very effectually is going to take it off the free list. I always try to place my objection to a measure upon not only the legal and constitutional grounds, if there be any, and the grounds of public policy which present themselves, but if there be any reasons back of it of an economic character affecting my own constituents, I like frankly to state them. My constituents are interested in the cheapest possible cotton bagging; but the Senator from Missouri says that, although that may be true, that that does not or ought not to overcome the great principle of not bringing honest labor into competition with convict labor. The Senator could not tell me what articles are manufactured by the convicts of Missouri. I do not know; but I will bet my hat against a chinquapin that they do manufacture things that honest labor manufactures in this country——

Mr. STONE. But exclusively for State use.

Mr. WILLIAMS. And that those things are sold in competition with honest labor. The Senator now tells me that they only manufacture such things as are sold to the State, and I suppose he means the counties and to the other public bodies in the State: I mean the political municipalities. Even if that be true, if the convicts did not manufacture those things and sell them to the State, honest labor somewhere would manufacture them and sell them to the State. In the State of Indiana, the State of the President of the Senate—I happen to think of that because I happen to see him at the moment—the convicts manufacture binding twine. The Senator says that we want to run the risk of the competition of the labor of foreign convicts when we forbid it at home; but we do not; and, what is more, we could not. It is impossible to stop the competition unless you are going to confine the convicts within four walls and keep them in isolation and in idleness at the public expense, to do no work and to run crazy. In the State of Indiana they manufacture binding twine by convict labor, and it is, of course, sold in competition with the honest labor which otherwise would manufacture binding twine. In the State of Mississippi we raise cotton with convict labor on farms owned by the State, and, of course, that cotton comes in competition with the cotton which I raise and which all other cotton producers raise, and in the production of which honest labor is employed.

This is a right grave question, Mr. President; it goes to a greater question even than the one alleged to be aimed at by the Senator from Missouri, and the thing really aimed at so exhaustively in all the sections of this bill. What are you going to do with your convicts?

Mr. WEST. Mr. President——

Mr. WILLIAMS. One moment, please, sir. Here is a bill to prevent the importation of articles produced by convict labor or, to use the language of the bill—and I beg to call attention to it——

Mr. STONE. I should like, if the Senator will permit me, to call his attention to the fact that he is asking what are we going to do with the convicts. I presume he means the convicts imprisoned in the States of this Union. That question is not involved here, although I think some answer could be made—not satisfactory to him, but a pretty good answer could be made to his inquiry.

Mr. WILLIAMS. If it is a good answer, it would be satisfactory to me.

Mr. STONE. But the point here is whether the Senator is willing to allow foreign convict labor to come in competition with the labor of the United States. Are you seeking to give employment to them? Are you interested in what they are going to do with their convicts abroad?

Mr. WILLIAMS. I am not seeking to give employment to any convicts anywhere, here or abroad, but this other bill to which I shall refer is a part of a common joint enterprise. Another bill, which is upon the calendar here, is to forbid the interstate shipment of goods made by convict labor. Now, in my State, for example——

Mr. HUGHES. Mr. President——

Mr. WILLIAMS. We at first kept the convicts within prison walls. I remember in the old times Tennessee did that, and the convicts made furniture, they made chairs, and all that sort of thing.

Mr. HUGHES. If the Senator will yield——

Mr. WILLIAMS. I can not argue consecutively unless I am allowed to discuss one thing at a time. I am quite willing to be heckled, but I should like to finish my statement.

Mr. HUGHES. I have no desire to heckle the Senator, but he has said on three different occasions, separated by wide intervals of time, that there is a bill on the calendar to prevent the interstate shipment of goods made by convict labor. I never heard of such a bill.

Mr. WILLIAMS. I may be mistaken about its being upon the calendar; but my memory is that it passed the House and came here.

Mr. HUGHES. The Senator is mistaken about that. That bill does not seek to do anything of the kind, and I wanted the Senator to get the matter straight.

Mr. WILLIAMS. I know there is a bill seeking to accomplish that purpose. Whether it is on the calendar I am not certain, though I had the idea that it was.

Mr. HUGHES. The bill came over from the House, as the Senator has said, and has been referred to a committee, but it does not seek to do anything of the kind.

Mr. WILLIAMS. The bill that I read did. So much for that.

Now, Mr. President, to go ahead with some degree of sequence, if I can, this bill not only goes to the extent that the prohibition in the tariff law goes, but it says—mark the language:

Or in the production of which convict, pauper, or prison labor has been employed—

By the way, what in the world does "pauper labor" mean? Who is going to define it?—

either directly or indirectly, in any manner and for any purpose, or in the production or manufacture of which has been used any material prepared, *manipulated, or assembled* by convict, pauper, or prison labor.

All of the jute in India, out of which cotton bagging is made, is undoubtedly manipulated and undoubtedly assembled by the poorest paid labor in the world. So that if there be any pauper labor anywhere in the world outside of the poorhouse it is found

there in that industry. If there be any pauper labor outside of the poorhouses, it would apply to India.

I see that in section 9 the Senator has done what I supposed he would have done if that were his purpose, because he has provided that the word "pauper," as used in the act, is to be "limited to those persons who are held or confined in eleemosynary institutions at the public expense in whole or *in part*." In part. What does that mean? Anybody who has received outdoor help.

Now, Mr. President, I want to discuss the question of reference. I would not have gone into the merits of the bill at all but for the fact that the Senator from Missouri did so. I was compelled, therefore, to follow him. Senators, when you come to a matter of reference it has become largely the habit of the Senate to permit the Senator who introduces a bill to select the committee which he thinks will favorably report his bill, and refer it to that committee; and, as a rule, by a sort of common so-called courtesy, but really neglect of duty from carelessness, we let it go at that; but I submit that that is not the sound rule by which to be guided in matters of reference.

The Senator says that this is not a matter affecting the revenue of the country; the Senator says, in proof of that, that the Senate Committee on Manufactures, before the House bill came over, reported a bill identical with this bill, which got upon the calendar, and that if it had been a matter affecting the revenues of the country it could not have originated in the Senate. I suppose many a time a committee of this House has, in ignorance or in carelessness, reported some bill affecting the revenue. The proper time to make the point and the first opportunity to make it is when the bill comes up for consideration. This bill does affect the revenue; and if the Senate bill had come up for consideration I had purposed to make—and if it instead of the House bill shall come up for consideration I shall hereafter make—the point of order that it does affect the revenue and, therefore, that it can not originate in the Senate of the United States.

Senators, to say that a bill which puts certain classes of goods upon the free list or which would subject them to a duty any more affects the revenues of the country than a bill which forbids their importation seems to me to be a statement capable of no possible basis of support. If it affects the revenue to place a duty, if it affects the revenue to remove all duty, then it equally affects the revenue to forbid the importation of the article. For that very reason the clause which I read you a moment ago forbidding the entry into the ports of the United States of convict-made goods was part of a tariff act, and it came before the Senate properly from the Finance Committee. The fact that a bill here was carelessly referred to the wrong committee is not a reason why it should remain in the wrong committee.

The Senator himself admits that the bill affects the revenue, because he admits it would cut off the importation of some of the cotton bagging. That is as far as his admission went. I think he would find upon a thorough examination of the case that that is a mistake. So far as I can learn, there was no thorough examination, there were no hearings of experts or of anybody else before the Committee on Manufactures. I think he would find upon hearings that the bill goes further than he admits; but whether it does or not, if it went no further than his admission, it does affect the revenue. The minute the Senator admits that it does affect the revenue at all, ever so little, this body has no constitutional right to originate the measure, and no committee of this body, even after the House has passed it, has any jurisdiction over this subject matter except the Finance Committee. The Senator himself has made the admission in measure, which, however small, is a destruction of his own contention. To some extent when you are arguing the reference of a bill you must consider the purport of the bill itself, because it is the purport of the bill which fixes the jurisdiction of the committees of the Senate.

The Senator says this bill would prohibit the importation of "some cotton bagging." It would prohibit the importation of every bit of cotton bagging made of Russian seg. It would prohibit the importation of every bit of cotton bagging into which one pound of waste enters in the manufacture at Dundee or the other places in Scotland, because the so-called jute waste is all worked up there by convict labor, and I take it there is very little Scottish cotton bagging without more or less so-called waste in it.

The free cotton-bagging provision of the tariff law was aimed at the Cotton Bagging Trust of this country. There has not been a more wicked trust, there has not been a more complete trust, with the lines better drawn, than that one. Nobody has suffered more by the exploitation of the trusts than the consumers of cotton bagging have suffered by the exploitation of that trust. Nobody has benefited more from its operations than these two St. Louis, Mo., concerns. Here is a proposition not only to take cotton bagging off the free list, where we placed it, but to "protect" it more thoroughly than if a duty of 100 per cent were put upon it; and still it is said by the Senator from Missouri that that proposition "does not affect the revenues."

One other thing, Mr. President. The Senator says this bill affects only incidentally the importation, but directly affects manufactures, and therefore ought to go to the Committee on Manufactures. The Committee on Manufactures has no jurisdiction over anything except domestic manufactures. It has, and from the nature of the case can have, no jurisdiction over foreign manufactures. Domestic manufactures are not touched in the bill except for the purpose of "protecting" them, to use the Senator's own language.

While I am on my feet, Mr. President, I will go back to something that I started once, when interrupted, to enter into. I do not know what Senators propose to do in interstate commerce with the convict labor of this country. It has been suggested down our way that we work convicts upon the public roads, and some people seem to think that if you do that you will not interfere with honest labor. Why, of course you will interfere with honest labor if you work them upon the public roads, because if you did not work the convicts there the roads would either be worked by the county or State and by free labor hired by the county or State, or else the roads would be put out at contract upon specifications and worked by contractors, who in their turn would hire free labor to work on the roads.

We first tried keeping the convicts shut up in prison, and making such things as they could make there. The complaint was made that that interfered with honest labor. Then we carried them out and put them on the cotton farms, a majority of our convicts being colored people, and those who were white being accustomed to cotton and corn raising there, this was a natural and not cruel nor unusual species of labor for them. We put them at the sort of work least cruel, least onerous, in which they were most efficient and to which best accustomed. Now there is proffered in another bill than this a proposition, if opinion can be gotten behind it sufficiently strong to bring it into the arena of Congress for discussion and legislation, to say to us that the cotton raised by these convicts in Mississippi shall not be shipped outside of the State of Mississippi, and that the binding twine which is made in Indiana shall not be shipped outside of that State, although the demand in neither State would be sufficient to consume the product.

If any Senator can suggest anything in the world to do with convict labor that will not compete with some form of honest labor elsewhere, he will suggest something which, if consummated, is devoutly to be wished; but I confess that I have thus far found no way to do it. When we go outside of our own country and take up the question of importation of goods from abroad, if we confess that at home we can not give to convicts any labor of any description which will not somewhere and somehow compete with honest labor in the manufacture or production of something, then we equally confess that no foreign country can do that which we confess we are unable to do; but still you are going abroad, then, indirectly, by laws forbidding importation, to accomplish convict-work reformation abroad which you confess yourselves unable to accomplish at home—on the assumption, of course, that you vote for this measure.

I do not see for the life of me how we can hope, by a little thing like this, to reform the convict-labor systems of Russia and Scotland and British India, yet if the purposes stated by the Senator from Missouri are to be taken as his real purpose, that is his remote object. If we can not reform that system in Mississippi and Indiana and Missouri and Illinois and Dakota, I do not see how we can expect to bring to bear pressure which will reform it abroad. I see only one thing that you are doing by it, and that is to repeal, in small part or in great part or in whole—I do not care which—the provision that puts several things upon the free list, and most obviously of all cotton bagging.

I wish some Senator would suggest to me now some possible avenue for the treatment of convicts short of keeping them in isolation and in idleness—because if you keep them in idleness without isolation or work you are not punishing them—which does not involve the manufacture, the growth, the production, or the construction of something which somehow, somewhere, must interfere with honest labor. It is a problem that every enlightened nation on the surface of the earth has struggled with, and thus far unavailingly.

At one time we hired out our convicts, but the resulting cruelties and abuses were such that the civilized instincts of Mississippians revolted, and the law had to be repealed. Long prior to that we had passed away from the old system of confinement with hard labor. We had taken the position which the

enlightened sentiment of the world has taken, that you have a right to punish a man for crime, but you have not a right to murder him or to render him insane; that, after all, he is a human being. By the way, there are a great many men out of the penitentiary who are a great deal worse than a great many men who are in it. We have long since taken the position that the punishment ought to be adequate to the crime, and not too severe. We have long since taken the position that while punishing the criminal we ought to try to some extent to reform him, so that when he gets out of prison he shall not be a worse man, and possibly may be a better one, than when he went in.

The convict has some rights, as little as we think of it—men like us whose mental horizon is never clouded by the thought that they may ever be behind prison bars. His right is to be treated humanely, firmly, so that he shall feel the punishment, but not cruelly; and the right of the State is that while being treated in that way he shall contribute something to his own support, and that honest men who labor with their hands every day and pay direct and indirect taxes shall not pay all the expenses of his continued existence.

If you were to put convicts in prison and keep them there without labor at all, within four walls all the time, and send school-teachers there to teach them and send preachers and priests there to preach to them and confess them and reform them, you would still be weighing down the shoulders of honest labor by the burden of their support. Even then they would be thus indirectly competing with honest labor, because honest labor would be called upon, out of its hard-earned money, to pay for feeding, clothing, educating, amusing, and reforming them. They would be supporting at public expense the convicts of the country, just as they support the Army and the Navy.

To go back to the question of affecting the revenue, by our rules questions affecting the public revenue go to the Finance Committee. By the rules questions affecting manufactures go to the Committee on Manufactures. This question does not affect the domestic manufactures of the United States at all, except indirectly and remotely by relieving them of a certain degree of foreign competition, and thereby "protecting" them. Hitherto, when men have sought to protect domestic industries, they have sought it through a tariff tax, and the Finance Committee has had jurisdiction over the subject matter. If the method of protecting them be to forbid importation, the principle guiding reference is the same.

I hope, Senators, that the Senate will send this matter to the Finance Committee. It may be that I am mistaken as to its effects. It may be that the Senator from Missouri is more nearly right than I think he is. It may be that this bill will affect cotton bagging very slightly, though I think it will affect it very much. It may be, as he asserts, that it will affect nothing else, although I think he is mistaken about that. I hope, however, that the bill will go to the Finance Committee, and that we may be enabled to give it the careful hearing that it deserves, not because the members of that committee are at all superior in mental caliber or in information to the members of the Manufactures Committee, but, in the first place, because they are the committee designated by the rules for this sort of legislation, and, in the second place, because the members of that committee have certainly had more experience in dealing with questions of this sort than the members of another committee.

I see it is pretty nearly time for the unfinished business to come before the Senate, and I do not want to prevent the Senator from Missouri from securing a vote. Therefore, although much more to the point might be said, I shall sit down.

Mr. STONE. I move to lay the motion to reconsider on the table; and upon that I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is, Shall the motion to reconsider be laid upon the table? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KERN (when his name was called). The senior Senator from Kentucky [Mr. BRADLEY], with whom I am paired, is absent, and I withhold my vote.

Mr. ROOT (when his name was called). I have a general pair with the Senator from Colorado [Mr. THOMAS]. I transfer that pair to the Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the Senator from Michigan [Mr. TOWNSEND] and vote. I vote "yea."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the absence of my colleague [Mr. THOMAS] and to state that he is paired with the Senator from New York [Mr. ROOT].

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from Wisconsin [Mr. STEPHENSON] to the Senator from Oklahoma [Mr. OWEN] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Tennessee [Mr. LEA]. I vote "nay."

The roll call was concluded.

Mr. SMITH of Michigan. I desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND]. If my colleague were present he would vote "yea."

Mr. WARREN. I wish to announce my pair with the senior Senator from Florida [Mr. FLETCHER].

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is absent from the Chamber and I withhold my vote.

Mr. SMOOT. I desire to announce that the senior Senator from Kentucky [Mr. BRADLEY], the junior Senator from Wisconsin [Mr. STEPHENSON], and the senior Senator from New Mexico [Mr. FALL] are unavoidably absent from the Chamber.

Mr. CHILTON. I have a general pair with the senior Senator from New Mexico [Mr. FALL], who is unavoidably absent. I transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the senior Senator from Indiana [Mr. SHIVELY]. I vote "yea."

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is paired with the Senator from Minnesota [Mr. CLAPP]. My colleague is detained at home on account of sickness.

Mr. BANKHEAD. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. SAULSBURY. I have a general pair with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. JAMES (after having voted in the affirmative). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the Senator from Ohio [Mr. POMERENE] and allow my vote to stand.

The result was announced—yeas 43, nays 17, as follows:

YEAS—43.

Ashurst	Hughes	Newlands	Sherman
Borah	James	Norris	Smith, Ariz.
Bristow	Jones	O'Gorman	Smith, Mich.
Burleigh	Kenyon	Page	Sterling
Burton	La Follette	Perkins	Stone
Chamberlain	Lane	Pittman	Sutherland
Chilton	Lippitt	Poindexter	Swanson
Clark, Wyo.	Lodge	Reed	Thompson
Dillingham	McLean	Root	Walsh
Gallinger	Martin, Va.	Shafroth	Works
Gronna	Martine, N. J.	Sheppard	

NAYS—17.

Bankhead	Lee, Md.	Smith, S. C.	West
Brandegee	McCumber	Smoot	Williams
Bryan	Overman	Thornton	
Gore	Robinson	Tillman	
Johnson	Smith, Ga.	Vardaman	

NOT VOTING—35.

Bradley	du Pont	Myers	Shively
Brady	Fall	Nelson	Simmons
Catron	Fletcher	Oliver	Smith, Md.
Clapp	Goff	Owen	Stephenson
Clarke, Ark.	Hitchcock	Penrose	Thomas
Colt	Hollis	Pomerene	Townsend
Crawford	Kern	Ransdell	Warren
Culberson	Lea, Tenn.	Saulsbury	Weeks
Cummins	Lewis	Shields	

So the motion of Mr. LEE of Maryland to reconsider was laid on the table.

Mr. REED. Mr. President, I wish to announce that the Committee on Manufactures will meet to-morrow morning at 10 o'clock and will be glad to hear from all interested parties in reference to the bill to prohibit the importation of the products of prison-made labor

Mr. WILLIAMS. How long will the committee continue its hearing?

Mr. REED. It will continue it as long as it is found reasonably necessary to have a proper hearing.

Mr. WILLIAMS. I am glad to hear the Senator's statement. I think probably some people will want to be heard.

PANAMA CANAL TOLLS.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 14385.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and op-

eration of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. McLEAN. Mr. President, I should not presume to occupy the attention of the Senate in the discussion of this question if I were not deeply interested in the principle involved, and I can not resist the temptation to avail myself of this opportunity to assure the Senate that I am as strongly in favor of protecting the honor of my country, and the industries of my country, and the peace of my country as I am in favor of protecting the birds of my country.

Mr. President, I think we must all concede that in the civilized world to-day a written contract, with consideration and without fraud, is to be performed if performance is possible, and if there is a difference of opinion as to its scope and meaning and that difference can not be adjusted amicably, resort must be had to an impartial tribunal. Great Britain and the United States have been the leaders among the nations in asserting the sanctity of contractual obligations. And the wisdom of submitting controversies relating thereto to courts of justice rather than to cannon and powder carts has been loudly proclaimed by the sane men of both nations for many years. Civilization is but another term for self-restraint. That old shibboleth, "My country, right or wrong," has cost humanity 50 per cent of its substance and 60 per cent of its self-respect up to date. We may still be compelled to use it in times of war, but in times of peace its use can and should be avoided. International obligations are no less sacred than agreements between citizens. Justice does not have one standard for the big and another for the little things. "A pound is a pound the world around." The same law that causes the apple to fall to the ground keeps the stars in their places. The same rule of right that forbids a trespass against a neighbor forbids a trespass against a stranger.

At a time like this we are inclined to appeal to the patriotic emotions. This is always in order when one's cause is just, and it is necessary in other cases. We always like to hear nice things said about the flag, and we like to hear the eagle scream once in a while in times of peace just to be reassured that he has lost nothing of his war-time courage and appetite. We are all patriots, of course, and we are all firm believers in that kind of patriotism which is founded in the faith that right makes might. The difficulty lies not in our good intentions, but in our discriminating machinery. The ease and comfort with which honest and able men disagree is startling and would be disconcerting but for the fact that a majority of honest men will probably choose the right more frequently than they will choose the wrong. My sympathies and prejudices are all with those who oppose the pending measure, but my sympathies and prejudices do not square with what I conceive to be my duty and the right thing and the wise thing for this country to do.

The matter under discussion involves the interpretation of two written contracts between Great Britain and the United States and nothing more. All questions of policy and politics and profit and loss must be put aside. We must ascertain, if possible, what we promised to do in these contracts, and then do it. That is my view of my duty in the premises. What the Canadian railroads or what our own railroads want or do not want; what will benefit New England or the South, the Pacific coast, or the Central West; what the shipping interests want or do not want; what the effect upon our commerce as a whole will be; what the canal cost or will produce in tolls; what my own feelings and prejudices and the feelings and prejudices of the people of this country may be against the other party to these contracts must all be put aside, for none of them can throw the least light upon the question at issue, as I view it.

The two contracts to which I refer are the Hay-Pauncefote treaty and the arbitration treaty with Great Britain, and to the language of these contracts and the testimony of those who wrote them we must go for the best evidence of the obligations which they contain. The preamble of the Hay-Pauncefote treaty declares that the United States and Great Britain—

> Being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries—

And so forth.

Let us now see what the "objections" were in the Clayton-Bulwer treaty which we desired to have removed, and what were the "general principles" of neutralization in that treaty which were "not to be impaired" in the treaty now in force. It is conceded that the Clayton-Bulwer treaty was a contract very disadvantageous to the United States. Whether it was the best that could be had is unimportant. Great Britain's interest in Central America was much greater than ours in 1850. Her position and proprietorship in Central America compelled us to negotiate with her and her attempt at that time to secure Tigre Island, near the entrance of the canal, greatly inflamed the public mind. War was actually threatened. A peaceful solution of the difficulty was all-important, and the Clayton-Bulwer treaty was the result. It is easy to criticize men with grave responsibilities in hand. We may have got the worst of the bargain in 1850, but it was a bargain—a contract fairly considered and solemnly executed.

But when we come to read the Hay-Pauncefote treaty, which superseded the Clayton-Bulwer treaty, we find that the United States secured release from article 1 of the Clayton-Bulwer treaty, the important part of which I quote:

> The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America.

It is manifest that a release from this unfortunate copartnership had to be secured, and it is immaterial whether the price we paid was excessive or not.

Let us note now that in the Hay-Pauncefote treaty, the contract now in force, we agree "that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the 'general principle of neutralization' or the obligation of the high contracting parties."

And again, in the preamble of the Hay-Pauncefote treaty, in article 3, we find the following promise:

> The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal.

By the terms of the Suez Canal treaty all tolls are equal, and this promise has been strictly adhered to.

Now let us turn back to article 8 of the Clayton-Bulwer treaty and read there the general principles of neutralization which were to be preserved by the Hay-Pauncefote treaty, which is now in force:

> The Governments of the United States and Great Britain having not only desired in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Government shall approve of as just and equitable, and that the same canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

There certainly can be no doubt that by the provisions of this article the ships of Great Britain and the United States were to use the canal on equal terms wherever located, but it is claimed, and with reason, that the language of the Hay-Pauncefote treaty upon this particular point is not as clear in this regard. It is as follows:

> The canal shall be free and open to the vessels of commerce and of war "of all nations" observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

When the Hay-Pauncefote treaty was pending an attempt was made to insert an amendment giving the United States the right to exempt her coastwise ships. This amendment was rejected. Some say it was rejected because it was thought to be unnecessary; others deny this and intimate that Great Britain would have rejected the treaty had the amendment been accepted. The witnesses representing the United States, who were in a position to know what was intended by the language which I have just quoted, were Mr. Hay, our Secretary of State, and Mr. Choate, our ambassador at the Court of St. James at the time, and Mr. Henry White. Mr. Choate, who, according to Senator Lodge, was largely responsible for the language used in the treaty, insists that it was understood that the term "all nations" included the United States. Mr. Hay is dead, but Mr. Henry White, then in London as chargé d'affaires, corroborates Mr. Choate. Mr. W. F. Johnson, a journal-

ist and a man of the highest character, reports the following conversation with Mr. Hay in 1904:

I asked Col. Hay plumply if the treaty meant what it appeared to mean on its face, and whether the phrase "vessels of all nations" was intended to include our own shipping or was to be interpreted as meaning "all other nations." The Secretary smiled, half indulgently, half quizzically, as he replied:

"All means all. The treaty was not so long that we could not have made room for the word 'other' if we had understood that it belonged there. 'All nations' means all nations, and the United States is certainly a nation."

"That was the understanding between yourself and Lord Pauncefote when you and he made the treaty?" I pursued.

"It certainly was," he replied. "It was the understanding of both Governments, and I have no doubt that the Senate realized that in ratifying the second treaty without such an amendment it was committing us to the principle of giving all friendly nations equal privileges in the canal with ourselves. That is our golden rule."

Mr. President, this is the testimony of the men, and those who conversed with them, who represented the United States officially at the time. It is the testimony of the only men who were in a position to know what was intended by the language "vessels of all nations," and if we were in an ordinary court of equity we would be compelled to impeach both the intelligence and integrity of every one of our own eyewitnesses to the transaction in order to convince the court of the soundness of the contention that "all" means less than all.

We all know what happens to lawyers who try to impeach their own witnesses. Although President Wilson agrees with Mr. Choate and Mr. Hay, he was not there, and two ex-Presidents disagree with him. It may be that these two ex-Presidents know better than did Messrs. Choate and Hay and White and Lords Lansdowne and Pauncefote what was intended, but is it not true that by all the rules of evidence, simple and complex, that wisdom and experience have written for the guidance of the judges of our domestic courts, they would stand to lose their contention out of the mouths of their own witnesses in chief.

However, let us concede that taking all the surrounding circumstances into consideration, there is room for honest and intelligent difference of opinion as to what the words "all nations" should and do include. We must, then, certainly admit the existence of a difference of opinion as to the interpretation of the language of our treaty with Great Britain, and if anything else were needed to prove the existence of such a difference I will call the attention of the Senate to the fact that Great Britain emphatically denies the justice of our contention, and the further fact that all well-regulated Americans in the Senate and out of it have been engaged in a dispute "relating to the interpretation of" this treaty for many months past.

Are we not now forced to come to our second contract with Great Britain—the arbitration treaty—which directs us to the way and the only way in which our difference with Great Britain with regard to the other contract—the Hay-Pauncefote treaty—can be honorably adjusted? We find this way out in the language of that arbitration treaty, which reads as follows:

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 10th of July, 1899: *Provided, nevertheless*, That they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

Here we have promised to arbitrate all differences which may arise relating to the interpretation of treaties which differences do not affect our vital interest, our honor, or our independence. If we resort to precedents, we shall find that many differences have been arbitrated which were much more serious than the one here involved. But let us assume that this is the first time, the first dispute that we have ever had with Great Britain, or any other nation, and that we have nothing to resort to but the language of our arbitration treaty which I have just read.

Does the dispute involve anything more than a mere question of dollars and cents, and hardly that, and does it involve anything more than the construction of a contract for the use of a canal? If it were a contract involving the use of a canal intersecting two sovereign States of the Union, and a dispute arose as to the sovereign rights of the parties, that dispute would immediately take its course in court along the way provided by civilized communities, and it would hardly be claimed that the independence or honor or life of the sovereign States were endangered. I commend this comparison to those who insist that this dispute involves our life or independence or honor as a sovereignty. If this difference is one which can not be arbitrated without losing our life, our honor, or our independence as a Nation, then no dispute can arise which is arbitrable, and our peace treaties are a sham and a delusion and a snare for all who have been foolish enough to trust us. I can reach no other conclusion.

If we decline to arbitrate this controversy, we must take the position that saying a question is vital makes it so. In other words, our treaties are interpretable only as they may be interpreted to suit us. If we are to maintain the confidence of the world, we can not take this stand. We must be willing, at least, to follow precedents which Anglo-Saxon civilization has adhered to for centuries. We agreed to compel our ships to pay tolls or we did not. We take the former view; Great Britain takes the latter. Here is the contract upon which we base our contention. Here is our agreement to arbitrate it in the event of a disagreement. To my mind, Mr. President, our honor and our vital interest demand that we respect a plain and simple duty and not repudiate it because we have the power to do so.

This question should be submitted to The Hague. If we lose we lose nothing, and we shall gain much in experience. If we insist upon sitting in judgment in our own cause we are bound to lose our honor, to say the least.

For a long time we have been preaching as a Nation the gospel of international peace and good will. For many years we have insisted at home and abroad that arbitration was the American way of settling all disputes, and we have been insistent and persistent in our appeals to our neighbors to follow our lead. We have persuaded many of the great nations to take us at our word, and it seems to me that the time has come for us to deliver the goods or remove our advertisement.

If we refuse to arbitrate, and refuse to enact the pending legislation, the world will say we are insincere, and our pretty bird of peace, which has flapped its wings in the faces of our neighbors for many years now, will in their eyes resemble a raven more than it will a dove, and it will cast its shadow across the floor of this Chamber for some time if we are not careful.

I want the good work which we have done at Panama to pay in money and morals both. I want it to mark the hour of victory in ethics as well as engineering; not that we shall hesitate to exercise our rights as a sovereign or abate in the least our vigilance in the protection of our material interests. I want this great work, this great gift unapproached in history, to win the good will of the world and to demonstrate our fitness to lead the world in the right direction. I want it to be a triumph for Uncle Sam. I want the other 69 nations of the world to attend this triumph and get acquainted with the man they have cartooned as a swine and skinflint. I want the yellow man, and the brown man, and the red man, and the white man from the four corners of the earth to come and take a look at this gift to them from the man they have suspected and maligned. I want them to see with their own eyes that Uncle Sam is a man of peace and a man of his word, and that when he interferes with the affairs of foreign nations he does it to help them and encourage them along the ways of peace and truth. I do not want this great triumph to degenerate into a trial with Uncle Sam in the dock and his own mother the complainant and chief witness against him. However unjust and harsh she has been in the past and still may be, she will have the sympathy of every other nation in this controversy. If we sit in judgment in our own case, the verdict of the world will be "I told you so." "Uncle Sam plays with loaded dice only."

He will arbitrate when he is sure to win and decline when there is a chance to lose. I believe the American people, when they look at this situation as it is, will not want us to hazard their good name and money both. If the truly great can not afford to be fair, what are we to expect from the weaker nations?

Mr. President, I can easily get my eyes above and beyond the toll-gate in this canal, and I can see profit to my country in doing so. I can raise my eyes above and beyond party platforms, and I am glad the President of the United States has had the courage to tear out one of the unsafe planks in his party platform and put a sound one in its place. I wish he had had the courage to treat some of the other planks in his platform in the same way. I wish he had torn out the plank which committed him to a second-rate banking system. I wish he had removed the plank which prevented a just and equitable tariff revision, and I hope that now he has begun to change his mind he will continue until it has become a habit. It is better to destroy an entire platform than it is to destroy the prosperity of an entire nation.

Political conventions are not composed of prophets or saints. If they are fortunately composed of patriots and make mistakes, those mistakes should be remedied as soon as discovered.

While I do not see how the commercial effect of the payment or nonpayment of tolls by our coastwise ships can enlighten us as to our obligations under our treaties with Great

Britain, or throw light upon the intent of those responsible for the language of those treaties, I do find comfort in the conclusions I have reached with regard to this controversy from a purely commercial point of view.

The payment or nonpayment of tolls by our ships has little, if any, economic significance as it seems to me. The sequel of this alleged tragedy of the tolls in dollars and cents will be as bloodless as it would be for me to take a dollar from my right hand and put it in my left hand and then proceed to estimate the profit or loss occasioned by the transfer.

There is no such thing as a free toll. There is no such thing as free transportation. If the Government should buy all the railroads and allow the public to ride at will free of charge, passenger transportation would cost the people of this country much more than it does at present. The people can pay the cost of transporting ships through the canal with money they have contributed to the United States Treasury, or they can pay it when they buy the goods which are carried through the canal and placed upon the market. If the latter course is followed, the added cost on a 4-pound suit of clothes will be one-eighth of a mill, or one-sixteenth of a mill on a 2-pound pair of shoes.

Mr. President, the canal has already cost the State which I represent more than $5,000,000, an average of $25 each for every grown man in Connecticut. I believe that a majority of my constituents will feel that this ought to do for the present, and that those who use the canal should help pay its running expenses. It is true that we have invested many millions in river and harbor improvements, but the Government does not pay for towing ships after it has provided a safe waterway. As a means to secure lower transcontinental rates the payment of tolls by the Government will be utterly ineffective. Railroad rates are fixed by the Government now, and those rates should be high enough to warrant, if possible, safe transportation and the payment of fair wages and dividends.

There are 28,000,000 life insurance policies in this country, and 40 per cent of the money with which these policies must be paid is invested in railroad stocks and bonds. There are 10,000,000 savings bank deposits in this country, and more than 40 per cent of these savings is invested in railroad securities. The capitalization of the railroads of this country is $64,000 per mile, and the average for the other nations of the world is $138,000 per mile. The transportation cost in this country is about half that of the average transportation cost in other countries. There are nearly 2,000,000 railway employees in this country, and the freight handlers and stevedores are the poorest paid class we have.

I think the time has come for us to note the difference between the service which the railroads must render to the Nation and the personal guilt of those who have misused, if not robbed, both the railroads and the public in the past. As an economic factor in the control of our great railroad systems, the payment or nonpayment of tolls by our coastwise shipping is a tempest in a canal, which is somewhat larger than a tempest in a teapot, but of no more consequence. If we can get our eyes above the tollgate in the canal we will see at once that the item of real consequence is the cargo and not the pittance paid for transporting that cargo 40 miles. The item of consequence, I repeat, is the cargo, who produced it, who owns it, where it is to be sold, and at what price. We can endure the transportation of our merchandise in foreign bottoms to be sold at a profit; we can ill afford to transport foreign goods in our own ships to be sold in our own markets for less than the cost of manufacture in our own factories. We have invested $400,000,000 in this canal, a gift to other nations unapproached in history, but we would best be frank and admit that we expect to receive benefits that will more than offset the added facilities for competition which it will furnish to other nations, but no man can tell to-day whether this canal will be a blessing or a burden. If we can get our eyes away from the pennies involved in this dispute we will see an international commerce of $35,000,000,000 or more a year. Of this vast international commerce we get one-tenth, England one-sixth, and Germany one-eighth.

Thirty years ago Germany's foreign trade was $31 per capita and ours was $32. In 1912 Germany's foreign trade was $64 per capita and ours was $37. In other words, our population has increased 85 per cent and our foreign trade 50 per cent per capita during that period, and while Germany's population has increased but 35 per cent, her foreign trade has increased 250 per cent for the same period.

Japan's foreign trade has doubled in 10 years. Ten years ago she exported raw materials; now she imports raw materials and sells her manufactured goods in our markets.

Thirty years ago Germany was sending 250,000 of her sons to this country every year; now she keeps her rising generations at home and keeps them busy making goods to be sold to us in competition with our laborers.

Germany, not as large as Texas, has 30 cities of more than 200,000 people each, and she raises 80 per cent of the food necessary to feed her 64,000,000. She does this by sane and decent treatment of her farmers and manufacturers and their employees. All of her energies are concentrated in helping her industrial growth. She learned some years ago that the strategy of trade is an elastic tariff, always sufficient to give her the best end of the bargain if possible. She knows that trade does not follow the flag or anything else. She knows that trade leads the forces of civilization and that the Nation which can get and keep trade will win the wars of the future of whatever character they may be.

Japan, under the leadership of the keenest men in the Orient, raised her tariff 25 per cent last year. It was done to save Japan from bankruptcy, and it succeeded.

Russia, nearly three times as large as the United States, and just as fertile and rich in natural resources, will in the near future pass both Germany and Japan in foreign trade, as they have already passed Great Britain in their percentages of increase in foreign trade. Brazil and Argentina are also to be reckoned with. The foreign commerce of the world should exceed sixty billions in 1925.

Startling as these figures are, it is worth while to remember that our own domestic trade was more than $65,000,000,000 last year. Our domestic trade to-day is twice that of the international trade of the world, and by 1940 it will exceed one hundred billions if Congress does not prevent.

Russia, Germany, and Japan are to-day adopting every fair means that will strengthen their hold upon their home markets and at the same time extend their opportunities to enter our domestic market, and they hail with delight and expectancy every reduction of our tariff and other unwise and irritating legislation which hampers and hinders legitimate business enterprises.

And free-trade England is not altogether lacking in looking out for her own. I will note an instance in passing. I was informed this morning that a Connecticut company, the Waterbury Button Co., which has for years supplied the United States Government with ornaments for the caps and collars of the men in the Army and Navy, had been notified that the contract for making these goods has been transferred to a British manufacturing concern. The British concern had underbid the Connecticut company, but we must bear in mind that American concerns are not allowed to bid on contracts for similar work in Great Britain, and that the British firm could underbid the American company only because of the cheaper labor in England. Is it a thing to be proud of? The American Government by its own act throws American workmen out of employment and then decorates its own soldiers and sailors with British buttons and military insignia because the Englishmen will make them for wages upon which an American can not subsist. I relate this incident at this time with the hope that it will indicate to the Senators who are so certain that free transportation through the Panama Canal will be of great benefit to American commerce, that the protection of American commerce lies entirely in other directions.

If Congress will regulate and encourage and protect within reason the American manufacturer and employee; if Congress will aid cooperation and harmony and good will, and not destroy all three, the United States will get her share of foreign and domestic commerce. We must make the best goods, and I will grant that we must deliver what we agree to deliver in diplomacy as well as merchandise.

If anyone will take the trouble to read the history of trade expansion he will find that the good will of the purchaser is just as important as good workmanship in manufacture. The main trick in foreign trade, as well as in treaties, is to avoid all tricks and thereby win the friendship and confidence of the stranger. Our merchants know how all-important are good will and friendship in securing trade abroad. The manufacturer may do his utmost, and his agents may be men of tact and skill, and yet he may not be able to market his goods. If our consular agent in a country where trade is sought is incompetent or personally obnoxious by reason of a lack of brains or character, our merchants will be placed at a great disadvantage. Business men know this and many of them know that the Department of State can greatly aid or greatly injure our foreign commerce. In 1910 and 1911 $100,000,000 was added to our export trade through the good offices of the Department of State.

In 1906 President Roosevelt ordered that the civil service should apply to the Consular Service. President Taft issued a

similar order. In 1909 and during that year Congress appropriated $100,000 for the reorganization of the Department of State. In a short time order was brought out of the then existing chaos; geographical departments were created; idiotic formulas were abandoned. Indeed, an attempt was made to run the business of the Government upon business principles. What has happened since March 4, 1913? We will say nothing about the ambassadors, their riches or poverty, their contributions to philanthropic or party campaign funds. Their average is no doubt as high as that of their predecessors, but when we come to the ministers, the real workers in the field, the men upon whom our great industrial interests must rely for aid and comfort in foreign lands, what do we find? If my information is correct, when President Wilson took the oath of office there were 32 ministers in the Diplomatic Service, 15 of whom had been promoted from the grade of secretary. A number of others had had diplomatic experience. All but 7 or 8 of these 32 men have already been displaced and not a single appointment made by President Wilson has been made from the service. The good work begun by President Roosevelt and continued by President Taft has already been undone, and our Diplomatic Service has been used to pay the political debts of its chief.

When this record is put before the public in detail, when the employer and employee in this country are made familiar with the names and records of the men who are to look out for their interests in foreign countries, they will realize that this toll-gate is quite invisible as a factor affecting our foreign or domestic trade when Mr. UNDERWOOD's competitive tariff and Mr. Bryan's foreign ministers are put in front of it. I can not dispute the President's political right to return to the spoils system. I do say, however, that the responsibility is his. And I will say that Congress should prohibit by law the surrender of a principle so vital to our industrial welfare.

Mr. President, economic forces conquer all others in time, but in the everyday commerce of the nations confidence has and will play a most important part. It seems to be generally conceded that confidence has left this country for the present. Is it not about time we should acknowledge the cause of its departure? Is it not about time we should admit that it is a clear case of too much Congress? And now is it worth while for Congress to deprive us of the confidence of our neighbors? You can not have confidence abroad if you sidestep your treaty obligations. You can not preserve confidence abroad if your patriotism is of the variety that insists that might makes right. You can not adulterate food and fabrics and win the confidence of those you deceive, and you can not adulterate your international dealings with selfishness, insincerity, or incapacity and win the confidence of the nations of the earth.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. Mr. President, in the momentary absence from the Chamber of the Senator in charge of the Panama Canal tolls bill, the unfinished business, I ask that it may be temporarily laid aside and that the Agricultural appropriation bill be laid before the Senate.

The PRESIDING OFFICER (Mr. NORRIS in the chair). The Senator from Oklahoma asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the Agricultural appropriation bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. McCUMBER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Kenyon	Pittman	Smith, Mich.
Brandegee	Lee, Md.	Ransdell	Smith, S. C.
Burleigh	Lodge	Reed	Smoot
Burton	McCumber	Robinson	Sterling
Chamberlain	McLean	Root	Stone
Clark, Wyo.	Martin, Va.	Shafroth	Sutherland
Crawford	Martine, N. J.	Sheppard	Swanson
Gallinger	Newlands	Sherman	Thornton
Gore	Norris	Shields	Tillman
Hollis	O'Gorman	Shively	Warren
Hughes	Overman	Smith, Ariz.	West
Johnson	Page	Smith, Ga.	Williams
Jones	Perkins	Smith, Md.	Works

Mr. PAGE. I have been requested to announce that the Senator from Oregon [Mr. LANE], the Senator from Kansas [Mr. THOMPSON], the Senator from North Dakota [Mr. GRONNA], the Senator from Arizona [Mr. ASHURST], and the Senator from Montana [Mr. WALSH] are necessarily absent on the business of the Senate.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. Mr. President, before the Senate proceeds to consider the remainder of the bill I desire to call attention to an error in a portion of the bill that we have passed over, for the purpose of correcting it.

On June 29, 1906, the following law was passed:

Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park."

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to change the name of the Sulphur Springs Reservation, an Indian reservation now in the State of Oklahoma, formerly in the Indian Territory, so that said reservation shall be named and hereafter called the "Platt National Park," in honor of Orville Hitchcock Platt, late and for 26 years a Senator from the State of Connecticut and for many years a member of the Committee on Indian Affairs, in recognition of his distinguished services to the Indians and to the country.

In the bill the provision concerning that park is spelled "Platte," the thought evidently being that it was named after a somewhat famous river. I simply ask that the spelling be corrected.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 53, line 1, it is proposed to strike out the letter "e" in the word "Platte."

Mr. GALLINGER. I presume there is no objection to that.

The PRESIDING OFFICER. If there be no objection, the correction will be made.

Mr. GORE. I am indebted to the Senator from New Hampshire for calling attention to the error.

Mr. GALLINGER. Mr. President, I will say that we all recall affectionately the services which the late Senator from Connecticut rendered to the country, and particularly the services he performed on the Committee on Indian Affairs, where so much hard work, and sometimes unappreciated work, is done.

Mr. WARREN. Mr. President, on yesterday we passed over for the moment the committee amendment commencing at the bottom of page 71 and running on to page 72. In that connection I wish to offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment beginning on line 24, page 71, it is proposed to strike out lines 4, 5, 6, and 7 on page 72, and in lieu thereof to insert:

Without reduction of pay: *Provided*, That the same be taken once in two years: *And provided further*, That the leave of absence may be extended to three months if taken once only in three years, or four months if taken once only in four years.

Mr. WARREN. That amendment will make the provision conform to the present statute with regard to the employees of the Army and Navy.

Mr. GORE. The amendment, as presented by the Senator, embodies the real purpose which the committee had in view. I ask its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the next committee amendment passed over.

The SECRETARY. On page 72, beginning on line 23, the committee proposes the following amendment:

And hereafter the Secretary of Agriculture is authorized to make studies of cooperation among farmers in matters of rural credits and sanitation and of other forms of cooperation in rural communities; to diffuse among the people of the United States useful information growing out of these studies, in order to provide a basis for broader utilization of results secured by the research, experimental, and demonstration work of the Department of Agriculture, agricultural colleges, and State experiment stations; and to employ such persons and means in the city of Washington and elsewhere as the Secretary may consider necessary, $50,000.

Mr SMOOT. Mr. President, I notice that this amendment provides that "the Secretary of Agriculture is authorized to make studies of cooperation among farmers in matters of rural credits and sanitation." I understand that the Public Health Service is spending hundreds of thousands of dollars for that very purpose. Special bills have been passed by Congress within a very few years appropriating large sums of money for this very work. There is no legislative appropriation bill or sundry civil appropriation bill but that contains amounts appropriated for this service.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. I would suggest to the Senator that the annual appropriations for the Public Health and Marine-Hospital Service aggregate, I think, over $1,000,000.

Mr. SMOOT. Yes; I am perfectly aware of that. I wish also to call the attention of the Senate to the fact that there is, I think, a bill on the calendar now giving them greater authority than they have under the present law to go into a State and, in cooperation with the authorities of the State, to study this identical question of sanitation.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. KENYON. I should simply like to ask the Senator from Utah whether, in his judgment, this provision would create commissions to travel in this country investigating sanitation and rural credits or to travel in foreign countries to investigate those subjects?

Mr. SMOOT. Either in foreign countries or in this country. There is no limit upon the appropriation, and not only that——

Mr. KENYON. Does the Senator know how the expenses of the commission that visited foreign countries with relation to rural credits were paid?

Mr. SMOOT. They were paid by a direct appropriation for that purpose.

Mr. KENYON. They were paid by the Government?

Mr. SMOOT. Yes; they were paid by the Government. I wish to ask the Senator in charge of the bill if there was any estimate for this amount?

Mr. GORE. Mr. President, there was no estimate for it in the Book of Estimates as originally presented. The department has since submitted this estimate and this proposition on its own motion, and the committee was convinced of the propriety and the wisdom of adopting this amendment.

The Senator is correct in his observation that a great deal of money is expended on public sanitation now. It is a subject of growing interest. I think it deserves a great deal more interest than it has ever received, and the expenditure of a great deal more money than ever has been appropriated for its extension.

This appropriation does not contemplate the establishment of any system of sanitation. It simply directs the study and investigation of the subject. The Senator will realize that in many rural communities the health of the community could be greatly improved, and the dangers to health could be removed with slight expenditure, simply by the dissemination of proper information upon the subject. The investigation doubtless will be conducted on a small scale in different parts of the country, and I doubt not that it will contribute a great deal to the health of many communities whose health is now impaired from obvious causes, but causes that are not always known to the residents of the particular community affected.

So far as rural credits are concerned, it is not intended, as I understand, that this money shall be expended in the investigation of the rural-credit systems in foreign countries. That has already been done by the United States commission which visited Europe last season. There have been some attempts at rural-credit legislation in the United States, particularly in the State of Minnesota; and I think no single subject is engrossing more attention among the farmers of this country to-day than the subject of rural credits. I am sure every Senator here is constantly in receipt of communications from farmers upon the subject. This is preeminently true of the western country, where rates of interest are high.

In my judgment, the pending amendment is the most important single proposition embodied in the pending bill. I do not know, but I assume that to some extent it will follow up the work done by the rural-life commission some years ago. I know that that commission was criticized by some; but, in my opinion, it rendered a vast service to the agricultural interests of the country. The general demand for its report indicates the general interest felt by farmers in the subject.

That rural life in the United States is capable of infinite improvement, I may say, can not be challenged by any Senator. The isolation of farm life and the inherent difficulties of cooperation have barred the progress of farmers and of the agricultural prosperity of the country generally. In its nature, farming forbids the general division of labor which prevails in manufacturing or industrial establishments. The isolation of the farm makes cooperation difficult; and only through increased cooperation and community of interest can the rural life of this country be advanced to the high standard which it is entitled to attain.

I repeat, that I regard this as the most important single proposition in the bill, and fraught with greater and more beneficent consequences to the agricultural interests of the country than any other. I certainly hope it will be adopted by the Senate.

Mr. SMOOT. Mr. President, I wish to refer to a duplication of work that is running through all our legislation; and this is only another instance of the kind.

I am heartily in sympathy with the rural-credit legislation that is being considered by the House and the Senate at this particular time; but I call the Senators' attention to the fact that we have had so many public documents printed up to this time that it would be impossible for a farmer anywhere in this country to read them all in a year.

There has not been an article written on rural credits, so far as I know, that some Senator has not asked to have printed as a public document, and it has been done. Not one, not ten, not twenty-five, but I was going to say hundreds of them, have in fact been printed as public documents; and then they have been gathered together and printed again, in a larger form, as public documents. When the last request was made, I balked, and said I thought we should not print any more until the farmers of the country read what we had already printed.

The rural-credit question is already before this body. I do not believe any compositions that may be written in the next year by men who have been sent through this country by the Agricultural Department will contain a particle more information than the articles that already have been published as public documents and are at the disposal of every Senator who desires to send them to any farmer in this country.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I do.

Mr. JONES. I wish to suggest that the farmer does not want study, he does not want documents, he does not want articles, but he wants the Senate and the House to take action and pass legislation providing for this.

Mr. SMOOT. That is what he wants. Not only that, but I do not think it is going to do the country any good to have every department of the Government studying exactly the same thing. The question of rural credits is a question of finance, and it seems to me it is a far-fetched proposition for the Department of Agriculture to commence to study that question.

As far as the matter of sanitation is concerned, there is not a State in the Union to-day but that has representatives from the Public Health Service of the Government; and men who are learned in that line of work are working in cooperation with the State authorities, as I stated. There never has been a request made of Congress—and they are increasing every year, as the chairman of the Appropriations Committee knows—without its having been freely granted, because every member of the Appropriations Committee realized the importance of the health of the people of this country. It seems to me strange that we should now be asked to appropriate $50,000 to be divided between sanitation in all parts of this country and rural credits and the work to be directed by the Secretary of Agriculture.

No business man on earth would undertake to duplicate work in his business in any such manner; and I give notice now that if nobody else wants to speak upon this subject I intend to make a point of order against the item.

Mr. GALLINGER. Before any further action is taken, I should like to ask the Senator from Oklahoma if there is any objection to inserting after the word "farmers," in line 24, the words "in the United States"?

Mr. GORE. No objection whatever.

Mr. GALLINGER. I move that amendment.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment on page 72, line 24, after the word "farmers," it is proposed to insert "in the United States," so that, if amended, the amendment will read:

> And hereafter the Secretary of Agriculture is authorized to make studies of cooperation among farmers in the United States in matters of rural credits—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, I trust the Senator from Oklahoma will agree to striking out the words "and sanitation" in line 25. That is a matter that belongs absolutely and wholly to the Public Health Service. If the Department of Agriculture should undertake to investigate the question of sanitation among

the farmers of the United States, $50,000 would be a bagatelle, because you would have to send out physicians to make those investigations. I think it would better come out of the provision.

Mr. GORE. I do not think there will be any conflict between what the Department of Agriculture has in view under this amendment and the work done by the other departments or bureaus of the Government. I can see how this might be of a great deal of service in making known to the farmers simple ways and means of improving the sanitation and health of the community. In the interior, in the rural districts, I do not think the health officers render that service, or at least the service which is contemplated by this provision.

Mr. GALLINGER. I do not know how it may be in other parts of the country, but in the part of the country from which I come there is a health officer in every town of any considerable size, and then we have a State board of health. That board, under the law, cooperates with the Public Health Service. I really think that to turn over the matter of the public health to the Department of Agriculture is not good legislation.

Mr. GORE. Mr. President, it is true, I suppose, in a great many States—it is in my own—that we have a health officer in every county—in every county seat, I take it—and, as the Senator suggests, you will probably find a health officer in every town, but this is not intended for the towns or cities. It is intended for the rural districts, and not to establish an elaborate system of sanitation, but simply to disseminate information, as I assume, which will enable the farmers themselves, by cooperative work, to clean up their communities.

Mr. GALLINGER. Seriously, I apprehend that the Senator will agree with me that the Department of Agriculture would have to send physicians out into the agricultural regions to investigate this matter. Does the Senator really think that in connection with the other matters that are to be investigated under this appropriation very much work could be done with $50,000?

Mr. GORE. I may say that the Committee on Agriculture recently recommended the appropriation of half a million dollars for the extermination of hog cholera. The Senate passed that bill without a word, without a question. It has often been said that Congress is more concerned about the health of pigs than about the health of human beings. I do not believe the imputation is true. We spend a great deal of money to exterminate diseases among cattle. I think human beings are quite as important as cattle. This bill carries a quarter of a million dollars for the study of diseases of cereals—grain, wheat, oats—and it can not be said that human beings are of less consequence than cereals.

Sanitation in this country has been seriously neglected. If the existing authorities have been armed with sufficient power and sufficient money, they have not accomplished all that can be done in that direction. They need reenforcement. If this, by any chance, will reenforce that service, and will assist in removing the causes of disease, it is certainly very desirable.

The time will come when civilized man will not continue to suffer from preventable diseases. That folly will be remitted to savages and barbarians. It is the worst of all follies for civilized human beings to die or to suffer from diseases which can be prevented. I assume that the object of this appropriation is to enable the farmers throughout the country to cooperate and to remove the cause of disease and to prevent disease. There is a good deal of sense in the suggestion that prevention is better than cure.

Mr. GALLINGER. Mr. President, I will make the suggestion that the appropriations in this bill to which the Senator has referred for diseases of cattle and other live stock are properly under the direction of the Secretary of Agriculture. The Secretary of Agriculture, however, has no more to do with the public health of the people of this country than he has to do with the last eclipse of the moon. It is simply taking a function from a department of the Government which is thoroughly equipped for that work, and to which we give adequate and liberal appropriations—sometimes I have thought almost extravagant appropriations—and transferring it to a department of the Government which has no connection whatever with the proposed investigation.

I move to strike out the two words "and sanitation."

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 72, line 25, after the words "rural credits," it is proposed to strike out the words "and sanitation."

Mr. BRISTOW. Mr. President, I have been trying to get the scope of the provision. Is it proposed that the Federal Government shall employ health officers under the Department of Agriculture to perform the same functions that the health officers perform who are employed by the States in the various cities and counties in the United States?

Mr. KENYON. I should like to ask the Senator from New Hampshire if $50,000 will go very far in that work?

Mr. GALLINGER. I suggested a moment ago that if the Secretary of Agriculture really undertook this work he would have to send physicians all over the country into the rural districts, and the $50,000 would be a bagatelle. He might possibly cover a county in Kansas, which is bigger, I suppose, than the State of New Hampshire, or he might cover a fourth of the State of Iowa; but he certainly could not do very much in that direction. Yet this $50,000 is to be divided up, and rural credits are to be investigated, and other forms of cooperation in rural communities. It seems to me it is ridiculous.

Mr. BRISTOW. If I am correctly informed, the health officers who are employed under the direction of the various State boards of health examine the hotel kitchens and meat markets and butcher shops and packing houses that are located in their respective communities to see whether the proper sanitary rules are adopted by the proprietors. Is it proposed that the Secretary of Agriculture shall employ these health agents to go around and investigate the farmers' kitchens and barnyards and things of that kind to see whether the necessary sanitary rules are being carried out?

Mr. GORE. Mr. President, I do not think the committee amendment contemplates any such purpose or any such service as that. The Senator will observe that it says "studies of sanitation." I assume that it is to ascertain the causes of diseases—certain characters of diseases, at any rate—and where those causes are removable, perhaps one farmer could not remove them from the community, but perhaps by cooperation the causes could be to a great extent removed and the health of the community improved and safeguarded against the recurrence of like disease. I think that is a most important service.

Mr. BRISTOW. If the Federal Government is going into the public-health business, does not the Senator really think it should do it through the proper channel that now exists instead of having it duplicated? We already have the Public Health Service, and now it is proposed to have the Department of Agriculture do the same work.

Mr. GORE. I have no disposition to impair the existing service, but I assume that the present organization would not be adequate to bring about cooperation among farmers, perhaps, in isolated communities, where through cooperation they could greatly improve the sanitation of the settlement. I do not think this service should be neglected because there is another bureau which looks after another branch of public sanitation. The truth is that there are possibilities of improvement in a great many lines of sanitation.

Mr. BRISTOW. The Senator would segregate the different localities, then? The Public Health Service would be confined to cities, would it, and the Agricultural Department would take care of the health of the rural communities?

Mr. GORE. By no means at all; but I do not seem to be able to make myself clear to the Senator. I think there is a field of service where, through cooperation of the neighbors living in a community, they can do much to remove the cause of disease and to improve the health of the community.

Mr. BRISTOW. How many people is it contemplated will be employed and paid, and are they to be under the civil service or are they to be selected at the discretion of the head of the department?

Mr. GORE. I will send to the desk a memorandum sent to me by the department, touching this amendment, which will shed some light upon the purposes and objects which they have in mind.

The PRESIDING OFFICER. Does the Senator from Kansas yield that it may be read?

Mr. BRISTOW. I do.

The PRESIDING OFFICER. The Secretary will read the memorandum.

The Secretary read as follows:

STUDY OF RURAL ORGANIZATIONS.

On page 72, after line 22, insert the following:

"And hereafter the Secretary of Agriculture is authorized to make studies of cooperation among farmers in matters of rural credits and sanitation and of other forms of cooperation in rural communities; to diffuse among the people of the United States useful information growing out of these studies, in order to provide a basis for broader utilization of results secured by the research, experimental, and demonstration work of the Department of Agriculture, agricultural colleges, and State experiment stations; and to employ such persons and means in the city of Washington and elsewhere as the Secretary may consider necessary, $50,000."

This amendment was passed over at the suggestion of Senator KENYON.

For the past six or eight months the department has been engaged in some important studies having to do with organized effort on the part of farmers in advancing their interests financially and socially. The work has been conducted to this time without expense to the Government. It is now believed, however, that sufficient results have been secured to show that there is an important field to cover and that the projects are of such a nature as to make it advisable for the Government to wholly finance them. There is an extensive field yet practically untouched in matters of organized and cooperative effort in connection with rural credits and rural finances, rural sanitation, problems of community interest in fostering rural schools, better roads, transportation of farm products, purchasing of farm supplies, securing and the utilization of farm labor, etc. Even though legislation may be enacted improving the farmers' opportunities for financing their operation, a great deal of educational work must be done in order that the fullest benefits of any legislation may be secured. It would seem to be a very proper function of this department to do this educational work, and to do it properly the necessary facts must be gathered, digested, and used in the most effective manner.

Mr. BRISTOW. Does not that propose to cover the same work that is now being authorized through the Public Health Service and the Commissioner of Education? I remember we had a bill here some time since in which it was proposed to enlarge the work of the Commissioner of Education by authorizing him to do a lot of things that he can not do now, and it increased his appropriation. It seems to me, according to this, that the Secretary of Agriculture wants to start out with the Agricultural Department covering those two fields. Would it not be more practical legislation just to connect the Public Health Service and the Bureau of Education with this department and let the Secretary of Agriculture take charge of those divisions of Government?

Mr. WORKS and Mr. GORE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kansas yield, and if so, to whom?

Mr. BRISTOW. I yield to the Senator from California and then to the Senator from Oklahoma.

Mr. WORKS. Mr. President, I want to say to the Senator from Kansas that we passed a law two years ago, or nearly that, extending the authority of the Health Department to this very matter of sanitation, and that department now has full authority to conduct any investigations or efforts to educate the people along sanitary lines.

Mr. SMOOT. Even to going into the homes of the people.

Mr. WORKS. It would simply be confusing the two if we were to attempt to extend that authority now to the Agricultural Department.

Mr. BRISTOW. It seems to me this appropriation of $50.000 ought to be stricken out. I can not understand why we are going into everything from an attack on prairie dogs to the curing of diseases and the appointment of physicians to instruct the wives of farmers in order to preserve the health of the community. If there is anything this bill has not covered, I have not been able to find it, except a Senator suggested to me this morning that there was one thing that was left out, and that was the snapping turtles, and he said he thought he would offer an amendment appropriating $50.000 for the destruction of snapping turtles, so that they would not destroy as many wild ducks as they do.

It seems to me that we ought to stop somewhere, and we ought not to encroach on the province of all the other departments. If the Secretary of Agriculture is to take charge of the education of the public and the health of the public, then we ought simply to merge the Bureau of Education and the Health Department and put them under the supervision of the Secretary of Agriculture, and let him administer the laws that are already provided.

Mr. MARTIN of Virginia. Mr. President, I am not going to occupy more than a few minutes; simply to register my protest against the disposition of each department to encroach upon the jurisdiction of every other department. If the Senate is to humor that tendency, which seems to pervade all the departments of the Government now, there will be no limit to the appropriation bills. They have already grown to alarming proportions. I am not considered, I think, by Members of the Senate, as a very economical Senator in public expenditures. Indeed, I have always entertained the opinion that the Government ought to be liberal in appropriations for necessary and useful objects. But I must insist that we should discontinue useless appropriations, and I can not imagine any appropriation more useless, more absolutely unproductive of good, than the appropriation contained in this paragraph of the bill.

The Agricultural Department has an ample field in which to work without encroaching upon the Public Health Service and without encroaching upon the banking service. We have a department of the Government devoted to the development of the banking interests. We have a committee of the Senate now engaged in the work of perfecting plans for a rural-credit system. The Committee on Agriculture need not encroach upon the work of that committee. We have a Banking and Currency Committee that is amply able to deal with it, and which will deal with it in due time, and effectively deal with it in the interest of the farmers of the country.

But I do protest against the Committee on Agriculture intruding itself into the work of the Banking and Currency Commission and into the work of the Public Health Service. We have a splendid Public Health Service; it has a large staff of well-trained men, and Congress has provided ample money for it. It is required by the law of the land to do exactly what is provided for in this little paragraph. It simply means the absorption of that much of the people's money without any good whatever. I hope the amendment will be rejected.

Mr. GALLINGER. Mr. President, I had in mind several amendments to this paragraph, but understanding that a point of order is to be made against it I will refrain from offering them at this time. If the point of order should not be sustained—and I think it ought to be sustained—I will then have something further to say.

But in the matter of the Public Health Service I want to pay in a very few words a tribute to that service and to the marvelous work which it has been doing and that it is doing to-day. It will be recalled that human life has been extended, I think, several years in the last quarter of a century directly through the efforts of the medical profession to increase the sanitary conditions of the country, including the rural population.

Mr. President, when the French were endeavoring to build the Panama Canal it was said that from malarial fevers of various types a human life was sacrificed to every sleeper that was laid on the railroad. That was an exaggeration, no doubt, but the mortality rates were so enormous as to alarm the civilized world almost. When we undertook that work a gentleman connected with the Public Health Service, Col. Gorgas, was sent there, and he applied the very means that are being used in every community in the United States to-day in the matter of improving the health of those employees. What has been the result? Mr. President, during the building of that canal there have been 98,785 cases of malarial fever and there have been out of that number 743 deaths. The world has never known of such a record in the matter of protecting the public health and of saving human life. What is true of the work that was done on the Canal Zone is true in every community in the United States at the present time.

Mr. BRISTOW. The Senator will pardon me for interrupting him.

Mr. GALLINGER. Certainly.

Mr. BRISTOW. Is it not a fact that the malaria at Panama is of the most malignant type and has been a frightfully disastrous disease?

Mr. GALLINGER. It certainly was.

Mr. BRISTOW. Before the United States took charge.

Mr. GALLINGER. There were tens of thousands of deaths when the French were undertaking to dig the canal.

Mr. WARREN. Even before that, when the California immigrants passed over the Isthmus, nearly all suffered from malaria and typhoid fever, and the deaths at times exceeded those whose lives were spared. The Isthmus was considered the most unhealthful locality known, and yet modern science, inventions, and accomplishments in medical practice have made possible the result just announced by the Senator from New Hampshire.

Mr. GALLINGER. There was the same result. So I am unwilling that this great health service, which is under the direction of one of the departments of the Government, and we having a committee of the Senate to deal with the subject, should be encroached upon by any other department of the Government, which in the very nature of things has no equipment to do as good work as is being done by the Public Health Service.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I do.

Mr. WORKS. I supposed the Senator was just closing.

Mr. GALLINGER. I was going to say that unless the entire paragraph goes out I shall ask that the question be taken upon the motion I made a moment ago—to strike out the words "and sanitation."

Mr. WORKS. The statement has been made in the Senate a good many times and has been published in the newspapers that we are expending a great deal of money to preserve the health of the hog and nothing for the preservation of human health. Some time ago I introduced a resolution asking for information from the Secretary of the Treasury on that subject. Quite an extended report was made showing that we are expending now in the preservation of the public health over $20,000,000 a year.

The Committee on Public Health and National Quarantine, of which I am a member, has had three or four different bills before it during the present session of Congress tending to improve the Health Service and to extend its authority particularly along the line of sanitation. One of them was a bill introduced authorizing investigation and field work in sections of the country where typhoid fever prevails with a view of stamping out typhoid fever, which must necessarily be done, as all of us know, by sanitation. That is the only means of exterminating the cause of the disease. That bill has been under consideration by that committee. It covers precisely the ground that is proposed to be covered by this provision in the Agricultural appropriation bill. If this is adopted, it is certain to bring about conflict between different departments of the Government.

I think we have a most excellent Health Service in this country and I suppose every State in the Union has a State board of health and a county board of health that are working in cooperation, as far as it may be done, with the national authorities.

Mr. GALLINGER. If the Senator will permit me, by specific legislation a few years ago we provided that the health boards of the several States should be not only in communication with but in actual consultation with the chiefs of the Health Service of the United States. So, I think, twice a year a meeting of that kind is held.

Mr. WORKS. Yes; there is a statute of that kind. One great question in dealing with this matter has been how far the National Government should go, how far it can legitimately go without trespassing upon the rights of the States, and that is a matter of considerable importance. While the doctors in the various States are perfectly willing to allow the Government to take charge of all the health affairs of the States, it must be apparent that this is no part of the work of the National Government, and that has been one of the things which has been under consideration by the committees dealing directly with this question. But I think we have gone about to the limit in authorizing the National Government to deal with the question of public health within the States, and there is absolutely no reason that I can see why the Agricultural Department should take hold of this matter in any way whatever.

Mr. OVERMAN. Mr. President, the main question is where the money is to come from. Here is a bill increasing over the appropriations made by the House $1,545,000. The Indian appropriation bill was reported this morning from the Committee on Indian Affairs proposing an increase of $2,000,000. We have appropriated $35,000,000 for building a railroad in Alaska. Our appropriations this year will exceed $1,200,000,000 if we go on like this. When we pass these bills we ought to consider where is the money coming from. We will be sure to be called on for a deficiency, and therefore we ought to be cautious and consider all these items, and unless they are absolutely necessary they ought not to be voted into the appropriation bills.

Mr. GORE. Mr. President, I will tell the Senator from North Carolina where the money is to come from. It is to come out of the pockets of the farmers of the United States. This Government costs a billion dollars a year, and the farmer pays more than his share of our national revenue and of our national expenditures. I have seen the estimates. Seventy per cent of our national revenue is derived from the farmer, and I doubt not the truth of the estimate.

It is true that we are within a few days to appropriate $130,000,000 for the Navy. For what purpose? To take human life; to send men to untimely graves. Yet $19,000,000 in the interest of the American farmer is complained of by reverend Senators here.

For the founders of the American prosperity and the authors of American wealth $50,000 is proposed to be appropriated to preserve human lives and $130,000,000 on the Navy to send them to their graves.

The Army appropriation bill will carry $95,000,000. Where, sir, is that money to come from? I join with the Senator from North Carolina in that question. It will come out of the pockets of the American farmer. Then do you grudge him this paltry $19,000,000?

This Government expends annually more than $400,000,000 on wars past, present, and to come—enough to build 400,000 homes costing a thousand dollars apiece, enough to build homes sufficient to house the population of a city like Philadelphia. What are the appropriations? Nineteen million dollars on the fruitful arts of peace, $400,000,000 on the bloody arts of war, $250,000,000 on our Army and our Navy for butchery and for bloodshed. You pass the naval appropriation in three hours. We spend as much on two battleships as the American farmer will receive through the pending bill. And yet Senators will debate this bill for weeks and contest every pitiful item looking to the betterment of the American farmer, and waste millions on public buildings to adorn and beautify cities and enhance the value of adjacent properties at the expense of the American farmer. Then Congress will appropriate $50,000,000 on rivers and harbors, $40,000,000 of which will be little better than sheer waste, twice as much as the agricultural bill carries, and strike from the bill $50,000, amongst other things, to study the health of rural communities and to enable the farmers to protect themselves against the chills and the fever and to be advised as to the ways and means alluded to by the Senator from New Hampshire [Mr. GALLINGER] for affording themselves protection against malaria and against other preventable diseases.

Mr. President, the principles of scientific farming have long been known to scientists in agriculture, but so long as our light remained under a bushel it was unserviceable to the man who earns his daily bread by his daily toil. We have expended money to distribute bulletins throughout the United States to carry this information to the farmer on the farm. That has been serviceable, but we are extending the work. We are demonstrating practically before the eyes of the farmer the ways and means of scientific agriculture. That has been of infinitely greater service than the distribution of bulletins.

Now, so far as rural credit is concerned the farmers in the West pay from 20 to 25 per cent interest—it is outrageous—on the best security known to the financial world. In Germany to-day the bonds of their rural-credit concerns sell higher than the bonds of the German Empire bearing the same rate of interest. What has been evolved in Germany can be evolved in free and enlightened America. Would Senators grudge the American farmer who pays $500,000,000 interest a year $50,000 to distribute information upon this subject?

This must be a matter of education. It must be a matter of evolution here as it was in the Old World. It will take time. It will take experience. Immature experiments will result in disaster and in delaying the real relief which the oppressed and overburdened American farmer is subjected to pay. Yet Senators who vote with lavish hand a billion dollars a year on armies and navies, health, wealth, public buildings, useless rivers, stand here and fight a miserable appropriation of $50,000 to disseminate information amongst the American farmers concerning credit, concerning health, and concerning the lives of themselves and their families. It amounts to little more than sentencing many of these people to untimely deaths by withholding from them the information which will enable them to avert disease and to protract their pilgrimage here through this vale of tears, and it is too often a vale of tears when they plunder and impoverish the wealth producers for the benefit, in many instances, of those who neither toil nor spin.

I hope that the pending amendment of the committee will be adopted.

Mr. OVERMAN. Mr. President, I do not think the farmers of the country want any deficiency in our Treasury. I think there are a great many items in this bill which the farmers of the country do not ask for. They are simply asked by bureaus, by clerks, and Secretaries for the purpose of having office-holders added. There are about 700,000 in this country to-day. I am for the farmers and everything they demand and want, but I know, if I know the people of this country aright, that they do not want a deficiency.

We have to appropriate for battleships, for the Army, and for the Navy, and those things. Will the Senator join me in cutting down these or other appropriations? I did not speak about this bill alone. I spoke specially in reference to the Indian appropriation bill and in reference to all the appropriation bills in order that we may come within our budget in the collection of revenues this year.

Mr. GORE. I will say to the Senator I will join him in opposing the river and harbor bill. I have never voted for one of those bills since I have been in the Senate. I have never voted for a public-buildings bill since I have been in the Senate. I have never grudged the farmers the miserable pittance they receive out of the multiplied millions which they pour as a stream of gold into the National Treasury for the benefit of other classes than themselves.

Mr. SMOOT. Mr. President, if I thought this was going to do the farmer any good, I would not oppose it, but I am positive it will not do so. The Public Health Committee of this body had under consideration the question of making an appropriation for the study of typhoid fever, as referred to by the Senator from California [Mr. WORKS]. That committee thought they could do no good whatever with a less appropriation than $500,000, and then to think of an appropriation of $50,000 di-

vided between rural credit and sanitation! It is simply ridiculous to think that any good can come from it.

Mr. President, this bill ought to be referred back to the committee, in my opinion, and this same opinion has been expressed to me by other Senators. There are many things in it that should not be in an Agricultural appropriation bill. It ought to be sent back to the committee for its further consideration, and let them report a bill without so many questions that have no reference whatever to an Agricultural appropriation bill.

The very next paragraph proposes to authorize the Secretary of Agriculture, whenever, in his judgment, necessary, to lease for a term not exceeding 10 years a building or parts of buildings. The appropriation bill that was reported by the Committee on Appropriations this morning provides for the leasing of buildings for the Government, and in nearly every appropriation rents are limited to so much per square foot. Here we find the Committee on Agriculture reporting a bill authorizing the Secretary of Agriculture, whenever, in his judgment, necessary, to go to work and lease for a term of years a building—nothing as to what it shall be, where it shall be located, what class of building it shall be. That is only one item.

What is the next? For investigating the grading, weighing, and handling of naval stores. Why is that in this bill? What right has it in this bill? It is not germane to the bill at all.

In the very next paragraph we find the Secretary of Agriculture is authorized to print and publish certain maps. Mr. President, the Appropriations Committee appropriates a lump sum of money every year for the printing of the Department of Agriculture. The estimate is brought to Congress, itemized statements are made as to what will be required for the printing in that department of the Government, hearings are had by the committee of both Houses of Congress. And now upon this bill we find the Committee on Agriculture authorizing the Secretary of Agriculture to do certain printing of maps.

So, Mr. President, it seems to me that if the Senate did right in this matter, instead of making points of order upon these items which are not germane to the bill they ought to refer it back to the committee for further consideration.

Now, Mr. President, I shall make a point of order against this amendment.

Mr. BRADY. Will the Senator withhold his point of order for a moment?

Mr. SMOOT. I yield to the Senator from Idaho.

Mr. BRADY. Mr. President, before the Senator from Utah [Mr. SMOOT] makes his point of order, I wish to say a word with reference to this item in the agricultural appropriation bill.

An appropriation of $50,000 to be made for the benefit of the farmers seems to be very large, indeed; but if it were made for the purpose of digging a canal down on some eastern seacoast, it would be a very proper appropriation. Within the last week I have sat in this Chamber and listened to Senators for an hour showing cause, as they thought, why it was proper to increase an appropriation from something like a million dollars to $2,000,000 for digging a 14-mile ditch down on the eastern seacoast, where they can go around in three hours, while the farmers of the West and of the South are compelled to raise their grain and ship it 2,000 miles at rates dictated by men in New York.

I am not in favor of extravagance in any way; I have never raised my voice in favor of a bill to appropriate a single dollar in this body; but now the Appropriations Committee modestly recommend the appropriation of $50,000. For what purpose? To authorize the Secretary of Agriculture "to make studies of cooperation among farmers in matters of rural credits, and of other forms of cooperation."

I wish to say simply a word relative to rural credits. We have just passed a banking law. I wish to ask Members of this body whether or not that banking law was passed for the benefit of the farmer or for the benefit of the banker? The distinguished Senator from Virginia [Mr. MARTIN] made the statement that we had a Banking and Currency Committee that could handle this matter splendidly. They have given us a law, and the Senator who presented the bill stood on this floor and stated that it was a banker's bill, and that it was going to be passed in that way in order that the bankers have control of it; and what was the result? I wish to say to you that the farmers are beginning to get some information in regard to it. They are studying it; they are finding out in one way and another that they are not securing their just dues. Only yesterday I received a letter from a farmer inclosing me a resolution passed by the bankers of a certain city. The resolution was signed by 12 bankers. I shall not call their names, but will simply read the resolution:

Whereas the provisions of the new currency law render time paper necessary in order that members may derive the full benefit of discount privileges—

These are the member banks—not the farmer—

and

Whereas under the provisions of the currency law interest on paper presented for discount must be paid in advance—

The farmer has to pay his interest in advance now—

and

Whereas it is already in most parts of the country the prevailing practice to discount customers' paper: Now, therefore, be it

Resolved, That the undersigned agree that on and after April 1 they will, in so far as possible, discount their customers' commercial paper instead of collecting interest on same at maturity, as is now the prevailing local custom; and the undersigned further agrees that in case it is found necessary to draw any notes on demand, interest on same will be collected monthly.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BRADY. I do.

Mr. REED. Does the Senator from Idaho himself think that there is any provision in the banking bill requiring the interest on a note to be paid in advance?

Mr. BRADY. This resolution indicates that, in order to get the full benefit of the discounts, they must do it.

Mr. REED. I know the resolution which the Senator has read says that; but if there is any such provision in the banking law it certainly escaped my attention. The board of control in that system has not yet been organized.

Mr. SMITH of Michigan. But that board has the power to make that regulation.

Mr. REED. The board might have the power to make many regulations, but surely it ought not to be assumed that they will make them until they do so. This resolution which the Senator has presented which was passed by these bankers recites the fact that that provision is in the law, when, as a matter of fact, there is no such provision in the law. If these bankers are passing such resolutions, they must be doing it on their own responsibility. I think I ought to say that, so that there will not be any misapprehension about the terms of the law.

Mr. BRADY. They make this statement and they are responsible men, and they give notice to that effect.

Mr. REED. They are trying to lay their own designs and purposes and schemes onto the currency law, I think.

Mr. BRADY. They make the statement very positively here, and they are perfectly responsible bankers. They say:

Under the provisions of the currency law interest on paper presented for discount must be paid in advance.

Is that correct, or is it not correct?

Mr. REED. There is no such provision in the currency law, unless my recollection is completely at fault.

Mr. SHAFROTH. Mr. President, I will state to the Senator from Missouri that I am a member of the Banking and Currency Committee, and I know that there is no such provision in the act called the banking and currency act.

Mr. BRADY. Regardless of whether the farmers have to pay interest in advance or not to the discount board, or to the central reserve bank, this is the notice that they receive from their bankers. I claim that it is not only of no benefit, but that the law is a detriment to the farmer.

I understand that the majority agreed that we were to have a rural-credits bill. I am also advised that action on that bill has been postponed. I am not criticizing anybody for this, but during that time the farmer is going to have an opportunity of studying a bill that is for his benefit; and it does seem to me that we, as the representatives of the people of the United States, should be willing that the farmers should have some opportunity to study rural credits. There is no other way that the farmers can get this information than by gathering together and discussing the matter in an informal and in a formal way, by exchanging ideas with each other, and coming in contact with men who understand their conditions and needs. The Committee on Agriculture is only asking for $50,000 for the millions and millions of farmers we have in the United States to-day.

It seems to me that if we are going to practice economy we should not commence practicing it on the farmer. As the Senator from Oklahoma [Mr. GORE] well said, we are proposing to spend more for two battleships than this whole appropriation bill aggregates. We have bills before the Senate every day, which are passed under a suspension of the rules, which appropriate more money for local purposes only than this bill appropriates for the benefit of all the farmers in the United States.

Within the week we passed a bill authorizing the expenditure of $75,000 for putting a new covering or front on the side of a post-office building in an eastern city, which is already erected, and is capable of handling the business just as well without that covering on it as it would be with it. That was an appropriation of $75,000 for one little town. I am not objecting to that; the committee thought it was necessary. But when we do that—for it may be of benefit to the people—why should we raise such a great objection to spending $50,000 so that the farmers may secure some valuable information that will enable them to come to us next year when Congress convenes and help us frame a bill by giving us their ideas of the terms of such a bill as would benefit them. It seems to me there is no question but that that is a fair, a just, and an equitable amount to appropriate in this bill, and that it is proposed to be appropriated for a good purpose.

There have been a great many questions raised here about this bill and its wonderful extravagance. There may be some items in it which are extravagant, but they are not many, and this is not one of them. The committee gave this bill fair, honest, and careful consideration. There may be, as Senators have suggested, some things which have been put into the bill which should not have been put in; but when we come to pass some of the other appropriation bills proposing to appropriate $130,000,000, $95,000,000, and similar sums, I want to say that I, as a representative of the farmers of the West, am going to raise some points of order myself.

If we can not have $50,000 for the purpose of diffusing useful knowledge among the farmers, I ask you why we should have $130,000,000 for the purpose of building ships and maintaining a Navy and $95,000,000 for maintaining an Army to kill human beings?

The farmer produces that which brings health and happiness to every home. He works from dawn until dark. He does not enjoy the advantages that you have in your cities, and he does not have an opportunity to secure information relative to the business methods that the business men and the men living in cities enjoy. You should not deny him this small pittance that perhaps will enable him to secure information that will save him many dollars of his hard-earned money.

It is the farmer that produces the real wealth of this Nation. The soil is the basis of all real wealth, and we have been talking for years of the "back-to-the-farm" movement. There is no use of sending our young generations back to the farm, unless we provide them ways and means so that they can secure some commercial benefits from their labor.

We are the greatest agricultural nation on earth, and there is no country in the world that has made a brighter or a greater record than we have. No country has done more to advance the moral, the material, and the intellectual welfare of its people than this Nation of ours; and who has helped to do this? The farmer. We all know that the farmer has contributed his full share, and the only way we can maintain the high standard of American life that we all hope to maintain is by the diffusion of knowledge, and we can do it in no other or better way than to make this small appropriation.

And I feel that we are doing the farmer an injustice when we, as you might say, quarrel here for days over small appropriations for the benefit of millions and millions of our people, while on the same days we suspend the rules and give $75,000, $100,000, and $150,000 to different communities for purely local purposes.

Nineteen million dollars is a very small amount for the millions of farmers in this Nation in comparison to other appropriations we are making here every day. We can not advance the interests of this country in any better way than to encourage the farmer, and there is nothing in the world that they need to understand, and understand better, than the subject of rural credits.

I sincerely hope a point of order will not be sustained, and that an appropriation of $50,000 for rural credits will be written into the bill.

Mr. HOLLIS. Mr. President, I think that I ought perhaps to explain the bearing of this appropriation on the rural-credits bill. The Senate subcommittee, in connection with the House Subcommittee on Banking and Currency, has been considering the entire subject of rural credits for the past four months.

There are two parts of the rural-credits legislation. One of them relates to long-term mortgages on land and the other to what are called personal credits. The subcommittee has prepared, and there has been introduced into the Senate and the House, a comprehensive measure dealing with long-term mortgage credits, and that, I presume, will come before the full Committee on Banking and Currency next week.

Mr. GALLINGER. Mr. President, may I ask my colleague a question?

The PRESIDING OFFICER. Does the junior Senator from New Hampshire yield to his colleague?

Mr. HOLLIS. Certainly.

Mr. GALLINGER. I should like to ask the Senator exactly what provision is made for so-called long-term mortgages? As an illustration, the Senator knows that in our State mortgages carry a rate of interest of 5 per cent. Does that provision for so-called long-term mortgages relate to the rate of interest on them, or in what way does it benefit the farmer? I simply ask for information.

Mr. HOLLIS. Mr. President, in my judgment the bill proposed will not lower the rate of interest in New Hampshire, where the current rate is 5 per cent on loans secured on land.

Mr. GALLINGER. I will say to my colleague that I have not any apprehension of that, but I simply wanted to differentiate and to know precisely what the bill did contemplate for other sections of the country.

Mr. HOLLIS. As my colleague is aware, loans in New Hampshire made at 5 per cent, particularly those made by the savings banks, are made on demand; so that the borrower is at the mercy of the bank at any time the bank or the one who loans the money desires to call the money. Any time the banks need it, they can call for it. Under the new system as proposed the loans will be on the amortization plan, on long terms. The period of the loan may run as high as 20 years, a small percentage of the principal being paid each year with the interest, so that at the end of the term, if it is 20 years, for example, the loan will be paid up by making small payments. That is the only great advantage that I see for New England. But in the South and West, where interest rates for various reasons are high, it is believed that the rates will be greatly reduced.

The bill to which I have referred covers long-term mortgages on land. The committee considered very carefully the matter of personal credits. In Europe the farmers have had inaugurated for them, or they have contrived for themselves, a system of cooperative credits, under which a group of farmers will form an association and become mutually liable for each other's loans. It is believed that in this country that would not work as well as it does in Europe, for many reasons, among others that in Europe farmers live in communities, while in this country they are widely scattered; in Europe the farmers in any locality are of the same nationality, while here they are likely to be of various nationalities; in Europe they have largely the same religion, while here that is frequently not the case; in Europe they have grown used to helping each other, while in this country they have not. It is believed that under existing law farmers, if they know how to help each other by cooperation, may obtain as much accommodation as they are entitled to; and I understand that it is the purpose of this paragraph to teach the farmers how to avail themselves of the present law, to form cooperative societies, and to obtain the credit to which they are fairly entitled as an aggregate.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I yield.

Mr. BRADY. I simply want to ask the Senator at this point if he does not believe that the $50,000 to be appropriated by this clause of the pending bill could be used in a very beneficial way in enabling the farmers to study the best method of cooperation in order to secure the benefits of the bill which the Senator has introduced?

Mr. HOLLIS. I do most decidedly believe that; and I was about to say that I myself drew and proposed, as an amendment to the bill that was introduced on Tuesday last, a provision substantially like this, authorizing the Secretary of Agriculture to make studies of cooperation among farmers in matters of rural credits, cooperative buying and selling, and other forms of mutual help, and to diffuse the information thus obtained. That received the hearty approval of the subcommittee; but on looking it up we found that the same thing was contained in this bill, and we thought it was better to leave it out of our bill, and leave our bill what it purports to be on its face, a long-term mortgage bill. I do most heartily believe that the best aid we can give the farmer along the lines of cooperative personal credit at this time is to give him instruction, so that he will know how to use the credit facilities that are now available to him if he will join with his neighbors in the effort. I am doubtful how far it may succeed, but I think the effort ought to be made; and I think this is the most useful and the least expensive way to make it. I am therefore in favor of this amendment, and I hope it will prevail.

Mr. PAGE. Mr. President, I should like to ask the Senator from New Hampshire if, in his experience with the banks of New Hampshire, it is true, as he states, that the bankers there rely upon the demand paper of the farmers for their liquid or quick assets?

Mr. HOLLIS. I will state that in my experience in connection with the savings banks for 15 years I have never known the farmer to be foreclosed where there was any reasonable chance for him to pay. The bankers keep their assets in such shape that they can call on other resources before they call on the farmer. I do not think that that is an evil in our part of the country; but, still, in the case of a panic or a great crisis it might place the man who is not, under ordinary circumstances, in any danger of having his loan called under some apprehension lest it might be called.

Mr. PAGE. I want to say to the Senator that in my experience none of that apprehension exists. As the Senator has said, in our savings banks we take demand paper, but in all the panics through which we have ever passed, so far as my knowledge goes, we have never relied upon the farmer as the man to whom we go for money when we have to check a run. We have another class of paper, business paper, paper that is secured by bank stock, paper that is secured by bonds, which we call quick assets; and I have never yet known a demand loan against a farmer called in any time of panic or distress.

Mr. HOLLIS. Then, if the Senator will yield, I should like to ask him why it is that the banks always make such loans to farmers on demand so that they can call them if they want to do so?

Mr. PAGE. Because a banker dislikes to carry in his package of notes a large amount of overdue paper. A farmer does not regard his promise to pay at a given time as a merchant does. He gives his paper, and when he gives it, if he makes it payable in a year, he understands that at the end of the year he is not going to pay it unless he wants to do so; so that, instead of having a lot of loans all of which are overdue, they are all made payable on demand, but the farmer understands that in no case will the money be demanded so long as he keeps his security good until the note is paid.

Mr. SMOOT and Mr. JAMES addressed the Chair.

The VICE PRESIDENT. The Senator from Utah.

Mr. JAMES. Mr. President, I rise to a question of order. The Senator from Utah has made a point of order against this paragraph. The point of order I make is that that point of order is the question now before the Senate.

Mr. SMOOT. I was just going to state the point of order.

The VICE PRESIDENT. The Vice President was not in the Chamber at the time the point of order was entered.

Mr. SMOOT. I make the point of order against this amendment, that it adds a new item to an appropriation bill, which has not been offered by way of an amendment and referred to a committee at least one day before the bill was considered; again, the amendment has never been estimated for; again, it increases an appropriation already contained in the bill; and, again, the amendment does not directly relate to the subject of the bill.

The VICE PRESIDENT. The Chair would like to ask the chairman of the committee whether this item was submitted to the Committee on Appropriations one day previous to to-day?

Mr. GORE. Mr. President, it was not introduced formally into the Senate and referred to the Committee on Appropriations. The department, I may say, submitted what might be styled a supplemental estimate, which was prepared and transmitted to the committee; and for that reason the committee adopted it and reported it as a part of the bill.

Mr. SMOOT. Mr. President, a supplemental estimate must come from the Secretary of the Treasury, and not from the head of any other department. That is the only kind of an estimate that can be considered in legislation.

The VICE PRESIDENT. The Chair will inquire whether the estimate came from the Secretary of Agriculture.

Mr. GORE. It came from the Secretary of Agriculture.

Mr. SMOOT. I want to ask the Senator if the Secretary of Agriculture sent to Congress an estimate for this amount?

Mr. GORE. It was not included in the Book of Estimates.

Mr. SMOOT. No.

Mr. McCUMBER. Mr. President, I rise to a parliamentary inquiry in reference to the point of order. The point of order has been made upon several distinct grounds. One of those grounds is that the amendment is not germane to the subject of the bill. While those words were not used, that was the substance of one branch of the point of order. Such a point of order must be submitted, under the rules, to a vote of the Senate. My parliamentary inquiry is, Where a number of points of order are included under one objection, which embraces the suggestion that the amendment is not germane, whether the whole matter ought not to be submitted to the Senate?

Mr. SMOOT. Mr. President, so that there shall be no vote taken upon that, I will simply withdraw that part of the point of order.

Mr. JAMES. Would not the Senator be willing to submit the point of order to the Senate?

Mr. SMOOT. I should like to have the Chair first rule upon the other points of order that I have made against the provision.

The VICE PRESIDENT. Is there any doubt that this item has never been before the Committee on Appropriations?

Mr. GORE. I do not understand the inquiry.

The VICE PRESIDENT. The inquiry is, as to whether there is any doubt as to this item ever having been submitted to the Committee on Appropriations?

Mr. GORE. I do not think it has been.

Mr. WARREN. Mr. President, this item naturally would not go to the Committee on Appropriations, but to the Committee on Agriculture. In my opinion, however, the first point made by the Senator from Utah is not well taken, because I think every Vice President has ruled and it has uniformly been held that where a standing committee having jurisdiction of an appropriation bill makes a recommendation in the shape of a reported amendment, that that avoids the necessity of having the amendment submitted to it beforehand. As to the other point, in regard to there being no estimate for this item, I think perhaps the point may be well taken, because the kind of estimate we understand to be meant and the estimate the rule has in contemplation is an estimate made by the Secretary of the Treasury to the Congress. I assume that the estimate in this instance came in the form of a letter or request from the Secretary of Agriculture to the committee. The chairman of the committee will correct me if I am wrong about that, but I think that is the fact. I think, therefore, the determination of the point of order rests upon whether this is general legislation and whether it came in the form of an estimate.

Mr. NORRIS. I would like to inquire of the Senator if that would apply to a committee amendment like this?

Mr. WARREN. Certainly.

Mr. NORRIS. A standing committee may make a suggested amendment without the same having been referred to the Committee on Appropriations.

Mr. WARREN. Oh, certainly. A standing committee can send in an amendment. If not, where would we be as to these——

Mr. NORRIS. That is the point I wanted to make.

Mr. WARREN. I say the first point—that it was not introduced a day beforehand—is not sound, in my judgment.

Mr. NORRIS. I agree with the Senator. I do not think it is sound.

SEVERAL SENATORS. The Senator withdrew that point.

Mr. NORRIS. That is not the point the Senator withdrew. The point the Senator withdrew is the one that requires the Presiding Officer to submit it to the Senate.

Mr. SMOOT. Oh, no, Mr. President. The one I withdrew is found in section 2 of Rule XVI, which says:

> 2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

Mr. NORRIS. If the Senator has withdrawn that point, then the point that seemed to be in the mind of the Chair has been withdrawn, for the Chair asked the question whether the amendment had ever been referred to the Committee on Appropriations.

Mr. WARREN. If the Senator will permit me to finish, I wish to call the attention of the Senate to where we would be if every amendment to an appropriation bill that was brought in by the Committee on Appropriations—and for this purpose this is the Committee on Appropriations, so far as agriculture is concerned—had to be introduced on the floor and stand over a day. There are sometimes 150 or 160 or 170 amendments made to a bill. I remember the ruling made during the incumbency of the chair by the late Senator Frye, who was President pro tempore. He was the first one I heard make the conclusion—and I have since heard the same conclusion made—when an amendment has been duly recommended by a committee, that makes it in order so far as that is concerned; but when it comes to the estimates, in my judgment, nothing is an estimate unless it is from the Secretary of the Treasury.

Mr. OVERMAN. It is required by law, as I understand, that at a certain time the Secretary of the Treasury shall receive reports from the heads of the various departments—the different Secretaries. He then makes up what is known as a Book of

Estimates. That Book of Estimates is sent down to the Appropriations Committee. That is known as the estimates.

My understanding is that everything is subject to a point of order that has not been estimated for in the estimates coming through the Secretary of the Treasury. Every department of the Government sends its requests to the Secretary of the Treasury and they are considered together, and he sends down the final estimates. A mere letter from the head of some department is *not an* estimate. It is only a request from the department, and is always subject to a point of order.

Mr. WARREN. And if a supplemental estimate is sent in, it should be from the Secretary of the Treasury.

Mr. OVERMAN. Why, of course. That is the rule.

Mr. WARREN. I take no issue as to the amendment. I am simply stating what I understand to be the rule and what has been the practice.

Mr. SMOOT. Mr. President, I wish to say that when Senator Hale was chairman of the Appropriations Committee I know that several times I had an amendment offered to a bill by a standing committee, and when it was questioned here on the floor, and I was asked if I had offered the amendment in the Senate and had it referred to the Appropriations Committee, and I stated that that had not been done, it went out on a point of order. That rule has been held in this body time and time again.

Mr. WARREN. Not when the Committee on Appropriations have sent it here as their amendment; but where it comes from another committee or from an individual, of course, it has to go before the committee.

Mr. SMOOT. I know it has so gone on the appropriation bills.

Mr. POINDEXTER. Mr. President—— [After a pause.] I suppose I am recognized. The Chair seems to be amused about something. I should like to be recognized by the Chair.

The VICE PRESIDENT. The Chair will be pleased to hear from the Senator from Washington. However, the question is not debatable unless the Chair presents it to the Senate. The Chair was simply amused at the debate that was going on when the question was not debatable, and was not amused at the Senator from Washington.

Mr. POINDEXTER. I am very glad to know that; and as long as the matter has been debated by some Senators, I take it for granted that I may say a few words about it.

The VICE PRESIDENT. The Chair has not the slightest objection to the Senator from Washington saying what he chooses.

Mr. POINDEXTER. I simply wish to call the Chair's attention to the explicit and specific rule upon the question. I do not know what precedents the Senator from Utah has in mind; but under the standing rules of the Senate it can not be that the estimates referred to must be made by the Secretary of the Treasury, because the rule says——

Mr. OVERMAN. That is not according to a rule. It is according to a statute of the United States.

Mr. NORRIS. Mr. President, will the Senator from Washington yield right on that point?

Mr. POINDEXTER. I yield.

Mr. NORRIS. I should like to call the Senator's attention to the fact that even if it is not an estimate, under the rule, the amendment having been suggested by a standing committee, it is not subject to a point of order.

Paragraph 1 of Rule XVI, near the end of it, after enumerating several things that must appear in order to have an amendment to an appropriation bill in order, makes certain exceptions, and here is one of them:

> Or unless the same be moved by direction of a standing or select committee of the Senate.

That is one of the exceptions. Another one of the exceptions is:

> Or proposed in pursuance of an estimate of the head of some one of the departments.

Mr. POINDEXTER. Yes; exactly.

Mr. NORRIS. Now, even if it requires an estimate, it does not follow that it has to come from the Secretary of the Treasury. The head of a department can make it. The point I wanted to make for the Senator from Washington, however, was that this being an amendment coming from a standing committee, it is in order although no estimate ever has been made.

Mr. POINDEXTER. Mr. President, the Senator has read the very rule that I had risen to call to the attention of the Chair. I agree with him entirely. I also agree with the view of the matter taken by the Senator from Wyoming [Mr. WARREN], who has had as long an experience here as any Senator in this body.

Both the Senator from Nebraska and the Senator from Wyoming agree that altogether aside from the question of what constitutes an estimate, or from what department the estimate must come, in this case it is in order, because the appropriation has been moved on behalf of a standing committee. Particularly would that be cogent where the committee that approved it is the committee having control of appropriations in these matters.

Furthermore, however, even if it should be held that an estimate was necessary, it would be impossible to say that the estimate must come from the Secretary of the Treasury when the rule says "in pursuance of an estimate of the head of some one of the departments." It can not be confined to the head of one department when it says "or some one of the departments."

Of course, it is true—and I take it for granted that that will not be disputed—as the Senator from Wyoming has already said, so far as concerns the point made by the Senator from Utah, that this amendment must be referred a day in advance to the Appropriations Committee, that the Appropriations Committee here is the Committee on Agriculture and Forestry. That is the only committee, or, at least, it is one of the committees, that has authority to make appropriations in matters pertaining to the Department of Agriculture. It is not the custom and it is not necessary that any one of the items in the Agricultural appropriation bill shall be referred to the Committee on Appropriations.

Mr. SMITH of Georgia. Mr. President, if that were not true, every amendment in the Agricultural appropriation bill would have to be stopped and sent to the general Appropriations Committee, and there would be no use for the Committee on Agriculture and Forestry.

Mr. POINDEXTER. That is very true.

Mr. SMITH of Georgia. Just one word further.

Mr. POINDEXTER. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. That is illustrated by the fact that the same paragraph provides for the reference to the Committee on Commerce of matters referring to rivers and harbors, and the reference to the Post Office Committee of matters connected with post offices and post roads. They were put in at the time those were the only two committees that had charge of special appropriations.

I know all during the last Congress the practice was to refer a special amendment referring to the Agricultural Department, or to the Post Office Department, or to one of the other measures where a particular committee brought in the appropriation bill for that line of work, to the committee having the bill in charge, and not to the Appropriations Committee.

Mr. POINDEXTER. The whole matter is made clear, I think, by the rule itself, which makes an exception of certain committees which, having bills before them, have jurisdiction over the appropriations. The rule specifies those committees, and among them is the Committee on Agriculture and Forestry.

The rule reads:

> All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills, which shall be severally referred as herein indicated, namely: The bill making appropriations for rivers and harbors, to the Committee on Commerce; the agricultural bill, to the Committee on Agriculture and Forestry; the Army and the Military Academy bills, to the Committee on Military Affairs; the Indian bill, to the Committee on Indian Affairs; the naval bill, to the Committee on Naval Affairs; the pension bill, to the Committee on Pensions; the Post Office bill, to the Committee on Post Offices and Post Roads.

The distinction is illustrated by the case of the Committee on Public Buildings and Grounds. I presume the point the Senator from Utah makes would be applicable if the Committee on Public Buildings and Grounds undertook to make an appropriation. The rule which he cites might then be applicable, requiring that appropriation to be referred to the Committee on Appropriations; but it can not be applicable to the Agricultural appropriation bill, because the Committee on Agriculture and Forestry is expressly excepted by the rule itself.

Mr. SMOOT. In answer to the Senator, I wish to call his attention to section 2 of the rule. Now, see what it says:

> All amendments to general appropriation bills—

Those are the appropriation bills that the Senator read, in paragraph 1 of this rule—

> moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

There is only one Committee on Appropriations.

Mr. POINDEXTER. I will answer the Senator from Utah by referring again to the exception which is contained in the very same rule from which he is now reading.

In the first paragraph, before using the language he has read from the second paragraph, it makes an exception of the Agricultural Committee:

All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills—

And that exception is carried throughout Rule XVI.

Mr. McCUMBER. Mr. President, will the Senator yield to me there, simply for an explanation?

Mr. POINDEXTER. I yield to the Senator.

Mr. McCUMBER. It will support the Senator's contention.

Mr. POINDEXTER. I am very glad to yield for that purpose.

Mr. McCUMBER. The rule that is being read is a rule that was adopted when we had but one appropriations committee. Therefore, when we gave the other committees the power to appropriate directly, necessarily the rule would apply to the other committees, because they become appropriation committees over the subject which was referred to them.

Mr. NORRIS. Will the Senator yield to me for a suggestion along the same line?

Mr. POINDEXTER. I yield to the Senator from Nebraska.

Mr. NORRIS. In addition to what the Senator has said, I wish to suggest that the contention made by the Senator from Utah, that these amendments would have to be referred to the Committee on Appropriations, loses all force when we consider the fact that no one will deny that the Committee on Appropriations has no jurisdiction of any one of these amendments. How foolish it would be, before we could consider it here, to refer an amendment proposed by the Committee on Agriculture and Forestry to the Committee on Appropriations, when we know that under the rules the Committee on Appropriations has no authority and no right to give it any consideration and no jurisdiction whatever over it. The Agricultural Committee is one of the appropriation committees of the Senate.

Mr. SMITH of Georgia. It is the appropriations committee for this purpose.

Mr. NORRIS. And the only one.

Mr. SMITH of Georgia. And the only one; and it handles the bill alone.

Mr. POINDEXTER. As stated by the Senator from Wyoming, that has been the universal practice of the Senate.

Mr. JAMES. I call for the regular order.

The VICE PRESIDENT. The Chair has no time now to ascertain whether or not there has been an amendment of paragraph 1 of Rule XVI. The Chair believes there must have been an amendment since its original adoption, because there is a manifest incongruity between paragraph 1 and paragraph 2. There are certain bills which go to specific committees under paragraph 1, amendments to which do not go to those committees under paragraph 2, but go to the Committee on Appropriations.

The Chair has no means of ascertaining now, and will not take the time of the Senate to ascertain, whether or not there have been amendments to paragraph 1, and whether such an amendment to paragraph 1 would be construed as being likewise an amendment to paragraph 2, so as to avoid the plain language of paragraph 2, namely, that this amendment should have been submitted to the Committee on Appropriations.

The Chair believes that that is the only question involved in the point of order; and not having information upon the amendment which might be construed as amending paragraph 2, the Chair submits the question for the decision of the Senate.

The question is, Is the amendment in order? [Putting the question.] The Chair is unable to decide. All those who believe the amendment to be in order will rise. [After a pause.] All those who believe the amendment to be not in order will rise. [After a pause.] The amendment is decided by the Senate to be in order.

Mr. GALLINGER. Mr. President, I make the point of order that this is general legislation on an appropriation bill.

Mr. WARREN. Mr. President, speaking to the point of order, I desire to say that I personally abstained from voting on either side because I am paired, and I considered that the pair held on the division.

Mr. JAMES. Mr. President, it is too late to make the point of order suggested by the Senator from New Hampshire. The Senate has already decided that the paragraph is in order.

Mr. GALLINGER. Under the point that was made.

Mr. JAMES. The Senator from Utah suggested this same point of order originally, and the Senate is presumed to have passed upon every phase of the question when it decided that the amendment was in order. It is too late, Mr. President.

Mr. GALLINGER. I think the Senator is mistaken.

Mr. SMOOT. I will say that I did not make the point of order that it was general legislation on an appropriation bill.

Mr. JAMES. The Senator made that suggestion.

Mr. SMOOT. I do not think I did.

Mr. JAMES. I think the Senator did, though I am not sure about it.

Mr. McCUMBER. Mr. President, I ask that the Reporter's minutes on the question that was just submitted to the Senate may be read. As I understand, it was whether this amendment was in order.

Mr. JAMES. That is right.

Mr. GALLINGER. It must have been whether it was in order in view of the point of order that was made against it; but it seems to me impossible that that would prevent a Senator from making a further point of order.

The VICE PRESIDENT. The Chair would like to have the Reporter turn back to his notes and read the point of order made by the Senator from Utah [Mr. SMOOT].

The Reporter read as follows:

Mr. SMOOT. I make the point of order against this amendment that it adds a new item to an appropriation bill which has not been offered by way of an amendment and referred to a committee at least one day before the bill was considered; again, the amendment has never been estimated for; again, it increases an appropriation already contained in the bill; and, again, the amendment does not directly relate to the subject of the bill.

The VICE PRESIDENT. The Chair believes that when a point of order is submitted to the Senate the ruling is upon the reasons given by the Senator raising the point of order and includes nothing else. The Chair is of the opinion that the point of order of the Senator from New Hampshire [Mr. GALLINGER] is properly made, and the Chair again submits the question of order to the Senate.

Mr. STONE. Mr. President, I wish to make simply one suggestion.

I am not very particular, but somewhat indifferent, about the question before the Senate; but if it be true that one point of order can be raised and passed upon, and then another, and then another, separately—or, in other words, if it be not true that when a point of order is raised against a provision in a bill it settles the whole question, and that Senators can not hold in reserve other points of order, so as to inject one after the other, indefinitely—it would be the most fruitful means of filibustering that I can imagine, provided you could get enough votes to call the yeas and nays.

Mr. GALLINGER. I will say to my good friend from Missouri that that could not be done indefinitely, because there are only about three provisions in the rule upon which points of order can be made. But, Mr. President, if this question is to be submitted to the Senate it is so clear in my mind that this is general legislation, and it is also so clear in my mind that a majority of the Senate seem to be in favor of the provision, that I withdraw the point of order I made.

Mr. GORE. I wish to express my appreciation of the Senator's action.

Mr. GALLINGER. Now, unless some other point of order is to be made, I ask for action on the amendment I submitted some time ago.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 72, in the committee amendment as proposed, in line 25, after the words "rural credits," the Senator from New Hampshire moves to strike out the two words "and sanitation."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire to the amendment of the committee. [Putting the question.] The ayes seem to have it.

Mr. JAMES and Mr. GORE. Division, Mr. President.

The VICE PRESIDENT. All those in favor of the amendment will rise. [After a pause.] Those opposed will rise. [After a pause.] The amendment proposed by the Senator from New Hampshire to the amendment of the committee is agreed to.

Mr. GALLINGER. Now, Mr. President, I wish to ask the Senator from Oklahoma if the officials to whom $50,000 is to be paid for this purpose are to be selected from the classified service or are we to add some more officials outside of the classified service?

Mr. GORE. Mr. President, I will say that perhaps the Senator has overlooked the fact that the Secretary of Agriculture, in the letter which I had read to the Senate a few minutes ago, stated that this work had been in course of performance for some six or seven months past, and I assume that the same machinery which has been used heretofore will be used in the future. It will not create any elaborate system of machinery

or any large number of appointees. It is simply to study the particular problems in the various localities and to advise the farmers how to cure the evils.

Mr. GALLINGER. The Senator's explanation is about what I anticipated. Of course it will add a few more good Democrats to the pay roll.

Mr. SMITH of Georgia. I wish to say to the Senator from New Hampshire that so far as I have been able to discover during the past 12 months we have not had a Democrat appointed in the Agricultural Department, unless the Secretary is one.

Mr. GALLINGER. I know that is the usual observation that is made.

Mr. SMITH of Georgia. I am sorry to say that it is true, though, in this instance. I hope it will change.

Mr. GALLINGER. No doubt the Senator will get a few under this provision.

Mr. SMITH of Georgia. I shall try to.

Mr. GALLINGER. I shall not press my inquiry. If the Senator from Oklahoma is satisfied, I am.

Mr. GORE. Mr. President, I should not like to be estopped by my silence. I will say that there are three appointive offices in the Department of Agriculture. Everything else, as I understand, is under the civil service. The Assistant Secretary, nominated by the President and confirmed by the Senate, is a Republican. The Chief of the Weather Bureau, nominated by the President and confirmed by the Senate, is a Republican. Only the Solicitor is a Democrat. That is 2 to 1, and that is a pretty good average for all.

Mr. GALLINGER. But the Senator will agree that this provision will add a few more appointive offices.

Mr. GORE. I am not certain that it will; and if it does, I have sufficient faith in the activity of the Republicans to believe that they will get some of the offices.

Mr. GALLINGER. I will ask the Senator from Oklahoma one further question. We are quite in the habit of making a provision of this kind, putting into the hands of some subordinates of the Government the duty of making investigations. Has the Senator any objection to limiting the time for a report—say, that the report shall be made to Congress not later than February 1, 1915?

Mr. GORE. I hope the Senator will not insist on that, because I am not able to answer whether that will be sufficient time or not. It will expire, anyway, under the terms of the bill, in the fiscal year.

Mr. GALLINGER. I was going to call attention to that. I think this is a permanent appropriation, because the Senator has added the word "hereafter."

Mr. GORE. I recall that the word "hereafter" is used.

Mr. GALLINGER. I think that word ought to come out, because it makes it a permanent appropriation.

Mr. GORE. I wish to say to the Senator that it is my purpose to request the Secretary of Agriculture to advise the Senate at its next session as to those investigations which have been completed. I agree with the Senator that when an investigation has once been authorized it seems to be interminable in nearly every bill, and I do not favor that policy. If it is possible to prosecute this investigation and find out the facts, it ought to be done, and then the investigation ought to stop and the appropriation ought to stop. I hope that will be the case, not only in this instance but in a great many other instances under this bill and many other bills.

Mr. GALLINGER. If I do not offer the amendment I have suggested, and I have no disposition to do it if it is not agreeable to the Senator from Oklahoma, is the Senator willing to take out the word "hereafter," so as to make the appropriation merely apply to the next fiscal year?

Mr. GORE. It seems to me if it is really a deserving appropriation it ought to justify itself, and I shall not quarrel with the Senator about the word "hereafter."

Mr. GALLINGER. Then I move to strike it out.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Strike out the words "and hereafter" and begin the word "the" with a capital.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. GALLINGER. I have nothing further to say.

Mr. SMOOT. I move that the Senate disagree to the amendment of the committee, and on that I ask for the yeas and nays.

The VICE PRESIDENT. Does the Senator from Utah insist on his motion, or merely that the yeas and nays shall be taken on the question whether the Senate will agree to the amendment?

Mr. SMOOT. Of course the Chair can put it affirmatively, and then I ask for the yeas and nays on agreeing to the amendment of the committee.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended, on which the yeas and nays are demanded.

The yeas and nays were orderd.

Mr. WARREN. Mr. President, a parliamentary inquiry. As I understand the question, to vote "yea" is to sustain the amendment of the committee as amended?

The VICE PRESIDENT. As amended. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL], who is necessarily absent, and withhold my vote.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. I transfer that pair to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. McLEAN (when his name was called). I am paired with the senior Senator from Montana [Mr. MYERS] and withhold my vote.

Mr. SMITH of Maryland (when his name was called). I am paired with the senior Senator from Vermont [Mr. DILLINGHAM] and withhold my vote.

Mr. STONE (when his name was called). I am paired with the senior Senator from Wyoming [Mr. CLARK], and I withhold my vote.

Mr. SHAFROTH (when Mr. THOMAS's name was called). I wish to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague [Mr. TOWNSEND] is unavoidably absent on official business. If he were present, he would vote "yea."

Mr. WARREN (when his name was called). I announce my pair with the senior Senator from Florida [Mr. FLETCHER].

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Oklahoma [Mr. OWEN]. I vote "yea."

The roll call was concluded.

Mr. GALLINGER (after having voted in the negative). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. That Senator has not voted. I therefore withdraw my vote.

Mr. WARREN. I wish to announce the unavoidable absence of my colleague [Mr. CLARK of Wyoming]. He is paired with the Senator from Missouri [Mr. STONE].

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], but with reference to this bill I understand certain measures in which he is interested and which he has explained to me. As to others, I am at liberty to vote. Where I disagree with him, I will refrain from voting during his absence. As to this question, I am at liberty to vote, and I vote "yea."

Mr. TILLMAN. I have a general pair with the Senator from Wisconsin [Mr. STEPHENSON]. I have voted uniformly on this bill against such appropriations. Therefore I will transfer my pair to the Senator from Nevada [Mr. NEWLANDS] and vote the same way now. I vote "nay."

Mr. MARTINE of New Jersey. I was requested to announce a pair existing between the Senator from Illinois [Mr. LEWIS] and the Senator from Minnesota [Mr. NELSON].

The result was announced—yeas 35, nays 19, as follows:

YEAS—35.

Ashurst	Jones	Poindexter	Smith, Ga.
Brady	Kern	Pomerene	Smith, Mich.
Bryan	La Follette	Ransdell	Smith, S. C.
Chamberlain	Lee, Md.	Reed	Swanson
Gore	McCumber	Robinson	Thompson
Gronna	Norris	Shafroth	Thornton
Hollis	Page	Sheppard	Vardaman
James	Perkins	Shields	Williams
Johnson	Pittman	Smith, Ariz.	

NAYS—19.

Brandegee	Crawford	Overman	Tillman
Bristow	Kenyon	Sherman	Weeks
Burleigh	Lane	Shively	West
Burton	Martin, Va.	Smoot	Works
Catron	Martine, N. J.	Sterling	

NOT VOTING—41.

Bankhead	du Pont	McLean	Smith, Md.
Borah	Fall	Myers	Stephenson
Bradley	Fletcher	Nelson	Stone
Chilton	Gallinger	Newlands	Sutherland
Clapp	Goff	O'Gorman	Thomas
Clark, Wyo.	Hitchcock	Oliver	Townsend
Clarke, Ark.	Hughes	Owen	Walsh
Colt	Lea, Tenn.	Penrose	Warren
Culberson	Lewis	Root	
Cummins	Lippitt	Saulsbury	
Dillingham	Lodge	Simmons	

So the amendment of the committee as amended was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 73, beginning with line 9, the committee proposes to insert the following:

That hereafter the Secretary of Agriculture, whenever in his judgment it is clearly advantageous to the Government, may lease for terms not exceeding 10 years buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture: *Provided*, That each lease shall contain a provision that the same can be determined by the Secretary of Agriculture at any time on 30 days' notice.

Mr. SMOOT. I wish simply to say to the Senate that the renting of buildings in the District of Columbia is provided for in other appropriation bills, and this item has no place whatever in this appropriation bill. Therefore I make a point of order against the amendment on the ground that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The point of order is sustained.

Mr. GORE subsequently said:

Mr. President, my attention was momentarily diverted when the point of order made by the Senator from Utah was sustained by the Chair relating to the provision in the bill authorizing the Secretary to lease buildings for periods of 10 years.

I think the amendment was subject to the point of order. I regret, however, that the Senator felt impelled to raise the point. I hold in my hand a letter from the Secretary of Agriculture stating that that amendment will save as much as $2,500 a year on a single building if the department is given the privilege of making long-time leases. I am sorry the Senator has deprived the department of that opportunity to economize.

Mr. SMOOT. Mr. President, I wish to say that I have not deprived the Senate of an opportunity to economize in any way. I made the point of order simply because this item does not belong in the Agricultural appropriation bill. There is now pending before the Senate an appropriation bill where the question of renting buildings in the District of Columbia is taken care of; and any amendment that the Secretary of Agriculture wants to put on he can present to the Committee on Appropriations and have it put on the bill if it is going to economize in any way.

Mr. GORE. Mr. President, I understood that the Senator's point was that this was new legislation. I do not know of any appropriation bill to which new legislation is properly referred. While I do not wish to be technical with the Senator, as he was within his rights in raising the point of order, he has deprived the Secretary of an opportunity to save $2,500 a year on a single building. I do not know how much he has. If he is willing to take the responsibility, of course I have no objection; but I do ask to have the letter of the Secretary upon the point, together with the remarks I have just submitted, printed just following the action of the Chair in sustaining the point of order.

The matter referred to is as follows:

LONG-TERM LEASES.

On page 73, after line 8, insert the following:

"That hereafter the Secretary of Agriculture, whenever in his judgment it is clearly advantageous to the Government, may lease for terms not exceeding 10 years buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture: *Provided*, That each lease shall contain a provision that the same can be determined by the Secretary of Agriculture at any time on 30 days' notice."

This amendment was passed over at the request of Senator KENYON.

The proviso authorizes the Secretary of Agriculture to lease buildings for the accommodation of the Department of Agriculture for a term of not exceeding 10 years when it is clearly to the advantage of the Government to make a lease for a term of years.

It is understood that other departments of the Government, notably the Department of Commerce, now has authority to make long-term leases for rent of buildings. It is distinctly to the advantage of the Government to make this arrangement. In dealing with the owners of property which this department may desire to rent for office or laboratory purposes it will be possible, under the authority requested, to make more advantageous terms for the Government than under the present arrangement of yearly leases. As a specific instance, this department has received a proposal from a builder to erect for its use in this immediate neighborhood an office building on which a saving of $2,500 per annum in the rental can be made if the department is authorized to enter into a long-term lease. The department is now occupying buildings in this neighborhood which it has rented for many years, in some cases as many as 20 years. If it had had authority to make long-term leases, there is no question but that large savings could have been effected in the amounts paid for rent.

Mr. SMOOT. I say again to the Senate that I have deprived the Secretary of Agriculture of nothing. The proper course for the Secretary of Agriculture to adopt is to call the matter to the attention of the committee that has the subject matter in hand. If he can show that there is to be a saving of $2,500 a year upon this building, or any other building, the Committee on Appropriations will be glad to save that amount of money.

Mr. McCUMBER. Mr. President, I wish to ask the Senator from Utah if he claims that an appropriation to hire, for instance, a single building in the city of Washington is general legislation?

I think we are carrying this matter of general legislation, in our objections to appropriation bills, to a ridiculous extent. If the Senator will turn to the precedents themselves, where Bouvier and the dictionary are cited to determine what is general and what is special legislation, we will find that this does not come under the definition of general legislation, which applies generally to a class or generally over the entire country and not to a particular locality or to a particular class.

While I do not know that it makes any difference, and I took no occasion to make any suggestion about it, I insist that a provision in an appropriation bill for renting a building in a certain locality is not general legislation under the terms of our rules.

Mr. GALLINGER. This is "buildings," not "a building."

Mr. OVERMAN. Mr. President, I do not rise to discuss the question of order, but I think my distinguished friend was mistaken in what he said about appropriating money in another committee for the rent of buildings. We do provide for all the rents of the buildings in the city of Washington, I think, except the Department of Agriculture. I have no recollection of ever making provision for the rent of a building for the Agricultural Department.

I will ask the Senator from Wyoming, who is much older in service on the committee than I am, whether we have ever carried an appropriation for rent for the Agricultural Department. I think the Senator is mistaken. If so, I think the matter ought to be reconsidered. I should like to know the experience of the Senator from Wyoming, as to whether his recollection is in accord with mine or not.

Mr. WARREN. Mr. President, I do not relish getting into a controversy of this kind. I am of the opinion that the Agricultural appropriation bill rests solely upon the law which created the Department of Agriculture, and in that respect we do not even provide in other bills for the Secretary's salary, or anything of the sort. It is all in the Agricultural bill.

Mr. OVERMAN. Yes.

Mr. WARREN. I do not like the amendment in the shape it is in, but I believe the stricture that it ought to be in another bill does not rest upon the fact that it has been that way heretofore.

Mr. OVERMAN. That is my recollection. I remember that this is one department with which we have nothing in the world to do, whereas in the case of every other department we do provide for rent of buildings. The Agricultural Department being provided for by statute, we have not provided for rents in connection with it.

Mr. SMOOT. Mr. President, the chairman of the committee says that if this provision is allowed to remain in the bill the Secretary of Agriculture can save for the Government $2,500 per year. The appropriation for rent is, therefore, in some other appropriation bill. This provision says:

That hereafter the Secretary of Agriculture, whenever in his judgment it is clearly advantageous to the Government, may lease for terms not exceeding 10 years buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture.

There is no appropriation whatever connected with this.

Mr. WARREN. I think the Senator is both right and wrong in this respect: He is right in that there is no specific place where authority is granted for rental of new buildings; but there are through the bill several appropriations that include the appointment of men and rental of buildings in Washington in the appropriations themselves.

Mr. SMOOT. But they specifically state what they are. This refers to an appropriation that is made for rent of a certain building in this District.

Mr. GALLINGER. Or buildings.

Mr. SMOOT. Yes; or buildings. It says "buildings or parts of buildings."

Mr. GALLINGER. You could rent a hundred buildings under that language. I call for the regular order.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 73, beginning in line 17, the committee proposed to insert the following:

For investigating the grading, weighing, and handling of naval stores, and the establishment and preparation of definite type samples thereof, $5,000.

Mr. SMOOT. I make the same point of order against this item.

Mr. SMITH of Georgia. Mr. President, this amendment is not general legislation in any sense. The Agricultural Department has charge of the Forestry Service. It has charge of all agricultural work. These are products of the forest, and they are just in the line of all the other work that has been done by the Agricultural Department. It is a single appropriation. It dies with its one service. There will never be another service to be had on the subject. What is intended is simply this: The turpentine and rosin interests of our entire country, stretching from the Atlantic to beyond the Mississippi, have found difficulty about established standards, and they simply desire that the Agricultural Department shall examine and standardize the product, and the work is over with.

Mr. GALLINGER. I notice the Senator said the Agricultural Department have jurisdiction over forests. They are not tapping the trees in the national forests to get turpentine?

Mr. SMITH of Georgia. No; but the trees fall under the work of the Agricultural Department.

Mr. GALLINGER. But this seems to deal with turpentine that comes from the tree.

Mr. SMITH of Georgia. That is the product of the tree.

Mr. OVERMAN. This appropriation is for standardization?

Mr. SMITH of Georgia. Yes.

Mr. OVERMAN. Ought it not to be under the Bureau of Standards?

Mr. SMITH of Georgia. I do not think so. The standardization of cotton is under the Agricultural Department. This is the class of standardization that falls under the work of the Agricultural Department. The request for this standardization came from the general organization of naval-stores people including turpentine, rosin, and all naval stores of that kind. It is an enormous industry. It is one of the largest exports that we have. At their convention they appointed a committee to appear before the Committee on Agriculture and ask that a small appropriation, as the work will be small, be made that their products may be sold in the commercial world on established grades. It was their view that it would facilitate their commercial relations abroad in the sale of their products. As I said, the appropriation dies with this one appropriation, for when it is once done it is over; it is no continuing appropriation.

Mr. SMOOT. I wish to say to the Senator from Georgia that this is not a new subject before the Senate. Former Senator Taliaferro presented an item like this quite often, and really I thought it was simply to continue that which had already been done in the past.

Mr. GALLINGER. He debated it for hours.

Mr. SMOOT. He debated for hours at a time the standardization of naval stores, which included turpentine, and that is the particular article in which he was specially interested. I can not see but that this is general legislation on an appropriation bill.

Mr. WEST. I do not think this is the same item that former Senator Taliaferro was interested in.

Mr. SMITH of Georgia. It is very different.

Mr. SMOOT. Oh, yes.

Mr. SMITH of Georgia. No. I suppose the Senator from Georgia [Mr. WEST] has more knowledge of the turpentine and rosin business than probably all the balance of the Senate put together, and I have no doubt he is familiar with that legislation. I understand this is an entirely different proposition from that Senator Taliaferro brought before the Senate.

Mr. SMOOT. I still make the point of order against the amendment.

Mr. GALLINGER. I will say that I have traveled sufficiently through the South to observe those vaccinated trees that are scattered over three or four States, and for the life of me I could not see why the Government should go into the work of increasing the value of the product for that particular interest. It looks to me like a subsidy, and that alarms me.

Mr. SMITH of Georgia. Then I am sure the Senator will give it his support. I am much obliged to the Senator for his assistance.

Mr. GALLINGER. I will let the matter rest on the decision of the point of order.

Mr. SMITH of Georgia. Mr. President, in reference to the point of order, this is not general legislation. Every Agricultural appropriation bill assigns and modifies the work of the Agricultural Department on certain specific lines. As the bill comes from the House and work develops an appropriation is made for this line of work and that line of work in the Agriculture Department. It changes no law. It is simply a designation of a particular piece of work in the line of their ordinary work. It is simply an appropriation, and their authority to do the work comes under the general law. This is nothing but an appropriation. It does not require any work outside of their ordinary line of work. It does not change or modify existing laws. It simply says to the department, "Here is a fund with which you can do work that already belongs to you under the broad sphere of the act creating your department"; but an appropriation was necessary to do it. If each time an appropriation is placed in any one of these bills for the Agriculture Department to do a piece of work that it had not done before that is held to be general legislation, most of the bill would fail.

The Committee on Agriculture, in charge of the appropriation bill, studies the field of the Agriculture Department's work, and it designates funds for particular lines of work that fall within the purview of the Agriculture Department's general work.

If each item of work which the Agricultural Department is allowed to do through a particular appropriation constitutes general legislation, you could not make an appropriation.

Mr. SWANSON. If the Senator from Georgia will permit me, I will state the rule, which makes it clear that the amendment is in order. Rule XVI provides that to add a new item of appropriation—and this is a new item of appropriation—there shall be certain conditions—first, that an estimate shall be made for it, and, second, that it shall be moved by direction of a standing or select committee of the Senate. This is moved by a standing committee of the Senate. This is a new item in an appropriation bill, put in by a standing committee of the Senate, and, under Rule XVI, it seems to me to be clearly in order.

Mr. SMITH of Georgia. I thank the Senator from Virginia. A new item of appropriation must come either from an estimate of the department or from the committee. Do you mean to say that the Agricultural Department, seeing a line of work which it ought to do and asking for an appropriation to do that particular work, can not obtain the appropriation on the Agricultural appropriation bill without passing a special statute to enable the department to do it?

Mr. GALLINGER. But, Mr. President, the Senator from Georgia will not lose sight of the fact that there is a clause in that rule—that troublesome rule—that general legislation can not go into an appropriation bill, even though it may contain an appropriation.

Mr. SMITH of Georgia. I am distinguishing it from general legislation.

Mr. GALLINGER. Exactly.

Mr. SMITH of Georgia. If legislation were necessary to confer the power of conducting this class of work upon the Agricultural Department just as in the case immediately before, it would fall under the point of being new legislation. There is no legislation that authorizes the Agricultural Department to make a 10-year lease.

The VICE PRESIDENT. May the Chair inquire what really is the Agricultural Department of this Government authorized to do—everything?

Mr. SMITH of Georgia. The Agricultural Department is, broadly, authorized to conduct lines of work to promote the interests of agriculture and of agricultural production.

Mr. SMOOT. Will the Senator from Georgia allow me just a moment?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. In my opinion this is general legislation, for the provision reads in this way:

For investigating the grading, weighing, and handling of naval stores, and the establishment and preparation of definite type samples thereof, $5,000.

If to establish those types is not legislation, I do not know what legislation is.

Mr. SMITH of Georgia. Then, Mr. President, I will ask to amend the paragraph by striking out the words "and the establishment."

The VICE PRESIDENT. One moment. There is a point of order now before the Senate.

Mr. SMITH of Georgia. Well, Mr. President, if one element of the point of order involves the words in the paragraph and we can amend by striking them out, I think we are entitled to

have that amendment passed upon before the point of order is decided.

The VICE PRESIDENT. The question is upon agreeing to the amendment proposed by the Senator from Georgia to the amendment.

Mr. SMOOT. That will not obviate the point of order.

Mr. WARREN. The Senator should move to strike it all out except the appropriation.

The VICE PRESIDENT. The Chair thinks the amendment to the amendment proposed by the Senator from Georgia is in order. It will be stated by the Secretary.

The SECRETARY. On page 73, line 18, in the amendment reported by the committee, it is proposed to strike out the words "and the establishment," so as to read:

For investigating the grading, weighing, and handling of naval stores, and preparation of definite type samples thereof.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. Is the point of order renewed?

Mr. SMOOT. Now, I renew the point of order, and I call particular attention to the fact that the word "preparation" is exactly the same as the word "establishment," so far as it being new legislation is concerned.

The VICE PRESIDENT. It seems to the Chair that the Senate has discussed this point of order quite fully, and the Chair will submit the question to the Senate, it having been so discussed. Is the amendment in order?

Mr. WEST. Mr. President, I desire to say in reference to the establishment and preparation of definite type samples in naval stores that it has long since been discovered that in getting these samples they are supposed to be seven-eighths of an inch. If they are a little larger or a little smaller than the standard, that fact influences the grade. There has been great trouble about that. The grade in the rosin does not keep itself long at a time. The purpose of this provision is that definite type samples be established. For instance, the best grade is water white; the next is window glass; and so on down. They would make them of a definite shape and size in order that they might stay the same always, for, as a matter of fact, the rosin itself changes; if you get it a little too large, it lowers the grade, or if it is too small, it raises the grade. Before I conclude, I would say that I can not see any difference in the establishment of these type samples and the establishment of grades of cotton and grades of grain.

Mr. SMOOT. Mr. President, the argument the Senator from Georgia has just made could not be made any stronger to prove that this is general legislation.

The VICE PRESIDENT. The point of order having been discussed, the question is, Is the amendment in order? [Putting the question.] The noes seem to have it.

Mr. SMITH of Georgia. I call for a division.

The VICE PRESIDENT. All who believe that the amendment is general legislation will rise——

Mr. GALLINGER. I think the question is perhaps not understood. It should not be put in the affirmative.

The VICE PRESIDENT. The question is, Is the amendment in order?

The question being put, there were on a division—ayes 18, noes 18; no quorum voting.

The VICE PRESIDENT. A quorum is not present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Overman	Smith, Ga.
Brady	Hollis	Page	Smith, Md.
Brandegee	James	Perkins	Smith, Mich.
Bristow	Johnson	Pittman	Smith, S. C.
Bryan	Jones	Poindexter	Smoot
Burleigh	Kenyon	Pomerene	Sterling
Burton	Kern	Ransdell	Swanson
Catron	La Follette	Reed	Thompson
Chamberlain	Lane	Robinson	Thornton
Chilton	Lee, Md.	Shafroth	Vardaman
Crawford	McCumber	Sheppard	Warren
Dillingham	McLean	Sherman	Weeks
Gallinger	Martin, Va.	Shields	West
Gore	Martine, N. J.	Smith, Ariz.	Williams

Mr. SHIELDS. I wish to announce the necessary absence on the business of the Senate of the junior Senator from Delaware [Mr. SAULSBURY] and of the junior Senator from Montana [Mr. WALSH].

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present. The question is, Is the amendment in order? [Putting the question.] By the sound the noes seem to have it.

Mr. SMITH of Georgia. I ask for a division.

The VICE PRESIDENT. All those who believe the amendment to be in order will rise. [A pause.] All who believe the amendment not to be in order will rise. [A pause.] The amendment is declared to be in order. The question now is on agreeing to the amendment of the committee as amended.

Mr. SMOOT. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER] and withhold my vote.

Mr. CHILTON (when his name was called). I announce my pair as on a former ballot, but transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. CRAWFORD (when his name was called). I announce my pair with the senior Senator from Tennessee [Mr. LEA], who is absent, and I therefore withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the Senator from Michigan [Mr. TOWNSEND] and vote "nay."

Mr. KERN (when his name was called). I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

I am requested to announce also the absence from the Senate on the business of the Senate of the junior Senator from Delaware [Mr. SAULSBURY] and of the junior Senator from Montana [Mr. WALSH].

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Florida [Mr. FLETCHER].

While on my feet I wish also to announce the unavoidable absence of my colleague [Mr. CLARK of Wyoming] and his pair with the senior Senator from Missouri [Mr. STONE].

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded, and the Secretary recapitulated the vote.

Mr. WILLIAMS. In order to make a quorum, I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oklahoma [Mr. OWEN] and vote "nay," nay being the safest vote when you do not know what the question is.

The result was announced—yeas 29, nays 19, as follows:

YEAS—29.

Ashurst	Johnson	Reed	Swanson
Brady	Kern	Robinson	Thompson
Bryan	La Follette	Shafroth	Thornton
Chilton	Lee, Md.	Sheppard	Vardaman
Gore	McCumber	Shively	West
Gronna	Norris	Smith, Ariz.	
Hollis	Pittman	Smith, Ga.	
James	Poindexter	Smith, S. C.	

NAYS—19.

Brandegee	Dillingham	Overman	Smith, Mich.
Bristow	Gallinger	Page	Smoot
Burleigh	Jones	Perkins	Sterling
Burton	Kenyon	Pomerene	Williams
Catron	Lane	Sherman	

NOT VOTING—47.

Bankhead	Fall	Myers	Smith, Md.
Borah	Fletcher	Nelson	Stephenson
Bradley	Goff	Newlands	Stone
Chamberlain	Hitchcock	O'Gorman	Sutherland
Clapp	Hughes	Oliver	Thomas
Clark, Wyo.	Lea, Tenn.	Owen	Tillman
Clarke, Ark.	Lewis	Penrose	Townsend
Colt	Lippitt	Ransdell	Walsh
Crawford	Lodge	Root	Warren
Culberson	McLean	Saulsbury	Weeks
Cummins	Martin, Va.	Shields	Works
du Pont	Martine, N. J.	Simmons	

So the amendment of the committee as amended was agreed to.

Mr. KERN. Mr. President, a number of Senators desire to attend the exercises to-morrow afternoon in connection with the unveiling of the monument to Commodore Barry. I move that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock; and I give notice, in this connection, that after the address to-morrow of the junior Senator from Montana [Mr. WALSH] I shall move that the Senate adjourn, to the end that Members of the Senate may attend those exercises.

The motion was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment of the committee is on page 73, beginning on line 20.

Mr. GORE. Mr. President, I will say that there is an amendment on page 18 which has been passed over heretofore, in which the Senator from South Carolina [Mr. SMITH] is much interested. He desires to leave the city. I ask to have that amendment read. It has been thoroughly discussed, and probably will not provoke any additional discussion, if a dream of that sort may be indulged in.

The SECRETARY. Three amendments were passed over in the paragraph beginning on page 18, line 9, for investigating the ginning, handling, grading, baling, gin compressing, and wrapping of cotton, and the establishment and demonstration of standards for the different grades thereof.

The first amendment is in the proviso, beginning on line 13, where the committee proposes to strike out "$80,580" and to insert "$180,580: *Provided*, That of the sum thus appropriated $100,000 shall be used for furnishing the primary markets in the cotton-growing States with a set of the samples as standardized by the Government, and a sample of the bleached and unbleached yarns made from the different grades, showing the waste, tensile strength, and bleaching quality thereof."

Mr. GALLINGER. Mr. President, I make the point of order on that amendment that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The Chair believes that it is substantially in accordance with other sections that have been passed upon by the Senate to-day. The Chair is not in accord with the Senate; the Chair believes that it is general legislation, but the Chair submits the question to the Senate.

Mr. GALLINGER. If the Chair submits it, I withdraw the point of order. When a point of order is as clear, to my mind, as this is, I do not propose to have it submitted to the Senate.

Mr. JAMES. The Senator ought to be perfectly willing to submit it. If it is that clear, the Senate will certainly take a wise view of it.

Mr. SMOOT. I make the point of order, then, if the Senator from New Hampshire does not.

The VICE PRESIDENT. It seems identical with the former point of order that was raised, as the Chair sees it; and as the matter was decided this afternoon by the Senate, the Chair does not agree with the Senate; but the Chair submits the question to the Senate. The question is, Is the amendment in order?

Mr. GALLINGER. Mr. President, I desire to say that I took no exception to the action of the Chair. That is provided for in the rules; but the matter is so clear, to my mind, that I do not care to make the point of order and have it submitted. That is all.

Mr. SMITH of South Carolina. Mr. President, I wish to call the attention of the Senate to the fact that this is nothing more nor less than providing how the appropriation shall be used.

Mr. SMOOT. The matter is not debatable.

Mr. SMITH of South Carolina. I do not care to go into the discussion of it, because it is a matter of such great importance, not only to my section of the country but to the whole textile industry, that I do not think anyone who has at heart the interest not only of the agricultural people but of the great export trade dependent upon this industry would for a moment vote against it.

The VICE PRESIDENT. The question is, Is the amendment in order? [Putting the question.] The ayes have it. The question now is on agreeing to the amendment.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair as on a former roll call and withhold my vote.

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA] and withhold my vote.

Mr. GALLINGER (when his name was called). I have a pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND] and will vote. I vote "nay."

Mr. KERN (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. BRADLEY] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS] and withhold my vote. While I am on my feet I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness.

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. FLETCHER] and withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Oklahoma [Mr. OWEN] and will vote. I vote "yea."

The roll call was concluded.

Mr. JAMES (after having voted in the affirmative). I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Tennessee [Mr. SHIELDS] and will allow my vote to stand.

Mr. CHILTON. I transfer my pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is absent. I transfer my pair with him to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. MARTINE of New Jersey. I am requested to announce the pair existing between the junior Senator from Illinois [Mr. LEWIS] and the senior Senator from Minnesota [Mr. NELSON].

The result was announced—yeas 34, nays 11, as follows:

YEAS—34.

Ashurst	Johnson	Poindexter	Sterling
Bryan	Kern	Ransdell	Swanson
Burleigh	La Follette	Robinson	Thompson
Chamberlain	Lee, Md.	Shafroth	Thornton
Chilton	McCumber	Sheppard	Vardaman
Gore	Martin, Va.	Smith, Ariz.	West
Gronna	Martine, N. J.	Smith, Ga.	Williams
Hollis	Page	Smith, Md.	
James	Pittman	Smith, S. C.	

NAYS—11.

Bristow	Dillingham	Lane	Shively
Burton	Gallinger	Pomerene	Smoot
Catron	Jones	Sherman	

NOT VOTING—50.

Bankhead	Fall	Newlands	Smith, Mich.
Borah	Fletcher	Norris	Stephenson
Bradley	Goff	O'Gorman	Stone
Brady	Hitchcock	Oliver	Sutherland
Brandegee	Hughes	Overman	Thomas
Clapp	Kenyon	Owen	Tillman
Clark, Wyo.	Lea, Tenn.	Penrose	Townsend
Clarke, Ark.	Lewis	Perkins	Walsh
Colt	Lippitt	Reed	Warren
Crawford	Lodge	Root	Weeks
Culberson	McLean	Saulsbury	Works
Cummins	Myers	Shields	
du Pont	Nelson	Simmons	

The VICE PRESIDENT. Less than a quorum has voted. The Secretary will call the roll.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was not agreed to.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Page	Smith, Ga.
Brady	Gronna	Pittman	Smith, Md.
Bristow	Hollis	Poindexter	Smith, S. C.
Bryan	James	Pomerene	Smoot
Burleigh	Johnson	Ransdell	Sterling
Burton	Jones	Reed	Swanson
Catron	Kern	Robinson	Thompson
Chamberlain	Lane	Shafroth	Thornton
Chilton	Lee, Md.	Sheppard	Vardaman
Crawford	McCumber	Sherman	Warren
Dillingham	Martin, Va.	Shively	West
Gallinger	Martine, N. J.	Smith, Ariz.	Williams

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call, and there is a quorum present.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 6 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 16, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 15, 1914.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Arthur Bailly-Blanchard, of Louisiana, now secretary of the embassy at Tokyo, to be envoy extraordinary and minister plenipotentiary of the United States of America to Haiti, vice Madison R. Smith, resigned.

ASSISTANT ATTORNEY GENERAL.

Charles Warren, of Boston, Mass., to be Assistant Attorney General, vice Jesse C. Adkins, resigned.

COLLECTOR OF INTERNAL REVENUE.

Charles V. Duffy, of Paterson, N. J., to be collector of internal revenue for the fifth district of New Jersey, in place of Herman C. H. Herold, superseded.

POSTMASTERS.

VIRGINIA.

J. M. Minnich to be postmaster at Gate City, Va., in place of Clinton W. Hoge. Incumbent's commission expired January 10, 1914.

Wade H. Lipps to be postmaster at Wise, Va., in place of E. T. Kiser. Incumbent's commission expired February 20, 1913.

WASHINGTON.

J. F. Payne to be postmaster at Auburn, Wash., in place of W. F. McMahon. Incumbent's commission expires June 1, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 15, 1914.

CONSUL.

Wilbur Keblinger, to be consul at Malta, Maltese Islands.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Daniel H. Boughton to be colonel.
Maj. Robert D. Walsh to be lieutenant colonel.
Capt. George P. White to be major.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from April 30, 1914.

Daniel Le Ray Borden.
William Cott Hobdy.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander Irvin V. G. Gillis to be a commander.

Charles Wheatley to be an assistant surgeon in the Medical Reserve Corps.

Garland E. Faulkner to be an assistant surgeon in the Medical Reserve Corps.

Joy A. Omer to be an assistant surgeon in the Medical Reserve Corps.

Commander Guy H. Burrage to be a captain.

POSTMASTERS.

ARIZONA.

Andrew J. Herndon, Prescott.

OHIO.

Carl W. Smith, Kenton.

PENNSYLVANIA.

Charles J. Hansell, Cynwyd.
John J. McCoy, Crum Lynne.

WEST VIRGINIA.

Guy F. McComas, St. Albans.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 15, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that the trend of life is ever toward the ideal in the home, society, government, religion, the promise of victory at last. For Thou, O God, art good, ever working in and through the hearts of Thy children. May it be ours to do and dare, to live and smile; pushing forward unperturbed by adverse winds and tides until at last victory shall be ours, under the divine leadership of the world's Great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 15503. An act authorizing the appointment of an ambassador to the Republic of Chile.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 15503. An act authorizing the appointment of an ambassador to the Republic of Chile.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill, with Mr. FINLEY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

Mr. COOPER. Mr. Chairman, I believe there are 32 minutes remaining on this side.

The CHAIRMAN. Thirty-two minutes.

Mr. COOPER. And how much on the other side?

The CHAIRMAN. The gentleman from Virginia has one minute remaining.

Mr. COOPER. I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. COOPER. Mr. Chairman, how much time did the gentleman consume?

The CHAIRMAN. The gentleman consumed three minutes.

Mr. COOPER. I yield a half minute to the gentleman from California [Mr. J. R. KNOWLAND]

Mr. J. R. KNOWLAND. Mr. Chairman, I propose to take advantage of that time to place in the RECORD a letter from the San Francisco Center of the California Civic League, protesting against the discrimination shown by the administration in refusing to appoint women.

The letter is as follows:

SAN FRANCISCO CENTER OF THE CALIFORNIA CIVIC LEAGUE,
San Francisco, May 9, 1914.

Hon. JOSEPH RUSSELL KNOWLAND,
Washington, D. C.

DEAR SIR: The board of directors of the San Francisco Center of the California Civic League desires to call your attention to the following letter, which has been sent to President Wilson and to Attorney General McReynolds:

"In spite of denials it is generally understood in California that Mrs. Annette Adams was not appointed to the United States district attorney's office solely because she is a woman. The San Francisco Center of the California Civic League does not ask that inferior women be appointed to Federal positions, but it does demand that the names of women citizens be submitted to the same tests, and only to the same tests, as those of men; that is, character and fitness.

"The center protests against the rejection of Mrs. Adams, or any other woman, solely on sex grounds; women electors, who are otherwise qualified, having the same right to these positions as male electors. We realize that other grounds are alleged for Mrs. Adams's rejection, but we find from such investigation as we have been able to make that sex discrimination must have been the determining factor in her rejection at Washington."

Very respectfully, yours,

MARION DELANY,
Corresponding Secretary.

Mr. COOPER. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. SMITH].

Mr. SMITH of Minnesota. Mr. Chairman, admitting the necessity of more extended legislation on the part of Congress for the protection of the water-power interests of the United States and regulation of hydroelectric companies, and, moreover, recognizing the value of many of the provisions of the pending bill, I desire to call the attention of this House to two sections of this bill that appear fraught with serious consequences and may be used to defeat the very purpose of the proposed act, which I take to be the safeguarding of the water-power resources of this country.

How great these resources are is plain to all. The Commissioner of Corporations in his report to the President, submitted March 14, 1912, found 6,000,000 horsepower of hydroelectric plants in use as of June, 1911, measured by water-wheel installation then in operation. The commercially available water power of such companies and plants fully developed was estimated at 25,000,000 horsepower. The potential maximum of undeveloped sites listed by the Government, not including storage reservoirs, would swell this to over 60,000,000 horsepower.

Prominent hydroelectric authorities, such as Mr. Rome G. Brown, have estimated the total potential water-power development of the United States at 200,000,000 horsepower. If to this immense power total we apply the conservative valuation of $20 per horsepower, we find the potential water-power resources of this country run into hundreds of millions of dollars per annum. This gives us a bird's-eye view of the vast volume of wealth in the possession of the Nation and States of this Union, the control and regulation of which we are seeking to determine through this bill. With such vast issues involved and at stake, affecting the rights and interests of the people of this country, not only to-day but for a period of at least 50 years into the future, as shown by the 50-year term fixed in this bill for water-power franchises, we can not exercise too great care in scrutinizing the provisions which we incorporate into this measure.

IMMUNITY FROM PROVISIONS OF ANTITRUST LAWS.

The first provision to which I desire to call your attention is section 15, as follows:

SEC. 15. That no works constructed, maintained, and operated under the provisions of this act shall be owned, trusteed, or controlled by any device or in any manner so that they may form a part of, or in any manner effect, a combination in the form of an unlawful trust or form the subject of an unlawful contract or conspiracy to limit the output of electric energy, or the exercise of any other business contemplated: *Provided, however*—

And to this proviso I desire the close scrutiny of this House.

Provided, however, That it shall be lawful, under the approval of the Secretary of War, for different grantees to exchange and interchange currents; to assist one another whenever necessary, by supplementing the currents or power; and enable any grantee to secure assistance to carry on the business and supply his customers, accounting therefor and paying therefor under regulations to be prescribed by the Secretary of War.

Mr. HARRISON. Will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. HARRISON. What is the bill the gentleman is discussing? He stated it by number, but not by title.

Mr. SMITH of Minnesota. It is an amendment of the general dam act—properly named. [Laughter.]

In order to appreciate the full force of this proviso it is necessary to read this section inversely; and thus reading it, what do we learn? That "for different grantees to exchange and interchange currents; to assist one another whenever necessary, by supplementing the currents or power; and enable any grantee to secure assistance to carry on the business and supply his customers" is lawful. That is to say, reading in here the following language of the major propositions, it is not (1) "a combination in the form of an unlawful trust," or (2) "the subject of an unlawful contract or conspiracy to limit the output of electric energy, or in restraint of the generation, sale, or distribution of electric energy."

In brief, grantees of water-power rights at the hands of Congress may join in the exchange and interchange of business and cooperate and combine in the conduct of their business, and unite in securing assistance to carry on their business, and such united and cooperative action is not "a combination in the form of an unlawful trust," nor is it "in restraint of the generation, sale, or distribution of electric energy," and therefore such united action of water-power grantees is, to that extent, immune from the prohibitions and penalties of the national and State antitrust laws.

That, in substance, Mr. Chairman, is the logical and practical interpretation of this section. And now let us look for the application to the water-power companies and hydroelectric conditions of this country.

Let us note, first, what Herbert Knox Smith, former Commissioner of Corporations, says of the present trend of water-power organizations in his letter of March 14, 1912, submitting his report to the President.

Note these first two results, as ascertained by the department's investigations. The commissioner says:

This report shows the results:
(1) An increasing concentration of the control of water powers by certain large interests.
(2) Extensive relationship between water-power interests, public-service companies (street railway, lighting, and power concerns), and banks.

This trend had already been forecast in the veto messages transmitted to Congress by former President Theodore Roosevelt in his vetoes of the Rainy River and James River dam bills. Speaking of the alarming proportions of the concentration trend of water-power and public-service corporations, President Roosevelt summarized the situation in the following significant terms:

In other words, it is probable that these 13 concerns directly or indirectly control developed water power and advantageous power sites equal to more than 33 per cent of the total water power now in use. This astonishing consolidation has taken place practically within the last five years.

When a small group of 13 corporations, Mr. Chairman, control one-third of the total water power in use by a nation of 100,000,000 people, and, in addition to that, the lion's share of the advantageous power sites yet undeveloped, we begin to appreciate the significance of a provision which makes it lawful and beyond the limitations of our antitrust laws for such consolidations to enjoy the special privileges of free exchange and interchange of business and joint action in the conduct thereof and the financing thereof in carrying on their business.

The conditions described in the Roosevelt veto messages were those of six years ago. Let us now take a concrete case from the report of Commissioner Herbert Knox Smith of two years ago. Let us take his report upon that giant consolidation known as "The General Electric Group."

And right here I want to state to the members of this committee they can not secure a copy of this report without paying 75 cents for it. We have no trouble in procuring copies of reports that teach us how to distinguish the difference between the male and female angleworm, but when it comes to a great substantial proposition we find that the reports are not to be had unless purchased.

Here is one corporation, or rather aggregation of corporations under one general directorate, that controls 50 per cent of the commercial power of 18 States. It not only controls the water powers, but the principal public-service corporations which buy and consume the power. It controls the street railways of 16 cities and the electric-light plants of 78 cities. For fear the municipalities might evade its lighting monopoly and use gas, it stops that possible loophole by owning the gas plants of 19 cities.

By way of illustration of that provision of the section before us, which specifies that these water-power grantees may join "to secure assistance to carry on the business," we find that this General Electric group of officers and directors are likewise officers and directors in upward of 50 banks and trust companies, including 5 of the leading financial houses of Philadelphia, 6 in Boston, and 24 banks and trust companies in New York City, there being 3 General Electric directors in J. P. Morgan & Co., the leading underwriting corporation of America. And this bill makes such financial cooperation and combination lawful and immune from the operations of the Sherman antitrust law.

Gentlemen of the committee, you have all read the testimony of Charles S. Mellen given yesterday before the Interstate Commerce Commission. From the disclosures made by Mr. Mellen, indicating how these large financial institutions operate when they have an opportunity, do you not now realize more than ever before what it means to have an institution like J. P. Morgan & Co. given an opportunity to control the hydroelectric power plants of this country?

Says Commissioner Smith in his report to the President:

This one group of interrelationships—

Referring to the General Electric—

controls or influences 24 corporations that operate hydroelectric plants; over 50 public-service corporations, not counting as many minor subsidiaries; and, finally, one group of interrelationships includes numerous railroads and industrial corporations and over 50 banks and financial houses, many of them in the first rank of importance. About 20 "General Electric" men in all constitute most of the chain of connection, 3 of these being members of the firm of J. P. Morgan & Co.

As showing the sweeping character of the network of operations of this one company and the transcontinental breadth of its control, we find that it owns and controls 55 per cent of the water powers of Oregon and Washington, on the Pacific; 72 per cent of the water powers of Colorado, in the Rockies; 61 per cent of the water powers of New Hampshire, in New England; and 80 per cent of the hydroelectric plants of the State of Pennsylvania. But that is not all. Says the Commissioner of Corporations:

The influence of the General Electric Co. in municipal public-service corporations extends into practically every section of the United States.

In the face of such official statement of facts and conditions, Mr. Chairman, is the Congress of the United States, fully conversant with the tidal wave of trust organization which has besieged the Nation, now about to pronounce this interrelationship as above described lawful? Are we going to make this vast hydroelectric combination immune from the operations of the antitrust laws of the Nation and the States?

Are we going to write into the law of the land, for the government of an aggregation which includes 24 hydroelectric companies, 50 public-service corporations, not including subsidiaries, numerous railroads and industrial corporations, the street railways of 16 cities, the gas plants of 19 cities, the electric-light

plants of 78 cities, and holds directorates in 50 leading banks and trust companies, the language of this bill, which says:

It shall be lawful, under the approval of the Secretary of War, for different grantees to exchange and interchange currents, to assist one another whenever necessary, by supplementing the currents or power, and enable any grantee to secure assistance to carry on the business and supply his customers, accounting therefor and paying therefor under regulations to be prescribed by the Secretary of War?

Mr. Chairman, the Secretary of War at this time has troubles on hand in connection with the pacification and the interrelationships of our neighboring Republic of Mexico. But before he, under the provisions of this bill, should get through one year of the accounts and payments and exchanges and interchanges and of first aid between grantees whenever they may see fit to deem necessary, and of rate regulations and adjustments for all the corporations and subsidiaries and interrelationships involved in this one great combination known as the General Electric, he would look upon the Mexican problem by comparison as an A B C lesson.

But the first and most serious question before this House is this: Are we going to cooperate with the hydroelectric and public-service combinations in their plain efforts to evade the operations of the antitrust law? Shall we go further and open and pave the road to such wholesale evasion? Shall we by law extend special trust immunity to all corporations and combinations and interrelationships which seek the monopoly of our great water-power resources and the control of our municipal utilities?

There is not a Member of this House who does not realize the nature and extent of the national struggle of the past 25 years to place upon our statutes and secure the efficient administration and strict judicial interpretation of a law for the protection of the people from trust aggrandizement. We know how such law has been fought at every step; we know how for years every foot of the path was blocked and the law was made a dead letter; and then how, little by little, the proper enforcement and interpretation of the law began to make progress in the interest of public welfare. We know how it was fought by the greatest industrial giants of the age and by the ablest of corporate counsel; and at last we have begun to get light and see our way through the trust jungle to something like law and order.

Mr. Chairman, in the history of the American Congress during the past half century I question if there is any one act which can be pointed to as a greater monument to the constructive labor of this body in protecting the people from the greatest economic danger of the age than that law—the product of many sessions and many minds—known as the Sherman antitrust law. It is still imperfect enough at best, because of the vast difficulties and complexities of law and custom, of business and human greed, to be met and overcome. No law in the history of the world has had more powerful, bitter, and resourceful enemies. Shall this Congress now lend a hand to cooperate with these enemies and be a party to halt the progress of a half century of legislative and legal struggle? I can not believe it.

NEW 50-YEAR FRANCHISE TO WATER-POWER CORPORATIONS.

Mr. Chairman, I now desire to call the attention of the House to the second menace embodied in the provisions of this bill, and the section I now refer to is of no less value to the water-power grantees and their corporate interrelationships than the section above considered. I call your attention to the closing section, also a brand-new provision not found in the law of 1910, which it is proposed to amend:

SEC. 17. That all provisions in this act contained fixing conditions upon which the consent of Congress is granted for the construction of dams shall apply alike to all existing enterprises in operation or authorized as well as to new projects to which the consent of Congress may hereafter be granted. All conflicting provisions contained in any act of Congress granting consent to the construction of any dam are hereby repealed, and all such previous authorizations are so altered, amended, and modified hereby as to conform to all the conditions and provisions incorporated in this act.

What is the force of this provision, Mr. Chairman? It is to give to every water-power grantee of the United States, now in operation or hitherto authorized, a brand-new franchise from the date of the approval of this act, and modified to the conditions and provisions incorporated in this act.

What will be the provisions of these new water-power grants, dating from the passage of this bill?

First, the term of the grants. Sections 9 and 10 provide that the rights herein granted shall continue for a period of 50 years from and after the date of the completion of the structure described in the approval of the Secretary of War, and thereafter until the grantee, in the event of the taking over of the property by the United States, has been fully compensated for the value of the property.

This means a new 50-year franchise for all the water-power grantees of the Government. It does not matter how defective was the original grant or how limited; all defects and shortcomings are cured and copper-bottomed and extended for a half century to come or until most of the living beneficiaries are dead and buried.

Second, in regard to the powers of the grant. All the new immunities granted in section 15 above, authorizing different grantees to exchange and interchange currents, to assist one another whenever necessary by supplementing the currents or power, and enabling any grantee to secure assistance to carry on the business and supply his customers, are incorporated in the new franchises and hold good for the coming 50 years. So that if the old grants were given by Congress subject to the provisions of antitrust laws, all such limitations are removed and full immunities granted for interchange of business and cooperative physical and financial aid between the interrelated grantees and their subsidiaries.

The phrase "enable any grantee to secure assistance to carry on the business and supply his customers" has special significance in aid of such an aggregation as the General Electric, because among the chief of its customers are the public-service corporations, including street railway and lighting companies, which consume electric current and at the same time belong to the great corporate interrelationship. The relationship, the mutual assistance, and the supply of such "customers," as well as the financing under the name of securing "assistance to carry on the business," are all made lawful and incorporated in the new charters.

Behold, then, the General Electric, the Westinghouse, the Stone & Webster, and other great corporate groups enumerated by the Commissioner of Corporations, starting out with their new 50-year franchises and grants of immunities. It is quite proper in this connection that the bill should define "persons" as covering "both the singular and the plural, as the case demands, and shall include corporations, companies, and associations"; and also, it might have added, the "groups" and "interrelationships" described by the Commissioner of Corporations.

It is proper that the bill should provide, in the last clause of section 17, that "in no case shall such arrangement be permitted to raise the price." That, however, would appear to be superfluous, in view of the fact that rates can scarcely be forced upward in the face of a future largely increased development and use of electric current and public utilities. It is notable, however, that there is nothing in the bill prohibiting such aggregations from resisting the natural reduction in rates which largely increased volume of consumption should bring about or defeating price cuts which might be threatened by possible competition. They are simply not allowed to "raise the price." They may sustain present prices through the term of the grants.

EXEMPTION FROM STATE CONTROL.

One of the serious and widespread consequences of sections 15 and 17 is the logical exemption of the principal hydroelectric corporations of the United States from State regulation and control and the substitution of the fiat of the Secretary of War for the laws, constitutions, and public-service regulations of the several States in which the hydroelectric plants and allied public-utility companies are located.

Section 11 provides that where the electric current enters interstate commerce the Secretary of War is—

hereby authorized and empowered to determine and prescribe what shall be the just and reasonable rates and charges therefor to be observed as the maximum to be charged and the service to be rendered.

This authority would not be so far-reaching were it not for the provision in section 15 permitting "different grantees to exchange and interchange currents." When you give that power to an aggregation of allied hydroelectric corporations, such as the General Electric or the Stone & Webster, and like groups, which may extend their operations over a stretch of adjoining States in a period in which, as stated by the Commissioner of Corporations, such electric group may operate over a contiguous area of 100,000 square miles, no one can effectually dispute their claim that their current is interstate, and thereby, under the provisions of sections 11 and 15, subject only to the regulation of the Secretary of War.

Such a condition would render null and void all attempts of States and municipalities under present laws and charters to regulate such electric utilities. The public-service commissions of 30 or more States which attempt to regulate such utilities would be put out of commission and their powers bestowed in lump upon the Secretary of War, who by nature of his location can know little of local conditions and be in only a slight degree in touch with the great masses of local, State, and munici-

pal consumers. They can not go to him in Washington to attend hearings and make statement of grievances, as now provided for in State and municipal laws and ordinances. And, in the nature of things, the Secretary of War can not visit the people of the 48 States and their thousands of municipalities and settle their just grievances.

The practical working of this provision will be that in any State or city where there is an efficient local commission which looks after the local public interest and holds the public-service corporation strictly to account, and not to its liking, the corporation that does not like such local regulation under the eyes of consumers will set up the excuse given by section 11 and claim that its current is interstate, because its plant is "tied in" or "coupled up" with other plants across the State boundary, as authorized by "the exchange and interchange of current" clause of this bill.

My own State operates under the home-rule plan. The State has legal machinery by which the people regulate and control their public-service corporations, but this bill makes it possible for the companies to evade and escape such State and local control. If the power at the high dam at Minneapolis were owned by a public-service corporation, and if it were tied in with the hydroelectric dam at St. Croix Falls, the current would then become interstate, and the Secretary of War would have the right to fix prices as well as regulate the service for the people of Duluth, St. Paul, and Minneapolis.

In my neighboring State of Wisconsin they have a new law for the regulation of all hydroelectric companies, as well as public utilities generally, by State commission. The Wisconsin water-power law is elaborate and detailed and covers every branch of procedure, giving all aggrieved parties and consumers full hearings for adjustment of claims and complaints as to rates and quality of service.

Eighteen States of the Union cover waterway and water-power control in their constitutions. But what are these constitutional provisions worth if the great hydroelectric aggregations are given by Congress an easy route of evasion from State jurisdiction to that of the Secretary of War?

What is the result? Instead of government of the water powers and public utilities of a State by the people of that State you substitute government by the Secretary of War. Is that democracy? Is that in accord with the teachings of Jefferson and Lincoln? Is that what our fathers fought for and what they incorporated into the great Declaration and Bill of Rights of our Constitution?

When electric current enters a State it should be subject to regulation by the laws of that State without interference on the part of the Federal Government. It is the duty of the representatives of the people, as well as of the people themselves, to resist any effort which, if successful, will deprive the State of exercising power and control over matters of local concern. Those functions of government which are national in character belong to the Federal Government, and those that are local belong to the several States. For 125 years we have adhered to this basic principle, and in the light of the success which has come to us I for one am not willing to abandon it.

CORPORATE FEAR OF THE STATE.

If any Member is in doubt as to what is intended to be accomplished by section 11, I invite his attention for a moment to the hearings before the Interstate and Foreign Commerce Committee on April 14, 1914, pages 26 and 27:

MR. HUGH L. COOPER, CONSULTING ENGINEER AND OWNER OF WATER-POWER PROJECTS, ON THE STAND.

The CHAIRMAN. What is the reason this will not do? If it is entirely within the jurisdiction of the State, let the State do what it pleases.

Mr. COOPER. I am afraid of any State.

I have heard such awful things stated in the halls of various legislatures that I am generally afraid of them. It is no joke with me; I am afraid of them, but I am not afraid of Congress.

The CHAIRMAN. Suppose that we provide that if the State does not provide adequate legislation, that the Government preserve the right to do it, and they can not confiscate your property by making the rate too low.

Mr. COOPER. That is all I ask.

The CHAIRMAN. I think we are about of the opinion to do that.

Mr. Cooper can not be familiar with the history of Minnesota. By practically a unanimous vote the citizens of that State directed the State treasurer to pay a $5,000,000 bond issue after the supreme court of the State and of the United States held the issue void.

Since regulation has become the established mode of dealing with public utilities, their owners have been endeavoring to place them in the hands of an individual or board as far removed from the consumer as possible. Does anyone know any other place where power could be lodged that would be further removed from the people than in the War Department?

SECRETARY MAY PERMIT STATE REGULATION.

But our attention is called, Mr. Chairman, to that beneficent provision of this bill wherein the Secretary of War may grant to the States, if thus he may be so generous minded and fully satisfied that it is wise so to do, the boon of regulating by their own laws the rates, charges, and service to the consumers for such electric current.

The special proviso to such end reads as follows:

Provided, That whenever the State in which such current shall be used shall have provided by law adequate regulation for rates, charges, and service to the consumers for such electric current, and such regulation shall not be unduly discriminatory or unjust against the service or charges in any other State arising from the use of the power from the same project, and such facts shall be established to the satisfaction of the Secretary of War, then in such case the provisions of this section shall not apply to the rates, charges, and service in and for such State.

This is certainly one of the most original and unique, as well as generous and beneficent, provisions ever proposed in a bill submitted for passage by the Congress of the United States. Upward of 30 States thus far have laws for the regulation of electric rates and service, and a great many hundred municipalities have charters and ordinances of like purpose. The Secretary of War, endowed with the kindly authority of a father, will take note of such efforts on the part of the States. If he finds a State in which such attempted regulation appears to him to be "adequate," he may waive the supreme authority conferred upon him by this bill and allow the State to undertake his function of regulating its own rates and service. But he must first satisfy himself that such State "regulation shall not be unduly discriminatory and unjust," and of that he is the responsible arbiter and supreme judge.

Eighteen States have constitutional provisions asserting State sovereignty over State water resources. Colorado and New Mexico declare in their constitutions that the waters of the State are public property belonging to the people. North Dakota and Wyoming declare their waters the property of the State. Colorado and Idaho give preference to the domestic use of water over navigation and to irrigation for agriculture over water power for manufactures. California and Idaho declare that their waters may be appropriated for beneficial uses, subject to the control of the State. Colorado and Idaho authorize in their constitutions legislative regulation of water rates and service. Colorado, Idaho, Montana, Oklahoma, Washington, and Wyoming assert in their organic acts the right of eminent domain for the construction of reservoirs, canals, and dams. Recent statutes of Minnesota and Wisconsin, like the laws of the great majority of Western States, declare the waters of the State to be public property dedicated to the use of the people and subject to the regulation and control of the State.

The honorable Secretary of War will consider, under the authority of the above happy proviso in the bill, all such State constitutions and laws; and if, peradventure, he finds such State constitutions and laws wise, "adequate," and not "unduly discriminatory and unjust," or, to quote the careful and exact language of the bill, "and such facts shall be established to the satisfaction of the Secretary of War," then, "in such case the provisions of this section shall not apply to the rates, charges, and service in such State."

Mr. Chairman, thus did Moses, in certain cases, grant to the children of Israel the privilege of making rules for their own government. Thus did Lord North concede, in many cases, the wisdom of colonial legislation. So, likewise, did George III ratify as sane and permissible many of the measures adopted by the American Colonies. And through the course of human history, from the time of Moses down to that of King George III, excepting only such revolutionary periods as those of Magna Charta, Oliver Cromwell, and George Washington, it was always the custom to place over the people and their attempts at local government some wise lawgiver, who reviewed their sundry rules and ordinances and ratified and incorporated into the law of the land those provisions which he deemed wise and "adequate."

It is only since 1776 that the experiment has been tried of allowing the people themselves to be judge of the adequacy and justice of the laws of their making, and the consequences are apparent in many poor laws. It is fortunate, indeed, for the people of the United States at this juncture, when the entire water resources of the 48 States and the Nation at large are at stake, the potential income of which may reach hundreds of millions of dollars per annum for generations to come, as long as the rains of heaven shall condescend to fall upon the earth. It is fortunate, I say, that we have in this Nation one man, though an appointive Secretary at that, who is eminently and signally competent not only to regulate the hydroelectric lightnings in their countless public-service ramifications throughout the length and breadth of the greatest empire on earth, but like-

wise to review the constitutions, laws, charters, and contract regulations of this constellation of States and the myriad municipal subdivisions thereof, and sift, analyze, select, and determine that which is nondiscriminatory, adequate, just, safe, and sane, thereby giving to such regulations the force of law and casting all else into outer darkness. And it occurs to me as highly appropriate, Mr. Chairman, that the trustees of the Carnegie and Rockefeller Foundations should erect a monument to the genius who has made the discovery of this man. Moreover, were the three General Electric directors of J. P. Morgan & Co. (Ltd.) within reach of my voice I have no doubt they would second my suggestion.

SOVEREIGNTY OVER STATE WATERS.

Unfortunately for the theory of government upon which this beneficent but paternalistic provision is based, the Supreme Court of the United States has given to the world the following doctrine pertaining to the sovereign rights of the States over their waters:

Each individual State of the Union has control of the waters of navigable streams and lakes within its borders, the right and interest of the United States in such waters being only that their navigability be preserved for interstate commerce. The title is in each State, and the use of the water is a matter of State regulation. (Pollard v. Hagan, 3 How., 212; Shively v. Bowlby, 152 U. S., 1.)

The control of the General Government in the case of dams across navigable streams arises only as incidental to its control of interstate commerce and navigation. The sovereignty of the State over its waters is otherwise complete. Thus the laws and constitutions of the various States for the regulation of State water resources has solid foundation in the law of the land as interpreted by the court of last resort—said court of last resort being the Supreme Court of the United States, and not the Secretary of War, as proposed in this bill.

Condemnation for public use finds general recognition in two principal classes of cases: First, the domestic use of municipalities; and, second, the navigation purposes of either State or Nation. To this, under the constitutions of west-of-the-Mississippi States, is now being added storage reservoirs for irrigation and flood prevention.

COOPERATION OF NATION, STATE, AND MUNICIPALITY.

Thus the law of the land as it has been developed through the years offers a broad foundation of principle on which to frame a comprehensive water-regulation law, recognizing alike the rights and interests of Nation, State, and municipality on an equitable democratic basis of public cooperation. Such act should recognize Federal control only as interstate commerce and navigation is concerned, and rights incidental thereto. Municipal control should have its proper place based on domestic and public municipal requirements. All other control and regulation should rest on the sovereign authority of the State. Laws of the State for such water power and electric regulation should find their authority in such program, not on the ipse dixit of the Secretary of War, but on the recognized sovereignty of the State, which existed before the formation of the General Government, and on the original title of the people of the State to the waters which are part of the permanent State domain and inalienable. That the constitution and law of a sovereign State should derive their authority from the will of a single outside official is something which in this age of the world will scarcely find lodgment even in the law of a monarchy, to say nothing of a Republic like the United States, which is supposed to stand as the model of progressive democracy for the civilization of the twentieth century.

PUBLIC COOPERATION IN MINNESOTA.

Opportunity for such cooperation of Nation, State, and municipality exists in my own State and congressional district in connection with the use and operation of hydroelectric power at the so-called high dam across the Mississippi midway between the cities of Minneapolis and St. Paul. This 15,000-horsepower project of the General Government will be completed this season and be ready for hydroelectric installation next spring. The institutions of the State, the Twin Cities, and the Federal Government, located within a 6-mile radius of this plant, could readily consume the entire electric product. To that end the State Legislature of Minnesota has created a special public corporation with the mayors of Minneapolis and St. Paul and the president of the State university board of regents as directors. The State and the two cities are ready to issue bonds for the construction of the necessary hydroelectric plant for the generation and distribution of electric current and provide for the scientific and business administration of such enterprise, and they also stand ready to pay the General Government a proper rental, based on the interest on the Government investment. Now steps in a Chicago private corporation, which already has a practical monopoly of electric current supply and Government water-power grants in six to eight Minnesota and Wisconsin congressional districts, and there seems to be a strong disposition in certain quarters to exclude the public association and turn over the hydroelectric installation to the private foreign corporation. The argument for such private control is that the State and cities can just as well buy electric light and power from the private corporation and save the State and cities from a lot of experiment and trouble.

But this means that both the State and cities will have to pay extra rates in order to yield the middleman—the Chicago private corporation—profits and dividends for the product of a public project. What is the justification for bringing the private corporation into this public project? An argument is set up in favor of the greater economy of private operation by reason of the fact that the new Government water power may be "tied in" or "coupled up" with the 8 or 10 other hydroelectric plants owned and operated by the private corporation located on Mississippi River tributaries in Minnesota and Wisconsin, and that this consolidation permits of greater operating economy. Admitting this point for the sake of argument, is there not, on the other hand, a large element of extra cost involved—in the dividends which must be earned and the higher interest that must be paid on the stocks and bonds of the private corporation? Developed and operated as a public enterprise only, the rates and rental collected need only equal operating and fixed charges on the actual Government, State, and municipal investment, and the interest charge will approximate about 4 per cent. The private corporation must earn not only 5 to 6 per cent on its mortgage bonds, but enough profits additional to pay 6 to 10 per cent dividends on the capital stock of the shareholders who finance the enterprise for the profits it will make for them. Thus a group of middlemen seeking private profits are allowed to step in between the General Government on the one hand and the State and municipalities on the other and demand that public use shall yield its tribute to private profit.

PUBLIC USE PARAMOUNT TO PRIVATE PROFIT.

I hold, Mr. Chairman, that in the rental of all water-power resources by the United States in connection with dams and reservoirs erected for navigation and flood prevention, priority and preference should be given to public use over private profits, and that the State in which the water power is located should receive priority of consideration as a Government lessee.

Moreover, on the assumption that the water resources of a State exist and should be developed for the greatest public benefit of that State, rather than for exploitation by private capital, I hold that the purpose of Congress should be to cooperate with State and municipal government in the greatest degree and to give the local consuming public the largest practicable voice in the management of the water-power plants, that the service supplied and the rates charged may approximate the maximum efficiency and economy and most closely reach the needs and demands of the local consuming public. The aim of this bill, therefore, should be as democratic as practicable, with the minimum of Federal control commensurate with the protection of natural resources and interstate commerce.

PROVISION FOR ORDER OF PRIORITY OF RIGHT.

Furthermore, this bill should contain a well-considered provision defining the order of priority in regard to the use of the streams and water powers. The great electric trust groups naturally want no such order of priority. They want private greed placed on the same terms as public need, knowing full well that on such basis their powerful aggregations of capital and expert legal staffs and political machines can handle the situation and secure the cream of the water-power rights of the country.

But the United States Government, Mr. Chairman, has already established a proper precedent in determining the order of precedence in the disposition of water privileges in the international boundary water treaty between the United States and Canada. Article 8 of that treaty instructs the International Joint Commission that in adjusting disputed water claims it shall be guided by certain "rules or principles" for the determination of the order of precedence, which shall be as follows:

1. Use for domestic or sanitary purposes.
2. Uses for navigation, including service of canals for purposes of navigation.
3. Uses for power and irrigation purposes.

This principle of priority of public use is recognized in the modern water acts of all civilized nations. One of the latest acts of the kind is the new act of British Columbia, the most western of the Canadian Provinces. Part 4 of the British

Columbia water act lays down the following rule of priority in the issue of leases:

PRIORITY PROVISION OF CANADA.

Part 4. Priority of purpose and of right in acquisition of water.—All licenses to use water shall issue with regard to the purpose for which it is required, which shall have priority in the following order:

First. Domestic purposes.

Second. Municipal purposes, which shall mean and include the supply of water by any company to a city, town, village, or unincorporated locality for domestic purposes.

Third. Irrigation of land for agricultural or horticultural purposes.

Fourth. Industrial purposes, which shall mean and include water required for the production of steam and all other purposes save domestic, municipal, irrigation, and the production of power for sale, barter, or exchange, and mining.

Fifth. Power, which shall mean and include the use of water for generating power for sale, barter, or exchange.

It will be noted that the new British law places commercial power last in the list of priority in the rental of water leases. The obvious basis for working out the above order of precedents is the degree of public use with which each purpose is affected. Profit from commercial power for sale and barter is properly deemed least affected with public use.

Navigation is not included in the provincial water act, because navigation comes under the control of the general Dominion Government, just as in our case it comes under the control of Congress for the protection of interstate commerce. It will be noted, however, that the Dominion Government turns over to the respective Provinces regulation of water resources for all purposes except navigation and interprovincial commerce, which is in accord with the principle laid down by the United States Supreme Court in Third Howard, page 212, and One hundred and fifty-second United States, page 1, quoted above. This, likewise, is in accord with best European practice, which rests upon joint cooperation of national, State, and municipal agencies in bringing the regulation of public service and public resources close to the consuming public.

NATIONAL COMMISSION OF CONSERVATION.

The pending bill goes far beyond the precedent of the acts of 1910 and 1906 in extending the powers of the Secretary of War as sole national arbiter in water-power regulation. It gives him the rate-making power, which is a legislative function. It likewise gives him the right of regulating service and issuing permits. Meantime, it leaves out the Departments of Agriculture, Commerce, and the Interior, all of which deal more directly with the public domain and with the people and enterprises which use and develop the resources of our national domain. The Dominion of Canada works on a far more representative basis. Besides the water commissioners of the several Provinces, Canada has created as a general bureau of supervision and information a commission of conservation, which exercises such general Dominion control as is beyond the proper jurisdiction of the respective Provinces. This includes, as in our case, control of navigation and rights developed incident thereto. The Dominion of Canada does not rob the Provinces of their local regulation.

Mr. Chairman, I believe that our General Government would gain in general efficiency of administration of its public domain, including the regulation of its waterways and water powers, and the uses thereof for agriculture, commerce, navigation, flood protection, and forestry, if into such administration we brought the particular departments which directly deal with such public resources and their use and development by the people. The Secretary of War should be included, simply by reason of the fact that it is the Chief of Engineers upon whom the Government relies for engineering services in planning and constructing Government works. Aside from that essential service, the Department of War is, by nature of its purpose and organization, the least of all our Government departments in touch with the development of our industrial interior, which is essentially a program of peace rather than of war. Thus organized we would have a national commission of conservation, including the Departments of Agriculture, Commerce, Interior, and War, which, together, would bring all the administrative energies of our General Government dealing with the resources of our public domain into cooperation with the States and municipalities where these natural resources are located, for the mutual public service of all the people and the conservation of our vast resources of natural wealth for the highest good of the Nation and the several component States to-day, and for the generations to follow.

PUBLIC INTEREST OF MINNESOTA.

Mr. Chairman, few if any States of this Union are more directly and vitally concerned in the adoption of a sound and progressive national policy in the administration of water-power resources than my own State of Minnesota, and few congressional districts are more deeply interested than my own district, the city of Minneapolis. In the list of congressional grants of water-power rights listed in the final report of the National Waterways Commission, including all such grants by Congress from the year 1789 down to 1912, I find that 22, or approximately one-fifth of the total number of Federal grants, relate to dam and power sites within the State of Minnesota or on the boundary waters of that State. Certainly no State in the Union, therefore, has greater concern in the proper conservation and regulation of water-power resources.

In six congressional districts of Minnesota, and particularly in my own district, we have an additional direct interest, because a foreign corporation, controlled by Chicago capital, and operating in the four States of Illinois, Wisconsin, North Dakota, and Minnesota, has control of a large group of power plants, and likewise of public-service corporations furnishing light, heat, power, industrial, and transportation service, and has a practically complete monopoly of the sale and supply of hydroelectric current. With this corporation the city of Minneapolis has been engaged in legal contest for some time in the struggle to secure reasonable municipal lighting rates, and the aroused public sentiment of the State is such that there is little question that the incoming State legislature, which convenes in January, will give the people sufficient authority to adjust their grievances.

Let us now apply the provisions of the pending bill to the Minnesota situation and see why it may be fraught with danger. Here is a Chicago corporation which travels under the various names of H. M. Byllesby & Co., Northern States Power Co., Consumers' Power Co. of Chicago, and Minneapolis General Electric. Its headquarters and general offices are in Chicago, although its hydroelectric and public-utility plants are in four States. It owns and controls dam and power sites on the Apple and St. Croix Rivers in Wisconsin and on the Mississippi, Minnesota, Cannon, and other rivers in Minnesota. It also owns subsidiary steam plants at Minneapolis, St. Paul, Stillwater, Faribault, and other Minnesota cities. It likewise is supposed to have secured control of the lion's share of the undeveloped power sites granted by Congress on the Mississippi River in our State.

Section 15 of this bill would authorize this Chicago "interrelationship," to use the phrase of the Bureau of Corporations, to "tie in" or "couple up" all of these power plants into one cooperative entity. It makes it lawful for the "different grantees to exchange and interchange currents, to assist one another whenever necessary," and so forth. As a consequence, the electric current generated and distributed over the lines of the general operating company of this complex syndicate might be called by the company "local current," "intrastate current," or "interstate," to suit its interests best in any controversy which might arise, and no one except the company itself would know whether a given current which had been supplied was local, State, or interstate. If the State or municipality started a case, the company could say that the current was interstate; and, if the Secretary of War started regulation, the company could safely claim that the electric current in such case was State or local in its origin and beyond Federal control, which covered only interstate business. Thus the company could play city against State, State against Nation, and Nation against both State and city, and the people would get chaos, litigation, costs, and high rates, with the Chicago syndicate sitting serenely on the lid and laughing at the amateur performances of lawmakers in general and of this Congress in particular.

I am willing and anxious, Mr. Chairman, to cooperate with any well-considered effort to secure strict and efficient administration of our water-power resources, and when the proper time comes I shall offer amendments which I hope may help to cure the defects to which I have pointed in this bill, and properly amended I trust the bill may become a law. But the foundation of such effective law, I am convinced, will be such cooperation of Nation, State, and municipality that the highest permanent interests of each shall be conserved, and the people whose title and interests are directly concerned shall be given no uncertain voice in the conservation program.

How thoroughly imbued with the principle and practice of conservation are the people of Minnesota is shown by the report of the State treasurer, just issued. So wisely have the school, agricultural college, swamp land, and other land grants of Congress been conserved and administered by the people of Minnesota, Mr. Chairman, that the State treasurer reports to-day a net permanent trust fund to the credit of our educational institutions to the amount of over $30,000,000, while the public school and university estate, in the shape of iron mines, timber reserves, water powers, and farm lands, saved from congressional grants and preserved and administered for the school children of future generations of Minnesota is estimated at the

ultimate total valuation of $200,000,000, which is perhaps the greatest public-school endowment in the world. So, I trust, fellow Members, that whatever legislation is attempted for the regulation of our public domain that no hasty act shall pass this House which in any manner can be used to jeopardize the safe and progressive administration and control of the State of Minnesota over the great resources of its public domain.

Mr. COOPER. I yield the balance of my time to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, on the 12th of last March I took part on this floor in what I supposed were the preliminaries of a campaign of real accomplishment for the people of this country. The story of the marvelous power of radium had startled the world, as cure of cancer was added as one of its inestimable properties. The price of this most precious of all precious metals soared to the unthinkable sum of $4,000,000 an ounce, or more than $1,000,000,000 for 16 pounds of 16 ounces each. Asia, South America, and Africa had been explored without encouragement of finding deposits of pitchblendes or carnotite or other ores containing radium. In Bohemia and Saxony and Russia private interests had gained control of these deposits. In Cornwall and the Trenwith mine, near St. Ives, the British Radium Corporation (Ltd.) held sway. The Cornish mine of South Terras, near Grampound Road, unique in that it had been worked in the past solely for uranium ore, was owned by the Société Industrielle de Radium.

The Canadian Government on that same 12th of March had declared, among other things—

AT THE GOVERNMENT HOUSE AT OTTAWA,
Thursday, the 12th day of March, 1914.

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL:

* * * * * * *

And whereas it would appear to be to the public interest that radium, which means and includes all deposits of carnotite, pitchblendes, or other ores containing radium in sufficient quantity for commercial extraction, the property of the Crown, should be for the present withdrawn from disposal:

Therefore His Royal Highness the Governor General in Council, under and by virtue of the provisions of section 37 of the act 7–8 Edward VII, chapter 20, is pleased to authorize the minister of the interior to withdraw from disposal and to reserve to the Crown all rights within the said Provinces and territories to radium, and to other minerals which may contain radium in sufficient quantity for commercial extraction.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

That the Government of the United States was rich beyond the wealth of Crœsus in radium in the carnotite found in the sandstone of Colorado and Utah was heralded from ocean to ocean. The whole world turned its attention this way. Speculators who wanted to profit by the find were flocking to the grounds to take from the people and appropriate to themselves this inestimable wealth.

A great and progressive Secretary of the Interior—unfortunately astride a lazy and halting donkey—sounded the alarm and begged the powers that had authority in this country to act for the people. Had there been a Theodore Roosevelt in the White House, with the forward command of a progressive party to spur him on, the radium areas would have been withdrawn and the people would still be the proud owners of these resources. But upon carefully scanning the Democratic platform it was learned that there was nothing in that document about radium; and, as the President told the suffragists, he could not start anything that the platform had not mentioned. So the President said nothing about radium. Secretary Lane again warned the Members of Congress, and the gentleman from Illinois, Dr. FOSTER, introduced a resolution withdrawing from private entry the affected areas. The Public Lands Committee wanted to get this resolution, but Dr. FOSTER wanted it to go to his committee—the Committee on Mines and Mining. The question of reference was the preliminary struggle referred to in the first of these remarks. The House stood by Dr. FOSTER and his committee got the resolution. A similar resolution has been pending all this time in the Senate. What has been accomplished toward withdrawing those lands? Absolutely nothing. If Theodore Roosevelt and Gifford Pinchot had moved after that fashion the coal of Alaska would to-day be the property of the Guggenheims instead of the property of the people.

If any Member wants to discover one just cause of popular distrust of Congress by the people, let him read the House and Senate hearings on this radium proposition and ponder over the fact that Congress has done absolutely nothing while these lands have been entered in Colorado and Utah by private persons for private purposes at such a rate that all the best claims are now gone. The whole proceeding is nothing short of shameful. When Gifford Pinchot recommended the withdrawal of the principal Alaska coal fields and President Roosevelt followed his advice, Mr. Pinchot became the subject of every conceivable slander and abuse by a band of men who wanted to appropriate those lands. Because he saved these coal lands for the people and had stopped lootings of the public domain by railroads and timber syndicates he incurred the enmity of all who had heretofore profited by the loose way in which public-land matters had been administered.

In recent debates on this floor Mr. Pinchot has been falsely accused by a Representative from the State of Washington in this connection. In substance it has been declared that he was responsible for all the frauds perpetrated under the lieu-land law he did not succeed in preventing, on the theory that if he could prevent one fraud he ought to have been able to prevent all. He has been denounced in particular because he did not stop the railroad raids on the public domain, although he was not in any official position where he could regulate such matters at the time; but it is said that he stopped some of these things by extra-official warnings. Take the Santa Fe Railroad exchange, for example, about which my colleague from the State of Washington has denounced Mr. Pinchot. This exchange was managed entirely by the Department of the Interior. Mr. Pinchot was in the Department of Agriculture. He had no responsibility of any sort, shape, or kind in connection with it. Mr. Pinchot was given charge of the national forests in 1905. The Santa Fe exchange was made several years before that time.

He has also been accused of allowing the Santa Barbara Water Co. to exchange 63,000 acres of the public domain for land they themselves estimated at 25 cents an acre, and it has been stated on the floor of this House that Mr. Pinchot indorsed the transaction. The fact is that he investigated the disposal of the Santa Barbara lands and the claims that these lands, then owned by private interests, were needed by the public for a watershed. He reported that these lands were needed and ought to be acquired by the Government, stating in his letter of approval that he did not know what lands were to be accepted in exchange, but understood that lands in the Dakotas were to be exchanged. Yet it is charged that he approved in this letter of an exchange of the Santa Barbara lands of the Government for certain worthless lands. The simple truth is he did not do anything of the sort.

The State of Washington and the great Northwest owe to Gifford Pinchot a debt of gratitude which can never be paid, and I am unwilling to have these unfounded charges go unchallenged. They do not contain the slightest merit. The plain people of the Northwest love Mr. Pinchot and stand by him in every argument, but there is not a land crook or a crooked land lawyer on the Pacific coast that does not hate him with all the pent-up hatred of a disappointed highwayman.

Mr. Pinchot is now a candidate for the United States Senate from the State of Pennsylvania, and these charges made here on this floor by a Representative from the State of Washington have been widely circulated and exploited in the public press and in public documents in the State of Pennsylvania to make false impressions there and deprive him of that support to which he is entitled.

As a Representative of the State of Washington in this Congress, I say that Gifford Pinchot has the confidence of the people of my State, and I wish it were possible for my word to reach every man who has gained a false impression from these widely published charges. I would say to them all that Mr. Pinchot is entitled to the highest credit and to unstinted praise for his service in stopping the land frauds against the people of the United States in the great Northwest.

In order that he may not at any time in the future be wrongly charged in connection with the disgusting fall-down of the executive arm of this Government first and the legislative arm second in this radium matter, I call to the attention of Congress the following warnings that have been sent out recently by Mr. Pinchot on this subject:

NATIONAL CONSERVATION ASSOCIATION,
COLORADO BUILDING,
Washington, D. C.

As president of the National Conservation Association, Gifford Pinchot gave out the following statement with regard to the Foster radium bill for the Federal control of radium lands:

"Every friend of conservation will indorse with keen satisfaction the efforts of the Secretary of the Interior and of Congressman FOSTER, of Illinois, to safeguard the remaining radium lands now in public ownership from monopoly and exploitation by private interests. The bill recently introduced by Mr. FOSTER (H. R. 12741) is not only a conservation measure of high importance but also a great humanitarian measure. This bill will effectively conserve the remaining radium-bearing ores on the public domain and at the same time will encourage legitimate development. It should have the support of every conservationist.

"What is of still greater importance, Mr. FOSTER's bill will devote to public uses all of this invaluable curative mineral now publicly owned and will defeat the efforts of private corporations to monopolize it for their own private profit. Recent experiments indicate how priceless is radium in the fight against cancer and other diseases. In view of this fact the people of the country will have neither sympathy nor

patience with the special interests which are seeking to exploit these natural resources for their own selfish advantage.

"The passage of this bill will be a long step forward in the application of natural resources to conserving human life and in promoting human welfare, and will mark one more victory in the age-long fight against disease. Secretary Lane hit the nail squarely on the head when he said:

"'The issue is believed to be one of life and death to hundreds of thousands, and I believe the American people will support any broad-gauged policy that aims to extract from lands now in public ownership sufficient American radium for American hospitals, that thus the poorest patients may secure promptly the treatment now necessarily limited to the selected few.'

"The Foster bill should have the support and indorsement of every conservationist. On behalf of the National Conservation Association I strongly urge its passage."

On March 23, 1914, Gifford Pinchot, as president of the National Conservation Association, issued the following statement:

More than two months have elapsed since a joint resolution was introduced in Congress to reserve to the people of the United States the radium-bearing ores on the public lands. During these two months of needless and inexcusable delay not less than 500 additional claims have been located by private persons, so that their content of radium—the only medical remedy for cancer—may be exploited for private profit instead of being used for the public good. This was the object of those who caused the delay.

It is officially estimated that the loss to the Government on the radium needed for its hospitals and the profit to the grabbers, if the grabbers have succeeded fully in their purpose, will be more than $1,500,000. But this is the smallest part of the loss.

At present at least half of our radium goes abroad. Our Government hospitals need 30 grams of radium at once, while 2 grams is all we have in the United States to-day. There are constantly in this country over 200,000 persons suffering from cancer, of whom not less than 75,000 die each year. One woman dies of cancer out of every eight that die at ages over 35, and one man out of every twelve.

The brutal callousness of the men in Congress and out who by delaying this bill have delayed relief to this army of sufferers, for the sole purpose of extracting an exorbitant profit from their necessities, makes even the offense of the food poisoners look mild and small.

Obstruction by the radium lobby and their friends in Congress could not, however, last indefinitely. After delaying for two months a bill which should have passed House and Senate in two days the grabbers saw that the bill must soon be acted on. Accordingly, secret preparation was made to have it passed in a form that would appear to give the public what it needed, yet which would leave the grabbers in substantial control of the situation.

On March 16 the Walsh bill was reported with amendments which were never discussed in any public hearing nor in any conference with the friends of the measure, and which makes the bill a fraud upon the people of this country. One of these amendments provides that if the Government fails at any time to purchase radium ore tendered to it at any railroad station and derived from any claim reserved for Government use under the bill, and does it just once, then the Government loses forever all right to buy the radium from that claim and from all contiguous claims in the same ownership. As to those claims, the bill is repealed. Congress may fail to appropriate money enough to buy the ore, carelessness, accident, or collusion may intervene—no matter what the cause, if the Government fails just once, the radium monopoly gets the claims free from all control. For, utterly incredible as it may seem, the Government officers are thereupon by this bill debarred from going upon the claims to see that the law is obeyed.

It would seem as if the cynical impudence of monopolists could reach no further. Yet the bill contains another clause, under which all that is necessary to take the radium ore in any claim out from under the provisions of the bill, out of the reach of the Government, and into the sphere of the grabbers, is for the locator of that claim not to know when he locates it that it is valuable for radium. The effect of such a provision needs no pointing out.

Another Senate amendment requires the Secretary of the Interior to pay for radium ore, not a just price but the "market" price. The "market" price of radium is an excessive monopoly price to-day. There is no reason to expect that the "market" price of radium ore, fixed by the same men, will be anything but an excessive monopoly price also. This amendment simply authorizes the grabbers to make the Government pay substantially whatever price they may choose to require.

The Senate amendments to the radium bill are simply infamous. They make it a weasel bill, which withdraws from the people the benefits it pretends to give, and it does so in the interest and at the behest of men who are preventing the relief of human misery, in order to make money out of it.

If this radium bill passes in its present form, every man who votes for it will write himself down the servant of special privilege in one of its most abominable forms. It is such cases as this that supply the reason, and so far as they go the good and sufficient reason, why so many people believe that the political power of private monopoly in Congress is stronger than the obligation of the public good, even when the saving of human life is at stake.

There are some other matters to which I wish to refer. I notice in the RECORD of yesterday, in the remarks of the gentleman from New York [Mr. LEVY], that applause was scattered all the way through them. That was a correct and true report of the proceedings here; but the fact is we were engaged in more or less horse play at the late hour yesterday afternoon when the gentleman from New York was talking, and a false impression may be created by the use of the word "applause" in the remarks of the gentleman from New York.

This House was not in sympathy and the country is not in sympathy with any such criticism of the Interstate Commerce Commission as was made by the gentleman yesterday. The fact is, I believe the people of this country heartily indorse the Interstate Commerce Commission for the careful way in which that commission is considering the matters before it. The commission is doing good work and the people are with them, and the people are with Senator LA FOLLETTE in attempting to thwart a well-organized conspiracy to coerce the commission.

There are many of us who read the figures very differently to the way the gentleman from New York reads them. To increase railroad rates as requested, nearly $70,000,000 annual revenue would be handed over to the railroads of the one district. To proportionately increase the rates all over the country would raise the annual income of the railroads about $200,000,000. The Government would then have assumed the responsibility of keeping up these profits. That much added income guaranteed by the Government in the form of dividends ought to increase the stock-market value of the railroad stocks at least twenty times that much, figuring on a 5 per cent basis. That would mean an increase in the value of these stocks of $4,000,000,000. Think of it—$4,000,000,000! That would be equivalent to increasing the national debt by that tremendous amount, for the people have to keep up the interest on the railroad bonds and the dividends on their stocks. Certainly freight rates are paid by the people, as surely as is the tariff. I commend the Interstate Commerce Commission for their deliberation, and I sincerely hope that they will continue to think of Jones, who pays the freight, just as tenderly as of Mr. Railroad Owner, who collects the freight. I am for Government ownership of the railroads, and of course I do not want to increase the face value of their stocks $4,000,000,000 by Government decree.

THE POWER COMPANIES AND LOCAL PUBLIC UTILITIES.

The gentleman who has just taken his seat has taken up, to a certain extent, the proposition of big corporations in this country, and as sure as this Congress is alive, and as sure as adjournment is going to come some day soon, we are facing a great big problem, involving the railroads of this country, and the corporations that are concentrating the control of the municipal lighting plants, street car lines, and the public utilities of the land are involved, as well as the great transportation systems.

There is only one remedy; there is only one relief. You can talk all you want about trust legislation and antitrust bills. They may be efficient or they may be inefficient, but we have got to get practical about this matter.

We have before us in the city of Washington a problem right now that presents a way to bring about a real solution of this particular question. The question of the Government of the United States owning the street car lines and the public utilities of the city of Washington is now a live question, and one that ought to be settled by the Government taking over these lines in the city of Washington without delay and administering them and operating them in a model way, so that the people of the country and the cities of the country can see how these lines ought to be operated, and can gain information and instruction from a model operation here in the city of Washington. There is no use of talking about revising the laws and about regulating. We can not get anywhere in that way. And the cities of this country have taken up the proposition of local municipal ownership of these lines and systems, and as we advance in that way we will settle the problem, and settle it permanently.

MUNICIPAL OWNERSHIP OF POWER PLANTS.

It has long been the favorite argument of the special interests that municipal ownership is a failure both abroad and in this country. It is, therefore, not surprising to find that most people in this country believe this. Years ago when the first stories of successful municipal ownership began to reach us from abroad a propaganda was immediately begun to discredit these few current rumors of public ownership and operation. In the light of what we know to-day as to the successful operation by foreign municipalities of their public utilities it is hard to understand how the truth was withheld. With the increased travel abroad and study of municipal problems the misleading statements regarding the failure of public ownership in municipalities in Great Britain, Germany, France, Sweden, Norway, and Denmark fell of their own weight. The careful study of municipal ownership and its results by our authorities on municipal problems began to demonstrate that not only was public ownership and public operation a marked success, but it was more economical and more highly organized than our public utilities and equally as efficient. It is evident to-day that the web of fiction woven by our special interests with regard to public ownership and operation of public utilities abroad has been swept away. This is clearly shown in the increasing number of water and gas utilities which are being operated by municipalities—and as efficient as those under private ownership. The proportion of gas and waterworks handled by private interests are steadily decreasing. Progress is also being made in the ownership and operation by American municipalities of their electric plants and street railways. There are to-day over 1,400 municipal electric plants in this country. But, of course, this is only a dot compared with the privately owned electric plants. There are

over 20,000 private water-power plants supplying cities and towns in this country. It is time the citizens of our municipalities should ask themselves the question why this situation is a fact. Perhaps some will say because certain experts—gentlemen who inwardly wear the livery of great corporations—tell us that our cities and towns have the most efficient and economical service to be had, and then they tell of the failures and waste of municipal experiments. Then from the subsidized citizens, and perhaps press, we will hear a loud cry that it is "socialism"; or that it is unconstitutional. They are all cleverly danced before the American people as a solemn warning against the use of their own property by themselves. It happens, however, that there are many practical cases of the success of municipal operations in many sections of our country.

HOW SEATTLE SETTLED THE POWER PROBLEM.

In January, 1902, the citizens of Seattle finally became aroused to the exorbitant and excessive rates and impositions placed upon them by the private utility companies. As a result of this aroused public sentiment, the board of public works submitted a report to its council advocating the installation of a small power plant for operating city light only, or a general power plant for power and lighting. The two plans were shortly afterwards submitted to the people of Seattle. There was strong opposition to the latter plan by the power interests, who made every effort to defeat municipal ownership, but by an overwhelming and large majority the people of Seattle declared for a bond issue for the construction and operation of a municipal plant. A bond issue of $590,000 was voted. It has since been increased, on December 31, 1912, to $4,000,000. To-day, after over 10 years' operation, Seattle points with pride to a lighting and power system which will equal, if not excel, that of any city in the country. It has been said by civic experts that Seattle is the best-lighted city in the world, and this is directly due, in a large part, to its successful municipal system. But figures speak more directly and eloquently as to the success of a proposition than mere generalities. To-day the Seattle municipal system has 27,000 private customers and lights 668 miles of its streets with 8,500 street lamps. For the year ending 1912 a surplus of $320,096 was reported. After paying interest, sinking fund, depreciation, operation, and maintenance, an 8 per cent profit has been paid upon a capitalization of $4,000,000. Mayor Cotterill, in his annual report, says:

The city lighting plant has passed the experimental stage and has also proven its efficiency as a rate maker in competition with a powerful private corporation.

In 1902, when the proposed plant was advocated, the people of Seattle were paying more per hour for light and power than they are to-day.

The fact that the municipal lighting and power plant has been extended from its own depreciation fund and profits—

Says J. D. Ross, superintendent of the municipal system—

to the extent of $1,293,000, after providing for maintenance, interest, and cost of operation, is the only answer we could give to the question whether publicly owned plants can be operated as economically as private concerns, for the rates in Seattle, on the average, are probably the lowest in the United States.

PASADENA HAD A POWER PROBLEM.

Several years ago the city of Pasadena also woke up. The price it was paying for power hurt its municipal pride. A private corporation was charging a minimum rate of 15 cents per kilowatt hour. So Pasadena also thought it would try municipal ownership, and voted a bond issue of $125,000. As usual the power interests tried to fight the plan. Municipal ownership and operation, however, has been more successful than its most enthusiastic supporters expected. Power is sold by the city of Pasadena to-day at 5 cents per kilowatt hour. The annual report of the municipal system, in speaking of the success of the experiment, says:

The citizens of Pasadena have saved sufficient by reason of the difference in electric rates to pay for their own plant. This tremendous saving, which must be treated as a credit to the plant, is the people's dividend, and in addition to this great saving to the people the plant remains as a valuable asset, paying its own way from its own earnings.

In fact, from October, 1908, to June, 1912, the Pasadena city government has saved $408,000 in power bills over the old rates. The cost for street arc lights is 23 per cent less and for incandescent lights 40 per cent less than in the private corporation days. At the same time Pasadena claims to be the best lighted city in California. Mr. Koiner, manager of the system, in his recent report, said:

The city of Pasadena proved all claims made heretofore concerning the success of its municipal lighting works with the continued loyal support of its owners. There is no question about making the property a greater success than the people ever anticipated at the time they established this enterprise.

It should be remembered that California, like many other parts of the country, has long been in the grasp of a power monopoly. The successful fight of this city with a grasping monopoly points well a moral that other cities could heed.

CONNECTICUT TOWN OF SOUTH NORWALK.

Not only in the West, but also in the East, you find examples of successful municipal ownership and operation. In 1892, in the town of South Norwalk, Conn., the citizens voted $22,000 for a small power plant. It is needless to say it was commonly considered as a wild venture. The system in operation in this town to-day, however, is valued at about $200,000, and over 88 per cent of its cost has been paid from the earnings. The company for the year ending October, 1912, had a net income of about $66,000, with gross profits of $24,000. The lowest rate for power in New England is found in this town. Of course that is not widely known—there is a reason why. For commercial lighting a maximum charge of 9 cents and a minimum charge of 5 cents per kilowatt hour is made. For power there is a maximum charge of 5 cents and a minimum charge of 3 cents. The story of the fight of this little town for municipal ownership ought to be an inspiration to every monopoly-strangled town or city. In 1900 the Connecticut Light & Power Co. made a flattering offer to the city to take over its plant. By an overwhelming vote the kindness was not accepted. The company then served notice it would apply for injunctions to prevent operation. Various suits for alleged damages amounting to large sums were instituted, and the fight was on. It was a long, lone-handed fight. The matter was finally taken to the supreme court, and after a seven years' contest was decided in favor of the municipal plant. It has cost the town nearly $10,000 in attorney fees alone. But it has won a good fight.

MUNICIPAL OWNERSHIP A SUCCESS.

Seattle and Pasadena and the Connecticut town found municipal operation more efficient and economical than private operation. So also 1,400 other municipalities in this country have arrived at a similar conclusion. It is self-evident that the exorbitant rates for light and power to the average consumer bears directly on our external question of the high cost of living. If municipal ownership can reduce this important item, there is not much to be said against it. There are many other instances where it has greatly reduced the price to the consumer. In Marquette, Mich., lighting is sold for 5 cents per kilowatt as a maximum and 2 cents as a minimum charge, while for power 3 cents is the maximum and 1 cent the minimum charge per kilowatt hour. Iola, Kans., charges a maximum of 4 cents for its current. Jamestown, N. Y., charges 4½ cents and Jacksonville, Fla., charges 5 cents. Yet many so-called experts, principally emanating from Wall Street, invariably tell us that the people lose both in cost and service if they operate their own properties. These gentlemen evidently do not speak from facts; besides, let us see how well private ownership serves the people. We find in Brooklyn a maximum rate of 11 cents and a minimum rate of 4 cents is charged; in New York a maximum rate of 10 cents and a minimum rate of 5 cents (incidentally one company alone in New York has accumulated a surplus of $30,000), while in Chicago, St. Paul, Spokane, Pittsburgh, Portland, Providence, Richmond, Reading, San Antonio, Washington, and other large cities a base rate of 10 cents or more per kilowatt is charged. In reply to the repeated statements that large cities can not reduce their rates in justice to "return on capital," it is interesting to note the Cleveland municipal plant has a maximum rate of 3 cents and a minimum rate of 1 cent per kilowatt hour. How much longer will the people of the municipalities of this country allow these fabrications of public-utilities finance to blind them? A thorough investigation made by the Bureau of Labor for 1900 developed the following estimates of the average price between private and municipal plants:

Plants having engines with horsepower of—	Private plants.		Municipal plants.	
	Number reporting.	Average price per ampere hour.	Number reporting.	Average price per ampere hour.
50 and under 75	1	$0.0075	3	$0.0055
75 and under 100	3	.0106	1	.0090
100 and under 125	7	.0083	4	.0073
125 and under 150	2	.0125	2	.0071
150 and under 200	7	.0083	7	.0088
200 and under 300	11	.0105	8	.0066
300 and under 400	6	.0080	4	.0113
400 and under 500	2	.0085	2	.0063
500 and under 750	17	.0100	2	.0075
750 and under 1,000	8	.0077	1	.0075
1,000 and under 1,500	4	.0097	.....	.....
1,500 and under 2,000	4	.0106	.....	.....
2,000 and under 3,000	6	.0099	.....	.....
3,000 and under 5,000	1	.0090	.....	.....
5,000 and over	3	.0088	.....	.....

This investigation developed that in municipal plants the income from private users during the year exceeded the cost of production, and the municipalities not only obtained free electricity for their own use, but made a profit besides. While, on the other hand, the cost of electricity to the municipality from private plants was always extremely high, the service of municipal plants was equal, if not better, than that privately owned. It has always been a favored argument by the great interests that politics would necessarily enter into the operation of municipal waste, and great stress is always laid upon the waste by mismanagement, which will necessarily follow; but the Bureau of Labor report proved the contrary. This is what it says:

As regards the average cost, it is seen that in 7 of the groups shown the average cost in the municipal plant slightly exceeds that in the private plants, while in 10 of the groups this cost in the private plants is greater by far than in those municipally owned. These estimates were made for about 500 private plants and 300 municipal plants, but investigation shows, without much doubt, that the municipal plants are both economical and, from a standpoint of efficiency, well able to stand comparison with any privately owned plants.

In its last analysis this whole question revolves around the large profits made by private utility corporations. To-day it is well known that public utilities offer the most inviting field for investment. For example, the net earnings of railroads have increased only 1.37 per cent since 1907, industrials have decreased, while public utilities have increased since 1907 over 31 per cent. There is a very good reason for these increased profits. Electricity generated from water power is a perpetual fuel. After the initial cost of plant and transmission system has been met, there is very little expense except for upkeep and obsolescence. There is no more inviting field of finance, for every man in the community may become a contributor to your dividends. As was said in a recent article by experts on the subject:

With advancing civilization and the rapid growth of our cities, electricity will become increasingly essential for our well-being, and it will be brought more forcibly home to us than ever that we can not, without great jeopardy, permit interests that are inimical to the general welfare to control it.

The whole question rests on the initial cost of power as compared with the ultimate price to the consumer; and yet, as fundamental as the comparison is, there seems to be little effort to get the facts. The Prussian Government in recent experiments has developed that power can be generated by electricity for 0.0952 cent per kilowatt hour, at which price the Prussian State will develop and sell power to the municipalities of Cassel and Gottenberg.

At the Puget Sound Navy Yard the cost of generating electricity is a slight fraction over 1 cent per kilowatt hour.

In the city of Washington the consumers pay a base rate of 10 cents per kilowatt hour. The electricity used by the city is furnished by a private corporation. This company is closely related to one of the two street railway systems. It is perhaps unnecessary to say that this private corporation has a monopoly of light and power. It is estimated by the report of the Army Engineers that the Great Falls of the Potomac will generate sufficient power for the uses of the District and Federal Government. The estimated cost of the power project is $9,000,000. I shall give my hearty support to the recommendation for legislation for the construction of this plant. But above all I believe there should be immediate provision for the sale of power to the citizens of Washington. In doing so I believe we will contribute largely to awakening the people of municipalities throughout the country who are to-day paying unfair and unreasonable rates to private corporations.

The story of how the street railway corporations in this city have for many years defeated the public welfare of this community is well known throughout the country. It reflects no credit upon our National Government. In this connection a recent editorial in a New York paper is an interesting comparison with the present situation in this city:

Toronto, Canada, population 410,036, is making its street railway company pay rent for the use of its streets at the rate of $2,437 a day. Besides that, Toronto rates of fare are, for the rush hours, 8 tickets for 25 cents—nearly a 3-cent fare.

Detroit, population 465,766, charges 4 cents fares, and after the street railways have taken in $3,000,000 in any one year the city takes one-fifth of the gross receipts thereafter.

Paris, France, population 2,846,986, has a subway like New York, built by the city, but leased to private operators. The city gets 2 cents of every 5 cents paid.

Chicago, population 2,185,283, recently received $2,500,992 as its 55 per cent of the net earnings of the Chicago street railways. The city's share is $695,048 more this year than last and far in excess of any other year's profits since the city went into partnership with the traction company. Nothing is more certain than that the city's profits will increase year by year in the future.

In the commissioner's recommendation, recently submitted for the city of Washington, there is no provision for the use of this power for the operation of municipal railways. But I feel, with the passage of this legislation, will shortly come legislation for the ownership and operation of the street railway by the District of Columbia.

I hope we will get down to practical common sense and will put an end to the private ownership of these tremendous public utilities in this country. The city of Washington ought not to be the last; it ought to lead.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Virginia [Mr. FLOOD] has one minute remaining.

Mr. FLOOD of Virginia. Mr. Chairman, I do not care to consume it, and I will ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, Chile, China, Cuba, and the Netherlands and Luxemburg, at $12,000 each, $72,000.

Mr. GARNER. Mr. Chairman, does not the gentleman want to strike out the words "Argentine Republic" and "Chile," in line 4?

Mr. FLOOD of Virginia. Mr. Chairman, I desire to offer an amendment. I will ask unanimous consent in a few minutes to go back. Let the Clerk read now.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that the paragraph just read be passed without prejudice. Is there objection?

Mr. MANN. Reserving the right to object, is not the purpose of that to insert items for Argentina and Chile?

Mr. GARNER. To change those items. They have now the rank of ambassador.

Mr. MANN. I think nobody would have objection to inserting them now.

Mr. FLOOD of Virginia. I was trying to figure out how we had best do that.

Mr. GARNER. Strike out the words "Chile" and "Argentine," in line 4, page 2.

Mr. MANN. Just insert them in this paragraph, and when you reach the other strike them out.

Mr. GARNER. The trouble is we have passed the first paragraph.

Mr. MANN. I think not.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to offer an amendment in line 11, page 1, to insert the word "Argentine" after "Austria-Hungary," and "Chile" after the word "Brazil."

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] asks to amend the paragraph read——

Mr. FLOOD of Virginia. I want the word "Argentina" after the word "Austria-Hungary."

Mr. MANN. It is carried here under the name of "Argentine Republic."

Mr. FLOOD of Virginia. The proper name is "Argentina."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 11, by inserting, after the word "Austria-Hungary," the word "Argentina," and after the word "Brazil" insert the word "Chile."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. I would suggest to the gentleman that he ask leave to have the Clerk correct the totals here and wherever else these changes are made.

Mr. FLOOD of Virginia. What I wanted to do was to insert "$227,500" instead of "$192,500."

Mr. MANN. There will be a number of these changes made. It is well to have the Clerk change the totals.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that the Clerk have a right to correct the totals. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Chairman, on page 2, line 4, strike out the words "Argentine Republic."

The CHAIRMAN. The gentleman from Virginia moves to amend, on page 2, line 4, by striking out the words "Argentine Republic."

Mr. FLOOD of Virginia. And then the word "Chile."

Mr. MANN. Let the Clerk report the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amend, page 2, line 4, by striking out the words "the Argentine Republic" and the word "Chile."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Secretaries of embassy to Austria-Hungary, Brazil, Great Britain, France, Germany, Italy, Japan, Mexico, Russia, Spain, and Turkey, at $3,000 each, $33,000.

Japanese secretary of embassy to Japan, $3,600.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to offer an amendment. On page 2, line 22, after the words "Austria-Hungary," put in the word "Argentina," so that that embassy can have a secretary just as these others, and, after the word "Brazil," put in the word "Chile."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 22, by inserting after the words "Austria-Hungary" the word "Argentina" and after the word "Brazil" the word "Chile."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. After "secretaries" the Clerk ought to be authorized to change the totals.

Mr. GARNER. He has unanimous consent to do that now.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Secretaries of legation to the Argentine Republic, Belgium, Chile, China, Cuba, and the Netherlands and Luxemburg, at $2,625 each, $15,750.

Mr. FLOOD of Virginia. Mr. Chairman, I move to strike out, on page 3, line 3, the words "the Argentine Republic," and, in line 4, strike out the word "Chile."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 3, by striking out the words "the Argentine Republic," and, in line 4, by striking out the word "Chile."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Second secretaries of embassy to Austria-Hungary, Brazil, Great Britain, France, Germany, Italy, Japan, Spain, Mexico, and Russia, at $2,000 each, $20,000.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to amend, page 3, line 21, by the insertion of the word "Argentina" after the words "Austria-Hungary" and the word "Chile" after the word "Brazil," on line 22.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 21, by inserting, after the words "Austria-Hungary," the word "Argentina," and in line 22, after the word "Brazil," inserting the word "Chile."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries of secretaries, not exceeding two, detailed to duty in the Department of State, $3,600, or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. What is the purpose of this item—

For salaries of secretaries, not exceeding two, detailed to duty in the Department of State?

That means secretaries of what?

Mr. FLOOD of Virginia. It is a new item. The State Department now, when it has any matters of peculiarly engrossing importance in any particular part of the world, takes a secretary of legation from that part of the world and brings him here and puts him in a clerkship in the State Department. He gets the pay of that clerkship, but he is recalled from a position that is more remunerative, because he has peculiar knowledge of the affairs under consideration; and the object of this item is to give these secretaries the salaries they receive at their regular posts of duty and to enable the department to put others in their places.

Mr. MANN. What is the object of calling a secretary here, a secretary of an embassy or legation, who is to be an official in the State Department.

Mr. FLOOD of Virginia. The item reads:

For salaries of secretaries, not exceeding two, detailed to duty in the Department of State.

They are not officials of the State Department.

Mr. MANN. They come under the heading "Secretaries of embassies and legations."

Mr. FLOOD of Virginia. It comes under a general heading.

Mr. MANN. If these are clerkships, they should be called clerks; but evidently they are secretaries of embassies and legations, detailed in the State Department at $1,800, which is less than the salary of the secretary of an embassy.

Mr. FLOOD of Virginia. No. The purpose of the State Department is that they will have to call secretaries of legations and embassies here to fill these places temporarily. They do not keep them here all the time. Sometimes it is not necessary to have them here. It is intended to give the man who is detailed here the same salary that he receives at his regular post of duty.

Mr. MANN. Is it intended to keep the same two here all the time?

Mr. FLOOD of Virginia. No; they are to be changed about; but when they are detailed here it is desired to keep them on the same salary they are now getting.

Mr. MANN. The secretary to a legation or embassy now receives $2,000 and over abroad. Is it the purpose to transfer them here and pay them a salary of $1,800?

Mr. FLOOD of Virginia. I said it was the purpose of the State Department, when they detailed these secretaries here, to pay them a salary equal to the salary at their regular posts, and then to detail somebody for the time being in their places. It enables them to bring secretaries here for this duty without vacating any secretaryship from which they are detailed.

Mr. MANN. But the gentleman will see that all of these secretaries of embassies and legations receive a salary of more than $1,800 a year. Now, the gentleman says that it is the intention to detail those secretaries who are on a higher salary than $1,800 to come to Washington, and here they will get only $1,800. I suppose the man who takes their place will get only $1,800, which, I think, is a discrimination.

Mr. FLOOD of Virginia. I have no objection to the gentleman making it $4,000.

Mr. MANN. I do not see any reason for it at all yet.

Mr. FLOOD of Virginia. That is the reason the State Department gave to the committee.

Mr. FITZGERALD. Mr. Chairman, why should the departmental employees be carried in the Diplomatic and Consular bill at all?

Mr. MANN. Of course they should not be.

Mr. FITZGERALD. If they want secretaries in Washington, why not carry them in the legislative bill, where they would belong?

Mr. FLOOD of Virginia. They are not departmental employees. They are detailed from the Diplomatic Service.

Mr. FITZGERALD. Some one has an idea that if we send a man abroad in one of these embassies or legations and bring him to Washington he is of more value than those who are located right here. If you call it a detail instead of a permanent appointment, the detail will never end. It is one way of detailing a man to the departmental service with less difficulty than he would otherwise encounter in getting in.

Mr. MANN. There are only two secretaries of embassies who receive $1,800 a year under this bill. They are the secretaries of legation to China and Cuba, at $1,800 each. All the others receive either more or less than that amount. Now, I still do not understand whether a secretary at an embassy abroad or a legation abroad is to be detailed and come to Washington, and while he is here draw $1,800 a year or not.

Mr. FLOOD of Virginia. He is to be detailed from abroad, but while he is here he is to receive the same salary that he received in the post that he occupied abroad.

Mr. MANN. Then he will not be paid out of this item?

Mr. FLOOD of Virginia. Paid out of this item.

Mr. MANN. He can not be paid out of this item.

Mr. FLOOD of Virginia. He may not stay here a whole year. He may only stay a few months. They may not consume the whole of this $3,600, but they will consume so much of it as is necessary.

Mr. MANN. This is for two secretaries, $3,600. I think the auditor's office will construe that at $1,800 a year.

Mr. FLOOD of Virginia. If they do, he can get only $1,800, if he stays a year.

Mr. MANN. It would be very unfair.

Mr. FLOOD of Virginia. Not as unfair as to bring a $3,000 man here and put him down in the State Department at $1,500.

Mr. GARNER. May I suggest to the gentleman from Virginia that possibly by changing the language of this item so as to make it available in the discretion of the Secretary of State, and make it available to pay for the services of secretaries detailed from abroad, that might accomplish what he is trying to get at.

Mr. FLOOD of Virginia. If that will meet the objections made by the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN]——

Mr. GARNER. This is really an emergency fund, out of which they can make up the salaries of gentlemen who are detailed to do work here, who do not get as much money here as they get in their regular occupation abroad.

Mr. FLOOD of Virginia. I think the language in the bill is very clear, and that it explains the purpose of it. The object is, when these men are detailed, to give them a salary commensurate with the salary they are already getting. It is a new item, which was suggested as a matter of justice to those secretaries who are detailed here, and it appealed to the committee as proper to be done.

Mr. MANN. It would be an injustice to them, and therefore I make a point of order against the item.

Mr. FLOOD of Virginia. So that the gentleman can not say it would be an injustice to them, I move that the item be amended by inserting $4,000 instead of $3,600. Then there would be $2,000 a year for each of them.

Mr. MANN. I make a point of order against the paragraph.

Mr. FLOOD of Virginia. The point of order is well taken.

Mr. BARTHOLDT. Will the gentleman reserve the point of order?

Mr. MANN. I will reserve it for a moment.

Mr. BARTHOLDT. Mr. Chairman, I want to call attention to the hearings on this subject. When Mr. Carr was asked about this particular item he explained to the committee that it will not be possible to take ordinary clerks for that particular service; that it is necessary to call in the secretaries of legation, who have particular knowledge on the subject under consideration. And when he was asked by the committee whether such a secretary could not be paid, while serving in the department, the same salary that he receives as secretary of legation, Mr. Carr answered that the department had no right and no authority to pay him the same salary that he receives as a secretary of legation.

I believe that it is a very valuable work which is being performed by these men in the department. Questions arise every day in the State Department that call for particular knowledge as to a particular country. The department calls in these secretaries for the purpose of advising the department with respect to these matters, and if anything at all should be done in this connection, it seems to me their salaries as secretaries of legation should be continued while they are serving in the department.

Mr. GARDNER. Will the gentleman from Virginia allow me to ask him a question?

Mr. FLOOD of Virginia. Certainly.

Mr. GARDNER. As a matter of fact, does the gentleman know what the salaries of the two secretaries who are here now happen to be?

Mr. FLOOD of Virginia. I do not; but less than their salaries as secretaries when at their posts.

Mr. GARDNER. That is, if they were at their posts to which they are accredited, instead of being in Washington, would they be getting from $1,200 to $1,500?

Mr. FLOOD of Virginia. No; they would be getting $2,000 or $3,000; and when they are brought here they get less than that.

Mr. GARDNER. Does the gentleman know the names of the secretaries?

Mr. FLOOD of Virginia. No; I do not.

Mr. GARDNER. Is one of them Mr. Lachlan?

Mr. FLOOD of Virginia. I do not know.

Mr. GARDNER. I know he is in Washington; and I understand he is a $3,000 man.

Mr. FLOOD of Virginia. I do not know the name.

Mr. GARDNER. The gentleman does not know that there are two $1,800 men then?

Mr. FLOOD of Virginia. I do know this, That the statement was made to us that when these secretaries were detailed they had to give them any clerkship in the State Department that happened to be vacant at the time, and that in nearly every instance the compensation of the clerkship had been very much less than the compensation of these men as secretaries at their posts.

Mr. GARDNER. As a matter of fact, did you ask the State Department whether there are two such secretaries here now?

Mr. FLOOD of Virginia. No; I did not. Sometimes there are none of them here. Sometimes there is one, and sometimes there are two. There are never more than two.

Mr. MANN. Mr. Chairman, may I ask the gentleman a further question?

Mr. FLOOD of Virginia. Certainly.

Mr. MANN. If a secretary of the embassy at Japan, one of whom gets $3,000 a year and another gets $3,600 a year, should for any reason be ordered to Washington to assist here, does not the gentleman think that secretary ought to receive his official salary while he is here?

Mr. FLOOD of Virginia. I do; and if he is kept here a month, if he is a $3,600 secretary he gets $300 and if he is a $3,000 secretary he gets $250.

Mr. MANN. Do they not now get that?

Mr. FLOOD of Virginia. When they are here?

Mr. MANN. Yes.

Mr. FLOOD of Virginia. No, indeed.

Mr. MANN. What do they get?

Mr. FLOOD of Virginia. They get the salary of whatever clerkship they can be placed in. They never get as much as their salary as secretary.

Mr. MANN. I think if they are brought here for governmental reasons, when they have no choice about it and are required to come here, they are entitled to receive a salary somewhat commensurate with the salary that they receive abroad; and I think this item would destroy that right.

Mr. FLOOD of Virginia. The Secretary of State and the State Department thought this would accomplish that very purpose. That is the reason we inserted it in the bill.

Mr. MANN. They did not put it in very good form. I will make the point of order, and it can be corrected somewhere else.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey and any other language that may be necessary to qualify them for service as interpreters to the embassy and consulates in Turkey, at $1,000 each, $10,000: *Provided*, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the embassy and consulates in Turkey so long as his said services may be required within a period of five years.

Mr. MANN. To that, Mr. Chairman, I reserve a point of order. I will ask the gentleman from Virginia whether he has any information as to these student interpreters. We have carried the item in the bill for several years. What is the situation about the 10 student interpreters in Constantinople?

Mr. FLOOD of Virginia. They supply the places of clerks and secretaries to the embassy, the legation at Persia, and other places. The statement made to the committee was that it was necessary to keep 10, or as many as could be gotten, in order to keep up a supply of men who speak that language in these different countries.

Mr. MANN. We have carried 10 student interpreters to Turkey for many years. I do not know whether the number has been increased or not, but they all agree to serve five years after their student days are over. What do we do with them and what do they do? Do they just get a nice trip abroad and an education at the Government's expense, or do they really remain in the service?

Mr. FLOOD of Virginia. They remain in the service.

Mr. MANN. Where do they go?

Mr. FLOOD of Virginia. They remain with the embassy at Turkey and act as secretaries and clerks, and at legations of countries where their language is spoken.

Mr. MANN. I wish at some time some member of the Committee on Foreign Affairs would get us accurate information as to who these student interpreters have been and where they are now.

Mr. FLOOD of Virginia. Does the gentleman mean to get their names?

Mr. MANN. Yes; so that we may know whether they remain in the service.

Mr. FLOOD of Virginia. I have a general statement here from the State Department, but it does not give the names of the individuals.

Mr. COX. How many are there now?

Mr. FLOOD of Virginia. We have sometimes five, sometimes six, sometimes more. The State Department says it is hard to get young men to go there as students.

Mr. MANN. I guess there is no trouble in getting young men to go over there and study when they get their tuition free and receive $1,000 a year.

Mr. FLOOD of Virginia. That is all they get, and it costs that to live.

Mr. MANN. But they get their education.

Mr. FLOOD of Virginia. Yes, so far as speaking this language; but it is not worth very much to them, because they have to be Americans. I understand it is difficult to get young men to take up this branch of study.

Mr. MANN. Does the gentleman know how much money was used during the last fiscal year for this purpose?

Mr. FLOOD of Virginia. I think they had only six students last year.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, repairs, postage, telegrams, furniture, typewriters, including exchange of same, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, San Francisco, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized $388,435.

Mr. MANN. Mr. Chairman, I do not know whether that is two paragraphs or one.

Mr. FLOOD of Virginia. It is one paragraph.

Mr. MANN. The gentleman will see that there is an error, then, in printing the bill, where it says "total, $388,435." That should be inserted after the word "authorized." That is an appropriation for one item, and there is no total about it.

Mr. FLOOD of Virginia. That is the way the bill reads.

Mr. MANN. I see; I have the former copy of the bill. Now, there is another question I want to ask the gentleman. I see it carries an item for stationery and postage and for printing for the Department of State. I would like to ask the gentleman whether any of that money can be used for circularizing Congress or the newspapers in behalf of particular legislation?

Mr. FLOOD of Virginia. I think not.

Mr. MANN. My recollection is that there is a law which forbids the use of money in any appropriation bill for the maintenance of a news bureau, and I have a recollection of a rule of the House that provides that communications intended for the committees of the House shall be sent from the departments through the Speaker. But I hold in my hand a communication, which I think all Members of Congress have received, in an envelope of the Secretary of the Interior, and the envelope reads:

Department of the Interior, office of the Secretary.

It came through the post office containing a number of items, and this is one of them:

Congress has much important business to transact before adjournment, but it will be a big mistake if it neglects to pass the Ferris bill, providing for carrying out the plan of Secretary Lane for utilizing the million acres of coal and oil lands in the West that have been, under Republican policy of conservation, of no use whatever to the people.

I would like to know whether there is any limitation in this appropriation to prevent the Secretary of State from violating the proprieties, if not the law, by sending out officially on stationery printed in his department under a penalty envelope, a lobbying propaganda addressed to Members of Congress and newspapers throughout the land. This is a gross violation of the proprieties, not to mention the law.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. What is the parliamentary situation of the proceedings?

The CHAIRMAN. There has been no motion made and no point of order reserved.

Mr. MANN. I thought that I moved to strike out the last word, but if I did not I will do so now.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. FLOOD of Virginia. The gentleman knows that there is a law prohibiting the use of a fund appropriated for one purpose for any other purpose. This item appropriates a specific sum for a particular purpose, and it could not be used for any other purpose without violating the law. I can assure the gentleman that the Secretary of State will not violate the law by converting this appropriation to any such purpose.

Mr. MANN. It appropriates for stationery and postage and for printing in the department.

Mr. FLOOD of Virginia. It is the stationery and postage for foreign mission and not for circularizing Congress or any other purpose than those stated in this bill.

Mr. MANN. No; it is for printing, and also for printing in the Department of State. I do not think there is any appropriation anywhere in any department for circularizing Congress. I should have really supposed that about the last man in the Cabinet, if not in the country, to violate the proprieties and the law would be Secretary Lane, for whom I have the highest personal and official respect.

Mr. FLOOD of Virginia. Mr. Chairman, the gentleman from Illinois [Mr. MANN] is mistaken. This item only applies to stationery for the embassies and legations. I expect, also, that when the gentleman ascertains the facts in the matter he will find that Secretary Lane has never violated the law nor the proprieties of the situation. I do not know anything about the circulars that the gentleman speaks of. I have not received a copy of it, but I do know the Secretary of the Interior.

Mr. MANN. I do not know who did it.

Mr. FLOOD of Virginia. I agree with the gentleman that Secretary Lane would be the last man in the Government to violate the law or the proprieties of his position.

Mr. MANN. I have the envelope. The gentleman has probably received one, but has not seen it. It comes from the Secretary's office, and not only urges the passage of the bill, but urges it on partisan grounds, wholly violating all of the proprieties.

Mr. FLOOD of Virginia. I have no doubt the stationery was paid for out of a proper fund. I know nothing about it; but I know that Secretary Lane has done nothing wrong or improper.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment. This is the paragraph which carries the provision for the rent of our embassies and legations. A different policy is suggested by the department toward our various embassies in respect to the allowance for rent. This subject is directly related to the establishment of Government-owned embassies and legation buildings. In a letter from the Secretary of State he states that we have been allowing $15,000 for rent for the embassies at Berlin and St. Petersburg, whereas at London we allow only $7,000; at Vienna, $5,000; at Paris, $6,600; at Madrid, $4,440; and at Rome, $3,525. The increase in this appropriation of some thirty-odd thousand dollars is to make provision for a greater allowance for rent for all of our legation and embassy buildings?

Mr. FLOOD of Virginia. The gentleman is mistaken in that.

Mr. STAFFORD. Not all, but those enumerated?

Mr. FLOOD of Virginia. Just the embassies.

Mr. STAFFORD. Just the embassies. I would like to direct this inquiry to the gentleman, whether in the embassy buildings at St. Petersburg and Berlin the rented quarters are not used also for the chancellery as well as for the dwelling of the ambassador?

Mr. FLOOD of Virginia. Yes.

Mr. STAFFORD. Whereas in these other places the rent is merely for the chancellery?

Mr. FLOOD of Virginia. Yes.

Mr. STAFFORD. Is it the proposed policy of the department to require the diplomatic officials to have the chancellery and the residence in one and the same building, as far as embassies are concerned?

Mr. FLOOD of Virginia. As far as that can be arranged, if they can get a building that will do for both the residence and the chancellery, that is the purpose of the administration, as is shown in the provision of this bill further on providing for building embassies and legations, which provides that the home of an ambassador or minister and the chancellery shall be in the same building.

Mr. STAFFORD. It will depend largely upon the personal tastes of the ambassadors. I can easily conceive that some of our ambassadors would decline to live in quarters that would be provided for such a small sum as $15,000 a year. They would absolutely refuse to consent to accept the appointment if they were compelled to live in any such democratic quarters as that would provide. These ambassadors, both of the present administration and of the past, who have had extravagant tastes and luxurious surroundings at home and abroad, would absolutely refuse, because it would not be in consonance with their extravagant style of living.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Of course if this policy is to be inaugurated—and I wish to commend the policy of the present Secretary of State—if he is going to enforce it it will result in resignations from some of these highbrows, these aristocratic diplomatic officials who have accepted appointments under a different status.

I notice before us our distinguished and esteemed Representative from *Ohio* [Mr. SHARP], who has been mentioned very prominently for the post at St. Petersburg. I assume he could not have considered that post, if there had not been a provision, which has been carried for years and years, of $15,000 for both embassy and chancellery. He is a Democrat of the old school and believes in living in a democratic fashion, and he permitted his name to be used in that connection largely against his will, because with the qualifications, through long training here, to fill that post eminently and satisfactorily he could maintain himself and the dignity of the station on the salary and the allowance for rent; but when we consider these other officials, who are reputedly worth millions of dollars, I question whether they would want to be limited to any $15,000 dormitory of the Government at these other places.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. STAFFORD. What! Five minutes has expired in less than two?

The CHAIRMAN. The Chair understood the gentleman to ask for two minutes.

Mr. STAFFORD. I asked for five minutes. I will now ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I would like to inquire whether the gentleman does not realize that if the Secretary of State is going to insist on this modern Democratic idea for all ambassadors, living in consonance with American standards, some of those who have been recently appointed will not resign, because this will be inconsistent with their prior mode of living.

Mr. FLOOD of Virginia. I do not know of any of them who will be likely to resign, except some who have held over from the last administration. [Laughter.]

Mr. STAFFORD. Oh, they have been gotten rid of long ago. These posts were passed over to those who furnished the fry very shortly after the present administration came into power. I need not mention the names, because the gentleman knows many of them who have had these appointments handed to them because of campaign contributions and other favors extended to the Democratic administration in the last campaign.

Mr. FLOOD of Virginia. No; I do not know anything like that, but I do know that the gentleman is mistaken when he says that all those who were appointed in the last administration have resigned.

Mr. STAFFORD. What ambassador other than the one at Paris?

Mr. FLOOD of Virginia. The one at Argentina.

Mr. STAFFORD. That is not an embassy.

Mr. FLOOD of Virginia. It is an embassy now.

Mr. MANN. Oh, not yet.

Mr. FLOOD of Virginia. Yes; the President has signed that bill.

Mr. LINTHICUM. I merely want to suggest to the gentleman that Mr. Garrett, from my State, is the minister to Argentina, and he was appointed by Mr. Taft and reappointed by Mr. Wilson.

Mr. STAFFORD. That is one of the rare exceptions where the present administration was almost forced to recognize worth.

Mr. LEVY. Nearly all the consuls general appointed——

Mr. STAFFORD. We are not talking about consuls; I thought the gentleman from New York was awake. We are talking about ambassadors. This had nothing whatever to do with consuls. The gentleman has been here right along, and I thought he was going to inform us about some of the aristocratic constituents of his appointed to these ambassadorial places, and he rises to inform us something about consuls general when this has nothing whatever to do with consuls general.

Mr. FLOOD of Virginia. The gentleman asks a question and then does not give anyone a chance to answer.

Mr. STAFFORD. I certainly thought the gentleman from New York might know, but he did not give any information.

Mr. FLOOD of Virginia. The gentleman referred to the aristocratic constituency of the gentleman from New York. I want to say the only New Yorker who has been appointed to one of these ambassadorships was appointed to the place where they get $15,000 a year, and he is living in that building, and in that building is the chancellery.

Mr. MANN. May I ask the gentleman where that ambassador is who only gets $15,000 a year?

Mr. FLOOD of Virginia. For rent; and at Berlin.

Mr. MANN. For rent?

Mr. FLOOD of Virginia. That is what we are talking about; we are not talking about salaries.

Mr. LEVY. I want to say to the gentleman, my constituents are all Democratic people.

Mr. STAFFORD. Then I am surprised the gentleman is here representing that constituency.

Mr. FLOOD of Virginia. Did the gentleman from Wisconsin make the point of order?

Mr. STAFFORD. I did not, and I do not.

The Clerk read as follows:

TRANSPORTATION OF DIPLOMATIC AND CONSULAR OFFICERS IN GOING TO AND RETURNING FROM THEIR POSTS.

To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts, or when traveling under the orders of the Secretary of State, at the rate of 5 cents per mile, but not including any expense incurred in connection with leaves of absence, $50,000.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word. A few minutes ago the gentleman from Illinois [Mr. MANN] spoke of a matter arising in the office of the Secretary of the Interior, and the chairman of the committee suggested that there was a law against the spending of money appropriated for one purpose for another purpose, and that he believed it was impossible that such a thing had occurred. Still at this very time, according to most reliable information that I have received, there is going on in the Treasurer's office that very proposition of spending money that is appropriated for postal savings for the auditing of money orders and money-order accounts. I brought that to the attention of the Congress and have introduced a resolution asking for the facts, but no attention has been paid to it. I now call special attention to the fact that the Secretary of the Treasury, through the Auditor for the Post Office Department, is expending money appropriated for the postal savings for auditing money-order accounts, and then the auditor advertises to the world that he is saving a tremendous amount of money to the Government by a cast-iron audit of money-order accounts through machines and piece-rate operators.

No wonder the postmasters of the country are protesting in an ever-increasing number against this audit that is all right until it is tested by making a charge against some postmaster, and then all of a sudden it becomes a farce. I asked Auditor Kram the other day to introduce me to the bookkeepers and to suggest to them to answer my questions as to postmasters' kicks. He refused. I now ask the Acting Secretary of the Treasury to answer the resolution I have submitted as to the facts of this matter.

No wonder the auditor has passed around a paper requiring every employee to sign a "mum's-the-word" agreement. The office loves the dark; it does not want the light.

The other day the auditor dismissed an employee, because he believed she had given out information. Some weeks ago he dismissed another employee, and up to this day he ignores the demand of the Civil Service Commission for the grounds of his dismissal. The Health Bureau wanted to investigate the operation of machines in his office under complaint filed, but the auditor has succeeded to this day in keeping the Health Bureau of the United States Government out of his office.

Mr. ROGERS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Does the gentleman speak in opposition to the motion?

Mr. ROGERS. Yes.

Mr. Chairman, it is with deep regret that I announce to the House the death at Vera Cruz on Wednesday, May 12, of Maurice Welch, late a private in Company A, of the Nineteenth United States Infantry. Gen. Funston, who was in command of the troops in which Pvt. Welch was serving, reports the death in an official dispatch received yesterday, and states that it occurred in line of duty, the soldier being at the time on guard.

Pvt. Welch is the first soldier of the United States Army to die in the conflict with Mexico. This fact can be no solace now to his afflicted family, but as time softens the shock of the present, I trust that the thought may carry with it some measure of consolation.

Pvt. Welch was a constituent of mine, being a native and a resident of Andover, Mass. He comes of that sturdy Irish stock which has already without stint poured out its blood in many a conflict in defense of the United States; from the stock

of fighting Jack Barry, whose noble statue we shall see unveiled in Washington to-morrow.

Like the majority of the sailors who have lost their lives at Vera Cruz, Pvt. Welch was little more than a boy. He was born February 19, 1892, but he died for his country for all that. He was serving his first enlistment in the Army, and indeed had barely completed the third month of service. His enlistment dates from February 13, 1914. The Adjutant General tells me that his record though brief was spotless.

He died for his country. May he rest in peace. [Applause.]

The Clerk read as follows:

INTERNATIONAL BUREAU FOR PUBLICATION OF CUSTOMS TARIFFS.

To meet the share of the United States in the annual expense for the year ending March 31, 1915, of sustaining the international bureau at Brussels for the translation and publication of customs tariffs, $1,500; this appropriation to be available on April 1, 1914, pursuant to convention proclaimed December 17, 1890.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman how it would be possible to make this appropriation available?

Mr. FLOOD of Virginia. It is not possible now, but it will be available as soon as this bill becomes a law.

Mr. MANN. Does the gentleman think it is desirable to put a provision in a bill making an appropriation available for several months before the bill is passed?

Mr. FLOOD of Virginia. Well——

Mr. MANN. I presume they put it in the estimate supposing the bill might be passed by that time, but the department ought not to have submitted an estimate in that form; but I have no criticism of the committee for taking it.

Mr. FLOOD of Virginia. It should be stricken out and the words "immediately available" inserted.

Mr. MANN. If the gentleman wants it to be made immediately available, of course that is the way to fix it.

Mr. FLOOD of Virginia. Mr. Chairman, I offer the amendment to strike out the words "this appropriation to be available on April 1, 1914," and insert "this appropriation to be immediately available."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 11, line 1, amend by striking out the words "available on April 1, 1914," and substitute in lieu thereof the words "immediately available."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL (WATER) BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $10,000: *Provided*, That the Commissioner of the International Boundary Commission, created under authority of the treaty of March 1, 1889, be, and is hereby, authorized and directed to pay the salaries, compensation, and allowances heretofore authorized or approved by the Secretary of State, of any and all persons employed by or under direction of the commission created by the Secretary of State to study the questions in connection with the distribution of the waters of the Rio Grande, from the date to which such salaries, compensation, and allowances were last paid up to and including the 30th day of June, 1914, or until said employees shall be separated from the service, if such separation occurs before said date; and the appropriation made by the Diplomatic and Consular appropriation act, approved February 28, 1913, "To enable the commission to continue its work under the treaties of 1884, 1889, and 1905," is hereby made available for the payments herein authorized and directed.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. This is in fact a deficiency appropriation. If it is intended to be utilized at all, it had better be put on a deficiency appropriation bill, where it properly belongs.

Mr. FLOOD of Virginia. The reason we put it here was that it developed in the hearings before the committee that the appropriation of $25,000 which has been made for the International Boundary Commission of the United States and Mexico had not all been used for the payment of the expenses of that commission, but a former Secretary of State had created another commission—a commission for the equitable distribution of the waters of the Rio Grande—and the employees of that commission were being paid out of this appropriation, which was in violation of law and which the committee proposed to stop; but when these facts developed it appeared that many of these men had amounts coming to them, and that commission was deemed by some gentlemen to be more important than the commission which we appropriated for, and we thought it was only fair to those employees, who were not to blame for it, that we should make legal the payment of their salaries and for their services out of the appropriation from which they had been paid.

Mr. MANN. Are they being illegally paid?

Mr. FLOOD of Virginia. No; they are not now. They were until recently.

Mr. MANN. I suggest to the gentleman that we have an urgent deficiency bill coming before the House. If these men are to be paid at all, they ought to be paid before the 1st of June. Now, this is a deficiency item, and this bill will not become a law as soon as the other bill. What the gentleman ought to do is to offer this as an amendment to the urgent deficiency bill.

Mr. FLOOD of Virginia. I will say to the gentleman that as soon as this bill passes the Secretary of State will feel at liberty to pay these men out of the appropriations made last year for this purpose. You see that this proviso makes provision for the payment out of appropriations that have already been made.

Mr. MANN. I understand the situation.

Mr. FLOOD of Virginia. And as soon as the Secretary of State gets authority to pay them he will make these payments, which have been held up since March.

Mr. MANN. The gentleman does not get the point I was trying to make. This bill probably will not become a law before the 1st of July. The urgent deficiency bill will probably become a law within a week. Now, if these people are rendering the service, having entered the employ of the Government under the supposition that they were entitled to be paid, and the auditor having found there was no appropriation with which to pay them, and the gentleman wants to make a fund available for their payment immediately, he better add it as an amendment to the urgent deficiency bill so that they can be taken care of. It is a pure deficiency.

Mr. GARNER. It is a very small matter.

Mr. MANN. It is not a small matter to the gentlemen who are without their money.

Mr. GARNER. I mean from the standpoint of dollars and cents. The appropriation last year was $25,000 for the boundary commission to determine the boundary between the United States and Mexico. Heretofore they have been paying out of that fund employees who were measuring the water of the Rio Grande with a view of equitably distributing the water between the two countries.

Mr. TOWNSEND. For irrigation purposes?

Mr. GARNER. For irrigation purposes.

Mr. MANN. Not wholly. It covers a whole lot of questions down there.

Mr. TOWNSEND. Not these salaries.

Mr. GARNER. Now the gentleman from Illinois will understand the difficulty in certifying from the State Department to the Appropriations Committee and making an estimate for the small amount that could be paid out of this particular fund. It would be some trouble, to say the least of it.

Mr. MANN. It will be no more trouble for the State Department to send an estimate for the deficiency and to go before the proper committee than it is to send an estimate improperly to the Committee on Foreign Affairs.

Mr. GARNER. They did not send an estimate to this committee. This money has already been appropriated for the fiscal year 1914.

Mr. MANN. Not for this purpose.

Mr. GARNER. Well, no; but it was thought for this purpose.

Mr. MANN. Do I recognize the cunning hand of my distinguished friend from Texas in this item——

Mr. GARNER. The cunning hand of "the gentleman from Texas" never goes into any item.

Mr. MANN (continuing). And not coming from the State Department at all?

Mr. GARNER. The gentleman from Illinois does not understand the situation.

Mr. MANN. I think I understand it better than does the gentleman from Texas. I am trying to help the gentleman get his money.

Mr. GARNER. From what he says I doubt if he understands it better than "the gentleman from Texas," because if he did he would not say that "the gentleman from Texas" had anything to do with it.

Mr. MANN. I simply asked the question.

Mr. GARNER. "The gentleman from Texas" is not interested in this matter, only it was called to his attention, and it affects people in his territory.

Mr. MANN. Is the gentleman anxious to have these men paid promptly, or does he want to postpone the payment?

Mr. GARNER. I want them paid promptly.

Mr. MANN. Then put it in as an item in the general deficiency bill. It will become a law before this bill does.

Mr. GARNER. They are willing to have it under this bill.

Mr. MANN. They do not understand the parliamentary situation.

Mr. FLOOD of Virginia. Some of them do. One of them was a former distinguished Member of this House.

Mr. MANN. I take it that no Member of this House is getting pay out of it.

Mr. FLOOD of Virginia. I said a former Member of this House.

Mr. MANN. Well, that does not indicate knowledge. I make a point of order on the proviso, Mr. Chairman, first, that it is not authorized by law, and, second, that it is a deficiency appropriation over which this committee has no jurisdiction. I refer to the language beginning in line 9, page 11.

Mr. FLOOD of Virginia. I concede the point of order.

Mr. MANN. I suggest to the gentleman they can probably get this item in the urgent deficiency bill, where it will do some good.

Mr. GARNER. Mr. Chairman, I move to strike out the last word for the purpose of making a statement to the committee with reference to the amount carried in this bill. The committee has carried this year an appropriation of $10,000, when the estimate, I believe, was for $25,000. Now, the committee, as I understand from the hearings, arrived at this amount upon the theory that under present conditions in Mexico the boundary commission would not be able to do any work, and that undoubtedly was a fact. But it looks at present as if the relations between this country and Mexico might become settled and the diplomatic conditions may be such that this work can be done. I want to suggest to the committee that there is a very urgent need for this work. There is an example before this Congress and before the country showing the absolute necessity of marking these bancos and determining definitely the boundary between this country and Mexico. You all remember what was known as the Vergara case, where a man, a citizen of Texas, was killed in Mexico and his body was recovered. It became quite a notorious case. Now, that gentleman lived near an island in the Rio Grande River between Texas and Mexico. No one could tell whose property that island was, whether it belonged to Mexico or whether it belonged to Texas, and to confirm that the land commissioner of Texas himself has rendered an opinion that he can not tell, and will not be able to tell, until this boundary commission under this treaty has determined where that line is, whether that banco belongs on the Mexican side or on the Texas side. Now, if we do get back on friendly and diplomatic terms with Mexico——

Mr. MANN. Will the gentleman yield for a question?

Mr. GARNER. In just a moment. It is very essential to the people living along that boundary there that this boundary line should be determined. It has been determined down to a certain point, and these bancos have been marked, but there are about 68, if I am correctly informed, that are still unmarked and still undetermined. The two countries have never had any trouble in arriving at an agreement. I want to say in this connection that Gen. Mills, in my judgment, has rendered a very distinguished service in this matter. I say it for the reason that when I came here I was very much prejudiced against his work, and one of my first efforts—and I think some gentleman will bear me out in that—was to cut out this whole appropriation, because I thought it was money illy spent. But Secretary of State ROOT came before the committee and said:

If you cut out that appropriation of $35,000, I believe it will cost me a greater sum each year to adjust these differences.

Twice before the committee he reiterated that statement when I was making an effort to cut it out. Mr. Knox came along and did the same thing after a thorough investigation. I have not had the honor of being on the committee since the present Secretary of State has had charge of the matter, but I have been thoroughly convinced that it is a matter of economy to continue this commission to settle the differences between the people of Texas and the people of Mexico as to the boundary line.

Mr. MANN. Does the gentleman want to increase the amount?

Mr. GARNER. I believe it ought to be increased to $15,000.

Mr. MANN. I am perfectly willing to vote with the gentleman, but I would like to ask the gentleman whether—and I value his judgment in these matters very highly——

Mr. GARNER. I am much obliged to you——

Mr. MANN. Whether it is worth while to go ahead fixing the boundary line between the United States and Mexico on the Rio Grande in view of the fact that it will soon have to be relocated a little farther south?

Mr. GARNER. Of course, if it would have to be "relocated a little farther south," there would be no necessity of deciding permanently this boundary line; but that matter has not been decided.

Mr. BRYAN. Mr. Chairman, will the gentleman yield to me right there for a moment?

Mr. GARNER. In a moment. If we do get back to the point where we can do this work by the 1st of January, 1915, it will take about $15,000 or probably more, from what I can learn, to continue this work that has been neglected for quite a while now, to the 1st of July, 1915.

Now, I realize that we could come in and ask for a deficiency, but I believe it would be better and more economical if we could appropriate a sufficient amount of money, say $15,000. Some who have been suggesting an increase say $30,000, and others name different amounts; but I believe that $15,000 will be sufficient to continue and do this work efficiently after we renew diplomatic terms with the Mexican people, and I would like the committee to accept an amendment to increase the amount to $15,000. I appeal to the committee, because they know from my service on the committee that I have never been one to ask for a dollar except in the interest of the public service and in the interest of economy.

Mr. FLOOD of Virginia. Mr. Chairman, the committee does not think this appropriation ought to be increased. The Mexican Boundary Line Commission has done practically no work for three or four years, and the appropriation that has been made for its maintenance has been diverted from the purpose for which it was appropriated to the maintenance of another commission. The chief work done in recent years by this commission itself, eliminating the work done by this other commission, which was created without law by the Secretary of State, and whose general expenses were paid out of this appropriation without any authority of Congress—I say, eliminating the work done by that commission, called the "Commission for the Equitable Distribution of the Waters of the Rio Grande River," the main commission has done practically little or nothing except to pay high salaries to people who did very little work. There was a secretary who got $4,800 a year salary, who was secretary to one man only; and in addition to that, he received about $500 for living expenses. Then there was an engineer down at El Paso who received $4,800 a year and an unlimited amount for expenses, to go up and down the Rio Grande in an automobile to do the work of this other commission. Very little work was done for which this appropriation was made, the work in reference to bancos having being suspended. The committee thought, in view of the fact that there might be amicable relations reestablished between this country and Mexico, that $10,000 should be appropriated, and that it would be sufficient to take up the question of bancos and to carry on that work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. Mr. Chairman, I ask for 2 minutes more.

The CHAIRMAN. The Chair would state that no motion is before the committee.

Mr. FLOOD of Virginia. The gentleman has moved, as I understand, to increase the appropriation by $5,000.

Mr. GARNER. I move to strike out the last word, Mr. Chairman. If the gentleman from Virginia will permit me, I will offer an amendment to strike out "$10,000" and insert "$15,000" in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. GARNER].

The Clerk read as follows:

Amend, page 11, line 9, by striking out the figures "$10,000" and inserting in lieu thereof the figures "$15,000."

Mr. FLOOD of Virginia. Mr. Chairman, the committee carefully looked into this matter. We were not disposed to cut down this commission to an amount upon which it could not live. The committee, I believe, has a high opinion of Gen. Mills and a high opinion of his secretary, but we thought the secretary was being paid too much. It developed that he wrote only a dozen or so letters in the course of a month or two, and was getting this enormous salary. After going over all the facts and taking into consideration the question that amicable relations may be reestablished between this country and Mexico, the committee thought that all of the work that this commission could do between the date of that happy event and the 30th of June, 1916, could be easily paid for, well paid for, with an appropriation of $10,000.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman from Virginia a question.

The CHAIRMAN. Does the gentleman yield?

Mr. FLOOD of Virginia. I do.

Mr. CULLOP. In view of practically no service performed by this commission in the last three or four years, why make any appropriation at all for it?

Mr. FLOOD of Virginia. We made an appropriation at all for the reason that this commission is established under a treaty between this country and Mexico. We can not abrogate the treaty; at least it would not be the proper treatment of Mexico by this country to abrogate the treaty by failing to make an appropriation to maintain the commissioner as provided for in that treaty, and we thought that this appropriation would keep the commission alive and would provide for

the fulfillment of the obligations that we assumed under the treaty. Then, again, we thought, in accordance with the suggestion made by the gentleman from Texas [Mr. GARNER], that we might resume friendly relations with Mexico and take up again the questions of bancos in the Rio Grande, a number of which could be taken up by the commission, and that they could go to work and settle as many of them as they could when peace is declared and before the next appropriation is made.

Mr. CULLOP. What salary does the commissioner get?

Mr. FLOOD of Virginia. He gets for himself no salary.

Mr. CULLOP. Where does the money go, then?

Mr. FLOOD of Virginia. It goes to the secretaries and engineers and other employees.

Mr. CULLOP. What work has this secretary to do?

Mr. FLOOD of Virginia. I say he wrote a dozen or more letters in three or four months. That is about the extent of his work.

Mr. CULLOP. I understand that the secretary wrote only a few letters in 90 days?

Mr. FLOOD of Virginia. Yes.

Mr. CULLOP. And then received a salary of $4,500 a year?

Mr. FLOOD of Virginia. He does not receive that now. He did receive that.

Mr. MANN. Mr. Chairman, I suppose there is no portion of this money that can be expended at the present time, is there? There is nothing that these commissioners on the part of the United States can do now, is there?

Mr. FLOOD of Virginia. As long as the present state of affairs exists between this country and Mexico, probably it can not.

Mr. MANN. There is no government in Mexico which we recognize.

Mr. FLOOD of Virginia. No.

Mr. MANN. There are no officials there that we can deal with.

Mr. FLOOD of Virginia. No.

Mr. MANN. No commissioners can be appointed by anybody in Mexico now to work in connection with our commission.

Mr. FLOOD of Virginia. The commission is already appointed, but I know our commissioner is not cooperating with the Mexican commissioner now. There is no work being done.

Mr. MANN. The President has stated to Congress that there is no government in Mexico, and hence, of course, we can not recognize the action of any commissioners in Mexico representing anybody there, because they can not represent any government there.

Mr. FLOOD of Virginia. I say there has been no cooperation between the commissioner on the part of this Government and the commissioner on the part of Mexico since the present unfortunate condition of affairs has existed there.

Mr. GARNER. Mr. Chairman, I have no desire to press this amendment, and am perfectly willing to let the item stay as it is. What I wanted to do was to call the attention of the committee to the necessity of appropriating for this boundary commission. The gentleman does not seem to understand that there are three treaties existing between this country and Mexico which this appropriation heretofore has undertaken to cover. The Auditor for the State Department has held, and I think very properly, that the money that has been appropriated for the boundary commission can not be used for the purpose of paying a commission to determine the equitable distribution of waters along the Rio Grande for irrigation purposes; and I am very glad he has held that, because the people of my State do not want that commission to interfere with the arrangements that they now have for irrigating their lands in Texas from the Rio Grande; but it is essential and it is economical that this commission, to determine the boundary between this country and Mexico, should be continued and that a sufficient amount of funds should be appropriated for its proper maintenance. Considering the conditions existing in Mexico at the present time, $10,000 may be sufficient. If it is not, of course Congress will be in session next winter, and I can present the matter to the Appropriations Committee, if necessary, and secure a deficiency. Therefore I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

The Clerk read as follows:

INTERNATIONAL PRISON COMMISSION.

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commission, including preparation of reports, $2,550.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Was it intentional to make this "commission," in line 10, instead of "commissioner"?

Mr. FLOOD of Virginia. Yes; for the commission.

Mr. MANN. Heretofore it has been "the expenses of a commissioner."

Mr. FLOOD of Virginia. I think the gentleman is mistaken about that.

Mr. MANN. No; I am not mistaken about my statement. I got this item into the bill, and I know.

Mr. FLOOD of Virginia. I may have misunderstood the gentleman.

Mr. MANN. I say heretofore we have made an appropriation for the expenses of a commissioner. The commissioner has been a distinguished constituent of mine, and that is the reason the item is in the bill. Now I ask, was it intentional to change it from "commissioner" to "commission"?

Mr. FLOOD of Virginia. Yes. Dr. Henderson has been the commissioner before, and the purpose of this provision is to enable the administration to appoint more than one commissioner.

The Clerk read as follows:

The United States shall continue as an adhering member of the International Prison Commission and participate in the work of said commission.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This paragraph and the succeeding paragraph are both in the existing appropriation law, and were put there for the purpose of making them permanent law. If they are permanent law, they ought not to be carried in the appropriation act each year. Of course, if they are not permanent law they are subject to a point of order. If there is any question about their being permanent law, I want to offer an amendment to make them permanent law. If there is no doubt that they are permanent law, then they ought to be stricken out of this appropriation bill, because it is not necessary to carry them.

Mr. CULLOP. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. CULLOP. Does the gentleman mean that the annual subscription of the United States as an adhering member of the International Prison Commission is $2,550 by permanent law?

Mr. MANN. No; I am speaking of the next item.

Mr. CULLOP. I thought the gentleman from Illinois said the item just read and the preceding one.

Mr. MANN. No; the succeeding one.

Mr. CULLOP. I misunderstood the gentleman.

Mr. MANN. If the gentleman from Virginia has any doubt about this being permanent law, I should like to move to insert the word "hereafter." When this went into the bill before, the intention was to make permanent law of these two paragraphs, so that they would not have to be carried every year.

Mr. FLOOD of Virginia. My recollection is that they need not be carried here, because they are provided for in a joint resolution passed by Congress several years ago.

Mr. MANN. There was a joint resolution, and then this item was inserted in the appropriation bill to make permanent law. The departments very frequently send in estimates covering matters which are permanent law, but we do not endeavor to carry the same item in the bill every year when it is permanent law.

Mr. FLOOD of Virginia. No. Does the gentleman suggest an amendment?

Mr. MANN. If there is any question about it, I would insert the word "hereafter" in the beginning of the paragraph in each case. Then you will not need to carry it in the appropriation bill again.

Mr. FLOOD of Virginia. Suppose the gentleman offers his amendment, then.

Mr. MANN. I move to insert at the beginning of line 12 the word "hereafter."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 12, at the beginning of the line, insert the word "hereafter."

Mr. FOSTER. Will the gentleman permit a question?

Mr. MANN. Yes.

Mr. FOSTER. Have we a law now providing for this prison commission?

Mr. MANN. We have.

Mr. FOSTER. Permanent law?

Mr. MANN. Yes. We have a joint resolution. I think it is permanent law as it stands. When Mr. Sulzer was a Member of the House he had a joint resolution passed on the subject.

Mr. FOSTER. Providing that this Government should be an adhering member?

Mr. MANN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized annually to pay the pro rata share of the United States in the administration expenses of the International Prison Commission and the necessary expenses of a commission to represent the United States on said commission at its annual meetings, together with necessary clerical and other expenses, out of any money which shall be appropriated for such purposes from time to time by Congress.

Mr. SHARP. Mr. Chairman, I move to strike out the last word. In the light of the recent events connected with the taking of Vera Cruz, I am reminded of some contention in our Committee on Foreign Affairs when this item of appropriation was discussed and the question was raised as to the wisdom and need of this Government participating as an adhering member of such International Prison Commission. I am only confirmed in my statement made at that time, in answering one of my colleagues' objection, that the commission was performing a great and useful service for humanity. Illustrating its need, I have only, indeed, to call the attention of my colleagues to one of the frightful discoveries that were made at the time our sailor boys took possession of the Mexican seaport city of Vera Cruz. Divine Providence sometimes chooses most unusual ways to work out good to man. It is true that up to date the taking of that city has involved the life sacrifice of a score of our young boys; but one thing accomplished by that act was worth that sacrifice, if we go no further. It was to let the sunlight of heaven down into those dark prison cells beneath the level of the sea, rivaling in their horrid conditions, if we attempt to describe them, the description of Byron in his Prisoner of Chillon:

A double dungeon wall and wave
Have made—and like a living grave.

If there was no other purpose secured by the loss of life of those sailor boys, it was a great thing to be able to expose to the world the prison conditions that in their ingenuity rivaled the days existing back in the time of the Spanish inquisition. From these revelations will come a more enlightened and humanitarian treatment of prisoners throughout Mexico as soon as that unfortunate country is restored to stable government.

I hope and believe that the members of this humanitarian commission will take cognizance of the fact that, with all our boasted civilization, with all the enlightenment of the beginning of the twentieth century, we still have in the neighboring Republic of Mexico such a horrid place to which are condemned those who have committed mere political offenses. My own belief is that there will yet be found many—even at the present time—of these cesspools of iniquity that lower men down to the estate of the lowest animal.

When this commission again convenes—and I understand that sessions are held every five years—I hope its members will turn their eyes to Vera Cruz. The commission is well organized and doing a splendid humanitarian work, and has been for 50 years past. If I remember correctly, the United States Government has been a member of the commission for about 20 years.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHARP. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent for three minutes more. Is there objection?

There was no objection.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. SHARP. Certainly.

Mr. SELDOMRIDGE. Does the gentleman believe that the United States is blameless in looking into these prisons in foreign countries and not giving more attention to the conditions in our own country?

Mr. SHARP. I am glad that the gentleman has asked that question. I think there is great need of prison reform, not only in this country but in most of the countries of the world. The revelations that have recently come to us by the antiquarians in destroying the prisons of the Middle Ages, and of a date prior to that, only confirm us in the belief that man has always been just a little removed from a state of savagery when it comes to imposing penalties on his fellow man. I do not know when this is going to end. I might take this occasion to say that if I had my way I would abolish capital punishment except in a very few classes of cases. I never would, for any offense, commit a man to solitary confinement for any considerable length of time. More than that, where possible I would open the prison doors and put the men to work on the highways. We recently passed the good-roads bill, involving millions of dollars, and I would use the prison labor all over the United States for that purpose. It would be humanitarian from every point of view.

Mr. MADDEN. Will the gentleman yield?

Mr. SHARP. Certainly.

Mr. MADDEN. Is that money available, or does the gentleman expect that it will ever be available?

Mr. SHARP. It is not available now; but if there was no money ever available it would still be a saving to both the State and National Governments.

I hope that if our forces find it necessary eventually to take temporary charge of Mexican affairs, as to all similar conditions such as they found at Vera Cruz, where many prisoners, as the dispatches tell us, were confined where they could not see the sunlight, in filthy cells partly beneath the waters of the sea—I trust that the same investigation will be carried out with the same humanitarian results. [Applause.]

Mr. CLINE. Will the gentleman yield?

Mr. SHARP. I will.

Mr. CLINE. I want to inquire what particular benefit the gentleman expects the United States to get by taking part in this commission. Is it not true that we have the best regulated prisons and that they are conducted under the best management of any prisons in any country on earth? Do we get a benefit by imparting that information to other countries?

Mr. SHARP. If we get no other benefit, in the interest of humanity and brotherly love, than the helpful giving of our own superior methods and experience to other countries, that is surely benefit enough.

Mr. CLINE. I am trying to get some expression as to where the benefit lies. Is it in disclosing our own methods of management, or are we expected to improve our own methods by membership in the commission?

Mr. SHARP. Both. We will not only derive much benefit from the views of other nations, but we will impart something of value to them.

Mr. MANN. Mr. Chairman, the gentleman from Indiana [Mr. CLINE] asked a natural and proper question. The International Prison Congress met in the United States several years ago; I do not remember just the date. They went through the United States and visited a great many of our prisons, penitentiaries, reformatories, and so forth. It was the consensus of opinion of the foreign delegates that they had learned a great deal from their visit to the United States, and it was the same on the part of our people in charge of these institutions, that they had received a great deal of valuable information, not merely from the meeting of the congress but from the visit of the foreign delegates to these institutions and the suggestions which they personally made there to a number of the people in charge of some of the county, State, and national institutions. A number of the people in charge of some of the county, State, and national institutions wrote me letters, because I had had something to do with the item in the bill, praising the work done by the commission and giving thanks for the valuable information which they had received as prison officials.

Mr. Chairman, I move to insert in line 15, page 13, after the word "that" the word "hereafter."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 13, line 15, by inserting after the word "that" the word "hereafter."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

PAN AMERICAN UNION.

Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the union: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1915.

Mr. FLOOD of Virginia. Mr. Chairman, I offer the following amendment in the nature of a substitute, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, strike out lines 4 to 14, both inclusive, and insert in lieu thereof the following:

"Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board of the union for the purpose of meeting the expenses of

the union and of carrying out the orders of said governing board: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1915."

Mr. MADDEN. Mr. Chairman, on that I reserve the point of order.

Mr. FLOOD of Virginia. Mr. Chairman, the purpose of the amendment is to substitute for "the Secretary of State" "the chairman of the governing board of the union," who is the Secretary of State.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman who is the chairman?

Mr. FLOOD of Virginia. The Secretary of State.

Mr. CULLOP. And the purpose is to make the Secretary of State the chairman?

Mr. FLOOD of Virginia. No; the Secretary of State is already the chairman, and the governing board prefers to refer to him as the chairman of the governing board rather than as the Secretary of State of this country.

Mr. MADDEN. What would be the advantage?

Mr. FLOOD of Virginia. I do not know that there would be any advantage, except that the other members of the board prefer that their chairman be known as the chairman rather than as the Secretary of State. Then there is another amendment in the language, "for carrying out the purposes of the union, and of carrying out the orders of the said governing board."

Mr. MADDEN. But the question that arises in my mind is this: I suppose the Pan American Union representatives would have the right to elect the chairman of the governing board.

Mr. FLOOD of Virginia. Oh, no.

Mr. MADDEN. They may choose to elect some other than the Secretary of State.

Mr. FLOOD of Virginia. No; the Secretary of State of the United States is ex officio chairman of that board.

Mr. MADDEN. By what right?

Mr. FLOOD of Virginia. By the agreement entered into when the Bureau of American Republics was organized.

Mr. MADDEN. But they could change that agreement, could they not?

Mr. FLOOD of Virginia. Of course they could, and we could stop making this appropriation and withdraw from the union.

Mr. MADDEN. It might be that our distinguished friend John Barrett would become Secretary of State some time, and I presume he would like very much to have the title of Secretary of State instead of chairman of the governing board.

Mr. MANN. Will my colleague yield for a moment?

Mr. MADDEN. Certainly.

Mr. MANN. My colleague will have noticed that Mr. John Barrett is first to become Senator before he becomes Secretary of State.

Mr. MADDEN. Oh, I thought he was to become Secretary of State first and then Senator afterwards.

Mr. MANN. No; he becomes Senator first and then Secretary of State, and, of course, that will give us time to change it if it is necessary.

Mr. MADDEN. I suppose if he becomes Senator he will become Senator at Large?

Mr. FLOOD of Virginia. The gentleman must admit that he would make a very good one.

Mr. SELDOMRIDGE. I would like to ask the gentleman from Illinois if he has not omitted the title of President of the newly rehabilitated Republic of Mexico?

Mr. MADDEN. I am not sure what titles he gave himself in the communication he marked confidential, indicating the policy he had in shaping the destinies of the world, but I was wondering whether it would not detract something from the dignity of the office the gentleman now holds to take away the title of Secretary of State and change it to the title of chairman of the governing board. I would very much dislike to see anything taken away from the dignity of the office of Secretary of State, in view of my anticipation that my distinguished friend Mr. Barrett is soon to become Secretary of State.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I have not the floor.

Mr. HUMPHREY of Washington. Oh, very well. I was simply going to ask how the gentleman thought it was possible to take away the dignity of the office of Secretary of State at this time?

Mr. FLOOD of Virginia. I did not hear what the gentleman from Washington said.

Mr. HUMPHREY of Washington. It is not important, anyway.

Mr. FLOOD of Virginia. It is not often that the gentleman utters things that are not important.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

Mr. MADDEN. Oh, Mr. Chairman, I reserved the point of order on that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. But there is no time to expire on that. I am trying to get enlightenment on this very important subject, and I know that the chairman of the Committee on Foreign Relations has the information.

Mr. FLOOD of Virginia. Mr. Chairman, the governing board of the Pan American Union, through the distinguished Director General, to whom the gentleman from Illinois [Mr. MADDEN] has alluded, requested the Committee on Foreign Affairs, when they made up the bill, to put these changes in what is the current law, and we failed to do so—forgot to do so. The change has the approval of the present Secretary of State and of the Director General of the Pan American Union and of the governing board of the union.

Mr. MADDEN. I really have no objection to it, except I was afraid it might detract something from the dignity of the office to which our distinguished friend might some time come.

Mr. FLOOD of Virginia. I do not think he thinks so.

Mr. COX. Mr. Chairman, does the gentleman yield? How much of this $75,000 is contributed by other nations?

Mr. FLOOD of Virginia. None of it.

The CHAIRMAN. Does the gentleman from Illinois withdraw the point of order.

Mr. MADDEN. Before doing that I wish to say that John Barrett reminds me of a man who in its pioneer days moved to Denver and opened a bank. Everybody deposited in this bank. Later on, the bank failed; the banker called a meeting of the depositors and made them a speech, in the course of which he said he had nothing but himself to offer, and they could do with him what they pleased. A man in the audience said, "When you are cutting him up I want to speak for his gall."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. COX. Mr. Chairman, I move to strike out the last word. I want to secure some information. Then if no part of this sum of $75,000 is contributed by other and adhering nations, what does this language mean:

That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisition to the Secretary of State—

And so forth?

Mr. FLOOD of Virginia. That is what it means; in addition to the appropriation herein made.

Mr. COX. As against this fund of $75,000 which we appropriate what funds do the subscribing nations contribute?

Mr. FLOOD of Virginia. Why, we contribute about two-thirds or a little more. It is based on population.

Mr. COX. We contribute, as I understand it, this $75,000, and then adhering nations contribute about a third as much.

Mr. FLOOD of Virginia. Nearly half as much as we do.

Mr. COX. How many nations belong to this union?

Mr. FLOOD of Virginia. Twenty.

Mr. COX. All South American Republics, are they?

Mr. FLOOD of Virginia. Yes.

Mr. FESS. Mr. Chairman, I have in my hand a pamphlet that was issued in 1909 in the interest of the Pan American Union. It has been set out in 1913 that the statement of the figures for population and trade, being some four years old, are therefore not to be taken as the measure of the population and trade of these countries to-day—1913—and so forth. Looking through this pamphlet there appears some very interesting data. I read from page 17 of the pamphlet:

Too much importance is now attached in the United States to the idea that revolution prevails all over Latin America, and that, therefore, commerce and investments are insecure.

* * * * * * *

The Continent of South America to-day is free from serious insurrectionary movement, with few, if any, indications of more civil wars. The recent conflict in Central America was unfortunate, but it served to emphasize the firm peace and prosperity of Mexico.

On page 19 I read as follows:

The investment of North American capital in the resources, mines, industries, and in the construction of railways, tramway, and electric light plants in the more peaceful and progressive countries of South America are important considerations.

Then on page 40 I find a statement by Mr. Creel, the distinguished ambassador of Mexico assigned to this country, and a man who stands high both in the financial and diplomatic

circles of his Government, that over $700,000,000 of money from the United States are invested throughout his country.

That statement was in 1907. It would be interesting to know just how much it is now.

On page 41 I read a statement in reference to Colombia as follows:

Although Colombia has had the name of being disturbed with internal strife in the past, it is now, through the wise administration of its President, Gen. Rafael Reyes, gradually substituting confidence and quiet for distrust and conflict. Gen. Reyes is doing all in his power to interest foreign capital in the exploitation of the resources of Colombia. He wants to build trunk and branch lines of railroads over its wide area; to open up its mines of gold, copper, and platinum; to improve the navigation of its many rivers; to carry to market the valuable timber of its primeval forests; to put in electric light and street-car lines in its principal cities; and to take advantage of its numerous water powers.

Then I read on page 49:

As a result of Mr. ROOT'S visit to South America a new era has already dawned in the relations of the United States with her sister nations, and it now remains for the capital of this country, accumulated through our past prosperity and looking for new fields, to improve the wonderful opportunity in the great southern continent.

Then I read on page 51:

Resourceful Central America.

I have looked over this pamphlet that appears to be written and edited by Mr. John Barrett, who I think has done a great work in interesting our country in the possibilities both of Central and South America, as well as Mexico, and I rise now, because of the topic before us, to ask whether it is consistent for us to have circulated officially or semiofficially among the Members of Congress and the people generally interested in the possibilities of these Republics; is it quite consistent to in this manner or in any manner attempt to induce capital to invest in those countries, and then when an unfortunate situation occurs as is now distressing Mexico are those citizens thus induced to pack up their grips and move out of the country and leave their property at those places to be destroyed by a situation that we so much deplore? That is the question that I think is really pertinent now, whether we as a Government are acting consistently with the invitation extended to our citizens to invest the capital of this country in those countries. That is all I desire to say.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THACHER. Mr. Chairman, on last Monday I had the honor of attending as a member of the Congressional committee the ceremonies in New York over the heroes who fell at Vera Cruz, and it was indeed one of the most impressive occasions that I have ever attended.

The solemn procession, which began at the Battery, the battalions of bluejackets and marines who marched therein, clean-cut youngsters of the same age as those who died at Vera Cruz, almost boys in appearance, the flag-draped caissons crowned with beautiful flowers, the march with muffled drum and funeral dirge by the naval bands, the tolling of the church bells, the vast crowds who packed the sidewalks to the curb, standing in respectful silence with uncovered heads, the swarm of people at every window and on every roof, the 500 school children who sang at the City Hall "Nearer, My God, to Thee," the little groups of foreign-born children from the public schools of the east side waiting on the curb with American flags in their hands, the crippled children who filled several omnibuses occupying prominent positions, and above all the quiet hush and respectful attitude which pervaded the huge crowd of perhaps 1,000,000 persons, the impressive address of the President at the Brooklyn Navy Yard, the sorrowing relatives seated near me—all made part of a solemn event which I shall never forget as long as I live.

The *Montana* sailed from Brooklyn Monday afternoon for Boston, carrying the bodies of three heroes who belonged to New England. One of these young men—Walter L. Watson—came from Cape Cod, from Eastham, which is but a few miles from my home town—Yarmouth.

The town Eastham, settled in 1644, is small in area and population, but, like all the towns of Cape Cod, has always been rich in patriotism and has for nearly three centuries produced a noble line of citizens ever ready to serve the country in time of peace or war. The men of Eastham fought in the King Philip War of 1674, assisted in the capture in 1745 of the French stronghold—Louisburg, Cape Breton—and served under Washington in the American Revolution. In the War of 1812, at the naval victory on Lake Erie, Eastham was represented among the fighters on the battleship of Commodore Perry. In the town of Orleans, where Walter Watson used to attend church, the crudely armed militia in this same war repulsed successfully the British forces, while near Eastham Capt. "Hoppy" Mayo, by the use of Cape Cod shrewdness, captured an armed British schooner with her crew of 28 fighting men, so well described in a recent book, which smacks of the sea, by Michael Fitzgerald, of Brewster, entitled "1812, A Tale of Cape Cod." With such a record it is needless for me to say that Eastham did more than her share in the Civil War and all other national wars.

The people of Eastham and Cape Cod have always been famous for their skill and bravery on the sea. At the Nauset Life-Saving Station, which is but a short distance from the old home of Walter L. Watson, and at many other stations which I might name, live the life savers, whose duty it is to risk their lives in order to save those in peril on the sea. They, like their brothers in the Navy, obey orders and go where duty calls them in the service of their country.

Mr. Chairman, I heard Secretary Daniels, at the exercises in the Brooklyn Navy Yard on May 11, announce, in his address to the President, the names of the 19 heroes: Walter L. Watson and Daniel A. Haggerty, of Massachusetts; Rufus E. Percy, of New Hampshire; Gabriel A. De Fabbio, Dennis J. Lane, John Schumacher, Clarence R. Harshbarger, and Albin E. Stream, of New York; George Poinsett, Francis P. De Lowry, and Charles A. Smith, of Pennsylvania; Henry Pulliam, of Virginia; Randolph Summerlin, of Georgia; Esa Hursh Frohlichstein, of Alabama; Elzie C. Fisher, of Mississippi; Louis O. Fried, of Louisiana; Samuel Marten and Louis F. Boswell, of Illinois; Frank Devorich, of Iowa. I heard some French, Hebrew, German, Irish, and Italian names, but I thought of them only as true-blooded Americans right to the core of their hearts, who showed the rest of the country a type of patriotism and devotion which all Americans can copy. Our country is proud of these men.

Walter L. Watson, like most of the young men who fought at Vera Cruz, was very young—but 22 years of age. He came to Eastham when about 10 years of age, and early caught the love of the sea. He entered the Navy on December 31, 1912. His brother is now serving in the United States Cavalry at Fort Sheridan, Ill. A younger brother and sister live at Eastham. His home was with his foster parents, Mr. and Mrs. Edmund L. Knowles. He possessed a charming personality and had many friends in Eastham and Orleans.

Mr. Chairman, a few days ago I saw in the Boston Globe a picture of the young man whom Eastham and all Cape Cod mourn—Walter L. Watson. As I gazed intently at the curly hair, the open, frank eyes, the honest face, in which one seemed to feel perfect confidence and trust, there came before me a picture of the same curly hair and attractive eyes and face of a never-to-be-forgotten younger brother, who bore the same name, Walter. He left us many years ago when but a child, but the name "Walter" has been precious to me ever since.

Why is it that there are some people in whom we implicitly put faith and trust? Is it not because they have noble standards of duty and high ideals, and are ready to live and, in case of need, die for those they love? What is there greater than a life of service, not for one's self but for others and for one's country? Did not Walter L. Watson show this type of manhood and self-sacrifice?

Let us all resolve that from the lesson taught by our brave men who fell at Vera Cruz that we should be better Americans. Let us not forget that Walter L. Watson and the 18 other heroes offered the supreme sacrifice of laying down their lives for their country.

"Greater love hath no man than this, that a man lay down his life for his friends."

Under the privilege given me I take the liberty of inserting here the address of President Wilson at the exercises in the Brooklyn Navy Yard on May 11, 1914. This address contains such noble thoughts and sentiments so well expressed, and so much better than I can do, that I think it fitting under the circumstances to include the following address:

ADDRESS OF PRESIDENT WILSON.

"Mr. Secretary, I know that the feelings which characterize all who stand about me and the whole Nation at this hour are not feelings which can be suitably expressed in terms of attempted oratory or eloquence. They are things too deep for ordinary speech. For my own part I have a singular mixture of feelings. The feeling that is uppermost is one of profound grief that these lads should have had to go to their death; and yet there is mixed with that grief a profound pride that they should have gone as they did, and, if I may say it out of my heart, a touch of envy of those who were permitted so quietly, so nobly, to do their duty. Have you thought of it, men? Here is the roster of the Navy—the list of the men, officers and enlisted men and marines—and suddenly there swim 19 stars out of the list—men who have suddenly been lifted into a firma-

ment of memory where we shall always see their names shine, not because they called upon us to admire them but because they served us, without asking any questions and in the performance of a duty which is laid upon us as well as upon them.

"Duty is not an uncommon thing, gentlemen. Men are performing it in the ordinary walks of life all around us all the time, and they are making great sacrifices to perform it. What gives men like these peculiar distinction is not merely that they did their duty, but that their duty had nothing to do with them or their own personal and peculiar interests. They did not give their lives for themselves. They gave their lives for us, because we called upon them as a Nation to perform an unexpected duty. That is the way in which men grow distinguished, and that is the only way, by serving somebody else than themselves. And what greater thing could you serve than a Nation such as this we love and are proud of? Are you sorry for these lads? Are you sorry for the way they will be remembered? Does it not quicken your pulses to think of the list of them? I hope to God none of you may join the list, but if you do you will join an immortal company.

"So, while we are profoundly sorrowful, and while there goes out of our hearts a very deep and affectionate sympathy for the friends and relatives of these lads who for the rest of their lives shall mourn them, though with a touch of pride, we know why we do not go away from this occasion cast down, but with our heads lifted and our eyes on the future of this country, with absolute confidence of how it will be worked out. Not only upon the mere vague future of this country, but upon the immediate future. We have gone down to Mexico to serve mankind if we can find out the way. We do not want to fight the Mexicans. We want to serve the Mexicans if we can, because we know how we would like to be free, and how we would like to be served if there were friends standing by in such case ready to serve us. A war of aggression is not a war in which it is a proud thing to die, but a war of service is a thing in which it is a proud thing to die.

"Notice how truly these men were of our blood. I mean of our American blood, which is not drawn from any one country, which is not drawn from any one stock, which is not drawn from any one language of the modern world; but free men everywhere have sent their sons and their brothers and their daughters to this country in order to make that great compounded Nation which consists of all the sturdy elements and of all the best elements of the whole globe. I listened again to this list of the dead with a profound interest because of the mixture of the names, for the names bear the marks of the several national stocks from which these men came. But they are not Irishmen or Germans or Frenchmen or Hebrews or Italians any more. They were not when they went to Vera Cruz; they were Americans, every one of them, and with no difference in their Americanism because of the stock from which they came. They were in a peculiar sense of our blood, and they proved it by showing that they were of our spirit—that no matter what their derivation, no matter where their people came from, they thought and wished and did the things that were American; and the flag under which they served was a flag in which all the blood of mankind is united to make a free Nation.

"War, gentlemen, is only a sort of dramatic representation, a sort of dramatic symbol, of a thousand forms of duty. I never went into battle; I never was under fire; but I fancy that there are some things just as hard to do as to go under fire. I fancy that it is just as hard to do your duty when men are sneering at you as when they are shooting at you. When they shoot at you, they can only take your natural life; when they sneer at you, they can wound your living heart, and men who are brave enough, steadfast enough, steady in their principles enough, to go about their duty with regard to their fellow men, no matter whether there are hisses or cheers, men who can do what Rudyard Kipling in one of his poems wrote, 'Meet with triumph and disaster and treat those two impostors just the same,' are men for a nation to be proud of. Morally speaking, disaster and triumph are impostors. The cheers of the moment are not what a man ought to think about, but the verdict of his conscience and of the consciences of mankind.

"When I look at you I feel as if I, also, and we all were enlisted men. Not enlisted in your particular branch of the service, but enlisted to serve the country, no matter what may come, even though we may sacrifice our lives in the arduous endeavor. We are expected to put the utmost energy of every power that we have into the service of our fellow men, never sparing ourselves, not condescending to think of what is going to happen to ourselves, but ready, if need be, to go to the utter length of complete self-sacrifice.

"As I stand and look at you to-day and think of these spirits that have gone from us, I know that the road is clearer for the future. These boys have shown us the way, and it is easier to walk on it because they have gone before and shown us how. May God grant to all of us that vision of patriotic service which here in solemnity and grief and pride is borne in upon our hearts and consciences."

Mr. FOSTER. Mr. Chairman, it seems to me that I remember two or three years ago that the number of these bulletins which were to be printed at the Government Printing Office was increased from 4,500 to 6,000.

And at that time it was said that no Member of Congress received these bulletins regularly, as they had done previous to that time, and so Congress increased the number.

Mr. MADDEN. That was because of the valuable information they contained, was it not?

Mr. FOSTER. Since the number has been increased, as I remember it, they still have received no numbers of this bulletin issued by the Pan American Union. So I desire to inquire of the chairman if he can give us any information with reference to the matter.

Mr. FLOOD of Virginia. I understood they were sending out more of them. That was the purpose of the provision put in the bill.

Mr. FOSTER. I do not know what other Members have received. I do not look over their mail, but I am sure there is one who has not received a single number.

Mr. TRIBBLE. Will the gentleman yield? I will testify to the same fact. I enjoyed that bulletin very much.

Mr. FOSTER. I used to enjoy reading the bulletin, and I had some people who like to receive them.

Mr. FLOOD of Virginia. All the chairman can do is to promise that you will receive them.

Mr. HARRISON. I think you can get them if you write to Mr. Barrett.

Mr. FESS. I can testify that you can get them if you write for them.

Mr. MADDEN. I do not think we ought to be subservient to Mr. Barrett. He is our servant and ought to be compelled to send them.

Mr. MANN. I think he ought to be compelled not to send them. Nobody looks at the bulletin except somebody who is interested in studying Spanish or Portuguese.

Mr. FOSTER. The gentleman from Ohio has been reading one here.

Mr. MANN. He was not reading from one of the bulletins at all.

Mr. FOSTER. I thought he was. I have not seen one in so long that I would not know it.

Mr. MADDEN. It was a history of the Pan American Union, by John Barrett, that he was reading from.

Mr. COOPER. Mr. Chairman, I want to break into this discussion long enough to say that I received a letter a few days ago from an important manufacturer in my home city, saying that his company was very desirious of extending its trade in Colombia, Venezuela, Panama, and in Central and South America generally, and asking me to get data from the Pan American Union. So I have directed that the bulletins and publications of the Pan American Union be sent to this manufacturer, knowing that his company will be benefited by them. I have read similar publications of the union with much interest.

Mr. FOSTER. And I will say to the gentleman that I have read them with a good deal of interest.

Mr. KAHN. Mr. Chairman, I move to strike out the last three words. The gentleman from Ohio [Mr. FESS] called to the attention of the committee the fact that a great deal of money has been invested by Americans in Mexico by invitation of this Government. On the 26th day of February, when trouble was brewing in Mexico and our people had been asked to withdraw from that Republic by our State Department, I called to the attention of the House the fact that that attitude of our State Department would undoubtedly cost this Government many millions of dollars. I have read in the newspapers within the last week or 10 days that hundreds of claims against this Government are being filed by citizens of the United States who left their property in Mexico by reason of the action of this Government in having ordered their departure from that country; and more recently, within the last day or two, I have read in the newspapers that the citizens of Spain who lost their property at Torreon by reason of the ravages of the so-called constitutionalists have also filed their claims for damages with the State Department, and will undoubtedly look to this Government for reparation.

Mr. CLINE, Mr. SHARP, and Mr. FLOOD of Virginia rose.

Mr. KAHN. The sum of $20,000,000 has been claimed as damages for the destruction and looting of the property of Spanish citizens in Torreon alone, and the time will come when the Congress will be called on to appropriate all of this money to pay these claims.

Mr. SHARP. Will the gentleman yield?

Mr. KAHN. I will yield to the gentleman; yes.

Mr. SHARP. Suppose that order had not been issued or that advice given to our people living in Mexico, and a massacre had resulted by which several thousand of our people had been killed, does the gentleman say that we would have been justified in not giving that notice that there was serious danger at that time?

Mr. KAHN. I doubt if there was any serious danger at that time. The refugees who returned to this country at the time the order of the State Department was issued were reported in the newspapers to have said there was no need for such action by our Government at that time. There were certainly no outbreaks in the territory that was under the control of Huerta. The only outbreaks that occurred were in the territory occupied by the so-called constitutionalists.

Mr. SHARP. And did not President Taft make the same request while he was still in office?

Mr. KAHN. No; not that I recall.

Mr. SHARP. He issued the same request.

The CHAIRMAN. The time of the gentleman from California [Mr. KAHN] has expired. The question is on the amendment offered by the gentleman from Virginia [Mr. FLOOD].

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BAILEY, for five days, on account of important business.

To Mr. DIES, for three days, on account of illness.

CALLING THE ROLL.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order there is no quorum present, and evidently there is not.

Mr. FITZGERALD. I move the call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Clayton	Griffin	Kreider
Ansberry	Coady	Gudger	Lafferty
Ashbrook	Connelly, Kans.	Hamill	Langham
Austin	Connolly, Iowa	Hamlin	Langley
Bailey	Covington	Hayes	Lee, Pa.
Baker	Crisp	Helgesen	L'Engle
Barchfeld	Dale	Hill	Lenroot
Bathrick	Davenport	Hinebaugh	Lesher
Beall, Tex.	Dershem	Hobson	Lindquist
Bell, Ga.	Dies	Holland	Loft
Booher	Difenderfer	Houston	Logue
Brodbeck	Dooling	Hoxworth	McClellan
Broussard	Driscoll	Hughes, W. Va.	McCoy
Brown, W. Va.	Drukker	Hulings	McGuire, Okla.
Browning	Dyer	Humphrey, Wash.	Manahan
Bruckner	Edmonds	Humphreys, Miss.	Martin
Brumbaugh	Elder	Jacoway	Merritt
Buchanan, Ill.	Esch	Johnson, Utah	Metz
Burke, Pa.	Estopinal	Johnson, Wash.	Miller
Burke, S. Dak.	Fairchild	Jones	Montague
Burnett	Farr	Keister	Morin
Butler	Ferris	Kelley, Mich.	Mott
Calder	Francis	Kelly, Pa.	Murdock
Callaway	Frear	Kennedy, Conn.	Nelson
Cantrill	Gallagher	Kennedy, Iowa.	O'Brien
Caraway	George	Kettner	O'Hair
Carew	Goldfogle	Kless, Pa.	Padgett
Carlin	Gordon	Kinkaid, Nebr.	Paige, Mass.
Carr	Gorman	Kirkpatrick	Palmer
Chandler, N. Y.	Goulden	Kitchin	Patton, Pa.
Clancy	Graham, Pa.	Konop	Peters, Me.
Clark, Fla.	Griest	Korbly	Porter
Prouty	Sherley	Stephens, Miss.	Watson
Ragsdale	Shreve	Stone	Webb
Reilly, Conn.	Sinnott	Stringer	Whaley
Riordan	Sisson	Switzer	Whitacre
Roberts, Mass.	Slayden	Taggart	Wilson, N. Y.
Rothermel	Slemp	Talbott, Md.	Winslow
Rupley	Small	Taylor, Ala.	Woodruff
Sabath	Smith, Md.	Taylor, Colo.	Woods
Scully	Smith, Minn.	Treadway	
Sells	Smith, Tex.	Vare	
Shackleford	Stanley	Walker	

During the calling of the roll Mr. DONOVAN took the chair as Speaker pro tempore.

At the conclusion of the roll call,

The SPEAKER. On this roll call 261 Members—a quorum—have answered to their names.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

CONTRIBUTIONS FOR POLITICAL PURPOSES.

Mr. RUCKER. Mr. Speaker, I call up privileged House resolution 256.

The SPEAKER. The Clerk will report it.

The Clerk read the resolution by title, as follows:

Resolution (H. Res. 256) providing for the appointment of a committee to investigate and report whether any Members have been guilty of violating the provisions of the Criminal Code by soliciting contributions for political purposes, etc.

Mr. RUCKER. Mr. Speaker, I ask that the resolution and substitute reported by the committee be read.

The SPEAKER. The Clerk will report the original resolution and the substitute. The Chair thinks the original resolution ought to be read.

Mr. MANN. It ought to be read. The gentleman from Missouri [Mr. RUCKER] did not ask to dispense with it.

The SPEAKER. The Clerk will read the original resolution and the substitute.

Mr. THOMAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. I would like to know what the "and so forth" in that resolution means?

The SPEAKER. The Chair does not know.

Mr. MANN. You will never know enough to find out over there. [Laughter.]

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 256.

Whereas the act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909, provides in section 118 that no Senator or Representative shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person receiving any salary or compensation from moneys derived from the Treasury of the United States; and

Whereas it is provided in section 119 of said act that no person shall in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever; and

Whereas it is alleged that the Democratic national congressional committee, composed in chief part of Members of this House, has directed to be sent, and it is alleged there has been sent, to the Democratic Members of this House a letter stating that an assessment has been levied upon the Democratic Members of this House, soliciting contributions from such Members for political purposes, and it is alleged that said letter has been signed by a Member of this House and delivered to other Members of this House in the Capitol Building and in the House Office Building, which letter is alleged to read as follows:

"SEPTEMBER 15, 1913.

"At a meeting of the Democratic national congressional committee August 28, 1913, the following resolution presented by Senator THOMAS, of Colorado, was unanimously adopted:

"'*Resolved*, That an assessment of $100 be made on each Democratic Member of the House of Representatives and the United States Senate, to be paid to the chairman of the congressional committee, as follows: $25 at once; $25 on or before January 1, 1914; balance on or before July 1, 1914.'

"The committee is in debt to the extent of nearly $4,000 and has no money in the treasury. The object of the foregoing resolution is to secure funds with which to pay the debts of the committee and begin the work of the approaching campaign.

"Checks should be made payable to Hon. WILLIAM G. SHARP, treasurer, and handed to ———, member of the committee from your State, who will make return thereof to the treasurer. The entire amount may be paid at once or in installments provided by the resolution.

"Trusting that you will favor the committee with an early payment, I beg to remain,

"Very sincerely, yours,

"FRANK E. DOREMUS, *Chairman*."

And
Whereas section 122 of said act provides that whoever shall violate any provision of section 118 or section 119 shall be fined not more than $5,000 or imprisoned not more than three years, or both: Therefore be it

Resolved, That a committee of seven members shall be appointed by the Speaker to investigate and report to this House whether any Members of this House have been guilty of violating any of the provisions of the Criminal Code by soliciting or receiving or by being in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person receiving any salary or compensation from moneys derived from the Treasury of the United States, and particularly from Members of this House, to the end that it may be ascertained whether the Members of this House, constituting in part the law-making branch of the Government, are above the law.

And the first substitute resolution, as follows:

Resolved, That it is no violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Are these two resolutions that are submitted as a substitute to be treated as one amendment or two amendments? It is immaterial to me.

The SPEAKER. The Chair would think they would be treated as two.

Mr. MANN. If they are to be treated as two, I make the point of order on the amendment just read that it is not in order; that the committee can not report an amendment which is not germane to the resolution, nor can it report an amendment to a privileged resolution which amendment is not privileged, and that this is not a privileged resolution as amended.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, first, I call the attention of the Speaker to page 337 of the copy of the manual which I have, third session of the Sixty-second Congress, that the rule in reference to germaneness applies to amendments reported by committees.

The SPEAKER. What rule is it? What is the number of it?

Mr. MANN. Rule XVI, paragraph 7, the last half of it:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

That is a rule of the House. The manual reads:

The rule that amendments should be germane applies to amendments reported by committees—

And cites the precedents in Hinds' Precedents. I suppose that is hardly a contested matter, that the committee can not report an amendment which is not germane to the subject under consideration.

Now, let us see what the resolution is. The resolution which was introduced and which is now pending before the House reads:

Resolved, That a committee of seven Members shall be appointed by the Speaker to investigate and report to this House whether any Members of this House have been guilty of violating any of the provisions of the Criminal Code—

And so forth.

That resolution is for the appointment of a special or select committee. The amendment proposed by the committee in reporting it back is:

Resolved, That it is no violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

Is a resolution for the appointment of a special committee subject to amendment by an amendment to dispose of the merits of the whole proposition? I have rulings here which I will give the Speaker. In volume 5 of Hinds' Precedents, paragraph 5801, is an old ruling which has been quite consistently followed since. This ruling was made by Speaker Howell Cobb in the Thirty-first Congress:

To a proposition for the appointment of a select committee to investigate a certain subject an amendment proposing an inquiry of the Executive on that subject was held not to be germane.

It is not necessary to read the matter in full; but there, where it was proposed to have a select committee of the House investigate a certain matter, it was held not germane to offer an amendment even to have it investigated by one of the executive departments of the Government.

The Chair will also note at the bottom of page 338 of the manual a number of citations where amendments are held not to be germane.

To a bill relating to commerce between the States an amendment relating to commerce within the several States was held not germane.

To a proposition to relieve destitute citizens of the United States in Cuba a proposition declaring a state of war in Cuba and proclaiming neutrality was held not germane.

To a bill granting a right of way to a railroad an amendment providing for the purchase of the railroad by the Government was held not germane.

In page 5806 of Hinds' Precedents, volume 5, it is held that the rule that amendments shall be germane applies to amendments reported by committees.

In paragraph 5809, volume 5, it is held that it is not in order to amend a pending privileged resolution by adding matter not privileged and not germane to the original proposition.

Where they had under consideration resolutions concerning the assignment of rooms in the Capitol Building an amendment was offered:

And that the Committee on Public Buildings and Grounds be instructed to inquire if other and additional accommodations can not be procured for the Library of Congress, by which the space in the Capitol now used for the library can be used for committee rooms, and report the same.

There was a resolution pending, to which a proper amendment had been added, for the assignment of rooms, but it was held not germane to add an amendment directing the committee to make an inquiry concerning further rooms.

That Speaker was John G. Carlisle, and the gentleman in the House who made the point of order was Samuel J. Randall. Those were two very good parliamentarians, and that case was very similar to this.

The SPEAKER. What section is that?

Mr. MANN. Section 5809, volume 5, of Hinds' Precedents. And the very next paragraph is to the same effect, so far as the adding of a nonprivileged amendment to a privileged matter under consideration is concerned.

Paragraph 5841 of Hinds' Precedents. The House was considering a bill to amend the act to regulate commerce. That related to commerce between the States. Mr. Nelson, of Minnesota, offered an amendment, which I will not read, covering the question of commerce within the States. Mr. Charles F. Crisp, of Georgia, made the point of order that the amendment was not germane to the bill; and the Speaker—there is some question whether it was Speaker Carlisle himself or the Speaker pro tempore, Mr. McCreary, of Kentucky—held that the amendment was not germane. Here was a bill regulating commerce, but it was commerce between the States; and the Speaker held that it was not germane to add an amendment concerning intrastate commerce.

This volume of Hinds' Precedents is filled with precedents of a similar character.

Now, here is a privileged resolution in reference to the appointment of a committee. It brings in an amendment to that, not relating at all to the appointment of a committee, but making a declaration of an abstract proposition, which in itself would not be privileged. I think the Speaker can not hold as privileged any resolution which any Member of the House at any time may choose to offer, declaring that it is no violation of law for a Member of Congress to do certain things which the Criminal Code may say are a violation of law. It would not make any difference, if it was held privileged, it would not make any difference what provision of the Criminal Code was under consideration. As an abstract proposition the privilege of the original resolution lies in the fact that a charge is made against the actual Members of Congress; but it would not be privileged if I offered a resolution—

Resolved, That it is a violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

If I had left out the word "not" in the resolution as reported from the committee and had offered it from the floor as a privileged resolution, the Speaker would have held that it must be referred to a committee through the basket, that it could not be presented on the floor; and if the Speaker should hold that it was privileged to offer an abstract declaration as to whether a Member of Congress violates the penal code by doing a certain act, that privilege could be exercised as to every provision in the criminal code; and in case of a filibuster it would be a very handy instrument, because it would not take a very large majority to offer a sufficient number of privileged resolutions of that sort, involving no individual or moral responsibility, to keep the House working all the time for a week or a month; and it would be a matter of the highest privilege, if privileged at all.

The SPEAKER. What does the gentleman say was the gist of his resolution?

Mr. MANN. The gist of my resolution was the appointment of a committee to investigate facts.

The SPEAKER. Do you think the appointment of the committee was the real thing, or was it to find out whether these gentlemen had committed a felony?

Mr. MANN. It was to find out the facts. The real point of my resolution was to appoint a committee to investigate the facts.

The SPEAKER. Is it not true that the House made a ruling of its own on that question?

Mr. MANN. The House made no ruling.

The SPEAKER. Did not the House refer this resolution to the Elections Committee?

Mr. MANN. Certainly.

The SPEAKER. Is not the determination of a parliamentary question by the House itself superior to the opinions of any Speaker?

Mr. MANN. It was proper to refer it. It was in order to refer it.

The SPEAKER. If it was in order to refer it, did not we get rid of the committee of seven?

Mr. MANN. Not at all. If it had not been a privileged resolution, I would have dropped it in the basket and the Speaker would have referred it; but being a privileged resolution, it comes before the House, and the House has the right to refer it, and, as I think, the House exercised a proper function when it did. I did not even contest the reference. On the other hand, I suggested that the reference be made.

The SPEAKER. Does the gentleman say that the appointment of a committee of seven was the gist of his resolution, or was it to find out whether these men had violated the law?

Mr. MANN. Of course the real gist of that resolution was to appoint a committee to find out whether they had violated the law.

The SPEAKER. Why should the gentleman care how he found out, so that he found out, if the House passed on that question?

Mr. MANN. The House did not pass on that question, I beg the Speaker's pardon. The House only referred the matter to the committee to report whether a special committee should be appointed like any proposition of that sort. The only thing the House did was to refer to the committee the question as to whether there should be a select committee appointed. As a matter of fact, the committee referred it to the Committee on Election of President and Vice President. A proper reference probably would have been to the Committee on Rules.

The SPEAKER. That is it. Is not that exactly the case? If the House had wanted a committee of seven raised, it would have referred it to the Committee on Rules, where ordinarily it would have gone.

Mr. MANN. As a matter of fact, that would not be the case, because, as a matter of fact, the gentleman who moved to refer it afterwards came to me and suggested that it go to the Committee on Rules. I told him I did not care where it went.

The SPEAKER. If the Chair had referred it, he would have sent it to the Committee on Rules.

Mr. MANN. But the Chair could not send it to any committee. The House could have sent it to the Committee on Reform in the Civil Service or to the committee on expenditures in the back yard. The House could send it wherever it pleased, but what the House sent to the committee to determine was whether a select committee should or should not be appointed.

Mr. BARTLETT. Mr. Speaker, I think that these resolutions are responsive to the resolution of the gentleman from Illinois. If the Chair will read the last two lines of the resolution offered by the gentleman from Illinois, he will find that it reads:

To the end that it may be ascertained whether the Members of this House, constituting in part the lawmaking branch of the Government, are above the law.

The committee to which it was referred, in place of a special committee, have reported to the House their opinion in response to the resolution that they are not above the law, because they have not violated the law and have submitted to the House the resolutions which are reported in response to the resolution of the gentleman from Illinois, in the form of a report that they have violated no law, and therefore in full response to the original resolution.

Mr. RUCKER. Mr. Speaker, just one word, and not because I think I can throw any light on the parliamentary situation. Briefly, I want to say that the resolution introduced by the gentleman from Illinois, after a long preamble, provided for the appointment of a committee to investigate and report if the membership of this House was not guilty of acts in violation of a section of the statute referred to by him. The action of the committee reports back to the House a resolution which seems to me, if I know the meaning of the word, is absolutely germane to this resolution. The burden of the resolution was to investigate and report to the House the result of it, advising the House if Members have violated this section of the statute, and to report if Members of Congress, one branch of the lawmaking body, is above the law and not amenable to it. After a careful consideration we have invited by this resolution a discussion of the question, Are Members of Congress felons in doing the things referred to in the original resolution? The gentleman from Illinois, to my surprise, reads a whole volume of precedents for the purpose of seeking further delay. It seems to me he would rather insist on action on his resolution.

Mr. TOWNER. Mr. Speaker, I would like to make this suggestion: The committee that was sought to be appointed by the resolution offered by the gentleman from Illinois was a committee of investigation. The question whether that committee should be appointed or not was referred to one of the standing committees of this House. The standing committee of the House could have reported unfavorably on that resolution. They did try to report unfavorably, but instead of putting that matter in their report they put it in a resolution, and, strange to say, we have this anomaly that this committee now reports to the House favorably on the resolution introduced by the gentleman from Illinois with an amendment.

The question must be considered by the Chair, whether that amendment is or is not germane to the original resolution. Certainly it could not be held that it is germane merely because it is of the same subject matter, because the one is for the appointment of a committee to determine a personal question as to whether or not any Member of this House had or not violated the law. That could have been determined, and the committee could have said "No," and it could have stated reasons. But that is not what they did. They reported this resolution favorably with an amendment.

Mr. FITZGERALD. Will the gentleman yield?

Mr. TOWNER. In a moment. That amendment is what? Not any modification, not any change of the resolution, but merely an exposition of the law as the committee understood it; in other words, their reasons why they would have reported unfavorably and their suggestion as to what the meaning of the statute is. It looks to me as if there could be no question but that the exposition of the law—and, in fact, I remember that repeatedly it has been held that an exposition of the law is not germane to the law itself, and that is what this is, and nothing else. Now I will yield to the gentleman from New York.

Mr. FITZGERALD. Where does the gentleman find the recommendation that this resolution be favorably reported?

Mr. TOWNER. Mr. Speaker, the gentleman misunderstood me.

Mr. FITZGERALD. The gentleman stated the resolution had been favorably reported by the committee.

Mr. TOWNER. I say that in effect.

Mr. FITZGERALD. The gentleman did not say it in effect. He twice stated positively that this resolution had been favorably reported by the committee.

Mr. MANN. That is true.

Mr. FITZGERALD. Where is there any such statement in the report of the committee? A favorable recommendation is that the resolution be adopted. There is no such recommendation.

Mr. MANN. The gentleman has not read the report.

Mr. FITZGERALD. Yes; I have it right before me:

In accordance with the facts herein reported and the conclusions herein expressed, your committee reports back to the House the resolution H. Res. 256 with recommendations that the House adopt, as a substitute therefor, the following resolutions.

Mr. MANN. Certainly. That is reporting favorably with a recommendation.

Mr. FITZGERALD. Oh, that is not a favorable recommendation. Nobody would dream of construing it to be such.

Mr. MANN. The gentleman used to be a good parliamentarian, but he has been in the House so little lately that he has lost his knowledge. He knows, however, that a resolution goes by its number.

Mr. FITZGERALD. If I had remained to listen to such arguments as that, I would lose any knowledge I ever had. [Laughter.]

Mr. TOWNER. Mr. Speaker, there can be no such substitution of a resolution for the original resolution; that is not a favorable report. Of course, everybody understands that the committee did not intend to report favorably on the resolution, and what they ought to have done was to bring in an unfavorable report against the resolution, stating their reasons for so doing, which they have included in the resolution.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HARDWICK. The resolution that the committee did report is the exact opposite of the resolution offered by the gentleman from Illinois, is it not?

Mr. TOWNER. That is one of the proofs, is it not, that it can not possibly be germane to the original resolution?

Mr. HARDWICK. Not at all.

Mr. TOWNER. I am only arguing these circumstances to show that it can not possibly be germane.

Mr. MANN. It will not need instructions on this side of the House to know that to report favorably a bill does not mean that every one of its provisions must be reported favorably, though the gentleman from Georgia [Mr. HARDWICK] and the gentleman from New York [Mr. FITZGERALD] seem to assume that. What a committee reports is the number of the bill. In this case they report the number of the resolution with a recommendation changing the entire matter, but they report the resolution favorably, or else it would have been laid upon the table by this time.

Mr. HARDWICK. After changing the sense of it from what the gentleman offered.

Mr. MANN. We thought everybody understood that without explanation. We will get a chart for the benefit of those two gentlemen and explain that the committee were afraid of an investigation, and hence opposed it.

Mr. FITZGERALD. Mr. Speaker, the resolution of the gentleman from Illinois [Mr. MANN] contained a preamble which recites that certain acts are prohibited by section 118 of the penal laws and that section 119 prohibits certain other acts. It then recites that it is alleged that certain Members of Congress performed certain acts, from which it is inferred that the statute was violated, and upon these allegations the gentleman's resolution to create a special committee was predicated. The special committee was to investigate and report whether any Members of the House were guilty of violating the two sections of the Penal Code mentioned, and the acts upon which the report would be made were recited in the preamble of the resolution. The committee, it appears, sets forth in its report that certain acts mentioned had been done by certain persons, and then states the practice of Members of Congress relative to solicitation of campaign funds from other Members of Congress, and set out the conclusion that it is not a violation of either section of the Penal Code to do the things recited in the preamble of the gentleman's resolution as a basis for the creation of a special committee.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. MANN. Mr. Speaker, while I am thoroughly convinced that the point of order is good, I am quite content that the majority side of the House should stultify itself on a matter of this sort if it wishes, and I withdraw the point of order.

The SPEAKER. The gentleman withdraws the point of order.

Mr. FITZGERALD. I thought that would be the effect of my remarks. [Laughter.]

Mr. MANN. Oh, I did it in spite of the gentleman's argument, which I could not hear, but knew was unsound.

The SPEAKER. The question is on agreeing to the resolution.

Mr. RUCKER. Mr. Speaker, I do not see the ranking member of the committee, Mr. AINEY, on the floor, but I would like to know if we can agree on some length of time for debate?

Mr. MANN. How much time does the gentleman want?

Mr. RUCKER. I will let the gentleman fix it, if he does not fix it too short.

Mr. MANN. I do not think much time will be taken.

Mr. RUCKER. Does the gentleman desire to debate it at all?

Mr. MANN. Yes; I want to say a few words on the subject.

Mr. RUCKER. About how much time would the gentleman like to have?

Mr. MANN. I do not know whether anybody else desires to be heard or not. How much time does the gentleman want?

Mr. RUCKER. I would like to know about how many gentlemen desire to discuss it, if they want to discuss it at all. How many minutes does the gentleman suggest?

Mr. MANN. I have not suggested any. Let the gentleman proceed. I think there will be no protracted debate.

Mr. RUCKER. I will consume very little time.

Mr. MANN. The gentleman has an hour under his control.

Mr RUCKER. Does the gentleman want to fix the time at 30 minutes on the side?

Mr. MANN. I think we may be able to finish it sooner than that.

Mr. RUCKER. Of course I want to close the debate upon the question.

Mr. MANN. The other substitute resolutions were not read.

Mr. RUCKER. No.

Mr. MANN. I suggest that the substitute resolutions be treated as one amendment.

The SPEAKER. The gentleman asks unanimous consent that both of these resolutions be treated as one. Is there objection?

There was no objection.

Mr. RUCKER. I desire to close debate. I will yield to the gentleman from Illinois such time as he may desire.

The SPEAKER. The Clerk will report the second resolution.

The Clerk read as follows:

Resolved, That it is no violation of section 119 of the Criminal Code of the United States for a Senator or Member of the House to solicit contributions for political purposes, from other Senators or Members of the House, by letters written in his office in the Senate or House Office Buildings.

The SPEAKER. How much time does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. RUCKER. I yield the gentleman from Illinois such time of 30 minutes as he may desire.

Mr. MANN. Mr. Speaker, on September 15, 1913, or under that date, a letter was sent out to the Democratic Members of Congress, both of the House and Senate, as follows:

SEPTEMBER 15, 1913.

At a meeting of the Democratic national congressional committee, August 28, 1913, the following resolution, presented by Senator THOMAS, of Colorado, was unanimously adopted:

"*Resolved*, That an assessment of $100 be made on each Democratic Member of the House of Representatives and the United States Senate, to be paid to the chairman of the congressional committee, as follows: Twenty-five dollars at once; $25 on or before January 1, 1914; balance on or before July 1, 1914."

The committee is in debt to the extent of nearly $4,000 and has no money in the treasury. The object of the foregoing resolution is to secure funds with which to pay the debts of the committee and begin the work of the approaching campaign.

Checks should be made payable to Hon. WILLIAM G. SHARP, treasurer, and handed to ———, member of the committee from your State, who will make return thereof to the treasurer. The entire amount may be paid at once or in installments provided by the resolution.

Trusting that you will favor the committee with an early payment, I beg to remain,

Very sincerely, yours, FRANK E. DOREMUS, *Chairman*.

That letter was signed by FRANK E. DOREMUS, chairman of that committee, and in this connection and before I pass on, I desire to say a good word for the gentleman from Michigan [Mr. DOREMUS], whether he has unintentionally violated the law or not. I have watched Mr. DOREMUS in this House, and joined with him on several notable fights, especially in connection with the tolls question on the Panama Canal, and I entertain for him not only the highest official and personal regard, but also a very affectionate regard. I would not do anything here or elsewhere which I thought would really embarrass him, but when this letter came out I called it to the attention of the House, and have since learned with surprise that this violation of the law was a regular thing for the Democratic congressional committee, and have since been informed that even our Progressive reformers have followed in the same course; and I have served for a time on the executive committee of the Republican congressional committee and knew, so far as I knew anything about the management of that committee, which was not very great, that it was not considered lawful for that committee to solicit subscriptions of Members of Congress, and I read the law. This is section 118 of the Penal Code, which is taken, I think, word for word from the old civil-service law, and really sounds better when you speak of it as a section of the civil-service law than a section of the Penal Code when you are talking about Members of Congress in connection with it. That law is as follows:

SEC. 118. No Senator or Representative in or Delegate or Resident Commissioner to Congress, or Senator, Representative, Delegate, or Resident Commissioner elect, or officer or employee of either House of Congress, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

Now, Members of Congress are not officials or officers of the Government, but they are persons receiving their salaries from the Treasury of the United States; and here is an express inhibition against Members of Congress receiving from each other contributions for political purposes. The distinguished gentleman from Missouri [Mr. RUCKER], who makes the report on this case, admits this proposition so far as the letter of the law is concerned. In his report he says:

It will be conceded that the letter of section 118 would prohibit one Senator or Member of Congress from soliciting or receiving campaign contributions from another Senator or Member of Congress. But that is not the end of the matter.

Here is an express admission that the letter of the law forbids the transaction which I have referred to, the action of

the Democratic national committee; that the letter of the law makes this a penal offense. Then follows a series of reasonings so fantastical that they could only emanate from a mind filled with the imagery of brilliant thoughts. A Member of Congress is above the letter of the law. That is what I asked in my original resolution, to the end that it may be ascertained whether the Members of this House, constituting in part the law-making branch of the Government, are above the law. The distinguished committee, or the Democratic members of it, find that Members of Congress are above the law. They admit that the letter of the law includes Members of Congress; but we are so great, we are so mighty, we are so important, that the law does not touch us, in the opinion of this committee. Now, I have been taught to believe that of all the people who ought to carefully observe the law it is the ones who make the law. Members of Congress who make the law are the ones first who ought to observe the law, and because we are Members of Congress, because we are not officers of the Government, because we are unclassified in the description of governmental employees, this distinguished committee finds that Members of Congress, though covered by the letter of the law, are above the law and not covered by the spirit of the law. And here is one of the reasonings which is given:

In the present case the title of the act—

That was the old civil-service act where this provision first appeared—

"An act to regulate and improve the civil service of the United States" indicates quite clearly that Congress was not legislating for the benefit or protection of its own membership, since the phrase "the civil service of the United States" has always been understood as comprising principally persons holding office or employment by appointment in the executive departments of the Government.

Now, I may be mistaken, but I have always thought that the civil service of a government was a term used in contradistinction to the military service of the government, and that in our Government everything that is not connected with the Army or the Navy under the Government was the civil service side of the Government; but according to this learned committee, nothing is under the civil service unless it is a matter of appointment in the executive departments of the Government. I suppose my good friend from Missouri would think that this civil-service law, passed under that title, now carried in the Penal Code, would permit the Democratic national committee to solicit and receive subscriptions from Army and Navy officers on the grounds that they are not connected with the civil-service end of the Government. The main argument that is made is that the civil-service act is to be construed by the title, which refers only to the civil service of the Government, and hence can not do anything to forbid anyone not in the civil service of the Government from making contributions. He reasons that Members of Congress are not in the civil service of the Government, and hence may make these political contributions to each other; but who will claim that the military branch of the Government can make political contributions under this law, which forbids anyone receiving salaries or compensation from moneys derived from the Treasury making contributions, or anyone to receive contributions from such persons.

Mr. Speaker, it is palpable that a great Democratic majority can pass any kind of a resolution it wants and exempt itself from violation of the law. Of course, they can not determine the construction of the law which would be binding on anyone. If they wanted a construction of the law, the courts are to construe it; but the Democratic side of the House having been found violating the law, with the goods in their possession, admitting that they were violating the law or doing the acts which the letter of the law says is a violation, now proposes to administer to itself a dose of whitewash. It is a travesty upon legislative procedure. It will not redound to their credit in the country. They violated the law, a law passed to uphold the benefits of the country to the people and to prevent the legging and begging for political contributions from persons in the employ of the Government, and soon, if the Democratic majority were to continue in this House long, which, thank God, it has not a chance to do [applause on the Republican side], soon gentlemen who now come to Congress from districts where they do not live, because sometimes in the past, at least, they have been liberal contributors to campaign funds, will be seeking election to Congress at the suggestion of Democratic congressional committees in order that they may make fat contributions here and receive committee assignments in pay for them. [Applause on the Republican side.]

Here is your proposition: You think that the only purpose of the law was to prevent poor clerks from contributing to campaign funds. I would rather let the clerks have the right to contribute and take the chances on their demoralizing the public service than to permit Members of this House, because they are rich, because they can contribute freely, to buy their places through a caucus control of committees. Idle nonsense? Not at all. That is what will happen. Under this construction of the law it will be impossible, if Members of Congress have the right to contribute to their campaign funds—and it is understood that is to be the method of raising money—to prevent the rich men who come to Congress from tendering campaign contributions and exacting in return favors in the House. I am against the whole thing. I am willing to finance my campaign in my district, but I am unwilling to help finance the campaign of some other Member in his district. I am unwilling to be placed where a rich Member of Congress can tender me his contribution to help me in my district, expecting rewards in return. You can do it if you want to do so, but it is corruption of the worst kind. Thank God, you will not stay long. Good-by! [Applause on the Republican side.]

Mr. RUCKER. Mr. Speaker, let me say in the very beginning that I have never questioned the right of the gentleman from Illinois [Mr. MANN] to introduce the resolution which gives rise to this discussion. In introducing the resolution (H. Res. 256) he was quite within his rights as a Member of the House. I have not said, and shall not to-day say, one word that will even look like a criticism of his exercise of that right. I want to say, too, because sometimes what one says in debate is misunderstood, that I have for the gentleman a profound regard. I regard him as one of the most efficient Members of this House, and if he were a Democrat I would probably regard him the most efficient Member in the House. I have regard for his legal learning, and admiration for his tireless, unceasing energy. Until very recently, since this matter came up, I was becoming alarmed at the amount of affection I bore for him. I still respect him, but have lost some of the affection I used to have for him. [Laughter.]

Mr. Speaker, if I correctly caught the language used by the gentleman in this debate, he admitted that Members of Congress are not officials or officers of the Government, and no one contends that they are employees. In admitting this he clearly admits himself out of court so far as the resolution relates to section 119 of the Criminal Code. And yet the gentleman deliberately wrote into the preamble to his resolution the suggestion, if not charge, that Members of Congress were violating the provisions of section 119. This section prohibits any person from soliciting or receiving political contributions "in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section." Members of Congress are not employees, and if they are not officials or officers of the Government, and the gentleman admits they are not, then surely it is no violation of the provisions of section 119 to either solicit or receive contributions for political purposes in a Member's office.

No gentleman who signed the minority views—no gentleman in this House will assert the proposition that the writing of the letter quoted in this resolution in a Member's office was or is a criminal act. This is all I desire to say upon this feature of this controversy at this time.

Mr. MANN. Will the gentleman yield for a question?

Mr. RUCKER. Certainly. With great pleasure.

Mr. MANN. I have not quite gotten through my head the point the gentleman makes.

Mr. RUCKER. I will try to make myself clear to the gentleman.

Mr. MANN. I am asking for information. I did not quite get the point the gentleman is trying to make in regard to section 119.

Mr. RUCKER. Here is the point. I will read the section again, even at the hazard of losing valuable time.

Mr. MANN. I know what the section is.

Mr. RUCKER. You know what it is. Then I will not read it, but will repeat that if Members of Congress are not officers or employees, then obviously section 119 could not and does not refer to a Member's office.

Mr. MANN. Why not?

Mr. RUCKER. Because this section expressly refers to the room or building occupied in the discharge of official duties by the officers and employees mentioned in the previous section and to no other room or building.

Mr. MANN. Does the gentleman claim that there are no employees of the United States employed in the House Office Building or the Capitol Building?

Mr. RUCKER. The gentleman understands I am not claiming that, but the question now asked does not bear on the issue raised by his resolution.

Mr. MANN. I did not understand you, then.

Mr. RUCKER. Upon reflection I hope the gentleman will be able to understand me.

Mr. MANN. I was asking the question seriously of the gentleman.

Mr. RUCKER. I am trying to answer you seriously. With reference to the last clause of section 118, which reads, "or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States," it is true, it is admitted in the committee's report, that the letter of this clause prohibits one Senator or Member from soliciting or receiving contributions for political purposes from other Senators and Members.

It is upon this clause in the statute and this frank admission in the report that the gentleman based his entire argument. If the language just read from the statute, the closing clause of section 118, was all the language defining those from whom contributions should not be solicited or received, this proceeding would not now command the attention of the House. The gentleman's argument confesses the weakness of the cause, because he, as a good lawyer, knows, and knows well, that to get the true meaning of the law the whole section must be read. Those whom the law, as written in section 118, protects from solicitation or payment of contributions for political purposes are defined and classified as—

from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

It is in connection with the last clause that the gentleman's resolution charges that Members of Congress are guilty of criminal practices. Your committee denies the charge. We insist that the courts, from the highest to the lowest judicial tribunals in the United States, have established well-recognized rules by which statutes like this must be construed. The leading case is that of Holy Trinity Church *v.* United States (143 U. S., 457), and there the Supreme Court fully discussed and decided every principle involved here. Every contention made by your committee finds unqualified support in this case as well as in many other authorities cited in its report.

I will not read at length from this case as your committee made liberal quotations from it in its report, which I hope all Members have carefully read.

Permit me to say, in few words, the case to which I have just referred was a prosecution for an alleged violation of the alien contract-labor law, which made it a crime for anyone to contract in advance with any alien to come to the United States "to perform labor or service of any kind." The Holy Trinity Church, a corporation, had contracted with one Warren, a foreigner, to come to New York and enter its service as rector and pastor. After conviction in the lower court the defendant took the case to the Supreme Court. In determining the case the Supreme Court of the United States said: "It must be conceded that the act of the corporation is within the letter" of the law, but reversed the lower court and discharged the defendant, because the act complained of, though "within the letter of the statute, was not within the statute, because not within its spirit, not within the intention of its makers."

In this connection, let me say, the gentleman from Illinois [Mr. MANN] made his entire speech on the admission in the report that "it will be conceded that the letter of section 118," if the statute is construed strictly by its letter, would apply to Senators and Members. If the Supreme Court of the United States can "concede" that a given act may be within the "letter" of the law and yet not be within the law, can not your committee do the same? Will any Member of this House be influenced by such argument as the gentleman made? Why, Mr. Speaker, the gentleman from Illinois [Mr. MANN] had this committee report in his hands nearly one week and of course he studied it. In it he found every principle of law upon which your committee relies; he found every authority cited; he saw, read, and considered every conclusion we reached. He challenges the application of no legal principle; he criticizes no authority; he controverts the accuracy of no conclusion. By his action he admits the force and legality of every contention we make. Does any thoughtful man believe, or will any such person ever believe, that the Congress intended the general words "or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States" to apply to all who come within the "letter" of these words? The man who is employed by a contractor on any work being done for the Government comes with the "letter" of the law. The owner of a building rented to the Government is within the "letter," the pensioner is within the "letter," but who will be bold enough or, more correctly, who will be reckless enough with his opinion to say it was the intention of Congress to include them? If not to them, then by what process of reasoning can it be said to apply to Senators and Members?

I challenge the gentleman to find one word in the extended and prolonged debate on this section which in any remote degree suggests that any man intended the language under consideration to include Members of Congress and Senators. If he will take the language of Senator Logan, of his own State; the language of Senator Harrison, of Senator Maxey, of Senator Beck, of Senator Hawley, who offered these sections as an amendment to the civil-service bill, and of all the Senators who discussed it, he will be forced to admit that this amendment was not intended to apply and had no reference whatever to contributions or collections made by Senators or Members of Congress.

Mr. MANN. Will the gentleman permit me to read an extract?

Mr. RUCKER. Certainly. What page are you going to read from?

Mr. MANN. Page 6 of the first report, at the bottom of the page. Senator Hoar said:

I think all, or nearly all, of us felt sure that the public expression of condemnation of that circular was such that the practice of appealing to officials by a committee of either or both branches of Congress would never be heard of again.

Mr. RUCKER. Oh, yes.

Mr. MANN. I believe we are officials.

Mr. RUCKER. Oh, read it all. It has reference to the humble official—the humble employees—not to Senators and Members, as the gentleman will clearly see if he will read a little further on the same page from what Senator Hoar said. I will read for his benefit what Senator Hoar said in that same connection:

It is an entirely indelicate and improper relation for Senators or Members of the House of Representatives to be asking contributions, voluntary or involuntary, of persons in the civil service of the Government.

Does that afford the gentleman any comfort or strengthen his argument?

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. RUCKER. I will.

Mr. FESS. I am trying to construe this section 118, and I want to read a sentence and ask the distinguished Member whether I read it correctly or not. I read:

SEC. 118. No Senator or Representative * * * shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from * * * any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

Does not that take me in?

Mr. RUCKER. As you read it, yes; but you did not read it all. I grant you that if what you read was the only language, then it would take you in.

Mr. FESS. But if I were parsing this, for the construction of subject and predicate, I have certainly read it according to the interpretation.

Mr. RUCKER. But if you were construing it according to the well-recognized rule laid down by the Supreme Court of the United States you would have to construe the general words you have read to have reference to the class of persons previously particularly mentioned in that section.

Mr. FESS. Why were the words "from any person" put in there?

Mr. RUCKER. I can not answer that, except in this way: The gentleman well knows there are a great many employees of the Government who are not referred to as officers or employees. We have the charwomen, the Capitol police, the messengers, the doorkeepers, and a thousand other officers and employees, as you well know, who are not usually considered or referred to as officers or employees.

Mr. FESS. Why would not "employees of the United States" cover all of those?

Mr. RUCKER. It would in a general way.

Mr. FESS. Those words are in here.

Mr. RUCKER. Yes; I know they are.

Mr. FESS. Then why was the explanatory phrase necessary, if they are all included under "employees of the United States"?

Mr. RUCKER. Why were the particular words used if the broad language in the phrase referred to was intended by Congress to embrace all who would come within the "letter" of that phrase?

I quote from a recognized textbook:

By the rule of construction known as "ejusdem generis," where general words follow the enumeration of particular classes of persons or things, the general words will be construed as applicable only to persons or things of the same general nature or class as those enumerated. The

particular words are presumed to describe certain species and the general words to be used for the purpose of including other species of the same genus. The rule is based on the obvious reason that if the legislature had intended the general words to be used in their unrestricted sense they would have made no mention of the particular classes.

Mr. FESS. Where the letter of the law is clear, does the court take into consideration the spirit of the law? Suppose the letter of the law is one thing, and the spirit is in contradiction of that, will the court not hold by the letter rather than the spirit?

Mr. RUCKER. That is, if there is no ambiguity?

Mr. FESS. If there is no ambiguity in the letter of the law?

Mr. RUCKER. Where there is no ambiguity in the law, unquestionably the law as it is written will govern; but will anybody say there is not in this language some ambiguity? Will anybody question for one moment that when the Congress of the United States, acting on the recommendation of President Arthur, in attempting to cure and provide against the recurrence of an evil that had existed in our country for many years, namely, the assessment of these various little officeholders for political purposes, that it intended that these general words should be read and construed in their unrestricted sense?

Mr. FESS. But the law that I refer to is the law of March 4, 1909.

Mr. RUCKER. Oh, it was 1883 when this law was enacted.

Mr. FESS. That is the civil-service law.

Mr. RUCKER. This is the civil-service law—taken bodily from the civil-service law.

Mr. FESS. This is the corrupt-practices act of March 4, 1909.

Mr. RUCKER. With due deference to the gentleman, I fail to see the relevancy of his inquiry.

Let me suggest to the gentleman if the Congress of the United States had intended that nobody who draws compensation or salary from the United States should contribute to campaign funds, then why specify officers, employers, or clerks or anybody else? Why not use broad language alone and avoid any possible confusion?

Mr. MADDEN. The gentleman's contention is that if the Congress meant to convey that idea it would have said "no person"?

Mr. RUCKER. Yes; it would have used that language alone. It would have simply written in the law that no Senator, Representative, or clerk, and so forth, shall solicit or receive campaign contributions from "any person who receives any salary or compensation" from the United States, and that would have ended it, because then it would have applied to every person who draws such salary.

I desire to call attention to another case which will aid in construing the statute under consideration. In the case of the United States against Bevans the indictment was for murder committed on a ship in Boston Harbor. The act of Congress provided:

That if any person or persons shall within any fort, arsenal, dockyard, magazine, or in any other place or district or country under the sole and exclusive jurisdiction of the United States, commit the crime of willful murder, such person or persons being thereof convicted shall suffer death.

The indictment charged the killing on a ship in a harbor. It was contended by the United States that the ship was a "place" within its sole and exclusive jurisdiction within the meaning of that statute, but Chief Justice Marshall in deciding the case said:

The objects with which the word "place" is associated are all in their nature fixed and territorial. A fort, an arsenal, a dockyard, a magazine are all of this character. When the sentence proceeds with the words "or in any other place or district or country under the sole and exclusive jurisdiction of the United States," the construction seems irresistible that by the words "other place" was intended another place of a similar character with those previously enumerated and with that which follows.

Then, again, another case, which I think furnishes strong support of my contention, is a North Dakota case. There a dealer ordered a case of beer from another State. The vendor accepted the order and shipped the beer under an agreement with the railroad that it would not deliver the goods to the dealer until he produced the bill of lading which the vendor attached to a sight draft for the price of the beer and sent to a bank in North Dakota for collection. The collecting bank was indicted under section 239 of the Criminal Code of the United States, which provides that "any railroad company, express company, or other common carrier, or any other person," who, in connection with interstate shipments of liquors, shall collect the purchase price, and so forth, shall be fined, and so forth. In reversing the judgment of the lower court the court said:

To our minds the natural and manifest meaning of the declaration in this law that "any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation," etc., shall collect the purchase price or act as the agent of the buyer or seller, shall be fined, excludes banks, ordinary collectors, and all persons who are not members of the general class of carriers.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. RUCKER. For a brief question.

Mr. SLOAN. May I ask if there are any others exempt under this, except Representatives and Senators?

Mr. RUCKER. Oh, I think so. I think the President of the United States would be exempt. Does not the gentleman?

Mr. SLOAN. I thought perhaps so.

Mr. RUCKER. What is the gentleman's judgment about it?

Mr. SLOAN. I am inclined to think that that is probably correct, but I wanted to observe that it ought to be clear what we are doing.

Mr. RUCKER. I think the President and the Secretary of State and other Cabinet officers would be exempt, although as to that I prefer not at present to express a decided opinion, because my investigation has been confined to the membership of the House and the other body of Congress.

Mr. STEENERSON. I think it has been held in extradition proceedings that a man who represented himself as a Member of Congress was violating the act that prohibited a man representing himself as an officer of the United States. That decision held that a Congressman was an officer of the United States.

Mr. RUCKER. I have not examined a case where it was so held.

Mr. KAHN. That is the Lamar case, which case is on appeal now in the Supreme Court of the United States.

Mr. RUCKER. Well, we can speak more accurately after the Supreme Court has disposed of it. As my time has expired, I must close, but will here insert the report of the committee in continuation of my argument:

[House Report No. 677, Sixty-third Congress, second session.]

CONTRIBUTIONS FOR POLITICAL PURPOSES.

Mr. RUCKER, from the Committee on Election of President, Vice President, and Representatives in Congress, submitted the following report, to accompany H. Res. 256:

The Committee on Election of President, Vice President, and Representatives in Congress, to which was referred, by order of the House, the resolution (H. Res. 256) entitled "Resolution providing for the appointment of a committee to investigate and report whether any Members have been guilty of violating the provisions of the Criminal Code by soliciting contributions for political purposes, etc.," having had the same under consideration, respectfully submits to the House the facts ascertained and its conclusion thereon.

The resolution under consideration is as follows:

"Whereas the act to codify, revise, and amend the penal laws of the United States approved March 4, 1909, provides in section 118 that no Senator or Representative shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person receiving any salary or compensation from moneys derived from the Treasury of the United States; and

"Whereas it is provided in section 119 of said act that no person shall in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever; and

"Whereas it is alleged that the Democratic national congressional committee, composed in chief part of Members of this House, has directed to be sent, and it is alleged there has been sent, to the Democratic Members of this House a letter stating that an assessment has been levied upon the Democratic Members of this House, soliciting contributions from such Members for political purposes, and it is alleged that said letter has been signed by a Member of this House and delivered to other Members of this House in the Capitol Building and in the House Office Building, which letter is alleged to read as follows:

"SEPTEMBER 15, 1913.

"At a meeting of the Democratic national congressional committee, August 28, 1913, the following resolution presented by Senator THOMAS, of Colorado, was unanimously adopted:

"'*Resolved*, That an assessment of $100 be made on each Democratic Member of the House of Representatives and the United States Senate, to be paid to the chairman of the congressional committee, as follows: $25 at once; $25 on or before January 1, 1914; balance on or before July 1, 1914.'

"The committee is in debt to the extent of nearly $4,000 and has no money in the treasury. The object of the foregoing resolution is to secure funds with which to pay the debts of the committee and begin the work of the approaching campaign:

"Checks should be made payable to Hon. WILLIAM G. SHARP, treasurer, and handed to ———, a member of the committee from your State, who will make return thereof to the treasurer. The entire amount may be paid at once or in installments provided by the resolution.

"Trusting that you will favor the committee with an early payment, I beg to remain,

"Very sincerely, yours,

"FRANK E. DOREMUS, *Chairman*.

"And

"Whereas section 122 of said act provides that whoever shall violate any provision of section 118 or section 119 shall be fined not more than $5,000 or imprisoned not more than three years, or both; Therefore be it

"*Resolved*, That a committee of seven members shall be appointed by the Speaker to investigate and report to this House whether any Mem-

bers of this House have been guilty of violating any of the provisions of the Criminal Code by soliciting or receiving or by being in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person receiving any salary or compensation from moneys derived from the Treasury of the United States, and particularly from Members of this House, to the end that it may be ascertained whether the Members of this House, constituting in part the lawmaking branch of the Government, are above the law."

In the discharge of the duties imposed upon the committee hearings were had on the resolution above quoted, and the testimony of officers of the national congressional committees of the various political parties, and of other persons, was obtained and considered. It is perfectly clear from the testimony of those identified with the Democratic national congressional committee during the last 8 or 10 years that it has been the uniform usage, custom, and practice of that committee, through its appropriate officers, to solicit and receive contributions for political purposes from Senators of the United States and Representatives in Congress of the Democratic Party.

The testimony of Mr. DOREMUS, present chairman of the Democratic national congressional committee, discloses, without the least effort at concealment, that, since he became chairman, contributions for political purposes have been solicited from Senators and Representatives of his political party, through letters bearing his signature; that letters similar to the letter quoted in the resolution under consideration were mailed to Senators and Representatives with his knowledge and consent; that said letters were prepared in the office assigned to him in the House Office Building, as a Representative in Congress; but that neither he nor anyone acting for him has solicited or received any contribution from any officer, clerk, or employee of the United States mentioned in the sections of the Criminal Code referred to in said resolution.

The testimony of the present chairman of the Republican national congressional committee, Hon. FRANK P. WOODS, makes it clear that since he became chairman it has not been the usage, custom, or practice of that committee to solicit or receive contributions from Senators or Representatives of his political party; that he has no knowledge that said committee has at any time solicited or received contributions for political purposes from Senators or Representatives in Congress.

Mr. John C. Eversman, who, for many years past, has been associated with the Republican national congressional committee, has no recollection of solicitations being made of or contributions being received from Senators or Representatives, except that he remembers, on one occasion, Hon. William McKinley, a distinguished ex-Member of this House and a former chairman of said committee, made a contribution.

Hon. Wm. H. Hinebaugh, chairman of the national congressional committee of the Progressive Party, testified, with frankness and candor, that on the occasion when the members of the Progressive Party organized their national congressional committee each member present, as he remembers, contributed to a fund to be used under the direction of that committee for political purposes.

The hearing, summarized, shows that the national congressional committees are in the main composed of Senators and Representatives in Congress; that the Democratic national congressional committee has for many years been in the habit of soliciting and receiving contributions from Senators and Members; that its actions were open to view; were generally known and each contribution reported as required by the national publicity law since its enactment; that if such committee of the Republican Party solicited or received contributions from Senators or Members in the past for political purposes, the witness who appeared before this committee and testified to his long connection with the Republican congressional committee has no recollection of the fact, except so far as relates to one contribution by an ex-Member of this House; that the committee of the Progressive Party frankly and without hesitation or effort at concealment admits that it has received contributions from Members of Congress of that political party to be used for political purposes.

The questions involved in the consideration of this resolution (H. Res. 256) are largely questions of law. There is no controversy as to the facts; when carefully considered there should be no controversy as to the law.

Sections which are now 118, 119, 120, and 121 of the Criminal Code were added by way of amendment to the civil-service act, as reported by the committee to the Senate in 1883, and, as they all bear upon the same question, should be considered together in determining the questions herein involved

They are as follows:

"SEC. 118. No Senator or Representative in or Delegate or Resident Commissioner to Congress, or Senator, Representative, Delegate, or Resident Commissioner elect, or officer or employee of either House of Congress, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

"SEC. 119. No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section, or in any navy yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever.

"SEC. 120. No officer or employee of the United States mentioned in section 118 shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.

"SEC. 121. No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever."

The above sections of the Criminal Code were taken without substantial change from "An act to regulate and improve the civil service of the United States," approved January 16, 1883 (22 Stat., 403).

It will be conceded that the letter of section 118 would prohibit one Senator or Member of Congress from soliciting or receiving campaign contributions from another Senator or Member of Congress. But that is not the end of the matter. If to give the statute that effect would be manifestly contrary to the intention of Congress, the letter must yield. This, of course, is elementary.

The leading case is Holy Trinity Church *v.* United States (143 U. S., 457). There the Supreme Court, overruling the circuit court of appeals, held that a contract whereby an alien engaged to remove to the United States and to enter into the service of a religious society as its rector or minister, although clearly within the letter of the alien contract labor law, was not a violation thereof, because it was plainly not the intention of Congress by that law to prohibit such contracts. We quote from the opinion in the above cited case as follows:

"Plaintiff in error is a corporation, duly organized and incorporated as a religious society under the laws of the State of New York. E. Walpole Warren was, prior to September, 1887, an alien, residing in England. In that month the plaintiff in error made a contract with him, by which he was to remove to the city of New York and enter into its service as rector and pastor; and in pursuance of such contract, Warren did so remove and enter upon such service. It is claimed by the United States that this contract on the part of the plaintiff in error was forbidden by the act of February 26, 1885 (23 Stat., 332, ch. 164), and an action was commenced to recover the penalty prescribed by that act. The circuit court held that the contract was within the prohibition of the statute, and rendered judgment accordingly (36 Fed. Rep., 303), and the single question presented for our determination is whether it erred in that conclusion.

"The first section describes the act forbidden, and is in these words:

"'*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.'

"It must be conceded that the act of the corporation is within the letter of this section, for the relation of rector to his church is one of service, and implies labor on the one side with compensation on the other. Not only are the general words labor and service both used, but also, as it were to guard against any narrow interpretation and emphasize a breadth of meaning, to them is added 'of any kind'; and, further, as noticed by the circuit judge in his opinion, the fifth section which makes specific exceptions, among them professional actors, artists, lecturers, singers, and domestic servants, strengthens the idea that every other kind of labor and service was intended to be reached by the first section. While there is great force to this reasoning, we can not think Congress intended to denounce with penalties a transaction like that in the present case. It is a familiar rule that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit, nor within the intention of its makers. This has been often asserted, and the reports are full of cases illustrating its applications. This is not the substitution of the will of the judge for that of the legislator, for frequently words of general meaning are used in a statute, words broad enough to include an act in question, and yet a consideration of the whole legislation, or of the circumstances surrounding its enactment, or of the absurd results which follow from giving such broad meaning to the words, makes it unreasonable to believe that the legislator intended to include the particular act.

In the same case the court said:

"Among other things which may be considered in determining the intent of the legislature is the title of the act. We do not mean that it may be used to add to or take from the body of the statute (Hadden *v.* The Collector, 5 Wall., 107), but it may help to interpret its meaning."

In its opinion in State *v* Clark, 5 Dutcher (29 N. J. Law), 96–99, quoted with approval in Trinity Church *v.* U. S., the court said:

"The language of the act, if construed literally, evidently leads to an absurd result. If a literal construction of the words of a statute be absurd, the act must be so construed as to avoid the absurdity. The court must restrain the words. The object designed to be reached by the act must limit and control the literal import of the terms and phrases employed."

In United States *v.* Kirby (7 Wall., 482–486), quoted and approved in Trinity Church *v.* U. S., the court said:

"All laws should receive a sensible construction. General terms should be so limited in their application as not to lead to injustice, oppression, or an absurd consequence. It will always, therefore, be presumed that the legislature intended exceptions to its language which would avoid results of this character. The reason of the law in such cases should prevail over its letter."

In U. S. *v.* Freeman (3 Howard, 1 ch., 564), the court, quoting from Wimbish *v.* Tailbois (Plowd., 57), said:

"Wherever any words of a staute are doubtful or obscure, the intention of the legislature is to be resorted to, in order to find the meaning of the words. A thing which is within the intention of the makers of the statute is as much within the statute as if it were within the letter."

In the same case the court quotes from 4 Dall., 14.

"The intention of the legislature, when discovered, must prevail, any rule of construction declared by previous acts to the contrary notwithstanding."

And from 2 Cranch, 33—

"A law is the best expositor of itself—that every part of an act is to be taken into view for the purpose of discovering the mind of the legislature."

Applying this principle again in a later case under the same act, the Supreme Court held that a contract made with an alien in a foreign country to come to this country as a chemist on a sugar plantation in Louisiana was not a contract "to perform labor or service of any kind" within the intendment of Congress. (United States *v.* Laws, 163 U. S., 258.)

For later statements and applications of the principle by the Supreme Court see Treat *v.* White (181 U. S., 264, 267); Hawaii *v.* Mankechi (190 U. S., 197, 212, 213); Pickett *v.* United States (216 U. S., 456, 461); American Security Company *v.* District of Columbia (224 U. S., 491, 495). In the last-named case the court said (p. 495):

"A well-known example of construing a statute not to include a case that indisputably was within its literal meaning, but was believed not to be within the aim of Congress is Church of the Holy Trinity *v.* United States (143 U. S., 457)." * * *

Obviously the principle is one to be applied with the utmost circumspection. As observed in United States v. Goldenberg (168 U. S., 95, 103), by Mr. Justice Brewer, who stated the principle so forcefully in the case of the Church of the Holy Trinity, the cases for its application "are few and exceptional, and only arise when there are cogent reasons for believing that the letter does not fully and accurately disclose the intent."

For the purpose of showing in a given case that the letter of an act of Congress is plainly contrary to the intent of Congress, reference may be had to the title of the act, the evil to be remedied, and the circumstances surrounding the appeal to Congress as disclosed in the records of the proceedings of Congress and other public documents. (Church of the Holy Trinity v. United States, 143 U. S., 457, 462–465; Johnson v. Southern Pacific Company, 196 U. S., 1, 19.)

In Holy Trinity Church v. United States, supra (1, ch. 463), the court said:

"Again, another guide to the meaning of a statute is found in the evil which it is designed to remedy; and for this the court properly looks at the contemporaneous events, the situation as it existed, and as it was pressed upon the attention of the legislative body."

And at page 472—

"It is the duty of the courts, under those circumstances, to say that, however broad the language of the statute may be, the act, although within the letter, is not within the intention of the legislature, and therefore can not be within the statute."

In the present case the title of the act—"An act to regulate and improve the civil service of the United States"—indicates quite clearly that Congress was not legislating for the benefit or protection of its own membership, since the phrase "the civil service of the United States" has always been understood as comprising principally persons holding office or employment by appointment in the executive departments of the Government. No one reading this title would suppose that Congress had any thought of prohibiting one of its Members from receiving a voluntary campaign contribution from another Member either for the benefit of the first Member individually or for the common benefit of all Members of the same political party.

Again, the evil complained of and disclosed in the records of Congress and other contemporaneous public documents leaves no room for doubt as to what Congress intended to strike down. The exaction of contributions from those holding appointive positions in the Government service to promote the election of Members of Congress had become a national scandal. In 1882 one of the congressional committees openly circularized officeholders for contributions in definite sums. The evil had grown to such proportions that President Arthur brought it to the attention of Congress at the opening of the regular session on December 4, 1882, saying:

"It has, however, been urged, and doubtless not without foundation in fact, that by solicitation of official superiors and by other modes such contributions have at times been obtained from persons whose only motive for giving has been the fear of what might befall them if they refused. It goes without saying that such contributions are not voluntary, and in my judgment their collection should be prohibited by law."

On December 5, 1882, a resolution to investigate the evil was introduced in the Senate by Senator Beck. In the course of the discussion Senator Hoar said:

"I think all or nearly all of us felt sure that the public expression of condemnation of that circular was such that the practice of appealing to officials by a committee of either or both branches of Congress would never be heard of again.

"It is an entirely indelicate and improper relation for Senators or Members of the House of Representatives to be asking contributions, voluntary or involuntary, of persons in the civil service of the Government.

As a result of the agitation, on December 23, 1882, what now constitutes the substance of sections 118, 119, 120, and 121 of the Criminal Code was offered as an amendment to the Pendleton bill (S. 133), "To regulate and improve the civil service of the United States," and became sections 11, 12, 13, and 14 of that act as finally approved January 16, 1883. Nowhere does it appear that it was considered an evil for Members of Congress to give each other financial assistance in their campaign or to contribute to political committees, or that Congress had any thought of prohibiting them from doing so.

It will be observed that the inhibitions of section 118 are only against "*soliciting* or *receiving* * * * contributions from any officer, clerk, or employee * * * or *from any person receiving any salary or compensation from moneys derived from the Treasury* of the United States" by certain persons therein named, but that this section does not prohibit the *making* or *giving* of contributions.

On the other hand, section 121 expressly and explicitly provides that "No officer, clerk, or *other person in the service* of the United States shall * * * *give* or *hand over* to any other officer, clerk, or *person in the* service of the United States, or to *any Senator* or *Member* * * * any money * * * to be applied to the promotion of any political object."

This section does not prohibit *soliciting or receiving* contributions.

If the Congress intended to include Senators and Members in the class of persons of and from whom contributions should not be "solicited or received," and thought the phrase "any person receiving any salary or compensation from the United States," used in section 118, sufficient to accomplish that purpose, why was it deemed necessary to follow broader and stronger language, namely, "give or hand over to any other officer, clerk, or *person in the service of the United States*," in section 121, with the particular language, "or to *any Senator or Member*"? Will anyone contend that the Congress which did not intend the words used in section 121 "or *person in the service of the United States*" to include Senators and Members did intend the general language used in section 118 to include Senators and Members? True, as hereinbefore conceded, the language of section 118 is broad enough to embrace them. But will it be seriously contended that Congress designed to prohibit solicitation of or contribution from *any* person who receives "any *salary* or *compensation*" from the United States? Such construction would include the man who ferries a mail carrier over a river, as the hire he receives is "compensation" for services rendered. It would include the citizen who receives "compensation" or rent for a building leased to the United States for a post office, hospital, offices, or for any governmental purposes. No one, it seems to the committee, will upon mature reflection insist on such construction of this language.

Congress, in declaring it unlawful to solicit or receive contributions or subscriptions for political purposes from any "officer, clerk, or employee of the United States, or any department, branch, or bureau thereof," legislated with reference to a particular class of persons; and this particular designation is not affected by the subsequent general language—"or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States."

The doctrine of ejusdem generis applies. Under this rule, where general words follow the enumeration of particular classes of persons or things, the general words will be construed as applicable only to persons or things of the same general nature or class as those enumerated. (36 Cyc., 1119, and cases there cited.)

In United States v. Bevans (3 Wheat., 336), one William Bevans was indicted for murder in the United States Circuit Court for the District of Massachusetts. The offense was alleged to have been committed on November 6, 1816, on board the U. S. S. *Independence*, lying in the main channel of Boston Harbor. The third section of the act of Congress of April 30, 1790, provided—

"That if any person or persons shall within any port, arsenal, dockyard, magazine, or in any other place or district or country under the sole and exclusive jurisdiction of the United States, commit the crime of willful murder, such person or persons being thereof convicted shall suffer death."

It was contended that the United States ship was a "place" within the sole and exclusive jurisdiction of the United States, and jurisdiction was urged on that ground. In reference to this contention Chief Justice Marshall said:

"The objects with which the word 'place' is associated are all in their nature fixed and territorial. A fort, an arsenal, a dockyard, a magazine, are all of this character. When the sentence proceeds with the words, 'or in any other place or district or country under the sole and exclusive jurisdiction of the United States,' the construction seems irresistible that by the words 'other place' was intended another place of a similar character with those previously enumerated and with that which follows."

Another case illustrating the application of this rule is First National Bank of Anamoose v. United States (206 Fed., 374). One Meyers, of Anamoose, N. Dak., ordered a case of beer of the Hamm Brewing Co., of Minnesota. The brewing company accepted the order and shipped the beer and received bill of lading from the railroad company under an agreement that the company would not deliver the beer to Meyers until he presented the bill of lading to its agent at Anamoose. The brewing company then attached a sight draft on Meyers for the purchase price of the beer to the bill of lading and sent the same to the bank at Anamoose, which agreed with the vendor to collect the same from Meyers and to deliver the bill of lading to him, and thereby complete the sale and delivery of the beer. The bank was convicted of violating section 239 of the Criminal Code, which provides that "Any railroad company, express company, or other common carrier, or any other person" who, in connection with the transportation of intoxicating liquor from one State to another, shall collect the purchase price or any part thereof from the consignee or any other person, for the purpose of buying, selling, or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined, etc. But the circuit court of appeals for the eighth circuit promptly reversed the judgment under the doctrine of ejusdem generis, saying:

"To our minds the natural and manifest meaning of the declaration in this law that 'any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation,' etc., shall collect the purchase price or act as the agent of the buyer or seller, shall be fined, excludes banks, ordinary collectors, and all persons who are not members of the general class of carriers."

During the rather extended debate on the Pendleton and Hawley amendments Senator Beck said:

"I do not know how we can prevent Members of Congress from furnishing money for campaign purposes or publishing their own speeches. I suppose we all do that."

Senator Hoar said:

"The first section of his amendment (referring to what is now section 118 of the Criminal Code) prohibits any officer of the United States from either directly or indirectly making these solicitations of any officer or person receiving compensation from the United States. So the case of a Senator sending his private secretary to the boarding house of an employee is completely covered by the first section."

Senator Hawley, in discussing his amendment (now secs. 118, 119, and 120, Criminal Code), said it—

"only forbids employees collecting from each other and forbids persons going into rooms and offices and there collecting money for political purposes."

Senator Logan said:

"The intention is to keep persons from going into the departments for such purposes."

Senator Harrison said:

"I do not understand that any Senator here controverts the fact that there are legitimate and proper uses to which money may be put in political campaigns. The evil, then, against which we direct our legislation is not the collection of money for political uses; neither is it the corrupt or unlawful use of money in elections. What is it, then? It is simply this, sir, as I understand it: It is to remove from all those in the official service of the United States any other influence or control in their giving than that which may operate upon a private individual. That is what I understand to be the aim; that every clerk in a department and every officer of the Government shall be entirely emancipated from every influence except those influences which may operate upon the unofficial citizen in determining the question whether he will give or not give. The intention is by this bill to remove not only coercive influences but the semblance of them; not only to withhold legal power to exact but to withhold the use of official place which may be treated as an exaction."

Senator Jones said:

"You will see from the nature of this first section that two things are contemplated. First, it is directed against officials occupying high public places under the Government, and is for the protection of those in official station in humble capacity. Now, I say, if you are going to give the humble officeholder protection, make it an offense for any man, whether he be a Senator or Representative, to solicit from a person drawing compensation from the Government of the United States any contribution of money for a political purpose."

Senator Maxey, in discussing his amendment (now sec. 121 of the Criminal Code) to the amendment offered by Senator Hawley (secs. 118, 119, and 120 of the Criminal Code), said:

"The purpose of the amendment to the amendment is a protection of the employees of the Government. If they are prohibited from paying out of their earnings to any Senator, Representative, or Territorial Delegate, or person acting for such, then we effectually put a stop to the political assessment business, so far, at least, as these congressional committees are concerned. That is the object of my amendment."

It is fair to assume from the specific mention of Senators and Representatives in several sections of the act that Congress intended the act to apply to them only when they were specifically mentioned. Moreover, there was a very good reason why Congress would employ the specific designation wherever it intended the act to include Senators and Representatives, as the Attorney General only a few months before, in connection with the very subject of levying contributions upon officeholders, had held that a Member of Congress was not included within the general designation "any officer or employee of the Government." (17 Opin., 419.)

The language employed in the sections being considered, it seems clear that Congress recognized the distinction between Senators and Members of Congress and "officers of the United States." Senators and Members are not "officers" as the term is used.

In United States *v.* Mouat, reported in 124 U. S., at page 307, Mr. Justice Miller, speaking for the court, said:

"What is necessary to constitute a person an officer of the United States in any of the various branches of its service has been very fully considered by this court in United States *v.* Germaine (99 U. S., 508). In that case it was distinctly pointed out that under the Constitution of the United States all its officers were appointed by the President, by and with the consent of the Senate, or by a court of law, or the head of a department; and the heads of the departments were defined in that opinion to be what are now called the members of the Cabinet. Unless a person in the service of the Government, therefore, holds his place by virtue of an appointment by the President or of one of the courts of justice or heads of departments authorized by law to make such an appointment, he is not, strictly speaking, an officer of the United States."

In United States *v.* Smith, reported in 124 U. S., at page 532, Mr. Justice Field, speaking for the court, said:

"An officer of the United States can only be appointed by the President, by and with the advice and consent of the Senate, or by a court of law, or the head of a department. A person in the service of the Government who does not derive his position from one of these sources is not an officer of the United States in the sense of the Constitution."

In Burton *v.* United States, reported in 202 U. S., at page 369, Mr. Justice Harlan, speaking for the court, said:

"While the Senate, as a branch of the legislative department, owes its existence to the Constitution and participates in passing laws that concern the entire country, its Members are chosen by State legislatures, and can not properly be said to hold their places 'under the Government of the United States.'"

Finally, if a Member of Congress can not receive campaign contributions from another Member, then members of the same political belief will be prohibited from organizing and supporting a committee of their own members for the purpose of promoting their own reelection or the success of their political party. This would give the statute an effect bordering on absurdity. It is inconceivable that Congress intended any such effect. No reason in morals can be assigned in support of such intention; no demand by the public can be pleaded as its justification; no question of public policy can be urged in its behalf.

We conclude that this is a case where the letter of the law must yield to reason and the intendment of Congress, and that therefore sections 118 and 119 of the Criminal Code should not be construed to prohibit one Senator or Member of Congress from soliciting campaign contributions from another Senator or Member of Congress or from making such solicitation in the office furnished such Senator or Member of Congress in a Government building.

Section 119 of the Criminal Code was also taken from "An act to regulate and improve the civil service of the United States," approved January 1, 1883.

If the foregoing conclusion is correct, of course it follows by the same reasoning that section 119 does not prohibit a Member of Congress from mailing requests from his office in the House Office Building to other Members of Congress for campaign contributions.

The committee, after a full consideration of the facts and of the sections of the Criminal Code referred to in the resolution (H. Res. 256), is firmly of opinion that congressional committees or members thereof may lawfully solicit and receive contributions for political purposes from Senators and Representatives in Congress; that such solicitation or receipt of contributions from Senators and Representatives may be lawfully made and had in offices assigned Senators and Representatives in Government buildings; that the appointment by the Speaker of a committee of seven Members of the House to investigate and report upon the matters contained in and referred to in the resolution (H. Res. 256) is wholly useless and unnecessary because they are fully covered by this report.

In accordance with the facts herein reported and the conclusions herein expressed, your committee reports back to the House the resolution (H. Res. 256) with recommendations that the House adopt, as a substitute therefor, the following resolutions:

"*Resolved*, That it is no violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

"*Resolved*, That it is no violation of section 119 of the Criminal Code of the United States for a Senator or Member of the House to solicit contributions for political purposes, from other Senators or Members of the House, by letters written in his office in the Senate or House Office Buildings."

Mr. WINGO. Mr. Speaker, I would like to have about 10 minutes.

Mr. RUCKER. Mr. Speaker, before I yield the floor I ask unanimous consent for 10 minutes more debate, the time to be consumed by the gentleman from Arkansas.

The SPEAKER. Does the gentleman want to reserve his one minute?

Mr. RUCKER. Yes, sir.

The SPEAKER. The gentleman from Missouri asks unanimous consent that debate be extended for 10 minutes. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is the gentleman going to speak on the resolution?

Mr. WINGO. No.

Mr. MANN. I shall not object; but I used 18 minutes while the gentleman from Missouri used 42 minutes on the resolution.

Mr. WINGO. Of course, if there is the slightest objection, I shall not proceed; but I think it is a fitting time at this moment, as I have been waiting all day for the opportunity.

Mr. MANN. I thought if the gentleman was going to talk on the resolution I might wish some time in which to reply.

Mr. WINGO. No; I do not intend to talk on the resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri [Mr. RUCKER] has one minute remaining, and the gentleman from Arkansas [Mr. WINGO] is recognized for 10 minutes.

[Mr. WINGO addressed the House. See Appendix.]

Mr. RUCKER. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Missouri moves the previous question.

Mr. UNDERWOOD. Mr. Speaker, I desire, before any vote is taken on the matter here to-day——

Mr. MANN. There will be no roll call on the previous question.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. First I want to get this order. To-morrow the Barry statue will be unveiled. I find that there are a great many Members on both sides of the House who desire to be present on that occasion, and I think it would be advisable for the House to adjourn at half past 2, or earlier if we can, in order to allow the Members to be present. I think that if there is no undue delay the Diplomatic and Consular bill could be finished in three hours. I therefore ask unanimous consent that the House meet at 11 o'clock to-morrow, so that we can take up the Diplomatic and Consular bill, with the understanding that when that bill is finished the House will adjourn, and that it will adjourn anyhow at half past 2 if the bill is not finished by that time.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House meet to-morrow at 11 o'clock instead of 12, and that it adjourn when the Diplomatic and Consular bill is finished, and adjourn at half past 2, whether it is finished or not. Is there objection?

Mr. MANN. Reserving the right to object, may I ask the gentleman from Alabama whether he is able now to make a statement as to whether the Unanimous Consent Calendar will be called Monday or whether the Committee on Rules will bring in a report?

Mr. UNDERWOOD. There are a great many gentlemen in the House who desire to have the Unanimous Consent Calendar considered before the rule is adopted; and as that is a sort of field day for the individual Members, and belongs to all the individual Members, I think the Rules Committee have about concluded that they will not bring in the rule until Tuesday.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Saturday, May 16, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting an additional estimate of appropriation in the sum of $50,000 for Medical and Hospital Department for fiscal year ending June 30, 1914, required by the Medical Department of the Army to cover extraordinary expenditures incidental to the occupation of Vera Cruz, and to the mobilization of troops for service abroad (H. Doc. No. 977), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead," reported the same with amendment, accompanied by a report (No. 676), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLDFIELD, from the Committee on Patents, to which was referred the bill (H. R. 16480) amending sections 476, 477, and 440, Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 678), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Utah, from the Committee on the Public Lands, to which was referred the bill (S. 1214) to amend sections 2380 and 2381, Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 679), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16197) to authorize the county of Barry, State of Missouri, to construct a bridge across White River, in Barry County, Mo., near a point known as Goldens Ferry, reported the same without amendment, accompanied by a report (No. 680), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 16283) granting a pension to Martha L. Rummell, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GUERNSEY: A bill (H. R. 16579) to authorize the construction of a bridge across St. John River at Fort Kent, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSE (by request): A bill (H. R. 16580) to extend the authority to receive certified checks drawn on national and State banks and trust companies, and travelers' checks and drafts issued by corporations or joint-stock companies subject to the interstate-commerce act and its amendments, in payment of duties on imports and internal taxes and all public dues; to the Committee on Ways and Means.

By Mr. DAVENPORT: A bill (H. R. 16581) to regulate the transportation of oil by means of pipe lines; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 16582) to prevent importation of Egyptian cotton and cotton seed to prevent bringing into this country the pink boll worm; to the Committee on Interstate and Foreign Commerce.

By Mr. WALSH: A bill (H. R. 16583) for the erection of a public building at Princeton, Mercer County, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: A bill (H. R. 16584) to provide for the purchase of a site and the erection of a building thereon at Nephi, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16585) to provide for the purchase of a site and the erection of a building thereon at Bingham Canyon, Utah; to the Committee on Public Buildings and Grounds.

By Mr. RAYBURN: A bill (H. R. 16586) to amend section 20 of an act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: A bill (H. R. 16587) for the control and regulation of the waters of Niagara River, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HENRY: A bill (H. R. 16588) to prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on stock exchanges; to the Committee on the Judiciary.

By Mr. WICKERSHAM: Joint resolution (H. J. Res. 267) to disapprove an act of the Legislature of Alaska; to the Committee on the Public Lands.

By Mr. HAMMOND: Resolution (H. Res. 516) authorizing the Clerk of the House to pay Mary E. De Coster a sum equal to six months' salary of Francisco V. De Coster, deceased; to the Committee on Accounts.

By Mr. MURRAY of Oklahoma: Resolution (H. Res. 517) referring the bill (H. R. 13519) for the relief of the Iowa Indians of Oklahoma to the Court of Claims for a finding of fact and conclusions of law; to the Commitee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 16589) granting a pension to John E. Colvin; to the Committee on Invalid Pensions.

By Mr. BROWNE of Wisconsin: A bill (H. R. 16590) granting a pension to Mary Downing; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 16591) for the relief of Paul E. Huettner; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 16592) for the relief of Edwin L. McQuie; to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 16593) granting an increase of pension to James Flint; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 16594) for the relief of Eva G. Bond and Daisy E. Jackson, sole heirs of the late Warren F. Jackson; to the Committee on Claims.

By Mr. EAGAN: A bill (H. R. 16595) granting an increase of pension to George Oberg; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 16596) granting an increase of pension to John W. Smith; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 16597) granting an increase of pension to Samuel Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16598) granting an increase of pension to Robert E. Benson; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 16599) granting an increase of pension to Aaron F. Miner; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 16600) granting an increase of pension to Daniel Sullivan; to the Committee on Pensions.

Also, a bill (H. R. 16601) granting an increase of pension to Ellen M. De Coursey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16602) for the relief David F. Turnbull, alias David Trunbull; to the Committee on Naval Affairs.

By Mr. HELVERING: A bill (H. R. 16603) granting an increase of pension to James L. Soupine; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 16604) granting an increase of pension to Eliza Martin; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 16605) for the relief of Sarah E. Potter; to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 16606) granting a pension to John P. Simpson; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 16607) granting a pension to Mrs. E. L. Markham; to the Committee on Pensions.

By Mr. PAGE of North Carolina: A bill (H. R. 16608) granting an increase of pension to Anna B. Davis; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 16609) to remove the charge of desertion from the military record of Elijah S. Howard; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 16610) granting an increase of pension to Ira L. Knull; to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 16611) granting an increase of pension to James M. Riley; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 16612) granting a pension to Julia Jones; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 16613) granting a pension to Mary Bates; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 16614) granting a pension to Catherine M. Hazelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16615) granting a pension to Anna M. Camp Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16616) granting an increase of pension to Isaiah P. Reynolds; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 16617) granting an increase of pension to George L. P. Wentworth; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of citizens of Liberty Corner, N. J.; Winchester, Kans.; Highland, Kans.; Alexis, Ill.; Renville, Minn.; Donnelly, Minn.; Fort Collins, Colo.; Denver, Colo.; Erie, Pa.; Bethany, Ill.; Hillboro, N. Y.; Brooklyn, N. Y.; Nampa, Idaho; Bridgeport, Conn.; Summerfield, Kans.; Durand, Wis.; Waukesha, Wis.; Wrightsville, Pa.; Utica, N. Y.; Ingram, Pa.; Americus, Kans.; Wood River, Nebr.; Colorado Springs, Colo.; Minneapolis, Minn.; Dallas Center, Iowa; Creston, Iowa; Clarinda, Iowa; Shellsburg, Iowa; Kuna, Idaho; Sioux City, Iowa; Moberly, Mo.; Emmett, Idaho; Roswell, Idaho; and Buffalo, Minn., against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of the Aid Conference of Colorado Mine Strikers, of Newark, N. J., relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also (by request), petition of the Commercial Club of Juneau, Alaska, favoring provision for an Alaskan exhibit at the Panama-Pacific Exposition; to the Committee on the Territories.

Also (by request), petition of sundry citizens of Ponca City, Okla., favoring appropriation for a combined Federal post-office and Indian agency building at Ponca City, Okla.; to the Committee on Public Buildings and Grounds.

Also (by request), petition of the Noke Street Methodist Episcopal Epworth League, of Anderson, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of Lodge No. 66, International Brotherhood of Maintenance of Way Employees, of Montpelier, Ohio, favoring House bill 10518, to promote safety of employees, etc., on railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of the Newark (Ohio) Branch of the American Association of Letter Carriers, protesting against House bill 12028, relative to Sunday work in post offices; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY (by request): Petition of the temperance committee of the Christian Endeavor of Tyrone, 800 citizens of Hollidaysburg, 569 citizens of Portage, 46 citizens of Bellwood, 72 citizens of Darby, 300 citizens of Schellsburg, 802 citizens of Johnstown, 137 citizens of Fishertown, 40 citizens of South Fork, 203 citizens of Cumberland Valley, 562 citizens of Bedford, 325 citizens of Saxton, and 84 citizens of Wolfsburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Portage (Pa.) Local Union, No. 570, United Mine Workers of America, relative to troubles in mines of Colorado; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petitions of the Western Automobile Co., the West St. Louis Trust Co., the Fulton Iron Works, the Christopher & Simpson Iron Works, the Morton Salt Co., the Missouri Lamp & Manufacturing Co., the Acme Specialty Manufacturing Co., the Laclede-Christy Clay Products Co., the Union Electric Light & Power Co., the American Cement Tile Manufacturing Co., the Dakota Park Improvement Association, the Banner Iron Works, the Kupferle Bros. Manufacturing Co., the Schroeter Bros. Hardware Co., the Mechanics-American National Bank, and the N. O. Nelson Manufacturing Co., all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of the National Oats Co., of St. Louis, Mo., in favor of House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Post Office Clerks' Association of St. Louis, Mo., in favor of House bill 10327, providing for a higher pay for post-office clerks; to the Committee on the Post Office and Post Roads.

Also, petitions of the Davenport Malt & Grain Co., of Davenport, Iowa; the Francis Perot's Sons Malting Co., of Philadelphia, Pa.; Vincent Rapp, Phil. Snyder, C. H. Verborg, Widmann & Walsh, Arthur F. Kaernbach, and Adolph Kaernbach, of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petition of various churches representing 350 citizens of Glendale, 1,168 citizens of Covina, and 250 citizens of Los Angeles, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWN of New York: Petition of 40 citizens of Amityville, N. Y., and 184 citizens of Greenport, Long Island, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNE of Wisconsin: Petitions of 16 citizens of Wausau, 19 citizens of Shawano, 11 citizens of Redgranite, 4 citizens of Bancroft, 6 citizens of Colby, 4 citizens of Plainfield, 5 citizens of Almond, 8 citizens of Wild Rose, 13 citizens of Spencer, all in the State of Wisconsin, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of 17 citizens of Hancock, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 31 citizens of Weyauwega, Wis., asking for an appropriation of $100,000 for work of protecting migratory birds; to the Committee on Agriculture.

Also, petition of 24 citizens of Wausau, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 53 citizens of Wood County, Wis., favoring passage of House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of 62 citizens of Wood County, Wis., protesting against passage of House bill 7826, the Sunday-observance bill; to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: Petition of sundry citizens of the third congressional district of South Dakota, against national prohibition; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers accompanying a bill (H. R. 16591) for the relief of Paul E. Huettner; to the Committee on Claims.

By Mr. CANDLER of Mississippi: Petition of J. W. McKinney, of Shannon, Miss., against national prohibition; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petitions of 54 citizens of Daytona, 234 citizens of De Land, 125 citizens of Jacksonville, and 100 citizens of Winter Park, all in the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CLINE: Petitions of sundry citizens of Allen County, Ind., and 800 citizens of the twelfth congressional district of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Steuben County, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Protests of E. C. Hindt and 30 other citizens of Lake Township, Macomb County, Mich., and of John Elliott and 10 other citizens of Port Huron, Mich., against passage of the Hobson resolution submitting the question of national prohibition; to the Committee on the Judiciary.

By Mr. DAVIS: Petition of J. S. Cadey Post, No. 2, Grand Army of the Republic, and Ladies of the Grand Army of the Republic, Mary A. Livermore Circle, No. 1, of Anoka, Minn., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petitions of sundry citizens of St. Peter, Hastings, Le Sueur, and Jordan, all in the State of Minnesota, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of the La Crosse (Wis.) Trades and Labor Council, relative to conditions in Government Printing Office; to the Committee on Printing.

By Mr. GALLIVAN: Petition of 1,359 citizens of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Woman's Christian Temperance Union of Waymart, Pa., and sundry citizens of East Brady, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAY: Petition of J. Ed. Rogers and sundry citizens of Newcastle, Ind., favoring constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also, petition of Henry Shannon and sundry citizens of Richmond, Ind., protesting against constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also, petition of Robert Williams and sundry citizens of Shelbyville, Ind., protesting against constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also, petition of Martin Bulach, president, and O. M. Grunzke, secretary, of the Local Branch National Alliance of German Societies, and sundry citizens of Richmond, Ind., protesting against constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also, petition of O. P. Nicholson and sundry citizens of Newcastle, Ind., protesting against constitutional amendment for national prohibition; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petitions of 21 citizens of Stockholm, 18 citizens of Willimantic, and sundry citizens of Wytopitlock, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMMOND: Petitions of 29 citizens of Lakefield, Minn., protesting against the enactment into law of House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

By Mr. HART: Petitions of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Washington (N. J.) Ministerial Union, against section 6 of House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of various business men of New Jersey, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. HELVERING: Petitions from 160 citizens of Idana and of 258 citizens of Talmage, both in the State of Kansas, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HOWELL: Petitions of Local Union No. 815, Cooks, Waiters, and Waitresses Union; the Boiler Makers and Shipbuilders and Helpers of America; the District Council of Carpenters and Joiners of America; Local Union No. 121, Amalgamated Sheet Metal Workers' International Alliance; Local Union No. 77, Brotherhood of Painters, Decorators, and Paper Hangers of America; the International Molders' Union; Stone Masons' Union No. 2 of the Bricklayers and Masons' Union of Utah; and Local Union No. 43, Wood, Wire, and Metal Lathers' International Union, all of Salt Lake City, Utah, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of Local Union No. 252, International Union of United Brewery Workmen of America; Local Union No. 19, United Association of Journeymen Plumbers and C. P. S. P. and Helpers; Division No. 382, Amalgamated Association of Street and Electric Railway Employees of America; Local Union No. 134, International Union of Journeymen Horseshoers of United States and Canada; Expressmen's Union No. 148, all of Salt Lake City, Utah, favoring passage of the Bartlett-Bacon bill (H. R. 1873); to the Committee on the Judiciary.

By Mr. HULL: Petitions of sundry citizens of the fourth congressional district of Tennessee, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. KAHN: Petition of the Sailors' Union of the Pacific, relative to strike conditions in Colorado; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Brownell & Field Co., of Providence, R. I., favoring House bill 15986, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petitions of sundry citizens of Renovo, Pa., and the fifteenth congressional district of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, papers to accompany a bill (H. R. 4918) for the relief of Daniel Robb; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: Petitions of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of 800 citizens of Ford City, Pa., and sundry citizens of Strangford, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEVY: Petition of Federal Civil Service Society, favoring House bill 15222, relative to compensation for incapacitated Federal employees; to the Committee on the Judiciary.

Also, petition of the Chicago Federation of Labor, relative to trouble in mines of Colorado; to the Committee on the Judiciary.

Also, petition of the Central Federated Union of New York and the Hotel Association of New York and Charles J. Schmitz, of New York City, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of various members of Gray Bible Class of the Hancock Methodist Episcopal Sunday School, in Hancock, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of sundry citizens of St. Cloud, Minn., against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Mrs. Ernest Thompson Seton, chairman of the Connecticut delegation, and 32 others, favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of the Commercial Club, of Juneau, Alaska, favoring Government aid for an Alaskan exhibit at the Panama-Pacific Exposition; to the Committee on the Territories.

By Mr. MAHER: Petition of the Medical Society of the State of New York, relative to mental examination of immigrants; to the Committee on Immigration and Naturalization.

By Mr. MOORE: Petition of 604 citizens of Pennsylvania against national prohibition; to the Committee on the Judiciary.

Also, petition of various churches and societies of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of meetings of citizens and associations of Pennsylvania, favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of the Philadelphia Quarterly Meeting of Friends, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the New York State Hotel Association, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Women Physicians' Branch of the Political Equality League, of Brooklyn, N. Y., favoring suffrage for women; to the Committee on the Judiciary.

Also, petition of the Philadelphia Board of Trade, protesting against passage of House bill 15657, relative to monopolies, etc.; to the Committee on the Judiciary.

Also, petition of the Independent Retail Merchants of Greater New York, favoring passage of House bill 13305, relative to standardizing prices; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Apple Shippers' Association, of Rochester, N. Y., relative to House bill 11178, the box bill; to the Committee on Coinage, Weights, and Measures.

Also, petition of the Federal Civil Service Society, favoring passage of House bill 15222, relative to incapacitated Government employees; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Petition of the Sailors' Union of the Pacific, of San Francisco, Cal., protesting against outrages in Colorado mines; to the Committee on the Judiciary.

By Mr. O'LEARY: Petitions of the Proessler & Hasslacher Chemical Co., of New York; the West End Wine, Beer, and Liquor Dealers' Association, of Woodhaven; the Davenport (Iowa) Malt & Grain Co.; Hubert Cillis, of Far Rockaway; Philip J. Peckham, and I. Schmitts, of New York, all in the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PORTER: Eighty-two petitions of various organizations, societies, and sundry citizens of the twenty-ninth congressional district of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

Also, petitions of various churches and organizations of Pittsburgh, Bellevue, Aspinwall, Allison Park, Cliff Mine, Carnegie, McKees Rocks, McKeesport, Coraopolis, Crafton, and Allegheny County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. REED: Petitions of J. O. Plummer and 162 others, of Somersworth; E. A. Parkman, of Exeter; George H. Sherry and 258 others, of Dover; Paul Lavoie, of Gonic; William E. Smith and 1 other, of Manchester; George D. Nutten and 4 others, of Rochester, all in the State of New Hampshire, opposing national prohibition of liquor traffic; to the Committee on the Judiciary.

By Mr. REILLY of Wisconsin: Petitions of sundry citizens of the State of Wisconsin, favoring the passage of the pending prohibition measures before Congress; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the sixth congressional district of Wisconsin, against national prohibition; to the Committee on the Judiciary.

Also, petitions of various church societies of the sixth congressional district of Wisconsin, favoring the passage of the prohibition measures now pending in Congress; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the sixth congressional district of Wisconsin, favoring the passage of the prohibition measures now pending in Congress; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of 105 citizens of Prattville, 150 citizens of Pittsford, 556 citizens of Galesburg, and 20 citizens of Quincy, all in the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petitions of 200 citizens at a mass meeting in Sawtelle; 100 members of the Seventh Day Adventist Church, of Sawtelle; 75 members of the Woman's Christian Temperance Union of Sawtelle; 100 members of the Seventh Day Adventist Church, of Santa Monica; 150 members of the Brethren Church of Los Angeles; 300 members of the Vernon Congregational Church, of Los Angeles; and Mrs. J. W. Humphrey and 2,045 members of the Home Missionary Society of the Methodist Episcopal Church of Los Angeles, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Los Angeles Chamber of Commerce; the Los Angeles Merchants and Manufacturers' Association; the Hotel Men's Association of Southern California; the Los Angeles Credit Men's Association; George L. Dirks and 25 other citizens of Los Angeles; the Iroquois Bottling Co., of Los Angeles; Elbert E. Johnson, of Los Angeles; H. H. Francisco and 4 other citizens, of Los Angeles; R. J. Taussig and 4 other citizens, of San Francisco; Max I. Koshland and 44 other citizens, of San Francisco; John Herman, president of the German-American League of California, of San Francisco; D. Knabbe,

grand president of the Knights of the Royal Arch, of San Francisco; Theo. Lunstedt, president of the governing board of the Knights of the Royal Arch, all of the State of California, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Pacific Coast Gold and Silversmiths' Association, of San Francisco, Cal., favoring House bill 13305, the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Robert W. Miller and George S. Pownall, favoring an appropriation for a survey of Victor Valley, Cal.; to the Committee on Rivers and Harbors.

Also, petition of the Board of Trade and Chamber of Commerce of San Francisco, Cal., favoring the erection of a marine-hospital building at San Francisco; to the Committee on Public Buildings and Grounds.

Also, petitions of Charles W. Armstrong and 54 other citizens of Los Angeles, Cal., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. J. O. Ellis, president, and Mrs. E. C. Speicher, secretary, favoring Federal motion-picture commission; to the Committee on Education.

Also, petition of the Retail Dry Goods Merchants Association of Los Angeles, Cal., protesting against House bill 13305, relating to manufacturers fixing a resale price on their products; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Arkansas (by request): Petition of John Wolf, of Arkansas, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TREADWAY: Petition of sundry citizens of the State of Massachusetts, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Philadelphia Board of Trade, against House bill 15657, to regulate trusts, etc.; to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 16, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy grace for the duties of this day. Many of Thy blessings come to us unasked. Thou openest Thy hand and suppliest the need of every living thing. Thy providence is about us, preserving us from harm and danger. Thy grace is given to them that call upon Thee in sincerity and in truth. We come to Thee not only because we hunger and are weak and ignorant, but because we are sinners. We have turned aside from Thy ways. We have done the things that we should not have done. We have left undone the things that we should have done. We seek Thy pardoning grace and Thy love, that this day we may find our hearts in accord with Thy will and our lives channels through which Thy blessings may come to men. Hear us in our prayer; forgive our sins. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Cincinnati, Zanesville, New Concord, Weston, Coshocton, Middletown, and Hamilton, in the State of Ohio; of Belmont and Boscobel, in the State of Wisconsin; of Western, Minneapolis, Buffalo, Winnebago, and Madelia, in the State of Minnesota; of Wichita, Osborne, and Winchester, in the State of Kansas; of North Rose, New York City, Delhi, and Jamestown, in the State of New York; of Sparta, Lincoln, Flora, Knoxville, and Chicago, in the State of Illinois; of Martinsburg, Creston, Dallas Center, Shellsburg, Sioux City, and Clarinda, in the State of Iowa; of St. Louis, Mo.; of Emmett, Roswell, and Kuna, in the State of Idaho; of Washington, D. C.; of Grand Rapids, Mich.; of Colorado Springs, Colo.; of Elk Grove, Cal.; of Wood River, Nebr.; of Oriental, N. C.; of Lebanon, Oreg.; and of Mars, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. SMITH of Georgia presented petitions of L. A. McLaughlin, of Talbotton; of the Ministerial Alliance of Atlanta; of sundry citizens of Harris County, Haralson County, Talbot County, Chauncey, Douglasville, Greensboro, Monroe, Griffin, Macon, Barnesville, Quitman, Thomasville, Ashburn, Madison, Elligay, Savannah, Summerville, Bascom, Belmont, Lithonia, Lumpkin, Fitzgerald, Acworth, Vidalia, and Atlanta; and of the Georgia State Woman's Christian Temperance Union, all in the State of Georgia, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Atlanta, Ga., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD. I send a telegram to the desk, and ask to have it read.

There being no objection, the telegram was read and referred to the Committee on the Judiciary, as follows:

[Telegram.]

OKLAHOMA CITY, OKLA., *May 15, 1914.*

Senator SHEPPARD,
United States Congress, Washington, D. C.:

The general conference Methodist Episcopal Church South, assembled in Oklahoma City, representing 2,000,000 members, passes this resolution without opposition:

"*Resolved*, That this general conference indorses the Hobson amendment, now pending before our National Congress, and petitions our national legislators to speedily give us the legislation sought therein. Our people are long since wearied of the monster evil, the liquor traffic, and are now praying for its extirpation."

A. F. WATKINS, *Secretary.*

Mr. KERN. I have a short letter from George Ade, a distinguished citizen of Indiana, on the subject of the protection of birds, which I desire to have incorporated in the RECORD. It is headed Hazelden Farm.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

HAZELDEN FARM,
Brook, Ind., May 12, 1914.

The Hon. JOHN W. KERN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I live in the country, and I am a member of a society for the protection of our native birds, so I have a double reason for asking you to favor a liberal appropriation for enforcing the new law which is intended to protect our migratory small birds, especially the song and plumage birds.

The new and more stringent laws for the protection of both song birds and game animals are proving most beneficial, so that the living creatures that give character and animation to our woods and fields are going to become plentiful and useful if Congress will continue to have the laws enforced.

I am, with best wishes,
Sincerely,

GEORGE ADE.

Mr. BRADY presented a memorial of W. H. Hartshorn and F. H. Toogood, president and secretary, respectively, of Local Union No. 679, Bartenders' International League of America, of the State of Idaho, and a memorial of William Abrens and sundry other citizens of Shoshone, Idaho, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PURLEIGH presented a petition of sundry citizens of Woodland, Me., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Methodist Episcopal Church of Cabot, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of Rev. J. B. Palmer and 30 other citizens of Newport, N. H., and the petition of F. K. Johnson, of Belmont, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a telegram, in the nature of a memorial, from Louis N. Hammerling, president of the American Association of Foreign Language Newspapers (Inc.), of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CATRON presented petitions of sundry citizens of New Mexico, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented a memorial of Ellendale Local, No. 26, of the Socialist Party of North Dakota, remonstrating against the conditions existing in the mining districts of Colorado, and also against the murder of American citizens in Mexico, which was referred to the Committee on Foreign Relations.

Mr. SHIVELY presented petitions of the Woman's Christian Temperance Union of Miami County, of the Methodist Sunday School of Orland, and of sundry citizens of Woodburn, Odell, Hartford City, and Martinsville, all in the State of Indiana, praying for the adoption of an amendment to the Constitution

to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of Glen Touck and sundry other citizens of Franklin, La Fayette, Muncie, Indianapolis, Wanatah, and Peru, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Presbyterian Church of Nappanee, Ind., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. POINDEXTER presented a petition of sundry citizens of College Place, Wash., praying for national prohibition, which was referred to the Committee on the Judicary.

He also presented a memorial of Local Union No. 2747, United Mine Workers of America, of Issaquah, Wash., remonstrating against conditions in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. SMITH of Michigan presented memorials of Label Trades Department of the Federation of Labor, of Detroit; of Cigar Makers' Local Union, No. 368, of Port Huron; of the Federation of Labor of Detroit; of the United Brotherhood of Carpenters and Joiners of Muskegon; of the Allied Printing Trades' Council of Grand Rapids; of Cigar Makers' Local Union, No. 208, of Kalamazoo; and of sundry citizens, all in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Council of Highland Park; and the Woman's Christian Temperance Union of Kalamazoo; and of the Elmwood Avenue Mothers' Club, of Detroit, all in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of George Miller Camp, No. 28, United Spanish War Veterans, of Houghton, Mich., praying for the enactment of legislation to grant pensions to widows and minor children of veterans of the War with Spain and the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of the Shiawassee County Sportsmen's Association, of Michigan, praying for an appropriation of $100,000 for the enforcement of the migratory-bird law, which was referred to the Committee on Appropriations.

Mr. BRANDEGEE presented a petition of the Equal Franchise League of Redding, Conn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. WEEKS presented a petition of the board of aldermen of Chelsea, Mass., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 525), accompanied by a bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 212. Marie J. Blaisdell.
S. 255. Asa Wren.
S. 418. Benjamin G. Barber.
S. 419. Emma T. Barnes.
S. 438. David H. Geer.
S. 443. Sarah C. Jaques.
S. 450. Eldred C. Mitchell.
S. 567. Mary A. Burns.
S. 607. Mary Boyington.
S. 610. Sarah A. Bailey.
S. 806. Mary J. Richardson.
S. 1026. Lewis C. Jones.
S. 1767. Jane Simpson.
S. 1998. William H. Southwell.
S. 2249. Emma S. Gere.
S. 3043. Anna T. Russell.
S. 3187. Isabella A. Trask.
S. 3710. Benedikta Hess.
S. 3741. Sarah H. White.
S. 3810. Ella Hawkins.
S. 3961. Morris P. Jolley.
S. 4210. Mary E. Wallace.
S. 4720. Mary E. Turner (formerly Ross).
S. 4916. Joshua F. Spurlin.
S. 4962. Emily M. Walker.
S. 5143. Lucretia M. Small.
S. 5146. Bernard A. McKenna.
S. 5152. Julius Patmore.
S. 5163. Harriet M. Case.
S. 5174. Rebecca Brown.
S. 5208. Marcia A. Ward.
S. 5200. Fridolin Strobel.
S. 5301. James M. Harvey.
S. 5305. Henry N. Oliver.
S. 5326. William J. Murray.
S. 5328. Samuel Morningstar.
S. 5331. Arthur Householder.
S. 5378. Charles H. Chambers.
S. 5383. James W. Allen.
S. 5387. James D. Beasley.
S. 5393. Naomi Fiedler.
S. 5395. Albert White.
S. 5396. Frederick J. Young.
S. 5402. Samuel Mannich.
S. 5408. Franklin Parlin.
S. 5409. Martha E. Enicks.
S. 5416. Isaac E. Hunt.
S. 5417. Austin Peck.
S. 5419. John Flynn.
S. 5420. Pliny H. Barnes (alias Charles Baker).
S. 5423. Nancy A. Stanley.
S. 5427. Levi W. Eiseley.
S. 5428. Ida M. Davis.
S. 5432. John T. Taylor.
S. 5443. Marguerite D. Pollard.
S. 5455. Thomas Kiernan.
S. 5458. John Winebark.
S. 5467. George W. Townsend.
S. 5468. Albert T. Harvey.
S. 5469. William P. Mullikin.
S. 5470. Patrick Carver.
S. 5478. Lizzie B. Nelson.
S. 5480. John Pace.
S. 5481. Martin V. B. Eisenbarger.
S. 5485. Edwin P. Kyle.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside, reported it with amendments and submitted a report (No. 526) thereon.

He also, from the same committee, to which was referred the bill (S. 5404) for the payment of certain sums due by reason of an injury sustained by Second Lieut. Rogers, United States Army, while attempting to provide suitable mounts for United States Army, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

He also, from the same committee, to which was referred the bill (H. R. 851) for the relief of the legal representatives of Napoleon B. Giddings, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 5211) to amend section 1225, Revised Statutes, as amended by act approved September 26, 1888, etc., reported it with amendments and submitted a report (No. 527) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 5576) granting an increase of pension to Florence B. Plato; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 5577) authorizing the Secretary of War to grant the use of the Fort Boise Military Reservation, in the State of Idaho, to the mayor and city council of Boise, a municipal corporation of the State of Idaho; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 5578) granting a pension to Penelopie S. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 5579) granting a pension to Albert V. Wallis (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 5580) granting a pension to Emma B. Hubbard; and

A bill (S. 5581) granting an increase of pension to George L. Johnson (with accompanying paper); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5582) granting a pension to Joanna Bevans; to the Committee on Pensions.

A bill (S. 5583) authorizing the Secretary of State to invite other nations of the world to participate in an international congress of thrift to be held at San Francisco, Cal., in 1915, and to appropriate $50,000 to help defray the expenses thereof (with accompanying paper); to the Committee on Appropriations.

By Mr. GORE:

A bill (S. 5584) to regulate the transportation of oil by means of pipe lines; to the Committee on Interstate Commerce.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS—TOBIAS SEWALL RUDOLPH.

On motion of Mr. BRISTOW, it was

Ordered, That the papers filed in the case of a bill (S. 7538, 62d Cong., 3d sess.) for the relief of Tobias Sewall Rudolph be withdrawn from the files of the Senate, no adverse report having been made thereon.

TRANSPORTATION BETWEEN ATLANTIC AND PACIFIC PORTS.

Mr. SHEPPARD. Mr. President, I wish to ask unanimous consent that a Senate resolution reported yesterday from the Committee on Interstate Commerce may be adopted. It calls for certain information regarding freight charges by rail lines and coastwise vessel lines and the ownership of these rail and vessel lines. The resolution provides that this information shall be obtained by addressing circular letters of inquiry to the various lines, and it will not involve a great amount of labor. The Interstate Commerce Commission say the information will be valuable. They can not obtain it in a satisfactory manner unless this authority is given.

Mr. SMOOT. Will the Senator tell me the calendar number of the resolution?

Mr. SHEPPARD. It is Senate resolution 364, Order of Business 457 on the calendar. It is the resolution originally introduced by me as Senate concurrent resolution 23, with certain amendments.

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution reported yesterday from the Committee on Interstate Commerce by Mr. NEWLANDS, as follows:

Resolved, That the Interstate Commerce Commission be, and hereby is, authorized and requested to ascertain, by addressing circular letters of inquiry to rail lines, coastwise vessel lines, and such other lines as may be deemed advisable, and requiring, wherever deemed necessary, replies to be returned at a specified date in the near future, and, as soon as practicable, report to Congress the following information:

First. To what extent, if any, vessels and steamship lines are engaged in transporting freight between Atlantic and Pacific ports wholly by water, or partly by water and partly by rail, and in the coastwise trade of the United States, under joint ownership or common control or in community of interest, directly or indirectly, by stock ownership, trust, holding committee, or otherwise, with railroad companies engaged in transporting freight by rail between the Atlantic and Pacific ports of the United States and in the coastwise trade of the United States, stating separately what vessels and steamship lines are owned and controlled by said railroad companies, if any, and what vessels and steamship lines in said transportation are under a common or joint ownership or control with said railroad companies, or any thereof, and the names of the owners, stockholders, trustees, holding committees, directors, and officers of all steamship lines and railroads engaged in the coastwise and foreign trade of the United States. And to what extent and how, if any, they are consolidated, directed, or operated by and through holding companies, interlocking stocks, interlocking directorates, or interlocking officers.

Second. What are the prevailing rates upon the principal commodities carried by vessels between said Atlantic and Pacific ports of the United States wholly by water or partly by water and partly by rail across the Isthmus of Panama or Tehuantepec, and what are the prevailing rates between said Atlantic and Pacific ports upon such commodities transported wholly by rail and what are the prevailing rates for transportation of similar commodities wholly by water by vessels not under United States registry for similar distances as the water routes between said Atlantic and Pacific ports of the United States carried under similar conditions.

Third. And what are the prevailing rates upon the principal commodities carried by vessels in the coastwise trade of the United States in comparison with such rates on similar commodities for similar distances carried by vessels in the foreign trade of the United States.

Fourth. And what are the prevailing rates for transportation for similar commodities wholly by water by vessels not under United States registry for similar distances on similar commodities, under similar conditions in comparison with the rates on commodities transported in the coastwise trade of the United States.

Mr. SMOOT. I desire to say to the Senator that almost all the information asked for in the resolution has been obtained under House resolution 587, "Report of the Committee on the Merchant Marine and Fisheries on steamship agreements and affiliations in the American foreign and domestic trade."

Mr. SHEPPARD. I understand that the report referred to by the Senator from Utah does not contain the exact information requested by my resolution.

Mr. SMOOT. I will admit that there are a few items embraced in the resolution that are not covered by this report, but I would say offhand that it covers probably at least three-fourths of the information asked for in the resolution.

However, if the Interstate Commerce Commission feel that it is necessary to have this information, and the subject matter being before the Senate at present, I shall not object to the consideration of the resolution.

Mr. GALLINGER. Mr. President, one fact will be developed through this inquiry, and that is that the oft-repeated statement that the coastwise shipping of this country is a trust or that it is controlled by railroads will be found to be not accurate. The fact is that out of 24,765 steamships and sailing ships engaged in the coastwise trade there are only 330 that are controlled in the way suggested. So this information will be valuable.

The statement which has gone forth was due to a casual reading of Prof. Huebner's report and the report of the Committee on the Merchant Marine and Fisheries of the House of Representatives. The ships that are owned by railroads or in combinations are in the "regular" line service and do not include the smaller ships—those that may be called tramp steamers, and so forth, engaged in carrying heavy commodities, which aggregate 24,435 ships out of a total of 24,765 ships engaged in the coastwise trade of the United States.

So if all this information has not already been obtained, the resolution ought to be passed.

The VICE PRESIDENT. Is there objection to the resolution? The Chair hears none. By unanimous consent, the resolution is adopted.

PANAMA CANAL TOLLS.

Mr. HOLLIS. Mr. President, I desire to give notice that on Wednesday, May 20, at the conclusion of the routine business, I shall address the Senate on the Panama Canal tolls question.

TRANSPORTATION OF PARCEL-POST MATTER.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Senate resolution 363, by Mr. SMITH of Georgia, requesting the Joint Committee on Postage on Second-Class Mail Matter and Compensation of Transportation of Mails to report.

Mr. SMITH of Georgia. I ask that the resolution may go over without prejudice until Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution goes over without prejudice. The morning business is closed.

PANAMA CANAL TOLLS.

Mr. THORNTON. I ask that House bill 14385, the unfinished business, be now laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. HOLLIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Gallinger	Overman	Smoot
Brady	Gore	Page	Sterling
Bristow	Gronna	Perkins	Stone
Bryan	Hollis	Pittman	Sutherland
Burleigh	Hughes	Poindexter	Thompson
Burton	Jones	Reed	Thornton
Catron	Kenyon	Sheppard	Tillman
Chamberlain	Kern	Sherman	Townsend
Chilton	La Follette	Shively	Vardaman
Clark, Wyo.	Lane	Smith, Ariz.	Walsh
Crawford	Martin, Va.	Smith, Ga.	West
Cummins	Martine, N. J.	Smith, Mich.	Williams
Dillingham	Norris	Smith, S. C.	Works

Mr. THORNTON. I desire to announce the unavoidable absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from Ohio [Mr. POMERENE] is unavoidably absent on official matters.

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is detained at home by sickness.

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is absent on business of the Senate. I will let this announcement remain for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY] and the junior Senator from Wisconsin [Mr. STEPHENSON].

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. WALSH. Mr. President, it would, perhaps, be vain to hope that at this stage of the discussion of the important question now receiving the consideration of the Senate any enlightenment could be afforded by any contribution which I might make. I am not unmindful of the importance of bringing this debate to a speedy close, that some of the many measures of the most urgent character on the calendar—not a few of them of vital interest to the section of the country from which I come—may have the attention of the Senate before the adjournment of the session. In the state of the public business I am convinced that the Senator who refrains from talking except necessarily to illuminate the subject under consideration renders a specific service to his country. It will, I trust, not be regarded as a breach of the amenities of this body if I express the hope that brevity may come to be regarded here as a virtue rather than a weakness, and that eventually we shall appreciate that time is short and that the volume of business intrusted to us and which we are unable to dispatch, try as we may, is continually increasing. Some reform in our methods is imperatively demanded. Considerations to which it is unnecessary to advert justify me, however, to myself, at least, notwithstanding the reflections to which expression has just been given, in submitting some comments on the subject before us indicative of the line of thought by which I have arrived at a conclusion that impels me to oppose the pending measure.

The question presents itself in a moral and in an economical aspect; it has a legal and a political phase. It is asserted that the law, the repeal of which is sought, is violative of the obligations to which the Nation bound itself by the Hay-Pauncefote treaty and that it is contrary to sound economics. It might be noted in passing that, as a rule, the exceptions to which are so rare as to emphasize rather than disturb it, those who insist that the law runs counter to the treaty are equally denunciatory of the policy which it embodies; those who are convinced of the error of the law, viewed from the standpoint of economics, are quite certain that the honor of the Nation can be preserved only by its repeal. On the other hand, those who find no want of harmony between the law and the treaty, generally speaking, justify the economic policy of the law or regard it as at least tolerable and quite defensible. This striking coincidence may well make every disputant less arrogant of his own and more tolerant of the opinion of those who differ with him. Which of us can say that his views on this question are not to some extent, and possibly to a very considerable extent, governed by irrelevant considerations which may bias his mind, by prejudice more or less deep-seated, and by habits of thought so pronounced in character as insensibly to lead the reasoner to a conclusion which those familiar with them may unerringly foresee?

Why should anyone in this discussion make any appeal to uphold the national honor? Is there any ground for believing that those who oppose the present bill are less sensitive concerning the national honor, less scrupulous in regard to the observance of treaty rights, than those who advocate it? Is it to be assumed that, being convinced of the error of the contention they make concerning the construction to be given to the treaty, they are still willing to maintain and uphold the law? Can it be doubted that if it were authoritatively determined, say, by an adjudication of the Supreme Court, that the inconsistency claimed does in fact exist, they would not hasten to join in securing an immediate repeal of the law? To suggest even in this controversy the necessity of maintaining the national honor is to reveal in the mind of him who advances it a lurking suspicion that some one is willing it should be besmirched. He who permits himself to indulge such has no reason to complain if some ungenerous antagonist accuses him of unpatriotic surrender of what he believes, or ought to know, if he cared to inquire, to be the rights of his country, moved by ignoble fear or base selfishness. One of the witnesses who appeared before the committee to which the bill before us was referred felt called upon to expatiate upon the commercial advantages which might be expected to flow from observance of treaty obligations. In the consciousness of his own rectitude, he was impressed not only with the depravity of those who differed with him, but labored under the belief that they would be insensible to any but an "honesty is the best policy" line of reasoning.

Why should anyone dread that in a controversy such as this the esteem in which our country is held among the nations of the earth should suffer any impairment? The high character of the officials of our Government who asserted and maintained our right under the treaty to enact the law now questioned when it was under consideration by Congress ought to be and is sufficient assurance to the world that, however mistaken they may have been in their views, they were honestly proclaimed. Those who still adhere to the construction so ably defended by them are entitled to the same generous presumption. The situation was reversed in the long controversy over the Welland Canal, to which reference will be made again. We stoutly maintained that Canada had violated the treaty of Washington in certain acts affecting vessels passing through that canal. She as strenuously insisted that the legislation complained of was within her rights. Great Britain, having upheld her colony for years in this controversy, after retaliatory legislation on our part, yielded without acknowledging the error of her position. No one ever heard that Great Britain became an international outcast because of her attitude in that episode, though it is now insisted that the question involved was identical with that with which we are now called upon to deal, and that England was as wrong then as we are now. If we are subject to the imputation of perfidy in connection with the present controversy, how can England escape a like imputation in relation to the other? Why should the purity of our motives be questioned by the nations of the earth and hers remain unstained? She exhibited no dread of the judgment of mankind, and why should we, who are convinced that we yielded no right by the treaty under which she now claims the surrender of which forbids the action against which she protests?

THE TREATY CONSIDERED.

Without assuming that I shall be able to do more than to present the arguments heretofore advanced in a new light or in a somewhat different setting, I proceed to consider whether the act in question is in contravention of the treaty. Its language is as follows:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nation observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall e bark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible, but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of our Lord one thousand nine hundred and one.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

If we should shut our eyes to every other provision in this instrument, examine cursorily only the first of the six rules prescribed in article 3, omitting, as is ordinarily done, in any argument in support of the construction contended for by Great Britain the important words "observing these rules," ignoring the distinction which all nations have made between coastwise trade and over-seas commerce, the conclusion that the clause of the act at which the bill before us is aimed is out of harmony with the treaty might easily enough be reached.

But a consideration of the instrument as a whole must quickly force from the candid student an admission that the true meaning is not quite so plain as attention alone to the fragment referred to might suggest. Reason and authority alike demand that we should examine the entire instrument to arrive at the ideas which the high contracting parties intended to convey by the language they chose. This rule is as applicable to contracts between nations as it is to written agreements between individuals.

Even if we confine our attention to that portion of the treaty by which it is said we surrendered in part our right to control the canal, the most serious question will arise as to its significance. It appears that it is one of six rules which the United States adopts or prescribes concerning the use of the canal. It does not declare that the canal shall be free and open to the vessels of all nations, as has often been said, but only to those of such nations as shall observe the rules prescribed by the United States, the builder and owner of the canal. If any nation shall fail to observe the rules thus laid down, its vessels may be excluded from the canal, and whether they shall go through or not, in consequence of failure to observe the rules, must be determined by the United States, the owner of the canal. It must not only determine whether a violation of the rules has occurred on the part of any nation, but it must enforce the penalty consequent upon such failure, which may extend to the exclusion of the vessels of the offending nation from the canal. Perhaps in case of a dispute of fact or in case of a controversy as to whether the acts complained of by our Government constitute an infraction of the rules, the nation whose vessels were thus excluded might call for an arbitration; but the responsibility is on the United States of deciding in the first instance and enforcing the judgment, whether pronounced by it or by an arbitral tribunal. But is it to be gathered that if the United States should be guilty of a disregard of the rules it "adopts," it forfeits its right to the use of the canal? If so, what power passes the judgment of guilty against it, and what nation enforces that judgment, and how? If the United States be one of the nations referred to in rule 1 of the treaty, then we have, by the passage of the act of 1912, disregarded its provisions, assuming that coastwise craft are included in the words "vessels of commerce and war" as therein used, and, being no longer one of the "nations observing these rules," have no right to pass any ships through the canal. Moreover, if the United States be indeed one of "all nations" therein referred to, its vessels "of war" must pay the same tolls for passage through the canal as the vessels of war of all other nations, and the treaty would require the absurd formality of taking money from the Treasury of the Government to be paid to itself as tolls for the privilege of passing its men-of-war through its own canal, the sums thus paid to be in due course returned to the Treasury from which they came.

It is said that the net result being the same, the Government may be excused from the payment of tolls on its warships, though those of other nations are made to contribute. It is likewise advanced that the duty of maintaining the neutral character of the canal, so far as it is neutral, being by the treaty imposed upon the United States, and upon it alone, it is implied that its vessels of war may pass through the canal free, since it is presumed that they are in the discharge of the duty thus cast upon our Government, it being impossible to differentiate between service which falls within that duty and such as is beyond its scope, and because, if it were, the naval authorities ought not to be called upon to disclose the particular mission in pursuit of which the canal is opened for the reception of our fleet or any part of it.

But what is this argument but an admission that, by reason of the peculiar relations our Government sustains to the canal, its vessels of war, so far as payment of tolls is concerned, are not included in the expression used in the treaty, "vessels of commerce and of war of all nations observing these rules"?

This line of argument is not applicable, however, to a great variety of craft in the Government service, such as revenue cutters, lighthouse tenders, and such as carry officers of the Coast and Geodetic Survey and employees of the Bureau of Fisheries, and the like.

The question is still pertinent as to whether the formality of taking money from one pocket and putting it into another must be observed in the case of the passage of any of these vessels through the canal. Such vessels do not engage in trade, and foreign nations are not materially affected nor much interested whatever course may be pursued as to them, provided their use of the canal be considered in determining the proportionate amount which may be exacted of their vessels for canal privileges. But the Government of the United States owns, in effect, a fleet of vessels engaged in the transportation of passengers and merchandise in connection with the work of constructing the canal. They ply between New York and Cristobal, and do a general carrying business in competition with privately owned lines. In all probability they will be employed in a like capacity when the work of constructing railroads in Alaska is actively undertaken, pursuant to the act passed at the present session. It is not improbable that some or all of these vessels will run regularly between New York and some seaport of Alaska, transporting supplies and incidentally conducting a regular commercial business in competition with the Canadian transcontinental railroads and the steamers connecting with their western terminals. Must the Government, from its revenues, pay the tolls on these ships as they pass through the canal, the amount to be returned to the Treasury whence it came?

A bill recently introduced by the junior Senator from Massachusetts, which is approved by the Navy Department, contemplates putting cruisers—being ships of war—into the trade between Atlantic ports and the west coast of South America. The purpose is to divert to our merchants a large share of the trade of the southern Republics whose shores are washed by the Pacific that would otherwise go to their European rivals. Will these ships be required to pay tolls? And was it intended at the time the treaty was signed that they should? To what end? Why should any nation now ask that they should? How can it or its ships profit by what is a pure formality, a mere matter of bookkeeping? And why should Great Britain have asked for a provision of the treaty which exacted it?

Undoubtedly the "vessels of commerce of all nations," referred to in the section under consideration, include ships privately owned engaged in the commercial carrying trade, as well as any which the various Governments may put into that business. Merchantmen flying the Stars and Stripes are spoken of as "our vessels" and as "vessels of the United States." The treaty in question is a compact between nations. Each deals with the other as though it were the owner of all vessels sailing under its authority. It speaks in the possessive as to ships owned by its citizens as well as those which are Government property. The treaty makes no distinction between privately owned ships engaged in commerce and such ships as those heretofore referred to now engaged similarly, and likely hereafter to be so employed, as are the property of the United States. It is impossible to make the language applicable to the one class of ships and not to the other.

It is said that the exemption extended by the existing law to coastwise vessels is a subsidy; that it is equivalent to turning over to the ship to which it applies, passing through the canal, simultaneously with the payment of the same by it, the amount of money which it would otherwise pay. I shall address myself to this question later on. I pause to remark that those most confident of the infraction of the treaty by the canal act are most emphatic, not to say eloquent, in denunciation of the policy it embodies, as a subsidy pure and simple. That brings us to the inquiry as to whether we may consistently with the treaty grant a subsidy to our ships—that is, privately owned American ships passing through the canal—equal to the amount of the tolls exacted under the law of such of them as are subject to the payment of tolls.

If we adopted that policy we should provide American vessels out of the Treasury on entering the canal the money with which to pay the tolls or reimburse them immediately upon their having paid such. The transaction in that event would be identical with that accompanying the passage of a man-of-war or other Government vessel. Our vessels—our vessels of

commerce as well as our vessels of war—would pass through under conditions substantially identical, as though they all belonged to the Government.

It is not quite clear what the view of the English foreign office is touching our right thus to subsidize or reimburse privately owned American vessels in the amount which they may be required to pay for passage through the canal, thus accomplishing by indirection what it is said we are forbidden to do directly, namely, exempt them from the payment of any tolls.

In the note of Mr. Innis, chargé d'affaires, to our Secretary of State, of date July 8, 1912, the position is quite clearly announced that the treaty forbids us either to grant a subsidy equal to the tolls exacted or to do what is equivalent thereto, renounce them altogether, for he says:

> The proposal to exempt all American shipping from the payment of them would, in the opinion of His Majesty's Government, involve an infraction of the treaty, nor is there, in their opinion, any difference in principle between charging tolls only to refund them and remitting tolls altogether.

And yet Lord Grey, in his letter to Ambassador Bryce, of November 14, 1912, says that—

> They do not seek to deprive the United States of any liberty which is open either to themselves or to any other nation; nor do they find either in the letter or in the spirit of the Hay-Pauncefote treaty any surrender by either of the contracting parties of the right to encourage its shipping or its commerce by such subsidies as it may deem expedient.

The senior Senator from Massachusetts apparently entertains no doubt that we may with entire propriety pursue the indirect route to attain the same end. If I gathered correctly the purport of his eloquent and forceful address delivered during the early stage of the present debate, he complained only that we had gone about the business so bunglingly, intimating that had we diplomatically required the payment of tolls by all our vessels and then remitted what had been exacted of those engaged in the coastwise trade no protest would ever have been made, or, if made, would have been easily and effectively answered.

Certain it is that unless we are at liberty thus to subsidize our shipping that may be required to pay tolls for passage through the canal we are at a decided disadvantage among the nations of the earth. We have bound ourselves by the treaty and left them free. We have no means of restraining any of them in the pursuit of such a policy should they see fit to follow it. Nearly all the maritime nations of Europe repay to their ships any sums they are required to expend for passage through the Suez Canal, and it is understood that most of them purpose meeting in the same way the burden which our Government may impose as a fee for crossing the Isthmus of Panama. The burden upon our Nation will be exactly the same whether we pursue the course we have elected to follow or the one which it is apparently conceded we may consistently with the treaty. In either case the disadvantages under which foreign interests will labor are identical.

If, then, we may legitimately reach the result that would be attained by the act complained of by following another method, what reason have we for believing that England in negotiating the treaty chose language that would foreclose our right to exempt our ships from the payment of tolls or that we selected such phraseology as would give her the assurance that we were to be so foreclosed? The negotiators had in mind the practice of the countries of Europe, even of England herself, in connection with her shipping passing through the Suez Canal.

Imagine the representatives of the two countries in conference. The United States proposes to undertake this stupendous work at her own cost and her own risk, not only to construct it, but to maintain and defend it as a great international highway, open to all the nations of the earth, to expend $400,000,000, as the event demonstrated, for the benefit of the commerce of the world. Great Britain's statesmen had exhibited no feverish anxiety to engage in it, and yet, as our ambassador remarked on an historic occasion, she was to be the chief beneficiary, at least commercially. Her ships exceed in tonnage those of all other nations combined. It was to open up a direct route to her possessions in the Orient. It was to give her great dependency, our neighbor on the north, water communication from the Atlantic seaboard to the Provinces of the Dominion that skirt the Pacific. It is not disclosed by any of the correspondence that the specific question of whether the United States might, if it saw fit, exempt its vessels from the payment of tolls was debated or considered. The differences arose over the question of fortifications and another, to which it was ancillary, the independent control of the canal by the United States as distinguished from a control in which other nations should participate to a greater or lesser degree. As the great impelling motive on our part was military, we wanted to be free to shut the canal against any enemy in time of war.

England was not proposing to do anything. She was not offering to build the canal under the Clayton-Bulwer treaty. For 50 years that instrument had simply tied the hands of both nations, neither of which contemplated for a moment at any time toward the close of the nineteenth century entering upon the work pursuant to its stipulations or encouraging private capital to do so. England did not profess to have any purpose to build the canal independently of it. She had not sought to be freed from its obligations that she might undertake the task. On the contrary, the purpose of the American people to dig the canal had been repeatedly proclaimed. England could not endure the odium that would attach to a dog-in-the-manger policy with reference to this great work of such transcendant importance to the civilized world. Her interest impels her to assent to any reasonable proposals of the American Government. Her pride forbids her to place further obstacles in its way. She has no basis on which she may claim anything except a half century old treaty, never acted upon, moribund if not dead, solemnly asserted by the United States Senate to be obsolete and open to notification and only feebly defended by her as still a living thing. Her ministers make the best of such trading stock as they have. But let us consider that the representatives of our country insist, in view of the enormous obligation the United States is to assume, on a specific provision in the treaty to the effect that it may at its will exempt its shipping from the payment of tolls, and yet that the tolls exacted of foreign ships must be fair and reasonable and exacted without favoritism or discrimination.

Can anyone imagine the English ministers so blind to their own interest, so irresponsive to the desires of the commercial world, as to break off the negotiations? They must reason that as to all Government ships it is immaterial whether tolls are collected or not, and as to privately owned ships, the same result could be arrived at by pursuing exactly the policy Great Britain follows with reference to her own ships paying tolls at Suez. In yielding they would be conceding no power that could not be exercised indirectly at least.

Considering only the section that insures equality of treatment to all nations "observing these rules," the conclusion seems quite illogical that the United States subjected itself to any restraint in the matter of exempting its own ships from the payment of tolls; that is to say, the United States is not and was not intended by the parties entering into the convention to be included in the expression "all nations" as therein used. The language must be restricted in its significance to the intentions of the high contracting parties. Early in the history of the development of the law applicable to the interpretation of statutes an English court said:

> The judges of the law in all times past have so far pursued the intent of the makers of statutes that they have expounded acts which were general in words to be but particular where the intent was particular. * * * Those statutes which comprehend *all* things in the letter they have expounded to extend back, but to *some* things, and those which generally prohibit *all* people from doing such an act, they have interpreted to permit *some* people to do it, and those which include *every* person in the letter they have adjudged to reach to *some* persons only, which expositions have always been founded on the intent of the legislature which they have collected sometimes by considering the cause and necessity of making the act, sometimes by comparing one part of the act with another, and sometimes by foreign circumstances. (Stradling *v.* Morgan, Plowd., 199.)

But if an attentive consideration of the rule of equality upon which reliance is placed by those who assert that the existing law violates it leads to the contrary conclusion, it seems impossible, upon a study of the treaty as a whole, to avoid that result.

Article 1 briefly declares that the Clayton-Bulwer treaty is superseded.

Article 2 declares that the canal may be constructed under the auspices of the United States, which, subject to the treaty, shall have all the rights incident to such construction, including the exclusive right of providing for the regulation and management of the canal.

Just why it should be deemed necessary to provide that the canal might be built under the auspices of the United States, when the only obstacle had been removed by the abrogation of the Clayton-Bulwer treaty, it is perhaps fruitless to inquire. So, likewise, it would seem that it was quite unnecessary to stipulate that the United States should have all rights incident to construction if it did prosecute the work. Obviously they would have such rights, except as the treaty waived them.

In the effort to support the view that we have violated the treaty in exempting our coastwise vessels it is advanced that we do not enjoy unreservedly the rights incident to ownership, but find ourselves limited by the language of the article under consideration, "subject to the provisions of the present treaty."

It is agreed that we have placed some restraint on our action by the convention. But the phrase referred to has its appropriate application, whichever view of the controversy may be taken.

All admit that we have bound ourselves to treat alike all foreign nations observing the rules which we prescribe. The use of the language of article 2 quoted is without significance in the present inquiry.

Article 3 is introduced with the following language:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say.

Then follow six rules, the first of which alone has heretofore been canvassed. These are rules, it will be noted, which the United States "adopts" concerning the use of the canal which it is to build.

The right asserted by Great Britain rests upon the language of the first of these rules. With that with which it is introduced, the conclusion follows logically, as I think, that the rules of which it is the initial number were intended to define the rights and obligations of other nations in respect to the canal, to prescribe the conditions under which they might make use of it.

The second rule declares that "the canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it." Is it believed that this rule is operative against the United States? We deny it and are erecting fortifications at either end intended to destroy any enemy that may come within range of the most powerful guns known to modern warfare. The military defense of the canal for which we are making preparations will involve an annual expenditure, it is estimated, of $10,000,000. If a menacing fleet, say, from Japan, appears at either gate, intent upon attacking our ports or laying waste our coast, must we speed it passage and forbear to raise a hand against it?

The third rule recites that vessels of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; the fourth, that no belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit; the fifth, that vessels of war of a belligerent shall not remain in the waters adjacent to the canal and within 3 miles of either end longer than 24 hours at any one time, and that a vessel of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent. Can it be seriously contended that these rules apply to the United States; that should a general war with Mexico be precipitated, and should we find it necessary to send a vessel of war around to the west coast of that country, it could not revictual or take on stores in the canal; that while the war lasted we could not embark or disembark troops, munitions of war, or warlike materials in it or in the adjacent waters? Will it be asserted that being a belligerent, at war with some European nation, one of our ships separated from the rest of the fleet and pursued by an enemy of overwhelming power could not take refuge under the sheltering guns that might thunder from the fortified islands off the western entrance to the canal?

Some answer must be given to these and like pertinent inquiries before the view can be accepted that the rules which by article 3 the United States "adopts" as the basis of the neutralization of the canal can be held applicable to us.

What answer has been made? The British Government was not insensible to the difficulty of harmonizing the view advanced by it with the provisions of the five rules other than the first.

In the letter of Lord Grey to Ambassador Bryce, dated December 9, 1912, the writer, noticing the conclusions so obviously to be drawn from the provisions of the rules other than the first—he speaks specifically of the third, fourth, and fifth—says:

Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

But article 4 of the treaty provides:

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

It would be quite reasonable to believe—indeed, it would naturally be assumed—that this provision contemplated transfer of sovereignty consequent upon the recurring revolutions that make so unstable the government of many of the Latin-American Republics, and not the acquisition by the United States of sovereignty over the territory through which the canal might be constructed.

But we are forbidden to narrow the application of article 4 to such a transfer because of what we are told by our ambassador, Mr. Choate, touching the reasons for its incorporation in the draft which eventually received the formal approbation of the high contracting parties.

In his letter to Secretary Hay, dated August 20, 1901, he says, speaking of article 4:

The idea "change of sovereignty," of course, relates to the report of an intention on the part of the United States to acquire a strip of territory on each side of the canal, and "other change of circumstances" is aimed at the argument in some future epoch against the continuance of this treaty that has often been directed against the continuing binding force of the Clayton-Bulwer treaty that "change of circumstances" since 1850 has put an end to it.

He returns to this subject in his letter to the Secretary of date September 21, 1901, wherein, referring to a further conference which he had had in London with Lord Pauncefote, he says:

He no longer insisted upon the words "or other change of circumstances" not affecting the treaty, against my insistance that there might be changes of circumstances which would affect or even nullify a treaty; that there was such a principle of international law, which we can not let go; that what such change of circumstances might be is not determined, nor was it easy to foresee what changes of circumstances might come upon the United States in the next hundred years. But he said they could not give up article 3A altogether; that it was quite obvious that we might in the future acquire all the territory on both sides of the canal; that we might then claim that a treaty providing for the neutrality of a canal running through a neutral country could no longer apply to a canal that ran through American territory only.

I do not mean to assert that what our ambassador said, even in the course of his official letters telling of the negotiations concerning the significance of this particular article, is by any means controlling, for I shall contend that we are concerned rather with what the Senate of the United States believed and had a right to believe the language of the treaty meant when ratified by it than by what our negotiators thought would be the effect of any specific provision of it or of the treaty as a whole.

But the letter quoted discloses as an historical fact that it was, while the negotiations were pending, anticipated in England that we might acquire the sovereignty over the territory traversed by the canal, and that it was with that probability in mind the provision under consideration was inserted.

Under these conditions we are not justified in narrowing the scope of the language, plainly embracing it, so as to exclude a transfer of sovereignty to the United States.

We are, accordingly, subject to every provision of the treaty by which we would have been bound had there never been any transfer of territorial sovereignty, for the article plainly states that no such transfer shall either affect the principle of neutralization or the obligation of the "high contracting parties" under the treaty.

By way of digression here I remark that I am utterly unable to agree with some Senators, for whose opinions touching such matters I entertain the highest respect, in the view that the acquisition of sovereignty by the United States over the Canal Zone terminated the Hay-Pauncefote treaty. I can not resist the conclusion that such a condition was anticipated by the representatives of Great Britain, and that express provision was made that it should not. The extract from the letter of Mr. Choate demonstrates, if anything in diplomacy is capable of demonstration, that the Hay-Pauncefote treaty survived the extension of our sovereignty over the territory acquired by us from Panama.

But it is of no practical consequence if the result which is claimed in that regard did follow. We acquired the sovereignty over the Canal Zone and our right to construct the canal by virtue of our treaty with Panama, proclaimed February 26, 1904, the eighteenth article of which is as follows:

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

We are accordingly bound by our treaty with Panama in our regulation, management, and control of the canal to observe all the stipulations of the Hay-Pauncefote treaty, and we have no more disposition to disregard our obligations to the feeble Republic than to the Mistress of the Seas, who might enforce them.

If, however, Lord Grey is right, that we may exercise belligerent rights in the canal, if we are wholly or in part exempt from the operation of rules 3, 4, and 5, only because we now exercise sovereign power over the territory traversed by it, then it follows of necessity that had we not acquired the sovereignty which the treaty of Panama gives us, if we had constructed the canal under merely an easement such as the French company enjoyed and such as we would have acquired from Colombia under the Hay-Herran treaty had it become effective, we would have been bound by all the rules and particularly by rules 3, 4, and 5.

Is that the attitude taken by Members of this body, who agree with the general conclusion at which he arrives?

The explanation convicts the British negotiators of perpetrating the absurdity of inserting a provision restraining us from the exercise of acts of hostility should the canal be constructed in foreign territory within which we could wage war only by permission of the local sovereignty and leaving us free to do as we liked should we acquire the sovereignty, a condition which they were informed was likely to ensue.

Can it be possible that we had so bound ourselves by the Hay-Pauncefote treaty that but for the accident of the revolution by which Panama asserted her independence or some other similar convulsion, as a result of which we should find an opportunity to acquire rights of sovereignty over the territory through which we should construct a canal, it would become a convenient channel through which hostile fleets might pass unhindered to ravage our coasts and sack our cities? Were we, indeed, forbidden by rule 2 from exercising any right of war or committing any act of hostility within it?

I propose to show that neither party regarded us as so enjoined. The original Hay-Pauncefote treaty contained a provision to the effect that "no fortifications shall be erected commanding the canal or the waters adjacent." This was omitted in the later treaty. What significance can be given to this omission except it be that Great Britain withdrew her opposition to our fortifying the works? Can it be possible that the later treaty without this language was to be given the same construction as the earlier one which contained it? But to what end was the United States to be permitted to erect fortifications except to exercise rights of war and commit acts of hostility, if need be, within the canal? To what use are fortifications put except to repel the advances and if possible to destroy the forces and engines of war of our enemy? Whatever basis she had theretofore under the Clayton-Bulwer treaty to object to our fortifying any canal we might build, she had none after the Hay-Pauncefote treaty went into effect. In the last letter of Mr. Choate to Secretary Hay, telling of the negotiations with the English foreign office, he concludes his narration by referring in complimentary terms to Lord Lansdowne, of whom he says:

> In substance he abrogates the Clayton-Bulwer treaty, gives us an American canal, ours to build as and where we like, to own, control, and govern, on the sole condition of its being always neutral and free for the passage of the ships of all nations on equal terms, except that if we get into a war with any nation we can shut its ship out and take care of ourselves.

If that does not mean that we were at liberty to repel by armed force the ships of a hostile nation approaching the canal, it will be difficult to assign any significance to it.

In the earlier treaty the counterpart of rule 1 declared that—

> The canal shall be free and open in time of war as in time of peace to the vessels of commerce and of war of all nations, etc.

Plainly the omission of the words "in time of war as in time of peace" in the new draft, with the omission of the interdict on fortifications, is irreconcilable with the idea that we were forbidden by rule 2 to commit any act of war or engage in hostilities within the canal.

The significance of the alteration in the language of rule 2 is made clear by Mr. Choate's words: "If we get into a war with any nation, we can shut its ships out and take care of ourselves." The change was made, it would appear, lest any nation might claim that, though it was at war with the United States, its ships were entitled to pass through the canal without hazard of acts of hostility from them.

In appreciation of the inconclusive character of the explanation offered by the British minister touching our rights should we become belligerents and those we would have been entitled to exercise under like conditions had we not acquired the sovereignty of the Canal Zone, it is said on the floor of the Senate that the rules subsequent to the first found in article 3 would not be applicable in case we were at war, since the treaty would then fail and be inoperative. Undoubtedly if we were at war with England the treaty would not restrain our action. Neither party would pay any attention to its treaties with the other under such conditions. *Inter armes silent leges.*

But a war between the United States and some nation other than Great Britain would not terminate the treaty.

The inquiry being pursued assumes the existence of war between our country and, for example, Japan, with which it is understood she sustains intimate treaty relations. If we use the canal as a military base against any nation other than herself, have we violated the treaty and given her provocation to make war upon us also? Have we failed to observe "these rules" and thus forfeited the right to have our own ships pass the canal? Unquestionably that is the predicament in which we are placed if rule 2, except as therein specified, applies to the United States at all.

It ought to be noted, in passing, that, though Lord Lansdowne declared that by acquiring the sovereignty over the territory traversed by the canal, rules 3, 4, and 5 were perhaps not applicable to the United States, he refrained ominously from committing himself as to rule 2.

Still another effort to resist the compelling force of the terms of the later rules upon the construction that should be given to the treaty as a whole is to be noticed. It is said that inasmuch as we are obligated to defend and preserve the neutrality of the canal we must be permitted to defend it against attack by hostile forces, even to wage offensive war the better to defend this great highway, and that therefore we are not subject to the restrictions which are imposed upon other belligerents.

In the first place, we have not undertaken either to defend the canal or to preserve its neutrality. We shall choose to do both and to observe strict neutrality in our management of it between any two warring nations. But we violate no obligation of the Hay-Pauncefote treaty by any inaction on our part.

If it be admitted, however, that we are bound both to defend it and to maintain the neutrality of the canal, is not the argument that by reason of such obligation we are not bound by rules 2, 3, 4, 5, 6, and 7 an admission that by reason of the peculiar relations we sustain to the canal our Nation is not within the spirit, though it may be within the letter, of the language used? And if this be true, why was not the exemption plainly expressed, making rule 2 to read: The canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it, *except by the United States.*

Rule 3. Vessels of war of a belligerent, *other than the United States*, shall not revictual nor take any stores in the canal, etc.

Rule 4. No belligerent, *other than the United States*, shall embark or disembark troops, munitions of war, or warlike materials in the canal, etc.

Rule 5. Vessels of war of a belligerent, *other than the United States*, shall not remain in such waters (within 3 miles of either end) longer than 24 hours at any one time, etc.

Rule 6. The plant, etc., shall enjoy complete immunity from attack or injury by belligerents, *other than the United States*, etc.

There is only one answer to make, namely, that such repetition was unnecessary, as none of the rules applied to the United States.

It must be admitted that the concluding clause of rule 2 presents a problem in construction not easy of solution. The first sentence is a prohibition of acts of war within the canal. Then follows this: "The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder." It might seem that this clause defines the extent to which the canal might be garrisoned and that the purpose of its insertion was that the United States, being bound by what preceded, the language of the prohibition was not to be deemed to extend to the employment of military police for the suppression of lawlessness and disorder. It would follow reasonably that if the United States was bound by rule 2, except as therein stated, it was bound by all the other rules.

But this view is not to be tolerated, because it is admitted on all sides that we are not, and never were, limited by the treaty in respect to the armed forces we might maintain at and about the canal to military police for the suppression of lawlessness and disorder. This clause obviously does not entitle us to maintain there a military establishment adequate to repel invading armies. The conditions contemplated are those of peace, not war. Police perform civil, not military, duties, and military police are civil officers having a military organization. Lawlessness and disorder often accompany war, but these terms are not applied to disturbances implied in invasion by an armed public foe.

The right to erect fortifications for the defense of the canal being clearly conceded, the right to engage in hostilities in and from the canal must likewise have been conceded. Indeed, there was a frank acknowledgment on the part of Great Britain in the course of the negotiations of her purpose to permit us to defend the canal against hostile attack, as appears by the following from the letter of Mr. Choate of August 16, 1901, to Secretary Hay, namely:

> He (Lord Lansdowne) recognizes our "desire to reserve the power of taking measures to protect the canal at any time when we are engaged in war"; that "contingencies may arise when it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities," and "the necessity" and, of course, "the right of the United States *to interfere temporarily with the free use of the canal by the shipping of another power.*"

The clause under consideration formed a part of rule 7 of the first Hay-Pauncefote treaty, which forbids the erection of fortifications. It had an appropriate place in connection with such a provision. Its significance in the new treaty is exceedingly obscure.

It can not be admitted, however, that the rules other than the first two apply to the United States, and the conclusion necessarily follows that none of them do.

COASTWISE SHIPPING.

But if the United States is included in the expression "all nations," as used in the first rule, it does not follow that the exemption attached, which extends only to vessels engaged in the coastwise trade, is in violation of the treaty.

I propose to be brief in my presentation of this contention, in view of the elaborate consideration it has received, intending to return to notice a line of argument that has been followed touching the conclusions that are to be drawn from the reference in the treaty to the principle of neutralization and from declarations of statesmen touching our purpose to give to all nations the benefits accruing from the construction of the canal equally with ourselves.

All maritime nations have recognized in their legislation an essential difference between ships engaged in the coastwise trade—that is, ships sailing from one domestic port to another—and those in over-seas commerce, sailing between the ports of different nations. Our laws admit to the coastwise trade only American vessels. Until recently Great Britain pursued a similar policy. Prior to 1817 the monopoly of the coastwise trade was secured to American shipping by discriminatory tonnage duties. In that year a law of Congress was enacted declaring that "no goods, wares, or merchandise shall be imported, under penalty of forfeiture thereof, from one port of the United States to another port of the United States in a vessel belonging wholly or in part to a subject of a foreign power." Save for some unimportant exceptions since engrafted upon the law, applicable to shipping in the waters adjacent to Canada, it remains in force to this day. Two years before it had its birth the treaty of Ghent was signed, containing a provision to the effect that—

No higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territory in Europe in the vessels of the United States than shall be payable in the same ports on British vessels.

Notwithstanding the obligation imposed by the language of that treaty, the United States not only continued to impose upon British vessels entering our ports heavier tonnage and other dues than were exacted of our own vessels engaged in the coastwise trade, theretofore so onerous on foreign ships as, in effect, to be prohibitive, but the latter were denied the right to engage in that trade at all.

In this legislation Kent says that the United States only imitated the policy of England and other commercial nations.

We continue to impose tonnage dues upon ships entering our ports from foreign countries from which our vessels engaged in the coastwise trade are exempt.

The one hundredth anniversary of the signing of the treaty of Ghent is to be celebrated next year. For a century we have favored our coastwise shipping in respect to the charges imposed upon vessels entering our ports, with never a protest from England. She excluded all foreign ships from her coastwise trade until 1853, and persevered in the policy of relieving them of port dues which were exacted of foreign ships, even those engaged in the coastwise trade after they were admitted to it, until by the customs consolidation act of 1876 it was declared that foreign ships engaged in the coastwise trade should not be subject to higher rates than British ships.

The two countries have thus put a practical construction on the language of the treaty. The passage of ships from one port of the country to another being so peculiarly a matter of domestic concern, they were not deemed by either Government to be within the purview of the treaty. The policy of favoring coastwise shipping being so general, it could not have been deemed the purpose of either party to the contract to abandon it. The treaty was so interpreted by the Supreme Court of the United States in the oft-cited case of Olsen v. Smith (195 U. S., 332). A law of Texas imposed a pilotage charge upon all vessels entering the ports of that State save those engaged in the American coastwise trade. It was claimed that this statute was in contravention of the provision of the treaty with Great Britain above quoted. The Supreme Court declared there was no merit in the contention. Its views are expressed in the following brief paragraph:

Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply, without discrimination, to all vessels engaged in such foreign trade, whether domestic or foreign.

Mr. HUGHES. Mr. President, will it embarrass the Senator if I ask him a question?

Mr. WALSH. Not at all.

Mr. HUGHES. Is it not a fact that the provisions of the treaty to which the Senator refers especially stipulate that the treaty itself shall be subordinate to all laws enacted by the United States and to all State laws?

Mr. WALSH. Mr. President, my attention has not been called to such a feature of the treaty, simply because the Supreme Court of the United States seemed to consider that if there were such a provision in the treaty it had no bearing at all upon the question presented to it for determination. Such a consideration is not even adverted to. The suggestion now made by the distinguished Senator is that the eminent counsel who argued that case before the Supreme Court of the United States and the learned judges who decided it overlooked this important provision now presented.

Mr. WILLIAMS. Mr. President, is the Senator from Montana aware of the fact that this language appeared in the treaty of 1815:

The permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories—

and that ships engaged in foreign trade and ships engaged in the coastwise trade were both mentioned in that treaty, and that in this particular treaty they are not mentioned?

Mr. WALSH. Of what consequence is it if such language is found there? It was not upon it that the decision of the court was based. It was reached as though there were none such. These are some late discoveries by some learned counsel, who now advise us that the Supreme Court of the United States overlooked the most important consideration when they decided the case of Olsen against Smith, as did also the counsel who prepared and argued the case. Why, Mr. President——

Mr. WILLIAMS. If the Senator will pardon me——

Mr. WALSH. If the Senator will pardon me just a moment. I am not complaining about that, of course. England continued to exclude foreign nations from her coastwise trade, as I have said, until 1853, whether there was a provision or whether there was not a provision in the treaty; that is not the question.

Mr. WILLIAMS. Mr. President——

Mr. WALSH. Just a moment. The proposition is, Mr. President, that she continued to impose higher duties and charges upon our vessels entering her ports, so far as they were permitted to enter her ports, than she charged British vessels engaged in the coastwise trade. Now, let us not get away from that.

Mr. WILLIAMS. If the Senator will pardon me, my object was not to say that the Supreme Court decision was not put upon the right ground; it was not necessary for the Supreme Court to put it upon any other ground than it did, but the historical fact which ought to be kept in mind is that this treaty expressly said that the provisions of it did not apply so as to permit the United States vessels to engage in the coastwise trade of Great Britain, and the discriminations which Great Britain made in charges were discriminations in favor of the coastwise trade as against deep-sea commerce.

Mr. WALSH. Mr. President, of course the fact has now been brought to the attention of the Senate, and the pertinency of it in connection with the view of the Supreme Court of the United States will be best judged from the fact that the astute judges said nothing at all about it.

I am unable to perceive any reason why this case must not be considered as an authoritative determination, so far as our country and its citizens are concerned, of the question we are now considering. I have never heard or read that anyone doubted the soundness of the conclusion arrived at unanimously by the court. I have followed the debates in both Houses of Congress with some degree of care, and have yet to hear or read of any ground upon which it can be claimed reasonably to be inapplicable. It was said, indeed, that the court had simply held in that case that a classification for the purpose of fixing pilotage fees might be made, the one class embracing vessels engaged in the coastwise trade and the other those engaged in the over-seas trade. Quite true. But the same conditions that will permit putting coastwise vessels in one class, and saying that such class shall not be subject to the payment of

pilotage fees, will permit a similar classification in respect to canal tolls. The classification is permitted in both cases because the foreign ship, not being entitled to engage in the coastwise trade, can not be discriminated against, whatever exemption from dues or charges is accorded to those ships which are.

It has been suggested also, in order to escape the conclusive force of the decision in Olsen against Smith, that pilotage, wharfage, harbor, and light dues are local exactions, petty in character, intended to meet expenditures necessary to permit commerce to exist, and that they are not included within the terms of the treaty of Ghent forbidding discrimination against British ships in respect to "charges" in any ports of the United States. But if such exactions are not "charges" within the meaning of the treaty, pray, what are? Are tonnage dues? Well, we levy tonnage dues on all ships coming into our ports from foreign countries, but impose none whatever on ships trading from one port to another of our own country. Great Britain might as well protest against this practice, in which she has acquiesced for a century, as to protest against exempting such ships from the payment of a tax or toll for passing through the canal. It is a highly significant circumstance, the importance of which can not be overestimated, that while in the note of Mr. Innes, the British chargé d'affaires, conveying the first protest of his Government concerning the legislation attacked as entailing national dishonor, the admission was substantially made that the United States had the right to exempt its coastwise shipping from the payment of tolls, no attention whatever was given in the more elaborate presentation of the general subject in the letter of Lord Grey to Ambassador Bryce to the very substantial grounds upon which it is claimed the exemption as to such can be justified, as elucidated repeatedly in this debate.

He urged, first, that unless all shipping is charged, the burden would be disproportionately heavy upon that of foreign countries; but this was answered by our State Department, that in fixing the tolls all tonnage likely to go through was considered, and that no heavier rates were fixed on account of the exemption, our Government concluding to bear the burden that would fall otherwise upon our coastwise shipping. He advanced as a second ground that "coastwise trade can not be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade. To take an example: If cargo intended for a United States port beyond the canal, either from east or west, and shipped on board a foreign ship, could be sent to its destination more cheaply through the operation of the proposed exemption by being landed at a United States port before reaching the canal and then sent on as coastwise trade, shippers would benefit by adopting this course in preference to sending the goods direct to their destination through the canal on board the foreign ship."

But witnesses of the highest character, familiar with every detail of the shipping business, testified before the Senate committee that such a practice could not be pursued with profit, and that there was no likelihood that it would be followed. If it should be, it would be a simple matter to suppress it through an appropriate criminal statute.

As a third reason for alleging that the exemption is discriminatory, he suggested that American vessels not engaged exclusively in the coastwise trade would enjoy the exemption. Again, reliable witnesses tell us that few vessels which touch at ports along either shore will pass through the canal; that competition will compel steamers using the canal to make the most rapid voyage possible between their termini. The ships of the Panama Railroad Co. make direct voyages between New York and Colon. But this objection assumes that vessels not engaged exclusively in the coastwise trade will enjoy the exemption. Whether they will or not has not yet been decided; but if valid, the objection could be removed by an amendment of the act that would have no appreciable effect upon the volume of the traffic that would go through free.

OUR ATTITUDE HISTORICALLY CONSIDERED.

I recur now to consider some arguments that have been advanced, in a way collateral, to support the contention that we are not at liberty, consistently with the Hay-Pauncefote treaty, to exempt any of our vessels from the payment of tolls. It is said that the treaty in question must be construed in the light of history and in view of the repeated declarations of our statesmen. In this connection a long list of extracts from papers of public officials of high station is presented, each a declaration of a purpose to admit all the world to equal privileges with ourselves in the canal, to enjoy it on the same terms as we.

We should, indeed, have regard to the lessons of history, but we are more apt to fall into error than to be led to a just conclusion concerning the proper interpretation of a treaty made in 1901, in preparation for the construction of an American canal by American minds and American money, in response to an intense national sentiment that was jealous of any, even the least, participation by any foreign power in our control over it, if guided by what was said by our publicists when we were inviting the civilized world to join with us in the work, to share the sacrifices necessary to complete it, and to ally themselves with us for its operation, maintenance, defense, and neutralization.

The references usually commence with the instructions of Henry Clay to the representatives of the Panama Congress in 1826, and the following is quoted:

> If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.

In the interest of historical accuracy, as well as to set this statesman aright before this generation of his countrymen, it ought to be said that he did not have in contemplation a canal to be constructed by our Nation alone, for the language quoted was immediately preceded by this:

> What is to redound to the advantage of all America should be effected by common means and united exertions, and should not be left to the separate and unassisted efforts of any one power.

The Senate resolution of 1835 is given in part, but reading the whole it is disclosed that the President was instructed to open negotiations with "other nations" with a view to protecting by treaty stipulations any individuals or companies that might be induced to build the canal. A part of the following message of President Polk, sent to Congress in the year 1846, usually forms part of the collection, namely:

> The ultimate object, as presented by the Senate of the United States in their resolution (of March 3, 1835), to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus. If the United States, as the chief of the American nations, should first become a party to this guaranty, it can not be doubted, indeed it is confidently expected by the Government of New Granada, that similar guaranties will be given to that Republic by Great Britain and France. * * * The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.
>
> Besides, such a guaranty is almost indispensable to the construction of a railroad or canal across the territory. Neither sovereign States nor individuals would expend their capital in the construction of these expensive works without some such security for their investments.

The Clayton-Bulwer treaty was framed in accordance with the then dominant idea of allying all the great commercial nations of the earth in raising the money to construct the canal and to maintain its neutrality. Very naturally, when all joined in the work, each contributing its just proportion, each obligating itself to protect and defend it, it would have been at once rapacious and ridiculous in us to entertain a purpose to have our ships go through the canal free while tolls were exacted of other nations contributing as much proportionately as we, or that ours should pass through the canal on any terms more favorable than theirs.

It will be well to bear in mind, too, that the Clayton-Bulwer treaty did not provide that the ships of all nations should enjoy the privileges of the canal on terms of equality, but only the ships of such nations as might enter into treaty stipulations binding them in like manner as were the high contracting parties bound by that instrument. And even the famous eighth article did not stipulate that the canal should be open on equal terms to the citizens and subjects of every State, but only to the "citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

Neither the United States nor Great Britain at that time entertained any idea of building the canal, either jointly or severally, or even of endeavoring to induce capitalists to invest in such an enterprise on an undertaking with them alone to protect it and maintain its neutrality, and then have it thrown open to the world on the same terms as they themselves might prescribe or exact from the builder in return for their protection. They clearly declared their purpose to admit no nation to the advantages which they were to enjoy unless it would agree to join in affording the protection of which experience had shown such a waterway stood in dire need. The principle of the Clayton-Bulwer treaty was that there should be equality among the nations under whose auspices the canal should be built, and which should engage to maintain its neutrality. The parties to that treaty were to be at liberty to deal with the other nations, assuming no burden, as they saw fit.

The Hay-Pauncefote treaty, on the contrary, contemplated that the United States alone should construct the canal or procure it

to be done; that it alone should maintain and defend it and preserve its neutrality. It was not on the same footing as the other nations, making no sacrifice of either life or of treasure, temporary or permanent. The United States simply stipulated that she would treat them on terms of equality, all being equally meritorious—that is, having no merit except in the good will they bore us in the enterprise. It was a necessary corollary of the original plan of constructing the canal that it was not to be fortified. If the United States, England, France, and Germany should enter into a treaty or a series of treaties obligating themselves, as was contemplated by the Clayton-Bulwer convention, it would be dangerous as well as needless to fortify the canal. It was quite to be expected, accordingly, that a powerful sentiment should grow up against any military occupation of the territory it was to traverse. And this antagonism to any use of the canal for purposes of offense or defense in time of war, except the peaceful passage of ships, is frequently found intertwined with the idea of equality of tolls. Thus President Cleveland, in his message of 1885, is quoted to the effect that—

> Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chances of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. * * *
>
> These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit, and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

But the main idea thus expressed was utterly abandoned before the second Hay-Pauncefote treaty was entered into. We had determined to build the canal ourselves, unaided by any nation, primarily for the purpose of national defense. When the first treaty came before the country there was a storm of disapproval because of the provision prohibiting fortifications. Yielding to the pressure of public opinion, the Senate adopted the Davis amendment, providing that the United States might, notwithstanding the treaty, take any steps which seemed to them wise for the defense of the Nation.

Much stress has been laid upon the views of Senator Davis, expressed in the report of the Committee on Foreign Relations, quite in harmony with those of President Cleveland above quoted, and affording support to the idea as well, that though we should construct the canal we ought to permit all nations to enjoy its advantages on terms of equality with ourselves, and particularly that we, like they, should be subject to tolls. But he argues persuasively in the report and on like grounds against fortifying the canal, and the treaty he reported favorably contained a provision against fortifications. He intended we should have no advantage over other nations in respect to the canal, either military or commercial. He did, indeed, report the amendment referred to, under which the United States was to be permitted to take any steps it saw fit for the national defense. Senator Morgan, however, in the minority report declared that such provision was at war with the idea of the neutrality of the canal.

Lord Lansdowne pointed out that a treaty containing two such obviously contradictory provisions would be too ambiguous for any use. The ideas of Senator Davis did not prevail. The temper of the country manifested itself so unmistakably that when the treaty again appeared the prohibition against fortifications was not in it. But this change was not accomplished without protest on this side. Ill-tempered comment was indulged in by that portion of the public press which somewhat instinctively, apparently, takes the side of Great Britain in these controversies as they arise from time to time. I shall detain the Senate to read from but one editorial, from a multitude of like character at my command, from the New York Times. It said:

> The contention that we must have the authority to pass our own ships while forbidding the passage of our enemy's is simply foolish. As a political demand it would never be granted by the nations of the world. As a point of strategy it would be futile, since no conceivable fortifications or means of defense which we might set up could be relied upon to protect the canal against effective obstruction by the enemy. We can well afford to take our chances in the time of war with the canal, since it will manifestly give us greater advantages than it will give our foe.

The New York Herald called the contention for a fortified canal a "snarling, dog-in-the-manger policy, petty and ridiculous in a nation which has attained the rank and dignity of this country."

The sentiment thus expressed did not dominate. A more patriotic purpose actuated the United States Senate, and the designs of those who would have left the canal open to seizure by her great navy in the unhappy event of a war with Great Britain were frustrated.

A tremendous change had ensued touching the relations the United States ought to bear to the canal after the Spanish-American War. That sentiment, excellently reflected in the Senate, forced out as well the provision of the earlier treaty whereby the rules for the "neutralization" of the canal were adopted by Great Britain and the United States and the article which contemplated that the other great powers should be invited to join in the treaty. It may here be remarked that the comments of both Mr. Hay and Mr. Choate are to be read in recognition of the fact that they were willing that this country should bind itself by the provisions of the original draft.

THE PREAMBLE.

Much persuasive force is claimed for that recital in the preamble of the treaty which declares the purpose of the parties to it to be to facilitate the construction of a canal "without impairing the 'general principle' of neutralization established in article 8" of the Clayton-Bulwer treaty, which general principle is said to give equality of terms to the citizens and subjects of all nations, including both Great Britain and the United States. I have shown that no such principle was either declared or established by article 8 of the Clayton-Bulwer treaty. It declared for the principle of equal terms to the citizens and subjects of all nations which should enter into an obligation to grant such protection to the canal as the two nations being parties to it bound themselves to afford. The citizens and subjects of other nations were subject to be dealt with as the powers controlling the canal might choose.

It will be borne in mind that the language of the treaty upon which reliance is placed forms no part of the covenants thereof. The most that can be claimed for it—all that can be claimed for it—is that it may be resorted to in order the more correctly to arrive at what the parties intended to express by the language they did use in that part of the treaty by which they did respectively obligate themselves. The preamble of a treaty or a statute may be resorted to for the purpose of clearing up any obscurity that may exist in the body of it. It serves the purpose of a guide to the doubtful or bewildered. But if it is itself as obscure as the instrument whose meaning it is intended to illuminate, it ceases to be of value as a guide. "The blind leading the blind" may reach the destination sought by both, but the chances of going astray are not measurably diminished.

What is that "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty? It will be recalled, a fact heretofore adverted to, that the original treaty went back to England with one rule forbidding fortifications and another provision, proposed as an amendment by the Senate, that nothing in the treaty was to be construed to prevent the United States from taking any measures for the national defense. Touching this amendment the Marquis of Lansdowne said, in his letter to Lord Pauncefote, dated February 22, 1901:

> Even if it were more precisely worded it would be impossible to determine what might be the effect if one clause permitting defensive measures and another forbidding fortifications were allowed to stand side by side in the convention. To His Majesty's Government it seems, as I have already said, that the amendment might be construed as leaving it open to the United States at any moment, not only if war existed but even if it were anticipated, to take any measures, however stringent or far-reaching, which in their own judgment might be represented as suitable for the purpose of protecting their national interests. Such an enactment would strike at the very root of that "general principle" of neutralization upon which the Clayton-Bulwer treaty was based and which was reaffirmed in the convention as drafted.

The British minister of foreign affairs, in February, 1901, understood that the general principle of neutralization referred to in the preamble of the treaty, whose terms were then the subject of negotiation, had reference to the military occupation of the canal by the United States.

I have given you the words of his own letter. Now, let me introduce an important conversation he had about the same matter with our minister, Mr. Choate, as told in the letter of the latter, dated August 16, 1901:

> I called his attention to the fact that while the preamble of the Clayton-Bulwer treaty limits the object and subject of the treaty to the Nicaragua route, and the eighth article carefully avoids the use of the word "neutrality," but merely agrees to extend the "protection" of the two Governments to other routes, and that in granting such joint "protection" the understanding is that canals by other routes shall be open on equal terms to the subjects and citizens of the two nations and of every other State which is willing to grant the same "protection," all of which was extremely vague and uncertain, and omitted the "guaranty of neutrality," that wanting to get rid of the Clayton-Bulwer treaty altogether we shouldn't want to make any part of it by a new covenant stronger than it was before. Whereas his new article 3a makes the eighth article a great deal stronger than it was before, and saying nothing about "protection," which is, of course, inapplicable to a canal wholly American, fastens the rules of neutrality of article 3, which he calls "stringent rules" upon all future routes. He said he thought article 8 of the Clayton-Bulwer treaty clearly inferred neutrality. But I said it was only an inference—the word used was "protection."

Now, pray tell what that general principle is? Lansdowne says it is "neutrality," Choate says it is "protection." From his own letter it is apparent that when the minister said "neutrality" his mind dwelt on fortifications and defense. This is the important article 8:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications whether by canal or railway across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

It will be noticed it establishes no general principle, but recites that a general principle is established by the treaty, doubtless meaning the preceding provisions thereof. What was the principle? First, no fortifications; second, the union of all commercial nations by treaties to insure and maintain its neutral character; third, equal terms to all nations affording such protection.

The principle is wholly at war with the Hay-Pauncefote treaty. The recital in the preamble means nothing. It never was intended that it should have any force. Mr. Choate tells us all about it in his letter to Secretary Hay, of August 20, 1901, in which he says:

Lord Lansdowne's object in insisting upon article 3A is to be able to meet the objectors in Parliament by saying that although they have given up the Clayton-Bulwer treaty they have saved the "general principle," and have made it immediately effective and binding upon the United States as to all future routes and have dispensed with future "treaty stipulations" by making it much stronger than it was before.

We wanted the Clayton-Bulwer treaty abrogated. Lansdowne recognized the inestimable value the canal would be to Great Britain and did not desire to stand in the way. The recital might afford to allay partisan criticism of his action. It was put in for such use. It has no other significance and never was intended to have any other.

THE ALLEGED ANALOGY OF THE SUEZ CANAL CONVENTION.

It does not seem necessary to dwell upon the argument drawn from a supposed analogy between the Panama Canal and the Suez Canal, or from the language of the Hay-Pauncefote treaty which refers to the rules which the United States, and the United States alone, "adopted" as the basis of the neutralization of the canal referred to as being "substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal."

That canal was constructed by a private corporation as a business enterprise in the expectation that it would yield a profit to the adventurers who constructed it and the stockholders who provided the funds or those who succeeded to their interests. Nine of the great nations of Europe united in the convention. Not one of them was a party to the work of construction. They agreed by the treaty of Constantinople to refrain in time of war from attacking or exercising any military control over it. They invited other nations to join them in the undertaking, to which they voluntarily became bound. The instrument bore a very close family resemblance to the Clayton-Bulwer treaty. Equality of tolls to all nations, without any exception, was a corollary of such an agreement among nations so situated.

THE BARD AMENDMENT.

With much confidence it is asserted that the action of the Senate on the Bard amendment to the first Hay-Pauncefote treaty forbids the idea that we reserved the right under the second to exempt our coastwise vessels. Senator Bard proposed an amendment when the first treaty was under consideration, in the year 1900, as follows:

ART. 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

It was rejected by a vote of 27 to 43. Not a few of the Senators who voted against it now assert that they did so believing that the amendment was unnecessary—that the right might be exercised under the treaty as it stood. The author himself declares that such a sentiment prevailed quite generally, and that he desired to have the provision incorporated in the treaty to remove all doubt. Others who voted against it believed the treaty gave no such right, and desiring that our Government should claim no such right, voted as they did.

It is conceivable that every man who voted for the amendment did so not himself doubting that the treaty authorized the action taken but to forestall any claim that such right did not exist. Equally, every man who voted against it may have done so believing that the right so plainly existed under the treaty as it was framed that it was useless to burden it with a specific provision.

When the existing treaty was before the Senate for ratification Senator CULBERSON—who, I am very glad to say, is with us here to-day—proposed the following amendment:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

It was rejected by a vote of 15 to 62. By the course of reasoning the supporters of the pending measure pursue with reference to the Bard amendment we reach the conclusion that the true meaning of the refusal of the Senate to adopt that offered by Senator CULBERSON is that we abandoned and renounced all right to take any measures in conflict with rules 1, 2, 3, 4, or 5 of the treaty necessary to secure by our own forces the defense of the United States and the maintenance of public order.

The treaty having been considered in executive session, we have no record of what was said for or against the amendment by any Senator. Quite strangely we are told nothing, or very little at least, of what was said about it at the time, by those who were in a position to know. But if we were, the information would be no safe guide as to the significance of the action of the Senate.

The rejection of an amendment to a bill in the course of its passage, even when accompanied with a report of the debate, is so useless to a court in construing the act in which it eventuates that the circumstance is wholly disregarded. The very question here presented was considered by the Supreme Court of the United States in United States v. Trans-Missouri Freight Association (166 U. S., 290). The inquiry before the court in that case was as to whether the Sherman Act interdicted combinations of railroad corporations or affected joint-traffic agreements between them.

The House amended the Senate bill in its passage, adding a provision making it unlawful to enter into any contract for the purpose of preventing competition in the transportation of persons or property. This amendment went out in the conference committee, and the bill was finally agreed to in the form in which it originally passed the Senate. The Supreme Court held that notwithstanding this history the act did extend to railroad consolidations and combinations, saying in the opinion:

Looking at the debates during the various times when the bill was before the Senate and House, both on its original passage by the Senate and upon the report from the conference committees, it is seen that various views were declared in regard to the legal import of the act. Some of the Members of the House wanted it placed beyond doubt or cavil that contracts in relation to the transportation of persons and property were included in the bill. Some thought the amendment unnecessary, as the language of the act already covered it, and some refused to vote for the amendment or for the bill if the amendments were adopted, on the ground that it would then interfere with the interstate-commerce act and tend to create confusion as to the meaning of each act. * * *

All that can be determined from the debates and reports is that various Members had various views, and we are left to determine the meaning of this act as we determine the meaning of other acts—from the language used therein.

There is, too, a general acquiescence in the doctrine that debates in Congress are not appropriate sources of information from which to discover the meaning of the language of a statute passed by that body. *United States* v. *Union Pacific Railroad Co.* (91 U. S., 72, 79); *Aldridge* v. *Williams* (3 How., 9, 24; Taney, Chief Justice); *Mitchell* v. *Great Works Milling & Manufacturing Co.* (2 Story, 648, 653); *Queen* v. *Hertford College* (3 Q. B. D., 693, 707).

The reason is that it is impossible to determine with certainty what construction was put upon an act by the members of a legislative body that passed it by resorting to the speeches of individual members thereof. Those who did not speak may not have agreed with those who did, and those who spoke might differ from each other, the result being that the only proper way to construe a legislative act is from the language used in the act and, upon occasion, by a resort to the history of the times when it was passed.

The doctrine of that case was reasserted in Maxwell v. Dow (176 U. S., 581), in which the court said:

What individual Senators or Representatives may have urged in debate, in regard to the meaning to be given to a proposed constitutional amendment or bill or resolution, does not furnish a firm ground for its proper construction, nor is it important as explanatory of the grounds upon which the Members voted in adopting it. *United States* v. *Trans-Missouri Freight Association* (166 U. S., 290, 318); *Dunlap* v. *United States* (173 U. S., 65, 75).

In case of a constitutional amendment it is of less materiality than in that of an ordinary bill or resolution. A constitutional amendment must be agreed to not only by Senators and Representatives but it must be ratified by the legislatures or by conventions in three-fourths of the States before such amendment can take effect.

It must not be forgotten that a treaty, like a constitutional amendment, must be ratified. It is interesting to know what

our negotiators said, but the real question to determine is what the Senate of the United States, when it ratified the treaty, properly understood to be the meaning of the language used. It might, however, be said in passing that there is nothing in the correspondence which indicates that the questions here being considered were deoated or that they had the particular attention of the negotiators on either side. Their minds dwelt on the features of the treaty which affected the question of neutralization, as that word is commonly understood in international law, and those which related to the participation of other nations in the treaty.

The senior Senator from Massachusetts, who participated in the negotiations while they were in progress in London, is unable to tell us that he heard the specific questions which now perplex Congress discussed at all, and he has given to the Senate his opinion that we did not surrender the right to exempt our own shipping from the payment of tolls.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH. I do.

Mr. GORE. It would be to some extent a matter of speculation, but I should like to have the Senator's opinion on one point. I should like to know if the Senator thinks Great Britain would have ratified the Hay-Pauncefote treaty if the Bard amendment had been adopted?

Mr. WALSH. I have already expressed my opinion that she would very gladly have done so; that considering the immense interests she had at stake and the tremendous advantage she must get from the construction of the canal and yielding nothing that she had to give, her desire to avoid being put in a dog-in-the-manger attitude would impel her to approve the treaty under any reasonable stipulations.

Mr. GORE. I was not present when the Senator discussed that point.

Mr. WALSH. That is my view of it.

THE WELLAND CANAL EPISODE.

There was no principle at issue or determined in the Welland Canal controversy that makes that episode helpful in the solution of the problem of our rights under the Hay-Pauncefote treaty. Great Britain agreed, so far as she could do so for Canada, that our citizens should have the use of canals in the Dominion on the same terms as its citizens. We agreed that the Canadians might have the use of ours on the same terms as our own people.

I regret very much that the Senator from Georgia [Mr. SMITH], who paid considerable attention to this subject the other day, is not here. An order was issued and enforced by the Canadian Government fixing the toll for the passage of all vessels through the Welland Canal at 20 cents per ton cargo. But in respect to grain destined to Montreal and points east a rebate of 18 cents was allowed. The result was to give a very decided preference to Canadian ports in the export trade. We protested vainly and eventually enacted retaliatory legislation, under the stress of which Canada yielded, though the British Government never admitted that the treaty had been violated. It was explicit in its terms. Each nation yielded something to the other. Canada had canals we wanted to use. We had similar waterways she desired to utilize. The controversy presented no question of the construction of the treaty.

There was no possibility of mistaking the countries to which the stipulations of the treaty applied. Canada and the United States were specifically named. It is not a little surprising that the incident should be referred to as shedding any light on the question as to whether the words "all nations" in the present treaty do or do not include the United States—whether ships engaged in the coastwise trade are or are not included within the designation "vessels of commerce" as used in the Hay-Pauncefote treaty.

There was involved the question as to whether the "rebate" of the tolls was the equivalent of a subsidy, and whether the treaty forbade the granting of a subsidy equal to the tolls. But the diplomatic correspondence discussed neither of these questions. No declaration on either side has been cited to illumine the dark places in the Hay-Pauncefote treaty, because none was made that can so serve us. Reference to it in this discussion to support the justice of the repeal suggests a desperate cause.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I do.

Mr. WEST. I noticed that the other day in the debate before the Senate it seemed to be a mooted question as to whether this rebate going to the Canadian side was allowed only to Canadian vessels or whether it included all vessels.

Mr. WALSH. No; it was allowed to all vessels. It was intended to make the Canadian ports preferable for export business over the American ports.

CONCLUSION ON TREATY RIGHTS.

I can not accept the view that, having spent $400,000,000 in the construction of this great work, having made a contribution to the commerce of the world, to the happiness of mankind more stupendous than any other of which history tells, we may not pass our own ships through it on voyages from one port to another of our own country on such terms as our Government may see fit to impose.

And I am loathe to believe, except as the formal protest lodged with the State Department forces me to, that any nation enjoying the use of the canal upon just and reasonable charges, and without favoritism to any other, would prove so unappreciative of our sacrifices and our beneficence as to object to any course we might care to pursue in that behalf.

Nor am I able to perceive that the treaty is to have any different interpretation because it contemplated that the canal might be constructed by a private corporation, a portion of whose stock our Government would buy or which might be aided by a grant or subsidy. It is a matter of history that the United States was itself going to undertake the work. The treaty implies that it was to exercise such control, at least, over the work as that it could require any individual or association who did build it to exact no more than just and reasonable fees, uniform to all nations. If it became a mere stockholder, it, of course, could have no special privileges. The other stockholders could complain. It would be unnecessary for foreign nations to do so. If it was not a stockholder, it might make any kind of a contract, under which it would obtain concessions for its shipping, public and private, as a consideration for the aid it might extend.

THE ALLEGED CONFLICT SHOULD BE SUBMITTED TO THE SUPREME COURT.

Whenever differences of opinion exist in this country touching the construction of acts of Congress or their harmony with the Constitution we look with confidence and hope, if the question be one of great national concern, to an adjudication of them by the Supreme Court of the United States. That tribunal occupies a unique place, not only in the esteem of our own people, but in the regard of the jurists of the world. It passes judgment on controversies between sovereign States and interprets and applies the principles of international law. It would be most fortunate if, in the uncertainties that surround the rights we enjoy in respect to the extent of control we may exercise over the Panama Canal in view of the Hay-Pauncefote treaty, we could be guided by the clear light of a direct decision by that court.

No arbitral tribunal that could be assembled would be hedged about by so many guaranties of impartiality in its judgment. It must defend the conclusion at which it arrives before the world. It has a stainless record of a century and a quarter to maintain. The division of opinion in our country, both with respect to the correct interpretation of the treaty and the economic wisdom of the law, affords a further guaranty of judicial fairness in its consideration of any question which might come before it touching the true intent of the parties to the treaty as expressed in the language they used.

In view of the differences which have prevailed it is, in my judgment, to be regretted that the law was not so framed as to invite a determination of the basic inquiry as to our rights under the treaty. It is not yet too late. I am convinced that the views of the Supreme Court would be accepted by a waiting world as a settlement of the question which, disguise it as we may, is the question in this debate. But if its determination should not be so accepted, it would, at least, unite our own people. If adverse to our right, consistently with the treaty to grant the exemption which the canal act extends, the Congress would hasten to repeal the offending clause. If the right should be sustained our Government would have back of it a united people in any diplomatic conference that might endeavor to adjust the differences to which the varying views of the treaty have given rise.

The Executive ought not to find it difficult to satisfy importunate foreign ministers by the assurance that he was diligently seeking to obtain the advice of the highest tribunal of the land with respect to the correct interpretation of the treaty on which he, unfortunately, found himself at variance with his immediate predecessor, a lawyer of profound learning, a judge of experience and discernment.

If Senators who are advocating the passage of the pending bill do not dread the decision of the Supreme Court, I may with some confidence ask their support of an amendment of-

fered by me, originally proposed by former President Taft, which I ask be now read from the desk.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert in lieu thereof:

That section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, be, and the same hereby is, amended by the addition thereto of the following provision, namely:

That nothing contained in the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," shall be deemed to repeal any provision of the Hay-Pauncefote treaty, or to affect the judicial construction thereof, or in anywise to impair any rights or privileges which have been or may be acquired by any foreign nation under the treaties of the United States relative to tolls or other charges for the passage of vessels through the Panama Canal, and that when any alien, whether natural person, partnership, company, or corporation, considers that the charging of tolls or the enforcement of any other regulation under and pursuant to the provisions of this act violates in any way any such treaty rights or privileges, such alien shall have the right to bring an action against the United States for a redress of the injury which he considers himself to have suffered, and the district courts of the United States are hereby given jurisdiction to hear and determine such cases and to decree the appropriate relief, and from the decision of such district courts there shall be an appeal by either party to the action to the Supreme Court of the United States.

THE QUESTION IN ITS ECONOMIC ASPECT.

Mr. WALSH. I am convinced that the predecessor of the present President was right in the view he took, and which he supported in a vigorous opinion that the treaty is not violated by the canal act. Richard Olney, Attorney General and Secretary of State under President Cleveland, equally eminent as a jurist, holds the same view. Hannis Taylor, a recognized authority on constitutional and international law in Europe and America, argues convincingly to the same conclusion. Mr. Taft's Attorney General, George W. Wickersham; his Secretary of State, P. C. Knox; and Charles Bonaparte, Attorney General under Mr. Roosevelt, all concur in this view. It is significant that the present Attorney General has expressed no opinion to the contrary.

A diligent study of the subject has convinced me that we have the right to exempt our coastwise shipping. Were it an open question much might be said on the wisdom of the policy of giving this concession to our coastwise shipping in addition to the monopoly it now enjoys. It must be borne in mind that the great economic consideration inducing the building of the canal was the desire to secure water competition to moderate the exactions of the transcontinental railroads. Any burden laid on our coastwise shipping makes that competition just so much easier for the railroads. It is not a secret at all that they look with the gravest apprehension to the diversion to the sea route of a tremendous tonnage now crossing the continent by rail.

In a speech delivered at Lincoln, Nebr., in the year 1907, Mr. S. W. Hill declared the construction of the canal to be the "monumental folly of the age."

The antagonism of the interests for which Mr. Hill spoke to the building of the canal at all is by no means a figment arising out of the murky atmosphere of political controversy. In the North American Review for February, 1898, will be found a most eloquent and powerful essay, written frankly in the interest of the transcontinental railways, condemning the policy of constructing an isthmian canal at all.

The Canadian transcontinental lines will be required to meet the competition which shipping utilizing the canal will develop. The Dominion Government, as is well known, is interested in those roads to the extent of a half a billion. Even under present conditions it is confidently asserted that the building of railroads in Canadian territory has been overdone and that the lines running to the coast must face a deficit when the third now in course of construction is completed. The cause of England's solicitude about the imposition of tolls upon our coastwise shipping, though her vessels can not participate in the trade, is not obscure. There is every reason why she should make common cause with the transcontinental railroads traversing our territory to burden traffic by way of the canal.

Having reached the conclusion that the national honor is in no way involved, that we have a perfect right under the treaty to exempt our coastwise shipping from the payment of tolls, there remains the question as to whether we ought to exercise that right. The wisdom of that policy is fairly debatable, though to fail to exercise it is so obviously in the interest of the railroads, to moderate whose exactions was one of the prime reasons for building the canal at all, that one may wisely read with some distrust the arguments advanced against it.

THE DEMOCRATIC PLATFORM.

For myself, however, I do not feel at liberty to enter upon any consideration of the wisdom of the policy proposed. The Democratic platform has declared the policy of the Democratic Party on that subject. I went before the people upon it, was elected pledged to carry out its mandate whatever my individual convictions might be. I shall indulge in no reflections upon the obligation which a platform imposes upon a party candidate. I have in the most solemn manner asserted its sacred character in season and out of season—time out of mind. I have asked publicly the condemnation of our people upon those who treated it lightly.

Senators have warned their party associates of the wrath that will be visited upon the Democratic Party for a wanton violation of the platform pledges upon which it came into power. I do not dread so much the vengeance of the people against the party of which I am a humble follower as I do the distrust that will be bred by such an open repudiation of a solemn covenant touching the promises of all political parties and incidentally of representative government. Were it proposed by any man other than the President of the United States, holding the high place he does in the confidence and affections of the people, we should all recoil from it with horror. For myself its moral aspect assumes no different hue because he commends it.

My relationship to the Baltimore platform is too intimate to permit me with an easy conscience to escape the fetters it places upon my official action, even though I did not concur altogether in any particular policy it announces. It says:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

And again:

Our pledges are made to be kept when in office as well as relied upon during the campaign.

Some curiosity has been evinced concerning the circumstances attending the adoption of the plank first mentioned, and since I enjoyed special opportunity to know of them and no reason appears why publicity should not now be given to them, I may be pardoned for relating what transpired. It has been intimated, rather than charged, that its appearance in the platform was surreptitious or that it found its way therein without the particular attention of the committee. Let the narration disclose the fact. The platform committee was constituted, as usual, of one member from each State designated by the delegation. It organized by the election of the Senator from Indiana as chairman and the present historian as secretary. After listening to those who desired to be heard and indulging in some general discussion, a committee of 11 was, on motion, appointed by the chair to make a draft of a platform. The committee consisted of James P. Clarke, Arkansas; John W. Kern, Indiana; Isador Rayner, Maryland; James K. Vardaman, Mississippi; D. J. Walsh, Massachusetts; W. J. Bryan, Nebraska; J. A. O'Gorman, New York; Atlee Pomerene, Ohio; Benjamin R. Tillman, South Carolina; Charles A. Culberson, Texas; and Thomas Martin, Virginia.

It proceeded to the work assigned to it, and in a general way determined upon the propositions which were to find a place in the draft to be submitted. It agreed further on the language in which its views were to be expressed in the case of many of the planks, including the one in question. Finally, for the purpose of expedition, the work of putting into appropriate language the ideas to which general acquiescence had been given was reposed in Mr. Bryan, of Nebraska, and Mr. O'GORMAN, a delegate from New York, who were authorized to call to their aid such members of the committee as they chose. They requested Senator POMERENE and myself to remain with them. The draft prepared or assembled by this committee of the subcommittee being transcribed under my own personal supervision, was read to the subcommittee and by it reported to the entire committee before which it was again read, and, being by it approved, was presented to and adopted by the convention without change.

With some levity an inquiry was addressed at an early stage of this debate to the junior Senator from New York as to whether he did not present the plank in question to the committee. Of what consequence is it who presented it? In the construction of political platforms planks are usually tendered by members who take an interest in the subject with which they deal. The delegate from Alaska tendered a plank relating to that Territory. I offered the plank declaring the policy of the party touching the public lands and the disposition of the natural resources associated with them. The plank referring to canal tolls was, as my memory serves me, tendered by the Senator from New York and was adopted by the sub-

committee of 11 before the smaller committee assumed the task imposed upon it. There was no debate upon it, simply because it was generally approved or acquiesced in. There was no debate as to whether a declaration should be made favoring a reduction in tariff duties. Two circumstances, however, have fastened themselves upon my mind, indicating that the plank in question had the particular attention of the committee aside from such as was necessarily given it in the reading of the completed work.

When it was presented, Mr. Bryan expressed his approval, but said that it should be accompanied by another plank declaring against the admission of railroad-owned ships to the canal. And so the platform reads, after the declaration concerning tolls:

We also—

Note the "also"—

favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

The draft tendered used the expression "free tolls," which had acquired a place in the literature of the subject, and which has been used frequently on this floor in the present debate. Some one suggested that the two words were contradictory of each other and the expression of doubtful propriety from a literary point of view. It was changed to read as we find it:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

SHIP SUBSIDY.

I make no criticism of the course other men may take who are convinced that the law in question violates our treaty obligations. It is their duty to vote for its repeal, or at least for a diplomatic conference to adjust any differences that may arise with any foreign government in consequence of it. If it should be determined by the Supreme Court of the United States that the act in question is in contravention of the treaty, or if I were satisfied that it is, I should feel my oath of office the superior obligation, and would unhesitatingly vote for repeal. While I remain convinced that no treaty restrains our action, I am under no temptation to escape from the trammels of the platform upon the puerile suggestion that the plank in question is contradicted by another that declares against subsidies, requiring a choice as between the two. Neither am I disposed to listen with any patience to the view that the obnoxious plank is contrary to the time-honored principle of the Democratic Party against a subsidy. I have no disposition to expose myself to the disrespect of any man who gives thought to the subject at all by advancing any such preposterous argument. Why, in that view the canal itself is a subsidy to the shipping interest. Why did we spend $400,000,000 to build it except to aid the shipping interest, hoping eventually to get the money back in reduced freight rates and increased commerce? Whether the tolls-exemption clause is repealed or not, the interest on the bonds and the expense of management, operation, defense, and upkeep will amount to more than $10,000,000 annually. So if tolls exemption be a subsidy, we are going to continue subsidizing shipping, whatever be the fate of the pending bill. If the term "subsidy" is applicable to the case at all, the question is not whether we shall subsidize carriers by water, but whether we shall subsidize the coastwise carriers more than we do the rest. We have put millions into the Sault Ste. Marie Canal, and charge nothing to any vessels for its use. If we repeal the exemption clause of the Panama act because it constitutes a ship subsidy obnoxious to the Democratic platform and time-honored Democratic principles, we must impose tolls upon the shipping passing through the Soo, giving the competing railroad lines an opportunity to raise their grain rates to the Atlantic seaboard by the amount of the exaction upon grain-carrying vessels out of Duluth. We appropriate millions annually for the improvement of rivers and harbors. We must desist because we are subsidizing the shipping interests which make use of these improvements free, as will our coastwise shipping under the act that has recently evoked so much hue and cry about subsidy.

As if these considerations did not make the proposition sufficiently ridiculous, the tariff act, in which we all take so much pride, contains a provision under which goods brought to our ports in American bottoms enter at a rate of duty 5 per cent less than those specified in the various schedules. The result to the Government is exactly the same as though the nominal rate were exacted and then a payment of 5 per cent of the amount of the duty collected made to the American shipowner. In a sense, though by no means in any exact sense, this is a subsidy—quite as near being a subsidy as is the exemption granted by the canal act to coastwise shipping. Yet the Democratic committees of both Houses conceived the idea, the Democratic caucuses of both Houses approved of it, the Democratic Members of both Houses voted for it, and the Democratic President gave it his sanction in signing the historic measure of which it is a part. Let us not invite the imputation of hypocrisy by shouting "subsidy." That kind of subsidy is as old as our Government. It has the approval of Jefferson and every Democratic administration down to Jackson's time. The First Congress, which convened in 1789, gave a preference to American ships by fixing the rate of duty on imports brought in by them at 10 per cent less than those entering in foreign vessels. A similar act was approved by the Father of Democracy in 1804.

Whether in reason there is any just distinction between a straight-out subsidy—the gift of money outright to shipping, the payment of such to American vessels out of the Treasury from the funds contributed by the people as taxes—and the omission to collect dues from some or all of them which are exacted of foreign ships or on goods brought into our ports in foreign ships, we have made a distinction in our legislation and in our policy. He flouts the testimony of history who says that the record of the Democratic Party is against subsidies of the kind first mentioned, if they be so denominated properly. Its record of opposition to the other form of aid to shipping is consistent and determined. It was against such largesses that the plank of the platform which refers to subsidies was leveled. The platform is to be read as though it were written:

We believe in fostering by constitutional regulation of commerce the growth of a merchant marine * * * but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

But—

We favor the adoption of a liberal and comprehensive plan for the development and improvement of our inland waterways with economy and efficiency, so as to permit their navigation by vessels of standard draft.

And—

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

There is here no contradiction. If the word "subsidies" used in the plank first above quoted is broad enough to include aids to shipping, referred to in the two others, it is to be regarded as narrowed in its significance as there employed so as not to embrace them.

One of the grandest tasks that can engage the constructive statesmanship and the engineering talent of our day is the improvement of the navigation of our rivers in the effort to make them as serviceable as highways as are those of Germany. We are commanded by the second plank of the three above quoted to promote the inauguration of that great work; and we shall invite our domestic shipping to make use of it without price, just as we do now concerning the Panama Canal.

There may be some good reason why we should charge tolls of our coastwise shipping using that waterway; but in Heaven's name, let us *boldly* proclaim it. The subsidy talk will not fool anybody, even though we were base enough to attempt it. To my mind exemption from tolls for passage through a canal to our own ships engaged in competition with railroads in the transportation of goods from one section of the country to another, primarily to reduce the cost of carriage to our people, is easily distinguishable from an appropriation of money out of the Treasury to ships plying to and from foreign ports across seas that are open to all mankind. We do not reduce transcontinental rates by granting subsidies to the latter. The State of New York is spending $40,000,000 in enlarging the Erie Canal, the use of which has since 1882 been free to all American vessels. The exactions of the railroads, overburdened with traffic, was diverting American trade to Canadian ports. What would be thought of one who should denounce the expenditure it is making as a subsidy to the shipping interest? Would he not subject himself to suspicion of being a secret advocate of the rival railroad interests?

SHIPPING TRUST.

Of a piece with the talk about subsidy is the appeal to popular prejudice by ascribing to some mythical "shipping trust" the enjoyment of the advantages accruing from the existing act.

What is this "shipping trust" which is to send its vessels through the Panama Canal from our ports on the Atlantic to our ports on the Pacific? Who is at the head of it? By what name is it known? What is the nature of its organization? Reference is made to the report of the House Committee on Merchant Marine and Fisheries to the effect that 92 per cent of the coastwise shipping is controlled either by railroads or by combinations of one kind or another, the fact being that it referred entirely to line steamers and not to tramps at all. How much of that 92 per cent will go through the canal? It includes the greater part of the shipping on the Great Lakes. It includes the barges and ferries that connect the railroad termini at Jer-

sey City with New York. It includes the craft that carry railroad cars between the Virginia Capes. It includes the Southern Pacific steamers that ply between New Orleans and New York. Why particularize further? There are, according to Prof. Emory R. Johnson, who gives facts here, not opinions, now in existence steamers that are likely to make use of the canal in the coastwise trade, 24 of the American Hawaiian Line; 3 of the Grace Line; and 6 belonging to the United States, operated by the Isthmian Canal Commission or the Panama Railroad Co. That is all that will engage in the general trade. There are besides 44 tank steamers, fitted only for carrying oil; and 32 tramps. If any other ships enter into the coastwise trade through the canal, they must be built or taken out of the service in which they are now employed, presumably profitably.

Talk of a "shipping trust" in this connection may pass upon the hustings or in the rural press, but indulgence in it in this body does not add to the dignity of the discussion nor to the enlightenment it may afford.

WILL TRANSCONTINENTAL RATES BE REDUCED?

It is said, however, that in any case the concession is in the nature of a gratuity to the shipping interest, and that no reduction in freight rates is to be expected in consequence of it, because the shipowners will combine and establish rates just enough below the railroad rates to attract the business.

It is marvelous that any thoughtful man should seriously make such a monstrous assertion. Why did we build the canal at all? If we can get no more favorable rates by water than by rail we might as well, save for the value it has from a military point of view, have kept in the Treasury the $400,000,000 the canal cost us. If any such rates could be maintained, new figures, beyond anything the poets or romanticists have yet furnished us, would have to be invented to describe the wealth that awaits those who engage in the trade. The coast-to-coast rate by rail on low-grade freight like lumber is about $24. Sugar is now transported from Honolulu to New York by rail across the Isthmus of Tehuantepec at $9 a ton, including all costs of transshipment, $6 of which go to the ships. This trade will hereafter go through the canal at a rate not to exceed $7, assuming that no tolls are paid. The present all-rail rate from San Francisco to New York is $19.

The present $9 rate on sugar is not made to meet railroad competition at $19. It is established because of the necessity arising from the competition of Cuban sugar and potential competition from Europe in the New York market.

Common lumber will be carried from Seattle to Boston by the canal at from $6 to $9 a thousand not to meet railroad competition at $24 a thousand, for obviously the traffic will stand no such rate. So far as the ordinary grades are concerned, the rate found in the schedule is a "paper rate." The low figure given must prevail in order to meet competition from the forests of the South and Southeast. The rate must be less than $10 or the ships can get no cargoes.

Mr. LANE. I will say, for the Senator's information, if he will allow me, that a charter has just been made from British Columbia for a ship load at $6, with tolls paid.

Mr. WALSH. I placed the figures at from $6 to $9.

If any attempt at any such extortion as some people profess to fear were made, the power of the Interstate Commerce Commission could be extended over traffic of that character. It would not be necessary, however, as the enormous profits would soon attract to the business ships in such numbers as to render any combination impossible or ineffective. But the idea that ocean freights are or can be fixed at unreasonable figures by combination, or that there is no competition among ocean carriers, inveterate though it be, has no foundation. That the regular lines enter into agreements is indisputable, but they are always in peril of the tramps and particularly of those sailing under a charter. Witnesses on both sides of this controversy, whose familiarity with the subject compels us to accept their testimony, attest to this fact. It will not, I am sure, be regarded as invidious in me to say that among the witnesses who appeared before the Senate committee which considered the pending bill, none was better equipped to enlighten and none proved so helpful as Mr. E. H. Outerbridge, who came as a representative of the Chamber of Commerce of the City of New York to urge the repeal of the exemption clause. His vast experience as an importer and exporter entitled him to speak with confidence touching nearly every phase of the shipping business. What he says concerning it is entitled to the most respectful consideration. Let me quote:

I know of no line of business in which the competition is more terrific than it is in the transporting of freight on the water. The ocean lane is open to everybody, and it is by the efficiency of your management, and the way you treat your foreign consignees and your shippers that you hold your business together, and then by that means drive off the oppositions that are continually coming on the line.

I have two brothers who are in the steamship business in New York. They have been in it for 40 years and are still in it successfully, and there has never been a five-year period in the whole of the time that they have not had the most terrific kind of opposition, from one company after another, because those people believed they were running a profitable venture. And they have only been able to live, first of all, by the extremely fair treatment to their clientele, so that they always had their shippers and consignees more friendly to them than anybody else; and, secondly, by the extreme efficiency with which they operated and developed the business.

And again:

As a rule each tramp ship is a company herself. There are some individual firms abroad that own a large number of so-called tramp steamers that run all over indiscriminately, picking up business where they can, but the majority of tramp steamers are owned in sixty-fourth shares, and each ship is a company in herself. * * *

Senator BRISTOW. The tramp ships, then, are not in any of these combinations to maintain rates?

Mr. OUTERBRIDGE. None whatever, and they outnumber in number and tonnage all that are in any combinations many times.

Senator BRISTOW. What proportion of the commerce of the world—that is, the marine commerce—is carried by tramps and by liners; that is, the tonnage, the freight?

Mr. OUTERBRIDGE. I could only hazard a guess; but I should hazard a guess that certainly 85 per cent of the tonnage of the world is carried in tramps and 15 per cent in liners, so called.

Senator BRISTOW. You say the competition between these vessels is very severe; that they contend for business against each other—these tramp ships?

Mr. OUTERBRIDGE. Most extraordinarily so. If you could get a few of our ship brokers down here, they could give you a great deal of information on that score. I do not know any other business that there is more run after and a keener solicitation for business than in the freight business except, perhaps, the advertising business.

Senator WALSH. Is wheat and flour carried abroad in tramp ships generally, or line steamers?

Mr. OUTERBRIDGE. Tramp ships almost altogether. Formerly liners carried some for ballast. They used to present the owner with a chromo if he carried wheat for ballast. That day has passed and grain is carried almost exclusively in tramp ships.

The economic phase of the inquiry as viewed by the Pacific coast interests was ably presented by W. R. Wheeler, of San Francisco, and Joseph N. Teal, of Portland, who urged the preservation of the existing law. They have the same story to tell of competition among water carriers. I quote briefly from the testimony of Mr. Teal:

Senator WALSH. What proportion of the traffic out of your port goes in the line steamers and what in the tramp steamers?

Mr. TEAL. All the lumber. We are the largest lumber-shipping port in the United States, and all the lumber goes out in tramps. On the domestic tonnage, south and north bound, the rates are very low. I should think the most of it of every kind goes in tramps, unless it might be the actual merchandise shipped between San Francisco and Portland.

Senator WALSH. To what extent is there competition among the tramps?

Mr. TEAL. There is necessarily continuous competition among the tramps.

Senator WALSH. Do they not unite in conferences?

Mr. TEAL. They do try to, but they simply can not. There are too many of them. * * * To give an idea of how those water rates vary on the tramps, in 1912 there was grain shipped to Japan on tramp steamers on the basis of $1.50 a ton. That was on English tramps that wanted to go over there and wanted to have something to get there with.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Montana yield to the Senator from New Jersey?

Mr. WALSH. I do.

Mr. HUGHES. I simply ask for information. I notice that this testimony refers to tramp ships. Do I understand that tramp ships engage in the coastwise trade?

Mr. WALSH. Why, unquestionably. That is what Mr. Teal tells you. There is an enormous lumber business between Portland and Los Angeles and San Diego, for instance, and all of that lumber is carried in tramp ships.

With competition between the carriers by water, such as the testimony of witnesses on both sides of the controversy which now agitates the Senate discloses to exist, the advantage of the exemption given by the act will very largely accrue to the consumer and the producer within our own country in reduced freight rates. If competition does not force a reduction to the point at which no more than a reasonable profit will be returned to the ships using the canal in the coastwise trade, the Interstate Commerce Commission can, under appropriate legislation, force the reduction.

Disguise it as you may, every dollar paid by vessels transporting freight through the canal from one of our ports to another is a tax upon the people of the country, since they are required to make it up to the vessel owner in the increased freights he is obliged to exact in consequence. The Democratic Party has taught the people of this country that the tariff is a tax—a tax ultimately paid by the consumer. The tolls paid to the Government officer at the canal is no less a tax than the duties paid to the customs officer at the port. Two vessels enter the port of San Francisco carrying cargoes consisting of steel and the manufactures thereof, the one sailing from Liverpool, the other from Philadelphia. The former pays tolls

and it pays duties upon its cargo; the latter pays tolls only. In both instances the tolls are paid in the last analysis by the consumer. The tolls are a tax. I am for lifting that tax.

Mr. President, there is a phase of this question on its economic side so magnificently large, opening up so inviting a field for the exercise of such statesmanship as this body can command, that I can not refrain from alluding to it in brief in this connection.

It is estimated that 2,000,000 tons of freight now transported from coast to coast by rail will be diverted to the all-water route by the canal, at a saving of about $10 per ton. This means that $20,000,000 annually will be left with the people on the coasts and those near enough to them to experience the immediate effects of the change, which amount will be available for investment in enterprises that will produce still more tonnage. The loss of this revenue is a matter of the most serious concern to the transcontinental railroads and not without its importance upon their future. I am not apprehensive, however, that there will not be full compensation in increased business eventually growing out of the saving effected.

But let me ask you to reflect for a moment upon the vast traffic that will arise that now has no existence at all—that will be handled through the canal without any loss whatever to the railroads. About 70 per cent of the lumber cut on the coast is of such low grade that it can not stand shipment by rail to the eastern markets. Such of it as can not be disposed of locally is allowed to rot in the yards in which it is stacked. A 5,000-ton ship will pay $6,000 tolls one way through the canal. The lumber mills of the coast would be delighted to provide the consumers in the East with lumber at such a price as would return $6,000 per shipload. It is doubtful whether that character of commodity can move at all if tolls are exacted. In any case it will move inland from Atlantic ports just so much farther if no tolls are paid than it will if tolls are paid as the amount of the tolls represents in railroad mileage. Whatever does move is so much more added to the world's wealth. That which to-day was valueless to-morrow becomes a source of national riches. It is estimated that 1,000,000,000 feet of that lumber can annually find its way into the eastern markets. California oils may be made available in the manufacturing centers as a source of power in competition with coal. It must move, if it moves at all, on a margin of profit not to exceed ordinarily the amount of the tolls. Under favorable conditions 25,000,000 barrels annually will come east. The natural deposits of borax, soda, potash, and other like nonmetallic minerals of California and adjacent States will crowd out of the Atlantic seaboard markets the manufactured article largely imported from Europe. California asphalt will come into competition with the products of Trinidad. All these varieties of low-grade freight must be sold, if sold at all, upon the very slightest margin above actual cost.

The industries in which they are produced will come into existence or thrive very largely as we shall determine the question which the present bill presents to us for solution. The tonnage they will furnish is demonstrably enormous.

Some years ago a distinguished scientist associated with Harvard University launched in my State a project to extract by the dredging process the placer gold in vast beds of auriferous gravel, the rich cores of which had been mined in the pioneer days. The remainder of the ground had been abandoned as worthless. A dredge was built and operated by steam power, coal being used for fuel, but the expenses of operation were so great that the enterprise was about to die when the development of a hydroelectric plant a distance of about 30 miles away afforded an opportunity to obtain a cheaper power. Five giant dredges are now eating their way through the deposit, which gives up millions every year, the difference in the cost of power making the industry possible and the ground productive where before it was barren.

It has been sagely said that the man merits the honor of his country who makes two blades of grass grow where one grew before. If by omitting to tax we can make the earth yield in abundance where before it was fruitless, we shall have earned the approbation of our consciences and the plaudits of our countrymen. The opportunity comes to us rarely. It is here now.

Do not deceive yourselves, my associates on this side of the Chamber, who purpose voting for this bill. There is no ground upon which you can justify your action to an American constituency or to yourselves except that the act you wipe away is a violation of our treaty obligations.

The American people are jealous of the national honor, scrupulous in yielding to every demand to which they have been bound, either by treaty or the laws of nations, but quick to resent the assertion of right against their country by any foreign power for which neither affords sufficient justification.

If there were in the present situation any apparent peril of a foreign war or any profound disturbance in our foreign relations distinctly traceable to the act in question, I might find some excuse for departing from the course to which the line of thought I have pursued points. That some friction has arisen in consequence of the controversy, I entertain no doubt. That the view obtains generally in Europe that we are wrong in our interpretation of the treaty may be true. It would be strange if it were otherwise, when the President of our country says we are. I can not escape the conviction that had he boldly asserted what both of his predecessors proclaimed a very much more general acceptance of that doctrine would obtain. But it is idle to think that England will go to war with us about such a matter, and no one else has any treaty with us nor any right to complain. Indeed, it is not advanced in any quarter that Great Britain thinks of our action in this matter as affording any justification for war. She needs our good will, just as we are glad to have hers. It is unfortunate that we are ourselves divided in opinion upon the interpretation that should be given to the treaty. If the substitute offered by me is adopted, the true meaning will be determined by the Supreme Court of the United States. That ought to satisfy all mankind. In view of the divergence of opinion here—all parties dividing on it—a perfectly impartial judgment would be assured. But if it did not resolve the doubts of the other nations, it would at least solidify opinion at home. If the President's view should be sustained, all our citizens would acquiesce. The act would be promptly repealed. Indeed, the decision would terminate it. If the opposite conclusion should be reached, as I entertain no doubt it will be, the question would be still before us, but solely upon the economic aspects which it presents. What Democrat would then venture to vote upon it in contravention of the platform of his party?

LAWS OF PORTO RICO (H. DOC. NO. 979).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Legislative Assembly of Porto Rico during the regular session, beginning January 12 and ending March 12, 1914, and the extraordinary session, beginning March 14 and ending March 28, 1914.

WOODROW WILSON.

THE WHITE HOUSE, *May 16, 1914.*

CONGRESS OF MUSICAL SCIENCE AND HISTORY (H. DOC. NO. 978).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Foreign Relations:

To the Senate and House of Representatives:

In view of a provision contained in the deficiency act approved March 4, 1913, that "thereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law," I transmit herewith for the consideration of the Congress, and for its determination whether it will authorize the acceptance of the invitation, a report from the Secretary of State, with accompanying papers, being an invitation from the Government of the French Republic to that of the United States to send delegates to an International Congress of Musical Science and History, to be held at Paris in June next, and a letter from the Librarian of Congress, showing the favor with which he views the proposed gathering.

It will be observed that the acceptance of this invitation involves no appropriation of public moneys.

WOODROW WILSON.

THE WHITE HOUSE, *May 16, 1914.*

UNVEILING OF STATUE OF COMMODORE BARRY.

Mr. KERN. Mr. President, out of respect to the memory of the great Revolutionary patriot, Commodore John Barry, and to enable Senators to attend the exercises this afternoon attendant upon the unveiling of the monument to his memory, I move that the Senate adjourn until Monday next at 11 o'clock a. m.

The motion was agreed to; and (at 2 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, May 18, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 16, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, eternal God our heavenly Father, that our Republic is not unmindful of the men who rendered valiant and patriotic service in the cause of freedom; that to-day a monument will be unveiled in this city to the memory of Commodore John Barry, whose courage, bravery, and fortitude gave strength to the holy cause. May it ever stand an inspiration to the defenders of popular government in peace or in war, and everlasting praise be Thine. In His name. Amen.

The Journal of the proceedings of yesterday was read.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I see that the Journal is so journalized as to show that the House stands adjourned at the close of the consideration of the Diplomatic and Consular appropriation bill and not later than half past 2 o'clock. While it is true that the Speaker stated the question that way, I question whether that was a part of the request. I think it was only an announcement. The House might want to do some informal business after the consideration of the bill was closed.

The SPEAKER. The Chair thinks that is correct. It is surplusage, and the Journal will be corrected.

The Journal was approved.

Mr. MANN. Now, Mr. Speaker, I see that the gentleman from Missouri is not here. I suppose he intended to proceed with House resolution 256.

Mr. UNDERWOOD. Mr. Speaker, I understood that this morning the gentleman from Virginia [Mr. FLOOD] desired to go on with the Consular and Diplomatic bill.

Mr. MANN. Instead of taking up House resolution 256?

Mr. UNDERWOOD. Yes.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. TOWNSEND. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. HULL in the chair.

The CHAIRMAN. The Clerk will report the amendment that was pending when the committee rose on yesterday.

The Clerk read as follows:

Page 14, strike out lines 4 to 14, both inclusive, and insert in lieu thereof the following:

"Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board of the union for the purpose of meeting the expenses of the union and of carrying out the orders of said governing board: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1915."

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I see by a Washington paper this morning that the Director General of the Pan American Union has condescended to make an application to become a member of the Chamber of Commerce of the District of Columbia in order that he may be better able to present the importance of the case of the Pan American Union, and I was rather wondering whether the application for membership and the payment of six months' dues was to be at the expense of the fund which is now in process of being appropriated. Perhaps the chairman of the Committee on Foreign Relations may be able to tell us something about it.

Mr. FLOOD of Virginia. The gentleman from Illinois hardly asks that question seriously.

Mr. MADDEN. I supposed that everything we did here was serious.

Mr. FLOOD of Virginia. I hardly think the gentleman is serious; but I will say that the Director General of the Pan American Union pays his own dues if it is proper for him to do so. The appropriations for the Pan American Union are made by the different Governments of Pan America and are based on population. We have 90,000,000 of population and pay $75,000 a year; the other countries have about 60,000,000 of population and pay $50,000 a year. These appropriations are spent upon the orders of the governing board, and the gentleman need not fear that any of it will be improperly spent.

Mr. MADDEN. I was rather impressed with the language of the letter that he wrote to the president of the association, with the idea that his membership or application for membership was a condescension to the association of commerce here, for the furtherance of the Pan American Union; and inasmuch as it was a part of the business of the director to advertise, not only himself as director general but the Pan American Union, it might be thought proper as a part of the expenditure for the Pan American Union.

Mr. FLOOD of Virginia. The gentleman is mistaken if he thinks that the director general is advertising himself. The director general is a distinguished citizen. He has been a minister to Argentina, minister to Siam and a number of other countries, and for a great many years has been at the head of the Pan American Union, and he hardly needs advertising. The gentleman from Illinois has been facetious at the expense of the Director General of the Pan American Union, but I can assure him that my friend the director is so well known in this and other countries that he needs no advertisement, and need entertain no fear along the line suggested this morning.

Mr. MADDEN. Do I understand that there is no need of any fear being exercised on the part of the membership of this House that the gentleman who is Director General of the Pan American Union will not advertise himself or that he needs no advertising?

Mr. FLOOD of Virginia. I think if the gentleman from Illinois was as distinguished a man as the director general, that would be advertisement enough for him, as it is for the director general. His deeds and performances and his accomplishments have advertised him.

Mr. MADDEN. I think that if any person could buy the director general at the value he places on himself and sell him at the real value, there would be a great loss on the part of the purchaser.

Mr. FLOOD of Virginia. While the gentleman from Illinois may not entertain as high an opinion of the director general as he does of himself, there are a great many other people in this country who put a much higher estimate on this gentleman's attainments and abilities than he himself has ever dreamed of.

Mr. MADDEN. I do not think the gentleman from Virginia has any justification for saying that I place a high value on or have a high opinion of myself.

Mr. FLOOD of Virginia. I did not say that; the gentleman misunderstood me. I said that the gentleman might not entertain as high an opinion of the director general as he does of himself, but there are a great many people who do entertain a much higher opinion of him than he does of himself.

Mr. MADDEN. I am glad to know that, and I am sorry to know that so many people of the United States are in the habit of accepting a man's estimate of himself when that estimate is far above what it ought to be.

Mr. FLOOD of Virginia. That remark could not possibly apply to the Director General of the Pan American Union. I will also add that the work of that union has been very valuable. I believe that if any Member of Congress who may be in the slightest degree skeptical about the scope, usefulness, and extent of the work being done here for the benefit of commerce, friendship, and good understanding among the American nations would find time to spend 10 or 15 minutes in the Pan American Building and inspect its work he would be convinced beyond question that it is worthy not only of his vote for its maintenance but of his close personal interest. The correspondence with every variety of persons in all parts of the world amounts to hundreds of letters a day; the Pan American Union is constantly issuing publications, pamphlets, and reports for which there is a greater demand than it can supply; the building contains a most practical library, great collections of maps of all the American countries, the newspapers and magazines of these lands, and between 500 and 1,000 persons visit it every day.

Finally, there can be no better evidence of the practical usefulness of the Pan American Union than the fact that during the last year over 80 per cent of the total membership of the Senate and House of Representatives repeatedly applied to the Pan American Union for information or for bulletins, documents, and reports to send to their constituents.

Mr. WINGO. Mr. Chairman, I do not desire to take up any time of the committee, but I ask unanimous consent to extend my remarks in the RECORD by printing a copy of an editorial that recently appeared in the News, a newspaper published at Lynchburg, Va.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. MANN. Mr. Chairman, I reserve the right to object.

Mr. FLOOD of Virginia. Mr. Chairman, reserving the right to object, what is the article about?

Mr. WINGO. It is about money and credits.

Mr. FLOOD of Virginia. The paper referred to is owned by one of my colleagues.

Mr. WINGO. That was one reason I thought it ought to go into the RECORD. I think it is a very able article and very pertinent, and I think it ought to be preserved.

Mr. MANN. Who is the editor of the paper?

Mr. WINGO. I do not know who the editor is. The owner is the distinguished gentleman from Virginia, Mr. GLASS.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the calendar year 1913 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague, July 29, 1899, for the pacific settlement of international disputes, $1,250.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an article from the Seattle Post-Intelligencer, entitled "My mother—a prayer." The article is by Tom Dillon, one of the most talented and popular writers on the Pacific coast. It is a beautiful tribute that will find a fervent response in the heart of every real man, and it is well worthy a place in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The Clerk read as follows:

INTERNATIONAL INSTITUTE OF AGRICULTURE.

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1915, $8,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Here are three items for this International Institute of Agriculture that aggregate $16,600. The item under consideration carries an increase of $3,200 over that appropriated last year. I wish to inquire of the chairman of the committee or any other member of the committee what purpose is served by this International Institute of Agriculture? As I recall, it had its genesis some six or seven years ago in this House on the statement of the then chairman of the Committee on Foreign Affairs. I believe some altruistic-minded gentleman from California took up his abode in Rome and began to form some kind of an international institute. Wishing to give it some degree of prominence, he entitled it the International Institute of Agriculture. The appropriation has been carried from year to year, and now we have an increase amounting to almost double the amount that we appropriated last year. Will the chairman kindly favor us with some information, because the hearings are rather vapid, as far as this item is concerned? What is the real purpose of the appropriation?

Mr. FLOOD of Virginia. Mr. Chairman, the gentleman is mistaken in assuming that Mr. Lubin started this institute himself. It was first inaugurated by a chairman of the Committee on Foreign Affairs. It is the result of a treaty of June 7, 1905. No provision has been made for the termination of that treaty, and this gentleman from California has always been the member of the institute ever since the institute was established.

Mr. STAFFORD. Is that Mr. Lubin who is the member for whom we provide a salary of $3,600 in the following paragraph?

Mr. FLOOD of Virginia. Yes; Mr. David Lubin. This institute is considered of great importance by the Agricultural Department and the State Department in studying questions and distributing information relative to agriculture and agricultural methods the world over. It has been recommended by both departments, and the increase is due to the fact that when the institute was first established there was a minimum and a maximum amount that each nation should be called on to contribute. The minimum amount was first asked for, and under that we contributed $3,200 less than we do now. The institute has now gotten together and has called on all of the contributing nations for the maximum amount, and that makes the difference. Instead of $4,800 the amount now is $8,000.

Mr. STAFFORD. Can the gentleman inform the House as to the aggregate amount required to maintain this great institute?

Mr. COX. Does the gentleman mean from this country alone?

Mr. STAFFORD. No; from all of the contributing countries.

Mr. FLOOD of Virginia. I think about 20 nations are contributing members, and they contribute in proportion to their population. We are one of the largest contributors. I suppose it must take one hundred or more thousand dollars—$200,000 or $300,000 from all of the nations. A great deal of it has been expended in distributing agricultural information collected at this institute.

Mr. STAFFORD. Mr. Chairman, I notice in the third item that we provide $5,000 for translating and printing into English some of these publications. Does Great Britain contribute anything for a like service?

Mr. FLOOD of Virginia. That is only for the distribution of the literature that is to come to this country. England pays for what goes to her country. The translations that we pay for are to be distributed here.

Mr. STAFFORD. I suppose the articles that are distributed in England and in this country are virtually the same?

Mr. FLOOD of Virginia. Oh, no. We pay for our own translations, and we use them, and it is up to England as to whether she will have a distribution made.

Mr. STAFFORD. Through whom are these publications distributed?

Mr. FLOOD of Virginia. They are distributed through the Agricultural Department of this country, the different States, the national granges, and agricultural organizations of different character.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last two words. I think what the committee would like more than anything else in respect to this matter would be to have the gentleman from Virginia explain, if he can, the good that we get out of this international agricultural conference or commission or whatever it is. My attention has been directed to it for a long time, and I have never been able to find any good coming to the farmers of this country in the maintenance of this institute. If the gentleman has any information that he can give the committee that would show that we are getting anything for the money that we are spending, I would like to have him do it. I understand, of course, that we are subscribers, and that we have either to withdraw or appropriate this money, but it is my opinion that it will be in the interest of economy to withdraw entirely from participation in this institute, and if he knows any reason why we should continue this participation I wish he would tell us.

Mr. FLOOD of Virginia. Mr. Chairman, there is a difference of opinion among intelligent gentlemen as to whether we get any benefit from this institute. For years the question has been raised on the floor of this House, some contending that we get no benefit and others that we get a great benefit. The Department of Agriculture thinks it is a very beneficial appropriation. There are people in the country who question whether the Department of Agriculture is of very much benefit to the agricultural interests of the country. I take issue with them. I think the Department of Agriculture has done a great work, and I agree with the department in reference to this institute and that it is a beneficial thing to scatter throughout the country agricultural information gathered from all the nations of the earth. So, if there is any progressive movement in any nation with reference to agriculture, we may get the benefit of the ideas of that movement, through the publications that are sent to our Agricultural Department and the agricultural departments of the States, and to the National Grangers, farmers' unions, and such organizations. The only advantage we can get is educational, and the Agriculture Department here and the State departments and others connected with matters pertaining to agriculturists believe it is of benefit in this way.

Mr. HAMLIN. I asked for information. I, as other Members, of course, receive every so often certain bulletins issued by this institute. I have given some attention to these bulletins and I confess I can not see where the farmers of the country, the agriculturists of the country, get any benefit from them. They do give some little information as to estimates of different crops in different countries throughout the world, but so far as giving the farmers of the country any real benefit I confess I can not see where they get it. Unlike our department here, and I agree with the gentleman from Virginia that there is no department of the Government that is of greater benefit to all the people than the Agricultural Department, at least that is my idea of it; our Agricultural Department gives out information that goes out through the country that teaches our farmers things that they ought to know in the way of cultivating the soil, marketing crops, and so forth. You do not get any of that information through the bulletins issued by this international

institute, but all I have seen have simply been an estimate each year, or every so often each year, as to the probable yield of different cereals in the different countries of the world.

Mr. FLOOD of Virginia. Well, the gentleman has not studied these bulletins closely, then, because the purpose of these bulletins is to give information of agricultural conditions, including agricultural progress and agricultural methods, and some of them give statistics——

Mr. HAMLIN. Yes; I have noticed that, and I confess something may have escaped my notice, but all the statistics I have seen——

Mr. FLOOD of Virginia. As to how useful this institute is is a matter of opinion. You can have an opinion on that, and the committee thought it would be wiser to take the opinion of the Agricultural Department and the State departments and all other agricultural interests in the country and continue this small appropriation, hoping it would result in benefit to the agricultural interests of the country.

Mr. HAMLIN. The distinguished chairman of the Committee on Foreign Affairs will understand I am not in any manner criticizing that committee, either the chairman or his committee. I understand that they have to continue this appropriation unless Congress withdraws our participation, but I believe the Congress *ought to* withdraw and cease appropriating for this purpose.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

INTERNATIONAL RAILWAY CONGRESS.

To pay the quota of the United States as an adhering member of the International Railway Congress for the year 1915, $400.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what the purpose of this international congress is?

Mr. FLOOD of Virginia. That is the railway congress?

Mr. MADDEN. Yes.

Mr. FLOOD of Virginia. It is to collect public data regarding railway safety appliances and matters of that kind. There are 35 nations besides the United States which are members of it. The first appropriation we made was in 1905; we entered into an agreement to appropriate until 1914, and under our agreement this is the last appropriation we will be called upon to make.

Mr. MADDEN. Does the gentleman think this is worth while?

Mr. FLOOD of Virginia. This is another one of those matters that is not of very vast importance and its usefulness is merely a matter of opinion. Our State Department entered into this agreement and it is closed with this appropriation.

Mr. COX. Where does this congress meet?

Mr. FLOOD of Virginia. It meets in Brussels.

Mr. COX. Does it meet every year or has it met every year since it was organized?

Mr. FLOOD of Virginia. I think so.

Mr. COX. I understood the gentleman to say this is the last year for which the United States makes an appropriation?

Mr. FLOOD of Virginia. Yes.

Mr. COX. I think it is a good thing.

Mr. MANN. I understood the gentleman to say the last year we are required to make an appropriation was for 1914.

Mr. FLOOD of Virginia. Yes.

Mr. MANN. This is for 1915.

Mr. FLOOD of Virginia. I meant 1914–15. The congress meets after the 1st of July of this year.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5504. An act to authorize the Secretary of Commerce to provide additional inspection of the fisheries of Alaska, and authorizing the purchase or construction of vessels and boats to be used in connection therewith; and

S. 5552. An act to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914.

The message also announced that the President of the United States had approved and signed bills and joint resolutions of the following titles:

On May 8, 1914:

S. J. Res. 142. Joint resolution authorizing the Vocational Education Commission to employ such stenographic and clerical assistants as may be necessary, etc.

On May 9, 1914:

S. J. Res. 97. Joint resolution authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists;

S. 1808. An act for the relief of Joseph L. Donovan;

S. 1922. An act for the relief of Margaret McQuade;

S. 3997. An act to waive for one year the age limit for the appointment as assistant paymaster in the United States Navy in the case of Landsman for Electrician Richard C. Reed, United States Navy; and

S. 5445. An act for the relief of Gordon W. Nelson.

On May 12, 1914:

S. 5031. An act quieting the title to lot 44 in square 172 in the city of Washington.

On May 13, 1914:

S. J. Res. 145. Joint resolution authorizing the President to detail Lieut. Frederick Mears to service in connection with proposed Alaskan railroad.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

SALARIES AND EXPENSES, UNITED STATES COURT FOR CHINA.

Judge of the United States court for China, $8,000; district attorney of the United States court for China, $4,000; marshal of the United States court for China, $3,000; clerk of the United States court for China, $3,000; stenographer of the United States court for China, $1,800; for court expenses, including reference law books, $9,000; total, $28,800.

Mr. CRAMTON. Mr. Chairman, I move to amend, in line 8, after the figures "28,800," by inserting the following:

Hereafter the judge receiving a salary hereunder shall be paid monthly by the disbursing officer of the Department of State, and to him all certificates of nonabsence or of the cause of absence of such judge shall be sent.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 16, by adding after the figures "28,800," in line 8, the following: "Hereafter the judge receiving a salary hereunder shall be paid monthly by the disbursing officer of the Department of State, and to him all certificates of nonabsence or of the cause of absence of such judge shall be sent."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. CRAMTON. Mr. Chairman, I would like to say I do not know whether it is subject to a point of order or not. If it is——

Mr. MANN. There is no doubt about it being subject to a point of order.

Mr. CRAMTON. I am in doubt whether the point of order should be sustained or not.

Mr. MANN. Well, if the gentleman wants to argue the point of order, we will dispose of that very quickly. Give us the reasons for the change.

Mr. CRAMTON. If I can discuss the whole proposition together——

The CHAIRMAN. The Chair prefers to hear the gentleman on the point of order.

Mr. MANN. I will reserve the point; there is no question about the point of order.

Mr. CRAMTON. Mr. Chairman, I think there may be a question unless I change the form of it a little. As a matter of fact, this entire court over there does not belong, as I understand it, under the State Department, and appropriation for it should not be carried in this bill. When the court was created there was nothing said about putting it under the jurisdiction of the Department of State, but that department has gradually taken charge of it, and now an appropriation is carried in this bill. There is a statute carrying the same provision as I have suggested there, in section 13 of the Dockery Act, which makes that provision which I have suggested apply to all judges of Federal courts except consular courts; and if I had offered the amendment, simply repeating the language of the Dockery Act, which already does apply to this court, I can not understand how it would be subject to a point of order.

The CHAIRMAN. Will the gentleman indulge the Chair for a question? Does the gentleman contend this is not a consular court?

Mr. CRAMTON. Yes, sir; I contend it is not. It is a court constituted just the same as any other Federal court and made to succeed the consular courts, which we found to be undesirable. But I am not particular about discussing the point of order, except that I want to make that explanation. I did not follow the language of the statute which, I believe, controls the court already, but which has been treated as a nullity and disregarded. I changed it to this extent, namely, to make those reports go to the Department of State, which has now assumed jurisdiction over that court, instead of having them go to the

Department of Justice, as other courts are required to report. I do that because inasmuch as that department is taking jurisdiction the reports necessarily should go there, and inasmuch as I have made that change, of course the point of order, I suppose, would be good if the gentleman desires to press it.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. CRAMTON. If he will withhold the point of order——

Mr. MANN. I reserved the point of order.

Mr. CRAMTON. Now, I want to put into the RECORD provisions of section 13 of the Dockery Act, as follows:

Before transmission to the Department of the Treasury the accounts of district attorneys, assistant attorneys, marshals, commissioners, clerks, and other officers of the courts of the United States, except consular courts, made out and approved as required by law, and accounts relating to prisoners convicted or held for trial in any court of the United States, and all other accounts relating to the business of the Department of Justice or of the courts of the United States other than consular courts, shall be sent with their vouchers to the Attorney General and examined under his supervision.

Judges receiving salaries from the Treasury of the United States shall be paid monthly by the disbursing officer of the Department of Justice, and to him all certificates of nonabsence or of the cause of absence of judges in the Territories shall be sent.

Now, that is a good provision as applied to all the other courts of the United States. But here is a court located by itself, thousands of miles away, and it is also desirable it should apply to that court. They have not applied it, although it seems to me they should, and the need of it is shown by the fact that in the case of a recent judge of this particular court there is evidence to show that he was absent without the knowledge or direction of any of his superiors, so to speak, for a period altogether of 16 months in the time of 3 years. He is drawing a salary of $8,000 a year, which in that country is practically equal to $20,000 or $25,000 a year, and still he is absent from his post for a period of 16 months out of 3 years. And I submit that there ought to be a provision by which that man will be obliged, when he is absent and leaves his jurisdiction, going over to Japan to some summer resort or health resort for such a long period, that at least somebody ought to know that he has been away and why he was away. I hope the gentleman will not insist on his point of order.

Mr. MANN. Mr. Chairman, this is an extraterritorial court, with jurisdiction over certain causes affecting American citizens in China. The court is located in China—outside of the United States.

Mr. McKENZIE. Will my colleague yield?

Mr. MANN. Certainly.

Mr. McKENZIE. Will he kindly, while he is on his feet, state the reasons or justifications for the establishment in China of this particular court, different from that in other countries, for the information of the committee?

Mr. MANN. We do not have courts in any other countries. But when this court was established it was established in conformity with the treaty with China under which the United States was permitted to establish a court which would have jurisdiction over causes in which American citizens were parties. That was a concession given by China to the United States, I suppose, not wholly involuntarily, and I think the same concession exists in various other countries.

Now, that is a matter that relates to our foreign affairs. It belongs to the Department of State. When this law was passed, following a treaty arrangement, it did not specifically provide that this court should be under the jurisdiction of the Department of State. But I think everybody understood that it would be, and the Department of Justice declined to take any jurisdiction over the court, holding that it was not a United States court in the ordinary sense of the word or coming within the jurisdiction of the Department of Justice, and that department declined to entertain any jurisdiction concerning the court or the payment of fees or salaries or other disbursements. In my judgment, that is where they belong. Now, my friend from Michigan [Mr. CRAMTON] desires to practically transfer that jurisdiction from the Department of State to the Department of Justice.

Mr. CRAMTON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. CRAMTON. I have not expressed that desire in the pending amendment, even if I do have that desire.

Mr. MANN. The gentleman says he has not expressed the desire in the pending amendment, but I think he has.

Mr. CRAMTON. But my amendment provides for their reporting to the Department of State.

Mr. MANN. Your amendment provides for a report to the Auditor for the Department of State, I think, does it not?

Mr. CRAMTON. Yes.

Mr. MANN. That is in the Treasury Department. But that means that the accounts will go through the Department of Justice. That is where the accounts of the Department of Justice go—to the Auditor for the State and Other Departments.

Mr. GARDNER. Oh, no.

Mr. MANN. Where do they go?

Mr. GARDNER. They go direct to the Auditor for the State and Other Departments—not to the Department of Justice.

Mr. CRAMTON. There is such a man here—the man I have provided these reports should go to.

Mr. MANN. There is a man who audits the Department of Justice accounts, but he is Auditor for the Department of State.

Mr. CRAMTON. Certainly.

Mr. MANN. That is what I said. Both gentlemen were wrong about it. The Auditor for the State and Other Departments is the man who audits these accounts, and the purpose of this amendment is practically to declare that this foreign court is under the jurisdiction of the Department of Justice. I have no doubt that he now receives his pay monthly, although I do not know about that.

Mr. CRAMTON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. CRAMTON. Under the Dockery Act, it is required that other judges make this return to the Auditor for the Department of Justice. In my amendment I have provided simply that they shall make a report as to their absence to the Auditor for the Department of State. Now, how does that transfer jurisdiction from the State Department to the Department of Justice?

Mr. MANN. The Auditor for the Department of Justice is the Auditor for the State and Other Departments. And that is the purpose of the amendment, to transfer the jurisdiction which, under the treaty and under the law, now rests in the Department of State, to the Department of Justice, which does not even desire the jurisdiction.

Even if the gentleman had offered his amendment in the exact language of the existing law, making it come under this paragraph so that it would apply to this paragraph, it would still be subject to a point of order.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries, their actual expenses during such sessions, not to exceed $10 per day for the judge and $5 per day for the district attorney, and so much as may be necessary for said purposes during the fiscal year ending June 30, 1915, is hereby appropriated.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. CRAMTON. Mr. Chairman, I desire to reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Michigan [Mr. CRAMTON] reserves a point of order on the paragraph.

Mr. CRAMTON. On the word "actual," in line 12.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. A point of order has been reserved.

Mr. GARDNER. Well, I agree with the point of order made by the gentleman from Illinois [Mr. MANN] that it is new legislation on an appropriation bill, but the gentleman from Illinois is entirely mistaken in saying that the amendment of the gentleman from Michigan [Mr. CRAMTON] can not in any way transfer the jurisdiction over the Chinese court away from the State Department to the Department of Justice. If it would transfer it anywhere, it would be to transfer it to the Treasury Department. But it would not be transferring it anywhere where it is not now.

The fact is that the auditing work in the Treasury Department is divided up among a number of different auditors. For instance, there is an Auditor for the War Department and there is an Auditor, I rather think, for the Navy Department, but I am not sure; and then there is a general auditor, under which various departments are lumped, known as the "Auditor for the State and Other Departments," and under that particular auditor comes the Department of Justice.

Now, so far as concerns the transferring by that amendment to the Department of Justice, if anything, it would indicate more strongly that it was to continue under the Department of Justice.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. MANN. I will ask my colleague if he has read the hearings in the Committee on Expenditures in the Department of

Justice relating to this matter during the last summer, I think it was?

Mr. GARDNER. No, sir.

Mr. MANN. Then the gentleman has missed a good deal of information on this subject.

Mr. GARDNER. I will tell the gentleman what I was trying to do during the past summer. It was to be elected governor of Massachusetts. [Laughter.]

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. A point of order is pending.

Mr. STAFFORD. I understand the gentleman only reserved a point of order, and the gentleman from Massachusetts [Mr. GARDNER] only moved to strike out the last word. I ask recognition in opposition to the amendment of the gentleman from Massachusetts [Mr. GARDNER].

Mr. CRAMTON. Mr. Chairman, I will state, if the chairman of the committee is agreeable to an amendment to make that section correspond with the statute on which it is based, I will not insist on the point of order. In the statute the language used is "necessary expenses." For some reason or through some oversight that word "necessary" is changed to "actual." Now, being somewhat familiar with the hearings referred to by the gentleman from Illinois [Mr. MANN], I have been strongly impressed with the necessity at least of using a word as strong as "necessary." As a matter of fact that does not seem to hold down the Department of State. They have, as the hearings clearly show, audited and paid accounts of a recent judge who, on one of his expeditions from Shanghai to Canton, I believe, to hold court went and spent perhaps 10 days in the city of Hongkong.

The CHAIRMAN. Will the gentleman indulge the Chair for a question?

Mr. CRAMTON. Yes, sir.

The CHAIRMAN. In what respect does the proposed language in this paragraph differ from the language in the existing appropriation act passed at the last session?

Mr. CRAMTON. I have not compared it with that. I have compared it, however, with the statute creating this court, which, I assume, is the statute on which we must depend. The statute creating the court uses the word "necessary."

Mr. FLOOD of Virginia. Mr. Chairman, may I interrupt the gentleman?

Mr. CRAMTON. Certainly.

Mr. FLOOD of Virginia. When was this 10 days' stay in Yokohama?

Mr. CRAMTON. Ten days occupied in travel and staying there. It was Hongkong.

Mr. FLOOD of Virginia. When was that?

Mr. CRAMTON. It was during the incumbency of the recent judge of that court. Apparently the time has gone by to take any action as to that trip. The accounts have already been audited, but it impressed me with the fact that instead of paying all the expenses that the judge might actually make we should at least confine him to his necessary expenses.

Mr. FLOOD of Virginia. Mr. Chairman, the amendment suggested by the gentleman is perfectly agreeable to me.

Mr. CRAMTON. Then, Mr. Chairman, I withdraw the point of order, and move to amend that section by striking out the word "actual" and inserting in lieu thereof the word "necessary."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The Clerk read as follows:

Amend, page 16, line 12, by striking out the word "actual" and inserting in lieu thereof the word "necessary."

Mr. BRYAN. Mr. Chairman, I have no objection to the amendment. I think there should be some care exercised as to expenses of these courts, and I suppose that is a help and safeguard, and I am in favor of the amendment.

But this matter of the probate court in China has attracted a great deal of attention in certain quarters. I am a member of the Committee on Expenditures in the State Department. Before that committee there appeared a Mr. Cunningham, who is now at the Dewey Hotel here, and he made charges against the probate procedure and the way the State Department handled a probate case in which he was concerned, involving something like $100,000 of property belonging to his deceased brother, and the charges that he made were of so severe and incriminating a nature that they would make a highway robber blush.

Mr. MADDEN. Was there anything heard on the other side of the case?

Mr. BRYAN. I will tell you. This gentleman tried in every way in the world to get some sort of an investigation of that matter, and he is now going from one place to another trying to get some investigation made of the matter, and to enable the State Department and those who are responsible to clear themselves or to establish the truth of his charges; and yet he is absolutely unable to accomplish any results whatever.

Mr. FLOOD of Virginia. The gentleman does not charge any official connected with the State Department now?

Mr. BRYAN. It was before the present administration came in, before the beginning of the present administration, that these matters occurred. It was a judicial matter, a matter of probate over there in China by the Consular Service, and I do not suppose the Secretary of State had anything in particular to do with it. But there was a loose administration in this court, and I believe there is merit to the charges that this old gentleman makes.

Mr. FLOOD of Virginia. Mr. Chairman, I saw the charges that the gentleman refers to. Would the gentleman undertake to have them investigated?

Mr. BRYAN. I favored the taking up of the matter by the Committee on the Expenditures in the State Department, but the other members of the committee stated that they were without jurisdiction. The chairman of the committee concluded, all things taken together, that we were without jurisdiction. We submitted the proposition to some solicitor down here, and upon having the opinion of that counsel in the State Department it was thought we had no jurisdiction of the matter.

But every member of the committee believed that the charges were of such a nature, and that there was so much probable cause attached to the whole case, that somebody ought to investigate it and some kind of relief ought to be administered.

Mr. CRAMTON. Does not the gentleman understand that there is a very grave question as to whether the consular authorities there have the right to exercise the probate jurisdiction which they are exercising?

Mr. BRYAN. That was one of the questions involved.

Mr. CRAMTON. And has not the gentleman to whom you refer been able to get any positive decision from either the Department of Justice or the Department of State as to whether those consular authorities were exercising a proper jurisdiction?

Mr. BRYAN. I believe there was some decision to the effect that the court did have jurisdiction over there. I think the chairman of the Committee on Expenditures in the State Department [Mr. HAMLIN] was diligent in the matter, and I am not making any accusations against the committee or attempting to throw any insinuations of that kind; but I do say I think that old gentleman ought to have relief, and I believe the present Secretary of State ought to take enough interest in that case to have it ferreted out and the right and truth and justice established.

In this estate there was issued a 10-day notice by publication in China to inform an absent brother in the State of Maine that they would proceed to probate the will and distribute the property. I do not say all the other charges are true, but I do say they are of so grave a nature that they should be investigated. Every tribunal has plead jurisdiction on the old man and he has not been able to have a hearing.

Mr. HAMLIN. Mr. Chairman, being chairman of the Committee on Expenditures in the State Department, I know something about this case; and since the question has been raised I think it may be well for me to make a statement.

A brother of the old gentleman to whom the gentleman from Washington [Mr. BRYAN] refers died in Shanghai, China, leaving quite an estate. He left a will. Our consul over there took probate jurisdiction and administered the estate and made distribution in accordance with the provisions of the will. That will conveyed all of his property to his sister, who lived in the State of Maine. The old gentleman to whom the gentleman from Washington [Mr. BRYAN] refers brought suit in the State of Maine, had a hearing, had his day in court, appealed to the appellate court of the State of Maine, and the case was decided adversely to him, both in the lower court and also in the appellate court. After he had gone through the courts of Maine, a jurisdiction which he himself selected, and an adverse decision had been rendered, he then came before our committee and raised the question of the jurisdiction of the consular agent at China to take probate jurisdiction and administer this estate over there.

Mr. BRYAN. Will the gentleman yield right there?

Mr. HAMLIN. Yes.

Mr. BRYAN. Is it not a fact that the decision of the court in Maine was that that court did not have jurisdiction and that the gentleman never did get a hearing on the merits of the question in Maine?

Mr. HAMLIN. My recollection of the matter is that the decision of the court in Maine was to the effect that the deceased had lost his residence in Maine, and therefore the Maine court had no jurisdiction of the matter. I may be in error about this, for it has been some time since I read the opinion of that court.

As chairman of the Committee on Expenditures in the State Department and by direction of that committee I called upon the Solicitor of the State Department for an opinion as to whether our consular agent in China had probate jurisdiction. There is an old decision by a former Attorney General that seemed to hold that our consular agents had no probate jurisdiction; but in a subsequent treaty made with China there is a provision under which the Solicitor for the State Department, backed up by a decision of the Department of Justice, holds that now the consular agent does have probate jurisdiction. It has been a question in my mind. I read that decision, and I think it is somewhat of a debatable question; but our law officers have decided it, and I have their opinion, and if Members think it is of importance enough to incorporate in the RECORD I shall be glad to incorporate it. Our law officers advised our committee that the consul general has probate jurisdiction. Therefore that being true it was my opinion that our committee had nothing whatever to investigate.

Mr. CRAMTON. I would be glad if the gentleman would incorporate that opinion in the RECORD.

Mr. BRYAN. In other words, the committee concluded that if the judge over there had jurisdiction—that is, that if the consular agent had jurisdiction in China—it was out of the sphere of our committee to investigate whether that man's will was administered fraudulently or not.

Mr. HAMLIN. That was the point.

Mr. BRYAN. We did not go into the question of fraud, although the consular agent still stands accused of fraud.

Mr. HAMLIN. This old gentleman charges that there were two wills, and that there was some irregularity in the execution of this second will. I do not understand that he has accused the consular agent of not distributing the estate in accordance with the provisions of the second will.

Mr. BRYAN. But he does charge that the will probated was a fraudulent will, I think.

Mr. MADDEN. He does not charge that the consular agent hypothecated any of the money or anything of that sort?

Mr. HAMLIN. Oh, no. I think he charged that there were some exorbitant fees charged, but that was a mere bagatelle. It did not amount to anything, practically.

Mr. MADDEN. There was no charge of highway robbery or anything of that sort?

Mr. HAMLIN. Oh, no; no charge of corruption or anything of that sort. He simply charges that that second will was not properly attested and ought not to have been admitted to probate, and that the consular agent had no probate jurisdiction. On that question we concluded that there was nothing for our committee to investigate, in the face of the decision of the Solicitor for the State Department.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan [Mr. CRAMTON] to strike out the word "actual" and insert the word "necessary."

The amendment was agreed to.

The Clerk read as follows:

For rent of premises for the use of the United States court for China at Shanghai, $2,400.

Mr. CRAMTON. Mr. Chairman, I move to amend, in line 18, by striking out "$2,400" and inserting "$1,600."

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 16, line 18, by striking out "$2,400" and inserting "$1,600."

Mr. CRAMTON. Mr. Chairman, I will admit in the beginning that my hopes of securing the adoption of this amendment are not high; but my purpose is largely to bring this before the House, and if possible to bring it sufficiently to the attention of the Department of State so that that great department will come to realize that it is desirable to have an honest administration of things in that far-off court. If it is desirable to have a court there at all, I believe it is more important to have an honest administration in that court than any other Federal court that we have, for the reason that appeals from that far-off court must be taken clear over to San Francisco, and the expenses are such that the ordinary individual can have no appeal. He is absolutely at the mercy of that court. In the hearings that the gentleman from Illinois has referred to, and which I heard as a member of that committee, I was impressed by the fact that that court absolutely needs an overhauling, a thorough investigation; and I hope that the Department of State, which has jurisdiction over it, will do what is necessary.

Now, as to the paragraph in question and the amendment I have suggested, there is no question, as I understand it, but that we are paying, on the audit of the State Department, $2,400 a year for the use of a building there, supposedly for the exclusive use of that court. As a matter of fact, official evidence was introduced before the Committee on Expenditures in the Department of Justice, which I have here in my hand, showing that as a matter of fact the parties who rent the building receive only $1,440 a year for it. What becomes of the difference, whether it is a rake-off for somebody or whether somebody gets house rent out of it, I do not know.

I hope the Department of State will before they ask for another appropriation of $2,400 for the use of the court find out whether they need that amount of money for the court and whether some part of it goes to some unworthy use. I hope, in view of the evidence that has been submitted here showing the municipal tax receipts of Shanghai—the taxes being based on the amount of rental, and they show that the amount of rental is only $1,440 a year—that they will look into this matter. I hope, Mr. Chairman, that the amendment may prevail.

Mr. FLOOD of Virginia. Mr. Chairman, this court has been overhauled. There is another judge now in office.

Mr. CRAMTON. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. CRAMTON. It was overhauled to this extent, that about the time these hearings were being held the resignation of the former judge was received, and while the hearings were in progress the resignation was accepted and a new man sent over there. Is it not true that there has been a succession of scandals, one after another, in that court?

Mr. FLOOD of Virginia. What I was going to say is that there had been a scandal in the transaction of business of that court, and the court has been overhauled, and there is another judge under another administration, and there will be no more scandal in the future. Now, this rent has been contracted for.

Mr. CRAMTON. What overhauling has there been, except the resignation of one man and the appointing of a new one?

Mr. FLOOD of Virginia. The resignation of the man who created the scandal.

Mr. CRAMTON. Was any attention given to the marshal and the other officers of the court?

Mr. FLOOD of Virginia. They are investigating the other officers, who hold office at the pleasure of the President, and there need not be any fear that there is going to be any more scandal.

Mr. CRAMTON. They are now investigating, the gentleman says?

Mr. FLOOD of Virginia. Yes. Now, as I say, this rent is needed because it has been contracted for. If the suggestion of the gentleman from Michigan is borne out by evidence, the rent in the future will be reduced.

Mr. MANN. Mr. Chairman, I do not think it would be fair to allow these statements to go in the RECORD without an explanation of the situation. The gentleman from Michigan [Mr. CRAMTON] indulges in certain charges without having, I think, any official evidence on the subject. There were charges made against this court or against the judge by an attorney coming from over there who, I believe, was disbarred, and who certainly did not have a decent reputation. The Committee on Expenditures in the Department of Justice proceeded to have hearings on the subject far enough to permit this discredited attorney and claim agent who had been kicked out of court for corrupt work, as alleged, to make statements before the Committee on Expenditures in the Department of Justice. When it came about time for the other side to be heard the committee found that it did not have jurisdiction, because this court was not under the Department of Justice, and refused to proceed any further with the hearings. There were requests made on behalf of the judge that he might be heard by some committee.

Mr. HAMLIN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HAMLIN. The gentleman from Illinois is entirely correct——

Mr. MANN. I knew that, or I would not have made the statement.

Mr. HAMLIN (continuing). The committee finding itself without jurisdiction, referred the case to the Committee on Expenditures in the State Department. Now, the statement that the gentleman from Illinois is about to make and to which I want to call attention, so that he may not be inaccurate, is that when the matter came before our committee I, as chairman of that committee, conferred with the gentleman who claimed to be a friend of and representative of this judge and

told him that if his friend desired a hearing our committee would certainly afford him an opportunity. In the meantime the judge resigned, and they stated that they did not care to pursue the matter any further. So I think that no fault can be charged to our committee.

Mr. MANN. I was not charging fault to anyone, although the gentleman is inaccurate if he means to convey the impression that the judge resigned before he asked for a hearing, because the request was made for a hearing before the gentleman's committee, as is disclosed by the record.

Mr. HAMLIN. Not before my committee.

Mr. MANN. Yes; before the gentleman's committee; and the gentleman's committee decided that they did not have any jurisdiction and would not proceed.

Mr. HAMLIN. The gentleman is speaking about the Committee on Expenditures in the Department of Justice?

Mr. MANN. Yes; the Committee on Expenditures in the Department of Justice.

Mr. HAMLIN. That is not my committee.

Mr. CRAMTON. Let me say to the gentleman that the case was taken up before the Committee on Expenditures in the Department of Justice and proceeded with on the assumption that this court was under the jurisdiction of the Department of Justice.

Mr. MANN. I understand that; I have just stated that.

Mr. CRAMTON. I want to correct the further statement by the gentleman from Illinois that when we had received all the evidence on one side we concluded the case and refused any hearing for the other side. Whereas the fact is that having heard to some extent the attorney to whom the gentleman refers, I think somewhat erroneously, we called in the Auditor for the Department of State.

Mr. MANN. I am familiar with what the committee did.

Mr. CRAMTON. Then the gentleman is unfair to the committee.

Mr. MANN. I am not unfair to the committee at all. The Auditor for the Department of State was called in not in behalf of the gentleman against whom the charges were made, but in behalf of the gentleman who made the charges, and the auditor did not sustain the gentleman at all. When these charges had been made to the committee, the judge or some of his friends desired a hearing before the committee, and the committee said that they had no jurisdiction. I have no criticism to make of the committee; they had just found it out; but they had jurisdiction long enough not only to hear the scandalous charges, which I think there was little foundation for, but it seems to have been enough to convince the gentleman from Michigan, although they had heard only one side, that that side was correct.

I do not know what the facts are, but I do know that it is a scandal itself to charge that a judge was in delinquency simply because the committee had heard a discredited, disbarred attorney's charges against the judge without hearing the other side. The judge delayed his resignation for a long time, because he was seeking to have these charges investigated and have a hearing before some committee, but was unable to do so. This was long after he had decided to resign on account of his health, and so announced before the charges were presented.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, there never was an application for a hearing before our committee by the judge. Some gentleman representing himself to be a friend came in and was allowed to take part in the hearing and did ask for an opportunity to put in certain statements.

We had proceeded partly with the gentleman making the charges, and then at his suggestion called in the Auditor for the Department of State, and as soon as it appeared from the testimony of that auditor that the expenditures were those of the Department of State the committee, of course, was absolutely without jurisdiction. We immediately closed the hearings, although the attorney to whom reference has been made had not completed his case. In justice to the attorney making the charges I want to say that there has been some unfairness in connection with the gentleman's attack upon him, because I do not understand that that gentleman is now a disbarred attorney, and a great deal of that which the gentleman from Illinois [Mr. MANN] believes is to his discredit is due to the fact that in his controversies with this particular discredited judge there has been an abuse of power on the part of the judge. I am not one that is charging that everything said against that judge is true. I simply know that there were things presented in that committee which convinced me that there should be a thorough overhauling, not only of the judge but of the entire official circle over there; and we went as far as we could in our committee, and there the matter dropped. The judge, under fire, did resign, and there has been no hearing. We are not to blame for that. If anyone is to blame, it seems to me the judge himself, who resigned under fire, is to blame.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was rejected.

Mr. BRYAN. Mr. Chairman, I move to strike out the last two words. In this discussion of the judge we have lost sight of the man who lost the money, or claims he lost the money. You have lost sight of the possessor of something like $100,000 that was involved in the matter, and I desire to call attention to the peculiar situation that has developed here. The distinguished chairman of the Committee on Expenditures in the State Department, of which committee I am a member, states that he offered to that judge, to that side of the case, a hearing if he wanted it, but the facts of the record show that such right was denied to the man making the claims, Mr. Cunningham, upon the ground that the committee had no jurisdiction.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MANN. I think the gentleman is speaking about something else. I desire to ask him whether he thinks the Cunningham matter has anything to do with this court?

Mr. BRYAN. Not at present.

Mr. MANN. Or did it ever have?

Mr. BRYAN. That is what we were talking about.

Mr. MANN. That is not the consul general. The probate matter had nothing to do with this matter pending in the House.

Mr. BRYAN. Did I not say that we had traveled away from the man who had lost the money and that I wanted to call attention to him?

Mr. MANN. I supposed the gentleman was talking about something in the bill, and that is the reason I asked whether the gentleman thought it had any relation to the bill.

Mr. BRYAN. What we considered and discussed in this committee had something to do with the $100,000 that Mr. Cunningham claims he was defrauded out of.

Mr. HAMLIN. Mr. Chairman, before the gentleman from Washington became a member of the committee—and I neglected to state this a while ago—something occurred to which I wish to direct his attention. The gentleman says that we did not give Mr. Cunningham a hearing. He is entirely in error about that. The committee, during the last session of Congress, devoted one whole day to his matter. I do not mean by that just the forenoon of the day, but the afternoon also. We listened to a legal argument—a very clear, cogent, splendid argument—by a former distinguished Member of this House, Mr. Littlefield, and by attorneys representing Mr. Cunningham upon the other side, when the whole matter was thrashed out by counsel on both sides. It is not accurate to say that we denied him a hearing; but after we had obtained the information from the Solicitor of the State Department as to the jurisdiction of the consul over in China, we set a day and heard his attorneys and also Mr. Littlefield, of Maine, who represented the sister to whom this bequest was made.

Mr. BRYAN. Mr. Chairman, I am afraid the gentleman will take all my time. The gentleman says that we did not deny him a hearing, but what kind of a hearing did we give him? We heard him on the question of whether or not we had a right to give him a hearing, and a gentleman who was formerly a Member of this House, Mr. Littlefield, made a very strong argument that the committee did not have a right to give him a hearing, and the committee sustained that argument. We entered judgment of dismissal on that ground and refused a hearing, as I have already said. Mr. Cunningham, with all of these charges, went to the court in Maine, and he was denied the right to go into the matter there for want of jurisdiction. The court ruled it did not have the right or jurisdiction to give him a hearing. He then went before the Committee on Expenditures in the Department of Justice. That committee said it had no jurisdiction. He came to us—no jurisdiction, although the distinguished chairman [Mr. HAMLIN] says he told the judge that he could have a hearing if he wanted it. He has gone from committee to committee and to the State Department, and there is no jurisdiction there. I maintain that inasmuch as it is stated here by the distinguished chairman of this committee [Mr. FLOOD of Virginia] that there were scandals over there, then this particular charge ought to be investigated and the facts of the matter determined, inasmuch as this old gentleman has gone from court to court and from department to department with his complaints. Why is it that the other side objects

to hearing, thus arguing all day by so distinguished and expensive a lawyer as Mr. Littlefield to keep the curtain drawn? "No jurisdiction" is their long suit for a plea.

Mr. HULINGS. Mr. Chairman, will the gentleman yield for a question?

Mr. BRYAN. Yes.

Mr. HULINGS. I would like to know if this is the Cunningham case which the gentleman is referring to?

Mr. BRYAN. Yes.

Mr. HULINGS. If this House could know the facts in that case, I think it would be ashamed not to take some action in the matter.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Clerk read as follows:

ARBITRATION OF OUTSTANDING PECUNIARY CLAIMS BETWEEN THE UNITED STATES AND GREAT BRITAIN.

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia and the compensation of arbitrator, umpire, agent, counsel, clerical and other assistants, to be expended under the direction of the Secretary of State, and to be immediately available, $50,000.

Mr. BARTLETT. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. FLOOD of Virginia. Mr. Chairman, I move to amend by striking out the words "and to be immediately available."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 18, lines 3 and 4, by striking out the words "and to be immediately available."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I would like to ask the gentleman from Virginia a question in reference to this matter.

The CHAIRMAN. Did the Chair understand the gentleman from Georgia to reserve the point of order on the paragraph?

Mr. BARTLETT. Yes.

Mr. MANN. The gentleman can not reserve a point of order after an amendment has been had.

Mr. BARTLETT. The amendment cured the point of order. I have not made the point of order. I desire to ask the gentleman from Virginia a question. As I recall, the urgent deficiency appropriation bill carried the money that was necessary for this award of the arbitration board to dispose of the business at its recent hearings.

Mr. FLOOD of Virginia. Yes.

Mr. BARTLETT. And this now is for a continuation for the next fiscal year?

Mr. FLOOD of Virginia. The next fiscal year. We expect to have another board of arbitrators. In the meantime they will have to keep up the branch that represents the American interests—the attorneys and agents, or whatever they are called.

Mr. BARTLETT. They do not call it anything.

Mr. FLOOD of Virginia. This tribunal consists of a court of arbitration composed of a representative of this country and a representative of England, and then they have to keep up a branch of it in the shape of attorneys, who prepare claims of American citizens and defend the claims made by British citizens.

Mr. BARTLETT. Will the gentleman tell me how long this board has been established?

Mr. FLOOD of Virginia. It was established August 18, 1910.

Mr. BARTLETT. I understand many of the claims are of long standing; many of them have been standing for years?

Mr. FLOOD of Virginia. Yes; a great many of the claims.

Mr. BARTLETT. Can the gentleman give us any idea whether this arbitration board will be able to dispose of the cases before it in the next fiscal year?

Mr. FLOOD of Virginia. As I understand it, they will dispose of all the claims that have been presented—that is, the schedule that has been made up.

Mr. BARTLETT. They have disposed of them?

Mr. FLOOD of Virginia. Of the schedule that was made up heretofore, and they think that next year they can dispose of the schedule being made up, consisting of claims presented up to this time.

Mr. BARTLETT. The hearings have been adjourned at the present time?

Mr. FLOOD of Virginia. Yes; that is correct.

Mr. BARTLETT. And they occupied probably three months of this year in the hearings of these cases, I understand.

Mr. FLOOD of Virginia. I think so.

Mr. BARTLETT. And now they have adjourned to such time as they shall be called together.

Mr. FLOOD of Virginia. The American part of this tribunal wishes to have a session in the fall. The English branch of it does not care to have one called for some reason. I believe they have not prepared their claims or for some other reason want a postponement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I was very much interested in this, but on account of the confusion created by those gentlemen who do not care to expedite business I did not catch all of it. I understand there will not be another session of this court or tribunal this year.

Mr. FLOOD of Virginia. The English branch has suggested that they should have no session of this tribunal this year, but our representative, Mr. Chandler Anderson, insisted on there being one to dispose of some claims that our branch have gotten ready and which they wish to dispose of as soon as possible.

Mr. WINGO. My information is that they were in session a very short time this year, and they have quit their labors, and the English representatives perhaps will not agree to a meeting this year. Then what is the necessity for making this appropriation?

Mr. FLOOD of Virginia. The necessity is this: This tribunal consists of two branches——

Mr. WINGO. I understand that.

Mr. FLOOD of Virginia. One branch of it is a court and the other branch has an agent and a number of attorneys to prepare the American claims and to defend the claims asserted by British subjects. They have to prepare those claims before this court meets and present them when the court does meet. Now, the English part of the court does not want to have another meeting this year, and our branch insists upon it, as they have claims ready to submit to the court. Whether the court meets or not, they have to keep the attorneys at work on these claims, some of them of many years' standing.

Mr. WINGO. The gentleman's idea is we have to maintain headquarters and a force, whether or not there is any meeting or business done?

Mr. CLINE. Let me remark that the attorneys we employ to defend this country against English claims are busy all the time briefing cases, preparing them for trial as well as preparing to present the claims of our citizens, so it keeps the counselor and his agents engaged all the time preparing those claims for the session of the arbitration court.

Mr. FLOOD of Virginia. When the court convenes—that part of the tribunal which may be called the court—we are ready to defend our claims and defend claims asserted against us; and that court was in session about three months, and now we want to have it in session about three months more in the fall.

Mr. WINGO. Mr. Chairman, I withdraw my pro forma amendment.

The Clerk read as follows:

International conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships: The appropriation of $5,000, or so much thereof as may be necessary, for the participation of the United States by official technical delegates in the international conference to be called by the British Government to meet in London during the year 1914 for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships, made in the act approved February 28, 1913, making appropriation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, is hereby reappropriated and made available for the fiscal year ending June 30, 1915.

Mr. MANN. Mr. Chairman, I reserve a point of order upon that. I think the gentleman will want to move to strike out the language on page 20, "made available for the fiscal year ending June 30, 1915"; every item in the bill is that.

Mr. FLOOD of Virginia. Yes; the gentleman is right about that.

Mr. MANN. Well, I withdraw the point of order and move to strike out all of the paragraph after the word "reappropriated," in line 2, page 20.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 20, by striking out all of the paragraph after the word "reappropriated," in line 2.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Second Pan American Scientific Congress: To enable the Government of the United States suitably to participate in the Second Pan American Scientific Congress, to be held at the city of Washington in October, 1915, and for the necessary expenses for clerks, printing (including the publication of the proceedings of the congress in English and Spanish), stationery and supplies, and other incidental expenses, including rent in the District of Columbia, and for the entertainment of the

delegates, $35,000, to be expended under the direction of the Secretary of State; and authority is hereby given to the Secretary of State to invite the Governments of the American Republics to be represented by delegates at the said congress.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I rise to obtain information from the chairman of the committee as to wherein the provision found on page 20, lines 16 to 24, providing for the Fifth International Conference of American States, differs from the provision which we are now considering providing for the Second Pan American Scientific Congress.

Mr. FLOOD of Virginia. Wherein it differs?

Mr. STAFFORD. This relates entirely, I assume, to the scientific congress?

Mr. FLOOD of Virginia. Yes.

Mr. STAFFORD. This other relates to the Pan American Congress, of which Mr. Barrett is Director General.

Mr. FLOOD of Virginia. No; it relates to the Congress of the American States, the first one of which the gentleman will recall assembled in this country in 1889, and as a result of that congress the union of the American States was formed, which ultimately resulted in the Pan American Union, of which Mr. Barrett is Director General. This Congress of American States—and we have had four of them already—the first meeting was here, the second one in Mexico in 1901, the third one at Rio de Janeiro in 1906, and the fourth one at Buenos Aires in 1910, and this one meets in Santiago, Chile.

All of the American States are represented. They discuss political and international questions, and all other questions of interest to this hemisphere.

Mr. STAFFORD. It is a congress that is held under the jurisdiction of the Pan American Union, is it not?

Mr. FLOOD of Virginia. I can not say it is under the jurisdiction of the Pan American Union. The Pan American Union is more or less under its jurisdiction, and was its creature.

Mr. STAFFORD. The Pan American Union takes charge, and the congress is virtually under its direction?

Mr. FLOOD of Virginia. The Pan American Union makes some of the arrangements in reference to the congress, and of course plays an important part in it.

Mr. MOORE. I would like to know if this is the congress the last session of which was held at Santiago, Chile.

Mr. FLOOD of Virginia. Of which one do you speak?

Mr. MOORE. The Second Pan American Scientific Congress.

Mr. FLOOD of Virginia. Yes; that was held there.

Mr. MOORE. The last session was held in Chile?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE. And the next is to be held in the city of Washington?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE. Was this the full amount asked for by the Department of State?

Mr. FLOOD of Virginia. No. The Secretary asked for $50,000, but we thought, as this congress did not convene until October of next year, we could appropriate the $35,000 now, which would permit the extension of the invitation, and that we could in the next bill appropriate the additional $15,000.

Mr. MOORE. I wanted to say that the American delegates to the convention at Santiago were very highly pleased with the entertainment they received and with the success of their congress.

Mr. FLOOD of Virginia. I understand, I will say to the gentleman, that the Chilean Government appropriated $140,000 for the entertainment of the congress, and we propose in this bill and in the next bill to appropriate $50,000.

Mr. MOORE. It was hoped by those who had gone there as representatives of the United States to improve the relations on a scientific basis with those people of South America, that they might be able to receive and entertain these South American visitors equally as well as they themselves were received in South America, and it is a question whether $35,000 would enable them to do that.

Mr. FLOOD of Virginia. The State Department thought that $50,000 was sufficient for this purpose. The committee agreed with the department, but we knew there was ample time to make the additional appropriation, and it was necessary now to make an appropriation in order to authorize the department and the President to extend the invitation and get ready.

Mr. MOORE. And this may be regarded as binding the United States to receive those South American delegates when the time comes?

Mr. FLOOD of Virginia. Certainly.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Acquisition of embassy premises, Mexico City: For the purchase of a site and the construction of a building thereon at the City of Mexico, and for the furnishing of the building, or, as to the Secretary of State may seem best, for the purchase at said city of a site and a building already erected, and for the alteration, repair, and furnishing of such building and the construction of an addition thereto, if necessary, for the use of the embassy to Mexico, both as the residence of the diplomatic officials and for the offices of the embassy, $150,000.

Mr. WINGO. Mr. Chairman, I want to suggest to the chairman of the committee that I desire to move to strike out three of these paragraphs, and it will save time if I could let the one motion apply to all.

Mr. MANN. Well, we would not agree to that.

Mr. WINGO. Very well. I move to strike out the paragraph.

Now, Mr. Chairman, I do not care to take up time by discussing this proposition at length. At some future time I hope to do so, when the press of public business will permit it. I know that there are some arguments that can be made in behalf of our making expenditures of this kind. But unless I am badly deceived in the demands that are being made for this class of expenditures, in spite of anything that may be done, it is only a question of a few years when this Government is going to be expending a great many millions of dollars for foreign buildings for the housing of and for the maintenance of its embassies. Now, some gentleman suggested that I do not know what I am talking about. I suggest that I may have made more study of the question than the gentleman thinks. I do not undertake to arrogate to myself all information, as some gentlemen do, but I think that I know what is being demanded along this line, and I think I know enough about congressional legislation and congressional history to know what will be the result of these demands.

Now, you will start with Mexico, you will start with Japan, and you will start with Berne, and it will not be many years before you will come along with millions for other places. Now, it may be a wise expenditure, but I do not believe it is. I am not going to take up the time now to discuss it at length, because I frankly do not believe you are going to cut it out. I believe you have made up your mind to follow all this class of expenditure, not only here but further on.

Mr. MANN. Is the gentleman familiar with the law on the subject?

Mr. WINGO. Yes; I know the law. I am not going into the details of that.

Mr. MANN. I mean as to limiting the amount, and so forth.

Mr. WINGO. But Congress at any time can change the law. That is the very proposition I am getting to.

Mr. MANN. I will say to the gentleman, after a long experience, it is not easy to change the law and increase that amount.

Mr. WINGO. I know that may be true, but I think I see indications of a break in some quarters that have heretofore been opposed to this class of expenditures, and that is the only object I had in calling attention to it at this time.

Mr. MANN. The gentleman knows, I assume, that this is the first item of the kind that was ever made under the law?

Mr. WINGO. Surely.

Mr. MANN. I will say to the gentleman that I have always rather agreed—I do not want to take the gentleman's time——

Mr. WINGO. My time is not very valuable. I gladly yield.

Mr. MANN. I always took the same position as the gentleman takes now, and feel not so very different from the way he does, although I have offered an amendment like this to the same item before. But we passed a law which seemed to be fairly well guarded, as a sort of agreed result of a long contest on the subject of foreign embassy buildings.

Mr. WINGO. I am familiar with them. I have read the RECORD.

Mr. MANN. If the gentleman read the RECORD on all of these contests, he was very busy for a number of years.

Mr. WINGO. I have wasted a good deal of my time since I was a young man reading the CONGRESSIONAL RECORD. I am free to admit I did that.

Mr. MANN. That came in the end of what they called the Lowden bill—a provision not to exceed $500,000 a year, or $150,000 for any one building. That probably will not take care of some of the embassy buildings. Now, this is the first appropriation under it, after all, up to date. We have not been very extravagant about it.

Mr. WINGO. I have not said that; but I am speaking of my fears for the future.

Mr. MANN. As I drew that law for the purpose of preventing extravagance, I am inclined to think it possibly will.

Mr. WINGO. I hope it will, but I am afraid it will not.

Mr. FLOOD of Virginia. Mr. Chairman, I simply want to say to the gentleman from Arkansas that these provisions are

put in this bill in accordance with the law referred to by the gentleman from Illinois, which authorizes this committee to report for embassy and legation buildings not exceeding $500,000 a year, and not exceeding $150,000 for any one building.

We have carried here $440,000. The question of making these appropriations has been thrashed out in Congress for years and years, and our committee reached the conclusion that it is the fixed purpose of Congress and the country to go on until we can have embassy and legation buildings in important capitals all over the world.

Mr. WINGO. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Arkansas?

Mr. FLOOD of Virginia. I do.

Mr. WINGO. Do you think it wise for one Congress to undertake to map out a course for the future, where that course simply involves questions which each Congress can very intelligently determine for itself?

Mr. FLOOD of Virginia. But Congress did not undertake to bind any future Congress.

Mr. WINGO. Of course it could not.

Mr. FLOOD of Virginia. It could not.

Mr. WINGO. But the argument that the gentleman is making is that this is justified under existing law, and you have fallen $60,000 short of the annual amount that you would have authority to make appropriation for. That is the argument you are making, that you are authorized by law; that Congress, you say, has adopted a policy—a past Congress has. Now, the question I want to ask you is this: Do you think it is wise for any Congress to undertake to bind—not legally, it is true, because that can not be done, but in moral effect—any succeeding Congress on a question of this kind?

Mr. FLOOD of Virginia. I think it is wise, because unless that law had been passed this item and the two succeeding items would be subject to a point of order.

Mr. WINGO. That is true.

Mr. FLOOD of Virginia. The object in view in passing that law was not to bind a subsequent Congress, but to take it out of the power of one man to strike out these items on points of order, and thus make it possible for the committee to report and the House to pass these items.

Mr. WINGO. Will the gentleman yield right there?

Mr. FLOOD of Virginia. Yes.

Mr. WINGO. The bar has already been laid down, and any man who is opposed to this kind of an expenditure can not make a point of order on it. The gap has been made, and now, as soon as you have made appropriations from year to year under the present existing law, does not the gentleman think there will be an incessant demand to change the present law so that future appropriations reported by the committee will be authorized for more extravagant sums?

Mr. FLOOD of Virginia. I think so. I do not think there is any question in the world about that, because I do not think you can build the proper kind of embassy buildings in certain capitals of the world for $150,000, and in that respect the law will have to be changed. But I believe it is the fixed purpose of people in this country who have thought deeply on this subject to have our Government acquire these permanent embassies and legations, so that men of moderate means can accept the highest diplomatic posts. That was the argument that was used when the law was passed, and I think it appeals strongly to the country. I think it is an argument that will justify this Congress in making the appropriations that are carried in this bill.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD of Virginia. I yield to the gentleman from Nebraska.

Mr. SLOAN. I notice that this is the first appropriation for this general purpose that we have ever attempted to make. Is that correct?

Mr. FLOOD of Virginia. That is correct.

Mr. SLOAN. I would like to inquire of the chairman of the committee what is the special propriety in beginning with Mexico, that country being, I believe, the only country of any importance on earth with which we have not now and have not had for about a year any regularly well-established international relations?

Mr. FLOOD of Virginia. This appropriation is not available until the 1st of July, and we expect by that time to reestablish peaceful relations with the Republic of Mexico and start to work putting up this embassy building.

Mr. SLOAN. Will the gentleman, the chairman of the committee, assure us that peace and tranquillity will be established by the 1st of July?

Mr. FLOOD of Virginia. I can not assure the gentleman, but that is a reasonable expectation, and I entertain it.

Mr. SLOAN. Would it not be a pretty good idea to strike this out and wait and see, and first establish our embassies in the capitals of countries that we recognize?

Mr. FLOOD of Virginia. No. I think that, with the prospect of a peaceful settlement of our difficulties in Mexico, it would be very unwise to strike it out.

Mr. SLOAN. Probably the gentleman has some special information on that?

Mr. FLOOD of Virginia. Probably I have.

Mr. CLINE. Mr. Chairman, I want to call to the attention of Members who are not as thoroughly posted on the subject as is the gentleman from Arkansas [Mr. WINGO] that this great Government, composed of 100,000,000 people, doing the second greatest export business of the world, is humiliated in the eyes of every great nation by the fact that it has to house its diplomatic and consular agents in back rooms of unattractive buildings in some of the great capitals of the world.

We have not got embassy buildings located in any of the great capitals that compare with the dignity of this Nation. Smaller nations, like Switzerland and Holland and Italy, have embassy buildings located in various parts of the world in which to house their legations, and the American people, who ought to be in the forefront of all these enterprises, are compelled to rent the buildings in which to house their diplomatic and consular agents—a humiliating situation. Under those circumstances the United States Congress three or four years ago believed that the time had come when we ought to erect and own the homes of our diplomatic and consular force and not be humiliated by present conditions in this respect.

Mr. BARTLETT. Mr. Chairman, will the gentleman allow me to interrupt him?

Mr. CLINE. Certainly.

Mr. BARTLETT. You say, "We have to rent." The ambassador has to rent.

Mr. CLINE. Yes; I am coming to that.

Mr. BARTLETT. We have not to rent at all. The ambassador has to rent.

Mr. CLINE. What is the result? Our ministers and ambassadors to Spain and Italy and Germany and France and those countries have to rent buildings where they live, and it costs those who go there to do the business of this great Government from $10,000 to $20,000 a year above their salaries for the hire of those quarters and to maintain the social standing necessary. Our representative at Buenos Aires is getting a small salary, and yet the cost of living there is so high that he is compelled to occupy quarters that cost him in the neighborhood of $3,000 or $4,000 a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLINE. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. CLINE. Now, Mr. Chairman, this economist from Arkansas is always talking about "saving the people's money" and about how proper it would be to look out for every expenditure. Let me call this economist's attention to what we could do. If we would hire the money at 3 per cent and build every one of these buildings that we need in the capitals of the world, it would be a saving, and it would open the avenue for appointment to these positions to men of small means, though capable, to reach those embassies and serve the United States, whereas under present conditions they can not do it.

That is the reason why the Congress provided in a small way $500,000 a year to begin this work. Why, gentlemen, that is only about one thirty-sixth of the amount we put into a battleship. We thought we might begin to build these buildings and locate our men in quarters comparable to the position we hold in the family of nations, and give ourselves some respectability and dignity, even if we have no respect for our standing abroad.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. CLINE. Certainly.

Mr. FESS. I wanted to ask the gentleman if this particular status of our relationship with the other countries does not make it almost impossible for any man, however able or eminent he might be, to serve our country in those foreign lands unless he has a competence?

Mr. CLINE. I just stated that. I will say to my friend from Ohio, the Executives of administrations for years and years back have been compelled to appeal in the selection of

ministers and ambassadors to those men who had immense wealth to expend in addition to their small salary, because of the parsimonious way in which Congress has dealt with the subject. Not only is it patent that good men have refused to accept these positions on that account, but the present administration and the last administration have assigned the insufficient salary as the very reason why they could not find men to accept these positions. And yet the United States Government permits that kind of a condition to exist, and the Congress has refused to provide the necessary buildings where those men could go who are capable and able to represent us as well as men who have a vast amount of wealth.

Mr. FESS. That is not wise economy, is it?

Mr. BRYAN. Certainly it is not.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Alabama?

Mr. CLINE. Yes.

Mr. ABERCROMBIE. Can the gentleman from Indiana tell us what rental we now pay for the use of our building for the embassy at Mexico?

Mr. CLINE. I do not know.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the gentleman from Indiana [Mr. CLINE] be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. CLINE. I do not know what the annual rental is, but I know that Mexico was selected by the State Department last year and recommended, and selected this year and recommended, because we had an extraordinary opportunity to get a very valuable piece of property with a good building on it for the sum of $150,000, a comparatively small sum considering its location in the capital of that country.

Mr. KAHN. Will the gentleman yield?

Mr. CLINE. Yes.

Mr. KAHN. Is the gentleman aware of the fact that in most of the capitals of the world the hackmen are unable to tell visiting American citizens where the American embassy is or the American legation is, because it keeps moving around from one administration to another?

Mr. CLINE. That is particularly true in Switzerland, where the American people go by the thousands every year to visit that very notable country; and it has become a matter of public notice and comment in the press that the Government of the United States permits that kind of a condition to exist, that citizens of the United States when they wish to visit the American legation in Berne are unable to find it, because they can not find the rented quarters that it occupies, their representatives are compelled to shift quarters so frequently.

Mr. KAHN. And the gentleman is familiar with the fact that the newspapers recently printed long articles showing the difficulties encountered by gentlemen who had been appointed to foreign posts in trying to secure adequate quarters for their residences and offices.

Mr. CLINE. I am familiar with that fact, and I will say that my good friend the gentleman from Missouri [Mr. BARTHOLDT] is a living and present witness to that condition, having been in Berne and having observed and become familiar with the conditions the gentleman relates. He testified to that fact before our committee, and recounted the difficulties that are attendant upon our present course of procedure.

Mr. KAHN. Does not the gentleman think that a diplomatic and consular officer of the United States, appointed to his post, could be better occupied in looking after the affairs of American citizens abroad than by chasing around trying to find suitable accommodations?

Mr. CLINE. Very much more so, and that is one reason why we included the authorization of these buildings in the present bill.

Mr. SHARP. Mr. Chairman, I want not only to subscribe to all my colleague on the Committee on Foreign Affairs [Mr. CLINE] has so well said, but to say that it seems to me that there are other very good reasons why these appropriations should be made in at least the amounts for which we have provided in this bill.

Answering the query of the gentleman from Arkansas [Mr. WINGO] as to whether this was not the first step in letting down the bars for future expenditures of a similar nature, let me say that the law was put upon our statute books so that the bars could be let down. There would be no earthly object in two different Congresses considering this important matter and finally enacting it into law without there was also provided a means by which that law could be carried into execution; so that it is not a just criticism to say that we are letting down the bars, when we are for the first time only undertaking to give effect to its provisions.

Perhaps I attach too much weight and importance to the value of diplomacy as applied to our dealings with foreign powers, but I long ago became convinced that the ability and good sense of one diplomat in an important foreign post may at times be worth half a dozen battleships in maintaining peaceful relations, good will, and amity among nations. [Applause.] If we are to have our representatives live in such a manner as to comport not only with the dignity of the country but with the importance of their service, we ought as soon as practicable to house them in respectable quarters, so that the American flag shall fly over an embassy that is at least respectable and in keeping with the dignity of the great country which our ambassador represents. [Applause.]

Mr. Chairman, we have embarked upon a new and increased sphere of action. I remember as a schoolboy that our geographies taught that the British Empire was so great in its territorial possessions that upon those possessions the sun never set. It seemed then that the time was remote, if indeed it was ever to come, when that would be true of our own country; but the kaleidoscopic events of the past 15 or 16 years growing out of the Spanish-American War have made us a good deal such a world power. While I do not know that I am literally correct in the assertion that we have already arrived at a point in our territorial expansion where the sun never sets upon our possessions, yet I do know that as a result of that war our obligations have been very greatly increased; substantially in the same proportion have the responsibilities and duties of our representatives abroad increased. [Applause.]

The declaration of Jefferson for "peace, commerce, and friendship with all nations, entangling alliances with none," is as pertinent to-day as it was when those words fell from his lips. As a result of the Civil War we learned, though the lesson was taught through the sacrifice of the brave men of the North and the South, that henceforth and for all time our country must be one and indissoluble. Only the red hand of anarchy can threaten danger from within; and with that force the power of both State and National Governments should never temporize for a moment. The only danger, then, that will threaten the perpetuity of our Republic must come from without—across the seas. Under such conditions is it not a mistaken conception of economy to refuse to most generously appropriate money for any purpose that shall have for its object the strengthening of our diplomatic relations with foreign powers? Indeed, to my mind all of those provisions of the present bill which appropriate money—it is true, in small sums—for the purpose of participating as a member of the different international commissions and congresses therein mentioned are helpful agencies in maintaining cordial relations with those powers, and this even though the particular cause for which they have been called may not be materially advanced.

While lack of time prevents me considering also what may be termed the purely commercial phase of our Diplomatic and Consular Service as calling for liberal recognition of our representatives engaged in those fields, yet I hope on some other occasion to speak at some length upon the need of greatly improving that work if we would take our share of supplying the world's markets. That it is the earnest purpose of the administration to bring about these results, both in the interest of a world-wide peace as well as to develop our foreign trade, I am pleased to believe.

Mr. BARTLETT. Mr. Chairman, I desire to speak in opposition to the amendment.

The CHAIRMAN. The Chair desires at this point to recognize some gentleman in favor of the amendment.

Mr. BARTLETT. There is no one who wishes to speak in favor of the amendment.

Mr. FLOOD of Virginia. I ask unanimous consent that the gentleman from Georgia have five minutes.

Mr. BARTLETT. No; I do not care to get the floor in that way, although I thank the gentleman from Virginia.

The CHAIRMAN. The question is on the amendment.

Mr. BARTLETT. I move to strike out the last three words of the amendment.

The CHAIRMAN. The motion of the gentleman from Arkansas is to strike out the paragraph. There is no last word.

Mr. FLOOD of Virginia. I ask unanimous consent that the gentleman from Georgia——

Mr. BARTLETT. No; I am not going to get the floor in that way. Mr. Chairman, I am opposed to the amendment, and I ask to be recognized.

The CHAIRMAN. The gentleman from Georgia.

Mr. BARTLETT. Mr. Chairman, I voted for the bill to authorize the acquisition of sites and to erect proper homes for our ambassadors and diplomatic representatives accredited to foreign countries. I do not think the proper ground for such action should be because of the results of the Spanish-American War or because we have since then become a world power. I think we would be entitled to much more consideration and respect from the powers abroad if we did not claim for ourselves to be a world power. We are the representatives of the sublimest effort that ever emanated from the mind of man to establish in the world a republic that would endure for all the ages; and it is because we are the representatives of the great Republic that has lived for more than 130 years, and that we, and those who are lovers of freedom, hope will endure for all the years to come, that we are entitled to our own self-respect and to the respect and admiration of the people of other countries; not because of any princely or royal powers, but because we have become the mightiest free Republic of constitutional government that ever was created in all the history of the world.

It is due to our people and Government, the greatest Nation on the face of the earth, representing the greatest principle of liberty and self-government of any people since time began, that we should provide for those whom we send abroad as our representatives in decent and respectable homes and give them money enough to live decently and respectably upon, in accord with the station and rank they should occupy.

What is the condition of affairs? Take the great office of our ambassador to France, at Paris. Why, we have there now a representative of this Government, a gentleman of highest qualifications, who has discharged the duties of that office most efficiently and creditably to himself and the country. But he is a man of large fortune and can afford it. Why, Mr. Chairman, I have no doubt that he pays more for the rent of the house in which he lives than twice the amount of the salary that he receives from this Government. It is because he is a patriotic American citizen, imbued with the idea of properly representing the people of this great Government, that he is willing, out of his ample fortune, to provide a decent and respectable place to reside in and entertain and receive the people of other countries and Americans who may happen to be in Paris upon business or otherwise.

What is the result? Time and again during this administration the position of ambassador to France has been offered to distinguished Democrats, and yet not one has been able to accept it. Why, does not everybody believe that any man ought to be glad of the opportunity to serve his country in that great office, but that no man has been found in the Democratic ranks able to afford, for the sake of the honor and dignity of the office, to expend from his private fortune the amount necessary to meet the expense incident to the proper discharge of the duties and responsibilities of this office?

Take the position of ambassador to London. We have the same public office for officials over there that we have had for a number of years. I have seen in the press recently that we have been notified that we must soon find other quarters.

Mr. MADDEN. But the Government pays the expenses of that office, so that it does not embarrass the ambassador.

Mr. BARTLETT. Does the gentleman mean the removal of the office?

Mr. MADDEN. Yes.

Mr. BARTLETT. The people who own the property have notified the London ambassador that they can not longer occupy that office.

Mr. MADDEN. That is done everywhere, and we do it here.

Mr. BARTLETT. I was not ignorant of the fact that the gentleman from Illinois calls attention to. I called attention to it for the purpose of asserting that this Congress ought long ago to have made the necessary appropriation, not only for a building for the ambassador in Mexico, Japan, and Switzerland, but in all the other great countries where we send our ambassadors to represent this country, and that it is not unnecessary extravagance to do so, but it is false economy to fail to do so.

Mr. MADDEN. I agree with the gentleman.

Mr. BARTLETT. I have no doubt the gentleman does. While I am in favor of not expending any more money than necessary to carry on the government economically administered, yet I know that the people I represent, whether they be merchants or bankers or men who work in the shop or men who plow the soil and raise the crop, would be willing that this Government should expend the amount necessary to properly house and take care of its representatives abroad that they may live in a manner as becoming the dignity and greatness and worth of our great Republic, the last and crowning effort on the part of humanity to establish forever and perpetuate the greatest Government and Republic ever devised in the mind of man, founded and building for human liberty, and around which I believe the lightnings of eternity will play. [Applause.]

Mr. SMITH of New York. Will the gentleman yield?

Mr. BARTLETT. I will.

Mr. SMITH of New York. Are we not doing our full duty in spending $500,000 a year for the construction of embassies?

Mr. BARTLETT. I think we are doing all we can do under the present state of the law. I was not complaining or criticizing the committee, but was asserting that it was a false economy that this had not long ago been done, and that it would be economy now to return to the old plan as is proposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was rejected.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On April 25, 1914:

H. J. Res. 253. Joint resolution reappropriating certain funds for expenditure at the naval station at New Orleans, La.; and

H. R. 7138. An act to provide for raising the volunteer forces of the United States in time of actual or threatened war.

On April 27, 1914:

H. R. 13453. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

April 29, 1914:

H. J. Res. 204. Joint resolution authorizing the Secretary of Agriculture to make exhibits at forest products expositions to be held in Chicago, Ill., and New York, N. Y.

On April 30, 1914:

H. R. 5487. An act to authorize an additional appropriation for the erection of the United States appraisers' stores building at Milwaukee, Wis.

On May 2, 1914:

H. R. 122. An act authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal., and for other purposes; and

H. R. 11269. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

On May 7, 1914:

H. R. 3468. An act for the relief of the heirs of the late Samuel H. Donaldson.

On May 8, 1914:

H. R. 2314. An act for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal;

H. R. 7951. An act to provide for cooperative agricultural extension work between agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture;

H. J. Res. 242. Joint resolution authorizing the Secretary of War and the Secretary of the Navy to loan equipment for the purpose of instruction and training to sanitary organizations of the American National Red Cross; and

H. J. Res. 263. Joint resolution designating the second Sunday in May as Mothers' Day, and for other purposes.

On May 9, 1914:

H. R. 5993. An act authorizing the city of Montrose, Colo., to purchase certain public lands for public park purposes.

On May 12, 1914:

H. R. 12291. An act to increase the limit of cost for the extension, remodeling, and improvement of the Pensacola (Fla.) post office and courthouse, and for other purposes.

On May 13, 1914:

H. R. 13770. An act to consolidate certain forest lands in the Sierra National Forest and Yosemite National Park, Cal.

On May 16, 1914:

H. R. 3432. An act to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Acquisition of embassy premises, Tokyo, Japan: For the construction of a building on ground now held by the Government of the United States at Tokyo, Japan, for the use of the embassy to Japan, both as a residence of the diplomatic officers and for the offices of the embassy, and for furnishing the same, $150,000.

Mr. WINGO. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 22, by striking out lines 11 to 16, inclusive.

Mr. WINGO. Mr. Chairman, I had no idea of provoking such a discussion on this matter. I doubt very seriously if I had known that I would provoke the criticism that was made I would have had the temerity to raise this question. But, in passing, I want to thank my distinguished, genial, courteous, and amiable friend from Indiana [Mr. CLINE] for the compliment he paid me. It was so unexpected and so extravagant that I fear the ordinary person will think there was collusion between us.

I recognize the fact, and I have said so before, that there are good arguments in favor of the existing law on these appropriations. The thing I am afraid of is the extravagance it is going to lead to. My fears are justified by the utterances of every speaker to-day who is chafing at the limitations of the present law. One says that no patriotic citizen favors limiting it to what it is now. An humble Member moved to strike out what he thought was an unwise appropriation, and it provoked several Members to rise in defense of the item, which shows that there is some ground for fear that in the future you are going to change the present law by raising the present half-million-dollar limit. You can make the arguments that have been made, and it will not be many years before they will say that the dignity of this great Republic requires that we appropriate money to buy the grape juice which the diplomats drink and the knee breeches they wear. I was surprised at the defense of $150,000 for Mexico City. What do you need it for? It will be a waste of money. Is there any man here believes that you are going to need a building down in Mexico City for many years? Is there any man here who doubts what the future is with reference to Mexico? If he does he is more of an optimist than I. We may patch up peace now.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Certainly.

Mr. ANTHONY. What is the gentleman's idea?

Mr. WINGO. I do not know whether I should have the temerity to state it, because some gentlemen may see fit to scold me because I have the audacity to express an opinion; but as the gentleman has asked for it, I will give it to him. We may be able to patch up peace now, but the history of Mexico shows what? The history of Mexico for 400 years has been one of strife, revolution, anarchy, and despotism. I do not want war; I hope it can be averted; but I fear we shall never have permanent peace and order in Mexico until we take possession of that country. Whether it be wise, whether it be proper, whether it be good for the ultimate welfare of this Republic, is not the question. I think I know the temper of the American people; I think I know the temper of the Anglo-Saxon; I think I have read correctly the history of this country; and, whether you do it this year or next, it is only a question of time when this country will extend to the Panama Canal. We will take the border with us when we cross the Rio Grande.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. WINGO. With pleasure.

Mr. KAHN. I take it, then, that the gentleman is not in accord with the President's Mobile speech?

Mr. WINGO. Oh, it would serve no useful purpose to discuss that speech; but whether I agree with it or not, I agree with him in his efforts to maintain peace, and I think it is the duty of everyone to hold up his hands in his efforts to bring order out of chaos. I hope it may yet be done.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. BARTHOLDT. My friend from Arkansas is objecting to the expense of erecting these buildings. I suppose he knows, of course, that there are not any more than about 25 necessary, and, counting each one at $200,000, that would make a total expense of only $5,000,000. How much does he think an expedition to Mexico for the purpose of subduing that people and making the country American territory would cost?

Mr. WINGO. Oh, that is a thing that appalls me. That is a thing that makes me hope that the President can yet bring peace out of the present situation. I am expressing my fears, and not my wishes. I think everyone has the same fear that I have. I dread war. I do not want war. The terrific toll of life and property is something that appalls any man when he contemplates it, and no one would do anything to bring on a war. I pray for peace, but I expect ultimately we will have war; I expect ultimately we are going to have to go in there, and why? We have a turbulent neighbor.

The history of that country shows that it is going to continue so. Whether you agree with the Monroe doctrine or not, we all know that this Nation is always going to insist on order in Mexico. We have gone too far on this occasion to ever retrace our steps with reference to that. I say that in the course of time we are going to take that country, so what is the use of wasting money down there? I agree with the gentleman that if we are going into this policy at all we should select the most practicable places and start right. Now, as to the gentleman's statement with reference to the cost of buildings, I desire to say this: After you once start and get an embassy, in a few years you will come to the conclusion that you have not as good a one as some other nation, and then some gentleman will appeal to our sense of pride, and you will demand a better palace for your representative, and then you will demand an annex, and then you will demand appropriations for certain expenses, for household expenses, and servants, and all those other things. That is the trouble, and that is the fear that I have.

Mr. BARTHOLDT. Mr. Chairman, if we erected a palace in all of the 25 countries where we ought to erect embassies, the whole thing would not cost more than the cost of one battleship.

Mr. WINGO. That may be true, but not my conception of a palace. The public buildings in this country cost from five to ten million dollars each, and I think if you are going to follow your policy and are sincere and keep up with the other nations, in a few years' time you will be asking for several millions for Paris, for Madrid, for Berlin, and for London.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The amendment was rejected.

The Clerk read as follows:

Acquisition of embassy premises at Berne, Switzerland: For the purchase of a site and the construction of a building thereon at the city of Berne, Switzerland, and for the furnishing of the building, or, as to the Secretary of State may seem best, for the purchase at said city of a site and a building already erected, and for the alteration, repair, and furnishing of such building and the construction of an addition thereto, if necessary, for the use of the embassy to Switzerland, both as the residence of the diplomatic officials and for the offices of the embassy, $140,000.

Mr. WINGO. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 22, by striking out the paragraph beginning with line 17 and ending with line 26.

Mr. WINGO. Mr. Chairman, I am so anxious to pass the appropriation bills and the antitrust bills and go home that I am not going to take up any time in discussion of this amendment, because it is the same that we have just been discussing.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman in charge of the bill with reference to the language used in this item and some of the others. I notice in the provision for an embassy building at Mexico it reads that it shall be used as the residence of the diplomatic "officials." In the provision for the embassy at Tokyo the language is that it shall be used as the residence of the diplomatic "officers," and in the provision for the residence at Berne the language is diplomatic "officials." Is there any purpose in making the distinction between diplomatic "officers" at Japan on the other side of the world and diplomatic "officials" in Mexico and at Berne?

Mr. FLOOD of Virginia. None whatever.

Mr. MANN. I take it the committee used the language sent in the estimates, but I did not know whether the distinguished Secretary of State drew a distinction.

Mr. FLOOD of Virginia. Not at all. We intend to have it for the residence and offices of the diplomatic corps at both places, the residence of the ambassador or minster at each place.

Mr. MANN. I took the trouble a moment ago to look at the dictionary that is official in the House here—I think it is the Standard Dictionary—as to the meaning of the word "em-

bassy," and I find it is the residence of an ambassador. As we have no ambassador to Switzerland, should not that language be changed to conform with the title of the official or office of the minister or envoy, which I think is ordinarily called a legation?

Mr. FLOOD of Virginia. "Acquisition of legation premises" would be the better phrase.

Mr. MANN. Acquisition of legation premises at Berne, Switzerland.

Mr. FLOOD of Virginia. Yes; that is it.

Mr. MANN. I think we ought to make a distinction.

Mr. FLOOD of Virginia. That is right. Mr. Chairman, I move to amend, in line 17, by striking out the word "embassy" and inserting the word "legation."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 22, line 11, by striking out the word "embassy" and inserting the word "legation."

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. Then, in line 26, there should be the same amendment at the end of the line.

Mr. KAHN. Also in line 24.

The Clerk read as follows:

Amend, page 22, line 26, by striking out the word "embassy" and inserting the word "legation."

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. And also in line 24.

The Clerk read as follows:

In line 24, page 22, strike out the word "embassy" and insert the word "legation."

The question was taken, and the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. The next paragraph pertains to one of our international commissions.

The CHAIRMAN. If the gentleman from Pennsylvania will indulge the Chair, the motion of the gentleman from Arkansas is to strike out the paragraph.

Mr. MOORE. I thought that had been disposed of.

The CHAIRMAN. The Chair thinks not.

Mr. WINGO. Not officially.

The CHAIRMAN. The question is on the motion of the gentleman from Arkansas to strike out the paragraph.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. During the pendency of the motion of the gentleman from Arkansas to strike out the paragraph there was a motion made by the gentleman from Virginia to change certain language in the paragraph, and I desire to know if that was a proper parliamentary proceeding?

The CHAIRMAN. Generally speaking, the Chair will state it is proper for a gentleman in charge of a bill to correct the language of the text, and the Chair understands that was the purpose of the motion of the gentleman from Virginia.

Mr. FOWLER. It was not, Mr. Chairman, as I understand it, offered as an amendment to the motion of the gentleman from Arkansas.

The CHAIRMAN. The Chair understood that it was a motion to perfect the paragraph. The question is on the motion of the gentleman from Arkansas to strike out the paragraph.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. WINGO) there were—ayes 2, noes 26.

So the motion was rejected.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. In 1902 an act was passed making permanent annual appropriations for the purpose of an international navigation congress to which the United States is attached by what is called the American section. I have been unable to find just where the annual appropriation is provided for, but I understood it usually was taken care of in this bill. Is the gentleman from Virginia informed as to that?

Mr. FLOOD of Virginia. It is not carried in this bill.

Mr. MOORE. There is an annual appropriation of $3,000 for the American section of the International Navigation Congress. It is such a congress as is usually provided for in this bill, and I would like to know whether it has been carried heretofore in this bill.

Mr. FLOOD of Virginia. It has not for some years. It was not last year, and is not this year.

Mr. MOORE. Does the gentleman know where it is carried?

Mr. FLOOD of Virginia. No; I do not.

Mr. MOORE. There is to be an international congress in Sweden, I think, next year, at which the United States will be represented.

Mr. FLOOD of Virginia. We will look that up and carry it in the next bill.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

International Commisssion on Public and Private International Law: For the payment of compensation to, and the necessary expenses of, the representative or representatives of the United States on the International Commission of Jurists, organized under the convention signed at the Third International American Conference August 23, 1906, approved by the Senate February 3, 1908, and ratified by the President February 8, 1908, for the purpose of preparing drafts of codes of public and private international law; and for the payment of the quota of the United States of the expenses incident to the preparation of such drafts, including the compensation of experts under article 4 of the convention, $20,000, or so much thereof as may be necessary, to be immediately available and to continue available during the fiscal year ending June 30, 1915.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Is there any special reason for this appropriation to be immediately available?

Mr. FLOOD of Virginia. No; there is not.

Mr. MANN. I would like to make this suggestion to the gentleman: I suppose this is in the form of the estimates sent down, and provides for an appropriation of $20,000, "or so much thereof as may be necessary." That language means nothing. It is not customary to put that in an appropriation. They are not required to use the $20,000, and if it is not used, of course, under the law, that goes back into the Treasury and lapses after a certain length of time.

Mr. FLOOD of Virginia. Of course, any appropriation under this bill, unless specifically directed, lapses into the Treasury.

Mr. MANN. Yes.

Mr. FLOOD of Virginia. The committee dropped into putting that language in there by reason of the fact that under the act of March 2, 1909, an appropriation of $10,000 was made for this purpose. It was not used, and lapsed; and the department thinks $10,000 is not enough now, but think they will need somewhere between $10,000 and $20,000.

Mr. MANN. But you can not make an appropriation between $10,000 and $20,000. It lumbers up the statutes.

Mr. FLOOD of Virginia. The gentleman is correct about the suggestion in reference to the language.

Mr. MANN. If there is no special reason for making it immediately available, I suggest to the gentleman that he strike out all after "$20,000." The words "and to continue available during the fiscal year ending June 30" are unnecessary. That is what the appropriation is for.

Mr. FLOOD of Virginia. Mr. Chairman, I move to strike out all the language, page 23, line 14, after "$20,000" down to and including line 17.

The CHAIRMAN. The gentleman from Illinois withdraws his pro forma amendment, and the gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 23, by striking out all of line 14 after "$20,000" and lines 15, 16, and 17.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXPENSES OF CONSULAR INSPECTORS.

For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State, $15,000.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I desire to ask him what are the duties of these five consular inspectors.

Mr. FLOOD of Virginia. They go all over the world and inspect the consulates and make reports to the State Department. They were created by an act of 1906, after there had been great complaint about the condition in the consulates in certain parts of the world. These officers were established as inspectors.

Mr. CULLOP. Does anybody have authority to inspect them, or are they free from any inspection?

Mr. FLOOD of Virginia. They are subject to inspection by the Secretary of State and officials of the State Department.

Mr. CULLOP. Is this the salary they have been receiving heretofore?

Mr. FLOOD of Virginia. They have received that from the time the offices were instituted in 1906.

Mr. CULLOP. Was that salary named in the law?

Mr. FLOOD of Virginia. They are named in the law. When the Consular Service was reorganized in 1906 these salaries were fixed in that law.

Mr. CULLOP. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REMISSION OF PORTION OF CHINESE INDEMNITY.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from the sum of $2,000,000, reserved from the "Chinese indemnity, 1900," by provisions of the joint resolution of May 25, 1908, and place to the credit of the fund for "defending suits in claims against the United States" such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction in defending claims of citizens of the United States against said Chinese indemnity fund in the Court of Claims of the United States, exclusive of salaries; also that the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the credit of the said Court of Claims with the Public Printer, from the said reservation of $2,000,000, upon the certificate of the chief justice of the said court, such sums as the said court may have spent, or shall hereafter spend, for printing testimony in the trial of the said claims; and further, that there shall be allowed as costs in the suits in which recoveries have been, or may hereafter be, had under the said joint resolution of May 25, 1908, such expenses of the claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just, and such costs so allowed shall be paid out of the said reserved sum of $2,000,000 by the Secretary of the Treasury upon the certificate of the said court: *Provided*, That within three months from the passage of this act applications for such costs shall be filed as supplementary motions in the said court by or on behalf of the persons who have recovered judgments under the said joint resolution.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

Mr. FLOOD of Virginia. Mr. Chairman, I will just ask the gentleman to reserve it. I concede the point of order, but the gentleman from New Jersey [Mr. TOWNSEND] wishes to submit some remarks on the subject.

Mr. TOWNSEND. The point of order has been conceded.

Mr. MANN. If the gentleman wants to submit remarks, I do not know that I have any objection; but probably I will wish to submit some remarks on the other side, and the result will be probably that the bill will not pass to-day. I thought the gentlemen were very anxious to pass it to-day.

Mr. FLOOD of Virginia. The gentleman only cares for about three minutes.

Mr. MANN. I do not know how much time he will want after I speak for five minutes.

Mr. FLOOD of Virginia. After he speaks the point of order will be held good.

Mr. MANN. I have reserved the point of order. If I allow somebody to attack my position on this, I probably will want to defend it. It is an old, old matter, you know. I will withhold the point of order so that I may have the pleasure of hearing my distinguished friend from New Jersey.

Mr. TOWNSEND. That is very kind of the gentleman from Illinois.

Mr. MANN. That is not kindness at all. It is simply a desire to hear the gentleman speak, which I always like to do.

Mr. TOWNSEND. What I shall say I shall predicate on the fact that the chairman of the committee has accepted the point of order.

Mr. MANN. About which there is no doubt.

Mr. TOWNSEND. Mr. Chairman, the Representative from Illinois [Mr. MANN] by employing a technicality has, to the extent of his power, checked the regular employment of American labor at good wages.

This provision which he has stricken out of this bill was intended to be an act of justice to a number of American citizens engaged in commerce in China and Japan. They suffered great loss through the activities resulting from the anti-foreign Boxer uprising in China. Among those who suffered from that uprising was an old-established American commercial firm known as the Japan & China Trading Co. For nearly half a century its business was conducted in Boston, but for a number of years it has been conducted in New York. This company annually exports to China and Japan many million dollars' worth of American products to be consumed or used in those foreign countries. I know of no means by which American labor can be kept constantly and profitably employed better than by the extension of the use or consumption in foreign countries of the things those laborers make or produce, be they farmers or skilled workmen.

If the voters of the district represented by the gentleman from Illinois [Mr. MANN] approve his action in employing his technicalities to decrease their employment, they are less intelligent than I believe them to be. He has stricken from this bill a provision designed to reimburse an American trading company of long and honorable career for losses it sustained through the antiforeign riots following the Boxer rebellion in China. That American company, as I have suggested, has for nearly three-quarters of a century supplied an outlet in foreign countries for the products of the laborers employed in this country; it has exported many millions of dollars' worth of the products of American labor for use or consumption in the Far East. In doing so it has helped to keep employed American workmen. But the Representative from Illinois [Mr. MANN], proudly employing his power as the leader of the Republican minority, resorts to a mere technicality to prevent this old and honorable trading company from recovering from China a part of the loss it sustained through the Chinese riots. I do not believe his voters who labor will approve his act in this respect. I believe his voters, the laboring men of his district, want these trading companies, who export their products, encouraged instead of discouraged. He has the power—any Member on the floor has the power—to block this act of justice; but I believe the voters of his district will not indorse his action in checking the steady employment of American labor at good wages.

It may be that the voters in the district represented by the gentleman from Illinois [Mr. MANN] are satisfied with his use of his power, with the use of a technicality here, to check the industries in this country in which many of those voters are employed, industries which are quickened and enlarged by the use or consumption of their products in foreign lands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I am quite willing that my distinguished friend from New Jersey [Mr. TOWNSEND] should, during the campaign, come out and read to the voters of my district, as he has read to the committee, this little speech prepared by him or some one else. It sounds so nicely, however, that I think he must have prepared it himself. What are the facts in the case? For the first time, I think, in the history of the Government a company that had a claim against a foreign Government, after having been protected by our Government and had the claim paid, has the extreme gall to come before Congress and ask to have its counsel fees paid.

Mr. TOWNSEND. Will the gentleman submit to an interruption?

Mr. MANN. I will; but I did not interrupt the gentleman, although he put in his whole time abusing me.

Mr. TOWNSEND. I was merely stating some economic facts; that was all. If the gentleman from Illinois is mixed up in the facts it is his fault, not mine.

Mr. MANN. The gentleman was not stating economic facts at all.

Mr. TOWNSEND. If the gentleman does not agree with those facts, it is not my fault.

Mr. MANN. I will yield to the gentleman.

Mr. TOWNSEND. Has the gentleman any evidence of the fact he has asserted just now, that these claimants want their counsel fees only paid?

Mr. MANN. Did I say "counsel fees only"?

Mr. TOWNSEND. I understood the gentleman so to say.

Mr. MANN. Does the gentleman deny that they want their counsel fees paid?

Mr. TOWNSEND. So far as the company mentioned by me is concerned, the counsel fees were paid long ago, and I have a letter telling me that they have been.

Mr. MANN. Oh, yes; they have paid their counsel.

Mr. TOWNSEND. Certainly.

Mr. MANN. But they want the Government now to refund to them the money for the fees that they paid their counsel. Does the gentleman deny it?

Mr. TOWNSEND. The purpose for which this money was to be used was to place these American merchants as nearly as possible in the position they were in before the Boxer uprising. If they are not allowed the cost of presenting their claims before the Court of Claims, they are out just the amount of the cost of presenting their claims—a very serious charge upon them.

Mr. MANN. I was afraid, when I agreed to withhold my point of order, that this debate would take all afternoon. But I would like to use just one moment of my time. We received from China an indemnity fund and paid the claims of American citizens out of that fund, and then we proposed to refund to China, as an exemplification of our great affection for China and of our natural generosity, the balance of the fund. But because a little of it was retained in the Treasury pending the final settlement of these claims, this great company and other great companies who had had their claims paid out of this fund by the Government of the United States now ask that we pay their counsel fees.

That is nerve and gall so extreme that I am surprised that anybody would propose it in the American Congress. It has had support at different times. I am willing at any time to discuss that matter before the House on the various bills and joint resolutions which have been reported from time to time, but I have always objected to passing the claim by unanimous consent and to setting the precedent that the Government of the United States, when it secures the payment of a claim for any of our citizens, shall in addition pay the lawyers' fees in

connection with it. That is not done in any court in the land, although occasionally a small amount of lawyers' fees may be taxed as costs. But these people want to have all their expenses in connection with making their claim and their lawyers' fees paid by the Government of the United States out of this fund. I think it is gall enough, and so I make a point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois makes a point of order on the paragraph. The point of order is sustained.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIFTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

For the purpose of defraying the expenses incident to the Fifteenth International Congress Against Alcoholism to be held in the United States in 1915, $40,000, to be expended under such rules and regulations as the Secretary of State may prescribe. The Secretary of State is hereby authorized and requested to extend an invitation to the Governments of the world with which we maintain diplomatic relations to participate in and appoint delegates to said congress.

Mr. STAFFORD. Mr. Chairman, I make a point of order against the paragraph.

Mr. JOHNSON of South Carolina rose.

Mr. SHARP. Mr. Chairman, will the gentleman withhold his point of order for a moment?

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] makes a point of order on the paragraph.

Mr. STAFFORD. It is getting late, Mr. Chairman, and I do not think it is advisable to consume much time——

Mr. SHARP. Mr. Chairman, as a member of this committee, I would like, out of courtesy, to be heard briefly upon this paragraph. Will the gentleman withhold his point of order?

Mr. STAFFORD. I would like to accommodate the gentleman for a brief time, but it may provoke debate. How much time does the gentleman desire?

Mr. SHARP. About five minutes.

Mr. UNDERWOOD. Mr. Chairman, I think it is very important that this bill should be gotten through. The House agreed yesterday to adjourn to-day at half past 2. I do not object to debate on the paragraph if it is in order, but——

Mr. STAFFORD. I shall have no objection to the gentleman from Ohio [Mr. SHARP] extending his remarks in the RECORD.

Mr. SHARP. Will the gentleman withhold his point for a moment?

Mr. STAFFORD. I shall reserve my point of order for three minutes if the gentleman from Ohio is the only gentleman who wishes to speak.

Mr. WEAVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Chairman, I hope the gentleman from Wisconsin will withhold his point of order for longer than five minutes. In order to economize time, I have sat here during the discussion of the bill and have not moved to strike out the last word of any paragraph, because I did not want to prevent the passage of the bill to-day, but inasmuch as——

Mr. MANN. It was understood that the House would adjourn to-day about 2 o'clock. There was an agreement that the House should adjourn at 2.30. How much time does the gentleman from South Carolina desire?

Mr. JOHNSON of South Carolina. Five minutes.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. MANN]?

There was no objection.

Mr. FESS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SHARP. Mr. Chairman, I have no desire to obstruct the passage of this bill or to delay it beyond a little time. Inasmuch as the gentleman from Wisconsin [Mr. STAFFORD] seems determined to insist upon his point of order, I shall ask unanimous consent to incorporate in the extension of my remarks a letter of the Secretary of State, William J. Bryan, to the chairman of our committee, Mr. FLOOD.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SHARP. Mr. Chairman, the committee is well aware that the point of order raised against this section by the gentleman from Wisconsin [Mr. STAFFORD] is well taken in a parliamentary sense, and if insisted upon must go out of the bill. I regret very much that the gentleman has seen fit to object to this particular provision. A more careful examination of the bill will show that, as a matter of fact, there are several other provisions authorizing the appropriation of money for the holding of international conferences for different purposes that are subject also to this same point of order, notably the Fifth Conference American States, Second Pan American Scientific Congress, and Nineteenth Conference Interparliamentary Union.

It will be further observed that in three out of four of these cases, including the present one under consideration, these conventions are to be next held in our own country. The exception is the convention of the Fifth Conference American States, to be held in Santiago, Chile. It would seem to me that for this reason alone objection should not be made to this provision.

As favoring the holding of the International Congress Against Alcoholism in the year 1915 in the United States, I will insert the following letter from Secretary of State W. J. Bryan:

DEPARTMENT OF STATE,
Washington, March 18, 1914.

Hon. HENRY D. FLOOD,
House of Representatives.

MY DEAR MR. FLOOD: I beg to submit herewith a draft of an amendment which the President desires inserted at the proper place in the Diplomatic and Consular appropriation bills. It is intended to appropriate the sum of $50,000 for the purpose of entertaining the International Congress on Alcoholism, which is to meet in the United States in 1915. We have been sending delegates to this congress at meetings in Europe, and it is thought proper to make this provision for the entertainment of the congress when it meets in this country.

Very truly, yours,

W. J. BRYAN.

Inasmuch as I feel confident that the gentleman's point of order against the bill by no means finally disposes of the matter, I am not now going to make any extended reference as to what has been accomplished by this International Congress Against Alcoholism in years past. That it deals, however, with a subject that is of increasing importance no one will deny. For many years past these congresses have been held, I believe, each alternate year in foreign capitals, and it is a matter of no little gratification that our delegates to the last convention at Milan, Italy, succeeded in having the convention agree to meet in our own country the next time.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent to extend his remarks in the RECORD? Is there objection?

There was no objection.

Mr. FALCONER. Mr. Chairman, the point of order raised by the gentleman from Wisconsin [Mr. STAFFORD] on the last paragraph of this bill will, of course, go unchallenged. But, Mr. Chairman, it seems extraordinary that objection should be raised to the appropriation named, considering the character of the service which would be rendered the country by this international congress against alcoholism.

Foreign countries for years have met the expense incident to these international congresses, and now that the United States, through the efforts of our representatives at the Milan meeting of 1913, is to have the meeting this year it is entirely within the keeping of propriety to, and as a matter of fact we should, provide expense for the necessary arrangements attendant upon the meeting.

It is fitting that our Secretary of State, Mr. Bryan, whose high standards of character commend him to our people in public as well as private life, however much we may disagree with him in politics, should be designated by act of Congress to extend an invitation to the Governments of the world to participate in and appoint delegates to the Fifteenth International Congress Against Alcoholism.

We hope legislation may yet be passed this session providing for this arrangement.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. Mr. Chairman, I make the point of order on the paragraph.

The CHAIRMAN. A point of order is pending to the paragraph. Does the gentleman from Virginia concede it?

Mr. FLOOD of Virginia. Yes. All I wanted to say, Mr. Chairman, was what the gentleman from Ohio [Mr. SHARP] would have said if he had had the opportunity, and if we had time I think we could convince the gentleman from Wisconsin that he ought not to make a point of order against the item. We concede that the point of order is well taken, but I shall not discuss it to-day.

The CHAIRMAN. The point of order is sustained.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FINLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUMPHREYS of Mississippi, for two weeks, on account of sickness.

To Mr. QUIN, for a few days, on account of official duties on special committee work of the Military Affairs Committee at West Point.

To Mr. CASEY, for four days, on account of important business.

To Mr. CARAWAY, on account of important business.

To Mr. JACOWAY, on account of illness in family.

ACTS OF THE LEGISLATIVE ASSEMBLY OF PORTO RICO (H. DOC. NO. 979).

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Legislative Assembly of Porto Rico during the regular session beginning January 12 and ending March 12, 1914, and the extraordinary session beginning March 14 and ending March 26, 1914.

WOODROW WILSON.

THE WHITE HOUSE, *May 16, 1914.*

The SPEAKER. This message will be ordered printed and referred to the Committee on Insular Affairs. The accompanying documents have been printed already, it seems.

INTERNATIONAL CONGRESS OF MUSICAL SCIENCE AND HISTORY (H. DOC. NO. 978).

The SPEAKER also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

In view of a provision contained in the deficiency act approved March 4, 1913, that "thereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law," I transmit herewith, for the consideration of the Congress and for its determination whether it will authorize the acceptance of the invitation, a report from the Secretary of State, with accompanying papers, being an invitation from the Government of the French Republic to that of the United States to send delegates to an international congress of musical science and history to be held at Paris in June next, and a letter from the Librarian of Congress showing the favor with which he views the proposed gathering.

It will be observed that the acceptance of this invitation involves no appropriation of public moneys.

WOODROW WILSON.

THE WHITE HOUSE, *May 16, 1914.*

The SPEAKER. This message and the accompanying documents will be ordered printed and referred to the Committee on Industrial Arts and Expositions.

Mr. MADDEN. Mr. Speaker, I think that ought to go to the Committee on Appropriations. It is a deficiency matter.

The SPEAKER. It does not ask for any appropriation.

Mr. MANN. This is a question of accepting an invitation, is it not?

The SPEAKER. Yes.

Mr. MANN. It ought to go to the Committee on Foreign Affairs.

The SPEAKER. The Chair, in conversation with the chairman of the Committee on Foreign Affairs a moment ago, asked him whether a similar message had been referred to his committee, and he said not.

Mr. FLOOD of Virginia. I beg the pardon of the Chair. I misunderstood him. I understood him to ask me if this message had been referred to our committee.

The SPEAKER. No. All the Speaker wishes is to secure uniform action on these matters.

Mr. FLOOD of Virginia. All these matters go to the Committee on Foreign Affairs.

The SPEAKER. The message and the accompanying documents, which are short, will be ordered printed and referred to the Committee on Foreign Affairs.

LEAVE TO EXTEND REMARKS.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the subject which I discussed yesterday afternoon.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to revise and extend his remarks in connection with the subject which he discussed yesterday afternoon. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 3 minutes p. m.) the House adjourned until Monday, May 18, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy submitting an estimate of appropriation for payment of rent for the Mills Building, Washington, D. C., for the period of 21 days from April 1 to April 21, 1914, inclusive, that the building was occupied by the United States for the use of the Navy Department (H. Doc. No. 980); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Public Printer submitting supplemental estimates of appropriations for additional employees and for equipment, material, and supplies in the office of the superintendent of documents for the fiscal year ending June 30, 1915 (H. Doc. No. 981); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the chairman of the Government exhibit board, Panama-Pacific International Exposition, at San Francisco, 1915, submitting a proposed clause of legislation and requesting that it be included in the urgent deficiency bill now pending in Congress (H. Doc. No. 982); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel connecting Admiralty Inlet with Crockett Lake, Wash. (H. Doc. No. 983); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Silver Lake Harbor, Ocracoke Island, and entrance thereto from Pamlico Sound, N. C. (H. Doc. No. 984); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16586) to amend section 20 of "An act to regulate commerce," reported the

same without amendment, accompanied by a report (No. 681), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of New Hampshire, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2337) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service, reported the same with amendment, accompanied by a report (No. 682), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16556) to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 8, 1914, reported the same without amendment, accompanied by a report (No. 683), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MURRAY of Oklahoma: A bill (H. R. 16618) for the relief of the Iowa Indians of Oklahoma; to the Committee on Indian Affairs.

Also, a bill (H. R. 16619) for the relief of the Iowa Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. ROGERS: Concurrent resolution (H. Con. Res. 40) to print as a House document a pamphlet descriptive of Mexico; to the Committee on Printing.

By Mr. ADAMSON: Resolution (H. Res. 518) to make privileged H. R. 16586; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 16620) for the relief of Levant C. Dingman; to the Committee on Military Affairs.

By Mr. DALE: A bill (H. R. 16621) granting a pension to John J. F. Petty; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 16622) granting an increase of pension to Samuel T. Bennett; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 16623) for the relief of John McKeon; to the Committee on Military Affairs.

By Mr. GARD: A bill (H. R. 16624) granting an increase of pension to Charles H. Bryan, alias Edward McCoy; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 16625) granting a pension to Eliza Seaborn; to the Committee on Invalid Pensions.

By Mr. J. R. KNOWLAND: A bill (H. R. 16626) to place Bvt. Brig. Gen. James Clark Strong upon the retired list of the United States Army; to the Committee on Military Affairs.

By Mr. McKELLAR: A bill (H. R. 16627) for the relief of the legal representatives of Reuben S. Jones and William N. Brown, deceased; to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 16628) granting an increase of pension to Jeptha Litteral; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 16629) granting a pension to Mrs. Noble C. Burkhart; to the Committee on Pensions.

Also, a bill (H. R. 16630) granting a pension to Harry L. Frizzell; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16631) granting an increase of pension to Elizabeth A. Want; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Oriental, N. C.; Belmont, Wis.; Boscobel, Wis.; Martinsburg, Iowa; Lebanon, Oreg.; New Concord, Ohio; Paducah, Ky.; Maderia, Minn.; North Rose, N. Y.; Sparta, Ill.; Middletown, Ohio; Weston, Ohio; Mars, Pa.; Knoxville, Ill.; Delhi, N. Y.; Osborne, Kans.; St. Louis, Mo.; Lincoln, Ill.; Terre Haute, Ind.; Terre Haute, Ind.; Terre Haute, Ind.; Terre Haute, Ind.; Flora, Ill.; Hamilton, Ohio; Monticello, Iowa; Cochranton, Pa.; Perry, Iowa; Moneta, Cal.; Las Vegas, N. Mex.; Coshocton, Ohio; Waxhau, N. C.; Waxhau, N. C.; Waxhau, N. C.; Winnebago, Minn.; and Portland, Oreg., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAMSON: Petitions of O. C. Bullock and B. H. Hardaway, of Columbus, Ga., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of 54 citizens of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of 55 citizens of Camden, N. J., and 41 citizens of Williamstown, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 25 citizens of Camden, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COPLEY: Petitions of sundry citizens of McHenry County, Ill., favoring the passage of House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of sundry citizens of the eleventh congressional district protesting against the adoption of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Protests of Peter Grates and 32 other citizens, of Port Austin, Huron County, Mich., against passage of the Hobson resolution for national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Resolution by Richmond Post, No. 201, Grand Army of the Republic, Department of California and Nevada, of Richmond, Cal., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, resolution of the Sacramento County convention of the Woman's Christian Temperance Union, in favor of Hobson national constitutional prohibition resolution; to the Committee on the Judiciary.

By Mr. DALE: Petitions of Peter Daly, William Damm, Leonard Berberich, and the H. W. Baker Linen Co., all of New York City, and the Francis Perots Sons Malting Co., of Philadelphia, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry German-American citizens of Hillsboro, Kans., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GILMORE: Petitions of 359 citizens of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. GORMAN: Petitions of John S. Perry and 84 others, residents of the third congressional district of Illinois, protesting against the passage of the Hobson prohibition bill; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of sundry voters of Rouseville, Pa., favoring passage of national prohibition; to the Committee on the Judiciary.

Also, petition of the Philadelphia Board of Trade, protesting against House bill 15657, relative to laws against monopolies, etc.; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of the Chamber of Commerce of Warren, Pa., relative to legislation to regulate interstate business; to the Committee on Interstate and Foreign Commerce.

By Mr. IGOE: Letters and telegrams from the St. Louis World Publishing Co., A. H. Spink, manager; the Skinski-Areeiter Printing Co., Max. Shinski, president; the Beal & McNamara Painting Co.; the J. Sheehan Plumbing Co., Jerry Sheehan, president; the United States Box Lock Co., C. W. Buehler, president; the Crown Cork & Seal Co., H. W. Friedewald, secretary; the St. Louis Lumber Co., John A. Reheis, president; the Western Valve Co., M. L. Chase, manager; the Alois Auffrichtig Copper & Sheet Iron Works, Charles Auffrichtig, manager; the Hammer Dry Plate Co., R. Salzziber, secretary; the Day Rubber Co., R. C. Day, president and treasurer; the Geller, Ward & Hasner Hardware Co., H. W. Geller, president; the Schurk Iron Works; Newman & Malkemus, brokers, W. E. Newman, president; the Guardian Trust Co., Daniel G. Taylor, president; the Krennin-Westermann China Co.; the Garlock Packing Co., J. E. Hillerman, manager; the Mechanics-American National Bank, Walker Hill, president; A. S. Wessler; John J. Byrne; J. H. Wood; W. S. Campbell; Michael McDermott; John Reddan; Benjamin Schwartz; James A. McGuire; Thomas F. Cady; the Brewery Workers' Joint Board, Joseph Fessner, secretary; the Milwaukee Malting Co., Milwaukee, Wis., G. F. Zimmerman; the Davenport Malt & Grain Co., Davenport, Iowa, P. Feddersen; L. C. Nordmeyer; R. H. Tait; J. Laichinger; A. Godfrey; L. Dickmeyer; and John J. Roth, protesting against pending prohibition resolutions and all similar measures; to the Committee on the Judiciary.

By Mr. KENNEDY of Iowa: Petition of sundry voters of Lee County, Iowa, and 14 citizens of Burlington, Iowa, protest-

ing against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of the Fort Dodge Grocery Co., of Fort Dodge, Iowa, favoring House bill 15986, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. J. R. KNOWLAND: Telegrams from the German-American League of California; the Governing Board Associate Membership, Knights of the Royal Arch, San Francisco, Cal.; the executive committee representing 52 importers and wholesale liquor merchants and members of the Grain Trades Association of California, protesting against passage of House joint resolution 168, for national prohibition; to the Committee on the Judiciary.

By Mr. KORBLY: Petition of various voters of Marion County, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of sundry citizens of Garmans Mills, Clymer, and Tylersburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of J. D. Devore, of Westernport, Md., against the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of various members of Olney Grange, at Olney, Md., in favor of Government ownership of telephones and telegraphs; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of Peter Aschoff, of Evansville, signed by Louis A. Geupel, A. D. Riggs, C. O. Magenheimer, William Ruedlinger, Conrad Young, M. J. Hampton, John Grefe, John Joest, James M. Klee, P. J. Euler, G. J. Blanford, H. Lindenschmidt, L. J. Flittner, Frank H. Blomer, J. D. McCarty, Oscar Born, John Kalkenbrenner, F. A. Schoeny, John H. Engbers, J. C. Abshire, Harry Bowen, John A. Alphson, George Bell, John W. Murnahan, August Wilsbacher, and Peter Aschoff, all of Evansville, Newburg, and Boonville, Ind., protesting against the adoption of House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress as an unwarranted interference with the rights of all American citizens and a usurpation by the Federal Government of a domestic question belonging to the several States; to the Committee on the Judiciary.

By Mr. LINDBERGH: Protest of sundry citizens of Staples, Minn., against passage of prohibition amendment; to the Committee on the Judiciary.

Also, protest of sundry citizens of Waverly, Minn., against prohibition amendment; to the Committee on the Judiciary.

By Mr. LOFT: Two petitions of sundry citizens of New York, against national prohibition; to the Committee on the Judiciary.

By Mr. MITCHELL: Petitions of 350 citizens of Boston, Marlboro, and Westboro, all in the State of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. MOORE: Memorial of the National Association of Vicksburg Veterans, favoring a peace jubilee of North and South; to the Committee on Military Affairs.

Also, memorial of the Erie Chamber of Commerce, urging postponement of interstate-trade measure; to the Committee on the Judiciary.

Also, memorial of the Military Order of the Loyal Legion of the United States, reaffirming allegiance to our system of government; to the Committee on the Judiciary.

Also, memorial of the New York City Retail Merchants, favoring the passage of the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Federated Central Labor Union of New York City and Vicinity, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MURRAY of Oklahoma: Petition of various Methodist Sunday Schools and Christian Sunday Schools of Bristow, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Petitions of the Center Branch Church, of Clarksburg; the First Presbyterian Church of Chester; the First Presbyterian Church of Follansbee; J. G. Shaw and 38 others, of Clarksburg; P. F. Cogar and 19 others, of Meadowbrook; G. M. Solomon and 25 others, of Bridgeport; O. F. Swiger and 25 others, of Wilsonburg; James Casey and 24 others, of Lost Creek; William Davis and 27 others, of Mount Clare; John Vincent and 6 others, of Gypsy; P. G. Stackpole and 26 others, of Haywood; E. D. Orr and 25 others, of Wallace; Leonidas Rhoades and 16 others, of Bristol, all in the State of West Virginia, for passage of House joint resolution 168, for national prohibition; to the Committee on the Judiciary.

Also, petition of the board of trustees of the Anti-Saloon League of West Virginia, urging passage of national prohibition amendment; to the Committee on the Judiciary.

Also, memorial of the Bar Association of Ohio County, W. Va., expressing confidence in the future and integrity of Hon. Alston G. Dayton, judge of the District Court of the United States for the Northern District of West Virginia; to the Committee on Rules.

By Mr. J. I. NOLAN: Petition of the J. Charles Green Co., of San Francisco, Cal., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petitions of sundry voters of West Brookfield and Leominster, Mass., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petitions of 80 citizens of Poughkeepsie, sundry citizens of Middletown, and 85 citizens of the twenty-sixth congressional district, all in the State of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Newburgh and Beacon, N. Y., favoring House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of 50 citizens of Newburgh, N. Y., against Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petitions of 8 citizens of Newburgh, 20 citizens of Leptondale, and sundry citizens of Wappingers Falls, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of various labor unions, manufacturing concerns, and 14 citizens of Middletown, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. POWERS: Papers to accompany bill to remove charge of desertion against Elijah S. Howard; to the Commtitee on Military Affairs.

By Mr. SMITH of New York: Petitions of the Men's Club of the First Presbyterian Church and the Methodist Ministers' Association, of Buffalo, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of F. H. Philip, W. H. Patterson, and 92 other citizens of Beaver Falls; William I. Williams and other citizens of New Castle; sundry citizens of Amity; and C. J. May and 29 other citizens of Fallston, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEN EYCK (by request): Petition of F. J. Quinn, G. Thompson, and C. E. Vandercook, protesting against the Hobson, Sheppard, and Works resolutions; to the Committee on the Judiciary.

Also, petition of C. L. Vandercook and other citizens of the twenty-eighth congressional district of New York, protesting against the Hobson, Sheppard, and Works resolutions for national prohibition; to the Committee on the Judiciary.

SENATE.

MONDAY, *May 18, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in all our undertakings we seek Thy guidance and blessing. We would be saved from the tragedy of prayerless lives, which would shut our eyes against Thy light and shut ourselves out into the infinite darkness. In Thy light we shall see light. We pray that Thou wilt lift up the light of Thy countenance upon us. If the light that is in us be darkness, how great is that darkness. O do Thou give us that divine illumination which will make clear and bright the path of life, that we may follow that way which shineth more and more unto the perfect day. For Christ's sake. Amen.

CHARLES A. CULBERSON, a Senator from the State of Texas, appeared in his seat to-day.

The Journal of the proceedings of Saturday last was read.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Burleigh	Colt	James
Bankhead	Burton	Culberson	Johnson
Borah	Chamberlain	Gallinger	Jones
Brady	Chilton	Gore	Kern
Bristow	Clapp	Hitchcock	La Follette
Bryan	Clark, Wyo.	Hughes	Lee, Md.

McCumber	Ransdell	Smith, Ariz.	Tillman
Martine, N. J.	Root	Smoot	Vardaman
Norris	Shafroth	Sterling	Walsh
O'Gorman	Sheppard	Stone	Warren
Overman	Sherman	Sutherland	Williams
Page	Shields	Thompson	Works
Poindexter	Shively	Thornton	

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The Journal of the proceedings of Saturday last will be approved, subject to future correction.

PERSONAL EXPLANATION—TARIFF DUTY ON SUGAR.

Mr. RANSDELL. Mr. President, I rise to a question of personal privilege. In the Washington Post, a newspaper published in this city, there appeared on yesterday, the 17th instant, an article entitled "Ruled by Secrecy and Threats," and so forth, purporting to be a dispatch from James Creelman to the Evening Mail, of New York City, from which I ask the Secretary to read certain references to myself, which I have marked in the article I send to the desk.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

RULE OF PATRONAGE.

Business is halted all over the country. Multitudes have been thrown out of work. The Nation has been brought to the verge of war. But something like two-thirds of the presidential patronage is still held in reserve in Mr. Wilson's hands, and he is not averse to saying to a Congressman who hesitates in voting that he is willing to allow that Congressman's constituents to decide as to which of them is the party leader.

In searching for an explanation of the extraordinary power of the President over the unwilling Members of Congress I learned to-day the exact details of his attempt to force the Louisiana Senators to vote for free sugar in the tariff bill.

To understand the true significance of this scene it must be understood that the free-sugar schedule has already caused a loss of about $30,000,000 to Louisiana, and that it is estimated that the loss in the ruination of sugar-producing properties will reach $100,000,000 before the end of the year.

When the free-sugar schedule was under consideration Mr. Wilson asked Senator RANSDELL, of Louisiana; Mr. Ewing, the Louisiana national committeeman; and Representative BROUSSARD, of the same State, to come to the White House.

At that time the whole people of Louisiana were in a state of wild alarm over the prospect of the overwhelming State calamity involved in the free sugar scheme.

The Louisiana Democratic leaders had announced that Mr. Wilson had given his word that the Democratic platform promise that tariff changes were to be effected without injuring or destroying any legitimate industry was intended to apply to the sugar industry.

When Senator RANSDELL, Representative BROUSSARD, and Mr. Ewing reached the White House President Wilson asked Senator RANSDELL to vote for free sugar.

The Senator declared that he had made a solemn promise to his constituents to oppose free sugar, and that he could not violate his pledged word or betray the people he represented in the Senate.

THE PRESIDENT'S DEMAND.

Mr. Wilson then turned to Representative BROUSSARD and asked him to get Mr. THORNTON, the other Louisiana Senator, to vote for free sugar.

Mr. BROUSSARD said that Senator THORNTON was publicly pledged against free sugar, and that as he himself had also promised to oppose it it would be treason to his constituents to do as the President asked.

For an hour the Louisianians earnestly pictured to the President the great disaster to their State which would follow the removal of the protective duty on sugar.

In the end Mr. Wilson again asked Senator RANSDELL to vote for free sugar, saying that no individual Senator had the right to blockade a great party program, and once more Senator RANSDELL said that he would not violate his word or betray the interests of his constituents.

Then the President stood up. There was a smile on his face, but a cold look in his eyes and a hard ring in his voice.

"Very well, Senator," he said, "then you and I must, as it were, 'go to the mat'; but I want to let you know that if we are to fight it out I shall use every weapon at my command."

This direct presidential threat to a United States Senator concerning his vote—and I give literally the account of an eyewitness—and the fact that Mr. Wilson has reserved the bulk of his patronage for use at will may partly explain the otherwise unaccountable failure of the profoundly dissatisfied Democrats in Congress from breaking into open revolt as they see the widespread signs of approaching Democratic defeat at the polls.

Mr. RANSDELL. Mr. President, I do not know who furnished Mr. Creelman his information, but I can not, in justice to all concerned, permit this statement to pass without an explanation of the real facts.

There were several interviews last year between President Wilson and myself in regard to the tariff on sugar, and he endeavored to persuade me that party loyalty required me to vote for the tariff bill. I replied that it would be impossible to do so if sugar were placed on the free list, as I had made repeated pledges to the people of Louisiana during my campaign for the Senate in 1911 and 1912 that if elected I would do everything possible to retain a reasonable duty on sugar, and I felt in honor bound to carry out those promises on the faith of which many persons in the sugar section of the State had supported me.

At the meeting referred to between the President, Col. Ewing, Mr. BROUSSARD, and myself, the main point discussed was whether sugar should be placed on the free list at once or after the lapse of three years. Col. Ewing, Mr. BROUSSARD, and I all made strong pleas for a delay of three years in the maturity of the free-sugar clause, and, without securing any promise to that effect from Mr. Wilson, we left him under the belief that sugar would not be free for three years.

I can not recall everything said by the President at this meeting and on the other occasions when we discussed the tariff, but I am sure he never attempted to coerce me by threats in regard to patronage or otherwise. He presented his views forcibly, as he always does and as he had a right to do, and I replied in like manner, but there was no unpleasantness between us.

Since Mr. Wilson's inauguration there have been vacancies in four presidential offices in Louisiana which are regarded as senatorial patronage—two district attorneys, a United States marshal, and collector of internal revenue—all four of which have been filled by the advice and to the entire satisfaction of Senator THORNTON and myself. The highest salaried of these positions—internal-revenue collector—was given to my very intimate friend, John Fauntleroy, about two months ago at my special request. Moreover, the six officials appointed by the Treasury Department under the income-tax service in Louisiana were selected on the suggestion of Senator THORNTON and myself, and neither of us has any complaint on the score of patronage.

LOCATION OF FEDERAL RESERVE BANKS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the reserve bank organization committee, transmitting, in response to a resolution of April 14, 1914, copies of briefs and written arguments made by each city applying for the location of a Federal reserve bank, together with a poll of the votes taken by the banks and the reasons relied upon by the organization committee in fixing the boundaries of reserve districts and locating the reserve cities, and so forth.

Mr. HITCHCOCK. I ask that the usual number of the communication may be printed.

The VICE PRESIDENT. Without objection, the communication will be printed and lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service of the Government for the fiscal year ending June 30, 1915, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Fairfield, Knoxville, Deep River, Malcom, Sanborn, Perry, and Monticello, in the State of Iowa; of Topeka, Dodge City, and Lakin, in the State of Kansas; of Orleans, Duncanville, Yates City, Carrollton, Springfield, and Bethany, in the State of Illinois; of Terre Haute, Ind.; of Minneapolis, Kasota, and Slaton, in the State of Minnesota; of Yuma, Bayfield, Wray, and Denver, in the State of Colorado; of Dutch Neck and Paterson, in the State of New Jersey; of Moneta, Cal., of Cochranton, Pa., of Portland, Oreg., of Palmyra, N. Y., of Fruitland, Idaho, of Dayton, Ohio, of Las Vegas, N. Mex., of Cleveland, N. C., and of New Lisbon, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. BURTON presented memorials of sundry citizens of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of university students of North Carolina, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Evansville, Ind., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Castle United Brethren Church, of Elkhart, Ind., praying for the enactment of legislation providing for censorship of moving-picture films, which was referred to the Committee on Education and Labor.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of sundry citizens of Malden, Boston, and New Bedford, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Board of Aldermen of Chelsea, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. BRANDEGEE. I have received a letter from the secretary of the Rochester Chamber of Commerce, transmitting a resolution adopted by the board of trustees of that chamber, expressing its attitude with reference to certain proposed trust legislation. I do not ask to have the communications read, but I ask that they may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the communication and accompanying resolution were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

THE ROCHESTER CHAMBER OF COMMERCE,
May 15, 1914.

The Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

MY DEAR SIR: We respectfully submit herewith for your information as a member of the Senate Committee on Interstate Commerce a resolution adopted by the board of trustees of the Rochester Chamber of Commerce, expressing its attitude with reference to certain proposed trust legislation.

The occasion of the resolution was the submission for referendum vote to the constituent bodies of the Chamber of Commerce of the United States of a report in regard to the proposal to create an interstate trade commission.

Very truly, yours,

THE ROCHESTER CHAMBER OF COMMERCE,
ROLAND B. WOODWARD, *Secretary.*

Resolution adopted by the board of trustees of the Rochester Chamber of Commerce, May 9, 1914.

Whereas all men connected with business—employers, employees, and investors—and with them the progress and prosperity of the entire country, are suffering from undue interference on the part of the Government; and

Whereas industrial and mercantile enterprises, legitimate and beneficial in their relation to all the people, are being prosecuted under a strained and forced application of existing law, sufficient for the proper regulation of business if wisely and temperately administered:

Resolved, That the Rochester Chamber of Commerce, being opposed not only to the trade-commission bill but also to the so-called omnibus antitrust bill, as unnecessary, harrassing, and harmful to legitimate business, refrains from voting on referendum No. 7, except to protest vigorously against the recommendation of the special committee that the bill be enacted into law.

Mr. ROOT presented memorials of sundry citizens of New York, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New York, N. Y., praying for an appropriation of $100,000 to enforce the law for the protection of migratory birds, which was referred to the Committee on Appropriations.

Mr. BRYAN (for Mr. FLETCHER) presented petitions of sundry citizens of Florida, California, Maine, and Ohio, praying for the adoption of a new coinage system, which were referred to the Committee on Banking and Currency.

Mr. DU PONT presented petitions of sundry citizens of Harrington and Frederica, in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Advent Christian Church, of Rutland, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of sundry citizens of Orland and South Bend, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Saxonia Singing Society and the Lakeside Aid Society, of Fort Wayne, Ind., praying for the enactment of legislation providing for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

VIRGINIA MILITARY INSTITUTE.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 544) for the relief of the Virginia Military Institute of Lexington, Va., reported it with an amendment and submitted a report (No. 528) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Arizona:

A bill (S. 5585) for the establishment of a national park near, adjacent to, and in connection with the Salt River project, in the State of Arizona, fixing its boundaries and prescribing restrictions upon its use and occupancy (with accompanying papers); to the Committee on Public Lands.

By Mr. BRANDEGEE:

A bill (S. 5586) for the relief of the legal representatives of John Egan and others; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 5587) granting an increase of pension to Elizabeth A. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5588) to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in the mining, quarrying, metallurgical, and other mineral industries, and for other purposes; to the Committee on Mines and Mining.

By Mr. CHAMBERLAIN:

A bill (S. 5589) to authorize the construction and maintenance of a dike on South Slough, Lane County, Oreg.; to the Committee on Commerce.

By Mr. HOLLIS:

A bill (S. 5590) granting an increase of pension to Mary Healy; and

A bill (S. 5591) granting a pension to Abbie Avery (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 5592) for the relief of the heirs at law of Samuel G. Curtis and Elizabeth G. Curtis; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 5593) granting an increase of pension to William H. Fuller; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5594) granting an increase of pension to George M. Swango (with accompanying papers); and

A bill (S. 5595) granting an increase of pension to William Hurley; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to increase the appropriation to further promote and develop the foreign and domestic commerce of the United States, etc., from $75,000 to $85,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRYAN (for Mr. FLETCHER) submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. HUGHES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. RANSDELL (for Mr. SIMMONS) submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment proposing to increase the salaries of 16 privates on the police force for the Senate Office Building from $1,050 to $1,200 each, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

Mr. SHIELDS submitted two amendments intended to be proposed by him to the river and harbor appropriation bill,

which were referred to the Committee on Commerce and ordered to be printed.

Mr. WILLIAMS submitted an amendment authorizing the Secretary of the Interior to enroll on said citizenship rolls all persons identified as Mississippi Choctaws, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment relative to members of the Choctaw and Chickasaw Nation of Indians in Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

Mr. STONE. I ask leave to have inserted in the RECORD a very able article written by Mr. Crammond Kennedy, citing certain authorities against arguments which have been made in reference to the tolls repeal bill, and especially against the one made by the junior Senator from New York [Mr. O'GORMAN].

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Herald, Sunday, May 17, 1914.]

SCORES O'GORMAN TOLLS ARGUMENT.

(By Crammond Kennedy.)

To the editor of the Washington Herald:

Senator O'GORMAN builds up his argument in favor of exemption from Panama Canal tolls on a narrow and insecure foundation. In order to show that vessels in the coastwise trade are not included in the phrase "vessels of commerce and war" as used in the Hay-Pauncefote treaty the learned Senator says, "There is a manifest distinction between vessels of commerce and 'coastwise trade,'" and then he cites a definition of commerce from Wharton's Law Dictionary to the effect that "commerce relates to our dealings with foreign nations, colonies, etc.," and trade "to mutual dealings at home." He cites also the Encyclopedia Britannica and the International Encyclopedia to the same effect, and, assuming that these "British authorities" furnish conclusive tests of the sense in which the phrase "vessels of commerce" is used in the Hay-Pauncefote treaty, he says:

"A 'vessel of commerce' is therefore a vessel engaged in international trade."

This sounds quite conclusive, but it depends, of course, on the conclusiveness and relevancy of the authorities cited. The Encyclopedic Dictionary defines commerce as "trade, traffic; the exchange of articles for each other or money"; and adds that "when the word is used with an extended meaning it signifies mutual exchange, buying and selling, whether abroad or at home."

MEANING IS DOUBLE.

So in the Century Dictionary (cited in 133 Ind., 60, 93; 18 L. R. A., 502) commerce is defined as—

"Interchange of goods, merchandise, or property of any kind; trade; traffic; used more especially of trade on a large scale, carried on by transportation of merchandise between different countries or between different parts of the same country, distinguished as foreign commerce and internal commerce."

It is only in a limited sense that commerce means foreign or colonial trade. In a general sense commerce and trade are used interchangeably for traffic in merchandise at home and abroad. Thus, in his "Advice to Sir George Villiers," Lord Bacon used "trade" in the sense of domestic and foreign commerce:

"I come," he said, "to the sixth part, which is trade, and that is either at home or abroad. And I begin with that which is at home, which enableth the subjects of the kingdom to live and layeth a foundation to a foreign trade, by traffic with others, which enableth them to live plentifully and happily."

The American Yearbook treats of "domestic commerce on the canals," "coastwise commerce," and "commerce on the Great Lakes," as well as "foreign commerce." And Senator O'GORMAN himself, in a subsequent part of his argument, says that "the domestic commerce of the United States exceeds that of any other nation," and that "more than 40,000,000 tons passed through the Soo Canal in 1912."

ANSWER IS CONSTITUTION.

But we have the highest legal authority for the proposition that the meaning of "commerce" can not be confined, as Senator O'GORMAN contends in the earlier and basic part of his argument, to "international trade." By the Constitution of the United States Congress has power "to regulate commerce with foreign nations and among the several States and with the Indian tribes."

"Commerce," said Chief Justice Marshall (Gibbons *v.* Ogden, 9 Wheat., 1, 189), "describes the commercial intercourse between nations and parts of nations in all its branches and is regulated by prescribing rules for carrying on that intercourse."

In another celebrated case (Brown *v.* Maryland, 12 Wheat., 446) the same great magistrate, speaking for the Supreme Court of the United States, and referring to the constitutional grant, said:

"It is not, therefore, matter of surprise that the grant should be as extensive as the mischief, and should comprehend all foreign commerce and all commerce among the States."

So the Senator's attempt to limit the meaning of "commerce" to international trade is blocked by the Constitution itself and its greatest expounder.

Nor does the distinguished Senator from New York seem to be any less astray when he says:

"Under international law the word 'vessel' when used in a treaty, unless the contrary meaning is clearly apparent, refers only to vessels engaged in international or over-seas trade. It does not relate to vessels engaged in local or domestic trade."

An examination of the treaties between the United States and other countries in which the word "vessels" is used seems to demonstrate that there is no such rule or principle of "international law" as the learned Senator asserts. If he were right, what need would there be to insert in so many of our treaties in which the word "vessels" is used, an express provision that the coastwise trade is excepted? Take, for example, our treaty of 1829 with Austria, which repeatedly mentions "vessels of the United States," and "Austrian vessels," but which provides in article 7:

TREATY PROVES ARGUMENT.

"It is expressly understood and agreed that the coastwise navigation of both the contracting parties is altogether excepted from the operation of this treaty and of every article thereof."

This express exception occurs in more than a score of our treaties regarding the rights and privileges of "vessels of the United States," and of the other high contracting parties.

Treaties for the protection of vessels from pirates include all kinds of vessels—fishing vessels and traders, whether over-seas or coastwise. So with statutes. Could it be said, with any show of reason, that coastwise vessels, because not expressly mentioned, were not included in the act of Congress of March 3, 1819, to protect the "commerce of the United States," or that they were not among the "merchant vessels of the United States," which, with their crews, were to be protected, under that act, from piratical aggressions and depredations?

It is in connection with the case of Olsen *v.* Smith that Senator O'GORMAN contends that, under international law, the word "vessels," when used in a treaty, unless the contrary meaning is clearly apparent, refers only to vessels engaged in international or over-seas trade; but it seems clear that it was on no such principle, but rather on the ordinary rules applicable to the construction of treaties, that the case was decided by the Supreme Court of the United States.

BRITON CLAIMED EXEMPTION.

In Olsen *v.* Smith the question was whether a British vessel in the foreign trade was not entitled, at the port of Galveston, to the benefits of a State statute and of the Revised Statutes of the United States, exempting coastwise steamships of Texas and the United States from certain regulations in regard to pilotage, by virtue of the treaty of 1815 between the United States and Great Britain, which provides that "no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States." It clearly appears, from the treaty of 1815, that it was dealing exclusively with British and United States vessels in the foreign trade, and the case was not decided on the ground that the word "vessels" was not comprehensive enough to include vessels in the coastwise trade, or that there was such a rule of international law as that asserted by Senator O'GORMAN, but because it appeared from the treaty itself that, as aforesaid, it was dealing only with vessels of the two countries in the foreign trade. Both countries at that time reserved their coastwise trade for their own vessels, respectively, and the treaty provides expressly, in opening the East India ports to United States vessels, that the permission granted for that purpose, in article 3, is "not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories," and that their "going with their original cargoes, or part thereof, from one of the said principal settlements to another shall not be considered as carrying on the coasting trade."

INTENTION MUST GOVERN.

It was doubtless because of this clearly expressed intention to confine the reciprocal benefits of the treaty of 1815 to vessels in the foreign trade, and not because the word "vessels" necessarily excluded coastwise vessels, as contended by Senator O'GORMAN, that the Supreme Court decided as it did.

In treaties, as in other contracts, the intention must govern, and the intention is to be discovered from the treaty as a whole.

The Supreme Court pointed out in Olsen *v.* Smith that no discrimination had been made by the authorities in Texas between British and United States vessels in the foreign trade, the only classes of vessels with which the treaty of 1815 is concerned. And it seems to have been with reference to that treaty for the reciprocal treatment of vessels of the same class, which had been set up in the case, that the court said, by Chief Justice White:

"Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade."

So in the Texas Court of Civil Appeals below Chief Justice James observed:

"The exemption has not been extended to American ships engaged in foreign commerce, and until this is done British vessels of the same character are equally subject to our statute."

While the treaty of 1815 shows clearly that the negotiators had the two kinds of trade and the two classes of vessels in mind, and did not intend to include the coastwise shipping of either country in the phrases "vessels of the United States" or "vessels of Great Britain," there is nothing whatever in the Hay-Pauncefote treaty to suggest that the idea of exempting the coastwise shipping of the United States from the payment of tolls had ever been in the minds of the negotiators, the only mention of merchant vessels in the treaty being in the covenant that the canal shall be free and open to "the vessels of commerce and war of all nations observing these rules, on terms of entire equality." If any exception had been intended, it would have been the easiest and most proper thing to have inserted after the words "on terms of entire equality" in the treaty the words "excepting only such vessels as shall be engaged exclusively and bona fide in the coastwise trade of the United States." This would have been in accordance with the express exceptions of the coastwise trade written into more than a score of our treaties in regard to shipping with other nations, as hereinbefore stated.

Not only is there no mention or suggestion of coastwise trade or coastwise vessels distinctively in the Hay-Pauncefote treaty now in force, but, as has been said so often, when a motion was made in the debate on the earlier Hay-Pauncefote treaty in executive session of the Senate to amend the treaty by reserving the right to exempt the coastwise shipping of the United States from the payment of tolls, it was voted down by a large majority.

WOULD BAR OUT OTHERS.

If the term "vessels of commerce" used in the Hay-Pauncefote treaty does not include vessels in the coastwise trade, as contended by Senator O'GORMAN, then a British vessel desiring to coast south from Halifax to Colon and north from Panama to Vancouver would have no right to go through the canal, because only "vessels of commerce and war" are mentioned in the treaty, and the words "vessels of commerce" according to Senator O'GORMAN, mean only vessels "engaged in international trade." "The treaty," says the Senator, "speaks of 'vessels of commerce and of war.' The two classes of vessels referred to," he continues, "would necessarily exclude vessels that are neither vessels of

commerce nor vessels of war. And for the reasons indicated the treaty excludes vessels in the coastwise or domestic trade. They are not vessels of commerce within the authorities cited."

This, then, is where the argument of the Senator leads him—vessels in the coastwise or domestic trade of the United States can pass through the canal free, under the act of Congress, without contravening the treaty, but vessels in the coastwise or domestic trade of Great Britain are excluded from the canal by the treaty itself, as interpreted by the Senator. This would certainly be "discrimination" with a vengeance.

The Senator's argument leaves it clearer, if possible, than it was before that "vessels of commerce," as used in the Hay-Pauncefote treaty, must include vessels engaged in the coastwise trade of the United States, and that if it had been the intention of the negotiators to exclude them from the provisions of the treaty, they would have expressly excepted them, in accordance with the precedent established by the numerous treaties in which the exception of the coastwise trade, made in article 6 of the treaty with Austria, is followed.

Other criticisms of the Senator's argument could be made, but it only needs to be added here that, like all who oppose the repeal of the exemption, Senator O'GORMAN ignores the position maintained before the world by the United States in regard to neutralization and equal terms for the Isthmian Canal for nearly a century. Her official utterances have been collated elsewhere. Only three of them will be mentioned here.

EARLIER DICTUMS CONCLUSIVE.

Under instructions from Mr. Clayton, Secretary of State in 1850, Mr. Rives assured Lord Palmerston that the United States "sought no exclusive privilege or preferential right of any kind in regard to the proposed communication," but desired "to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all."

Gen. Cass, Secretary of State in 1857, said to Lord Napier, when the controversy in regard to the true meaning and intent of the Clayton-Bulwer treaty was at its height:

"The United States, as I have before had occasion to assure your lordship, demand no exclusive privileges in these passages, but will always exert their influence to secure their free and unrestricted benefits, both in peace and war, to the commerce of the world."

"Nor in time of peace," said Mr. Blaine, while Secretary of State, in 1881, "does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panaman Railway under the exclusive control of an American corporation."

In repealing the exemption the United States would simply be keeping her plighted faith, not at the behest of England, but of her own conscience and for her own sake.

Mr. CHAMBERLAIN. Mr. President, I wish to state that on Friday next, after the routine morning business, I shall address the Senate, with its permission, on the subject of the Panama Canal tolls.

Mr. JONES. Mr. President, I desire to announce that on Monday next, May 25, after the routine morning business, I shall address the Senate upon the Panama Canal question.

HOUSE BILL REFERRED.

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service of the Government for the fiscal year ending June 30, 1915, was read twice by its title and referred to the Committee on Appropriations.

TRANSPORTATION OF PARCEL-POST MATTER.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Senate resolution 363, by Mr. SMITH of Georgia, requesting the Joint Committee on Postage on Second-Class Mail Matter and Compensation of Transportation of Mails to report.

Mr. SMOOT. In the absence of the Senator from Georgia I suggest that the resolution go over.

The VICE PRESIDENT. Without objection, the resolution will go over without prejudice.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. I ask unanimous consent that the Panama Canal tolls bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. SUTHERLAND. Mr. President, when the Panama Canal act was before the Senate two years ago I supported the provision exempting the coastwise shipping of the United States from the payment of tolls. In so doing I was influenced, as I think the Senate was influenced, not so much by a consideration of the economic policy of the exemption considered by itself as I was by the far more important question as to the right of the American Government to deal in its own way with American shipping passing through the canal unhampered by treaty stipulations. My vote was intended to be an assertion of my confident belief in the existence of that right far more than it was of my belief in the wisdom of the precise manner in which the right was then specifically exercised.

The economic wisdom of exempting our ships engaged in the coastwise trade is by no means free from doubt. Much can be said upon either side of that proposition. If it were possible to vote upon that question dissociated from the graver question of our rights under the Hay-Pauncefote treaty I should feel the necessity of investigating the subject more thoroughly than I have thus far done, but as the matter is now presented I shall vote against the repeal of the exemption clause, basing my vote primarily upon what I conceive to be the necessity of reasserting with emphasis the American right under the treaty, and leaving myself free to consider the economic side of the subject when, if ever, it may be determined solely upon its merits apart from the protest to which we are forced to respond and which directly challenges our right to determine it at all.

To vote for the repeal now, as I interpret the situation, would be to concede in the most deliberate manner our want of legitimate power to allow the exemption, however wise or necessary we may conceive such action to be. Unless we are simply trifling with the subject, the action of Congress upon this bill will announce the permanent view of Congress respecting the extent of its powers under the treaty and not its temporary view respecting the specific way in which those powers should be exercised. It is true that the President declares in his message that the exemption constitutes a mistaken economic policy, but his appeal for a reversal of our former action is based upon the assertion that whatever we may think of the matter "everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption." And he tells us that "we ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation." Let us not beguile ourselves. It is to this appeal and no other that we must respond. To repeal the exemption while asserting the right to grant it is simply to dodge the issue.

According to the President's view our former action is regarded everywhere outside the United States as a breach of our national word. If this be true, a reversal of our former action must be regarded everywhere as an acknowledgment of our wrongdoing and as a deliberate and well-considered admission that our construction of the treaty was erroneous, and the construction of those "everywhere else" is right. It is therefore idle to pretend that if the pending bill be passed we can ever again with decency enact an exemption law. We should deal with the question without equivocation. The challenge of the world, the justness of which the President asks us to concede, is not against the economic wisdom of the action which we have taken, but it is against our righteous authority to take the action at all. This challenge should be met with that high candor which befits a great people intelligent enough to determine for themselves what are their rights and what are their obligations and courageous enough to vigorously assert the former and just enough to ungrudgingly perform the latter.

If this bill shall be enacted into law, whatever we may think about it—to borrow the felicitous phrase of the President—"everywhere else" our action will be given but one interpretation and that will be that it constitutes an admission of the accuracy of the President's claim that our former action was in violation of the treaty, because "everywhere else" they will regard only what the President has said and what we have done. To repeal the exemption now and reimpose it at some more auspicious time hereafter will be to stand convicted in the eyes of the world of having engaged in a piece of rather disreputable sharp practice and expose us to that contempt which is always the penalty for shiftiness and evasion.

The Senator from Missouri [Mr. STONE], shrewdly suspecting a political pitfall in the pathway selected by the President, has presented to his colleagues a series of skillfully drawn plans and specifications for reaching the same point by a less dangerous route; but he deceives nobody, not even himelf. He speaks as one who leads a company of bold and adventurous spirits in an attack upon the twin monsters of monopoly and subsidy; but everybody understands that, in fact, he follows the President in an inglorious abandonment of an American right.

The Senator from North Carolina [Mr. SIMMONS], also apprehensive and likewise resourceful, has proposed a little amendment, by which—to slightly alter the figure of speech—that sagacious and skillful pilot would steer the Democratic bark along the crooked channel of political expediency so as to escape the Scylla of capitulation to Great Britain on the one hand and the Charybdis of repudiation of the White House upon the other.

What is the amendment which the distinguished Senator from North Carolina proposes? It is, in substance, that nothing in this act—which, of course, repudiates the American and accepts the foreign interpretation of the treaty, else it would not be

"in support of the *foreign* policy of the administration"—is to be "considered or held as waiving, impairing, or affecting any treaty or other right possessed by the United States." And this proviso the Senator offers with the simple and pathetic faith of a child who surrenders its toys to a friend, relying upon a resolution of thanks for its future amusement. The Senator from North Carolina is a serious-minded man, with slight leanings in the direction of any form of frivolity—wholly without guile or "purpose of evasion"—and therefore may not lightly be charged with a desire to perpetrate a confidence game on the trusting gentleman who occupies the White House or readily be suspected of presuming overmuch on the traditional obtuseness of the British mind in the presence of an American joke; but, sir, when we repeal a law for the express purpose of confessing that we had no right to pass it, the attachment of a string in the form of a declaration that in so doing we have no intention of surrendering any right seems so inconsequential that I am quite unable to see how even the austere reputation of the Senator from North Carolina can save us from the suspicion that we are indulging in a little legislative badinage for the mere sake of the intellectual exercise.

When the lady of Byron's creative genius, "Whispering, 'I will ne'er consent'—consented," she proceeded under no self-delusions. She understood her own lack of fortitude in the presence of temptation. She exhibited a certain degree of verbal reluctance—definite in form but deceptive in substance—for the sake of appearances, but there seems to have been no doubt in the mind of the veracious recorder of the incident that her capitulation was complete.

But this later, if no less enchanting, coquette, the Senator from North Carolina, who, while yielding to the presidential blandishments, whispers into the bill an amendment in the nature of an *ex post facto* proviso to the effect that nothing in the circumstances of his fall shall be construed as impairing, affecting, or waiving any of the virtuous proclivities which he still possesses, seems to be laying the foundation for a plausible but specious contention that he had not yielded at all but simply engaged in a more or less mild and perfectly harmless flirtation "in support of the foreign policy of the administration."

And so, Mr. President, Senators upon the other side of the Chamber may indulge in such sophistry as their ingenuity may suggest, but the President's appeal is definite and can not be met by any oblique approach. He says, it is true—and I repeat it for the sake of emphasis—that the exemption constitutes a mistaken economic policy from every point of view, as well as being in plain contravention of the Hay-Pauncefote treaty, but he immediately adds:

> But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

And in view of this situation he tells Congress what it ought to do.

> The large thing to do—

He says—

> is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation—

Not for *economic wisdom*, it will be observed, but—

> for *generosity* and for the *redemption of every obligation without quibble or hesitation.*

And then to clinch the matter and put it beyond the peradventure of a doubt he says:

> I ask this of you in support of the *foreign* policy of the administration.

We are to pass this bill, then, in support of the *foreign policy* of the administration, and the President makes it clear that this means we are to accept the English interpretation of the treaty and abandon our own. If the Simmons amendment, therefore, means that we intend to declare that we *temporarily* accept the English construction for the sake of helping the administration out of some serious though undisclosed foreign complication, intending to reassert our own construction after the diplomatic embarrassment shall have passed, then we ought to say so in plain words and not render ourselves contemptible by adopting a proviso so vague and so disingenuous that it will of necessity arise to plague our successors when they come to deal again with a problem which we lack the candor or the courage to settle decisively now once for all.

Now, mark, we are to do this thing "without raising the question whether we were right or wrong." That is, we are not to consider the evidence; we are not to weigh the arguments pro and con; we are not to use our reasoning faculties for the purpose of arriving at a just determination; we are to abdicate our functions as legislators charged with the responsibility of our action; we are to lay aside our well-considered and settled convictions, if we have any, without raising the question whether we are right or wrong and withdraw from our former position, not because we have made an economic mistake, not in the interest of the American people, but because, and only because, that "position is everywhere questioned and misunderstood." And this is to be done not in pursuance of a sound *domestic* policy but in support of the *foreign* policy of the administration. Thus the issue is defined and limited by the presidential petition as clearly and conclusively as an issue was ever limited and defined by a bill in a court of equity, and the Senate is called upon to render judgment upon that issue, and no other.

Mr. President, in the history of free government no such astounding proposition has ever before been presented to a great legislative body as this demand of the President that we shall reverse our action "without raising the question whether we were right or wrong." To comply with it would be so utterly subversive of every consideration of self-respect that even those who intend to capitulate will raise the question and make a pretense of justifying their action upon defensible grounds before acceding to the President's request.

I had supposed that outside of England there was very little feeling on the subject. Certain it is that no other country has concurred with the English protest in any formal way. If there be any real sentiment in favor of the British view, these other countries have exhibited no anxiety to make it known. But the President in effect tells us that "everywhere else" outside the United States the language of the treaty is given but one interpretation, and that interpretation harmonizes with that of Great Britain.

Sir, I do not undervalue the opinions of the world outside our own borders. We should, of course, give heed to the views of Great Britain and of the other Governments, if any there be, who share them. These opinions are not to be ignored. Neither are they to be obsequiously followed. In the final analysis the question is not whether our position meets with the dissent or the approval of the world, but whether the opinions which the President thinks prevail in those undefined and comprehensive but hitherto unsuspected regions, extravagantly described as "everywhere else," are right. "A decent regard to the opinions of mankind," of which we have heard so much from time to time during this discussion, does not mean a blind and fatuous surrender of our own convictions. It only demands that these opinions should be considered and weighed in a mood neither truckling nor truculent, but in that serious and open-minded spirit which seeks to know the truth with the courageous determination to declare it without regard to the character of its reception.

I imagine the author of the Declaration of Independence, if he were now in the flesh, would look with some degree of astonishment upon the present attempt to utilize his immortal phrase as a justification for surrendering an American right to a foreign opinion. Certainly, as it appears in that historic document, it admits of no such construction. It was used in a far braver and sturdier sense. If we will take the trouble to refresh our memories, we shall find that what the fathers thought "a decent regard to the opinions of mankind" required them to do was simply to "declare the causes which impel them to the separation" from Great Britain. But the evidence was weighed by the fathers alone and the sufficiency of the causes was determined by them without reference to what might be thought about the matter "everywhere else." The separation was declared as an accomplished fact and not as a tentative proposition submitted for outside consideration. It was to go forward, and did go forward, wholly without regard to the opinions of mankind as to the justice or soundness of the causes. In deference to the opinions of mankind the fathers went no further than to announce what they had done and to lay before the world the reasons for their action, but the action itself was final—the American view was unchangeable, whether the world approved or not.

And so, Mr. President, I am brought to the consideration of the real question which the Senate is called upon to decide, and that is whether we have the right to exempt our coastwise traffic from the payment of tolls and not whether such exemption is wise from the purely domestic point of view. The correct determination of this question requires the careful consideration of two treaties, namely, the Clayton-Bulwer treaty of April 19, 1850, and the Hay-Pauncefote treaty of November 18, 1901.

Under the Clayton-Bulwer treaty it was agreed by the United States and Great Britain substantially as follows: (1) That neither of the parties would ever obtain or maintain for itself any exclusive control over a certain ship canal then in contemplation between the Atlantic and Pacific Oceans through Nicaragua; (2) that neither of the parties would maintain any fortifications commanding the canal or in the vicinity thereof, or occupy, fortify, or colonize, or assume or exercise any dominion *over any* part of Central America; (3) that neither would acquire rights or advantages in regard to commerce or navigation which should not be offered on the same terms to the citizens or subjects of the other; (4) that both parties should protect the canal during its construction and after its completion, and should guarantee the neutrality thereof so that it should forever be open and free, and the capital invested secure; (5) that they would use their influence with governments possessing territory which the canal should traverse to induce them to facilitate the construction of the canal and to procure free ports at each end thereof; (6) that the parties should invite other States to enter into similar stipulations to the end that these other States might share in the honor and advantage of having contributed to the building of the canal; (7) that the parties were to give their support and encouragement to those first offering to commence the canal with the necessary capital; and, finally, by article 8 it was agreed as follows:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

It will be seen that this treaty, so far as its substantive provisions are concerned, dealt with a specific canal and that it was clearly stipulated: (a) That the canal should be protected by the Governments of the United States and Great Britain not only during its construction but afterwards in its operation; (b) that other nations were to be invited to join in this protection; and (c) that the canal should be open to Great Britain and the United States and other Governments willing to grant such protection upon equal terms. This treaty contemplated the construction of a canal, not by the signatory Governments or either of them or by any Government, but by private parties, and it constituted in effect a contract between two parties by which each was to share equally in the burdens and equally in the benefits, and other Governments were to share equally in these benefits only upon the condition that they assumed an equal share of the burdens.

It will be observed, furthermore, that the effective provisions of the treaty not only relate exclusively to a particular canal but the self-denying agreement as to fortifications, colonization, and dominion applies only to Central America and does not include the Isthmus of Panama, across which our canal has been constructed. The only reference to the Isthmus is contained in article 8, and that contains not a present agreement but a stipulation for a future agreement by which the protection of the high contracting parties will be extended to any other practical communications, whether by canal or railway, across the Isthmus which connects North and South America. The Isthmus, of course, does not and never did form any part of Central America. It was formerly included in New Granada and afterwards constituted one of the States of Colombia, a South American Republic. I can not understand upon what theory it can be successfully claimed that the United States was precluded by any provision of the Clayton-Bulwer treaty from constructing and exclusively operating in any manner it saw fit a canal across the Isthmus. The provisions of this treaty with reference to joint protection, equality of benefit, and inhibition against the assumption or exercise of dominion by either of the contracting parties apply by precise and specific terms to Nicaragua, Costa Rica, the Mosquito Coast, and any part of Central America, and nowhere else. The Isthmus was deliberately left to be dealt with in the future, the only agreement being, not that the parties *do presently* extend, but that they *will thereafter* extend their protection by treaty stipulation—that is, by subsequent agreement—to any canal or railway across the Isthmus.

It is axiomatic that a promise in general terms to make an agreement can not be enforced, and this is obvious from the very nature of the matter, since an agreement to make an agreement necessarily presupposes that the minds of the parties have not yet met upon the terms, else there would have been an agreement and not a mere engagement to agree. Such an arrangement between private parties could not be specifically enforced by a court of equity, nor could damages for a breach be awarded by a court of law, since neither court could possibly know what the final agreement of the parties would be, and no judge could make an agreement for them. Either party to such an understanding may effectually prevent its being made operative by insisting upon conditions which the opposite party is unwilling to accept

The view of the matter which I have just stated seems to have been that in the mind of Mr. Hay. I find that in the statement which was prepared by him and sent to Senator Cullom, at that time and for a long time thereafter chairman of the Committee on Foreign Relations, speaking of a clause which had been suggested by Great Britain, he says:

The clause so proposed was regarded by the President as more far-reaching than the purpose demanded and as converting the vague and indefinite provisions of the eighth article of the Clayton-Bulwer treaty—which only contemplated future treaty stipulations to be entered into when any other route should prove to be practicable—into a very definite and certain present treaty which would fasten the crystallized rules of this treaty upon every other interoceanic communication across the Isthmus; and as perpetuating in a much stricter and more definite and more extended form, by a revision and reenactment of the eighth article, the mischievous effects of the Clayton-Bulwer treaty, of which it was the desire and hope of the United States to be relieved altogether.

Mr. WILLIAMS. Did Secretary Hay use the word "reenactment" there?

Mr. SUTHERLAND. Yes; "by a revision and reenactment of the eighth article"; that is, it was Secretary Hay's view that the amendment proposed by the British Government would have resulted in that; but that amendment was not accepted by our Government.

In this connection it is worthy of note that many years ago a railroad was constructed across the Isthmus, which afterwards came into the ownership of the United States, and, although this railroad has been thus operated for many years, it does not appear that Great Britain has ever sought a compliance on the part of the United States with the provisions of article 8, although these provisions apply quite as clearly to a railway as they do to a canal—an apparent recognition of the unenforceability of the agreement to agree or a virtual abandonment of it.

So far as I know, there never has been a suggestion from Great Britain or from anywhere else that the treaty stipulations referred to in the eighth article should be entered into with reference to the Panama Railway.

As it seems to me, therefore, if the Clayton-Bulwer treaty had been left in force and the Hay-Pauncefote treaty had never been adopted, the United States would have been within its rights in acquiring the practical ownership of the canal strip, building the canal across it, and exclusively controlling and operating it upon such terms as it saw fit to impose. I can not escape the conclusion that as the matter has finally turned out the Hay-Pauncefote treaty, instead of removing an obstruction and clarifying the situation, in reality had the effect of complicating the situation, which otherwise would have been perfectly clear. The Hay-Pauncefote treaty was, however, adopted, and we must submit to its terms, however unwise or oppressive they may turn out to be.

Let me pause long enough at this point to indulge in an observation of a more or less speculative character. Under the Clayton-Bulwer treaty there is no doubt that Great Britain and the United States would have been entitled *inter se* to the use of any canal which might have been constructed upon exactly identical terms. They had each contributed in identical proportions to the burden which they had jointly assumed. It was therefore natural that each should share to the same extent in the resulting benefits. The Clayton-Bulwer treaty, however, was superseded, and a new treaty was adopted, under which the United States took upon itself the entire burden, and Great Britain was relieved for all time to come of every vestige of it. Moreover, at least so far as the Isthmus of Panama and the canal across it, which has finally been constructed, were concerned, Great Britain in consenting to abrogate the Clayton-Bulwer treaty yielded up no substantial right whatsoever, for, as I have already shown, the Clayton-Bulwer treaty did not relate to the Isthmus, except by a nebulous and unenforceable tentative agreement looking to some future arrangement.

In this state of affairs, Great Britain having been relieved from her share of the burden which the United States assumed, we should naturally expect that Great Britain would cease to

be entitled to an equal and identical participation in the benefits, since such participation would be obviously inequitable. It would certainly be an example of unusual and extravagant generosity under these circumstances for the Government of the United States to have consented not only to take over all the burdens of the Clayton-Bulwer treaty, but to spend $400,000,000, taken from the pockets of its taxpayers, upon a more or less doubtful enterprise with the understanding that it and its citizens should never participate in the beneficial use of the canal to a greater extent than Governments and citizens of Governments that had never spent a dollar and were burdened with not the slightest care or responsibility respecting the enterprise. And yet, reduced to its naked simplicity, this is the precise proposition which the proponents of the British construction of the Hay-Pauncefote treaty must establish. I submit that under every rule of interpretation recognized by lawyer or layman, such a view of the matter ought never to be sustained except upon language so clear and unambiguous as to irresistibly exclude any other just conclusion.

With this observation, let us examine the Hay-Pauncefote treaty; and, first of all, it will be observed that by the very first article of that treaty the Clayton-Bulwer treaty is unconditionally abrogated. Article 1 of the Hay-Pauncefote treaty unconditionally provides—

> The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

Thus the Clayton-Bulwer treaty entirely disappears, save in so far as and only to the extent that any of its provisions may have been carried by repetition into the Hay-Pauncefote treaty. In other words, the question now at issue is to be determined by the provisions which are to be found within the four corners of the Hay-Pauncefote treaty alone.

There is no suggestion in the Hay-Pauncefote treaty looking to the perpetuation of any part of the Clayton-Bulwer treaty beyond a mere recital, contained in the preamble, of an intention not to impair the "general principle" of neutralization established in article 8. Of course the mere preliminary recital of an intention to accomplish a given result does not accomplish it; an intention to agree is not an agreement. We must look to the substantive part of the treaty and not to its preamble to determine what binding obligations the parties have entered into. The recital may be used to reflect light upon the meaning of the agreement wherever that meaning is in doubt, but it can not be used to supply a clear omission nor to attach to these obligations a meaning of which they are clearly not susceptible.

Precisely what was meant by the expression "general principle of neutralization established in article 8" it is difficult to determine, since a careful reading of that article fails to disclose a single provision which can be described by the term "neutralization" as that term is ordinarily understood. The terms "neutral," "neutrality," and "neutralization" in their ordinarily accepted sense apply only to a condition of war. The obligations of neutrality are negative in character. If a State is neutral, it is simply bound not to assist either of the belligerents. If territory is neutralized, it can not be utilized by either of the belligerents to carry on its military operations. By article 8 of the Clayton-Bulwer treaty the United States and Great Britain agree that, at some indefinite time in the future, they will make another treaty by which they will extend their protection to any other canal or railway, and declare that in granting such protection the parties shall receive equal treatment from the owners of the canal or railway. The article, therefore, contemplates some form of joint protection as a substantive obligation, and equal treatment as a consequential result, neither of which, under any known definition of that term, means neutralization. That precise term in this connection appears for the first time in the preamble to the Hay-Pauncefote treaty, which I have already referred to.

When we come to article 3 of the Hay-Pauncefote treaty, we discover that, whatever was meant by "neutralization," it is something entirely different from any of the stipulations contained in article 8. Under the first draft of this treaty, which was submitted to the Senate in 1900, the provision was that "the high contracting parties * * * adopt as the basis of neutralization the following rules," which are then set forth. Under the treaty as finally adopted, the provision is not that the *high contracting parties*, but that the *United States alone* adopts as the basis of neutralization the rules. This change is not formal, but substantial. It at once takes from Great Britain her contractual relationship to the canal, and puts her in the position, so far as the rules are concerned, of a stranger to it. The United States then, as the owner and controller of the canal, adopts the rules under which the canal is to be used.

I have already said, but I repeat, for the point can not be overemphasized, that by the abrogation of the old treaty and the adoption of the new the requirement for joint protection and the joint responsibility for the neutralization entirely disappeared. That burden and responsibility, as well as every other burden and responsibility, was lifted from the shoulders of Great Britain and imposed exclusively upon the United States. To the mind trained to the consideration of legal principles it will at once occur that the obligation to protect and to guarantee neutrality, which constituted the consideration for the continuing right to receive equal treatment, having ended, the right would end also, for it is fundamental that a failure of consideration for a continuing obligation *ipso facto* puts an end to the obligation. And, moreover, it would seem that, inasmuch as article 8 of the Clayton-Bulwer treaty at the most recognized the right of Great Britain and other nations to use the canal on equal terms with the United States in consideration of their obligation to furnish joint protection, that when this obligation terminated the right to equality of treatment went with it as a necessary consequence, and this, I take it, would be universally conceded were it not for the provisions of the Hay-Pauncefote treaty, which I shall now proceed to examine.

The introductory clause of article 3 is as follows:

> The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

The first paragraph following this introductory clause reads as follows:

> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It must at once strike the critical mind that this paragraph has not the slightest thing to do with neutralization. It simply provides for equality of treatment of all nations which observe the rules. The introductory clause is that the United States adopts as the *basis of neutralization* of such ship canal the following rules. Paragraphs 2 to 6, inclusive, embody provisions applicable to a condition of neutralization. They are substantially as follows:

2. The canal shall never be blockaded, nor any right of war exercised or act of hostility committed within it. The United States, however, may maintain military police along the canal to protect it.

3. Vessels of war of the belligerents are not to revictual or take stores in the canal except so far as may be strictly necessary. The transit of vessels through the canal is to be effected with the least possible delay.

4. No belligerent may embark or disembark troops or munitions or materials of war in the canal except in case of accidental hindrance of the transit, and in such case the transit to be resumed with all possible dispatch.

5. The provisions of this article are to apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent may not remain in such waters longer than 24 hours, etc.

6. The plants, buildings, etc., necessary to the construction, maintenance, and operation of the canal are to be deemed part of it for the purposes of this treaty, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents.

It is evident, therefore, that the first paragraph is not one of the *rules* contemplated by the introductory clause. That paragraph constitutes not one of the rules, but simply the formal tender of the use of its canal which the United States makes to every nation which shall observe the rules which are set forth in the succeeding paragraphs. This is manifest upon an analysis of the language. The canal is to be open to the vessels of all nations observing the rules, namely, the rules adopted as the basis of neutralization, upon equal terms, so that no such nation shall be discriminated against. As a tender of the use of the canal upon certain conditions this is understandable. Regarded as a rule to be observed by those invited to use the canal, it is meaningless. It is a provision incapable of observation by anybody except the United States. It is not set forth as a rule to be observed as a condition precedent to the use of the canal, but it is a declaration of the purpose of the United States to allow the canal to be used upon equal terms by all nations who obey the rules adopted by the United States, which are then set forth in detail. Moreover, that this is not one of the rules adopted by the United States as the basis of the neutralization of the canal is made manifest by the clause which immediately follows, namely, that the rules so adopted are "substantially as embodied in the convention of Constantinople." An examination of the convention of Constantinople

will disclose that paragraphs 2 to 6, inclusive, of article 3, are there substantially embodied, while nothing in the nature of paragraph 1 is to be found in that convention.

I know it has been asserted here several times that there was a provision in the convention of Constantinople for equal tolls. The Senator from Connecticut [Mr. MCLEAN], a very careful student, made that same statement in his address the other day. And yet the convention of Constantinople will be searched in vain to find any such provision. In the preamble to that convention there is a recital that these various signatory powers, "wishing to establish by a conventional act a definite system destined to guarantee at all times and for all the powers the free use of the Suez Maritime Canal, and thus to complete the system," and so forth, and article 1, which is the only article which directly bears on the subject, is as follows:

The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

So the provision of that convention is for the free use of the canal; that it shall be open to all nations without respect to flag; but there is no provision whatsoever looking to equal tolls or equal charges. The Hay-Pauncefote treaty recites that "as the basis of such neutralization the following rules" are to be "substantially as embodied in the convention of Constantinople," and it is significant that when we examine that convention we find that rules 2, 3, 4, 5, and 6 are substantially embodied, but paragraph 1 finds no counterpart in the Suez convention at all.

Let us look at paragraph 1 again, from another angle. The canal is to be open to the vessels of commerce and of war of *all nations observing these rules*. The proponents of the repeal bill necessarily take the position that the United States itself is included within the term "all nations," from which it must logically follow that the United States, although the owner and in sole possession of the canal, may use it only upon condition that it observes its own rules, a doctrine which, if not incomprehensible, is, to say the least, unique.

If the owner of a picture gallery were to enter into a written stipulation with another individual in which he should, among other things, declare that for the protection of his property he adopts the following rules: First, that all persons observing the rules should be entitled to visit the gallery and view the pictures upon equal terms; second, that no person should be admitted except between the hours of 10 in the morning and 6 in the afternoon; third, that the pictures should not be handled, and so on—I suppose no one would insist that the first paragraph, which provides for the observance of the rules as a condition upon which visitors may be admitted to the gallery, itself constitutes one of the rules to be observed by the visitors; and I suppose, moreover, that no one would insist that the owner who made the rules would be included in the term "all persons," and therefore bound to observe the rules in order to inspect his own pictures, or that if he fixed an entrance fee of 50 cents he would be bound to pay this to himself or stay out of the gallery.

It is conceded by the proponents of this bill that the rules contained in paragraphs 2 to 6, inclusive, are not such as the United States is bound to observe as a condition to its own use of the canal upon equal terms with other nations, and this is obvious when we consider their nature, but if the words "all nations" include the United States, it technically and logically follows that if the language be strictly followed the United States must itself observe the rules or bar itself from the canal. The conclusion is, of course, so practically absurd that the mind at once rejects it, but the fact that this conclusion, as a matter of dry logic, does inevitably follow from the premise that the expression "all nations" includes the United States is persuasive, if not demonstrative, that the claim with regard to the comprehensive character of the term "all nations" is fallacious.

If, on the other hand, paragraph 1, as well as the succeeding paragraphs, are all to be treated technically as rules, and the United States, as the owner and controller of the canal, is not bound to observe the last five, by what principle of construction is it bound by the provisions of the first? How can the provision that "all nations" observing these rules—not one of the rules, but all of them—be so arbitrarily dismembered as to mean all nations, *including* the United States, as to the first rule, and all nations, *excluding* the United States, as to the other five? A position which results in such manifest inconsistency surely can not be accepted without question. The United States adopts the rules, and agrees that all nations observing them shall have the right to use the canal upon terms of equality. Who is to determine whether any given nation is observing the rules, so as to be entitled to this right? Obviously the United States. But if the United States is included within the term "all nations" it must observe its own rules in order to be allowed to use its own canal, and so, sir, this is the *reductio ad absurdum* to which we must finally come; that the United States in some given instance, at some future time, will submit to the United States the question as to whether the United States is observing its own rules, and the United States, having determined that the United States is not doing so, will utilize such force as may be necessary to prevent itself from using its own canal pending the development of a more amenable disposition.

Again, the provision is that the canal is to be open to the vessels of commerce *and of war* of all nations, and so forth. If this applies to the United States, literally the vessels of commerce and of war are to be treated precisely alike. This absurdity is so manifest that no one insists upon it. It is conceded, I think, by everybody that the United States can not be required to pay tolls for its ships of war. The very word "payment" involves necessarily two parties—one who makes the payment and another who receives it. How can the United States pay itself for the use of its own property by its own ships of war? The question, of course, answers itself. The proposition is as foolish as though applied to the case of an individual. An individual can not pay himself anything. He may go through the idle ceremony of taking a dollar from one pocket and putting it into another pocket, but that does not constitute payment. The dollar remains in the same custody. It has not been subtracted from the possessions of one and added to the possessions of another. And so the advocates of repeal admit, as they must admit, that it was never intended that the United States should pay tolls for its war vessels. They recognize the futility of such a requirement—the logical and physical impossibility of complying with it—but they insist that no such impossibility exists in the case of privately owned American ships of commerce. Let that be granted, since it is true. What then? We have not altered the logical aspect of the matter in the least. The requirement does not apply to war vessels, they say, because of the impossibility of performance. Of course, it is impossible of performance and so manifestly incapable of performance that it must have been apparent to those who framed the language.

The men who framed the provisions of the treaty were skilled in the use of words. They would know that if the phrase "all nations" included the United States in the case of ships of commerce, the same phrase logically must include ships of war as well, because it is used to qualify both indifferently. Are we to convict these men, skilled in the meaning of language, trained in the exact use of words, of the crass stupidity which would be involved in the use of terms which, grammatically and dialectically considered, regulate two subjects in the same way, but which carry two diametrically opposite meanings in their practical application?

I do not, of course, doubt that even if the phrase "all nations" includes the United States, so that we can grant no exclusive favors to American ships of commerce, we are not precluded from exempting our warships from the payment of tolls which are exacted from other nations for their ships of war, although ships of commerce and ships of war are included together under the same identical provision. This would follow from the nature of the relationship of the Government to its own property and which would render any other course a practical impossibility. It is just as impossible legally and physically for a government as it is for an individual to make payment to itself, but what I am insisting upon is that what is so clear to us must have been equally clear to those who wrote the treaty. Hence, if they understood that they were making provision whereby the United States would be precluded from granting exclusive privileges to American ships of commerce they must have understood that by the same provision they were in terms prohibiting the United States from granting similar privileges to its ships of war, and thus ostensibly requiring an impossible thing to be done.

A performance so manifestly stupid is inconceivable, and yet if the words "all nations" were intended by those who used them to include the United States, its ships of commerce and its ships of war stand, in their theoretical obligations, upon exactly the same footing with one another and both upon the same footing with the ships of commerce and of war of every other nation; but in practical application our ships of commerce must pay while our ships of war must escape payment under precisely the same treaty provision, one class in *compliance* with the terms of the treaty and the other in *violation* of the same terms. And this paradoxical situation would result because a number of learned diplomats, after a year or two of negoti-

ation and consideration, found themselves incapable of intelligibly expressing their thoughts about a very simple matter.

The interpretation which results in an absurdity so gross as to convict the makers of this treaty of deliberately writing into it a provision clearly and indisputably impossible of performance surely should be avoided if possible, and it can be avoided only by interpreting the language as applying in identical manner to both classes of ships. In other words, we must assume that it was not intended by any language which appears in the treaty to require the United States to perform an impossible thing—namely, to pay for the passage of its own warships through its own canal—and that inasmuch as no different or other language is used with reference to ships of commerce, logically a similar intention must be assumed in their case as well, and this does no violence to the natural and grammatical sense of the words, but, on the contrary, harmonizes them and renders intelligible what would otherwise be unintelligible.

Let me again advert to the introductory clause of article 3. The language is—

> The United States adopts as the basis of neutralization of such ship canal the following rules—

And so forth.

I have already said that neutralization is a term which in its ordinary acceptation applies only to a condition of war; and when we consider that the rules which follow do in fact relate to this condition, we would unhesitatingly assign to this word its usual meaning were it not for the fact that the preamble to the treaty apparently recognizes it as meaning something else. That preamble is to the effect that the high contracting parties desire to remove any objection arising out of the Clayton-Bulwer treaty to the construction of the canal "without impairing the 'general principle' of neutralization established in article 8 of that convention." This obliges us to examine article 8 for the purpose of ascertaining what general principle of neutralization is therein contained, since on the principle that *expressio unius est exclusio alterius* every principle or provision of article 8 which does not relate to neutralization is to be excluded.

Strictly speaking, there are only two general principles covered by article 8. One is joint protection, and the other is equality of treatment. It requires no argument to show that neither protection nor equality of treatment constitutes neutralization; so that, if we give the word its usual significance, the recital in the preamble respecting the general principle of neutralization becomes nugatory. It is impossible, with due regard to accurate terminology, to describe the condition whereby one nation agrees to furnish to every other nation a particular service or a particular commodity upon equal terms as "neutralization."

But let us attempt to give some meaning to the term, nevertheless. If it was intended to be used not in its international but in some popular or colloquial sense, even then it could imply nothing more than a condition of indifference. And under any construction which we can imagine, the term "neutralization" can only apply to others than the owner of the territory or property which is neutralized. Inasmuch as the provision of article 8 for joint protection had been nullified the only principle which could possibly remain would be that of equal treatment, and if it had been intended that the United States was to accord to the ships of other nations the same treatment which it accorded to its own, the simple thing would have been to have declared an intention not to impair the general principle of equal treatment.

It is significant, in this connection, that the word "neutralization" is not used in article 8 of the Clayton-Bulwer treaty. There was no need of any such expression there, because article 8 contemplated a condition of equality, both as to burdens and benefits among the parties and those to become parties to the arrangement. But under the Hay-Pauncefote treaty one of the parties was to become the owner, or at least the absolute controller, of the canal, and the use of the word "neutralization" to describe the relationship of this owning or controlling nation to the nonowning, noncontrolling nations, while not happy, is not altogether inappropriate. Whatever else it means, its use in this preamble effectually disposes of the contention that it binds the United States to enforce upon itself the same treatment which it exacts from other nations in their use of the canal. Territory or property can not be neutral to the owner or sovereign of the territory or property. It can, from the nature of things, only be neutral as to others. Under the most liberal construction imaginable, neutralization means and can mean nothing more than a particular status with relation to third parties. It can do no more than connote the course of conduct which the owner shall observe toward others—namely, that they shall be treated alike—not his course of conduct toward himself.

We are sometimes told that when the first Hay-Pauncefote treaty was under consideration an amendment offered by Senator Bard proposing to reserve to the United States the right "to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade" was considered and disagreed to, and it is vigorously insisted that this was equivalent to a declaration that without this amendment no such discrimination could rightfully be made. It has been shown, however, by the statements of many Senators who participated in the discussion and voted at the time, that the amendment was disagreed to not because it was undesirable, but because it was regarded as unnecessary, the position being that the United States would have this right without the amendment. Whether this position was right or wrong, the original draft of the treaty did not pass, and the treaty as it finally was adopted was a different instrument. Under the latter there was an article specifically superseding the Clayton-Bulwer treaty. Every provision which in any manner recognized the contractual relationship of Great Britain or any other country to the canal was eliminated. The United States, speaking as the owner, alone adopted the rules for its use. When this final draft was submitted to the Senate it must have been there considered that there was no longer any doubt that the United States would have the power to favor the coastwise traffic of its citizens, because no attempt was made to bring about an amendment similar to that offered by Senator Bard. There were undoubtedly many Senators who strongly desired that the United States should have this right, and they must have considered that the necessity of specifically reserving it had been obviated by the changes made in the final draft or an effort would have been made to secure the right by amendment. When the first treaty was before the Senate the Bard amendment, in spite of the fact that it was then insisted that it was unnecessary, received 27 votes in the Senate, many Senators voting against it who believed in the principle of it but who regarded it as unnecessary. The treaty was sent back remodeled. The British Government sent a draft over to us, which we amended in some particulars. Finally the draft was completed as it eventually was ratified. When that last draft was laid before the Senate it is utterly inconceivable that if it were not clear to the 27 Senators who had voted for the original Bard amendment that the necessity of that amendment had been entirely obviated by the later draft some Senator would not have offered it in the Senate, but no Senator did so.

I am not unmindful of the fact that some of those concerned in the negotiation of this treaty now tell us that it was the understanding that under it the United States should have no right to exempt its privately owned ships of commerce from the payment of tolls if exacted from the citizens of other countries. I do not doubt that these gentlemen think so, and yet the contemporary memoranda and correspondence will be searched in vain for any direct and unequivocal evidence in support of their recollection.

Whatever may have been the opinions of the negotiators of the treaty respecting equality of tolls, it must not be lost sight of that these views were with reference to the first draft, which failed of ratification. Mr. Choate's opinion, the editorial in the Spectator which has been quoted, the suggestions of Mr. White and the others, whatever they may be worth—and personally I think they are of no great value—were all either with direct reference to the original draft of the treaty or with regard to suggested changes in that draft and before the final draft had been completed. It does not appear that any such opinion was expressed as to this final draft, by which the relations of the United States and other nations to the canal were expressed in radically different terms.

That these changes did alter the situation in this regard, I think, is borne out, if not established, by the statement of Lord Lansdowne in his letter of October 23, 1901, in which, after discussing some of the amendments which had been considered, he says:

> His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, which—

I suppose that means "while"—

> it stopped short of conferring upon other nations a contractual right to the use of the canal.

The anxiety of Lord Lansdowne seems to have been that Great Britain should occupy a position as advantageous as other powers, not that she should stand upon an equality with the United States.

It is, moreover, somewhat remarkable that if this latter condition of affairs was intended the treaty should not have precisely so provided instead of being drawn in such a way as to apparently mean something else. The framers of the Clayton-Bulwer treaty seem to have had no difficulty in giving clear expression to their intention in this respect. By that treaty it was expressly provided that the contemplated canal "being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford." This is clear, definite, and certain. Under it there can be no doubt that the exemption of American ships from payments exacted from foreign ships would have violated the treaty, and this would have applied to ships of war as well as ships of commerce, for the owner of the canal being a third party, the United States, could have made payment, a thing which it can not now do, since as owner it has combined in itself inseparably the attributes of both payer and payee. When we turn to the Hay-Pauncefote treaty, however, we find no such language, the provision there being that the canal shall be "open to the vessels of commerce and of war of all nations observing these rules"—that is, the rules adopted by the United States—"on terms of entire equality." If it had been intended that the canal should be open to the ships of all nations on terms of equality with those of the United States it would have been as easy to have said so as it was in the case of the Clayton-Bulwer treaty, but instead of saying it the framers of the Hay-Pauncefote treaty adopted a form of expression which, unless violence be done to the natural import of the language, must be construed as putting the United States, as owner, in the attitude of tendering to all other nations observing its rules the use of its canal upon equal terms with one another.

This view of the matter, moreover, is to my mind strongly supported by a piece of circumstantial evidence to which I invite the attention of the Senate. Senators will recollect that there were three separate and distinct drafts of the Hay-Pauncefote treaty—(1) the draft signed February 5, 1900, amended by the Senate and never ratified; (2) the draft submitted by the English Government on August 3, 1901; and (3) the completed treaty of November 18, 1901. The first draft of the treaty provided that "the canal shall be free and open * * * to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise." The second draft, submitted by the English Government, provided "the canal shall be free and open to the vessels of commerce and of war of all nations *which shall agree to observe these rules* on terms of entire equality, so that there shall be no discrimination against any nation *so agreeing*, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. *Such conditions or charges of traffic shall be just and equitable.*" It will be seen that the following clauses were interpolated in the English draft: After the words "all nations" there was inserted "which shall agree to observe these rules," after the words "any nation" was inserted "so agreeing," and at the end of the paragraph "Such conditions or charges of traffic shall be just and equitable." Under the first draft the language was "*The high contracting parties* * * * adopt as the basis of such neutralization the following rules," and so forth. Under the English draft this was changed to read "*The United States* adopts as the basis of neutralization of such ship canal the following rules." and so on.

When the English draft was prepared it is perfectly apparent that the draftsman understood that the United States stood, upon the one side, as the owner and controller of the canal proposing certain rules for its use, and that all nations except the United States stood upon the other side as nonowners entitled to use the canal upon equal terms *inter se*, upon the condition that they agree to observe the owner's rules. That this was the understanding of the draftsman is made clear by his use, after the words "free and open to the vessels of commerce and of war of all nations," of the expression "which shall agree to observe these rules," and, after the words "so that there shall be no discrimination against any nation," of the expression "so agreeing," since a provision for an agreement conclusively implies two parties. One party can not agree with himself. The canal was to be open to the vessels of all nations which shall *agree* to observe the rules. With whom were they to agree? Obviously with that party which, as the owner of the canal, had adopted the rules. But if the United States is embraced within the term "all nations" then we must convict this draftsman of an attempt to provide that the United States must agree with itself to observe its own rules, since the right to use the canal is conditioned upon such an agreement.

It is true that in the final treaty as ratified and proclaimed this expression "which shall agree to observe these rules" was stricken out and there was inserted in its place the words "observing these rules," but this change was made to remove the objection that under the provision for an agreement the other nations would occupy a contractual relationship to the canal; and the change does not at all weaken the significance of the use of the original expression as indicating the understanding that the term "all nations" did not include the United States.

I think that position is strengthened by the further provision in the English draft that "such conditions or charges of traffic shall be just and equitable." That was not in the original draft of the treaty. It seems to be a recognition upon the part of Great Britain that the treaty had been so framed that the United States stood upon one side and all nonowning nations upon the other side; that the United States would be entitled to favor its own shipping if it saw fit; and in view of that circumstance, in view of that change in the treaty, Great Britain insisted that there should be a specific provision in the treaty that "such conditions or charges of traffic shall be just and equitable," because it is hardly to be supposed that if the United States had no power to deal differently with its own shipping it would make charges which must apply to its own shipping which were not just and equitable; but, having a right to discriminate, then England recognizes the wisdom of having some specific provision which will require the United States, in dealing with other nations, to make tolls that will be just and equitable.

Under the Clayton-Bulwer treaty it will not be doubted that any Government, out of its own treasury, might have paid the tolls upon the ships of its citizens, though if some paid and some did not at once a condition of inequality would result; but it would not have been a violation of the treaty. So it can not be doubted that under the Hay-Pauncefote treaty any nation may in the same way pay the tolls for the ships of its citizens. If the United States therefore can not do the same thing, not equality but inequality results. But it seems to be conceded that there is nothing in the treaty which will interfere with the payment of subsidies by the United States to its privately owned ships of commerce, and these subsidies could, of course, be the exact equivalent of the tolls. In other words, the United States is perfectly free, in effect, to reimburse out of its Treasury the owners of American coastwise ships passing through the canal for the amount which they have paid in tolls. It may exact the payment at the entrance and return it at the exit.

We have been told by the courts many times that the law regards the substance and not the form of things. It is insisted that we can not exempt our own ships from the payment of tolls, but it is conceded that we may actually pay them, provided we go through the perfectly idle ceremony of first collecting the amount and then paying it back in the form of a subsidy; and yet if we are forbidden to exempt our coastwise vessels from payment, what is this but an evasion? We may do this not because it does not, in fact, constitute an exemption, for it does, but because it can not be conceived that the United States has yielded up the right—which remains with every other Government—to encourage and build up its merchant marine by the payment of subsidies from the National Treasury. Every nation in the world may pay the tolls for its ships of commerce, and so may we, but only, it seems, by going through the vain proceeding of first compelling payment and then restoring it.

We will all agree that we are forbidden to exempt the ships of Germany, for example, while compelling the ships of England to pay. Suppose we should first collect from German ships and also from English ships, and then provide by law for the payment to the owner of every German ship out of our Treasury of an amount equivalent to the tolls. Is it not clear that there would be in fact a discrimination against English ships, because in that case, looking beyond the matter of *form*, we should discover that in *substance* we had exempted German ships and compelled English ships to pay? The conceded fact that we may lawfully adopt that identical course with reference to our own ships without violating the treaty, although in substance it amounts to exempting our own ships and compelling others to pay, constitutes very persuasive evidence that what we can accomplish indirectly by repayment we can legitimately accomplish directly by exemption.

If it were made unlawful for a baker to give away bread to anybody unless he gave it to everybody, surely he would violate the prohibition if he first exacted from everybody the purchase price and immediately returned the amount to some.

But, when learned Senators argue that there is in fact a real and substantial difference between tweedledee and tweedledum,

I am, of course, bound to assume that they, at least, clearly apprehend the difference, however tenuous it may seem to the mind of the practical man; and so when they tell us that it is a shameless breach of our treaty obligations to relieve an American ship from the payment of tolls by the simple and direct method of not collecting it, but that we are preserving the national honor by collecting the amount from the ship as it sails in at one end of the canal and returning it as the ship sails out at the other end of the canal, I must, of course, accept that as an appeal to my reason and not to my sense of humor. Nevertheless, I fancy that if the manager of a railroad, forbidden to grant free transportation to a passenger, should sell him a ticket at the beginning of the journey and return the purchase price to him at the end of the journey, that manager would have some difficulty in convincing a court that he had not come into collision with the statute.

The President tells us that "we ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity * * *." Well, Mr. President, generosity is a very fine and noble attribute, but it occurs to me that if this question is to be determined by an appeal to the canons of generosity it is possible that some other people may well be asked to consider the subject from that point of view. Our people have been taxed to the extent of nearly half a billion dollars to build this canal. In the beginning we could not foresee, nor could anybody foresee, whether the enterprise would be a success or a disastrous failure. We took the risk. We paid forty millions of dollars for the French rights. We paid Panama for the canal strip and have bound ourselves to make an annual payment to that Government of $250,000 for all time to come. If a slide occurs in the Culebra cut we must remove it at whatever cost. If an overflow of the Chagres River in the season of torrential flood shall damage the canal our money must repair it. If, sir, a great earthquake shall some day bring about the utter destruction of the canal the whole stupendous loss must fall upon us. The British treasury will remain intact. Under the most favorable conditions the canal will never be financially profitable. We have opened it upon equal terms to all the nations of the world. We have bound ourselves—and we shall observe the obligation—to make no charges which are not just and equitable. I submit, sir, that whatever may be our other shortcomings, we are not open to the charge of being ungenerous. And yet, after all this, the President of the United States comes to us and appeals to us to deny to the ships of our own taxpayers, engaged in a trade exclusively among our own people, the right to go through our own canal free of charge.

And, after all, it is only nominally free of charge. The benefits of cheaper freight rates, to which this exemption will contribute, will inure to all our people, and it is their money which has built the canal and their money which must maintain it. And so they have already paid, and paid heavily, for the perpetual use of the canal. The man who buys a house does not continue to pay rent, for that would be to pay twice.

The Good Book says, "If any man sue thee at the law and take away thy coat, let him have thy cloak also," but the President summons us to join him in a surrender of the entire sartorial wardrobe without waiting for the scriptural decree of even partial liability, and this, too, regardless of the fact that the property does not belong to him or to us. We are not dealing, in this case, sir, with our own rights or property. We are here in a *representative* capacity. The rights which the President calls upon us to surrender in the name of generosity are not his rights or our rights at all, but the rights of the American people, of which he and we are but the temporary guardians. A trustee may be as free as he pleases with his own, but he holds no commission to be generous with that which belongs to his cestui que trust. When we deal with our own we may give with a generous hand; when we deal with the rights of the people we must hold with a jealous hand until they conclude to surrender them.

Mr. President, for the reasons which I have thus so inadequately given, I intend to vote against this bill. I sincerely hope it may be defeated, but I am not one of those who think that such action upon our part should end the matter. Whether we can agree upon anything else, we should at least be able to agree that there are two sides to the question and that those who favor the repeal are not necessarily truckling to Great Britain, any more than those who oppose the repeal are playing fast and loose with the national honor. I have very positive opinions on the subject, but I frankly concede that they may be wrong. Some of the greatest lawyers in this body, as well as in the country, entertain opposing views. The question is fairly debatable. It is therefore a matter which can never be satisfactorily determined until it shall have been decided by an impartial tribunal. I have not the slightest hesitation in saying that I should vote to submit it to arbitration.

We have been ratifying arbitration treaties with all the great countries of the world. We have taken a foremost part among the civilized nations in advocating the desirability of settling international disputes by the orderly methods of arbitration rather than by force. We owe it to our own sense of consistency to practice in the present case what for so many years we have so strenuously preached as a general theory. The question itself is one peculiarly and strikingly appropriate for the application of the principle. It comes within the very letter of the arbitration treaties which we have so recently renewed, since it relates to the interpretation of a treaty and does not come within any of the exceptions, for it does not involve our vital interests, or our national honor, or our independence, or the interests of third parties. Obviously it does not affect our independence or the interests of third parties.

To say that the question whether we shall exact the payment of certain sums of money from a class of our citizens or exempt them from payment involves a question of vital interest is to juggle with the plain meaning of words. A *vital* interest is, as the adjective implies, one which affects the life—financial, political, or otherwise—of the Republic, and obviously this matter does not. To see in such a controversy an assault upon the national honor is to lose all sense of proportion. How can the national honor be affected by an honest dispute about the meaning of a contract? The national honor requires that we should stand for our rights under as well as apart from our treaties, but it does not require that we should doggedly insist upon being the sole interpreter of treaties to which others are parties and which define their rights as well as ours. Does not the national honor demand that we shall keep our treaty engagements, and is not one of the most recent of these engagements that which provides for the arbitration of disputes about the meaning of treaties?

The word of a nation, like the word of an individual, is a very sacred thing, to be kept inviolate at whatsoever sacrifice. To break it in the name of national honor is to be twice dishonored—once when we break it at all, and again when we seek to justify the breach in the name of honor. If this question involves the national honor, it is difficult to imagine any case which would not, and a term which, it must be supposed, was intended to have some definite meaning or it would not have been employed, at once assumes a flexibility so extreme as to become utterly meaningless, no longer constituting a barrier against the shafts of insult and shame, but a convenient, though fallacious, refuge behind which we may retreat whenever we lack confidence in the strength or justice of our contentions.

For myself I can not conceive how it is possible consistently with good faith to decline to submit this controversy to arbitration. To do so will be to repudiate a score of arbitration treaties, most of which we unanimously renewed only a few days ago. It will be to confess that when we agreed to arbitrate differences relating to the interpretation of treaties, we meant only such differences as we might thereafter select. It will be to admit that while we outwardly promised to keep the faith we inwardly resolved to betray. Reserving the right to invoke the national honor as a shield against outrage, we shall interpose it between ourselves and an inconvenience.

I know it is sometimes urged that it will be impossible to secure an impartial tribunal to which this question may be submitted. To insist upon such a claim is itself almost an impeachment of the integrity of all the great lawyers and statesmen of the world. I am sure that we could safely submit this question to the consideration of a tribunal composed exclusively of English judges in secure confidence that a just and righteous determination would be made. I am equally sure that it could be submitted to our own Supreme Court with similar confidence, and I for one would unhesitatingly agree to submit it to a tribunal composed of an equal number of American and English judges.

That we are fully justified in our contention as to the true interpretation of this treaty I have no doubt, and I have no fear of the result of such an arbitration. But whatever the result may be, we should be willing to arbitrate the case or make open confession that our advocacy and our adherence to the principle of international arbitration was a diplomatic pleasantry never intended to be taken seriously.

The difference between repealing this exemption and submitting the dispute to arbitration is radical, for in the one case we unconditionally and weakly surrender "without raising the question whether we were right or wrong," while in the other we assert that we were and are right and not wrong and submit our contentions to the impartial scrutiny of a tribunal upon

whose conclusions we have, in the most solemn form, engaged ourselves to rest.

And there, Mr. President, I for one take my stand. Unwilling to admit that we have been wrong where I feel sure we have been right, but recognizing that a judge in his own case, however conscientious, may still err, I will gladly submit our cause to the arbitrament which we have ourselves defined with confident reliance upon a just and righteous determination.

Mr. BRANDEGEE. Mr. President, I do not wish to enter upon a discussion of this question at present. The Senator from Utah has referred, however, to the communication of John Hay to the late Senator Cullom, which was dated the 12th day of December, 1901. It appears on page 53 of Senate Document No. 474, Sixty-third Congress, second session, which was sent here from the State Department in part in response to a resolution which I introduced and in part to a resolution introduced by the Senator from Nebraska [Mr. NORRIS]. I do not wish to occupy the time of the Senate to read the letter from the late Secretary Hay. I will, however, read one paragraph of it, and then ask leave to print it in the RECORD, inasmuch as the Senator from New York [Mr. O'GORMAN] put two similar matters in the RECORD a few days ago on the other side of the question. I read now from page 60 of the document:

But the President was apprehensive that such a provision would give to the other nations the footing of parties to the contract and give them a contract right to the use of the canal. And in view of the action of the Senate on the former treaty, striking out article 3, which provided for bringing the treaty, when ratified, to the notice of other powers and inviting them to adhere to it, which seemed to mean practically the same thing, he believed that the proposed provision would meet the same fate. This was represented to His Majesty's Government, and it was also insisted on the part of the United States that there was a strong national feeling among the peoples of the United States against giving to foreign powers a contract right to intervene in an affair so peculiarly American as this canal when constructed would be: that, notwithstanding the similar provision in the Clayton-Bulwer treaty, no foreign powers in the 50 years that had elapsed had effectively intimated a desire to participate in or contribute to the construction of the canal; that no other power had now any right in the premises, or anything to give up or part with as the consideration for acquiring such a contract right; that they must rely upon the good faith of the United States in its declaration to Great Britain in the treaty that it adopts the rules and principles of neutralization therein set forth, and that it was not quite correct to speak of the nations other than the United States as being bound by the rules of neutralization set forth in the treaty; that it was the United States which bound itself by them as a consideration for getting rid of the Clayton-Bulwer treaty, and that the only way in which they were bound by them was that they must comply with them if they would use the canal.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Personal—Not of record—Original not in department files.]

DEPARTMENT OF STATE,
Washington, December 12, 1901.

MY DEAR MR. CULLOM: The treaty with England in respect to the construction of a ship canal between the Atlantic and Pacific Oceans, which the President has sent to the Senate, is the result of careful negotiations conducted between the two Governments since the receipt of Lord Lansdowne's dispatch of the 22d of February last, whereby His Majesty's Government declined to accept, for the reasons therein stated, the former convention of February 5, 1900, as amended by the Senate on the 20th of January, 1901. Under the instructions of the President I have signed on behalf of the United States the treaty now prepared.

The Clayton-Bulwer treaty of 1850, which contemplated the construction of a canal under the joint auspices of the two Governments, to be controlled by them jointly, its neutrality and security to be guaranteed by both, was almost from the date of its ratification the subject of frequent discussion and occasional irritation between the two Governments. Nearly half a century elapsed without any step being taken by either toward carrying it into practical effect by the construction of a canal under its provisions. Instead of being, as was intended, an instrument for facilitating the construction of a canal it became a serious obstacle in the way of such construction. In the meantime the conditions which had existed at the time of its ratification had wholly changed. The commerce of the world had multiplied manyfold. The growth of the United States in population, resources, and ability had been greater still. The occupation and development of its Pacific coast and its commercial necessities upon the Pacific Ocean created a state of things hardly dreamt of at the date of the treaty. At last the acquisition of the Hawaiian and the Philippine Islands rendered the construction of the canal a matter of imperative and absolute necessity to the Government and people of the United States, and a strong national feeling in favor of such construction arose, which grew with the progress of events into an irrevocable determination to accomplish that object at the earliest possible moment.

The incident of one of our great ships of war lying in the North Pacific being ordered to join our fleet in the West Indies in time of actual war, and being obliged for that purpose to round Cape Horn, when through an Isthmian canal she could in much less than half the time have reached the scene of action in which she was destined to take part, was an unanswerable illustration of the urgent and immediate need of such a canal for the protection and safety of the interests of the United States. But the Clayton-Bulwer treaty stood in the way. Great Britain did not manifest, and it is believed did not entertain, the remotest idea of joining or aiding in such a work. The United States was able to bear alone the entire cost of the canal, but was apparently prohibited by the existing treaty from undertaking the enterprise which, although carried out at its own expense, would redound to the benefit of the world's commerce quite as much as to its own advantage. The President, loyal to treaty obligations, was unwilling to countenance any demand, however widespread, for proceeding with the construction of the canal until he could obtain by friendly negotiation, on which he confidently relied, the consent of Great Britain to the abrogation of the Clayton-Bulwer treaty, or such a modification of its terms as would enable the United States untrammeled to enter upon the great work whose successful accomplishment was vitally necessary to its own security, and would benefit the people of all other nations according to their respective interests in the commerce of the world.

Such was the situation in which the negotiations for the supersession of the treaty were commenced and have been conducted, and we can not but recognize the fair and friendly spirit in which the successive overtures of the United States toward that end have been met by Great Britain. It has been my firm and constant hope throughout these negotiations that a solution of this difficult and important question between the two Governments would finally be reached which, instead of disturbing the amicable relations which have recently existed and ought always to exist between the United States and Great Britain, would make them more friendly still, and I believe that the treaty now presented, if finally established, will have this desired effect.

It is unnecessary to recall the discussions and negotiations which resulted in the making of the treaty of February 5, 1900, its deliberate consideration by the Senate, the amendments proposed by that body as a condition of its ratification by the United States, and its rejection as so amended by the British cabinet.

In rejecting the amended treaty, in the memorandum of February 22, 1901, Lord Lansdowne gave evidence of the sincere desire of His Majesty's Government to meet the views of the United States and earnestly deprecated any final failure to come to an understanding on this important subject.

Reciprocating these friendly intentions and determined, if possible, to devise a form of treaty which should reconcile the conflicting views which had proved fatal to that of 1900, I prepared and submitted to Lord Pauncefote in March last, for the consideration of his Government, a project for a treaty which, after long and careful consideration and negotiation, has been so perfected as to receive the approval both of the President and of the British Government in the form now presented.

The points on which there was failure to agree in the former treaty consisted of the amendments proposed by the Senate and were three in number:

First. The insertion of the clause relating to the Clayton-Bulwer treaty "superseding" the same;

Second. The addition of the clause providing that the stipulations and conditions of the first five clauses of the third article, as to the neutrality of the canal, should not "apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance ' public order"; and

Third. The omission of the invitation to other powers to adhere to the treaty when ratified.

Although on all three of these important points the opposing views of the Senate and of the British Government were most emphatic, I deemed it not impossible that a project might be framed which would satisfy both, without a sacrifice of any essential principle on either side and that the supreme importance of the end in view would justify the attempt.

In the new draft of treaty the clause superseding the Clayton-Bulwer treaty was made the subject of a separate article and was submitted to the consideration of the British Government upon terms which would permanently secure the neutrality of the canal for the use of all nations on terms of entire equality and at the same time would relieve Great Britain of all responsibility and obligation to enforce the conditions which, by the former treaty, had been imposed upon or assumed by her jointly with the United States. And to this end instead of the provision that the United States alone adopted them and undertook the whole of that burden.

Second. No longer insisting upon the language of the amendment, which had in terms reserved to the United States express permission to disregard the rules of neutrality prescribed when necessary to secure its own defense—which the Senate had apparently deemed necessary because of the provision in rule 1 that the canal should be free and open "in time of war as in time of peace" to the vessels of all nations—it was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to, and that war between the contracting parties or between the United States and any other power would have the ordinary effect of war upon treaties and would remit both parties to their original and natural right of self-defense and give to the United States the clear right to close the canal against the other belligerent and to protect it by whatever means might be necessary.

Third. While omitting to invite other nations to adhere to the treaty when ratified, and so to acquire contract rights in the canal, it was thought that the provision that the canal should be free and open to all nations on terms of entire equality, now that Great Britain was relieved of all obligation to defend such neutrality, would practically meet the objection which had been made by Lord Lansdowne to the Senate's third amendment, viz, that Great Britain was thereby placed in a worse position than other nations in case of war.

Fourth. In view of the facts that the enormous cost of constructing the canal was to be borne by the United States alone; that when constructed the canal was to be the absolute property of the United States, and to be managed, controlled, and defended by it; and that now by the new project the whole burden of maintaining its neutrality and security was thrown upon the United States, it was deemed fair to omit the prohibition contained in the former treaty forbidding the fortification of the canal and the waters adjacent.

Fifth. The sixth clause of article 3 was retained, which provides that "in time of war as in time of peace" the canal itself shall enjoy complete immunity from attack or injury by belligerents, in the belief that such a provision was in the general interest of commerce and civilization and that all nations should and would regard such a work as sacred under all circumstances.

With the exception of the changes above enumerated, which were made to reconcile conflicting views, care was taken to preserve in the new draft the exact language which had already passed the Senate without objection, and so far as known without criticism. The draft of the new treaty was transmitted by Lord Pauncefote to Lord Lansdowne, and its treatment by him manifested a most conciliatory spirit and an earnest desire to reach a conclusion which should be satisfactory to the United States, if this could be done without departing from the great principle of neutrality, including the use of the canal by all nations on equal terms, for which Great Britain had always contended.

After months of careful deliberation he announced the readiness of himself and his colleagues to approve the form and substance of the new treaty, with certain amendments hereinafter referred to. He recognized the important bearing upon all the questions involved of the change by which Great Britain was to be relieved of all the burden and responsibility of maintaining the neutrality and security of the canal, which were to be wholly assumed by the United States as the owner of this great work of public improvement built at its own cost. He considered that the abrogation of the Clayton-Bulwer treaty, which had been inserted by way of amendment in the former treaty without any previous opportunity for consideration of the matter by Great Britain, would not now be regarded as inadmissible if sufficient provision were made in the new treaty for anything in the Clayton-Bulwer treaty which it was any longer of material interest to Great Britain to preserve.

In this connection he referred to the fact that the new treaty contained no stipulation against the acquisition of sovereignty over the territory through which the canal should pass, and that, although the former treaty as approved by Great Britain before its amendment by the Senate had contained no such stipulation, it had left undisturbed that portion of article 1 of the Clayton-Bulwer treaty by which the two Governments agreed that neither would ever occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; and also to article 8 of the Clayton-Bulwer treaty, which is referred to in the preamble of the new treaty and in that of the original treaty of February 5, 1900, as amended by the Senate, as establishing the "general principle" of neutralization, which was not to be thereby impaired.

It was claimed that if Great Britain were now to be called upon to surrender the interests and the principle thus secured by what remained of the Clayton-Bulwer treaty, there should be, in view of the character of the treaty now to be concluded and of the "general principle" of neutralization thus reaffirmed in the preamble, some clause inserted agreeing that no change of sovereignty or other change of circumstances in the territory through which the canal is intended to pass shall affect such "general principle" or release the parties, or either of them, from their obligations under this treaty, and that the rules adopted as the basis of neutralization shall govern so far as possible all interoceanic communication across the Isthmus. He therefore proposed, as an additional article, on the acceptance of which His Majesty's Government would probably be prepared to withdraw their objections to the formal abrogation of the Clayton-Bulwer treaty, the following, viz:

"In view of the permanent character of this treaty, whereby the 'general principle' established by article 8 of the Clayton-Bulwer convention is reaffirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article shall, so far as they may be applicable, govern all interoceanic communication across the isthmus which connects North and South America, and that no change of territorial sovereignty or other change of circumstances shall affect such general principle or the obligations of the high contracting parties under the present treaty."

The clause so proposed was regarded by the President as more far-reaching than the purpose demanded and as converting the vague and indefinite provisions of the eighth article of the Clayton-Bulwer treaty—which only contemplated future treaty stipulations to be entered into when any other route should prove to be practicable—into a very definite and certain present treaty which would fasten the crystallized rules of this treaty upon every other interoceanic communication across the Isthmus; and as perpetuating in a much stricter and more definite and more extended form, by a revision and reanactment of the eighth article, the mischievous effects of the Clayton-Bulwer treaty, of which it was the desire and hope of the United States to be relieved altogether.

The President considered that now that a canal between the two oceans was actually about to be built, it was sufficient for the treaty now to be concluded to provide for that alone; that there was hardly a possibility of more than this one canal ever being built between the two oceans—that in that remote and almost impossible contingency the rules and principles governing the use and status of the canal to be constructed under this treaty would be regarded as precedents for the consideration of the parties if they should be approved and sanctioned by experience and by the judgment of the commercial nations; but that for the present a convention for the building of one canal at the cost of the United States for the equal benefit of them all was all that could be wisely attempted. He not only was willing but earnestly desired that the "general principle" of neutralization referred to in the preamble of this treaty and in the eighth article of the Clayton-Bulwer treaty should be perpetually applied to this canal. This, in fact, had always been insisted upon by the United States. He recognized the entire justice and propriety of the demand of Great Britain that if she was asked to surrender the material interest secured by the first article of that treaty, which might result at some indefinite future time in a change of sovereignty in the territory traversed by the canal, the "general principle" of neutralization as applied to the canal should be absolutely secured, and that a clause should be added to the draft treaty by which the parties should agree that no change of sovereignty or of international relations of the territory traversed by the canal should affect this general principle or the obligations of the parties under this treaty.

These views were in substance submitted to Lord Lansdowne on the part of the United States, and, after considerable discussion and deliberation, the following additional clause, to be known as article 4 of the new treaty, was agreed upon as a substitute for that proposed by him:

"It is agreed that no change of territorial sovereignty, or of the international relations of the country or countries traversed by the before-mentioned canal, shall affect the general principle of neutralization or the obligations of the high contracting parties under the present treaty."

It transpired, in the course of the discussion already referred to, that, although the draft of the new treaty mentioned no particular route which the canal should traverse, there was an apprehension that, as the canal had been so often referred to as the Nicaragua Canal, and the intended treaty as the Nicaragua Canal treaty, it might possibly be claimed that it would not apply to a canal by the Panama route or by any other route, if any such should be selected. But it had always been the purpose of the President that the treaty should apply to the canal which should be first built, by whichever or whatever route, and when this apprehension was communicated to the President he declared such to be his purpose, and, to exclude all doubt, it was agreed that the preamble should be amended by inserting, after the word "oceans," the words "by whatsoever route may be considered expedient."

His Majesty's Government recognized the material importance of the changes from the former treaty as amended by the Senate, by the omission of the Senate amendment that the first five rules of neutrality should not apply to measures which "might be found necessary to take for securing by its own forces the defense of the United States," and by the omission, as an offset thereto, of the words "in time of war as in time of peace" from rule 1, and of the stipulation prohibiting the erection of fortifications commanding the canal or the waters adjacent. These changes, in the first place, removed what Lord Lansdowne had criticized as a dangerous ambiguity in the former treaty as amended, of which one clause permitted the adoption of defensive measures, while another prohibited the erection of fortifications.

The obvious effect of these changes is to reserve to the United States, when engaged in war, the right and power to protect the canal from all damage and injury at the hands of the enemy, to exclude the ships of such enemy from the use of the canal while the war lasts, and to defend itself in the waters adjacent to the canal, the same as in any other waters, without derogation in other respects from the principles of neutrality established by the treaty; and it was clearly recognized by His Majesty's Government "that contingencies may arise when, not only from a national point of view but on behalf of the commercial interests of the whole world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities."

The omission of the words in the former treaty by which Great Britain was bound jointly with the United States to maintain the neutrality of the canal enabled His Majesty's Government to waive their former objection insisted upon under the former treaty as amended by the Senate, to an agreement which permitted the United States in time of war or apprehended war to interfere with the canal or its use, as its interests might require, while Great Britain alone, in spite of her vast commercial interests, was precluded from taking any measures to secure her interests in or near the canal. By the omission of the words "in time of war as in time of peace," in the event of the remote and well-nigh impossible contingency of a war between the United States and Great Britain, each party is remitted to its natural right of self-defense, but, even in that emergency, by force of the sixth clause of article 3—which is the only clause in the treaty by its terms expressly applying in time of war as in time of peace—the plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, and shall enjoy complete immunity from attack or injury by the enemy, and from acts calculated to impair their usefulness as part of the canal.

Finally, the absence from the draft treaty of any provision for the adherence of other powers was at first strenuously objected to by the British Government. It protested against being bound by stringent rules of neutral conduct not equally binding upon other powers, and to remedy this proposed the insertion in rule 1, after the word "nations," of the words "which shall agree to observe these rules," so as to make it read that "the canal shall be free and open to the vessels of commerce and of war of all nations, who shall agree to observe these rules, on terms of entire equality, so that there shall be no discrimination against any nation so agreeing," etc.

But the President was apprehensive that such a provision would give to the other nations the footing of parties to the contract and give them a contract right to the use of the canal. And in view of the action of the Senate on the former treaty, striking out article 3, which provided for bringing the treaty, when ratified, to the notice of other powers and inviting them to adhere to it, which seemed to mean practically the same thing, he believed that the proposed provision would meet the same fate. This was represented to His Majesty's Government, and it was also insisted on the part of the United States that there was a strong national feeling among the peoples of the United States against giving to foreign powers a contract right to intervene in an affair so peculiarly American as this canal when constructed would be; that, notwithstanding the similar provision in the Clayton-Bulwer treaty, no foreign powers in the 50 years that had elapsed had effectively intimated a desire to participate in or contribute to the construction of the canal; that no other power had now any right in the premises, or anything to give up or part with as the consideration for acquiring such a contract right; that they must rely upon the good faith of the United States in its declaration to Great Britain in the treaty that it adopts the rules and principles of neutralization therein set forth, and that it was not quite correct to speak of the nations other than the United States as being bound by the rules of neutralization set forth in the treaty; that it was the United States which bound itself by them as a consideration for getting rid of the Clayton-Bulwer treaty, and that the only way in which they were bound by them was that they must comply with them if they would use the canal.

It was further insisted that the proposed provision was much more objectionable than the third article of the former treaty, which was struck out by the Senate, for that only invited the other powers to come in and become parties to the contract after ratification. But the proposed provision would rather compel the other powers to come in and agree in the first instance as a condition precedent to any use of the canal by them.

These views were appreciated, and a modification suggested on the part of the United States to Lord Lansdowne's proposed amendment was accepted which omits the words "which shall agree to observe" and substitutes for them the word "observing," and omits the words "so agreeing" and inserts the words "observing," and omits the words "so agreeing" and inserts "such," before "nations," in the next line, so as to make the provision read: "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation," etc. Thus the whole idea of contract right disappears, and any nation whose ships refuse or fail to observe the rules will be deprived of the use of the canal.

The further amendment proposed by Lord Lansdowne, and taken from the eighth article of the Clayton-Bulwer treaty, that the conditions and charges of traffic on the canal shall be just and equitable, was so obviously reasonable that it was accepted by the President as soon as suggested.

I am, etc.,

JOHN HAY.

Mr. BRANDEGEE. Mr. President, I have received a short letter from the State Department explaining how they came into possession of the letter just read, and I ask unanimous consent that I may have a letter addressed to me from Mr. Robert Lansing printed with it, as it explains the matter.

The VICE PRESIDENT. In the absence of objection, that will be done.

The letter referred to is as follows:

DEPARTMENT OF STATE,
Washington, May 18, 1914.

Hon. FRANK B. BRANDEGEE,
United States Senate.

DEAR SENATOR BRANDEGEE: Referring to your oral inquiry at the Department of State this morning, I have the pleasure to say that the copy of the letter from Secretary Hay to Senator Cullom, dated December 12, 1901 (printed in S. Doc. No. 474, 63d Cong., 2d sess.), was made from Secretary Hay's private press-copy book, page 227, which was loaned to this department for the purpose through the courtesy of the late Mrs. Hay. There is on file in the Department of State a record of the manner in which copy of the letter was obtained.

I am, my dear Senator,
Very sincerely, yours, ROBERT LANSING.

Mr. BRANDEGEE. Now, Mr. Hay was the man who drew this treaty. The negotiation for the supercession of the Clayton-Bulwer treaty of 1850 was begun by him. Mr. Hay directed all the correspondence and instructed our foreign ambassadors about it. It bears his name. He is dead. Ex-Senator Cullom, to whom he wrote this letter, is also dead. But this letter was written while John Hay was Secretary of State, when the existing Hay-Pauncefote treaty was reposing in the Committee on Foreign Relations, of which the late Senator Cullom was then chairman, and was notice to the chairman of the Senate Committee on Foreign Relations that the man who negotiated this treaty on behalf of the Government considered that we were bound by these rules. I think that is of considerable significance as being the view taken by the man out of whose brain the whole project emanated, and who was given direct and entire charge of all the negotiations at the time, and who was at that time trying to get the Senate, by way of a favorable report from the Committee on Foreign Relations, of which Senator Cullom was the chairman, to accept his treaty. It is said in this letter that the rules were intended to be binding upon the United States.

Mr. LODGE. Mr. President, I have listened with great interest, as we all have, to the very able argument of the Senator from Utah [Mr. SUTHERLAND]. I was especially struck with the point he made in regard to the convention of Constantinople, but it seems to me he overlooked the facts in regard to the tolls of the Suez Canal—that those, of course, were not settled by the convention. Those were settled by the concession to the French company, and of course the convention naturally said nothing about it, because they dealt with the canal as built in the first concession. It provided, after making a sharing of the profits, in article 6:

ART. 6. The tariff of the right of way through the Suez Canal arranged by the company and the Viceroy of Egypt, and levied by the company's agents, always is to be the same for all nations, no one nation being able to stipulate for any advantage to its own profit in particular.

In the second act of concession—I do not remember the date; it is not important—it is provided:

1. The dues to be levied without exception or favor upon all vessels under like conditions.
2. The tariff to be published three months before being put into force in all the capitals and the principal ports of commerce of the countries concerned.
3. For the special navigation dues the maximum of 10 francs a ton for vessels and 10 francs a head for passengers not to be exceeded.

Then on the 19th of March, 1866, the Sultan issued a firman, in which he states—

That we grant our sovereign authorization for the execution of the canal by the said company on the conditions prescribed in that agreement.

And makes that all an integral part of the firman which, of course, gave it the effect of the law. Thus the matter of tolls was settled by the concession of the Egyptian and French Governments to the De Lesseps Co., and were embodied in the Sultan's firman, and when the convention of Constantinople dealt with it, it dealt with the canal under those conditions, of course.

Mr. SUTHERLAND. The convention, however, did not in any way say that the tolls should be equal.

Mr. LODGE. Certainly not.

Mr. SUTHERLAND. While as a matter of fact they are equal.

Mr. ROOT. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from New York.

Mr. ROOT. Before the Senator from Utah concludes his observations, I wish to call his attention to article 12 of the convention of Constantinople of October 29, 1888, which is the convention to which I suppose he refers. Article 12 is as follows:

The high contracting parties, by application of the principle of equality as regards the free use of the canal, a principle which forms one of the bases of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded.

Mr. SUTHERLAND. I was not unaware of that provision of the treaty; but it has not any reference to equality of tolls. Each nation is to have a right——

Mr. LODGE. Commercial equality was put into it.

Mr. WILLIAMS. Equality of treatment of commerce.

Mr. SUTHERLAND. It does not say equality of treatment.

Mr. LODGE. Certainly. These concessions are conditions under which the Suez Canal was built. The whole world knew it, and the convention knew it when they made it, and they took the canal built under those concessions, and they did not set aside the concessions. Those are binding on the Suez Canal to-day. That firman of the Sultan is binding on the Suez Canal.

Mr. SUTHERLAND. I do not doubt, as I started to say, that the tolls are equal for all ships that pass through the canal. I was simply referring to the language of the convention itself as reflecting light upon the provision of the Hay-Pauncefote treaty. It is that—

The United States adopt as the basis of the neutralization of such ship canal the following rules—

"Substantially as embodied in the convention of Constantinople," and we find that the five rules are embodied in that convention, while, as I have shown, the first paragraph is not embodied in the convention.

Mr. WILLIAMS. It seems that article 12 of the Constantinople convention, as read by the Senator from New York, under the provision that none of these powers will seek commercial advantage for ships flying under one flag as against ships flying another flag. Also that each bound itself to seek and accept no "commercial advantage." If imposing upon some a less charge for transit than were paid by the ships of another would not be granting to that power a commercial advantage, what else would it be?

Mr. SUTHERLAND. It is perfectly apparent that the thing the convention stipulated for was free and open use of the canal for all nations. It was to be open to them all, and neither was to seek any special advantage over the other by any international arrangement.

Mr. WILLIAMS. What is the precise language?

Mr. SUTHERLAND (reading):

That none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded.

Mr. WILLIAMS. Yes; that is it, "commercial advantages or privileges."

Mr. SUTHERLAND. But the language of the first paragraph of our treaty is:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

There is no such stipulation, as I understand it, in the convention of Constantinople.

Mr. O'GORMAN. I ask that the canal bill be temporarily laid aside in order that the Agricultural appropriation bill may be proceeded with.

Mr. WILLIAMS. Mr. President, before that takes place, though I will not object to it in a moment, I wish to say this: Speaking for myself, I listened with very much interest to the argument of the Senator from Utah [Mr. SUTHERLAND]. It was acute, metaphysical, able, lawyer like, as his arguments usually are.

It is needless to say I do not agree with the main part of his argument. I think that in the main part of it he was misled by a double middle so palpable that everybody will recognize it. He dwelt upon the absurdity of "the United States Government charging itself tolls." The double middle is his use of the words "the United States." The double sense is this, in one sense as the owner and constructor of the canal and in another sense as being identical with American citizens owning ships passing through the canal and paying tolls. The United States would not be paying themselves, or "itself," as he calls them, tolls, but American shipowners would be paying the United States Government tolls. Not absurd at all, that! Only in that sense could the United States be said to be paying "itself"—that is, by calling the owners of the ships belonging to American citizens and paying into the Treasury of the United States tolls for passing through the canal—the United States. Needless to say those citizens of the United States—those shipowners—are not the United States Government, not even the population of the United States, not even a respectably large portion of the population.

But I did not intend to dwell upon that part of the Senator's speech, though I think if Senators will examine his entire argument it will be found that that is the fallacy which underlies it all the way through, and is the same fallacy which others have committed. I rose mainly for the purpose of indorsing one thing that he said—his expression of willingness to leave

the disputed meaning of the treaty to international arbitration. I hope that the Senator will introduce a resolution requesting the Executive to negotiate an arbitration treaty and to submit it to the Senate. Under our treaties, not only with Great Britain but with more than a dozen other nations, we are bound to submit the interpretation of treaties to arbitration. Whichever way this vote may go, it will not settle the question of our legal power, and I want the question of our legal right under the treaty afterwards settled by some impartial international tribunal, so that at any time in the future the question shall not raise its horrid front once more. There might be and should be in international decision of it. If we repeal the exemption, I want an international decision of it. If we do not repeal it, I want an international decision of it. This vote will not interfere with that. I shall be very glad when the Senator introduces a resolution of that sort, and I shall be one Senator to vote for it.

I agree with him that if we are not prepared to submit to arbitration the question of the interpretation of treaties, then we have been speaking one voice to the world and another voice to God; we have been making a verbal pretense which does not accord with a mental reservation. I want, moreover, to see how many Senators there are who shall contend that we have the right to exempt the coastwise ships from tolls who yet insist on our being the judges in our own case solely and dogmatically, despotically, and insolently, I might say, by refusing to leave it to an impartial international tribunal to say which one of the two interpretations is right, ours or that of the other high contracting party. I was glad the other day to hear the junior Senator from Iowa [Mr. KENYON] say that he would be one of us to submit this question of treaty interpretation to arbitration.

Now, one sentence more and I am through. If that spirit had been earlier shown in the Senate; if a disposition to leave this matter to international arbitration had been shown; if the contrary had not been voiced—notwithstanding our solemn treaties, which should be inviolate in their sanctity—this question in its present shape would not now be here at all. So all that Senators will have to do is to show their faith in their interpretation, supported by so many labored and ingenious arguments, by their works and vote for a submission of that interpretation to arbitration. A judge of the Supreme Court of the United States and a judge of the highest court in Great Britain, and a third party selected by the two, or two of each and a fifth selected by the four, would be a fair tribunal. Any other tribunal that we choose to constitute which will be in our opinion impartial will do.

Of course, the proposition of the Senator from Montana [Mr. WALSH] to submit it solely to our Supreme Court would not be fair to Great Britain any more than a proposition to submit it to her king's bench or lord high chancellor would be to us.

No nation with any pride or self-respect would ever consent to leave the interpretation of a treaty to which it was a sovereign party exclusively to the decision of the nationals of the other party.

Mr. SUTHERLAND. Mr. President, before we pass to another subject I want to say just another word with reference to the article of the Suez convention to which the Senator from New York [Mr. ROOT] called attention. Article 1 of that convention provides that—

> The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war without distinction of flag.

I take it the meaning of that provision is not that there shall be equality of treatment—that is, so far as this provision is concerned; I am not speaking of some other—but under this provision there is no requirement of equality of tolls or equality of treatment. It is merely that it shall be free and open to all and all shall have a right to go through.

Article 12 says:

> The high contracting parties, by application of the principle of equality—

It does not stop there—

> by application of the principle of equality as regards the free use of the canal.

That is the principle of equality that is to be kept in mind; that is, they are all to have an equal right to the free use of the canal. It is to be open to them all. But that, standing alone, not speaking of other arrangements outside the treaty itself but under this treaty, that does not involve equal treatment as regards conditions or charges. It simply refers to the principle of equality as regards the free use of the canal.

Mr. ROOT. Would the Senator from Utah think it was equality as regards the free use of the canal to charge a German ship nothing and a French ship its entire value?

Mr. SUTHERLAND. The canal would be free and open; they could go through.

Mr. ROOT. But there would not be equality as regards the free use.

Mr. SUTHERLAND. If the Senator is right about that, if the stipulation that the canal shall be "free and open" to all ships means that they must go through upon equal terms, then I do not see why the Hay-Pauncefote treaty did not stop there instead of adding "on terms of entire equality, so that there shall be no discrimination, and so forth, in respect of the conditions or charges of traffic, and so forth."

Mr. WORKS. Mr. President, as the Senator from Mississippi [Mr. WILLIAMS] has insisted that the Senate should show its faith by its works, I want to say that I agree entirely with the Senator from Utah [Mr. SUTHERLAND], that whatever may be the outcome of the controversy that is now on in the Senate, I think the Government owes it to itself to see that this matter is submitted to arbitration. I very thoroughly agree with the argument made by the Senator from Utah, tending to show that we have not in anywise violated the treaty with Great Britain. I think his argument in that respect is absolutely unanswerable, but there is a difference of opinion with respect to it. So far as this present controversy is concerned, we can do but one thing, and that is to assert our conviction one way or the other upon this single question as to whether the act should be repealed or not. The question of arbitration does not enter into that in any way whatever unless we bring it in.

I hope before this debate is over the question of arbitration may in some way be directly submitted to the Senate, so that it may be voted upon.

Mr. LODGE. If the Senator will allow me, I will state that the Senator from Nebraska [Mr. NORRIS] has offered such an amendment.

Mr. WORKS. I am aware of that.

Mr. O'GORMAN. I renew my request that the canal bill be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask that House bill 13679, the Agricultural bill, be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The pending amendment, upon which the yeas and nays have been ordered, is on page 18, in the item for investigating the ginning, handling, grading, baling, gin compressing, and wrapping of cotton——

Mr. McCUMBER. There does not seem to be a quorum present to vote upon the pending proposition. Therefore I suggest the absence of a quorum.

Mr. GORE. I should like to inquire if the demand for a quorum can be made after the yeas and nays have been ordered on the amendment of the committee. Unless something else had transpired, the yeas and nays having been ordered, the call of yeas and nays will secure the presence of a quorum. I hope the Senator from North Dakota will not raise the point.

The VICE PRESIDENT. That is not the rule. The rule is that after a roll call has been begun no business shall be transacted.

Mr. GORE. That is the practice. I do not think it is the rule.

The VICE PRESIDENT. The roll call on the pending amendment was concluded on Saturday, and it disclosed the absence of a quorum. Now the Senator from North Dakota suggests the absence of a quorum, and the Secretary will call the roll.

Mr. SMITH of South Carolina. If the Senator will pardon me, there was a roll call subsequent to the yea-and-nay call, which disclosed that there was no quorum, and on the call there was a quorum present.

Mr. SMOOT. And then, after a brief executive session, the Senate adjourned.

The VICE PRESIDENT. There is no doubt about the right of the Senator from North Dakota to call for a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Burton	Fall	Kern
Bankhead	Catron	Gallinger	Lee, Md.
Borah	Chamberlain	Gore	Lippitt
Bradley	Chilton	Hitchcock	Lodge
Brady	Clapp	Hollis	McCumber
Brandegee	Clark, Wyo.	Hughes	Martin, Va.
Bristow	Crawford	Johnson	Martine, N. J.
Bryan	Cummins	Jones	Newlands
Burleigh	Dillingham	Kenyon	Norris

O'Gorman	Root	Smith, S. C.	Walsh
Overman	Shafroth	Smoot	Warren
Page	Sheppard	Sutherland	Weeks
Pittman	Sherman	Swanson	West
Poindexter	Smith, Ariz.	Thompson	Williams
Pomerene	Smith, Ga.	Thornton	
Ransdell	Smith, Md.	Tillman	

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Sixty-two Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment proposed by the committee, on page 18, on which the yeas and nays have been ordered.

Mr. BRISTOW. I ask that the amendment may be stated, so that we may understand it.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed by the Committee on Agriculture and Forestry, on page 18, beginning in line 13, to strike out "$80,580" and to insert "$180,580: *Provided*, That of the sum thus appropriated, $100,000 shall be used for furnishing the primary markets in the cotton-growing States with a set of the samples as standardized by the Government, and a sample of the bleached and unbleached yarns made from the different grades, showing the waste, tensile strength, and bleaching quality thereof."

Mr. JONES. Mr. President, I understood that an amendment had been proposed to that amendment. Am I wrong about that? I ask that question of the Senator from South Carolina.

Mr. SMITH of South Carolina. Mr. President, there is no amendment proposed to that amendment. I stated before the vote was taken that I should move to insert, after the sum "$100,000," the words "at the discretion of the Secretary of Agriculture," so that that officer might use his discretion; but I understand that with this appropriation that goes pro forma; that the Secretary of Agriculture will use his discretion in placing the appropriation where it will be properly taken care of.

Mr. JONES. The Senator from South Carolina, then, as I understand, proposes no change as to that?

Mr. LODGE. Mr. President, I raise the point of order that debate is not now in order.

The PRESIDING OFFICER. The point of order is well taken. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. In his absence, I withhold my vote.

Mr. McCUMBER (when Mr. GRONNA's name was called). My colleague [Mr. GRONNA] is unavoidably absent. Were he present, my colleague would vote "yea" on this amendment.

Mr. STONE (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. CLARK], and therefore I withhold my vote.

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the unavoidable absence of my colleague, the senior Senator from Colorado [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. STEPHENSON]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I therefore withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. JAMES]. If that Senator has not voted I will withhold my vote.

The PRESIDING OFFICER. The junior Senator from Kentucky has not voted.

Mr. WEEKS. Then I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. In his absence, and not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. LIPPITT (after having voted in the negative). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I notice he has not voted, and so I will withdraw my vote.

Mr. DU PONT. I have a pair with the senior Senator from Texas [Mr. CULBERSON]. Inasmuch as he is absent from the Chamber, I withhold my vote.

Mr. CRAWFORD. Has the senior Senator from Tennessee [Mr. LEA] voted?

The PRESIDING OFFICER. The senior Senator from Tennessee has not voted.

Mr. CRAWFORD. Having a general pair with that Senator, I withhold my vote.

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan], who is paired with the junior Senator from Missouri [Mr. REED].

Mr. CHILTON. I desire to announce the absence on account of illness of the senior Senator from North Carolina [Mr. SIMMONS]. He is paired with the Senator from Minnesota [Mr. CLAPP].

Mr. KERN (after having voted in the affirmative). I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Ohio [Mr. POMERENE] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I am requested to announce the pair existing between the Senator from Illinois [Mr. LEWIS] and the Senator from Minnesota [Mr. NELSON].

Mr. GALLINGER. I have a pair with the junior Senator from New York [Mr. O'GORMAN]. He has not voted, and therefore I withhold my vote.

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from Connecticut [Mr. McLEAN], of the Senator from Minnesota [Mr. NELSON], of the Senator from Wisconsin [Mr. STEPHENSON], of the Senator from West Virginia [Mr. GOFF], of the Senator from Pennsylvania [Mr. OLIVER], and of the Senator from California [Mr. PERKINS]. All have general pairs, the Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS], the Senator from Minnesota [Mr. NELSON] with the Senator from Illinois [Mr. LEWIS], the Senator from Wisconsin [Mr. STEPHENSON] with the Senator from South Carolina [Mr. TILLMAN], the Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. BANKHEAD], the Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN], and the Senator from California [Mr. PERKINS] with the Senator from North Carolina [Mr. OVERMAN].

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The present occupant of the chair desires to state that he is paired with the Senator from California [Mr. PERKINS]. Not knowing how the Senator from California would vote, if present, the occupant of the chair withholds his vote.

Mr. WILLIAMS. I will transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oregon [Mr. LANE] for the purpose of getting a quorum, and I vote "yea."

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

The result was announced—yeas 38, nays 8, as follows:

YEAS—38.

Ashurst	La Follette	Ransdell	Sterling
Borah	Lee, Md.	Robinson	Swanson
Bryan	McCumber	Shafroth	Thompson
Burleigh	Martin, Va.	Sheppard	Thornton
Catron	Martine, N. J.	Sherman	Tillman
Cummins	Newlands	Shields	Vardaman
Gore	Norris	Smith, Ariz.	West
Hollis	Page	Smith, Ga.	Williams
Johnson	Pittman	Smith, Md.	
Kern	Poindexter	Smith, S. C.	

NAYS—8.

Bristow	Hughes	Lodge	Smoot
Burton	Jones	Shively	Townsend

NOT VOTING—49.

Bankhead	du Pont	McLean	Simmons
Bradley	Fall	Myers	Smith, Mich.
Brady	Fletcher	Nelson	Stephenson
Brandegee	Gallinger	O'Gorman	Stone
Chamberlain	Goff	Oliver	Sutherland
Chilton	Gronna	Overman	Thomas
Clapp	Hitchcock	Owen	Walsh
Clark, Wyo.	James	Penrose	Warren
Clarke, Ark.	Kenyon	Perkins	Weeks
Colt	Lane	Pomerene	Works
Crawford	Lea, Tenn.	Reed	
Culberson	Lewis	Root	
Dillingham	Lippitt	Saulsbury	

The PRESIDING OFFICER. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Catron	Gallinger	Lane
Bankhead	Chamberlain	Gore	Lodge
Bradley	Chilton	Hollis	McCumber
Bristow	Clapp	Hughes	Martine, N. J.
Bryan	Cummins	Johnson	O'Gorman
Burleigh	Dillingham	Jones	Overman
Burton	du Pont	La Follette	Page

Pittman	Sherman	Smoot	Warren
Poindexter	Shields	Swanson	Weeks
Pomerene	Shively	Thompson	West
Ransdell	Smith, Ariz.	Townsend	Works
Shafroth	Smith, Ga.	Vardaman	
Sheppard	Smith, S. C.	Walsh	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment reported by the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], and therefore, in his absence, withhold my vote.

Mr. CHILTON (when his name was called). I make the same announcement as on the previous vote of my general pair with the Senator from New Mexico [Mr. FALL]. In his absence, I withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Florida [Mr. FLETCHER] and withhold my vote.

Mr. WEEKS (when his name was called). I again announce my pair with the junior Senator from Kentucky [Mr. JAMES], and withhold my vote.

The roll call was concluded.

Mr. CRAWFORD. I again announce my pair with the senior Senator from Tennessee [Mr. LEA], and, in his absence, I withhold my vote.

Mr. DILLINGHAM. I will inquire whether the senior Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. The Chair is informed he has not.

Mr. DILLINGHAM. Then I withhold my vote, having a pair with that Senator.

Mr. DU PONT. I again announce my pair with the Senator from Texas [Mr. CULBERSON], and withhold my vote.

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I do not know that he would consider it applicable to this matter, but still I transfer the pair to the junior Senator from Maryland [Mr. LEE] and vote. I vote "yea."

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nevada [Mr. NEWLANDS], and vote "yea."

While I am on my feet I desire to announce the necessary absence of the senior Senator from North Carolina [Mr. SIMMONS] on account of illness. He is paired with the Senator from Minnesota [Mr. CLAPP].

Mr. ROBINSON. I am requested to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY], and to state that he is paired with the Senator from Rhode Island [Mr. COLT].

Mr. TOWNSEND. I desire to repeat the announcement of the absence of my colleague [Mr. SMITH of Michigan], who is paired with the junior Senator from Missouri [Mr. REED]. I wish this announcement to stand for the day.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. WILLIAMS. I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oklahoma [Mr. OWEN] and vote. I vote "yea."

Mr. WALSH (after having voted in the affirmative). I did not note in the recapitulation of the vote whether the Senator from Rhode Island [Mr. LIPPITT] had voted. I desire to inquire whether he has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. WALSH. I have a pair with that Senator, and am therefore obliged to withdraw my vote. If permitted to vote, I should be glad to vote "yea."

Mr. BANKHEAD (after having voted in the affirmative). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. In his absence, I withdraw my vote.

The PRESIDING OFFICER. That will break a quorum.

Mr. BANKHEAD. If that is true, then I will allow my vote to stand if it requires my vote to make a quorum.

Mr. WALSH. I feel impelled, then, to allow my vote to stand as well, inasmuch as it is necessary to make a quorum.

The result was announced—yeas 39, nays 10, as follows:

YEAS—39.

Ashurst	Catron	Hollis	McCumber
Bankhead	Chilton	Johnson	Martin, Va.
Bradley	Clapp	Kenyon	Martine, N. J.
Bryan	Cummins	Kern	O'Gorman
Burleigh	Gore	La Follette	Page
Pittman	Sheppard	Smith, S. C.	Vardaman
Poindexter	Sherman	Sterling	Walsh
Ransdell	Shields	Swanson	West
Robinson	Smith, Ariz.	Thompson	Williams
Shafroth	Smith, Ga.	Thornton	

NAYS—10.

Bristow	Hughes	Shively	Works
Burton	Jones	Smoot	
Gallinger	Pomerene	Townsend	

NOT VOTING—46.

Borah	Fletcher	Myers	Simmons
Brady	Goff	Nelson	Smith, Md.
Brandegee	Gronna	Newlands	Smith, Mich.
Chamberlain	Hitchcock	Norris	Stephenson
Clark, Wyo.	James	Oliver	Stone
Clarke, Ark.	Lane	Overman	Sutherland
Colt	Lea, Tenn.	Owen	Thomas
Crawford	Lee, Md.	Penrose	Tillman
Culberson	Lewis	Perkins	Warren
Dillingham	Lippitt	Reed	Weeks
du Pont	Lodge	Root	
Fall	McLean	Saulsbury	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The Secretary will read the next amendment.

Mr. SMOOT. Mr. President, the Senate has voted that this amendment is in order. It has also voted upon the merits of the amendment. I made a point of order against this amendment, as I did in the case of the amendment on page 70 of the bill. The Chair ruled that the amendment on page 70 was subject to a point of order, and it went out of the bill upon my making the point of order.

I thought, of course, that in making these points I was well within the rules of the Senate. The Chair thought so, too; but the matter was submitted to the Senate, and the Senate decided otherwise. I also believed that in doing so I would receive the support of certain Senators who had told me that the bill was not only a vicious measure, but one that ought to be referred back to the committee, and that items of this sort never ought to appear in the bill.

If I have the right to do so, I should like to ask the Chair please to submit to the Senate the question of the point of order on the amendment on page 70 of the bill. I do not believe Louisiana ought to be discriminated against. I know she is suffering to-day from the effects of legislation that was passed by the Senate. If any part of the United States needs assistance and help, it is Louisiana. If we are going to give all that is asked by every State for every purpose, and if paternalism is to run mad in the Senate, I do not want to be the means of keeping from that suffering community any money that may be carried by an appropriation bill.

The PRESIDING OFFICER. The amendment having been held by the Chair out of order, the present occupant of the chair declines to resubmit the question.

Mr. SMOOT. Then, after the bill gets into the Senate, of course, the amendment can be offered.

The PRESIDING OFFICER. The Secretary will read the next amendment.

The SECRETARY. The text of the bill after the amendment just agreed to reads as follows——

Mr. GORE. I wish at this juncture to say—and I call the attention of the Senator from Utah to the statement—that the Senator from Louisiana will offer a modified amendment when we have finished the consideration of committee amendments. I ask that the Secretary may read the amendment on page 73.

Mr. SMOOT. We are not yet through with this amendment. The whole amendment went over, and I desire to offer an amendment to the committee amendment.

Mr. GORE. The junior Senator from Missouri [Mr. REED] desires to be present when this amendment is taken up. For that reason I ask that it be passed over for the present, and we will proceed with the other amendments in his absence.

Mr. SMOOT. Just so it is understood that we will go back to the amendment. I have no objection.

The PRESIDING OFFICER. Without objection, the committee amendment will be passed over.

The SECRETARY. The amendment on page 73, at the foot of the page, was passed over. It reads as follows:

To enable the Secretary to print and publish certain maps, heretofore prepared and now in the possession of the Department of Agriculture, and the reports accompanying the same, relating to the location, extent, and other features of kelp beds on the Pacific coast, $7,000.

Mr. GALLINGER. Mr. President, it is manifest that this amendment would be subject to a point of order; but I am not going to make the point of order, because I think it would disarrange some matters that have been fixed up in the Senate in connection with this bill.

Mr. SMOOT. Mr. President, I am not going to make a point of order on the amendment, although I believe it would lie.

I wish to say to the Senate that this is a dangerous proposition. The Committee on Appropriations appropriates hundreds of thousands of dollars for the Department of Agriculture for printing just such items as this. If we are going to come in, on another appropriation bill, and appropriate money for printing maps for the Agricultural Department, I do not know where it is going to end.

Evidently, however, there is no intention whatever of holding the bill to its rightful purposes; and if one section of the country is to have everything on earth it asks for, even to the protection of bumblebees, I am not going to object to this.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will read the next amendment.

The SECRETARY. On the last page of the bill, the committee proposes to insert the following:

That the lump-sum appropriations now available or herein made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests, for hog-cholera demonstrations, and for preventing spread of moths, shall be available for the purchase, maintenance, and repair of motor vehicles and motor boats necessary for the proper and efficient conduct of the work; said vehicles and boats shall be used exclusively for official service, and any other use shall constitute a misdemeanor punishable by fine of not more than $1,000 or imprisonment of not more than six months.

Mr. GALLINGER. Mr. President, on a former occasion, and in calling attention to another amendment, I said that it was the most extraordinary amendment on the most extraordinary bill that I had ever seen submitted to the Senate. I think I ought to modify that statement now, and say that here is a still more extraordinary amendment. I do not know why the department wants motor boats to carry out the provisions for the administration of the national forests, or for hog-cholera demonstrations, or for preventing the spread of moths. The national forests are not on the ocean.

Mr. WARREN. Some of them are—in Alaska.

Mr. GALLINGER. The Senator behind me says some of them are in Alaska. I do not know how it may be as to them, but I suppose people can go overland in Alaska; can they not?

Mr. WARREN. They usually use boats.

Mr. GALLINGER. The Senator from Wyoming suggests that in Alaska they actually need boats to reach the forests, and perhaps that is so. That modifies my suggestion to that extent. I think we had better say "for the administration of the national forests in Alaska," however, if we are going to put in the provision at all.

Now, what about the hogs? Are they on the streams of the country or in the ocean?

Mr. WARREN. Mr. President, the Senator seems to be directing his remarks to me.

Mr. GALLINGER. The Senator corrected me in the other respect, and I thought the Senator might have some information on this point.

Mr. WARREN. The hog-cholera expert is here, and he can answer.

Mr. KENYON rose.

Mr. WARREN. I shall occupy only a moment.

As I understand the language of the amendment, it is for motor boats to use in the waters of Alaska and possibly in those of the State of Washington and part of Oregon; it is for vehicles to use in traversing the country in remedying hog cholera and other diseases that take men from one point to another.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. Yes; I yield cheerfully.

Mr. KENYON. I thought the Senator was through.

Mr. GALLINGER. No; I wanted to call attention to a matter that concerns my own section of the country. There is not much in this bill that does.

Mr. WARREN. Perhaps the Senator is speaking of moths.

Mr. GALLINGER. Yes.

Mr. WARREN. I take it that the same idea prevails there. The men in charge of the work go from orchard to orchard, or from place to place, with motor vehicles instead of horse-drawn vehicles.

Mr. GALLINGER. I have never seen a vehicle of that kind used for that purpose, but perhaps they are going to do it.

The amendment contains the words "and for preventing spread of moths." The thing that strikes me as rather peculiar in that connection is that the committee should have forgotten the boll weevil. They propose, in other words, to divert a portion of the appropriations for the administration of the national forests, for hog-cholera demonstrations, and for preventing the spread of moths to providing motor vehicles and motor boats necessary for the proper and efficient conduct of the work.

It occurs to me that it would be better legislation if we should provide these motor boats and motor vehicles, if they are needed, in a separate item. I apprehend, however, that there might be danger of the Senate not agreeing to that, because the Senate is rather prejudiced against this motor-vehicle business, as we have had occasion to know in connection with the District of Columbia appropriation bill and the legislative appropriation bill. It seems to have occurred to somebody, however, that on this general item they might work in part of the appropriations given for these other purposes, and in that way get these motor boats and motor vehicles, when they might fail to get them if a direct appropriation were offered for them.

It occurs to me that this is a bad form of legislation, and I want to say to those who framed this amendment, whoever they may be, that when they undertake to punish anybody for using these motor boats and motor vehicles otherwise than for strictly official service, they will fail to accomplish anything, because all these vehicles that we provide—and there are scores of them—are used for all kinds of purposes, and in all human probability always will be. I do not believe anybody will ever go to prison for using them for other than official purposes.

It is something like a matter that came to my attention a while ago, where a gentleman in public life was somewhat rebuked by his clerk on the ground that he was not strictly observing the franking privilege, because he was sending almost all of his correspondence under frank. His reply was: "Why, those letters may lead up to public business later on." [Laughter.] So, in this case, it may lead up to something, and that provision does not amount to anything.

I am only going to call attention to the matter, however, in a modest way. I have failed, as have some other Senators, to get any reasonable amendments to this bill. It has been ordained, I apprehend, that it shall pass pretty much as it has been written. I do want, however, to amend this amendment by taking a little of the boll-weevil appropriation and using it for repairing motor boats, too. I know of no reason why it should be taken from the appropriation for preventing the spread of moths.

Now, let me call attention to that matter. The moth appropriation has been slightly reduced from that of last year, but the boll-weevil appropriation was increased to some extent in the bill as it came from the House, and $150,000 more has been added to it here. We in the North think that these moths are destroying quite as much property as the boll weevil is, and that we ought to have a fair show.

At the proper time I intend to offer an amendment increasing the appropriation for the extermination of those destructive pests, the brown-tail and the gypsy moths. At the present time I content myself with moving to insert, after the words "spread of," in line 5, the words "the boll weevil and." With that amendment, whatever happens to it, I shall be content, so far as this amendment is concerned, to leave it to the Senate to put it in or vote it out, as the Senate sees fit.

Mr. GORE. Mr. President, I wish to suggest that the reason why the pending amendment has been proposed is that the legislative appropriation bill carries a provision, as I understand, which prohibits the use of any moneys for the purchase of automobiles or motor cycles without special authorization. In the field work in connection with the Forestry Service automobiles and motor cycles are indispensable for the proper conduct of the service, and in some instances motor boats, where there are rivers traversing the forests. This is the reason which has impelled the committee to offer the present amendment. It would be absolutely impossible to administer the service without these means of communication.

I send to the desk a letter from the department which, I think, in some measure will justify this "extraordinary" amendment.

The PRESIDING OFFICER. Does the Senator desire the letter read?

Mr. GORE. Yes, sir.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

PURCHASE OF MOTOR VEHICLES.

On page 74, line 1, insert the following:

"That the lump-sum appropriations now available or herein made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests, for hog-cholera demonstrations, and for preventing spread of moths, shall be available for the purchase, maintenance, and repair of motor vehicles and motor boats necessary for the proper and efficient conduct of the work; said vehicles and boats shall be used exclusively for official service, and

any other use shall constitute a misdemeanor punishable by fine of not more than $1,000 or imprisonment of not more than six months."

This amendment was passed over at the suggestion of Senator KENYON.

The department requested that this provision be inserted in our appropriation bill, in view of the provision of section 5 of the legislative, executive, and judicial appropriation act, which prohibits the purchase, maintenance, or repair of motor-propelled vehicles without specific authority therefor. To properly carry out the work of the department it is absolutely necessary to have motor vehicles, especially in connection with the administration of the national forests, preventing the spread of the gipsy moth, etc. The department now has a number of motor vehicles in the field service, and it would seriously handicap the work unless the above provision is enacted into law.

Mr. KENYON. Mr. President, I do not wish to interrupt the Senator from Oklahoma, but I should like to make a remark or two in reply to the inquiry of the Senator from Wyoming [Mr. WARREN].

Mr. GORE. I have nothing further to say.

Mr. KENYON. I have been curious to understand this amendment, as to how motor vehicles and motor boats were to be used in the proper administration of hog-cholera remedies. The language seems to cover that.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. KENYON. I do.

Mr. GORE. Of course there will be no necessity for motor boats in connection with the hog-cholera appropriation. I think they generally use motor cycles in connection with that service. When a farmer in one part of the county needs this serum the Government agents in such cases can go out on a motor cycle, or otherwise; that is the purpose which the committee had in view. The committee has since suggested that the clause relating to hog cholera might be eliminated from the amendment.

Mr. KENYON. I had supposed that while probably motor boats could not now be used in the hog-cholera work because of the absence of streams, yet when the river and harbor bill came in we might see the pertinency of this matter, as undoubtedly that bill will provide for the creation of streams and rivers where the Almighty has not provided them, and motor boats might be used there.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa further yield to the Senator from Oklahoma?

Mr. KENYON. I do.

Mr. GORE. Does the Senator understand that rivers and harbors are at all essential to navigation? [Laughter.]

Mr. KENYON. I do not know that they are; but the rivers and harbors bill seems to be essential to certain congressional districts. [Laughter.]

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I yield to the Senator from Missouri. He seems to have a quizzical expression on his face.

Mr. REED. Mr. President, this seems to be a very remarkable bill. It has broken all precedents. I wish to ask the Senator from Iowa if he does not think that instead of having motor boats and motor vehicles, an antiquated if not obsolete form of transportation, we ought to adopt aeroplanes? Especially is that true when it comes to the question of capturing moths. How else will we catch them?

Mr. KENYON. The motor boat might be used in preventing the spread of moths, or in investigating the terrors of the snapping turtle, though I think that is not covered in this bill. Here are " motor vehicles." That will cover automobiles, I assume, which we have decided the District of Columbia Commissioners shall not have. They will be very useful in the hog-cholera work, and they will be useful to chase the festive cigarette beetle, which we have taken care of in this bill, or possibly to go out and meet the onslaught of the prairie dogs, marshaled in formidable array, or to investigate the diseases of squirrels and cockroaches and things of that character. [Laughter.]

This is a perfectly amazing provision, Mr. President. The number is not limited. The entire fund can be used for these purposes.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. KENYON. I do.

Mr. BRISTOW. Does not the provision cover aeroplanes? The Senator from Missouri seemed to think it did not. It evidently does. Is not an aeroplane a motor vehicle?

Mr. KENYON. I am a little in the air on that proposition. [Laughter.]

Mr. REED. In view of the fact that this is a highly remedial statute I presume it will be given a liberal construction, and therefore it might include aeroplanes and dirigible balloons.

Mr. GALLINGER. I think a balloon could hardly be called a motor vehicle, but an aeroplane could.

Mr. BRISTOW. It depends on the kind of a balloon, does it not?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. KENYON. I will give up the floor to the interesting colloquy.

The PRESIDING OFFICER. The Senator from Kansas [Mr. BRISTOW] is entitled to the floor.

Mr. REED. With the kindness of the Senator, I wish to settle this legal question for the Senator from New Hampshire. If there is a doubt as to dirigible balloons being included—and there must be a doubt if the Senator's mind raises one—I suggest that the bill ought to be recommitted in order that the committee may prepare a proper amendment so as to include dirigible balloons and leave no doubt in the mind of anyone.

Mr. BRISTOW. I did not mean to take the Senator from Iowa off his feet, because he was delivering what I regarded as a very sensible criticism upon this bill. I merely wanted to supplement some things that had been said.

We have been trying here for a number of years to cut out the unwarranted extravagance that Government officials have fallen into since the automobile has become such a desirable pleasure vehicle; but here, in the face of the war that the Senate has been making upon this inordinate desire to utilize public funds for private purposes, there is proposed an amendment which breaks down all restrictions and permits the Agricultural Department to buy any kind of motor vehicle it wants for any purpose.

Mr. GALLINGER. And any number.

Mr. BRISTOW. And any number, and to use for that purpose almost any appropriation that it has, and then it commits the ridiculous folly of saying that if any man uses one of these conveyances for anything but official purposes he shall go to jail. It is so utterly ridiculous that it is strange that it should ever come from a committee of the Senate.

If it is necessary, as the Senator from Oklahoma believes, that some of these modern methods of transit should be used by the Department of Agriculture for official purposes, let the bill specify where their use is justified, naming the particular places and purposes for which they are to be used. A blanket provision like this, however, is an invitation for every man who can induce some of his superiors to believe that on some official trip he might make a little better time in a motor vehicle than by the regularly established way of travel, to get an automobile for that purpose, and then he will use it as a pleasure carrier. You can see them all over this town. Why, there was a report made here not long since that indicated, I think, that there are about 350 automobiles in use in the District of Columbia that are paid for at public expense. It is a national scandal, and nothing else, and ought not to be helped along by an amendment like this in this bill.

Mr. GORE. Mr. President, I have enjoyed the Irish wit that has been scintillating here for the illumination of the Senate on this subject. I rather think, however, the Senator from Kansas has misapprehended the purpose of this amendment. It does not enable anyone connected with the Agricultural Department to purchase any sort of a motor cycle or automobile for use in the city of Washington. It expressly limits the application of funds for that purpose to machines to be used in connection with the field service.

I shall not retort in kind about the ridiculousness of these amendments, but shall assume that every Senator knows—at least, every Senator who knows anything—that the Forest Service could not be administered without means of conveyance of some character. In case of fire the conveyances ought to be capable of as much speed as possible, in order to arrest such conflagrations. It is utterly unimaginable that the service could be administered with efficiency without such means of transportation. They have them now. They have automobiles now, they have motor cycles now, and they use them now; and the Government has not been plunged into bankruptcy, either by the purchase or by the use of these vehicles in connection with the Forestry Service. On account of a provision in the legislative bill, however, they can not have repairs made to the machines they now own, and they can not purchase others whenever they become indispensable.

In order to meet that situation and in order to avert the catastrophes which have occurred with too much frequency in the past, this provision has been inserted in the bill. Senators

know that forest fires aggregating millions of dollars of loss have occurred in this country from time to time. I believe one Agricultural bill appropriated a million dollars to enable the Secretary to wage war against forest fires. Now we make appropriations for that purpose and at the same time deny the facilities for transportation or the means of conveyance in order to carry on this service, which every Senator knows is absolutely indispensable. It is a part of the fixed policy of the Government. Of all absurdities, it would be the most absurd to tie the hands of the department, to set aside forest reserves worth millions of dollars, and then, out of peewee enconomy, if I may so call it, deny the department the facilities for arresting forest fires and diminishing the enormous loss which frequently occurs from that cause.

So far as hog cholera is concerned, we recently appropriated half a million dollars for the arrest of hog cholera and for the dissemination of information and serum which will enable the farmer to wage war against that calamity. I think the Senator from Iowa [Mr. KENYON] had some part in that needful legislation. The purpose of introducing this amendment was to enable those who are to serve the farmer in case of exigency to reach his farm without loss of time, so that the half million dollars may be expended efficiently and not wasted.

Yet we are to higgle over a small appropriation to make this service efficient. We higgle over everything that goes to the farmer as if it were a king's ransom. Only this morning a committee reported out a pension bill of $7,000,000, and courageous and chivalrous Senators will vote for that bill and yet will scruple here over a trifling appropriation which is essential to special services that are of importance to the Government and of importance to the people.

There is no appropriation carried in the pending amendment.

Mr. REED. Mr. President, I think we ought to treat this provision seriously and ought not to indulge in Irish wit or Iowa wit or Kansas wit or Missouri wit, but we ought to indulge in a little common sense.

Mr. GORE. In the Senate?

Mr. REED. The Senator suggests "in the Senate." Well, in view of the provisions of this bill, if it is to pass in its entirety I would say it would be well enough for those who advocate it to abandon the rule of common sense and just let it go through on some other basis.

Now, about the commonest thing in the world is to ask to have something done and insist that it shall be done because it is brought forward under the name of some good object or purpose or in the name of some estimable class of our people.

I ought perhaps now to pause and withdraw or qualify the statement I made a moment ago, because it would seem unkind to the Senator from Oklahoma, and I did not so mean it; but the words "sense" and "senseless" have recently been bandied around so frequently that we involuntarily fall into the habit of using them. I do not mean to say that my good friend in the making of this bill has been guilty of senseless conduct, but I do say that in my humble judgment there are a number of provisions in this bill that ought not to be here. The fact that this is an agricultural bill ought not to be used to cover up real and substantial objections. Whatever the farmer is entitled to let us by all means give him. Whatever will tend to promote the general welfare through the promotion of agriculture we are justified in appropriating money for. But it does not follow that we shall vote for every appropriation suggested simply because it is said to be for the benefit of the farmer.

In my opinion this particular provision is not for the benefit of the farmer, but for the convenience, the delectation, the delight, and the recreation of certain employees of the Agricultural Department, and that not one single substantial benefit will come to the farmer from it.

Let us take the illustration furnished by the Senator from Oklahoma. He states that it is necessary to have motor vehicles in order to go to the relief of the farmer when the hog cholera has made its appearance. It is a little difficult to discuss that in polite and parliamentary language, but I am going to try to do it. Does anybody assume that hog cholera breaks out in an instant of time, spreads itself over an entire community like a consuming flame, and that the saving of five minutes of time is essential to the prevention and arrest of the disease? One would, from the arguments adduced, imagine that hog cholera rode on the wings of the wind and traveled miles in a few seconds. I am not posing at all as a hog-cholera expert or an agriculturist of learning, but I may be permitted to remark that the way hog cholera makes its appearance is that some morning a farmer goes out and finds one or two of his pigs coughing. He does not know just what is the matter with them for a day or two; it may be not for a week or two. If he suspects it is hog cholera what is there for him to do? If he has a telephone he calls up the place where the serum is kept and asks them to send him some of it by parcel post, and it gets there that afternoon; or if he is in an unusual hurry he can take his own automobile and go after it; or if he belongs to that humble class—which is becoming rarer every day in the country—that does not own automobiles, he puts a boy on the old gray mare and sends him after the serum, and the boy gets back the same day, even long before it is certain whether the pigs have cholera or a cold.

Now, are we given to understand that the Agricultural Department claims that they must have a corps of experts all the time sitting in automobiles, ready charged, and waiting so that upon the instant they can fly like the lightning across the prairies and deliver hog-cholera serum? Does not everybody know that that is a pretext, a sham, and a fraud, and utterly ridiculous?

These motor boats are for what purpose? I will tell you the purpose. Fines or no fines, penalties or no penalties, the purpose of the motor boat is for some gentlemen to go fishing in. Are we going to chase down the Egyptian moth on motor boats? Are we to run down the ravenous and destructive beetle with motor boats? It looks a good deal more to me like an excursion for soft-shell crabs than it does for Egyptian beetles.

The Senator tells us that we have forest fires and must have these improved methods of locomotion to put out the fires. Where do the forest fires occur? It may be a violent presumption, but I assume that they occur in a forest; and if they do occur in a forest, it is a matter of common experience laid up among the fundamentals and covered with the dust of ages that there are not very many good roads out in the woods. In the city of Washington we have not yet adopted motor vehicles to carry our fire engines to fires, and why? Although we have these miles of beautiful paved streets, level as the floor, and although powerful machinery has been constructed for the purpose of moving the fire apparatus with great rapidity, and although moments frequently make the difference between the loss of thousands of dollars and a loss of nothing at all, we still on these paved streets have not adopted the motor vehicle for our fire department. Why? Because we need something besides speed even where we have perfect streets. We need reliability; and it is an open question to-day whether the horse is not better than the automobile, taken night after night and day after day and year after year, for transporting fire apparatus in a city. But when you get out in the country, out in the forest reserves, up in the mountains of Colorado, above the clouds in many instances, and you talk about traveling rapidly with an automobile, it is perfectly patent that it can not be done except in a few places.

The opportunity to use such vehicles in a practical way will be very limited. The utilization of them for the purpose of putting out fires, carrying hog-cholera serum, or running down the Egyptian moth must be a very limited use. But there is a broad, a general, a universal use; a constant, a consistent, an eternal, and everlasting world without end demand. That demand is found in the desire of the gentlemen who work for the Government to ride around at the Government expense and who would like to have a Government motor boat, an automobile, a bicycle, a flying machine to do it in.

I am disgusted with this sort of legislation. I saw the Senate spend two days' time debating the question of buying a new automobile for the Vice President of the United States, and then vote it down. Although the Vice President is here at the immense expense necessarily attaching to his office, although he is required in obedience to his official duties to go from one part of the city to another and to make many calls, social and otherwise, and although every department head in the city of Washington either has a team or two teams of horses or an automobile, yet we saw the Senate turn down a proposition to buy a new automobile for the Vice President of the United States. Possibly if we pass this bill we might have the Agricultural Department appoint the Vice President purveyor in chief of hog-cholera serum and transfer to him the use of an automobile. [Laughter.]

Mr. President, the Senator says this clause carries no extra appropriation. Oh, yes, it does, or it would not be here. If there is no money to be expended under it, then it is a dead letter and the ink was wasted that was used in printing it. It appropriates every dollar carried in several sections of the bill that is not used otherwise; so if there is any surplus left out of any such other appropriations the employees of the Agricultural Department can buy automobiles with it. If they want the automobile more than they want to carry on the work—if the desire for rapid transportation is greater than the desire to carry out some specified object of this bill, they ca

buy the automobile and let the object go. Here is the language:

That the lump-sum appropriations now available or herein made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests, for hog cholera demonstrations, and for preventing spread of moths shall be available for the purchase, maintenance, and repair of motor vehicles and motor boats necessary for the proper and efficient conduct of the work.

Of course, the decision of the gentleman who wants the machine is final, binding, and conclusive, and from it there is no appeal. Once the machine is ordered, that is the end of the matter.

Truly, this bill is strangely and wonderfully made.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from New Hampshire [Mr. GALLINGER] to the amendment proposed by the committee.

Mr. BRADY. Mr. President, if this Agricultural appropriation bill has served no other purposes, it has furnished opportunity for some Senators to display a large amount of original wit, considerable sarcasm, and in some instances it has displayed a lack of knowledge as to the real needs and wants of the farmer and the real intention of the Agricultural Department in handling the appropriations made in the bill.

Some of the Senators seem to think that it is almost criminal to have a new motor cycle and a boat or two for the purpose of carrying the men representing the Government over different parts of the country for the work they have to do. This is no new appropriation. It simply specifies what we may do with a lump sum from the different appropriations.

I am opposed, as a general rule, to lump-sum appropriations. I am certainly opposed to a lump-sum appropriation when it can possibly be avoided. I believe that every appropriation should be made for some specific purpose; but there are many instances when that can not be done. In the past the practice has been very general to make appropriations in lump sums, and it has been impossible to get away in one session from that practice. The paragraph now under discussion provides—

That the lump-sum appropriations now available or herein made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests, for hog cholera demonstrations, and for preventing spread of moths shall be available for the purchase, maintenance, and repair of motor vehicles and motor boats necessary for the proper and efficient conduct of the work.

I do not believe that any Senator believes that the Department of Agriculture or the Secretary of Agriculture or the Assistant Secretary of Agriculture, who especially has charge of this work, for one moment would lend themselves to the purpose of securing holiday or free rides or boat fishing excursions for the employees of that department. If there is any department of the Government that is handled with economy, with care, and with efficiency, it is the Agricultural Department. This appropriation says:

And repair of motor vehicles and motor boats necessary for the proper and efficient conduct of the work.

These vehicles and these boats will be used for no other purpose than when they are absolutely necessary in the work to be done.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BRADY. Certainly.

Mr. GALLINGER. It will be observed that there is no limit to the purchase of motor vehicles. There is a broad provision in the bill for the purchase of those vehicles, but there is no limitation, or so far as I can determine, no supervision. Now, I will ask the Senator from Idaho, who very likely knows all about this matter, how do they get these vehicles? Does the Secretary of Agriculture recommend them or act upon the recommendation of some subordinate as to the purchase of them?

Mr. BRADY. The Assistant Secretary of Agriculture appeared before the committee and stated to the committee that they had been very careful, indeed, relative to the purchase of these motor vehicles, and they had not purchased motor vehicles in any case except where they thought it would be a saving to the Government. In other words, we will take some one engaged in farm-demonstration work. While the amendment calls for motor vehicles and some other vehicles, the real work to be done is in the farm-demonstration work. A man thus engaged must necessarily keep a horse and buggy or a horse and a spring wagon or a team and a buggy in order to go over the country and visit the different farms. That team will have to be fed all winter. A motor vehicle simply requires an expenditure while the machine is in motion, and the department thinks, and I agree with them, that it would be a great saving to the Government to have motor vehicles whenever a showing of economy can be made.

Mr. GALLINGER. Mr. President——

Mr. BRADY. And in no other case would he recommend it. I yield to the Senator.

Mr. GALLINGER. I can understand that, so far as motor cycles are concerned, but does the Senator mean to say that, even if an automobile is used for six months of the year, it is cheaper than it would be to maintain a horse for the entire year?

Mr. BRADY. Most certainly it is. That has been demonstrated beyond a doubt. I am glad the Senator asked the question, because I know he asked it in good faith.

Mr. GALLINGER. I have done so.

Mr. BRADY. In a farming community when you use a team you can not drive and stop and visit men for any length of time worth while and drive to exceed 30 to 40 miles a day. Thirty miles is a good long distance to go in a day with a team, while you can travel three or four times that far with a motor cycle.

Mr. GALLINGER. I agree with that.

Mr. BRADY. You can take an automobile and travel at the rate of 20 miles an hour without any risk of danger whatever.

Mr. GALLINGER. That presupposes that the machine will go.

Mr. BRADY. They too often go a little faster than that.

Mr. GALLINGER. I have had experience.

Mr. BRADY. I was going to say the demonstrators can do three times as much work in the same length of time with an automobile or motor cycle. There is absolutely no question but that it is a great saving. The men who do this work of farm demonstration are not given to joy riding. They are not given to going out and having a good time, but they are men picked from the rural walks of life, men who have devoted their lives to agriculture and who have an interest in the work. They do not use automobiles on the farms in the country one time in a thousand where they should not use them.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BRADY. In a moment. In order to prevent that, we have put a penalty of not more than $1,000 fine and six months in jail in case they do so. I yield to the Senator from Missouri.

Mr. REED. Does the Senator suppose that the men who are going to run these automobiles are practical farmers engaged in farm work? How do they get into the Agriculture Department? I do not know of any way by which the farmer breaks into the Agriculture Department.

Mr. BRADY. You will find a great many practical farmers in the Agricultural Department. The demonstrators all have a special training for the work they have to do.

Mr. REED. Does not every one of them have to pass a civil-service examination? Is it not all covered in the civil service? Are not the places being filled up now with that class of men?

Mr. BRADY. Yes; but they have to show that they understand practical farming or else they can not pass the examination.

It is all right to talk about the horny-handed farmer in being connected with the Department of Agriculture. However, the fact remains that the farmer appreciates what the Agricultural Department is doing for him and has been doing for him in the years gone by.

Some may sneer at him; others may treat his calling with levity, but the farmer, the man behind the plow, is the bulwark of our country. And it is a mistake to say that the farmer does not appreciate and enjoy modern improvements. He avails himself of every opportunity to secure knowledge, and the farmers of this country would not tolerate for a moment a "lily-handed" representative of the Government endeavoring to give them instruction. The men who give instruction in farm-demonstration work are practical men with actual agricultural experience, and the department knows it would be useless to send men of any other character to give farm demonstration.

Mr. REED. Do not let us get the idea into our heads—I hope the Senator has not got it—that the old horny-handed farmers are going to have these automobiles and that they are the men who are going out to demonstrate farm work. That has been turned over to the civil-service gentlemen, to a man with lily fingers and education, who passes a civil-service examination, and who would not recognize the difference between a Jersey cow and a Holstein unless he looked at the picture in his book.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Idaho yield to me a moment?

Mr. BRADY. I yield to the Senator.

Mr. SMITH of South Carolina. I think I stand here as perhaps a practical representative of the agricultural classes in that I do nothing else but farm. I do not think there is a clause in the bill fraught with more practical benefit, if used judiciously, by reason of the conditions throughout the South, and I presume in the West as well, and in the Middle States. Let us take the hog cholera. The Senator from Missouri said a moment ago that if a hog began coughing, the next morning or the next day, it may be a week after, a diagnosis can be made. I say it is all over then; the old carcass is carried out.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BRADY. I yield.

Mr. REED. Does the Senator say that a hog dies of cholera in one day?

Mr. SMITH of South Carolina. Yes; I have seen them die in less than a day, if it is a genuine case of cholera.

Mr. REED. The Senator is thinking about Asiatic cholera.

Mr. SMITH of South Carolina. No; I am talking about hog cholera. It was not Asiatic in my State when it cleaned out my herd. They die at once, and they are carried out.

Mr. MARTINE of New Jersey. I think the Missouri hog is entirely another breed and another class. [Laughter.]

Mr. SMITH of South Carolina. I think that must be the case.

Mr. REED. Mr. President, the trouble is that these senatorial farmers have allowed their hogs to have the cholera six or eight weeks before they suspected it, and did not really know that they had it until they died. Consequently they think it is a speedy and fatal disease, but it is not.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from South Carolina?

Mr. BRADY. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. If the Senator from Idaho will permit me, I may in my own time have something to say on this question, but we are here attempting to legislate as best we may for the general benefit of the agricultural classes. I am here to state, as a practical farmer, living a considerable distance from a railroad, what is the condition when there appears a certain disease for which there is provision made for stamping it out. In my county town, for instance, 20 or 30 miles away, there is established, as necessarily must be the case, headquarters representing the Agriculture Department. I phone there or I telegraph there for some one to come to diagnose glanders, for instance. That is not provided for here, but I use it as an illustration. A disease appears among my cattle or hogs. The army worm has made its appearance. The department has studied this question under our appropriations and they are immediately called to give me the necessary information. I would have to wait upon the schedule of the railroad train, 4 or 5 miles away. In the meantime, if the department is provided with these modern facilities of rapid transportation, some one who is able to give me the information can be at my place before the railroad could reach the nearest station.

Mr. REED. Mr. President——

Mr. SMITH of South Carolina. Just one moment. If in the meantime there threatens to be a rapid spread of the disease, the one who has charge of the rapid means of transportation can carry this knowledge throughout the rural communities where they have not facilities for railroad transportation. In farming, as well as in law, the element of all modern business is the element of time and distance. I do not see why there should be a balking at availing ourselves of rapid transportation through the rural districts such as is afforded by the motor cycle or the automobile or any other means that may be employed in order to stamp out that which confronts the farmer with disaster and losses to him. If there be sickness in the family or if there be threatened danger to the life of the individual which is predicated upon the spread of some disease, we invoke the most rapid means of transportation.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. SMITH of South Carolina. I can not do that without the permission of the Senator from Idaho.

Mr. BRADY. I yield.

Mr. REED. I should like to ask the Senator from South Carolina if the country doctor, who treats men and women and who doctors folk, as a common and general thing is provided with an automobile?

Mr. SMITH of South Carolina. He is provided with an automobile in South Carolina; and if he is not he does not catch the case. I will ask the Senator from Missouri this question: If you were attacked with a case of acute indigestion or some other stomach trouble, and you thought you were face to face with death, would you prefer to deal with some fellow driving an old gray horse or with some man with an automobile?

Mr. REED. I would have in the ordinary districts of the country, in a majority of instances, to risk the man with the horse, because I think it is safe to say that there is not 20 per cent of the country doctors who have these vehicles, though they may have them in the Senator's State. The Senator says that after they have discovered this disease they must get around and let the neighborhood know of it. If they have so many automobiles in the Senator's State, let me ask him if they have any telephones?

Mr. SMITH of South Carolina. We have telephones.

Mr. REED. Well, would it not be quite feasible to telephone around the neighborhood and to tell the farmers?

Mr. SMITH of South Carolina. I should like to ask the Senator from Missouri if they travel on telephones in Missouri?

Mr. REED. No; but the news travels on telephones.

Mr. SMITH of South Carolina. What good does news do, if you have not got a man to demonstrate the use of the serum?

Mr. REED. The Senator from South Carolina has stated what they want is an automobile, so that when they found there was cholera they could run around the neighborhood and tell the rest of the folk.

Mr. SMITH of South Carolina. Can you telephone the serum?

Mr. REED. No; but you can telephone the information.

Mr. SMITH of South Carolina. Precisely; but you have not got the serum.

Mr. REED. I will tell you that if you did telephone the information that the serum was necessary the farmers would gather in very quickly to get it.

Mr. BRADY. Mr. President——

Mr. REED. I recognize the fact that we are trespassing upon the time of the Senator from Idaho.

Mr. BRADY. I should like to conclude my remarks.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further?

Mr. BRADY. I yield.

Mr. SMITH of South Carolina. The point I make is this: There is not a facility for the propagation of news and the betterment of the agricultural districts which is not felt in every home in every city and throughout the whole country; and yet, as the Senator from Oklahoma [Mr. GORE] well said the other day, when we come to the question of appropriating money for the betterment of the agricultural classes there are actually Senators who stand up here and speak about making appropriations to eradicate bedbugs! I should imagine, Mr. President, that if there were not a sufficient appropriation made and if great attention is not given to agriculture along practical lines, the cost of living and the profits that accrue to some of the professional men will be more materially reduced than they now are. I shall not, however, go into that, but with the permission of the Senator from Idaho I will close with this statement: I believe, as a practical thing, that as to the use of the motor cycle in the eradication of these forms of disease amongst animals and insects and plant life, we could not appropriate money to a better use than to give these officials who have the practical knowledge of how to eradicate these pests the facilities to transport themselves rapidly, and to go to the rescue of those upon whom the production of the clothing and the food and the welfare of this country depend.

Mr. KERN. Mr. President——

Mr. BRADY. I yield to the Senator from Georgia.

Mr. WEST. I do not ask the Senator to do so. That is all right.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BRADY. I yield to the Senator from Indiana.

Mr. KERN. I want to inquire whether any amendment has been provided which limits the amount of this appropriation?

Mr. GORE. I will say that there is not any provision which limits the appropriation. The Senator seems to regard this as the launching of a new policy of the department as to automobiles and motor cycles. It is simply to avoid the contingency of being forbidden to repair machines that they already have or to purchase others when they become indispensable. It is simply the continuation of the present policy; and no large expenditure is contemplated under this provision. The Secretary of Agriculture stated that most of the machines that are actually needed in the administration of the service cost less

than a thousand dollars each. They seem to me to be entirely indispensable to the successful administration of affairs.

Mr. KERN. Will the Senator from Idaho permit me a moment further?

Mr. BRADY. I yield to the Senator from Indiana.

Mr. KERN. It is true, doubtless, that the Department of Agriculture has automobiles; it is true that all of the departments have automobiles; it seems that the purchase of automobiles has become such a very common matter with the heads of departments and the heads of bureaus that the people of the country are beginning to complain about it.

There are many things in this bill to which I do not subscribe, and there are many things in all of these appropriation bills to which I do not subscribe. It seems to me there is extravagance in almost every page of this bill.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. KERN. I will do so in a moment. On almost every page of every appropriation bill there is extravagance. I have remained silent as to this bill because it pertains to the interests of the farmer; but when it comes to giving to the Secretary of Agriculture or to any other officer of this Government a free rein to go out in the markets and buy all of the automobiles he wants—because the words "motor vehicles" are used in the bill—to buy all the automobiles he desires, at his own discretion and on the recommendation of the underofficials who want to use them, I think it is time to draw the line.

I am opposed to this amendment unless there shall be some limitation embodied in it curtailing the power somewhere and limiting the extent to which the Secretary may exercise this right. I think it is going entirely too far; and so far as I am concerned, I draw the line on this provision which gives the unlimited right to these officials to go out and buy all the automobiles they may desire.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. BRADY. I yield to the Senator from Oklahoma.

Mr. GORE. I think possibly the Senator from Indiana has overlooked the fact that these automobiles and motor cycles are limited to use in the field service. It is not proposed to authorize the Secretary of Agriculture to purchase automobiles for use in the District of Columbia. My understanding is that they have no automobiles in connection with the department, except possibly a motor truck. This is limited to field service and to automobiles actually needed in the administration of the service. The Senator from Indiana will readily realize that in connection with forest fires and the administration of the Forest Service these motor vehicles are indispensable where the distances are considerable.

Mr. KERN. I have understood that the automobiles in use by all the departments are presumed to be limited to official use, and yet everybody understands that they are not so limited. It is a matter of common comment and general knowledge that the automobiles which are in use in the District of Columbia by the heads of departments and bureaus are not limited to official use, and it is because of experience in that line that I regard it as a dangerous proposition to give this power to the Secretary of Agriculture, or to any other officer, only limited by the phrase "official use."

Mr. GORE. That is not the only limitation. The Senator from Indiana will observe that it is limited to field service, which excludes the District of Columbia. No purchase of automobiles could be made under this amendment for use in the District of Columbia.

Mr. KERN. Mr. President, I do not understand that the men engaged in the field service necessarily live in the District of Columbia or that their operations are in the District of Columbia. A man in Indiana who is connected with this service is provided with an automobile, as is the man in Ohio, the man in South Carolina, the man in Michigan, or the man in Wisconsin. Wherever there are fields for service, there these automobiles may be brought into play, and the power is given to the heads of departments to buy all that are needed.

Mr. McCUMBER and Mr. VARDAMAN addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Idaho yield?

Mr. BRADY. I yield to the Senator from North Dakota, who asked me to yield to him some time ago.

Mr. McCUMBER. I want to ask the Senator from Idaho one or two questions as to what has been done with reference to this amendment and how it came to be in this bill. I think you can destroy any good measure by merely ridiculing it; it is the easiest thing in the world; but I assume that this amendment was not put into this bill unless some one recommended it, and I understand that it was recommended by the Assistant Secretary of Agriculture. Am I right in that understanding?

Mr. BRADY. That is correct.

Mr. McCUMBER. And the other day Senators on the other side of the Chamber were making long and very fine addresses concerning the wonderful intelligence, character, foresight, and economy of the Assistant Secretary of Agriculture and proposed to raise his salary because of his remarkable efficiency. He is the same Assistant Secretary of Agriculture, is he not, whom they are now criticizing in this bill because they fear that he will buy all of the automobiles that are for sale in the country?

Let me ask the Senator another question. Is there not provision in this bill for experts to drive over the States of Ohio, Indiana, Missouri, and over other States for the suppression of hog cholera, to give the necessary and proper advice to the farmers, and is not that true also with reference to farm demonstration work all over the United States? Am I correct in that?

Mr. BRADY. Yes; the Senator is entirely correct.

Mr. McCUMBER. If that is true, does not the Senator himself know, and does not every other Senator who has any knowledge at all as to the cost of transportation in this country know, that to accomplish the same amount of work you can purchase a cheap automobile—by "cheap" I mean a small automobile——

Mr. WARREN. A motor cycle.

Mr. McCUMBER. No; an automobile that can be purchased for $450 or $500 or $600, with which you can drive over the entire country and cover five times as many miles in a day as you can in driving with a horse and wagon, and the absolute cost of it would not be one-half or one-quarter of what it would cost you to do the same work with a team of horses.

Mr. BRADY. That is true.

Mr. McCUMBER. Now, if that is true—and I know from absolute experience that it is true—then I submit that the Secretary of Agriculture in recommending this provision as a matter of economy is on the right track, and so long as we provide in this bill for a large increase in the number of inspectors who must travel over the country, and so long as we appropriate large sums for the suppression of hog cholera and half a hundred other things, necessitating the conveyance of experts of the department over the entire United States, the principles of economy, not to mention other considerations, demand that we should have a cheaper transportation than horse transportation is to-day.

I admit that if you purchase a very high-priced automobile, a Packard or a machine of that kind, weighing 4 or 5 tons to start with, and with a high cost of upkeep, it might not be as cheap as driving a single horse over the country, but by purchasing a small, light automobile the department will be enabled to accomplish from four to five times as much work in a day, with no more expense than there would be to take a team and drive over the same locality.

Mr. BRADY. And there would be no expense except during the time the automobile was running.

Mr. McCUMBER. The cost of keeping a team, Mr. President, during the winter would be at least from two to three times as much as it would cost for all your work done by automobile in the summer.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BRADY. I yield to the Senator from Indiana.

Mr. KERN. I should like to inquire of the Senator from North Dakota if he ever heard of a department head—and such officials have bought scores and hundreds of automobiles—buying a cheap machine like the Ford?

Mr. McCUMBER. I have not tried to follow that; but I think, if they have any sense of efficiency, of cheapness, and of economy, they would not attempt to buy a large, expensive automobile to drive over the country; and I am assuming that the Assistant Secretary of Agriculture, who has been praised so highly upon the floor of the Senate, would be capable of determining what was an economical automobile to be used in taking the agents of the department over the country.

Mr. KERN. Mr. President, I inquired when I first arose if there was any limitation in the provision as to the amount that might be expended for this purpose. I find there is not.

Mr. McCUMBER. I want to say to the Senator that there is a limitation.

Mr. KERN. I found there was none at all.

Mr. McCUMBER. There is a limitation which should be sufficient for a faithful and efficient officer of the Department of Agriculture, and that limitation is found in the words, "neces-

sary for the proper and efficient conduct of the work." That ought to be enough to guide the Secretary of Agriculture in keeping within proper limits.

Mr. KERN. I think not.

Mr. McCUMBER. If it will not, it ought to.

Mr. KERN. If there were adopted an amendment that would limit the cost in some way, so as not to give the department full range to spend all the money they desired for this purpose, I would not object, because I recognize the force of what the Senator has said in reference to the economy of the automobile—the cheap automobile—over the horse and wagon; but my objection to the amendment reported by the committee is that there is no limitation at all, and I think there ought to be one.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BRADY. I should like to get an opportunity to conclude my remarks, but I will be glad to yield to the Senator from Kansas.

Mr. BRISTOW. I should like to inquire of the Senator if the condition of the weather and how much mud there is in the road does not make a good deal of difference where you use motor cycles and automobiles? Indeed I think that if the horse doctors or the hog doctors are called out on a rainy day in some sections of the country they would have to hire a livery team, and let their automobiles remain in the stall until the roads dried.

When you come right down to the practical application of this item, of course, the motor vehicles provided for are to be used for the convenience and pleasure of the officers of the Government who want to use them in that way. We know, as a matter of fact, in the practical application of automobile privileges that the officials of the Government use them for the pleasure of themselves and their families more than they do for official purposes. In this city Government officials will make use of street cars and let their wives and daughters use Government vehicles to make their calls in. That is what happens, and that will happen in every place where the Government furnishes a lot of automobiles to officials to be run at public expense. They will be used for their convenience, and then we are called upon to vote this unlimited, unjustifiable extravagance in the name of the American farmer.

Do you think the farmer does not know when the Government, which he pays to maintain, is being imposed upon? You can not fool him by saying that these automobiles are being bought for his pleasure and his profit. He knows better. They are not being bought for that purpose; but money that could be used for his advantage and for his benefit is appropriated for the purpose of buying automobiles for public officers.

Mr. BRADY. Mr. President, I feel that the great trouble with some Senators is the fact that they do not really understand the real intent and purpose of this particular provision of the bill. I would be one of the last Senators in this body to advocate the adoption of this amendment for one moment if I thought the privileges given here would be abused. As the Senator from Kansas [Mr. BRISTOW] has well said, there are over 200 automobiles in use by officials here in the city of Washington. All the money that will be expended for automobiles, motor cycles, and motor boats for the millions and millions of farmers will not cost one-half of the amount of money appropriated for automobiles to be used by officials in the city of Washington.

The Senator from Indiana [Mr. KERN] asked a question as to the limitation of this appropriation. It was a proper question to ask, and I hope I can explain it to his satisfaction. The Assistant Secretary of Agriculture appeared before the committee and advised us that there were some lump-sum appropriations, the entire amount of which could not be used for the purposes for which they were appropriated, small fractions of such appropriations being left over, and he stated that he would like to have provision made in this item so that such amounts could be used for the purpose of buying extra motor cyles and things of that character. At his suggestion there was incorporated in the amendment the provision:

> Said vehicles and boats shall be used exclusively for official service and any other use shall constitute a misdemeanor punishable by a fine of not more than $1,000 or imprisonment of not more than six months.

That was not put in here simply for a word picture. The Assistant Secretary of Agriculture meant what he said when he told us he would be the first man to punish any official of the department who would use one of the motor vehicles proposed here to be authorized for any other than official business.

I desire to say a word about the thousand dollars for a motor boat. Senators who speak about this in such a light way I fully believe do not understand what such boats are used for. I do not presume that the men in the Forest Service or the farmers are fools enough to think that motor cycles can be used to fight a forest fire or go through the timber, but there are large forests with lakes in the center of them, and there may be 15 or 25 guards on one side of the lake, and a fire may start on the other side. It is absolutely necessary that they get across the lake in the quickest time possible, and they can do it in no more expeditious way——

Mr. REED. Mr. President——

Mr. BRADY. Just a moment—than by the use of one of these motor boats. Motor boats are in use now by the department. This is not the inauguration of the policy. It is the intent of the Assistant Secretary or of the Secretary of Agriculture to purchase not to exceed one more boat; and that is the reason why the price of it has been limited.

Mr. CLARK of Wyoming. What limit is there?

Mr. REED. Mr. President, I should like to ask——

Mr. BRADY. I yield to the Senator from Missouri.

Mr. REED. I should like to ask how many lakes are there of the kind the Senator has just described in all the forest reserves?

Mr. BRADY. That would be a hard question to answer. In my State there is one lake 30 miles long and from 3 to 6 miles wide——

Mr. REED. Oh, well, there are thousands of them, as a matter of fact, are there not?

Mr. BRADY. There are thousands of lakes, I presume; not that many, I imagine, in forest reserves, but there are a great number of lakes where there is no possible way to protect the timber in any other way except by using boats. However, they are not all situated in that manner.

Mr. REED. I understand—and I am not asking these questions at all with any other purpose than eliciting information—that there are single counties in the State of Minnesota, not in a forest reserve, however, containing lakes numbering above a hundred, and in all of the forest reserves of the country there must be thousands of lakes. If the only way to protect the timber is, as the Senator says, to have a boat upon a lake, so that you can run across it rapidly, it occurs to me that we will have some thousands of motor boats to purchase, or else there will be no protection on the great majority of these lakes. Manifestly putting a boat upon a lake out in the Senator's State might be all right on that lake, but it would be no benefit to another lake some distance away. If we are going to put motor boats upon these lakes, let us treat them all alike and give each of them motor boats. If that is to be done, I think that our American boat yards and shipyards will be engaged in a very lucrative business in the near future.

Mr. CLARK of Wyoming. Will the Senator from Idaho yield to me for a moment?

Mr. BRADY. I yield to the Senator.

Mr. CLARK of Wyoming. The Senator spoke of the limitation of the cost. What is the limitation of the cost?

Mr. BRADY. I will read:

> That the lump-sum appropriations now available or herein made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests—

And so forth. This provides for the use of the unused portions of lump-sum appropriations.

Mr. CLARK of Wyoming. Yes; but the Senator, before he was interrupted by the Senator from Missouri, referred to a limitation of the cost to a thousand dollars.

Mr. BRADY. I simply referred to what the Assistant Secretary of Agriculture said to the committee.

Mr. CLARK of Wyoming. I have another question that I desire to ask. Has the Senator, or the committee, made any estimate of the percentage of the total lump-sum appropriations that would be used in this work?

Mr. BRADY. I do not think the committee made any particular estimate; but I understood the Assistant Secretary of Agriculture to say that the amounts to be so used would be very small—just what is necessary for the official service incident to the department.

Mr. CLARK of Wyoming. Does not the Senator think that it would be well to limit even the discretion of the Secretary of Agriculture?

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. BRADY. I yield to the Senator.

Mr. CLARK of Wyoming. I would like to get through with my questions first.

Mr. GORE. What I want to say is pertinent to what the Senator is inquiring about.

Mr. CLARK of Wyoming. Very well.

Mr. GORE. I understand at the present time there has been provided and the department already has in the Forestry Service 2 automobiles and 10 motor cycles, so that the purchase of these machines is not intended to embark the Government upon a new policy. They are already equipped with what they need; but in case the motor vehicles now owned should require repairing the department does not want to be helpless so that they can not make the repairs, and in case they should need an additional motor cycle they desire to be in a situation to buy one without special legislation upon the subject. I am afraid Senators have unleashed their imaginations here and fancied that the department intended to buy out several automobile concerns in order to equip the department.

Mr. CLARK of Wyoming and Mr. WEST addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Idaho yield?

Mr. BRADY. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I am sure that I have not unleashed my imagination at all. I simply asked a very definite, practical question, as to whether or not there was any estimate made by the department or whether the committee had made an estimate as to what percentage of the general lump-sum appropriations carried in this bill would be available or would probably be used under this particular appropriation.

Mr. GORE. Mr. President, the Senator can probably make his own estimate from the figures I have just suggested.

Mr. CLARK of Wyoming. There is absolutely no estimate whatever.

Mr. GORE. I suggested that they have at present 2 automobiles and 10 motor cycles. That is the present equipment. The amendment under discussion is simply to enable the department to maintain its equipment up to the present standard of efficiency.

Mr. CLARK of Wyoming. Instead of vesting an absolute discretion in the Secretary of Agriculture to use all the lump-sum appropriations, if he thinks it necessary, does not the Senator think it would be well to limit the amount that could be so used, say, to 10 per cent of the lump-sum appropriations?

Mr. GORE. I have no objection to that whatever. I think the figures indicate that the department have pursued a conservative policy, and I have no doubt——

Mr. CLARK of Wyoming. There are no figures.

Mr. GORE. And I have no doubt they will continue to pursue a conservative policy; but if any Senator is afraid that extravagance might run riot I am perfectly willing that the limitation be made.

Mr. CLARK of Wyoming. I am not particularly afraid, Mr. President; but here we have an appropriation that covers all the lump-sum appropriations in this bill. Fifty per cent of the hog-cholera appropriation, 50 per cent of the lump-sum appropriation for the Forestry Service, 50 per cent for various other items, could legally be used by the Department of Agriculture for the purpose of this amendment.

We have no estimate as to what may be necessary; we have no notice, particularly, that anything is necessary. The chairman of the committee himself says the appropriation is only needed for upkeep, while the provision itself says it is for the purchase of machines. Now, what are we to consider?

Mr. GORE. The Senator misunderstood me if he understood me to say that it was limited to the upkeep. I said it was to maintain the equipment at its standard of efficiency. That is what I said, and what I continue to say.

Mr. President, I understand that the department has had this power in the past, and I have never heard of any protracted debate, nor have I ever seen the fears of Senators so much excited or agitated heretofore in regard to it. My understanding is that Agricultural appropriation bills in the past have granted this power, and that it has not been abused. Senators have never seemed to draw it in question in the past. I have no objection, however, since they have been seized with this sudden fit of economy, to fixing the maximum so that the Secretary can not abuse this power to buy Ford automobiles or automobiles of other concerns necessary for this purpose. If that will allay the agitation of Senators, I think it would be eminently fitting and proper.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BRADY. I yield to the Senator.

Mr. WEST. I suggest that, in order to limit this matter, we could insert a proviso in the amendment reading—

Provided, That there shall not be an expenditure to exceed $25,000.

Mr. BRADY. That suggestion, I think, would be entirely acceptable to the committee, or I think the suggestion of the Senator from Wyoming would be equally acceptable, for the reason that we know that the Secretary has no thought of using any greater amount than that.

In conclusion, I wish to say that, of course, it is not possible for all the Members to have the information that the committee had relative to this matter. I think this has demonstrated conclusively that where we have committee hearings, as a result of which amendments are inserted, it is well to have the hearings taken down in shorthand and printed for the benefit of the Senate. Then the other Members of the Senate will understand the conditions as we understand them.

This amendment was placed in the bill with the thought of using the amounts left over from lump-sum appropriations simply to purchase a few additional motorcycles and other necessary equipment. The Secretary stated to us positively that he would buy only one motor boat. There was one particular place where he wanted to use a motor boat, and he believed it was necessary. The Senators here are not to blame for not having that information, but that was the statement that he made to us and that is why I favored this amendment.

I believe the farmer is entitled to just, fair, and equitable consideration, and no more. I am quite sure that he does not ask or expect any more, but I do believe that it is our duty to give him what is his just due. When we have appropriated this large amount, I think it is only fair and equitable that we should make some plan by which this knowledge can be diffused at the least possible expense; and that was certainly the thought in putting this amendment into the bill.

While I have no authority to speak for the committee, so far as I am concerned I should be perfectly willing to accept either the suggestion of the Senator from Georgia [Mr. WEST] or the suggestion of the Senator from Wyoming [Mr. CLARK] and limit this amount so that there can be no abuse of the authority. There is absolutely no doubt, however, that they do need these vehicles as provided in this amendment.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BRADY. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Did I understand the Senator to say that there was no stenographic report of the hearings before the Committee on Agriculture and Forestry?

Mr. BRADY. There was not.

Mr. GALLINGER. I will say to the Senator or to the chairman of the committee that it seems to me that this is a bill where there ought to be a stenographic report. We have it on almost all the other appropriation bills. I think the Senator from Idaho is quite right in saying that some of us do not understand this question as the committee understands it. Possibly, had the hearings been reported, we would have been so enlightened by reading the hearings that we would have saved a good deal of time to-day.

Mr. GORE. Mr. President, I may say that I was impelled by an extreme sense of economy not to incur the expense incident to having a report made of the hearings; but from this time forward I shall not withhold illumination from the Senator from New Hampshire, because I am satisfied we might thereby expedite the debate sufficiently to save a great many thousand dollars, perhaps more than we have saved by our manifestations of economy in regard to these amendments.

Mr. GALLINGER. Mr. President, I am gratified to have the chairman of the committee assure us that in the future the hearings before the Committee on Agriculture and Forestry will be reported and printed. I think that ought to be done, and I join with the Senator in saying that very likely it will be a matter of economy. It does not cost a great deal to have the hearings reported and printed, and it has cost a good deal to discuss this one this afternoon. If we have been discussing it because of insufficient information or misconception of the facts in the case, we are not to blame for that, because all I have been doing has been to try to secure information with a view of satisfying my own mind that this is a wise appropriation. It did not so appear to me in the first place, and it does not so appear to me now; but possibly I am mistaken about it.

Mr. BRADY. Mr. President, I wish to say, in conclusion, I fully agree with the Senator from New Hampshire that on account of the Members of the Senate not having the same information we have they do not favor this amendment. I do not believe there is a Senator on this floor who, if he could have been present and could have heard the statements and explanations offered by the Assistant Secretary of Agriculture, would have hesitated a minute to give the small amount that will be used under this amendment.

While, as I have said before, I have no authority to say what shall be done by the committee, I should be very glad,

indeed, to have the chairman of the committee state what he is willing to do about inserting a limitation in a manner that will satisfy everybody.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BRADY. I do.

Mr. KENYON. I should like to ask the Senator from Idaho a question before he takes his seat. I was called from the Chamber, and did not hear all of the speech he was making; but do we understand him to say that there are no automobiles to be purchased, but that this is simply to carry the automobiles now owned by the Department of Agriculture?

Mr. BRADY. No; I do not so understand the situation.

Mr. KENYON. I understood the Senator in that way.

Mr. BRADY. It is to keep the work up to its present efficiency. If an automobile is worn out, the Secretary desires authority to purchase a new one, and I think he intends to get some new motor cycles. I certainly understood him to say in the committee that he intended to get only one motor boat for some particular place in one of the forest reserves where he thought it was very essential that the department should have it.

Mr. KENYON. Then I am in error in understanding the Senator to say that no automobiles are to be purchased. There are automobiles to be purchased, as the Senator understands?

Mr. BRADY. There will be some automobiles purchased.

Mr. KENYON. Is there any restriction upon the kind of automobiles, or the expense of the automobiles? Are they to be Pierce-Arrows, such as the Senator enjoys, or are they to be Ford automobiles, such as some of us hope to be able to buy some time?

Mr. BRADY. The Secretary said he would not favor purchasing any automobile that cost to exceed from four to six hundred dollars.

Mr. KENYON. From four to six hundred dollars?

Mr. BRADY. Yes; that they would not need any more expensive automobiles than that, and that he would not purchase automobiles costing any more than that sum.

Mr. KENYON. But there is no limitation of that kind in this clause.

Mr. BRADY. No; there is nothing of that kind in the amendment, and that is the reason why I think the suggestion of the Senator from New Hampshire is a good one—that we should have these committee hearings reported and printed, so that the other Members of the Senate may understand and know what we heard in the committee.

Mr. KENYON. I wish we could understand it as the members of the committee understand it.

Mr. BRADY. I know quite well that if the Senator from Iowa had been present he would have favored this amendment, after hearing the statement of the officials representing the department.

Mr. GALLINGER. If the Senator will permit me, he will recall the fact that the Assistant Secretary of Agriculture, who gave this valuable information to the committee, has resigned; and it will not be for him to purchase these automobiles in the future, but for some new Assistant Secretary, who may entertain more liberal views.

Mr. BRADY. Mr. President, even though I am a Republican, I have sufficient confidence in the present administration to believe that we shall have an honest and efficient Assistant Secretary of Agriculture.

Mr. SHERMAN. Mr. President, I should like to make an inquiry before the Senator from Idaho takes his seat. If I understand correctly the information laid before the Senate, it is that the officer making the expenditure has unlimited discretion, as far as this bill is concerned, if enacted into law. Is that correct?

Mr. BRADY. That is correct, within the present limits. I will ask the chairman of the committee to answer the question, as he has the information at hand.

Mr. SHERMAN. Let me make a further inquiry, then, from the Senator. Has he the figures or the information in regard to the sum of money covered by this omnibus power that is limited only by the discretion of the purchasing officer?

Mr. BRADY. We have been attempting to give that information to the Senate this afternoon so far as we have been able. As I said before, the chairman of the committee has more information on that point than I have, and I shall be glad to have him answer the question, as I think he has the information on his desk.

Mr. GORE. Mr. President, I will merely repeat what I have already said, that this amendment continues the power which has heretofore existed. Under that power the Forestry Service, I believe, has purchased 2 automobiles and 10 motor cycles. Under an amendment carried in the legislative bill the department could not repair these 2 automobiles and 10 motor cycles, and if an additional machine should become necessary it could not make the purchase.

That is the sole object of the amendment. The power has not been abused in the past. The Department of Agriculture has proven itself worthy of this confidence in the past, and I have no doubt it will prove itself worthy of this confidence in the future. The 2 automobiles and 10 motor cycles illustrate that fact.

For my part, I have no indisposition to continue this trust. If, however, Senators fear the department may be seized with a fit of extravagance and may purchase several hundred thousand automobiles, I have no reluctance to fixing a limit to quiet any uneasiness that may exist.

Mr. SHERMAN. What I wish particularly to inquire is as to the amount of money in the bill that might be affected by this discretionary power. I have made a rough estimate of it. I do not intend that my estimate shall be taken as accurate, but I believe it approximates accuracy. I think the omnibus discretionary power that the adoption of this amendment would vest in the purchasing officers of the department affects between four and five million dollars of the appropriation.

Mr. GORE. It is simply a continuation of the power that already exists. It is to prevent that power being stricken with paralysis by the legislative bill, thus impairing the efficiency of the service.

Mr. REED. Mr. President, the Senator from Illinois is very moderate in his figures. This provision reads:

> That the lump-sum appropriations * * * made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests, for hog-cholera demonstrations—

And so forth.

The one item of appropriation for the administration of the national forests alone covers $5,558,256.

Mr. WARREN. Mr. President, the Senator will understand that it does not appropriate so much in a lump sum, and this language refers only to the lump sums.

Mr. REED. Each of the various items of the Agricultural bill carries a lump sum with it, and they therefore would be covered by this proposition.

I am not criticizing the Senator. I simply say he was very moderate in his statement.

Mr. SHERMAN. Mr. President, I was particularly directing the inquiry to the lump-sum or gross-sum appropriations, because they are the ones that are specifically embraced in this amendment.

A very cursory examination will show that about 25 per cent of the entire bill is affected by this amendment leaving a discretionary power of purchase. I do not say it will be abused. In many things I am willing to trust, and we must trust, the discretionary power of the heads of departments. It is not, however, the right way to make appropriations.

We are passing an appropriation bill here, or so much of it as this amendment affects. There is no limitation in it as to the number of machines that may be purchased, or the kind of motor boats or other vehicles of transportation. It is all left to the discretionary power of the purchasing officer, whoever he may be; and that discretionary power may be scattered through a great number of hands as it radiates and percolates down from the head of the department. Where this power of purchase will finally land, whether it will be in somebody who is investigating the best way of pulling stumps, or investigating boll weevils, or the most expeditious way of killing prairie dogs or exterminating other noxious insects or dangerous carnivorous animals, is something that nobody on the top of the earth so far has been able to give any accurate information about, so far as I have been able to learn.

This bill covers a very great variety of subjects. It is a sort of omnibus bill for the entire Agricultural Department. When I look through the vast number of purposes for which this money is to be expended, I am rather disposed to think some limitation ought to be put on this committee amendment if we are to arrive at anything like accuracy in appropriating money.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Certainly.

Mr. GORE. I proposed—I think the Senator has come in since—that the amendment be amended by adding a proviso at the end of the paragraph to the effect that the expenditure for this purpose shall not exceed $25,000.

Mr. SHERMAN. I will join the Senator in authorizing some reasonable expenditure.

To continue where I left off, however, in order that the RECORD may contain briefly the reasons for such an amendment, the field work would include the investigation of sheep diseases and sheep dipping. That might cover, in the western country, a very great mileage and a very great necessity for divers kinds of machines, expensive and otherwise. It covers the investigation of ticks on a great variety of domestic animals, cattle and other range animals, and other vermin and ravenous parasites of different kinds, including lice. That is a very extensive subject where they are well bottomed in their investigations on live stock. It includes the investigation of horse breeding, the different varieties of stallions, and so forth. That would include every place, not only in the western country but everywhere else, where horses are raised either for ornament or for utility. It includes ostrich farms and ostrich investigations in Arizona and California. The distances in that country are very great. It includes an investigation of the diseases of ginseng. It includes an investigation of diseased bark on chestnut and pine trees. It includes an investigation of the diseases of flax, forage, and various field grasses. It includes an investigation of broom corn, which extends over a very wide area of country, all the way from Oklahoma to eastern Illinois. It includes an investigation of botany and botanical specimens that are good either for food for domestic animals or for the cure of various complaints to which the human family may be subject. It includes a study of cactus plants and dry-area products, together with an investigation——

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Yes, sir.

Mr. GORE. I have procured an estimate from the department as to the number and cost of the automobiles and motor cycles that might be necessary. They estimate for eight motor cycles, costing a total of $2,274, and two automobiles, costing $1,250 each. I suppose a limitation of that amount, or perhaps a little in excess of that amount, would be satisfactory.

Mr. SHERMAN. If there be some limitation on the number of vehicles purchased and the price per vehicle, I can see where it might effect some economies in operation, as the Senator from North Dakota says; but what we are objecting to is the unlimited expenditure of money, subject only to the discretion of the head of a department.

Mr. BRADY. Mr. President, will the Senator yield for a moment?

Mr. SHERMAN. Certainly.

Mr. BRADY. Would the Senator be satisfied to vote for this amendment providing the amount were restricted, say, to $10,000?

Mr. GORE. Mr. President, I do not think any such amount as that would be necessary.

Mr. SHERMAN. I should like to have some limitation put on the amount to be expended for each machine. If not, one bureau would be profiting at the expense of another.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Certainly.

Mr. GORE. I have no objection to limiting the amount. The estimate here calls for about $3,400 or $3,500. I should like to place the limit a little in excess of that amount, so that I may ascertain more definitely the exact amount, and in conference I will adjust it to the exact prospective requirement. I would suggest a limitation of $10,000 for the present, and if that should prove more than will be necessary it can be reduced later.

Mr. WARREN. Did I understand the chairman of the committee to suggest $10,000?

Mr. GORE. Yes.

Mr. WARREN. I think that would be a reasonable request.

Mr. GORE. I think that is more than is necessary.

Mr. WARREN. If the chairman will allow me a moment, of course this debate has contributed a great deal to the gayety of nations, as a debate always does upon the brown-tail moth, the gypsy moth, and so forth; but there is no use in trying to evade the fact that there is a necessity for a certain number of these motor cycles and inexpensive automobiles, properly used, in the field. If the Senator will accept or offer an amendment that the amount used for this purpose shall not exceed $10,000, I think the matter may be passed upon without delay.

Mr. BRADY. I think the committee would be satisfied with that amendment.

Mr. GORE. I move that amendment, then—

Provided, That the amount thus expended shall not exceed $10,000.

I may say that I will undertake to reduce that amount in conference if we find that it exceeds the probable demands for the service.

Mr. REED. Mr. President, that is over twice the amount that was estimated.

Mr. WARREN. Mr. President, the estimate did not include repairs. Of course there is quite an amount needed for repairs.

Mr. REED. I think all of this paragraph is subject to a point of order. I am very loath to make the point of order, but I think the Senator ought to be perfectly content with the amount of $5,000, because the so-called estimate does not go above $3,400, I understand. I think, therefore, $5,000 is a reasonable limit.

Mr. GORE. I may say to the Senator that if we make it $10,000 we can reduce it in conference, whereas if we make it $5,000 we can not increase it.

Mr. WARREN. I hope the Senator will make the limit $10,000. As he has remarked, if it shall appear that it can be reduced in conference, of course it should be reduced; but there are repairs and supplies that are constantly called for in connection with all of the machines that the department now owns. I agree with the chairman in the statement that it is necessary to state specifically in this bill some amount that can be used, or they will not be able to run the machines they now have in case there is the slightest injury that makes necessary an expenditure for repairs.

Mr. GORE. Mr. President, I move the adoption of the amendment I have mentioned.

The VICE PRESIDENT. There is an amendment pending. It is the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER]. The pending amendment will be stated.

The SECRETARY. Before the word "moths," on line 5, it is proposed to insert the words "the boll weevil and."

Mr. GALLINGER. I simply desire to say that, as the appropriation for the boll weevil in this bill is so much larger than that for moths, there is no reason why that appropriation should not share in accomplishing the desired result.

I hope the amendment will be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Senator from Oklahoma proposes an amendment to the amendment, which will be stated.

The SECRETARY. The Senator from Oklahoma [Mr. GORE] proposes to add, at the end of the paragraph, the following proviso:

Provided, That the total amount to be expended for such vehicles and boats, under the provisions of this paragraph, shall not exceed the sum of $10,000.

Mr. WALSH. Mr. President, I suggest to the Senator from Oklahoma that that had better go in after the semicolon after the word "work" in line 7.

Mr. GALLINGER. Yes; that is right.

The SECRETARY. It is proposed to insert, after the word "work," in line 7, the words just read.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, line 16, in the appropriation relative to "Meat Inspection, Bureau of Animal Industry," it is proposed to strike out "$300,000" and insert "$390,000."

Mr. GORE. Mr. President, I ought to say in connection with this amendment that the tariff law which was enacted in October last—October 3, I believe—required the inspection of imported meats. The estimate of the Department of Agriculture was submitted to the Department of the Treasury about that time. It was impossible for them to foresee the amount that would be necessary for the enforcement of that statute. The requirements have exceeded their estimates. For that reason the Secretary of Agriculture has transmitted to the committee the estimate embodied in the amendment which I have just sent to the desk. It is now estimated that $90,000 additional will be required.

I have here a letter from the department on the subject, in case any Senator should desire to hear it read. Otherwise, I will have it printed in the RECORD without reading.

The matter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 30, 1914.

Hon. THOMAS P. GORE,
United States Senate.

DEAR SENATOR GORE: I desire to call your attention to section 545 of the tariff act of October 3, 1913, which places meat and meat products upon the free list and provides that no imported meat shall be admitted into the United States unless the same is healthful, wholesome, and fit for human food, and contains no dye, chemical, preservative, or ingredient which renders the same unhealthful, unwholesome, or unfit for human food, and unless the same complies with the rules and regulations of the Secretary of Agriculture.

The rules and regulations promulgated under the provisions of this section on October 4, 1913, require that a careful physical inspection and examination shall be made of each consignment except certain small quantities. Chemical analyses are also required to be made to determine the presence of unhealthful or unwholesome ingredients. It is also necessary for inspectors to supervise the destruction for food purposes of all meats offered for entry and refused admission into the United States or to see that the same is exported by the consignee as provided by section 545. This inspection and supervision requires the services, either continuous or intermittent, of a large force of employees at a great number of points throughout the United States. This work is regarded as very important in the protection of the health of the consuming public and increasing the food supply of the country.

The passage of this act has resulted in a great increase in the importation of meat and meat products, as will be seen from the attached table showing the quantity of imported meat inspected by employees of the Bureau of Animal Industry from October 3, 1913, the date on which the tariff act was passed, to March 31, 1914. The amount of inspection work necessary to properly carry out the provisions of the act has correspondingly increased. It is estimated that the additional sum of $90,000 will be required to meet this contingency. It is urgently recommended, therefore, that the item for meat inspection, on page 14, lines 10 to 20, inclusive, of the Agricultural appropriation bill be amended by increasing the amount from $300,000 to $390,000. A statement showing in detail how it is proposed to expend the additional sum of $90,000 is inclosed herewith.

At the time the estimates were submitted and the hearings held in connection with the appropriation bill it was impossible to estimate with any degree of accuracy the amount which would be required to properly carry out the provisions of section 545. While it is true that the bill as passed by the House provides an additional sum of $100,000 for meat inspection, this sum was intended for the most part to provide for the promotion of deserving employees engaged in meat inspection and for such further inspection work, other than that made necessary by the passage of section 545, as may be required from time to time in providing for the inspection of establishments within the United States.

Unless additional funds are provided as requested above for the inspection of imported meat and meat products, the effect will be to reduce the $100,000 in proportion to the cost of the inspection of these imported meats.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Imported meats and meat food products inspected by employees of the following stations from Oct. 3, 1913, to Mar. 31, 1914.

	October.	November.	December.	January.	February.	March.
Augusta, Ga.				151,755	4,321	7,063
Austin, Minn.				41		
Baltimore, Md.	80,612	80,452	27,825	24,901	25	
Bismarck, N. Dak.				1,975	21,967	47,022
Boston, Mass.	933,453	2,617,080	2,687,242	2,232,610	2,708,409	2,697,041
Brightwood, Mass.	60,630	57,813	20,200		82,335	20,520
Brooklyn, N. Y.	63,956	613,682	4,946,830	2,563,504	3,700,448	12,895,621
Buffalo, N. Y.	207,955	156,349	75,944	70,192	34,515	56,961
Burlington, Vt.			1,216			
Chicago, Ill.	937,772	2,651,676	1,506,220	380,874	112,140	421,378
Cleveland, Ohio	20,058			37,327	544	40,978
Cortland, N. Y.		87,146	23,496		48,221	97,214
Detroit, Mich.	48,064	78,720	50,645	30,437	5,089	3,297
El Paso, Tex.	15,272	40,858	25,417	142,966		
Hartford, Conn.		84,119	24,000	20,107	46,822	20,371
Houston, Tex.					56,633	
Jersey City, N. J.	141,711	523,451	356,771	141,249	88,234	61,180
Kansas City, Kans.		105,863	22,399	66,774		
Los Angeles, Cal.		19,071				
Louisville, Ky.			23,773			
Malone, N. Y.			1,626			
Memphis, Tenn.		22,253	22,948			
Milwaukee, Wis.		1,020	996	1,020		
Nashville, Tenn.		105			55	
National Stock Yards				26,022		
Newark, N. J.	84,708	106,769	50,428		25,164	25,112
New Haven, Conn.	63,818	20,117				
New Orleans, La.		241		19,294		
New York, N. Y.	2,620,872	3,556,057	4,875,290	7,103,260	2,943,312	14,839,222
Norfolk, Va.		76,462	39,368	24,166	20,166	
Ogdensburg, N. Y.		2,232	1,112	1,732	208	272
Paterson, N. J.		20,281				
Philadelphia, Pa.	125,171	174,957	118,701	59,775	136,564	192,055
Pittsburgh, Pa.	23,962		69,610	18,766	31,893	42,161
Port Huron, Mich.	296	600	836	1,210	717	676
Portland, Me.		27,155				
Portland, Oreg.		29,932	33,385	29,890	438	93
Providence, R. I.				100		223

Estimated cost of the inspection of imported products.

Augusta	$500
Baltimore	500
Boston	4,200
Buffalo	2,400
Chicago	5,000
Detroit	2,000
Kansas City	1,000
New York City (includes Brooklyn and Jersey City)	25,000
Philadelphia	2,000
San Francisco	3,500
Seattle	1,200
Washington	200
Other stations	5,000
Total	52,500
Laboratory examination for added substances and prohibited preservatives	20,000
Equipment (stamps, brands, labels, branding ink, etc.)	5,000
Traveling expenses from Washington and to Washington for conferences and instructions	1,500
Total	79,000
Add to allow for contingencies and growth	11,000
Total	90,000

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. PITTMAN. Mr. President, does that complete the committee amendments?

The VICE PRESIDENT. The Chair is unable to state.

Mr. WEST. Mr. President, when the bill is in the open Senate I desire to offer two amendments.

The VICE PRESIDENT. The bill is not in the open Senate as yet.

Mr. PITTMAN. I will ask the chairman of the committee whether the committee amendments are completed?

Mr. GORE. I desire to offer two other amendments which have been suggested by the department, and then we will revert to one amendment which was passed over. Unless objection be made, I will take that course. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 61, at the end of line 21, after the word "Congress," it is proposed to insert:

Provided, That hereafter all correspondence, bulletins, and reports for the furtherance of the purposes of the act approved May 8, 1914, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and the acts supplementary thereto, and the United States Department of Agriculture," may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General from time to time may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may recommend to the Postmaster General.

Mr. REED. Mr. President, I do not like to object to an amendment offered in that way. This is an extension of the franking privilege. As I catch it from the reading, it extends the franking privilege to the teachers of agricultural colleges, and so forth. I think an amendment of that kind ought to be printed, and we ought to be allowed to see it. We all know that the franking privilege has been grossly abused by Senators and Representatives. If they have abused it, what may we expect of private individuals?

When I say "abused by Senators and Representatives," I mean only that the franking privilege has been put to uses far beyond those which were contemplated when the privilege was created. I have in mind one speech which was sent out by one organization for the purpose of promoting ideas satisfactory to that organization. There were 1,750,000 copies of that speech distributed. I have in mind that a great book was prepared and sent out by the sugar interests; that numerous speeches were made in one or the other branch of Congress and circulated, not by Congressmen, but by some society or organization. I might extend these illustrations at some length. It seems to me that it is better not to enlarge this franking privilege. It seems to me we ought to be circumscribing it.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. GORE. I wish to suggest that this authority is granted under rules and regulations to be prescribed by the Postmaster General. It is, however, limited to one officer connected with this extension work, and who bears authority under the Smith-Lever Act.

The purpose was to bring to the farmers themselves the benefits of the research and extension work which should be wrought out under that organization. But, if the Senator objects, I shall not insist on the amendment, and therefore withdraw it.

Mr. REED. I should like to have a chance to consider it.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. WARREN. I ask to offer an amendment on the part of the committee, which I send to the desk. It is to come in on page 59, after line 20.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 59, after line 20, insert:

The Secretary of Agriculture is hereby authorized to lease, for terms not exceeding 10 years, buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture, if by so doing he is able to secure substantial reductions in rentals and better accommodation for the business of his department.

Mr. WARREN. The amendment comes directly under the appropriation for rent of buildings, and will greatly reduce the rental.

Mr. STONE. I should like to inquire of the Senator from Wyoming, who is familiar with the facts, as to the number of buildings now occupied by the Agricultural Department, where they are located, and their capacity.

Mr. WARREN. I do not know that I would be able to give the location of each one, as to street and number, but the list is here. The amount of rental is $108,329. It is found on page 59 of the bill. The rental for the Bureau of Animal Industry is $2,220; for the Bureau of Plant Industry, $26,420; for the Forest Service, $25,075; for the Bureau of Chemistry, $17,320; for the Bureau of Soils, $306; for the Division of Publications, $5,000; for the Office of Solicitor, $2,160; for the Office of Experiment Stations, $5,000; for the Office of Public Roads, $3,500; for additional rent in cases of emergency for any bureau, division, or office of the department, $21,328.

Mr. STONE. I had occasion recently to go to the Bureau of Chemistry, and I noticed as I rode on the street that there were several structures of considerable magnitude, the signs over the doors showing what they were, and one and all were under the Department of Agriculture. Does the Senator know whether the buildings to which I refer are rented or whether they belong to the United States?

Mr. WARREN. The property of the United States consists of the two large white buildings not connected and two or more red brick buildings very near them. The others are rented buildings.

I desire to say, if the Senator will allow me, that this rental proposition is one that I grieve over, as other Senators do. We ought to erect the necessary buildings, and not rent them. We are paying nearly $400,000 in the District of Columbia for rental in the different departments. We have greatly reduced the rent in some of the departments by authorizing the department, as we propose now to do, to rent longer than for one year at a time. For instance, the entire building that the Navy Department occupies was provided for by a similar amendment on an appropriation bill, except that the rental should not exceed a certain number of cents a square foot, naming a low figure. We have also provided for the building in which the Department of Commerce is located. This amendment endeavors to assemble these buildings at a much lower rent, and it will greatly facilitate the business. It will probably cost less in clerical force. That is the intent of the amendment.

Mr. STONE. Does the Senator know the number of buildings rented for the use of the department?

Mr. WARREN. The number is not given here, but the objects are given for which they are rented. Some are very small and other are of considerable capacity, and in some cases the department rents portions of buildings.

Mr. STONE. I take it that a separate building is not provided for each division.

Mr. WARREN. Oh, no; in fact, a division occupies only a portion, and sometimes the rest of the building is rented to other parties.

Mr. STONE. I thought we had so much ground about the Agricultural Department buildings, with three or four very large buildings there devoted to the use of that department, the buildings owned by the Government ought to be sufficient to reasonably meet the requirements of any one of the departments without going outside and renting a number of other buildings. I am not informed as to the facts, and for that reason I was making the inquiry.

Mr. WARREN. The Senator will understand that these buildings are already rented. We have already appropriated the money for the next year and, under the amendment, if the Secretary can carry out what he believes he can do, under offers made, he can greatly reduce this sum.

Mr. GALLINGER. Mr. President, just a word. I have often wondered whether we will ever have adequate facilities for housing any of the departments of the Government, however many new buildings we put up. We made that large appropriation for the Agricultural Department only a few years ago, and with those two magnificent new buildings constructed and the old buildings, still there is not enough room. Take the Navy Department. They were housed in the State, War, and Navy Building for a long time. They got the Mills Building, a very large building, on Pennsylvania Avenue. I suppose they will continue to occupy it.

Mr. WARREN. Oh, no. A new building has been erected and the rental is about one-third less per foot than they were paying.

Let me say further to my colleague on the committee, that the lease of the Mills Building was about to expire, and the Secretary of the Navy asked us to appropriate for the next year alternatively, so that he could use it there or rent a new building. There was a raise of some 25 per cent demanded. The renting for a few months was necessary in order to have this greater building built. So there has been a great reduction and a great enlargement of space.

Mr. GALLINGER. I was not aware of the fact that the Mills Building had been entirely vacated.

Mr. WARREN. By the Navy Department?

Mr. GALLINGER. By the Navy Department.

Mr. WARREN. I think the Panama Canal offices are still there, but the Navy Department has, I think, entirely vacated the building.

Mr. GALLINGER. I had the impression that it was still being occupied by some officials at the expense of the Government. Then, this new building has been constructed on G Street near Pennsylvania Avenue, a magnificent building. I do not know how much it cost. It is a large building.

Mr. STONE. That belongs to the Department of Commerce.

Mr. WARREN. It does not belong to the Government.

Mr. GALLINGER. It is a rented building, constructed by private parties, I understand. I refer to the building on G Street a little west of the State, War, and Navy Building. That is entirely rented. The Senator says they have saved some rental by taking the new building rather than the Mills Building. I am glad to know that. I wonder that they did not put up a building large enough to accommodate all the wants of the Navy Department. We have gone over all this time and time again, and it has been discussed here a great deal. The Committee on the District of Columbia has given it a great deal of consideration, but I have never seen where any economies have been reached.

Mr. WARREN. May I correct the Senator?

Mr. GALLINGER. Certainly.

Mr. WARREN. The Senator must have misunderstood me. The Navy leased one of the buildings which is situated beyond the State, War, and Navy Building. Now, the other building near Pennsylvania Avenue is occupied by the Department of Commerce.

Mr. GALLINGER. Yes; I understand that.

Mr. WARREN. And the Department of Commerce in moving there vacated the new building across from the New Willard on Fourteenth Street and also vacated the building near here which was used for the census. It vacated several others.

Mr. GALLINGER. I understand that that has been a very wise disposition, because the building that was occupied by the Census Office never ought to have been occupied by human beings in summer time.

Mr. WARREN. If the Senator will allow me further, it was obtained exactly in the same way I propose now. We are to see if we can reduce the rent of that building—a part of it at 35 cents a square foot and the balance of it at 37 cents a square foot.

Mr. GALLINGER. I am very glad to know that. So, after all, the committee has succeeded in saving the Government something in the matter of rentals. The rentals in this District have been enormous, and they have not only been enormous, but, to my mind, they have been wicked. The owners of buildings have held the Government up in many instances and have charged rentals that have been beyond all reason. Now, if the new building to which the Senator calls my attention, which was constructed by private parties on G Street NW., were rented so as to have a low rental per square foot, that is a very wise thing. I congratulate the Senator and his colleagues in having accomplished that result.

But, after all, this matter of rentals, which has been discussed over and over again, ought to be taken up in some way and investigated to the bottom, so that we could find out whether the Government is paying fair rentals or unfair rentals. However, in constructing new buildings I have very little faith that when we add a new building for any department we are not going to find that it would be occupied immediately and that then they would want to rent a building somewhere in addition. That has been the way it has gone. I think if this matter is to be investigated, every building used by the Government ought to be examined carefully to find out whether the floor space is wisely distributed and to ascertain whether the space might not be economized.

Mr. PAGE. Mr. President, I think we have perhaps placed ourselves under some obligation to men who have built office

buildings for the Government, and unless we are very careful in regard to what we do here I surmise we are entering into a project to help some real estate man to construct a new building and get a long-time rental from the Government. Personally I do not think we ought to enter upon a matter of this kind without full consideration. This amendment, I have not any doubt, the Senator from Wyoming thinks is a proper amendment.

Mr. WARREN. Mr. President, if the Senator will allow me, this is not a new matter. It is a matter that is estimated for, a matter thoroughly understood. The way these other building were obtained—we had before the committee the offers of two or three—they would guarantee rental at that price, and I think in every case somebody got the contract at a still lower figure. So there is nothing in this matter in the interest of any real estate venture. This is not only estimated for, but estimated in the regular way. It comes up from the Treasury Department. They state that they can immediately save from $25,000 to $30,000 in just changing a portion from one building to another, but they can not get the fittings up without taking the building for more than one year. Without specific authority there can be no lease made for a longer period than a year, and in no case except as the money is appropriated.

Mr. SHAFROTH. I will ask the Senator from Wyoming whether the usual clause in the making of a regular lease is contained in the amendment which he offers, namely, that the Government reserves the right to terminate the lease at any time?

Mr. WARREN. It does; but it is not contained in the amendment as I have offered it. Take the Post Office Department, for instance. Every lease has that written in. Of course, when you are seeking to build such buildings as are now being constructed for the Department of Commerce and the Navy Department, you enter into, say, a five-year lease. On the other hand, I will ask the Senator if he ever knew anybody to get any remuneration from the Government, or any redress, if they moved out before the end of the term?

Mr. SHAFROTH. It may be that redress has never been given, yet, as a matter of fact, if the Government does enter into a contract for a specific term, and breaks the contract, it seems to me it is liable for the damage. I have understood that the clause which provides for a long term is not distasteful to people who want to rent their property, even if there is a clause contained in it that the Government can revoke the lease; and the reason why they want a long-term clause is that in 9 cases out of 10 it will not be revoked. Therefore the Government does get the benefit of having the lower price by reason of a long-term lease, and yet, at the same time, if contingencies should arise that would make it imperative for the Government to move out, it would have the privilege of doing it. I have understood that those leases are favored by the very men who lease property to the Government.

Mr. WARREN. I think they are not specially favored but always accepted, and with a sort of general understanding. Take the War Department: They lease with an option that they may have the building from year to year at the same price for 10 years, while the Government is free at the end of any year to quit the building. Yet the other party is bound for the 10 years by this option. A great many of the leases are that way.

Mr. SHAFROTH. And if the Government gives a notice of six months or a year of the termination of a lease, it is evidently of value to the man who has the property.

Mr. SMOOT. I should like to call the Senator's attention to the amendment offered by him, for it seems to me it is exactly the same amendment found on page 73, with the exception that the proviso in the amendment on page 73 is not included in this amendment.

Mr. WARREN. The Senator is mistaken. I will tell him the difference.

Mr. SMOOT. Just a minute. The proviso of that amendment reads:

> That each lease shall contain a provision that the same can be determined by the Secretary of Agriculture at any time on 30 days' notice.

I understood that that was satisfactory to the Secretary of Agriculture, but I also understood the chairman of the committee having the bill in charge to say that that amendment would save the Government $2,500 a year; that the plans are already prepared, the money arranged for, and the owners are perfectly willing to have that proviso in. Am I mistaken on that point?

Mr. WARREN. The Senator or some Senator made a point of order, which was immediately acted upon by the Chair, and it went out on a point of order as legislation. The word "hereafter" was in, which made it, of course, a standing statute, and the clause which the Senator has read was in. Now, in order to make it a limitation and not legislation, this amendment is offered with the word "hereafter" left out, and in the interest of economy the proviso is omitted.

I have no objection whatever, if Senators feel that the amendment should contain a provision to give the Government the privilege of canceling the leases, but I think the notice should be longer than 30 days. I am willing to accept that amendment to the amendment, but in the form that this is presented it is a limitation, and it is not legislation. It simply affects this bill for the next fiscal year.

Mr. SMOOT. Mr. President——

Mr. SHAFROTH. Will the Senator read his amendment as he has drawn it?

Mr. SMOOT. In listening to the amendment being read I did not catch the elimination of the word "hereafter." I notice now, since the Senator has called attention to it, that that would make a change. What I wanted to call attention to was the proviso, because, as I understand, the men who have had the plans prepared for the building desire to lease it——

Mr. WARREN. If I may interrupt the Senator right there, I want to say that I have never yet approved of the Government specifically agreeing to bind itself in reference to the plans for a particular private building, because I felt that it was better to allow competition in the matter. While we have heretofore had before us, as the Senator says, plans, specifications, locations, and amounts which we felt were satisfactory if we could not do better, we have in each case so legislated that the Government could call for bids; but if nobody was ready to offer greater facilities for the money, the plans first submitted have been accepted.

Mr. SMOOT. Certainly.

Mr. WARREN. That is my idea of the amendment.

Mr. SMOOT. That is true; and this amendment is in exactly the same position as are all other provisions of this kind that have been acted upon by the Senate in the past. The only reason why I brought the matter to the attention of the Senate was that I thought with that proviso inserted there would be an advantage to the Government in case it should desire to occupy the buildings for the full 10 years, and for the further reason that I understood that the parties who had offered the buildings intended to save the Government $2,500 a year, and they did not object to the proviso.

Mr. SMITH of Georgia. Mr. President, I should like to hear read the amendment offered by the Senator from Wyoming [Mr. WARREN].

The VICE PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 59, after line 20, under the head of "Rent in the District of Columbia," it is proposed to insert the following:

> The Secretary of Agriculture is hereby authorized to lease for terms not exceeding 10 years buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture, if by so doing he is able to secure substantial reductions in rentals and better accommodation for the business of his department.

Mr. SMITH of Georgia. Mr. President, I offer this amendment to the proposed amendment:

> *Provided*, That each lease shall contain a provision that the same can be determined by the Secretary of Agriculture at any time on 90 days' notice.

Mr. WARREN. Will not the Senator from Georgia make that six months? That is short enough.

Mr. SMITH of Georgia. I would not object to six months.

Mr. WARREN. I am willing to accept the amendment providing for six months.

Mr. SMITH of Georgia. Mr. President, I am opposed to any lease that handicaps the Government in putting up its own buildings. I know the Government can erect buildings just as cheaply as anybody else can, or it ought to be able to do so, and could do so if it would use common sense. We already have the ground. I am opposed to all this leasing business. I am opposed to holding back the construction of a Government building on the ground that we must have a Grecian temple every time——

Mr. WARREN. I agree entirely with the Senator from Georgia.

Mr. SMITH of Georgia. One moment. I merely wish to finish now what I have to say. I repeat, I am opposed to holding back the erection of Government buildings upon the theory that each time we must have a Grecian temple. I earnestly desire to see adopted the policy of putting up our business buildings for the use of the Government which we can put up at a small cost. We have the ground, and we can certainly do so and accommodate the departments with every facility they need at a less cost than we should have to pay as rent. We shall have no taxes to pay, because we contribute a large part to the District upon the half-and-half principle. We shall have

no ground to buy, for we already have the ground. If we would abandon the idea that each building must be an extravagantly constructed architectural wonder and adopt a business course we ought within the next two or three years to afford every accommodation which the Government needs in the District in our own buildings.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Georgia.

Mr. SHAFROTH. I would suggest to the Senator from Georgia that the term be extended. I think that the word "terminate" is better than the word "determine" in his amendment, so that the amendment would provide that each lease shall contain a provision that it may be terminated by the Secretary of Agriculture at any time on six months' notice.

Mr. SMITH of Georgia. I do not object to six months' notice, for unless we are to construct buildings for our own use and for the accommodation of the Government departments it is just as well to get a good building, and it will take from 6 to 12 months' time to construct a suitable building. A suitable building for any of these departments to meet its wants could be finished in 12 months' time.

Mr. PAGE. Mr. President, I do not know that I am correct in regard to this matter, but my understanding of it is that certain builders here in the city wish to erect a building and to lease it to the Government. There are buildings here which have been erected for the Government's use; they have been erected to please particular departments and have been built under specifications provided by the Government. Unless there is some good reason why we should terminate the leases of such buildings and erect new ones I do not think the amendment should be adopted in fairness to the men who have erected the buildings the Government now leases.

I know very little about parliamentary law, but it does seem to me that the proviso which I have before me is general legislation on an appropriation bill, and I submit that point of order.

Mr. WARREN. I hope the Senator will not make that point. The amendment is a limitation, and not legislation. If the Senator will allow me, he will find on examination that this is the condition: We are renting certain buildings and parts of buildings which are not fireproof. This proposition is designed to gather together in a fireproof building at a less rental and with better facilities bureaus which may now be scattered in a number of buildings. I know of no better way to bring that about than to proceed along the line indicated by the amendment. We have so provided in a number of instances and have been able to reduce rentals in some cases from ninety-odd cents a square foot to thirty-five cents.

Mr. PAGE. The men who have an interest in this matter have asked me if it was before the committee, and have said that if it was they wanted to be heard. We have had our meetings of the committee and we did not pass finally upon this matter. Now it comes in here at this late hour. While I say that I desire to submit to the better judgment of my friend the Senator from Wyoming, I am going to ask the attention of the Chair——

Mr. WARREN. The Senator from Vermont is mistaken in saying that the committee did not have this matter before them and consider it. It was considered, and was in the bill in a different form.

Mr. PAGE. In a different form?

Mr. WARREN. Yes.

Mr. PAGE. I should like to ask the attention of the Chair to the matter. I submit for the consideration of the Chair that the amendment proposed by the Senator from Wyoming is general legislation on an appropriation bill. The amendment reads:

> The Secretary of Agriculture is hereby authorized to lease, for terms not exceeding 10 years, buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture, if by so doing he is able to secure substantial reductions in rentals and better accommodation for the business of his department.

I believe with the Senator from Georgia, that the time is coming in the very near future when we ought to erect and own all the buildings which the Government needs; but I do not believe that we would be doing a wise thing to make a contract for a term not exceeding 10 years and then provide that the lease can be terminated on short notice. We will be expected to keep a building so leased for 10 years, unless there is some good reason why we should not, for when we make such a contract with men who are to erect the building we shall probably foreclose ourselves from terminating that lease, because we have asked them to build it under the expectation and the promise that we will keep it for 10 years if there is no good reason why we should not do so. I submit the point of order, Mr. President.

Mr. WARREN. Mr. President, I should like to be heard on the point of order.

The VICE PRESIDENT. The Chair has about reached the conclusion that the Chair should rule on the point of order or should not. The Chair is of the opinion that the point of order is not well taken, for the amendment is just the same as if it were an appropriation for the rental of buildings.

Mr. SMITH of Georgia. Mr. President, I desire to say just one word in connection with the statement of the Senator from Vermont [Mr. PAGE], because I would vote against this provision if I agreed with him that the parties erecting the building had any right to continue to claim the Government as a tenant after six months' notice was given. I would not for one moment vote for a 10-year lease that was to be continuous. I would not vote for this lease now if I thought it was to continue for 10 years. The proviso expressly declares, and becomes part of the contract, that we can terminate the lease on six months' notice. The parties who put up the building for the Government under this provision do so at their own risk; they do so understanding that we in our contract of lease have stipulated that at any time we conclude that it is to the interest of the Government not to use that building, after six months' notice the lease ends. It is only with that clause in it that I am willing to vote for the amendment. I think, if we do our duty, the party putting up this building will not rent it to the Government for 10 years.

A small sum of money, relatively speaking, properly expended will accommodate the extra wants of the department. Five hundred thousand dollars properly expended will erect a modern fireproof office building with 400 rooms in it. Three per cent on that sum is the estimate that we could well consider as the cost to the Government, which is very much less than any such building costs the Government when we rent it.

No private citizen can rent a building to us as cheaply as we can build it and own it for ourselves. The private citizen must buy the land, which in all probability would cost as much as the building. The Government has the land. The private citizen must pay taxes on it; the Government provides its part of the tax on the half-and-half principle; so that necessarily the Government can build and own its own quarters with economy and a saving of half as compared to the private renter. The only reason that it has not been done is that what is everybody's business is nobody's business.

I do hope, as the chairman of the Public Buildings and Grounds Committee is present, that he will signalize the work of his committee within the next 12 months by taking steps to terminate leases and to erect buildings for the Government in the District of Columbia.

Mr. SWANSON. Mr. President, I will say in this connection that I fully concur in what the Senator from Georgia has so well stated. The Government pays between six hundred and seven hundred thousand dollars annually in rentals in the city of Washington. At 3 per cent that represents the interest on about $20,000,000; in other words, the Government could easily afford to issue bonds to the extent of $20,000,000 for the erection of buildings and secure quarters far surpassing those now occupied by it in rented buildings. I do not believe it would take $10,000,000 for this Government to erect all the buildings needed in Washington for storage and all other purposes.

I have requested each department to send me a statement of the amount of space they at present rent, the estimated cost of the buildings rented, the assessed value of such buildings, and how much space each department needs for office and storage purposes. These statements have come to me. I have submitted them to the Supervising Architect, and requested him to systematize them, so as to show how much storage and how much office space is needed for the different departments in Washington; how much space is at present rented; the cost and the rate in rentals, together with the value of the buildings, and then to submit with the information thus furnished a scheme for the erection of buildings, stating where they should be located, their nature and purpose, and for what department intended to be used; so that the committee can bring before Congress a bill that will obviate any necessity for continuing to rent quarters for the Government in Washington.

Mr. PAGE. If I may interrupt the Senator, I should like to ask if he has any idea that any responsible corporation, firm, or individual would construct a building such as is contemplated in the amendment proposed by the Senator from Wyoming, designed especially for Government use, unless they had some assurance that the Government would occupy it for the 10 years provided in the amendment?

Mr. SWANSON. The Government never had any difficulty in securing all the buildings it desired constructed without any such terms as indicated, for the simple reason that Congress has been so slow in appropriating money to erect buildings for

the use of the Government in Washington that those who erect buildings for the Government feel that if they ever lease a building to the Government the lease will run for a great many years. I think the Government would make a mistake to lease any building for 5 or 10 years without the privilege, when it sees proper, of terminating the lease and constructing its own building.

Over half the expense of constructing buildings in Washington is incurred in the purchase of the land. The Government has all the land it needs to construct buildings in Washington, and, as the Senator from Georgia has well said, the Government pays no taxes on its buildings. The tax rate in Washington is about 1½ per cent.

Mr. GALLINGER. Mr. President, on the point of the Government owning land, is the Senator sure that we have enough available land on which to construct buildings?

Mr. SWANSON. I am satisfied that the Government has all the land needed for the construction of its buildings.

Mr. GALLINGER. Undoubtedly the Government has acreage enough, but is it so situated that we can economically use it?

Mr. SWANSON. I think so. We have the Plaza here on which many handsome buildings may easily be constructed.

Mr. GALLINGER. We have just spent $3,000,000 or $4,000,000 purchasing additional land to enlarge the parking system about the Capitol. Does the Senator think that we should proceed to erect public buildings on that land?

Mr. SWANSON. I think the parking system will be more beautiful if surrounded by handsome buildings on all sides. I think that when we erect around the Plaza a group of buildings such as there are now on certain parts of the Plaza, it will be more beautiful than it otherwise would be.

Mr. GALLINGER. I am not quite sure that I would not agree with the Senator as to that point; but I think, when we undertake to do it, we will have a great deal of difficulty in persuading the Congress that we ought to do so. I have had a little experience—not much—in that direction. I thought that we ought to put the buildings—for which we have purchased land at a very high cost on Pennsylvania Avenue between Fourteenth and Fifteenth Streets—on Capitol Hill, somewhere near the Capitol, but when the question came up as to appropriating the money for that purpose, there did not seem to be any sentiment in favor of it, and we went down on Pennsylvania Avenue and spent, I do not know how much, but $2,000,000 or $3,000,000 probably, to buy land on which to erect Government buildings. The Senator will recollect the fact that there has been an agitation that swept even this body off its feet that we should buy all of the land on the south side of Pennsylvania Avenue, and we have passed bills here appropriating, I think, $15,000,000 for that purpose, but nothing came of them except that we did buy the one block to which I have referred.

Mr. SMITH of Georgia. Can the Senator state how many front feet there are in that block?

Mr. GALLINGER. The entire frontage between Fourteenth and Fifteenth Streets, as I understand, and running back to the Mall.

Mr. SMITH of Georgia. That is about 300 feet by 600 feet, is it not?

Mr. GALLINGER. I should think likely it is about that.

Mr. SWANSON. There is ample space there to erect what was contemplated—a building for the Department of Justice, the State Department, and the Supreme Court.

Mr. GALLINGER. That was the purpose, but we did not do it.

Mr. SWANSON. If that were done, however, we would save a great deal of the rental that is now paid.

Mr. GALLINGER. My suggestion was that we did not put it on Government-owned land, but we went and bought that land for the purpose.

Mr. SWANSON. What I am requesting the Supervising Architect's Office to do is to ascertain the amount of the rentals we now pay, to make an estimate of the amount of space that is needed for the future, to make an estimate of what it will cost the Government to construct the buildings, to ascertain where they could be located with a view to both economy and architectural beauty, and to suggest a complete plan for housing all the governmental activities in Washington.

Mr. GALLINGER. If the Senator will permit me, I will say that the Senators are undoubtedly engaged in a very worthy purpose; but when the real, practical question comes before Congress I am afraid they will find there will be a great reluctance to invade this Plaza, or the addition that will be made to the Capitol Park, for the purpose of having buildings placed on it.

Mr. SWANSON. I am not agitating that. I am leaving that to the Supervising Architect's Office, constructors, people who are well posted as to the location of the Government land and what is available, to make a report on the matter, so that we can stop paying rent. It does seem to me that for the Government to pay between six and seven hundred thousand dollars rental in the city of Washington is a most extravagant expenditure for the space and facilities it obtains.

Mr. GALLINGER. The Senator will recall the fact that when we constructed the Senate and House Office Buildings we had to purchase the land at a very high cost. We did not find Government land on which we could place those buildings. While personally I have thought many times that we ought to have grouped our buildings on Capitol Hill, which would have been much more convenient for all of us, yet that has not been the policy; and I feel reasonably assured in my own mind that when we come to construct these buildings as a rule we will have to buy land on which to place them.

Mr. McCUMBER. Mr. President, while the Senator has the floor I should like to ask him a question or two, as he has given us some suggestions indicating a purpose on the part of the Committee on Public Buildings and Grounds.

Several years ago I think a commission of architects or otherwise were selected to make a report upon a general system of buildings and location of public buildings in the city of Washington, to formulate a system which it might require fifty or a hundred years to complete. They proceeded to do their work. They made models, one of which is over in the Congressional Library now, and another one, I think, down in one of the museums, showing just where these buildings were to be located, and the general lines, using, I presume, for the most part, Pennsylvania Avenue as the center of a long row of those buildings, and going to the extent even of indicating the style of the buildings.

I had supposed that all of our new buildings that were being erected were erected in places in pursuance of that general plan to beautify the city and make it one of the most beautiful cities in the world. Am I to understand now that that plan is to be abandoned, and that we are to put up buildings haphazard, of all kinds and all dimensions, as though the demon of discord had smiled upon the architectural designs of this city, without reference to any plan or any system whatever——

Mr. SWANSON. I thought the Senator wanted to ask me one question. He has asked two or more already.

Mr. McCUMBER. And that we are to put up cheap buildings, as indicated by the Senator from Georgia, because they can be less expensively put up than these Grecian temples, and so forth?

Mr. SWANSON. I judge the Senator is going to ask three questions.

Mr. McCUMBER. It is a pretty long question, but I have to give the ideas that are in my mind, so that the Senator can get more full information on the subject.

Mr. SWANSON. If the Senator will permit me at this stage, since he has asked nearly 20 questions, I will say that there are different kinds of buildings that the Government needs. Its office buildings ought to be of architectural beauty; but three-fourths of the buildings it is paying rent for are simply buildings used for storage purposes. The various departments have to store various kinds of documents, purchases, and things like that.

I see no occasion for having extravagant and handsome buildings for that purpose. I think the Department of Justice ought to have a handsome building, but I see no occasion for having a handsome building, of architectural beauty and fine columns, to be used for the storage of paper, old documents, or seed which is sent out in a year.

My idea was to get the Supervising Architect's Office, both from an architectural standpoint and from a business standpoint, to segregate the two; to find out where to locate buildings for storage purposes which are not very expensive, simply for convenience in business purposes, and then such buildings as are needed for office purposes. The demand for buildings for office purposes is not very large. If we will construct a building for the Department of Agriculture, there is no other one specially needed that has not been provided for.

Mr. OVERMAN. There is the Department of Commerce and the Department of Labor.

Mr. SWANSON. The Department of Commerce and the Department of Labor are newly organized departments. Those two departments need buildings. The Department of State needs some enlargement.

Mr. McCUMBER. The particular purpose for which this provision of the bill is to be enacted into law is to rent a building for certain purposes. Does the Senator mean to convey the idea that it is merely for the purpose of storing old papers?

Mr. SWANSON. Some buildings are.

Mr. McCUMBER. I mean this building.

Mr. SWANSON. I was not in the Chamber when this amendment was read. I simply entered into the debate on account of the discussion of the general construction of buildings in the city of Washington in response to a suggestion made by the Senator from Georgia [Mr. SMITH]. I do not know what this amendment is. I do not know what its provisions are. I was not in the Senate at the time that particular matter was discussed.

Mr. McCUMBER. The Senator from Georgia stated a short time ago that we could erect for some four or five hundred thousand dollars a building that would contain a thousand rooms.

Mr. SMITH of Georgia. Oh, no; the Senator has missed my statement on each side.

Mr. McCUMBER. Very well.

Mr. SMITH of Georgia. I said $500,000 and 400 rooms.

Mr. McCUMBER. Very well.

Mr. SMITH of Georgia. And I state again that a 10-story handsome, modern office building, as handsome as you will find in any of the cities of the United States, can be built for $500,000—a building of handsome finish, marble inside, with 400 rooms in it averaging from 18 to 20 feet square.

Mr. McCUMBER. And what outside? We have marble inside. Now, what would we have outside—bricks?

Mr. SMITH of Georgia. Part marble, part granite——

Mr. OVERMAN. Indiana limestone.

Mr. SMITH of Georgia. No; I would not agree to that. I want to be excused from any more Indiana limestone. I would suggest granite and hard-pressed white brick.

Mr. OVERMAN. Does the Senator mean that the Government could do that? A private individual could.

Mr. McCUMBER. Does the Senator think we want any more pressed-brick buildings? Do we want another one of these buildings like the Pension Office in the city of Washington? Have we not passed that stage?

Mr. SMITH of Georgia. I regard that as a very common building.

Mr. McCUMBER. I think it is an uncommonly abominable building.

Mr. SMITH of Georgia. The Senator can not exceed my view in his expression as to its architecture or its general construction.

Mr. OVERMAN. Mr. President, I will say to the Senator that there is one building that we have been renting for $18,000 a year, and finding that we are going to move out they are now offering it to us for $12,000 a year.

Mr. SMITH of Georgia. I do say that we can erect a 400-room office building, as handsome as any office building that has been erected in Washington City—and there are several handsome office buildings here—for $500,000.

Mr. McCUMBER. What I want to insist upon is that it is a waste of the money of the people of the United States to put up any cheap, ugly buildings that we will probably pull down in 5 or 10 or 15 or 20 or 30 years. Further, I believe that if we have adopted a systematic plan in the city, we should follow that plan, and that economically it will be to our advantage, even though the buildings cost a little more to erect—beautiful Grecian temples, if you please—in the first instance. Then we will have something that we will never need to be ashamed of and will never need to tear down.

I believe there will be a great deal of economy in this. I wish to protest, however, against any further system of erecting such buildings as this one down here on the Avenue—the post-office building—which we now want to tear down, and the little office building down here in which are housed several hundred or a thousand people which we call the Census Office—nothing more than a great pen, the hottest place on the face of the earth. I do not want to spend any more money for buildings of that kind.

Mr. REED. Mr. President, I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state his inquiry.

Mr. REED. I wish to ask what question is before the Senate?

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wyoming [Mr. WARREN] as modified.

Mr. SMITH of Georgia. I only wish to protest against the suggestion of the Senator from North Dakota that I am advocating the erection of any cheap buildings that we will be ashamed of and that we will be compelled to take down in 20 years. I insist that it is practicable to erect a modern, handsome, steel-constructed, fireproof office building, with 400 rooms in it, for $500,000, as handsome as the office buildings in any city in the United States, 10 stories high only.

I would make them uniform. I would not build them haphazard. I would adopt a uniform plan of a 10-story office building for our surplus office forces, just such as we are now renting for the surplus office force of the Agricultural Department. I am perfectly willing to see constructed for the Department of Justice one building of pronounced architectural style; but barring giving each department one such building, a system of high-class office buildings of modern style can be erected, and the number can be enlarged and enlarged and enlarged from year to year as our business increases. In that way the Government and the people can be saved a great deal of money, and yet a system of buildings can be erected that will be pleasing to the eye, and even, I am sure, satisfactory to the artistic tastes of the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I wish to ask the Senator if he believes that a 10-story building erected, for instance, close to the new Post-Office Building would be a very harmonious affair? Would not it spoil the appearance of both of them, as much as a 10-story apartment house constructed alongside of it would? I believe our buildings ought to be made to harmonize with each other and with the general plan. I can not conceive of any plan that would allow a 10-story office building to be constructed and have it consistent with any idea of architectural beauty.

Mr. SMITH of Georgia. How many stories does the Senator wish to erect?

Mr. McCUMBER. Enough so that the building will look well.

Mr. SMITH of Georgia. What is the Senator's figure?

Mr. McCUMBER. I have no design, because I do not claim to be an architect; but if the Senator will look over the plans that have been adopted by the commission I think he will not find anything above a three-story building that has been selected for any of the public buildings.

I think the Senate Office Building, the House Office Building, the Post Office Building just completed, and the new building for the District of Columbia, are buildings embodying great architectural beauty. None of them is above three stories in height. I can not conceive of erecting that class of buildings, with their style, and then mixing in here and there a skyscraper to set them off.

Mr. SMITH of Georgia. A 10-story building is not a skyscraper.

Mr. REED. I ask to have the amendment stated.

The VICE PRESIDENT. The question is on the amendment as modified. The Senator from Missouri asks that it be read. The Secretary will read the amendment.

The SECRETARY. On page 59, after line 20, it is proposed to insert:

The Secretary of Agriculture is hereby authorized to lease, for terms not exceeding 10 years, buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture, if by so doing he is able to secure substantial reductions in rentals and better accommodation for the business of his department: *Provided*, That each lease shall contain a provision that the same can be terminated by the Secretary of Agriculture at any time on six months' notice.

Mr. REED. I suggest to the author of the amendment, instead of the term "Secretary of Agriculture," the use of the words "can be terminated by the Government."

Mr. WARREN. I do not object to that, if the Senator thinks it is necessary.

Mr. REED. I think it would be very much better to put it in.

Mr. SWANSON. I suggest "by act of Congress," to make it specific.

Mr. WARREN. You can not do that. Another thing——

Mr. REED. I withdraw the suggestion.

Mr. WARREN. I think, on reflection, the Senator will have to admit that somebody is the Government, and I think the head of this department ought to be the person to do it.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. REED. Mr. President, a short while ago the Senator from Oklahoma [Mr. GORE] offered an amendment to which I objected at the time. It has since been amended or changed. I have no objection to it in its present form.

Mr. GORE. Mr. President, I send the amendment to the desk with the alteration and renew my offer of it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 61, at the end of line 21, it is proposed to insert:

Provided, That hereafter all correspondence, bulletins, and reports for the furtherance of the purposes of the act approved May 8, 1914, entitled "An act to provide for cooperative agricultural extension work

between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and the acts supplementary thereto, and the United States Department of Agriculture," may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General, from time to time, may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General; but such designation shall not extend at the same time to more than one person for each college.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GORE. Mr. President, on page 61, lines 5 and 6, I move the insertion of the words "May 8." That will complete the title of an act referred to in the pending bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to fill in the blank in the amendment already adopted on page 61, so that, after the words "and the act approved," there shall be inserted the words "May 8."

The amendment was agreed to.

Mr. GORE. The junior Senator from Kansas [Mr. THOMPSON], I understand, desires to move an amendment, and I yield to him.

The VICE PRESIDENT. The committee amendments are not yet disposed of. The next committee amendment will be stated.

The SECRETARY. On page 18——

Mr. SMOOT. I understood the Senator from Oklahoma to ask that that amendment might go over. Does he object to the consideration of it at this time?

Mr. GORE. No, sir; I do not. The Senator from Missouri [Mr. REED] is present. I asked that it might go over on account of his absence.

The SECRETARY. On page 18, line 22, after the word "Government," the committee propose to insert the following words:

Or at the discretion of the Secretary of Agriculture, the grades of cotton below those standardized by the Government.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 19, line 1, after the word "tests," insert a colon and the words:

And provided further, That of the total sum appropriated in this item, $25,000 shall be immediately available.

Mr. GALLINGER. Mr. President, I have noticed in this bill that in several instances appropriations have been made immediately available. There seems to be no urgency in this case. The bill will be effective on the 1st day of July next, five or six weeks from now. I ask the Senator from Oklahoma if he intended to urge that amendment?

Mr. GORE. I will refer that question to the Senator from South Carolina [Mr. SMITH]. This is an amendment with which he is most familiar. I assume the desire was to begin the preparation of these samples prior to the opening of the cotton season.

Mr. SMITH of South Carolina. Mr. President, the cotton year begins practically September 1 and ends September 1. It is desirable that the appropriation which has already been voted by the Senate shall become available and benefit cotton growers. It will take some time to get the samples and have them standardized and have the grades furnished the principal markets. Thus it will be of untold benefit.

Mr. GALLINGER. Would there not be time to begin July 1 to do this work?

Mr. SMITH of South Carolina. No; there is considerable work to do.

I wish to state to the Senator from New Hampshire that there seems to be a misapprehension as to the benefit of this appropriation. Two bales out of every three that we sell are sold abroad. A standard sample is to be furnished. The cotton in the field is discolored. Under an appropriation which I secured several years ago we provide and the Government is now issuing cards to show the spinning value—that is, the textile strength and the bleaching qualities—of the different grades. But Europe, buying two bales out of three, really in a way sets the price; that is, in the absence of knowledge on the part of our growers.

Mr. GALLINGER. I will say to the Senator that I do not propose to occupy a moment's time in opposing the amendment, and I will not do it; but the custom is growing up of making these appropriations in part immediately available, and it seems to me it is an evil. But if the Senator thinks it is necessary in this instance, I have not another word to say.

Mr. SMITH of South Carolina. I will say to the Senator from New Hampshire that I do think it is an evil, but it has grown out of the fact that we have ignored the agriculturist of this country so long that when he does come into his own he wants immediate relief.

Mr. GALLINGER. I do not agree to that any more than I agree to the intimations that have been made over and over again that those of us who have discussed some provisions of this bill are not friends of the farmer. I have become a little weary of hearing that statement.

Mr. SMITH of South Carolina. I want to disclaim that as to the Senator from New Hampshire. He has been my good friend for nearly six years, and he has never failed to respond to any real legitimate claim of the agriculturists. I was not applying the statement to him, and I do not wish the statement to go into the RECORD without this modification on my part.

Mr. GALLINGER. That bouquet is sufficient for me to take my seat and allow the amendment to be agreed to, if the Senate sees fit to adopt it.

Mr. MCCUMBER. I understand that the committee amendments have been disposed of.

The VICE PRESIDENT. The pending question is on agreeing to the amendment of the committee at the top of page 19.

The amendment was agreed to.

The VICE PRESIDENT. Are there further committee amendments to be offered?

Mr. GORE. There are no further committee amendments. I have agreed to yield to the Senator from Kansas [Mr. THOMPSON] to offer an amendment. There is a rearrangement of the language of one clause necessary, and he desires to submit an additional amendment. I will ask the Senator from North Dakota to defer a moment for that purpose. It will require only a moment, I am sure.

Mr. MCCUMBER. Certainly.

Mr. THOMPSON. It will take but a moment. On page 20, line 7, I desire to amend by changing the word "beet-sugar," before "investigations," to "sugar-beet," which is the proper term to be used in connection with such an investigation.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 20, line 7, before the word "investigation," strike out the word "beet-sugar" and insert in lieu "sugar-beet."

The amendment was agreed to.

Mr. THOMPSON. There is another amendment to that paragraph which is deemed necessary by the Department of Agriculture in order to give proper authority for conducting the sugar-beet investigation. I send the amendment to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "methods of culture," in line 9, page 20, insert:

And to determine for each sugar-beet area the agricultural operations required to insure a stable agriculture.

Mr. SMOOT. Does the Senator from Kansas think the appropriations as made here would allow the Secretary of Agriculture to obtain that information?

Mr. THOMPSON. I am offering it at the suggestion of the Secretary of Agriculture, and it is deemed necessary by him in order to perform the broader work in connection with the sugar-beet industry that he desires or has in contemplation. We are not asking for any additional amount of appropriation, but simply to give broader authority in the use of the $41,495 which is already appropriated. The amendment has the approval of the Department of Agriculture.

Mr. SMOOT. I do not see that the amendment does any harm, but it does seem to me it is imposing an amount of work upon the Secretary of Agriculture that can not be possibly done by this appropriation.

Mr. THOMPSON. I have here a letter from the Department, if the Senator desires to hear it read.

Mr. SMOOT. I am not going to object to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. THOMPSON].

The amendment was agreed to.

Mr. MCCUMBER. I now offer an amendment to come in on page 19, and I wish especially to call the attention of the Senate to the particular amendment. On page 19, lines 4, 5, and 6, we have this original provision in the bill:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, $76,520.

We have here, then, a law directing the Secretary of Agriculture to fix definite grades, but no provision is made as to how he is to proceed to do it, how he is to enforce it, or any legislation on the subject, with the exception of the general direction that he is to fix definite grades.

To keep wholly within the rules, I have prepared an amendment which is nothing but three or four sections of what was known as the Lever bill, recommended by the Secretary of Agriculture. I am not offering the entire bill. I do not know how many Senators are paying the slightest attention to this matter,

but I can not go on while a general discussion is taking place among Senators.

Mr. SHERMAN. I am trying to direct attention to the amendment as soon as I can get to it.

Mr. McCUMBER. The Senator had better wait until I offer the amendment before he raises a point of order against it.

Mr. SHERMAN. I am soliciting attention to it.

Mr. McCUMBER. I want the Senator to have an opportunity also. I wish I could get a little attention of the Senate when I come to any matter pertaining to the interests of the farming community. We spent two days in discussing one little amendment that provided for $10,000 to be expended by the Secretary of Agriculture in getting vehicles to visit the sections infested by hog cholera, and so forth. After two days of labor upon that $10,000 item it was finally voted out, and then immediately we voted $90,000 without anyone asking a question.

Mr. SHERMAN. Mr. President, I rise to a point of order.

Mr. McCUMBER. I am discussing the bill.

Mr. SHERMAN. I raise a point of order. What is before the Senate for discussion?

Mr. McCUMBER. I supposed that the bill was before the Senate.

Mr. SHERMAN. If Senators were disposed to pay attention there is no amendment before the Senate, and they could not pay attention to it. The Senator is discussing an amendment before it is offered or read from the desk.

Mr. McCUMBER. If the Senator will keep his coat and vest on——

Mr. SHERMAN. I will.

Mr. McCUMBER. I will proceed and get through with my discussion.

Mr. SHERMAN. I rise to a point of order, Mr. President. I insist on the original point of order without further comment or decorous debate of the matter last emanating from the gentleman.

The VICE PRESIDENT. The bill is in Committee of the Whole and, of course, is subject to discussion by the Senate, and the Senator from North Dakota is in order.

Mr. SHERMAN. Before the amendment is offered?

The VICE PRESIDENT. Yes; he has a right to discuss the bill.

Mr. GALLINGER. He can discuss anything.

Mr. McCUMBER. I am sorry that the Senator becomes so impatient. I was just about to suggest that immediately there was offered an appropriation of $90,000 to help the meat packers in any further inspection of meats, and it did not even elicit a question but passed through without any discussion whatever, but the moment we touch upon a thing that really is beneficial to the farming interests of the Northwest my good friend gets impatient, and Senators do not seem to have time to give the matter any consideration whatever.

Mr. President, when we were discussing the grain inspection and grading bill here the other day—and if Senators will give me their attention I will agree to take only a few moments in discussion—I pressed a bill for the purpose of providing, first, for the Federal grading of grain; secondly, for the uniformity of grades, and, thirdly, for the inspection of grades. The only objection to that bill was based entirely upon the question of the inspection. Those who opposed it did not wish to take away the actual power of inspecting and grading from the bodies which are now doing that business, but all of them spoke in favor of the Federal standardization and also in favor of uniformity. No one spoke more strongly in favor of both those propositions than the Senator from Illinois [Mr. SHERMAN], who was entirely satisfied with the entire Lever bill. I did not believe at that time that there was any intention of voting the entire Lever bill into the law, but I did believe—it may be I was deceived in the belief—that there was a sincerity of purpose in the idea that that which had been recommended by the Secretary of Agriculture, namely, Federal standardization and uniformity of grades, did not have an opponent in the Senate of the United States. So to secure at least that much toward a great remedy that I hope we will be able to work out some day, the Federal standardization of grain, just as you have provided for the standardization of cotton, I have prepared an amendment for which I hope I shall be able to secure all of the votes on the other side of the Chamber.

I have voted for your cotton bill. I have voted right along for those provisions relating to the sending of experts to the cotton districts to teach you how to get rid of the boll weevil. I have gone further, and have sustained your proposition that you shall have samples of cotton at each one of the great selling places of cotton throughout the South, so that when the farmer brings in his bale of cotton he can compare it with the several samples he will have there before him, and will be able to determine for himself something of the real value of that cotton. I think that is a most estimable provision, and will operate very beneficially to the cotton growers of the South.

I would not dare to ask one-quarter as much as that for the great grain farmers of the Northwest. I had the courage to ask that the Federal Government do the inspecting for both sides—the producer and the consumer. That was voted down by a very heavy majority, but no one uttered a single word against what was known then as the Lever bill, introduced by the Senator from Oklahoma [Mr. GORE], which provided for standardization and also provided for Federal supervision.

In my amendment I do not even ask for Federal supervision. I simply ask that the Government fix the standards, the same as you are fixing the standards in cotton. The Secretary of Agriculture can take all the time he wants, but when he has determined upon the standard, whether it takes one year or two years or three years or so many months, he may then provide how those standards shall be enforced.

I want to make it certain that I am not reaching further now than the mere standardization by the Government of grain. In the bill itself that is provided in these words:

For investigating the handling, grading, and transportation of grain and the fixing of definite grades thereof, $76,320.

Matters of this kind have sometimes been objected to upon the ground that it was general legislation, and I have been startled by the proposition as to what constitutes general legislation as distinguished from special legislation. I even find that if you would direct the Secretary of Agriculture to rent a certain building, Senators will raise the objection that it is general legislation. I have always read, and I read in Bouvier's Dictionary and in the rules that are given here, that general legislation is legislation that relates generally either to an entire class of people throughout the United States or generally to all classes, and special legislation is that which relates to a particular person or thing or locality. That is the distinction between special and general legislation.

This amendment is perfectly proper under that rule. It limits and provides for the method under which the appropriation can be used.

Mr. President, in 1905, when we had before us the Indian appropriation bill and were providing for funds for Indian schools, I offered the following amendment:

Provided, however, That the individual owner or beneficiary of any interest in such funds—

That related to Government funds due the Indians—

who may desire to educate his ward, child, or children in any school other than a Government school may, by written order signed by him, direct that any portion of the interest accruing to him, or which would be allotted to him on such fund, be paid to the school in which such ward, child, or children may be educated.

Mr. Pettus raised the point of order that the amendment is new legislation on an appropriation bill.

The President pro tempore (Mr. Frye)—

And I think we all agree that he was rather a good presiding officer and fairly well acquainted with the Rules of the Senate—

overruled the point of order and said: "It has been held over and over again by the Presiding Officer of the Senate that any amendment is in order where an appropriation is made of funds and it undertakes to distribute the funds in any direction. That was settled a long time ago."

That covers any provision as to how the fund is to be used. If you appropriate for making standards, you have a right to say what standards shall be made or how they shall be made or how they shall be enforced. That is not general legislation, but is legislation upon the particular subject.

Mr. President, I want to hurry, so that I can get a vote on this matter in a very short time. I purpose to offer the following amendment to that particular section——

Mr. STONE. I wish to make a statement to the Senator from North Dakota and to ask him his pleasure in regard to it. I think manifestly we are not going to finish the bill to-night. The discussion the Senator is engaged in will evidently lead to further debate. It is now nearly half past 5 and I should like to move an executive session.

Mr. McCUMBER. For that purpose I will yield, Mr. President, because it is quite evident that the matter which I desire to bring to the attention of the Senate will run us on to 6 o'clock at least, although I desire to get through with it earlier if I can do so.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 13 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 19, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 18, 1914.

ASSISTANT SECRETARY OF THE INTERIOR.

Bo Sweeney, of Washington, to be Assistant Secretary of the Interior, vice Lewis C. Laylin, resigned.

APPOINTMENT IN THE ARMY.

Joseph L. Donovan, late captain, Twenty-second Infantry, to be captain of Infantry with rank from May 15, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 18, 1914.

ASSISTANT ATTORNEY GENERAL.

Charles Warren to be Assistant Attorney General.

UNITED STATES MARSHAL.

Henry A. Skeggs to be United States marshal, northern district of Alabama.

COLLECTOR OF INTERNAL REVENUE.

Charles V. Duffy to be collector of internal revenue for the fifth district of New Jersey.

PROMOTION IN THE ARMY.

QUARTERMASTER CORPS.

Maj. B. Frank Cheatham to be lieutenant colonel.

POSTMASTERS.

COLORADO.

M. A. McGrath, Eaton.
Herbert R. Sabine, Alamosa.
Robert W. Tandy, Del Norte.

CONNECTICUT.

Daniel J. Driscoll, Cheshire.

FLORIDA.

Joseph F. De Sha, Waldo.

GEORGIA.

Susie M. Atkinson, Newnan.
Nellie B. Brimberry, Albany.
John L. Callaway, Covington.

ILLINOIS.

F. O. Lovins, East Moline.

IOWA.

Charles H. Bloom, Delmar.
S. H. Brainard, Wyoming.

KANSAS.

Lulu M. Crans, Formosa.
Siegfried Kuraner, Fort Leavenworth.
Glenn Smith, Horton.
Theodore D. Webster, Bronson.

LOUISIANA.

Henry W. Blanks, Columbia.

MINNESOTA.

Thomas H. Bunn, Pine Island.
Christian Hunsinger, Wadena.

MISSISSIPPI.

John L. Kirby, Water Valley.

MISSOURI.

William M. Bayliss, Clarence.
Francis L. Stufflebam, Bolivar.
John T. Summers, Lathrop.

NEBRASKA.

Elbert M. Vaught, Genoa.

NEW JERSEY.

James J. Cowley, Passaic.
Patrick J. Devlin, Matawan.
George F. Moore, Oradell.
Alice E. Shaw, Delanco.
John J. Roche, Palisades Park.

NEW YORK.

James M. Dwyer, Geneseo.
Arthur E. Hammond, East Aurora.
Thomas H. Kavanagh, Livonia.
Lawrence M. Kenney, Saugerties.
Mark J. Lockington, Lima.
George H. Martens, Fort Totten.
Charles T. Sammis, Northport.
Philip J. Smith, Webster.
Bruce M. Sweet, Fillmore.
Stephen Van Tassel, Mount Vernon.
William J. White, Livingston Manor.

OHIO.

Harvey N. Steger, Cardington.

TEXAS.

M. B. Brown, Burnet.
Bessie Cannon, Florence.
William Clark, Jefferson.
W. H. Brown, Navasota.
W. H. Miller, Seymour.
Chester A. Purcell, Burkburnett.
G. B. Sanders, Jewett.
H. C. Williams, Merkel.

VIRGINIA.

J. D. Askew, Pulaski.
John H. Massie, Edinburg.
Frank H. Rinehart, Covington.

WEST VIRGINIA.

H. H. Berry, Burnsville.
W. B. Stewart, Chester.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 18, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art from everlasting to everlasting our God, out of whose heart Thou didst give us being and through whose infinite care and loving-kindness Thou dost provide for our every want, temporal and spiritual, may it not be perfunctory, an empty form, which brings us to Thee in prayer as a part of the daily routine of the sessions of this House, but because our hearts longeth for Thee and the touch of Thy spirit that we may fulfill every duty devolving upon us in an earnest desire to serve Thee and build a divine individuality in our souls, passing on day by day to a higher intellectual, moral, and spiritual life. We ask this as seekers after truth. Amen.

The Journal of the proceedings of Saturday last was read and approved.

CONSTRUCTION OF REVENUE CUTTERS.

Mr. ADAMSON. Mr. Speaker, there is a bill on the Speaker's table, S. 4377, in which the Senate has concurred in the House amendment with an amendment. I ask that it be taken from the table, that we disagree to the Senate amendment to the House amendment, and ask for a conference.

Mr. MADDEN. Is that the bill with reference to the construction of revenue cutters?

Mr. ADAMSON. It is.

Mr. MADDEN. A bill with an amendment providing for two revenue cutters instead of four?

Mr. ADAMSON. The Senate agreed to the House amendment by putting back practically the same two ships.

Mr. MADDEN. Would it not be a good idea to have the House vote on the question whether we will have two or four?

Mr. ADAMSON. I should prefer that it go to conference as it is.

Mr. MADDEN. Would the gentleman agree to bring it back without an agreement if the Senate insisted upon four revenue cutters?

Mr. ADAMSON. I do not want to make any promises before going into conference. After we get into conference, I will talk with the gentleman about it.

Mr. MADDEN. I want the gentleman from Georgia to understand that I am opposed to the building of four revenue cutters, and the House so indicated when the bill was passed. We ought to have an opportunity to vote on the question whether we are to have four or two. If we have some kind of an understanding about that, I would not object to the bill being taken from the Speaker's table and sent to conference.

Mr. ADAMSON. I do not believe that the House ever had any reason to complain of the conferees from our committee.

Mr. MADDEN. I will not object.

The SPEAKER. Is there objection? The Chair hears none, and the Clerk will report the title to the bill.

The Clerk read as follows:

S. 4377. An act to provide for the construction of two revenue cutters.

The SPEAKER. The gentleman from Georgia asks unanimous consent to disagree to the Senate amendment to the House amendment and ask for a conference. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. ADAMSON, Mr. SIMS, and Mr. STEVENS of Minnesota.

GORDON W. NELSON.

Mr. PADGETT. Mr. Speaker, the bill S. 5552 is on the Speaker's table and a similar House bill reported from the Committee on Naval Affairs is on the House Calendar. I ask unanimous consent to take the Senate bill from the Speaker's table and pass it in lieu of the House bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take the bill S. 5552 from the Speaker's table and consider it in lieu of a similar House bill on the calendar. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5552) to amend an act entitled "An act for the relief of Gordon W. Nelson, approved May 9, 1914."

Be it enacted, etc., That an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914, be amended so as to read as follows:

"SECTION 1. That the President be, and he is hereby, authorized to commission, by and with the advice and consent of the Senate, Gordon W. Nelson an ensign in the United States Navy on the date of his graduation after the four years' course at the Naval Academy, to take rank as an ensign with the other members of his class according to their standing as determined by their final multiples for the four years' course at the Naval Academy: *Provided*, That unless the said Gordon W. Nelson becomes a citizen of the United States on or before July 1, 1915, he shall on said date cease to be an officer of the Navy."

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman from Tennessee to explain what this means.

Mr. PADGETT. On the 9th day of the present month the House passed a bill with the same provisions as this bill contains, except that the date was January 1, 1915. This extends it to July 1, 1915. The young man was born in England. He came here when a boy. He was appointed from New York to the Naval Academy and will graduate this summer. He stands high in his class and is an excellent young man. He can not be commissioned, because he has not been naturalized. He filed his declaration, and the two years' period expires on the 10th of December. When the bill was passed a few days ago it was overlooked that the law requires 90 days after the expiration of 2 years before he can be naturalized. This is simply to extend it to the 1st of July from the 1st of January, so as to allow 90 days.

Mr. MADDEN. It is merely a matter of giving him an opportunity after the requisite time has elapsed to be naturalized?

Mr. PADGETT. Yes.

Mr. MANN. Mr. Speaker, reserving the right to object, this bill is being passed for the education of the Committee on Immigration and Naturalization, so that that distinguished committee which made the naturalization law will know what it contains. [Laughter.] We passed a law only a few days ago in order to give this young man two years in which to obtain his final papers. The bill that was introduced was a bill to naturalize him, but the Committee on Naturalization, very properly, I think, instead of recommending a bill to naturalize him, recommended a bill authorizing him to be appointed in the Navy when graduated, with the proviso that he should be naturalized by the 1st of January next. The committee did not know that it required more than two years' time from the time of taking out the first papers for naturalization. Possibly it is worth while to take up the time of Congress in passing an amendatory act within two weeks of the passage of the original act in order that we may educate ourselves, and incidentally educate the Committee on Naturalization. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill, H. R. 16556, was laid on the table.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

MARINE SEA FOOD LIFE.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an interesting and important address on an economic subject by my colleague, Mr. LINTHICUM, of Maryland, delivered in my State.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD by printing a speech made by the gentleman from Maryland [Mr. LINTHICUM]. Is there objection?

There was no objection.

"CUNNINGHAM WILL MATTER."

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAMLIN. Mr. Speaker, on Saturday last, when the House had under consideration the Diplomatic and Consular appropriation bill, the question of some kind of a claim made by a man named Cunningham was injected into the proceedings. I made a statement that the Committee on Expenditures in the State Department had considered that matter, and that it had no jurisdiction, and consequently declined to consider it further. I also stated that that decision was based on an opinion rendered by the Solicitor for the State Department. The gentleman from Michigan [Mr. CRAMTON] asked that I put that opinion in the RECORD. I have it here. I may state, however, that in submitting the proposition as chairman of the committee I submitted it in an interrogatory form, numbering the different interrogatories, and in replying, instead of quoting each question, he referred to them by numbers, and therefore, in order to make it intelligible, I shall be compelled to print my letter to him with his reply. I shall incorporate those in my remarks, unless there is objection to it.

Mr. Speaker, I want to add one word further. My good friend from Washington [Mr. BRYAN], who is also a member of the Committee on Expenditures in the State Department, took part in the discussion to which I have referred, and while he did not make any direct criticism of our committee or of anybody else in particular, as far as that is concerned, yet there was running through his remarks a criticism of somebody, somewhere, because this matter had not been considered fully and an investigation had and some relief offered to this man Cunningham, whose brother died in Shanghai, China, leaving an estate, and a will which was probated, and which left all of the property to Cunningham's sister instead of to him. I did not recall all of the facts on Saturday when the matter came up, but, consulting the records of the committee, I find that that very matter was taken up by our committee, and on motion of a member of the committee there was a subcommittee appointed to look into the matter and report. The gentleman from Washington [Mr. BRYAN] was appointed a member of that subcommittee. That subcommittee filed a unanimous report in the following language:

Upon motion of Mr. BROWN the chairman was authorized to appoint a subcommittee of three to look into the "Cunningham will matter" and to report to the full committee their opinion as to whether it was a matter over which the committee has jurisdiction. Which motion being submitted, carried unanimously. Thereupon the chairman appointed on that committee Messrs, BROWN, BORCHERS, and BRYAN.

Subsequently, on July 29, 1913, that subcommittee reported to the full committee as follows:

The subcommittee heretofore appointed by the Committee on Expenditures in the State Department, and to which was referred the question of what is known as the "Cunningham matter," have considered the same, and in the light of the information received from the Solicitor of the State Department, letters referring thereto are attached hereto and made a part of this report, informing this committee that our consul in China had probate jurisdiction to settle estates of American citizens dying in that country, we do not believe that the Committee on Expenditures in the State Department has jurisdiction of the said "Cunningham matter," and therefore recommend that the same be laid aside. Believing that we did not have jurisdiction of said matter, your subcommittee did not go into the merits of said case. Whereupon the committee adjourned.

I put that in the RECORD to show that of all persons in the world my good friend from Washington [Mr. BRYAN] is the last man who ought to complain because our committee did not go further into the matter, because he reported that in his opinion we had no jurisdiction of it.

Mr. BRYAN. Mr. Speaker, will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. BRYAN. Is it not a fact that at the time, before the committee, I stated that, jurisdiction or no jurisdiction, the committee ought not to advance that technical idea and thereby prevent a hearing, but that we ought to go on and have a hearing and let that old man submit his testimony and make the matter public?

Mr. HAMLIN. Mr. Speaker, I have no recollection of anything like that. I had even forgotten the action of the committee. I will say to the gentleman, until I looked up the record. The record fails to show that the gentleman put any protest of any kind in the record.

Mr. BRYAN. The gentleman knows there was quite a little controversy, almost friction, over the matter, and then I insisted on something being done; and the gentleman also knows that I could not accomplish anything with the committee, feeling

that for want of jurisdiction, want of time, and all of those things, we better not waste any further time.

Mr. HAMLIN. Mr. Speaker, I do not know anything of the kind. I will say to the gentleman that I was not a member of the subcommittee at all. I do not know what occurred in the subcommittee. I am only speaking from the record; but I do know of the gentleman, according to the report of the subcommittee, which was unanimous, and I have no recollection——

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. BRYAN. Did not the gentleman prepare or have his clerk prepare that report, after a talk at a committee meeting and after a favorable conference, and did not the clerk of the committee prepare that report and put it on file?

Mr. HAMLIN. I do not recall who prepared the report, but I know it was read in the committee room and unanimously adopted.

Mr. BRYAN. The gentleman will do me the justice to admit that I have insisted on an investigation all the way through.

Mr. HAMLIN. I can not do that, because I do not recall that as being true. I do not say that it is not true, but I have no recollection of it.

Mr. BRYAN. Just one more question. In view of the criminal charges involved, does not the gentleman think they ought to be investigated?

Mr. HAMLIN. Mr. Speaker, I will say this in answer to the gentleman: I am really glad that he raised that question. I do not believe that it is the duty of our committee or any other committee of this House to take up for investigation everything that some fellow says to some member of the committee—some indefinite charges made in a general way against anybody and everybody. I think that before a committee of this House should take up any matters and investigate them, somebody of responsibility ought to make definite, specific charges and get behind those charges, and that has not been done in this case. We found, as the record will show, when you come to read the opinion of the Solicitor for the State Department, that we were absolutely without jurisdiction, that this whole proceeding was regular, and we could go no further. And whether there was a forged will there or not is a matter that certainly we could not investigate——

Mr. GARNER. If you did, you could not remedy it.

Mr. HAMLIN. Certainly not. We could not possibly settle that. I do not say this old man was treated fairly; I do not know; maybe he was not; but, as a matter of fact, it is beyond the jurisdiction of our committee, and we could not afford to take up our time and engage in a futile, puerile, unnecessary effort to investigate something over which we had no jurisdiction, and the gentleman from Washington conceded we had no jurisdiction in this matter.

The SPEAKER. The time of the gentleman has expired. The gentleman from Missouri asks unanimous consent to print as part of his remarks the letters to which he referred. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
COMMITTEE ON EXPENDITURES IN THE STATE DEPARTMENT,
Washington, D. C., July 23, 1913.

SOLICITOR STATE DEPARTMENT,
Washington, D. C.

DEAR SIR: For the information of this committee, in connection with a certain matter which they have under investigation, I respectfully request that you advise me as to the law as follows:

(1) Had the consul general of the United States at Shanghai, China, in 1905, acting judicially, jurisdiction and authority to admit to probate and record a will of a person of American birth, sojourning at Shanghai, and carrying on business in China and other parts of the Orient, and to make final distribution of his estate to the beneficiaries named in the will? If, so, upon what statute or treaty is such jurisdiction based?

(2) If the consul general had the jurisdiction referred to in the foregoing question, by what law would the validity and sufficiency of such will as to form, manner of execution, and witnesses be determined?

(3) If the consul general had jurisdiction in any case to admit a will to probate and to make final distribution of the estate of the testator, would such jurisdiction have reached to the case of a man of American birth with respect to whom the highest court of the State of his birth has decided that he has lost his domicile in such State and that his estate is not subject to administration in the courts thereof, he not having acquired domicile or established residence at any other place, except at Shanghai, China?

Thanking you in advance, I beg to remain,

Very respectfully,

C. W. HAMLIN,
Chairman of the Committee on Expenditures in the State Department.

DEPARTMENT OF STATE,
Washington, July 24, 1913.

Hon. C. W. HAMLIN,
Chairman of the Committee on Expenditures in the State Department, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of July 23, and in response to the questions propounded therein to answer as follows:

(1) Yes. I inclose a copy of the decision of the United States court for China in the matter of the probate of the will of John Pratt Roberts, which fully quotes the provisions of the treaty and statutes on which such jurisdiction is based.

(2) The common law. See decision referred to above.

(3) Yes. I respectfully refer you to the decision of the Supreme Court of Maine, reported in Seventy-fourth Atlantic Reporter, 809; volume 3, American Journal of International Law, page 752, in which that court held that the decedent had a domicile in Shanghai (1) as a matter of fact and (2) as a matter of law. In this case the appellees had denied the right of the consular court at Shanghai to settle and distribute the estate of the decedent upon the ground that he had never acquired a domicile in Shanghai. The effect of the said decision of the Maine Supreme Court was to uphold the administration of the estate in the consular court at Shanghai.

In addition, I may observe that section 55 of the regulations in force in the consular courts of the United States in China, promulgated in pursuance of the laws of the United States (sec. 4117, Rev. Stats.), provides as follows:

"Until promulgation of further regulations, consuls will continue to exercise their former lawful jurisdiction and authority in * * * probate of wills, administration of estates, and other matters of equity, admiralty, ecclesiastical, and common law, not specially provided for in previous decrees, according to such reasonable rules, not repugnant to the Constitution, treaties, and laws of the United States, as they may find necessary or convenient to adopt."

Paragraph 416 of the United States Consular Regulations reads as follows:

"In China * * * and other non-Christian countries the property of decedents, both personal and real, is administered under the probate jurisdiction of the consular courts in those countries without interference in any respect by the local governments."

Very respectfully,

F. VAN DYNE,
Acting Solicitor.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. This is unanimous-consent day, and the Clerk will report the first bill.

AMENDMENT TO RIVER AND HARBOR ACT.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 14331) to amend section 19 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899.

Mr. WATKINS. Mr. Speaker, after a conference with the chairman of the Committee on Rivers and Harbors, I ask unanimous consent that that bill be postponed until next unanimous-consent day.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that this bill be passed without prejudice.

Mr. MADDEN. Mr. Speaker, I am going to object to the bill. I think it has no place on the Unanimous Consent Calendar. It is a question that ought to be considered entirely by the Committee on Rivers and Harbors in every case that comes up. There ought not to be any permanent law directing the Committee on Rivers and Harbors as to what it ought to do when a question comes before it, and I object to the consideration of the bill.

Mr. WATKINS. Will the gentleman from Illinois be kind enough to reserve his right to object?

The SPEAKER. Does the gentleman from Illinois object to the postponing?

Mr. MADDEN. I object to that.

Mr. WATKINS. Will the gentleman be kind enough to defer——

The SPEAKER. The gentleman objects both to the bill and to the postponing.

Mr. MADDEN. I will reserve the right to object if the gentleman wants to say something.

Mr. WATKINS. I would like to make a statement. I wish to say that there is no intention whatever to usurp the prerogatives of the Committee on Rivers and Harbors, and as soon as I ascertained that the chairman of the Committee on Rivers and Harbors thought that the Rivers and Harbors Committee should have jurisdiction of the bill I at once asked that it be transferred from the calendar to the Rivers and Harbors Committee—that is, from the Committee on Revision of the Laws to the Committee on Rivers and Harbors—and objection was made and it could not be transferred over that objection. It was alleged that the Committee on Interstate and Foreign Commerce had jurisdiction and we left it on the calendar. It is simply pending now for the purpose of adjusting, if we can, the differences that may exist as to the question of jurisdiction, and there is not any purpose to force the matter until we get an understanding——

Mr. MADDEN. Oh, well, if that is the case, I have no objection to it going over without prejudice.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. SPARKMAN. Mr. Speaker, so far as I am concerned, I should object at any and all times to the consideration of this bill. I have no objection personally, however, to the gentleman's request that it go over without prejudice, but if at any time I am here when this bill comes up I shall object to it. I thought I ought to say that to the House and the gentleman.

Mr. GARNER. Will the gentleman yield? What is the object in carrying over a bill where a Member states positively under no condition can it be considered by unanimous consent?

Mr. SPARKMAN. I can not see myself——

Mr. MANN. Mr. Speaker, the only thing the bill does is to dispose of in a way logs and merchantable timber that are in navigable streams. That is a matter over which the Committee on Rivers and Harbors has no jurisdiction. It is a matter over which the Committee on the Revision of the Laws has no jurisdiction under the rules of the House. It is a matter of obstruction to navigation and belongs to the Committee on Interstate and Foreign Commerce. If we intend to keep this bill on the Unanimous Consent Calendar, I suggest to the gentleman from Louisiana, until they settle the question of jurisdiction it will be long after this Congress has expired, and I see no object in passing it over, so I object to passing it over.

Mr. WATKINS. I wish to say to the gentleman from Illinois, if he will permit, that I do not care whether it goes to the Committee on Interstate and Foreign Commerce or goes to the Committee on Rivers and Harbors, or whether it stays where it is now, so we can get consideration of the bill at this session of Congress. We have $500,000 worth of logs and timber in a navigable stream that can not be utilized which can be put into cash and utilized if we can get this bill passed.

Mr. MANN. I have no objection to the passage of the bill.

Mr. GARNER. May I suggest to the gentleman from Louisiana that he introduce his bill over again and send it to the Committee on Interstate and Foreign Commerce, that has jurisdiction of it, and if they have jurisdiction let them report it and let it go on the Unanimous Consent Calendar and come up for consideration?

Mr. WATKINS. It may be transferred right now, as far as I am concerned, just so we take some action.

Mr. MOORE. Will the gentleman yield?

Mr. SPARKMAN. I shall object to it going to the Committee on Interstate and Foreign Commerce.

The SPEAKER. It is not going there now; the question is whether you are going to pass this bill over without prejudice. Is there objection?

Mr. MANN. I shall object, unless some one wishes——

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. The bill has not been disposed of yet, Mr. Speaker. I objected to its passing over.

The SPEAKER. Well, the gentleman from Illinois [Mr. MADDEN] objected to considering it, so there you are.

Mr. MANN. I am perfectly willing, if that is the way.

IMMIGRATION STATION AT BALTIMORE, MD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11625) to increase the appropriation for the erection of an immigration station at Baltimore, Md.

Mr. COADY. Mr. Speaker, I desire to move that this bill be passed without prejudice.

Mr. FOSTER. I reserve the right to object, Mr. Speaker.

The SPEAKER. It has not been reported yet. The Clerk will report the bill.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. COADY. Mr. Speaker, I desire to renew my request to have this bill passed without prejudice.

The SPEAKER. Is there objection?

Mr. MADDEN. I think the time has come when this bill ought to be disposed of by enactment into law or ought to be taken off the Unanimous Consent Calendar. It never can be passed by unanimous consent, because I propose to object to it when it comes up for consideration as a unanimous-consent proposition. So I desire to object now to its going over without prejudice.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Illinois objects, and that is the end of it. The Clerk will report the next bill.

CONSOLIDATION OF INDIAN FUNDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10835) to authorize the Secretary of the Treasury to consolidate sundry funds from which unpaid Indian annuities or shares in the tribal trust funds are or may hereafter be due.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to transfer upon the books of the Treasury any unpaid and noninterest-bearing annuity or per capita share or shares of any Indian, whether derived from a gratuity appropriation or from the principal of or the interest on any tribal or trust fund of his tribe from the caption or fund under which the share or annuity accrued and became due and unpaid at any time prior to the passage of this act, or which may hereafter accrue and become due and unpaid, to a common fund to be known as "Indian moneys, unpaid per capita shares, noninterest," to the credit of the individual Indian entitled thereto, and thereafter such annuity or share shall be paid direct from said common fund without further appropriation therefor by Congress, the amounts so transferred, whether previously covered into the surplus fund or not, being hereby permanently appropriated for that purpose: *Provided*, That no such transfer shall be made except upon the certificate of the Commissioner of Indian Affairs, showing the shares due and unpaid and the names of the Indians entitled thereto, and upon settlement of the account by the Auditor for the Interior Department.

SEC. 2. That the unpaid shares which bear the same rate of interest, payable at the same intervals, of all Indians in the funds above described, may in the same manner as hereinbefore provided be consolidated under such title as may be prescribed by the Secretary of the Treasury, and thereafter payments shall be made from the common funds so created without further appropriation by Congress therefor, the amounts so transferred and the interest thereon being hereby permanently appropriated for that purpose.

SEC. 3. That the consolidation and transfers herein provided for shall not be construed to repeal that part of section 1 of the act approved June 21, 1906 (34 Stat. L., p. 327), making provision for the payment of interest on minors' shares retained in the Treasury.

SEC. 4. That any and all annuities or shares transferred in accordance with the provisions of the foregoing sections, together with any interest which may accrue thereon, shall be paid to the party entitled thereto by settlement of an account and the issuance of a warrant in his favor according to the practice in other cases of authorized and liquidated claims against the United States: *Provided*, That the determination by the Secretary of the Interior of the heirs of any deceased Indian, to whose credit any annuities or shares may have been transferred in accordance with this act, shall be deemed final.

Also the following committee amendment was read:

Amend the bill by striking out the period at the end of line 15, page 3, and adding the following: "except in cases where the estate of the deceased Indian is being legally probated and the probate court having jurisdiction is determining, or has determined, the legal heirs of such deceased Indian: *Provided further*, That if any person whose share is transferred to the common fund as herein provided is found subsequently not entitled to the same, such share shall revert to the tribe and shall be transferred to the tribal funds upon the recommendation of the Commissioner of Indian Affairs and certification by the Auditor for the Interior Department."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Arizona [Mr. HAYDEN] asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT TO INDIAN DEPREDATIONS ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

The bill was read in full.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

POST-OFFICE BUILDING, NEWCASTLE, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11317) to increase the limit of cost of the United States post-office building at Newcastle, Ind.

The bill was read in full.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I should like to inquire of the gentleman in charge of this bill how large a village Newcastle, Ind., is?

Mr. FOSTER. Mr. Speaker, when the Unanimous Consent Calendar was last considered I asked that this bill might go

over on account of the absence of the gentleman from Indiana, Mr. GRAY, but he is not here at this time.

Mr. MONDELL. Has the gentleman from Illinois [Mr. FOSTER] any information in the matter so that he can answer my question?

Mr. FOSTER. I do not desire to go into a discussion of it in the absence of the gentleman from Indiana.

Mr. MANN. I suggest to the gentleman from Wyoming [Mr. MONDELL] that he read the report in order to secure the information.

Mr. MONDELL. I have read the report, and it contains no information whatever.

Mr. FOSTER. Will not the gentleman allow this bill to go over until the next time?

Mr. MONDELL. I should like information in regard to the bill.

Mr. FOSTER. We will try to have the information when the Unanimous Consent Calendar is again considered.

Mr. MANN. My colleague knows that when this bill was passed over before, the gentleman from Indiana [Mr. GRAY], whom we all regard so highly, was out attending to the matter of being renominated.

Mr. FOSTER. That is very important to him and the people of his district.

Mr. MANN. Now, he has been renominated, and I should think he would be making an effort to be reelected by being on hand here.

Mr. FOSTER. Mr. Speaker, I ask that this bill go over.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill.

IOWA TRIBE OF INDIANS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13519) for the relief of the Iowa Indians of Oklahoma.

Mr. MURRAY of Oklahoma. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be passed without prejudice. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, what is the object in passing this bill over without prejudice? Why not get some of these bills out of the way?

Mr. MURRAY of Oklahoma. The object is to get it rereferred to the Committee on Indian Affairs.

Mr. MANN. Have it referred now.

Mr. MURRAY of Oklahoma. I want to state to the gentleman that possibly it would go off of its own force. I know what that would mean. It would put it at the foot of the calendar.

Mr. MANN. No. That does not put it at the foot of the calendar. I think I know what the gentleman wants to do, and I have no objection to that. We ought to get some of these bills from the top of the calendar, because when they come up they take a lot of time. We are following a very bad practice of passing over bills from time to time at the head of the calendar, and it takes up time when they come up. Now, the gentleman knows he can not pass this bill by unanimous consent, and does not intend to try it.

Mr. MURRAY of Oklahoma. No. In truth, I expect to pass a resolution.

Mr. MANN. I understand. So I do not see the object of keeping the bill on the calendar. It will take 10 minutes on the next day, probably.

Mr. MURRAY of Oklahoma. Does not the gentleman realize that it would not hurt anything if it went off later?

Mr. MANN. I think it ought to go off the calendar. It does not prejudice any of the gentleman's rights.

Mr. MURRAY of Oklahoma. Very well. Let it go off the calendar.

Mr. MANN. I object.

The SPEAKER. It will go off the calendar, then. The Clerk will report the next bill.

PAYMENTS UNDER RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4628) extending the period of payment under the reclamation projects, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person whose lands hereafter become subject to the terms and conditions of the act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and acts amendatory thereof or supplementary thereto, hereafter to be referred to as the reclamation law, and any person who hereafter makes entry thereunder shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund 5 per cent of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in 15 annual installments, the first 5 of which shall be 5 per cent of the construction charge and the remainder 7 per cent until the whole amount shall have been paid. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period.

ACT SHALL APPLY TO EXISTING PROJECTS.

SEC. 2. That any person whose land or entry has heretofore become subject to the terms and conditions of the reclamation law shall pay the construction charge in 20 annual installments, the first of which shall become due and payable on December 1 of the year in which the public notice affecting his land is issued under this act, and subsequent installments on December 1 of each year thereafter. The first 4 of such installments shall each be 2 per cent, the next 2 installments shall each be 4 per cent, and the next 14 each 6 per cent of the total construction charge or the portion of the construction charge unpaid at the beginning of such installments.

PENALTIES.

SEC. 3. That if any water-right applicant or entryman shall fail to pay any installment of his construction charges when due, there shall be added to the amount unpaid a penalty of 1 per cent thereof, and there shall be added a like penalty of 1 per cent of the amount unpaid on the first day of each month thereafter so long as such default shall continue. If any such applicant or entryman shall be one year in default in the payment of any installment of the construction charges and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund: *Provided*, That if the Secretary of the Interior shall so elect, he may cause suit or action to be brought for the recovery of the amount in default and penalties; but if suit or action be brought, the right to declare a cancellation and forfeiture shall be suspended pending such suit or action.

INCREASE OF CHARGES.

SEC. 4. That no increase in the construction charges shall hereafter be made, after the same have been fixed by public notice, except by agreement between the Secretary of the Interior and a majority of the water-right applicants and entrymen to be affected by such increase, whereupon all water-right applicants and entrymen in the area proposed to be affected by the increased charge shall become subject thereto. Such increased charge shall be added to the construction charge and payment thereof distributed over the remaining unpaid installments of construction charges.

OPERATION AND MAINTENANCE.

SEC. 5. That in addition to the annual construction charges, every water-right applicant, entryman, or landowner under or upon a reclamation project shall also pay, whenever water service is available for the irrigation of his land, an operation and maintenance charge based upon the total cost of operation and maintenance of the project, or each separate unit thereof, and such charge shall be made for each acre-foot of water delivered; but each acre of irrigable land, whether irrigated or not, shall be charged with a minimum maintenance and operation charge based upon the charge for delivery of not less than 1 acre-foot of water: *Provided*, That, whenever any legally organized water users' association or irrigation district shall so request, the Secretary of the Interior is hereby authorized, in his discretion, to transfer to such water users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe. If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season.

PENALTIES.

SEC. 6. That all operation and maintenance charges shall become due and payable on the date fixed for each project by the Secretary of the Interior, and if such charge is paid on or before the date when due there shall be a discount of 5 per cent of such charge; but if such charge is unpaid on the first day of the third calendar month thereafter, a penalty of 1 per cent of the amount unpaid shall be added thereto, and thereafter an additional penalty of 1 per cent of the amount unpaid shall be added on the first day of each calendar month if such charge and penalties shall remain unpaid, and no water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance, or any annual construction charge and penalties. If any water-right applicant or entryman shall be one year in default in the payment of any charge for operation and maintenance and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund. In the discretion of the Secretary of the Interior suit or action may be brought for the amounts in default and penalties in like manner as provided in section 3 of this act.

FISCAL AGENT.

SEC. 7. That the Secretary of the Interior is hereby authorized, in his discretion, to designate and appoint, under such rules and regulations as he may prescribe, the legally organized water users' association or irrigation district, under any reclamation project, as the fiscal agent of the United States to collect the annual payments on the construction charge of the project and the annual charges for operation and maintenance and all penalties: *Provided*, That no water-right applicant or entryman shall be entitled to credit for any payment thus made until the same shall have been paid over to an officer designated by the Secretary of the Interior to receive the same.

RECLAMATION REQUIREMENTS.

SEC. 8. That the Secretary of the Interior is hereby authorized to make rules and regulations governing the irrigation of the lands within any project, and may require the reclamation for agricultural purposes and the cultivation of one-half the irrigable area under each water-right application or entry within three full irrigation seasons after the

filing of water-right application or entry, and the reclamation for agricultural purposes and the cultivation of three-fourths the irrigable area within five full irrigation seasons after the filing of the water-right application or entry, and shall provide for continued compliance with such requirements. Failure on the part of any water-right applicant or entryman to comply with such requirements shall render his application or entry subject to cancellation.

LANDS NOT SUBJECT TO RECLAMATION ACT.

SEC. 9. That in all cases where application for water right for lands in private ownership or lands held under entries not subject to the reclamation law shall not be made within one year after the passage of this act, or within one year after notice issued in pursuance of section 4 of the reclamation act, in cases where such notice has not heretofore been issued, the construction charges for such land shall be increased 5 per cent each year until such application is made and an initial installment is paid.

WITHDRAWN LANDS SUBJECT TO ENTRY.

SEC. 10. That the act of Congress approved February 18, 1911, entitled "An act to amend section 5 of the act of Congress of June 25, 1910, entitled 'An act to authorize advances to the reclamation fund and for the issuance and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes,'" be, and the same hereby is, amended so as to read as follows:

"SEC. 5. That no entry shall be hereafter made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage per entry and water is ready to be delivered for the land in such unit or some part thereof and such fact has been announced by the Secretary of the Interior: *Provided*, That where entries made prior to June 25, 1910, have been or may be relinquished, in whole or in part, the lands so relinquished shall be subject to settlement and entry under the reclamation law."

WATER SERVICE.

SEC. 11. That whenever water is available and it is impracticable to apportion operation and maintenance charges as provided in section 5 of this act the Secretary of the Interior may, prior to giving public notice of the construction charge per acre upon land under any project, furnish water to any entryman or private landowner thereunder until such notice is given, making a reasonable charge therefor, and such charges shall be subject to the same penalties and to the provisions for cancellation and collection as herein provided for other operation and maintenance charges.

ADMISSION OF PRIVATE LANDOWNERS TO NEW PROJECTS.

SEC. 12. That before any contract is let or work begun for the construction of any reclamation project hereafter adopted the Secretary of the Interior shall require the owners of private lands thereunder to agree to dispose of all lands in excess of the area which he shall deem sufficient for the support of a family upon the land in question, upon such terms and not to exceed such price as the Secretary of the Interior may designate; and if any landowner shall refuse to agree to the requirements fixed by the Secretary of the Interior his land shall not be included within the project if adopted for construction.

DISPOSITION OF EXCESS FARM UNITS.

SEC. 13. That all entries under reclamation projects containing more than one farm unit shall be reduced in area and conformed to a single farm unit within two years after making proof of residence, improvement, and cultivation, or within two years after the issuance of a farm-unit plat for the project, if the same issues subsequent to the making of such proof: *Provided*, That such proof is made within four years from the date as announced by the Secretary of the Interior that water is available for delivery to the land. Any entryman failing within the period herein provided to dispose of the excess of his entry above one farm unit in the manner provided by law and to conform his entry to a single farm unit shall render his entry subject to cancellation as to the excess above one farm unit: *Provided*, That upon compliance with the provisions of law such entryman shall be entitled to receive a patent for that part of his entry which conforms to one farm unit as established for the project: *Provided further*, That no person shall hold by assignment more than one farm unit prior to final payment of all charges for all the land held by him subject to the reclamation law, except operation and maintenance charges not then due.

ACCEPTANCE OF THIS ACT.

SEC. 14. That any person whose land or entry has heretofore become subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by this act, shall, within six months after the issuance of the first public notice hereunder affecting his land or entry, notify the Secretary of the Interior, in the manner to be prescribed by said Secretary, of his acceptance of all of the terms and conditions of this act, and thereafter his lands or entry shall be subject to all of the provisions of this act.

SEC. 15. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

With committee amendments, as follows:

Amend, page 2, line 12, by inserting the following: "*Provided further*, That entry may be made whenever water is available, and the initial payment be made when the charge per acre is established."

Amend, page 2, line 19, by inserting the following: "or the portion of the construction charge remaining unpaid."

Amend, page 3, lines 3 and 4, by striking out, after the word "charge" in line 3, the words "or the portion of the construction charge unpaid at the beginning of such installments."

Amend, page 3, line 17, by inserting, after the word "fund," the words "but no homestead entry shall be subject to contest because of such default."

Amend, page 4, line 8, by inserting, after the word "charges," the following: "*Provided*, That the Secretary of the Interior, in his discretion, may agree that such increased construction charge shall be paid in additional annual installments, each of which shall be at least equal to the amount of the largest installment as fixed for the project by the public notice theretofore issued. And such additional installments of the increased construction charge, as so agreed upon, shall become due and payable on December 1 of each year subsequent to the year when the final installment of the construction charge under such public notice is due and payable: *Provided further*, That all such increased construction charges shall be subject to the same conditions, penalties, and suit or action as provided in section 3 of this act."

Amend, page 4, line 23, by striking out the word "annual."

Amend, page 4, line 24, by striking out the word "charges" and inserting in lieu thereof the word "charge."

Amend, page 7, line 16, by striking out the word "one-half" and inserting in lieu thereof the word "one-fourth."

Amend, page 7, line 20, by striking out the word "three-fourths" and inserting in lieu thereof the word "one-half."

The SPEAKER. Is there objection?

Mr. STAFFORD. I reserve the right to object.

Mr. BORLAND. Mr. Speaker, reserving the right to object, personally I do not believe this is a bill that ought to pass under unanimous consent.

Mr. GARNER. Mr. Speaker, this is only unanimous consent to consider it. We are not asking to have it passed by unanimous consent.

The SPEAKER. Is there objection?

Mr. BORLAND. I reserve the right to object, Mr. Speaker.

Mr. TAYLOR of Colorado. Mr. Speaker, I want to ask the gentleman from Missouri [Mr. BORLAND] if he is willing to allow the bill to remain on the calendar and retain its place and pass it over for the present?

Mr. GARNER. Mr. Speaker, may I suggest to the gentleman from Missouri that this is a bill reported by my colleague from Texas [Mr. SMITH], and he suggested that when the matter was called up there would be a number of gentlemen on the floor who thoroughly understand the matter. He has informed me that it has had the consideration not only of the House committee but also of the Senate committee and that of the Interior Department, and a number of gentlemen who understand the subject thoroughly, and that it is of vital importance to the arid West, where these irrigation projects have started, that this bill should become a law. Of course, Texas has no interest in this matter whatever. We have no public lands in my State, and my colleague, simply as chairman of that committee, reported the bill in order to give relief to the farmers of the arid West, who are unable to meet the payments due within the 10 years' limit. If I understand the purport of this bill, it is, in substance, to extend the time of payment from 10 years to 20 years, still giving the Government the same lien and the same rights. There is no possible chance for the Government to lose anything by the passage of this bill.

Mr. MANN. Mr. Speaker, will the gentleman yield to me for a question?

Mr. GARNER. Certainly.

Mr. MANN. The gentleman says that this bill, or the House bill, was reported by his colleague from Texas; that it is very important that it should have consideration, and I agree with him about that. He has another colleague from Texas, I believe, who will have it quite in his power to bring this bill up for consideration in the House by report'ng a rule for its consideration. Am I correct about that?

Mr. GARNER. Well, the gentleman from Illinois is possibly in error. I presume he refers to my colleague the chairman of the Committee on Rules [Mr. HENRY].

Mr. MANN. I do, indeed.

Mr. GARNER. I never have understood that the chairman of the Committee on Rules undertook to say that he could control the committee.

Mr. MANN. Oh, he does not say that; but everybody else knows that.

Mr. GARNER. He is quite influential on that committee, no doubt, and might be induced to ask the committee to report out a rule, as the gentleman indicates, if the gentleman from Illinois did not know that under the present conditions there will be but one rule or—and I am not speaking advisedly—at least three rules within the reasonable time allowed to carry out the administration's program.

Mr. MONDELL. Is that all?

Mr. GARNER. For the present, I said.

Mr. MANN. You know we passed three bills in a week under a rule.

Mr. GARNER. I understand that. But the gentleman from Illinois is thoroughly familiar with the provisions and merits of this bill, and I am certain that in his own consciousness he realizes that this bill or some bill similar to it ought to become a law.

Mr. MANN. I agree with the gentleman, and that is the reason why I am calling his attention to the way in which it can be brought before the House.

Mr. GARNER. Here is an opportunity for meritorious legislation in behalf of the farmer, and I appeal to the gentleman from Illinois and others to give the House an opportunity to consider this bill.

Mr. MANN. I appeal to the gentleman from Texas to bring his strong influence to bear upon his colleague from Texas [Mr. HENRY], now the Pooh-Bah of the House in reference to legis-

lation, to bring in a rule to give us a chance to consider this bill.

Mr. GARNER. If it is a meritorious bill, what is the object of having a rule when we can consider it by unanimous consent?

Mr. BORLAND. I will tell the gentleman. I have let him occupy some of my time. I will tell him that there are a great many men in this House interested in this Unanimous Consent Calendar, and if this bill is of the importance he says it is—and I think it is—it will take a great portion of the day, if not the whole day, and in my judgment it does not properly belong on the Calendar for Unanimous Consent at all. Now, the gentleman from Colorado [Mr. TAYLOR], who is the second member on this Committee on Irrigation of Arid Lands, the vice chairman under the gentleman's colleague, is here, and asking to let the bill go over. I have no objection to that. I think it is fair to the House to have that done.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MONDELL. The gentleman from Texas is not entirely accurate in his statement. He says Texas has no interest in the bill. Texas has a very considerable interest in the bill, for while Texas has contributed nothing to the reclamation fund, yet Texas by an act passed some years ago became a beneficiary under the fund, and the people of Texas receive extensions of time for the payments on their construction charges under this bill just as people under other reclamation projects do.

Now, let me suggest to the gentleman from Missouri [Mr. BORLAND] that this bill has been very carefully considered. It is an important bill, but it is not a particularly complicated matter. The gentleman knows that through what has been denominated on that side as a "pussy-footed filibuster" Calendar Wednesday business has been blocked. Otherwise this bill would be up for consideration the coming Wednesday.

As matters now stand, the caucus having decided on a program and this bill not being included in the program, unless there shall be a change of heart on that side, followed by other caucus action, the only way in which this bill can be passed is by unanimous consent. The bill can be just as thoroughly considered now as at any time, and the gentleman knows, because he has been investigating this matter, that there are thousands of people on these projects who have reached the time when their payments are due and they must have some relief. That relief is granted in this bill.

The bill is not only important because it grants relief by an extension of time, but it is important because it contains considerable legislation which is necessary to round out and complete the national reclamation law and to make clear some things which are now ambiguous.

Mr. BORLAND. What the gentleman has said simply confirms what I said a moment ago, that this bill can not be considered on the Unanimous Consent Calendar without taking substantially all day, or a great portion of it, to the exclusion of other business.

But I do not agree with the statement the gentleman makes as to the urgent necessity of this bill. The gentleman knows that the existing condition in the Reclamation Service has been going on for five years, and so far as we know the condition is the same as it was two or three years ago at least. Some measures must be taken to reclaim the Reclamation Service. This bill may have some tendency to that effect, but it is going to reorganize the whole service. It is going to be a matter that a good many men will want to discuss in debate, and it can not be done on a unanimous-consent day. What the gentleman has said simply confirms that.

Mr. MONDELL. The difficulty is that unless it is done on a unanimous-consent day this legislation probably can not be enacted during this session.

Mr. BORLAND. No; I will say to the gentleman that at the suggestion of the Secretary of the Interior I inquired of the Democratic leader whether it would not be possible during this session to have a day for suspension of the rules, and whether that would not be a more appropriate time to take up a bill of this character, and it was conceded that it would be.

Mr. MONDELL. The gentleman is kind-hearted enough to run us up against a two-thirds vote on this legislation.

Mr. BORLAND. You are up against a unanimous vote now.

Mr. MONDELL. If the best the gentleman promises is that we may get an opportunity to consider this bill providing we can get a two-thirds majority for it, his promise does not amount to very much. Furthermore, the gentleman talks about the importance of the legislation, about the various important questions that it raises, and yet his proposition is now that we shall be required to secure a two-thirds majority for it after 20 minutes of debate and no opportunity for amendment. Of course, the gentleman must realize that there is no hope for the passage of the bill in that way. A number of gentlemen who are not opposed to the general provisions of the bill desire to offer amendments to it. No doubt the gentleman from Missouri does, and that can not be done under suspension of the rules. In effect, therefore, the suggestion of the gentleman from Missouri leaves us without hope. Give us a chance to take the bill up now and it can be discussed and passed.

Mr. RAKER. The gentleman from Missouri [Mr. BORLAND] has given this matter some consideration, has he not?

Mr. BORLAND. I have given it some thought and consideration.

Mr. RAKER. May I call attention to the fact that for at least two months the Secretary of the Interior, the Commissioner of the General Land Office, the heads of the Reclamation Service, Mr. Newell, Mr. Davis, Mr. Ryan, Mr. King, and others, and practically all of the Representatives from the Western States, as well as those where there are reclamation projects, met day after day and went over this bill in all of its phases; and I do not believe there is any bill that ever came before this Congress that was given more thorough and painstaking consideration than this bill. It was then reported to the Senate and House, and hearings again had. No objections were made. The President has gone over this legislation, has gone over the facts that necessitated it, and after his investigation he is very earnest in the hope that this bill will be passed. We have received telegrams from these various projects, urging that this bill be passed, to the end that a change be made, so that it will be workable, and that every dollar that has been expended or will be expended by the Government will be returned to the Treasury of the United States. With all this behind it, with this investigation, I plead with the gentleman from Missouri not to object. As I understand, the President is anxious that this bill pass, and I trust the gentleman will not object to the consideration of the bill. It is a meritorious matter, and I will say to the gentleman that many times I have appeared with the other Members of the House and Members of the Senate, sometimes 30 or 40, who have appeared at the Secretary's office and gone over this bill. Then we would go back again and again in a few days. The President has gone over every phase of this bill, and urges that this legislation be passed. The Secretary of the Interior is very desirous that this legislation become a law. This bill should be considered without delay by this House. It is important to the settlers now on these projects.

Mr. BORLAND. Let me interrupt the gentleman right there——

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is, Is there objection to the consideration of this bill?

Mr. TAYLOR of Colorado. I ask unanimous consent that the bill retain its place on the calendar and be passed over.

The SPEAKER. The gentleman from Colorado asks that the bill retain its place on the calendar and be passed over without prejudice. Is there objection?

There was no objection.

DRAINAGE CONGRESS, SAVANNAH, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10078) authorizing the Secretary of State to invite other nations of the world to participate in the Drainage Congress to be held at Savannah, Ga., in 1914, and to appropriate $10,000 to help defray the expenses thereof.

The Clerk read the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FOSTER. Mr. Speaker, my understanding is that this congress has been held.

Mr. HARRISON. It has been held, and there is no objection to the bill being stricken from the calendar.

Mr. MANN. There is absolutely no information in the report, anyhow.

Mr. HARRISON. The information was given to the congress when it was held.

The SPEAKER. Does the gentleman from Mississippi say the congress has been held?

Mr. HARRISON. The congress was held in April.

Mr. STAFFORD. The information was given in the newspapers at the time.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the calendar.

RELIEF OF LANDOWNERS IN MISSISSIPPI.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River, in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State

of Mississippi, and the parish of West Feliciana, State of Louisiana.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. COLLIER. Mr. Speaker, this is a bill by my colleague, Mr. QUIN, who is unavoidably detained by reason of a visit as a member of the Subcommittee on Military Affairs to New York. I ask the gentleman to withdraw his objection and let the bill be passed over without prejudice.

Mr. MANN. I have no objection to that.

The SPEAKER. Is there objection to the request that the bill be passed without prejudice?

There was no objection.

LOCATORS OF OIL AND GAS ON THE PUBLIC DOMAIN.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 15469) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, be amended by adding thereto the following section:

"SEC. 2. That where applications for patents have been or may hereafter be offered for any oil or gas land included in an order of withdrawal upon which oil or gas has heretofore been discovered, or is being produced, or upon which drilling operations are in actual progress at the date of the passage of this act, and oil or gas is thereafter discovered thereon, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law."

The SPEAKER. Is there objection?

Mr. FINLEY. I object.

Mr. FERRIS. Will the gentleman reserve his objection and hear some explanation of the bill?

Mr. FINLEY. I will reserve the objection, Mr. Speaker.

Mr. FERRIS. Mr. Speaker, in the State of California for a number of years applicants for title under the placer-mining law have been proceeding with the drilling for oil. Some have proceeded regularly and some have proceeded irregularly. In their strife for patents much delay has been brought about; also much complication in procedure. The situation that becomes acute is from the fact that the pipe-line people are refusing to take their oil on the theory that their patents or titles are not good, that the patents have not been issued, and the titles are at least in question. So they have in many instances had to shut down their oil wells, and it has brought about a stagnation in the field. It is an acute situation that needs attention now. The Committee on Public Lands heard gentlemen for a week or 10 days at a time, and 25 or 30 oil men from California came before the committee. The Secretary of the Interior detailed a lawyer, and they also had Mr. Smith, of the Geological Survey, to sit with the committee and try to find out and ascertain, if possible, what could be done to help out the situation locally. Two things seem to the committee to be important. One was that the wells of these independent producers, pending the time when it was determinable whether or not they had title to the lands, should not be destroyed by allowing the water to break in. Second, not to do anything more than to grant power to the Secretary of the Interior to bring about a working arrangement whereby the wells might be developed and retain within his control a sufficient amount of oil pending the time when they could determine whether the title was good or not. The situation is a peculiarly acute one, and the Secretary of the Interior has written a strong letter on it. The committee brought in unanimously this measure for providing for relief. It involves the whole west side of the San Joaquin Valley of California—125 miles long and 3 or 4 miles wide. This is a temporary relief measure that is needed badly not only for the protection of the rights of the applicants but the Government as well.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. I understand that there are some contests pending in the Land Office about some companies connected with the Standard Oil Co. concerning lands in Wyoming. Would this bill apply to them?

Mr. FERRIS. The bill is peculiarly for California, as I recall it. The act of March 2, 1911, was a bill introduced by Representative Smith of California, and that bill applied to this same situation. The oil men are struggling for patents. I may be in error as to this being a special or local here, but, anyway, the demand was local and local to California.

Mr. STAFFORD. Why should there not be general legislation on it? Why should it be special? I know of a certain case in Wyoming where the Government is contesting the right of private oil companies, presumably the Standard Oil Co., to their location.

Mr. FERRIS. If the gentleman feels that it ought to be amended, we can do it. It seemed to the committee that this situation was peculiarly acute in California and needed the attention of Congress.

Mr. STAFFORD. But there are other oil lands in other parts of the United States besides California.

Mr. FERRIS. The situation is more acute in California than in the rest of the country.

Mr. MANN. Why would not this bill apply to the Southern Pacific?

Mr. FERRIS. Because in a grant to the Southern Pacific, given years ago, there was a provision which intended to reserve the minerals and oil, and I hope that when it is finally determined it will be held to do so.

Mr. MANN. Do not they make application to the Government for grants?

Mr. FERRIS. They have the patents; it is a question whether the grant in presenti carried with it the oil, gas, and mineral under the surface. I hope the reservation is sufficient to retain it in the Federal Government. But that is a question to be litigated. They have the patent already.

Mr. MANN. I am not at all convinced that this does not apply to it.

Mr. FERRIS. The gentleman from California [Mr. CHURCH] tells me that the Southern Pacific already have their patents. It is not a question of location under the placer law, but a question of the construction as to what the grant made years and years ago was.

Mr. MANN. This is not a location under the placer law either. This is where applicants for patents have been or may hereafter be filed for any oil or gas lands.

Mr. FERRIS. The Southern Pacific lands are already patented.

Mr. MONDELL. Will the gentleman yield to me?

Mr. FERRIS. Yes.

Mr. MONDELL. Has the gentleman any objection to adding, after the word "patent," in line 1, the words "under the placer-mining act"?

Mr. FERRIS. Not at all. That is what we want to do. There is no effort on the part of the committee or on the part of any member of the committee or anybody else to make it apply to any other than those men who are trying in good faith to get patents under the placer-mining law.

Mr. MANN. Why does not the department determine the rights of these people as to their patents?

Mr. FERRIS. I am glad the gentleman has asked that question. We brought before us the Commissioner of the General Land Office. He came with amazing frankness, and said that the Land Office could not pass on the many cases for want of appropriations.

Mr. MANN. That excuse is too flimsy for anybody to present, and I am sure the gentleman himself would not have originated it.

Mr. FERRIS. It is not a flimsy excuse to the man who is out in the field and can not get his rights passed on. I desire to print herein the report, No. 519, which contains a letter from the department on the subject.

[House Report No. 519, Sixty-third Congress, second session.]

LOCATORS OF OIL AND GAS ON THE PUBLIC DOMAIN.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following report, to accompany H. R. 15469:

The Committee on the Public Lands, to whom was referred H. R. 15469, by Mr. CHURCH, amending an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, beg leave to report the same back to the House with the recommendation that the bill do pass.

The bill was referred to the department, and the department has reported on the same, and it is thought that the entire letter will be of value in the consideration of the bill by the House.

The report thereon is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 10, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your request for report and recommendation upon H. R. 15469, a bill to amend the act of Congress approved March 2, 1911 (36 Stat., 1015). The amendment proposed is the addition of a section which will authorize the Secretary of the

Interior to enter into agreements, under such conditions as he may prescribe, with parties who have presented or may present applications for patent for oil or gas land included in an order of withdrawal and upon which oil or gas has been discovered, is being produced, or upon which drilling operations shall be in actual progress at the date of the passage of the act, said agreements to relate to the disposition of the oil or gas produced from the lands, or the proceeds thereof, pending final determination by the Secretary of the Interior of the validity of the offered applications for patents.

The proposed legislation is peculiarly applicable to the California oil fields, where a large number of locations and applications are under investigation or involved in proceedings which challenge the validity of the locations or the regularity of the applications presented. Many oil and gas wells are in actual operation upon these and adjacent lands, and by reason of the investigations of the department and certain suits instituted by the United States to enjoin parties from removing oil from the lands, the operators are unable to dispose of the oil or gas under existing laws pending adjudication of their claims. This is disadvantageous not only to the operators, but to the United States, because the failure to continuously operate the wells may result in the diminution or destruction of the oil or gas values through introduction of water into the wells or by reason of the draining of the oil and gas deposits from under the lands involved through wells sunk and in operation upon adjacent patented lands. The situation is one which demands immediate attention if the operators and the United States are to be saved from large and irreparable loss, and I earnestly recommend the enactment of the bill. At the same time I desire to point out that this bill gives temporary relief only, in that it permits of adjustments which will permit of the operation of oil and gas wells and take care of the proceeds pending the final adjudication of the claims by the department. It does not provide a method for disposing of the lands or the deposits after final adjudication of the cases if the claims of the applicants be *finally* denied. Relief for the latter situation may, however, be provided later.

I understand the present bill to authorize the Secretary of the Interior to enter into agreement with the record claimant to all or any part of a location, provided such record claimant has presented or shall present an application for patent for all or any portion of the location involved.

I further direct attention to the general bill providing for the leasing of lands containing deposits of oil, gas, and certain other minerals now pending before your committee, and to the similar measure, S. 4898, now pending before the United States Senate. The latter measures, if enacted, will prevent the future occurrence of such conditions as now confront us, and the necessity for the temporary remedial legislation now under consideration emphasizes the importance of the early enactment of the general leasing measure.

Very truly, yours, FRANKLIN K. LANE.

A careful reading of Secretary Lane's report discloses that some temporary relief for these oil men engaged in oil production on the public domain is an emergency. The legislation authorizes the Secretary of the Interior to make working agreements whereby the oil claimants may go on with the production of oil, and thereby preserve the rights of themselves and the United States until a suitable leasing law can be passed covering the case.

Certain irregularities with reference to some of the oil operators have brought about a confusion of title. The institution of suits has caused the pipe lines to refuse to accept the oil and buy the oil, there being no market for the oil other than the pipe-line companies, and has brought stagnation in oil development.

As will be observed by the Secretary's letter and from facts brought to the attention of the committee in a printed hearing had, show that lands held in private ownership, most of which came from original land grants, of alternate sections make it possible for the lands held in private ownership to go on with the production, pumping, and draining of the Government lands to an extent that is greatly to the disadvantage of the General Government as well as to the oil prospectors themselves.

Twenty-five or thirty independent oil producers of California appeared before the committee and presented hardships, disaster, and trouble which deserves the attention of Congress, and at the earliest possible moment.

Your committee was unanimously of the opinion that, pending a time when these titles could be definitely settled and pending a time when those who deserve patents could get patents and those who should be denied patent could be formally denied patent, such temporary working arrangements as proposed in H. R. 15469 was about the only method of solving the problem.

The Secretary of the Interior is a man of broad views, keen intellect, and with peculiar and actual knowledge of the actual conditions as they exist, and it is the thought of every member of the committee, after prolonged hearings and painstaking attention, that this bill should be passed at once for the purpose of preserving what the Government has and what the developers of oil deserve, and to prevent damage and disaster from any source.

The actual method of working is thought to be that the Secretary will retain a sufficient portion of the proceeds of the oil to indemnify the Government in the event the title will finally be held to be adverse to the claimants, so that untold hardships may not follow. Some of the men developing oil in the California region have almost been driven to bankruptcy. Telegraphic appeals and personal appeals have come from California sources urging some action on the part of Congress.

The bill, as will be observed, does not part with title to a foot of land or to any oil or gas of the United States, but merely authorizes a continuation of operations to prevent waste, decay, destruction by water breaking in, and other disaster coming from the nonuse of oil machinery and oil development. The committee can not urge too strongly the advisability of this temporary relief, and that at the earliest possible moment.

The complaints have come chiefly from California and from a strip of country about 125 miles long and from 2 to 5 miles wide on the west side of the San Joaquin Valley in California.

As was suggested by Secretary Lane in his letter, there is pending in both branches of Congress, and in truth the bill before the House committee is well under way, legislation providing for a leasing system of the oil and gas lands of the United States, so that hereafter tangled titles relative to the procedure and acquirement may not be one of the troublesome tasks for the American Congress to deal with. The affording of this temporary relief by the passage of H. R. 15469 will in no manner interfere with the broad-gauged conservation policy outlined in the leasing law soon to be reported and now pending before both the House and Senate committees.

Respectfully submitted.

Mr. MANN. If the Government finds a case where gross injustice is being done to these people, there is no reason why the Interior Department should not decide the question of the patent. We passed a law three years ago in order that they might settle up these things, and this is to amend that act.

Mr. FERRIS. The commissioner informed us that they were working as fast as they could, but that notwithstanding that great injustice would be done.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD upon this bill.

The SPEAKER. Is there objection?

There was no objection?

EXCHANGE OF LANDS IN WYOMING.

The next business on the Calendar for Unanimous Consent was the bill (S. 65) to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910, be, and the same are hereby, extended so as to include and apply to the southeast quarter of section 13 in township 27 north, range 85 west.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BROWN of New York. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BROWN of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER NEAR KANSAS CITY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14189) to authorize the construction of a bridge across the Missouri River near Kansas City.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Missouri Valley Bridge & Iron Co., a corporation organized under the laws of the State of Kansas, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a highway, trolley, and railroad bridge, and approaches thereto, across the Missouri River at a point suitable to the interests of navigation between the Chicago, Milwaukee & St. Paul Railway bridge and the mouth of the Big Blue River, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Lines 6 and 7, page 1, strike out the words "highway, trolley, and railroad."

The SPEAKER. Is there objection?

Mr. ALEXANDER. Mr. Speaker, I reserve the right to object.

Mr. COOPER. Mr. Speaker, I also reserve the right to object.

Mr. ALEXANDER. Mr. Speaker, if the gentleman from Georgia [Mr. ADAMSON], the chairman of the Interstate and Foreign Commerce Committee, desires to make a statement, I will give way to him for that purpose.

Mr. ADAMSON. Mr. Speaker, I prefer that the gentleman from Missouri make the statement. He has objected to an amendment which the committee made in accordance with its uniform conduct in striking out the words defining the character of the bridge. If the gentleman can state to the House any sufficient reason why we ought to vary the custom and put in that description of the character of the bridge, I am perfectly willing to bow to the opinion of the House, and the committee would agree with me in that concurrence. If the gentleman can satisfy the House that an exception ought to be made in this case, very well.

Mr. ALEXANDER. Mr. Speaker, when this bill was introduced it attracted the attention of my constituents, who are directly interested in the bill. I may say that if this bridge is constructed across the Missouri River it will be from Jackson

County on the south side to Clay County on the north. Jackson County is in the district represented by my colleague [Mr. BORLAND] and Clay County, on the north, is in the district represented by myself. My people, including the Commercial Club of Liberty, Mo., one of the largest towns in Clay County, Excelsior Springs being the other large town, are quite willing that a bridge may be constructed across the river at the point designated if it provides for a wagon and trolley and railroad bridge, but they are unwilling that such a bridge may be constructed unless it is provided for these three purposes. We have three bridges across the Missouri River now from Jackson to Clay County. Two of them are railroad bridges. The third is a combination railroad, trolley, and wagon bridge, but the wagon bridge or combination bridge is between the Burlington bridge on the west and the Milwaukee bridge on the east. This bill provides for the construction of a bridge east of the Milwaukee bridge and west of the mouth of the Blue River. On both sides of the river there is very rich land, suitable for market gardening. It is the wish of the farmers that if a bridge is constructed it may give them an outlet to the Kansas City markets.

There is no imperative demand for the construction of a railroad bridge alone, but it would serve a useful purpose if it also provides for a wagon bridge. And again, trolley lines are being extended from Kansas City north and suburban property developed. Already one has been constructed and goes over the combination bridge between the Burlington and the Milwaukee Bridges out through Liberty to Excelsior Springs, Mo., and we want to provide other outlets to the north. Of course a company may be organized under the law of the State of Missouri for the construction of a bridge, but if this bill had not provided for a highway, trolley, and railroad bridge, I should have gone before the Committee on Interstate and Foreign Commerce and resisted, as much as I could, the favorable report on the bill. My colleague [Mr. BORLAND] and I are in perfect accord upon this matter. We both want this amendment, and our constituents want it. I do not know why it should not be incorporated in the bill.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MOORE. On several occasions I have raised a question with regard to the franchise granted to an individual or a concern that is to build a bridge. In this case the Missouri Valley Bridge & Iron Co., "a corporation organized under the laws of the State of Kansas," is to be given the right. Has the gentleman any assurance that the Missouri Valley Bridge & Iron Co. is a responsible concern, that it will build such a bridge as the people out there ought to have, or that it will build "a highway, trolley, or railroad bridge" if that specific provision is not incorporated in the law?

Mr. ALEXANDER. I have not such assurance, hence I want the provision in express terms in the bill. I want to say this, however, that I understand the company is a responsible company.

Mr. ANTHONY. Mr. Speaker, I simply want to say that the company is one of the most responsible companies in the bridge business, having constructed bridges at St. Louis and at other points along the Missouri and Mississippi Rivers.

Mr. MOORE. That answers the question to a certain extent; but it has been the policy of the committee, I have observed, not to concern itself particularly with regard to the company or the individual to whom the franchise is to be granted, that being left altogether to the Secretary of War to determine when the plans and specifications are laid before him. I assume the two gentlemen from Missouri are anxious to have it written into the law definitely as to what they are going to get in the way of a bridge, and that they would like a specific legal instruction in this respect to the Secretary of War.

Mr. ALEXANDER. Yes. Otherwise we do not want the bridge at all.

Mr. ADAMSON. Mr. Speaker, the gentleman from Pennsylvania [Mr. MOORE], amiable and able, contrary to his usual accuracy, has inadvertently made a statement which hardly does justice to the committee. He said that the committee does not usually inquire into the person and character of the applicant who desires the franchise to construct the bridge. The gentleman is laboring under a mistake there. The committee primarily passes on the question, first, whether or not the party named is a proper person, natural or artificial, or properly authorized for Congress to grant its consent for the building of a bridge. What is left for the War Department is to carry out the details and plans, and see that the bridge is constructed so as not to interfere with navigation. Now, I do not doubt it is desirable to the community to have a combination bridge, and it is desirable in the interest of navigation that if bridges are needed for vehicles and pedestrians as well as for railroads there should be as few bridges as possible, because every bridge is an obstruction to navigation; and while Congress may impose any reasonable condition it chooses as a condition of consenting at all for a party to build a bridge, the question is, Ought not the State which charters and authorizes the company to decide what sort of a bridge it is and what the local people need there? If the gentleman will state there is no way to secure any such authority in the State in which the bridge is to be built, they have obviated that question; and if they can not get it there, if the conditions are such we ought to put such conditions on our consent, then we are perfectly willing for the committee amendment to be disagreed to by the House.

Mr. MOORE. Will the gentleman yield to me?

Mr. ADAMSON. Yes.

Mr. MOORE. The gentleman knows, of course, how highly I respect him, both personally and officially——

Mr. ADAMSON. It is a matter of pride to me.

Mr. MOORE. I think the gentleman will not deny that on frequent occasions we have been called upon to pass these bills by unanimous consent, where the person to whom the franchise was granted was, in effect, "John Doe," and the gentleman has taken the position——

Mr. ADAMSON. I do not remember any such bill.

Mr. MOORE. And the gentleman has taken the position on a number of these occasions that the responsibility was on the War Department in the first instance, and on the States in the second instance.

Mr. ADAMSON. The gentleman fails to differentiate between the considerations expressed in a matter of this sort. We have consistently many times refused to consent to a proposition where we thought they did not mean business and were not able to carry out the project, and will always do it.

Mr. MOORE. If the gentleman will pardon me, I have a very distinct recollection of having raised this question at least twice before, where the committee itself had not taken any great pains to inquire as to responsibility of the individual seeking the privilege.

Mr. ADAMSON. That may have been the assumption of the gentleman from Pennsylvania, but if the gentleman ever made any such point and it ever was conceded by the committee, I confess my recollection is very much at fault or I was so obtuse I did not understand the gentleman.

Mr. MOORE. The gentleman is accustomed to fall back upon the general bridge act and the discretion lodged in the Secretary of War in these matters, and I thought it pardonable to call his attention to this question. Hence I have asked as to the responsibility of this bridge company.

Mr. ADAMSON. That only relates to the carrying out of the enterprise, seeing that the structure is so constructed that it will not interfere with navigation.

Mr. MOORE. That is a point in which I am very much interested, and it is covered by the report of the Secretary of War. It is very important to know, in the interest of navigation, whether the constructor of the bridge is responsible; whether he is going to put up a kind of bridge which ultimately will impede navigation; whether, in the event of the failure of the concern holding the franchise to build the bridge, there will be a failure to remove the obstruction, which may thus become a menace to navigation. It is entirely possible, although in this instance we are told that this Missouri company is responsible, that a franchise might be given to an irresponsible individual or concern, resulting in the construction of a bridge that would become an impediment to navigation.

Mr. ADAMSON. The propositions are referable to different authorities. The committee passes first on the probability of the projector carrying out the project. If there is no probability of his doing so, it will be idle to grant consent where there is any doubt about it. The other proposition rests with the Secretary of War, who, in the interest of navigation, has to see that the bridge is so built that the interests of navigation are protected.

Mr. BORLAND. Mr. Speaker, I will say to the gentleman that I investigated also personally the responsibility of these people who are asking to build this bridge, and I found their responsibility was ample for the work which they propose to undertake. Those were conditions precedent to my introducing the bill or presenting it to the committee. Now, I want to say this: I introduced this bill originally as a railroad bridge, because that was the kind of a bridge the projectors asked for. After I had done so the local conditions on both sides of the river, to which Judge ALEXANDER has referred, showed that it required the services of a highway bridge and a trolley bridge. There is no bridge nearer, at least, than 3 miles from this bridge, which ought to be a highway bridge——

Mr. MOORE. Will the gentleman yield?

Mr. BORLAND. In a moment. This is in a section of the country which is rapidly building up as a manufacturing suburb of Kansas City, a truck-gardening suburb, and a local residence section to Kansas City, and trolley lines, as Judge ALEXANDER has said, are extending across the river to the north and to Clay County and the rich bottom lands, and they are erecting residences, and it is becoming a very valuable suburban manufacturing district.

Now, this bridge will connect that kind of a district with the main center of Kansas City, and so I suggested to these objectors that they demand a highway bridge and trolley bridge. The local demand was very great. With some reluctance they consented to it and in that way got, of course, the united public sentiment of that community back of it.

As to the demand for the bridge, there is no question. Judge ALEXANDER and I have looked into that thoroughly, and we are convinced of it. Now, it is possible under our State law, I will say to the chairman of the committee, for a corporation to get a permit itself under the general provisions of the statute giving itself such powers as the corporation may ask. The corporation charters itself simply as a bridge for railroad purposes. The State does not give it a special charter or put any special conditions on it to meet a local demand for a highway.

Mr. ADAMSON. That is what I want the gentleman to make the House understand.

Mr. BORLAND. Here is a place where we have determined this requirement properly goes in. I understand the policy of the committee, or the main intention of Congress, is to give the authority of Congress to the bridging of a navigable stream, and that the other provisions are purely local; but the local demand is here that this description or character of bridge be put into the bridge act, and all parties have agreed upon that basis, and for that reason we are going to ask the committee to vote down the committee amendment striking out the words "highway, trolley, and railroad."

Mr. MOORE. I want to ask the gentleman whether he will not throw over to the discretion of the Secretary of War, if this bill passes without amendment, the character of the bridge that shall be constructed?

Mr. BORLAND. No, indeed. We have no desire to leave it to his discretion.

Mr. MOORE. The plans will have to be submitted to him by the bridge company, and then it will have to be determined by him, and be within his discretion, as to whether you will have a highway, trolley, or railroad bridge.

Mr. ADAMSON. If you agree to the amendment, that discretion remains in the bill.

Mr. MOORE. I say that if the committee amendment prevails, and the provision for the highway, trolley, and railway bridge is stricken out, which I understand the gentlemen from Missouri object to, then it will be left wholly to the discretion of the Secretary of War.

Mr. BORLAND. We are asking to have those words reinserted in the bill because of the local conditions there.

Mr. MOORE. That is what your people want. That is what people on either side of the river want, is it not?

Mr. BORLAND. That is what they want.

Mr. MOORE. And that is what you want to specify in the bill. That is the point I am making. If you do not include the amendment, then your people may not get what is contemplated by this franchise.

Mr. BORLAND. We want it in the bill. That is the proposition.

Mr. ADAMSON. Mr. Speaker, if the gentlemen have concluded, I wish to say that this corporation is a local affair. It is not a regular railroad across the country, but a local affair which proposes to capitalize itself and construct a bridge for local convenience, and the gentleman from Missouri has satisfied me that there is difficulty in securing by local authority the requirement that this local company shall accommodate the entire public; and under the circumstances the committee will not feel aggrieved if the House disagrees to the amendment.

The SPEAKER. Is there objection?

Mr. COOPER. Mr. Speaker, reserving the right to object, I wish only to ask if the Missouri Valley Bridge & Iron Co., named in the bill, is a company which only constructs bridges?

Mr. BORLAND. They are a bridge-construction company, yes; but they construct bridges on their own account as well as under contract.

Mr. COOPER. Has the company heretofore constructed bridges and operated them?

Mr. BORLAND. I understand they have constructed them and afterwards leased them, or sold them, to other parties.

Mr. ANTHONY. I can say, for the information of the gentleman, that it is one of the most widely known bridge-construction companies in the country. They not only build bridges, but they build them and supply them to railroads. And as to this instance in Kansas City, even now they may have leases from three or four different kinds of railroads that contemplate using that bridge. Eventually the bridges they construct go over to some subsequent bridge company or to the railroads themselves.

Mr. COOPER. I take it, Mr. Speaker, that it is simply an ordinary construction company that has been consulted by some corporation, railroad or otherwise, desiring to have a bridge constructed, and that the name of this construction company was put into the bill instead of that of the railroad company.

Mr. ALEXANDER. If the gentleman will pardon me——

Mr. COOPER. Yes.

Mr. ALEXANDER. I have a letter dated May 14, 1914, from J. D. Wilson, of the firm of J. D. Wilson, investments, 617 Dwight Building, Kansas City, Mo., in reference to this bill, in which he says:

KANSAS CITY, MO., *May 14, 1914.*

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

DEAR SIR: Bill H. R 14189, authorizing the construction of a bridge across the Missouri River at Kansas City, introduced by Congressman BORLAND March 4.

I understand that the bill will be reached on the House Calendar Monday, May 18, and am writing to urge you to use every possible effort to have the House act on this day. I realize that the delay on this measure has been unavoidable, but further delay at this time will be very serious. Will you kindly give the bill your especial attention? Can not it be called out or even made a point of special order?

The Missouri Valley Bridge & Iron Co. have proceeded with their arrangements, depending on the permit to have been out before this time. The business men of Liberty and Excelsior Springs, property owners along the proposed rock road—in fact, practically all the southern part of Clay County—are interested in getting the matter under headway.

I trust that you will be able to have the bill acted on next Monday, and assure you that your efforts along that line will be greatly appreciated by all interested.

Yours, very truly, J. D. WILSON.

Liberty and Excelsior Springs are in my district. I do not know whether they are building the bridge as a local enterprise or with a view of leasing it to a railway company or not, but my people are interested in having it as a trolley as well as a steam railroad bridge.

Mr. COOPER. Mr. Speaker, I had in mind the importance of insisting, where it is possible to insist, that the phraseology of an original bill shall present what the people responsible for it really want, and thus notify people who are interested and entitled to notice of what it is proposed to have done. Now, this original bill notified the people who live in that vicinity, as the gentleman from Missouri [Mr. ALEXANDER] has said, that it was proposed to build a "highway, trolley, and railroad bridge." The people of that vicinity might very well be content to have such a bridge constructed. But the proposed amendment strikes out the words "highway, trolley, and railroad," and, if adopted, the bill would permit this company to construct any kind of a bridge and sell it to any person or corporation, while interested parties would not have notice of this change nor be afforded opportunity to present their possible objections to the enactment of the bill into law. I can not think of an easier way to mislead people interested in the construction of a bridge than by presenting the bill in the form in which it was originally presented to give to a company, its successors or assigns, the right to build a "highway, trolley, and railroad bridge," and then to strike out "highway, trolley, and railroad" and thus give the company the right to build any kind of a bridge it pleases to build, and to sell it to anybody to whom it pleases to sell.

Mr. BORLAND. I agree with the gentleman.

Mr. COOPER. It is quite a different thing, and things of this kind ought to receive most careful consideration; and unless we can have consent now that that amendment shall be voted out, I shall object to the consideration of the bill.

Mr. ADAMSON. Mr. Speaker, I do not know how the gentleman is going to get consent to vote out the amendment before consent is given to consider the bill. I have stated that, inasmuch as the local authority did not require that the entire public should be accommodated, we are perfectly willing in this case, for the reason stated, that the House shall vote down the committee amendment. I think myself it ought to be voted down, after hearing the statements of these gentlemen.

Mr. MANN. Mr. Speaker, I call for the regular order.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the House Calendar. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, lines 6 and 7, strike out the words "highway, trolley, and railroad."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

FEDERAL BUILDING AT OSAGE CITY, KANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15080) to increase the limit of cost of Federal building at Osage City, Kans.

The Clerk read the bill, as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury to erect and complete the post-office building at Osage City, State of Kansas, provided for in existing legislation, the limit of cost heretofore fixed by Congress be, and the same is hereby, increased in and by the sum of $7,000 over and above the $50,000 heretofore authorized, and the Secretary of the Treasury is hereby authorized to enter into contract for the erection and completion of said building within the limit of cost herein established.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I would like to ask what is the necessity for this increase of the limit of cost?

Mr. CANTRILL. I will state, Mr. Speaker, that the report is very brief and sets out the necessity for it, and shows that they have submitted bids and can not get the bids within $7,000, which is the amount this bill asks for. The bill is in strict accordance with quite a number of other bills that we have passed at this session.

Mr. MADDEN. Why can they not get bids within the limit of cost?

Mr. CANTRILL. The Secretary of the Treasury says he has advertised for bids and the bids received are all too high.

Mr. MADDEN. That is probably because the plans are more elaborate than was intended.

Mr. CANTRILL. The bids were advertised in accordance with the plans of the Treasury Department.

Mr. MADDEN. But they ought to modify the plans.

Mr. DOOLITTLE. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. DOOLITTLE. The building as now planned provides for as cheap construction as is possible and advisable to construct any building, and the amount asked for here is simply sufficient to meet the necessities and make it possible to let the contract to the lowest bidder.

Mr. MADDEN. What is the total amount of the appropriation?

Mr. CANTRILL. Fifty thousand dollars.

Mr. MADDEN. That is, for the building?

Mr. CANTRILL. That is for the building and the site, and $9,000 was expended for the site.

Mr. MADDEN. What is the population of Osage City, Kans.?

Mr. DOOLITTLE. Four thousand one hundred.

Mr. MADDEN. Well, on a building costing $50,000 the interest would be $2,500 a year, and you could rent a suitable place at $1,000 in any community like that that would be much better for the community than the building proposed to be erected.

Mr. CANTRILL. The gentleman will recall that we have reported dozens of bills of this character which have been passed, and that $50,000 is the least amount that is ever authorized for any public building.

Mr. MADDEN. I want to say in connection with this that it is an extravagant waste of public money to put up a $50,000 building in a town of only 4,100 people. The cost of maintaining the building, for janitor service alone, will be more than the rental of a suitable building in which to conduct the Postal Service would amount to in that town if there were no public building there at all, and if I had my way there would not be any public buildings erected in communities of less than 25,000 people. But, of course, I have not my way about it; but I think this is not justifiable, and ought not to be allowed. But I am not going to object.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. MANN. Wait a moment. I understood, Mr. Speaker, that the gentleman wanted to bring up the Senate bill instead of the House bill?

Mr. DOOLITTLE. Yes.

Mr. MANN. Now is the time to do that.

Mr. CANTRILL. If the other request is granted, Mr. Speaker, I ask unanimous consent that that be done.

Mr. MANN. This comes ahead of the other.

Mr. CANTRILL. I ask unanimous consent, Mr. Speaker, that the Senate bill 5066, which has passed the Senate and is identical with the House bill just reported, be considered instead of the House bill.

The SPEAKER. The gentleman from Kentucky [Mr. CANTRILL] asks unanimous consent that the Senate bill 5066 be considered in lieu of the House bill.

Mr. MANN. It is not identical, but it is similar.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kentucky [Mr. CANTRILL] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 5066) to increase the authorization for a public building at Osage City, Kans.

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for the site and the erection of a public building at Osage City, Kans., the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased $7,000, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of said building within its limit of cost, including site.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CANTRILL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The House bill is laid on the table, without objection.

There was no objection.

The SPEAKER. The Clerk will report the next one.

NATIONAL ACADEMY OF SCIENCES.

The next business on the Calendar for Unanimous Consent was the bill (S. 4096) to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the act to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes, approved June 20, 1884, be, and the same is hereby, amended to read as follows:

"That the National Academy of Sciences, incorporated by the act of Congress approved March 3, 1863, be, and the same is hereby, authorized and empowered to receive, by devise, bequest, donation, or otherwise, either real or personal property, and to hold the same absolutely or in trust, and to invest, reinvest, and manage the same in accordance with the provisions of its constitution, and to apply said property and the income arising therefrom to the objects of its creation and according to the instructions of the donors; *Provided, however,* That the Congress may at any time limit the amount of real estate which may be acquired and the length of time the same may be held by said National Academy of Sciences."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I should like to ask the gentleman from New York [Mr. DANFORTH], in charge of this bill, if he thinks there would be any objection to adding a section providing that the right to alter, amend, or repeal this act is hereby expressly reserved?

Mr. DANFORTH. Mr. Speaker, I had not thought of any such amendment to the bill.

Mr. MANN. We usually add that section to all bills of this character.

Mr. DANFORTH. I should think it might be a serious thing, because it might affect the present power that the society possesses to receive gifts other than real estate, if you put that in.

Mr. MANN. We ought to have the power to affect it if we wish to hereafter.

Mr. DANFORTH. I will ask the gentleman if we have not the power now, without any such phrase?

Mr. MANN. There might be a controversy about that.

Mr. DANFORTH. This bill has been passed by the Senate——

Mr. MANN. That is nothing in its favor.

Mr. DANFORTH. And it has been considered and passed upon by the Judiciary Committee of the House and unanimously approved.

Mr. MANN. We are in the habit of reserving—and, I think, very properly—in every grant that we make of a special privilege, the right to alter, amend, or repeal the act.

Mr. DANFORTH. And the gentleman proposes to reserve the right to amend or repeal this act?

Mr. MANN. Yes; that is all that this would apply to. I offer an amendment as section 2 that the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The gentleman from Illinois withdraws his pro forma amendment and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, after line 8, insert a new section, as follows:
"SEC. 2 That the right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. DANFORTH, a motion to reconsider the last vote was laid on the table.

RECLAMATION OF HUAI RIVER, CHINA.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 244) to authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement.

The joint resolution was read, as follows:

Whereas the Republic of China, with the advice and assistance of the American Red Cross, has arranged for extensive reclamation work in China for the prevention of floods and the resultant famines and is desirous that an Engineer officer of the United States Army experienced in this class of work be permitted to serve in preparing the project and in the execution of the work; and

Whereas the United States of America wishes to show its friendly feeling for the Republic of China by complying with this desire: Now, therefore, be it

Resolved, etc., That the President be, and he is hereby, authorized, in his discretion, to grant leave of absence to an officer of the Corps of Engineers, United States Army, to assist the Republic of China, as a member of a board of officers to be designated by the Republic of China, to make an examination and report on the reclamation of Huai River, and thereafter to act as chief engineer of the Huai conservation work in China, to be appointed by the same authority (in pursuance of an arrangement between the American Red Cross and the Government of China); and that such officer while absent on such leave be, and he is hereby, authorized to accept from the Government of China the said employment with compensation from said Government: *Provided, however*, That the permission so given shall be held to terminate at such date as the President may determine; to insure the continuance and completion of this work the President may have the power of substitution in case of the termination of the detail of said officer for any cause; and that the officer, while so absent in the service of the Republic of China, shall receive no pay or allowance from the United States Government.

With the following committee amendment:

Strike out all of the preamble.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object. I am not in any way opposed to the purpose intended to be accomplished by this bill; but we all recognize that it is very probable that our Corps of Engineers may all be needed in case conditions in our neighboring Republic to the south do not develop satisfactorily. I notice on the calendar a bill of similar import, providing for permission to a retired officer of the Corps of Engineers to render service in connection with the New Jersey-New York Joint Harbor Line Commission, and special emphasis is laid upon the fact that it would not be advisable to delegate an active officer of the Engineer Corps for that purpose. Now, I should like to inquire of the gentleman having the bill in charge whether one of the retired officers of the Engineer Corps could not perform this humanitarian work in China as well as one now on the active list?

Mr. MANN. They would not want to send an old man over there.

Mr. KAHN. I will say to the gentleman from Wisconsin that under the terms of this joint resolution the President is authorized to recall the officer at any time. He will find on page 2——

Mr. STAFFORD. I have read the resolution and report and am familiar with the provisions of the resolution.

Mr. KAHN. I will say to the gentleman, further, that this question has been taken up with the Chinese Government through the American Red Cross, and I believe that the officer who is to take charge of this work has been practically agreed upon.

Mr. STAFFORD. I believe this gentleman who has been decided upon for the work in China is also very desirous, in case of difficulties arising in Mexico, to serve his Government there. Does the gentleman think that if the Government designates this Army engineer to go to China he would be recalled and have his place in China left vacant after he has once been designated?

Mr. MANN. The gentleman speaks of "difficulties arising in Mexico." What difficulties does the gentleman refer to? The gentleman knows there will be no difficulty if we start in.

Mr. STAFFORD. I did not think the gentleman took such a roseate view of the situation down there.

Mr. MANN. I do not take a roseate view; but if we start in there will be no difficulty in our accomplishing the work we set out to do.

Mr. STAFFORD. Then there is the river and harbor work in this country.

Mr. MANN. They will attend to the river and harbor work without any difficulty.

Mr. KAHN. I will say to the gentleman from Wisconsin that this officer is to cooperate with the officers appointed by the Chinese Government, and the officer who is to be sent over there has had a great deal of experience in connection with conservation and river work.

Mr. SPARKMAN. Who is that officer?

Mr. KAHN. I do not know.

Mr. MANN. May I ask if he is one of the gentlemen who has been "preventing" the floods on the Ohio and lower Mississippi Rivers in the United States?

Mr. KAHN. I understand this gentleman is familiar with this kind of work and has had considerable experience in it.

Mr. MANN. Does not my friend think if we should send one of these engineers over there it might be very valuable, in that if he could learn how to prevent floods on the Chinese rivers he might be able to come back with some knowledge of how to prevent floods on American rivers, which so far we have not been able to discover?

Mr. KAHN. He would at least learn how to minimize the damage.

Mr. STAFFORD. I do not think he is going over there to be educated. I think he is going over there to educate somebody else.

Mr. MANN. Any man who does work is educated by it.

Mr. STAFFORD. If he has not had experience already he will not be of much value to China.

Mr. KAHN. The Huai River in China overflows its banks about three years in five. These floods have resulted in great loss of life and frequent periods of famine; people have starved to death by the thousands. The American Red Cross has repeatedly sent contributions, and the charitable people of the world have repeatedly sent contributions of money and food into this district in order to alleviate the suffering of the people there.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. KAHN. Certainly.

Mr. STAFFORD. I prefaced my remarks with the statement that I was in sympathy with the measure, but I rose to inquire as to one fact which the gentleman seems to have overlooked. What I am seeking to find out is whether a retired Army officer would not perform this work as well as one in the active service.

Mr. KAHN. I do not think the retired officer could——

Mr. HAY. It is not within the power of the President to require a retired Army officer to perform the duty unless he chooses so to do.

Mr. KAHN. The retired officer must volunteer to go.

Mr. STAFFORD. Mr. Speaker, there is on the calendar Senate joint resolution 29, authorizing the President to appoint a retired officer of the Corps of Engineers to assist in some harbor propositions about New York City. The correspondence with the War Department says that the retired officer is qualified to cooperate with that commission. Why can not there be a retired officer appointed for this position, if he is willing to do this work?

Mr. HAY. The President would have to get the consent of the retired officer, and he might not get the kind of man that he wanted who would agree to it.

Mr. STAFFORD. I can see that there might be some difficulty about that. My purpose was to gain the information as to the retired officer doing the work, and having obtained that, I withdraw the reservation of an objection.

Mr. RAKER. I understand the officer has been practically selected who is to perform this work, and that he has had experience, and understands the condition of the river—the low tide and the high tide, and so forth.

Mr. KAHN. Oh, no; the river is in the interior.

Mr. RAKER. I meant the high and low water.

Mr. KAHN. This river flows through a valley, one of the great alluvial plains of China.

Mr. RAKER. Would the officer receive compensation from the Government during this time?

Mr. KAHN. No. Under the terms of the resolution, he is not even to receive any allowances.

Mr. RAKER. I understand the Red Cross of the United States, through its president and officers, particularly Miss Boardman, is very anxious to have this resolution passed?

Mr. KAHN. Yes.

Mr. RAKER. In that case, I am in favor of it.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Speaker, there is a Senate bill in identical terms on the Speaker's table, and I ask unanimous consent that it be considered in lieu of the House bill. I do not know but that it has been referred to the Committee on Military Affairs.

Mr. MANN. If it is referred, it is not on the table.

The SPEAKER. The gentleman from California asks unanimous consent that Senate joint resolution 139 be substituted for this resolution.

Mr. RAKER. Reserving the right to object, I would like to ask the gentleman if the bills are in the same language?

Mr. KAHN. They are identically the same.

The SPEAKER. The Clerk will report the Senate joint resolution 139.

The Clerk read as follows:

S. J. Res. 139. To authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement.

Whereas the Republic of China, with the advice and assistance of the American Red Cross, has arranged for extensive reclamation work in China for the prevention of floods and the resultant famines and is desirous that an Engineer officer of the United States Army, experienced in this class of work be permitted to serve in preparing the project and in the execution of the work; and

Whereas the United States of America wishes to show its friendly feeling for the Republic of China by complying with this desire: Now, therefore, be it

Resolved, etc., That the President be, and he is hereby, authorized, in his discretion, to grant leave of absence to an officer of the Corps of Engineers, United States Army, to assist the Republic of China, as a member of a board of officers to be designated by the Republic of China, to make an examination and report on the reclamation of Huai River, and thereafter to act as chief engineer of the Huai conservation work in China, to be appointed by the same authority (in pursuance of an arrangement between the American Red Cross and the Government of China); and that such officer while absent on such leave be, and he is hereby, authorized to accept from the Government of China the said employment with compensation from said Government: *Provided, however*, That the permission so given shall be held to terminate at such date as the President may determine. To insure the continuance and completion of this work the President may have the power of substitution in case of the termination of the detail of said officer for any cause; and that the officer, while so absent in the service of the Republic of China, shall receive no pay or allowances from the United States Government.

Mr. BARTLETT. Mr. Speaker, as I understand, the Senate bill is on the Unanimous Consent Calendar?

The SPEAKER. The Senate bill is on the Speaker's table.

Mr. BARTLETT. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. The Senate bill being on the Speaker's table and a bill of identical character being on the calendar, is it not a matter of privilege and not a matter for unanimous consent?

The SPEAKER. It is a matter of privilege if the gentleman had called it up that way, but he is not calling it up that way.

Mr. MANN. It is not a matter of privilege, Mr. Speaker. The Senate bill has been referred to the Committee on Military Affairs.

The SPEAKER. It was the Chair's mistake. The bill has been referred to the Committee on Military Affairs.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs and consider the Senate joint resolution in place of the House joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MACDONALD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California if the Government of China asks for the assignment of this officer?

Mr. KAHN. Yes; the Government of China proposes to issue bonds to the extent of $20,000,000 for the purpose of performing this work.

Mr. MACDONALD. I understand that there is a proposition to sell those bonds in this country?

Mr. KAHN. Not that I know of. I have not heard of that. The Government of China proposes to do this work.

Mr. MACDONALD. I understand that the White Engineering Corporation, of New York, is interested in the work?

Mr. KAHN. They have been recommended by the Government as having performed work at Panama and in the United States for the Government of the United States to the satisfaction of the Government of the United States. The Government of China asked whether a concern could be recommended that would do the work at a reasonable cost and satisfactorily. I understand that this Government recommended that company and expressly stated that the Government itself could take no hand in it, but could only recommend.

Mr. MACDONALD. I would like to ask if there have not been some steps taken toward assuring the parties interested that it would be possible to raise the money on these bonds in this country?

Mr. KAHN. I have no knowledge on that score.

Mr. MACDONALD. I have no objection to the project. It seems to be a meritorious one, but the method looks like dollar diplomacy.

Mr. BARTLETT. Mr. Speaker, I do not desire to impede the passage of the gentleman's bill, but if it is to be taken as a precedent, it seems to me the request ought to be to consider the Senate joint resolution in lieu of the House joint resolution.

Mr. KAHN. That is exactly what I asked to do.

Mr. BARTLETT. I understood the Speaker to say "substitute."

The SPEAKER. The request is to consider it in lieu of the House joint resolution. The Chair was wrong in the statement of fact originally that the joint resolution was on the Speaker's table. It had been referred to the Committee on Military Affairs. Now the gentleman from California asks to discharge the Committee on Military Affairs from further consideration of the Senate joint resolution and consider it in lieu of the House joint resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I did not object to the consideration of this bill, but I can not say that I am enthusiastically in favor of it. I doubt very much the propriety of the Red Cross Association going into the business of public improvemen in this or any other country. So long as the Red Cross confines itself to giving aid in time of distress it probably will enjoy the confidence of all nations and of all peoples of the world and obtain generous contributions, but when it starts in to be manipulated, as will eventually happen if it pursues this policy, by men who are seeking franchises or concessions from foreign Governments, it will have ended its usefulness. We have plenty of work for the American Red Cross, or anyone else who knows how to prevent floods on the rivers, in the United States without going to China.

My friend from California [Mr. KAHN] says that this Huai River is overflowed three years out of five. Well, the lower Mississippi River has overflowed oftener than that in the last five years, but whether that be the case or not, somebody, somewhere, is going to endeavor to make a lot of money out of this proposition. Whether the Government of China issuing $20,000,000 of bonds will expend that directly, or whether it will let a contract to people already known, I do not know. I was told by people who are favorable to this proposition that an arrangement had already been practically entered into by which work was to be done by contractors, or a contractor, in this great public undertaking and that it was desired to have the benefit of the experience of an engineer of the United States, and I do not doubt, although that was not added, the influence that would come from the United States Government through its President having designated an Army officer to look after the work. We may next have the Red Cross looking after the new river which has lately been discovered in South America, or the Amazon River. We may next have it endeavoring to prevent plague and famine by undertaking some kind of public work. That is not the province of the Red Cross. It has no right, in my judgment, to go into the business of public works, and if it does to any extent, it will have after it everyone who wants to get a railroad concession or a harbor concession or any other kind of a concession from a foreign government, because there is no project where it can not be claimed it is in the interest of health. I shall not oppose this resolution. I have the highest regard for the Red Cross and for its president, but I believe that it has made a mistake in reference to this matter, and I am very sure if it continues in this course it will soon end its usefulness.

Mr. KAHN. Mr. Speaker, the gentleman from Illinois [Mr. MANN] overlooked the fact that the charter of the American Red Cross authorizes that organization to look after the welfare of people not only in the United States but throughout the civilized world.

Mr. MANN. Oh, I did not overlook that fact, having helped to pass the Red Cross charter.

Mr. KAHN. That is one of the provisions of that charter.

Mr. MANN. Mr. Speaker, I will ask my friend a question, and that is whether he thinks the American Red Cross ought to get busy about the method of preventing the floods on the lower Mississippi River and tell this Government how to prevent it?

Mr. KAHN. If this Government were to ask the American Red Cross to take up that work, then I think the American Red Cross ought to get busy with it.

Mr. MANN. My information comes just the other way.

Mr. KAHN. The Government of China did ask the American Red Cross to help that Government do something to prevent those floods; the American Red Cross at that time suggested the services of Mr. Jameson, an engineer who had been in China for many years, and this engineer made quite an extensive survey which, I understand, materially aided the people of China in the preliminary work.

Mr. SELDOMRIDGE. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. SELDOMRIDGE. Is the request of the Government of China a matter of official record?

Mr. KAHN. I believe it is.

Mr. SELDOMRIDGE. It does not so appear in the report.

Mr. KAHN. I think in the letter of the Secretary of War favoring the proposition he said that it is desired by the Government of China. I had the report before me a moment ago. If the gentleman desires, I will read the letter of the Secretary.

Mr. SELDOMRIDGE. I would like to hear it.

Mr. KAHN. Mr. Speaker, this letter is addressed to Senator CHAMBERLAIN, and is as follows:

WAR DEPARTMENT,
Washington, April 4, 1914.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate.

MY DEAR SENATOR: Referring to the proposed joint resolution authorizing the President, in his discretion, to grant leave of absence to an officer of the Corps of Engineers, United States Army, to assist the Republic of China as a member of a board of officers to be designated by the Republic of China to make an examination and report on the reclamation of Huai River, and thereafter to act as chief engineer of the Huai conservation work in China, to be appointed by the same authority, I beg to say that this joint resolution has been carefully considered by the Judge Advocate General and it fully meets with my approval. I believe the granting of leave of absence to an officer of the Corps of Engineers for this purpose will not only do a great and valuable work for China, but will be a testimonial of our friendly feeling for that country and a desire to be of assistance to her in this great humanitarian work.

Sincerely, yours,

LINDLEY M. GARRISON,
Secretary of War.

While the language of the letter does not show that the request was made by the Government of China, I understand that is the fact.

Mr. SELDOMRIDGE. There is nothing in the report, then, to indicate that the Government of China actually had made such a request?

Mr. KAHN. There is not.

Mr. SELDOMRIDGE. There is an intimation to that effect, but nothing direct.

Mr. KAHN. I understand, however, that such a request has been made by the Government of China, and, furthermore, there is an officer of the Chinese Government now on his way to Washington to consult with the officials of our Government about the matter.

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. SPARKMAN. How long is this officer to remain over there?

Mr. KAHN. I presume so long as it will be necessary for him to make the necessary plans.

Mr. SPARKMAN. That is quite likely; but how long is it going to take to make the necessary plans?

Mr. KAHN. I do not know. The resolution itself provides that whenever the President of the United States desires or finds it necessary to recall the officer he may do so. This officer will be only one officer of several, the others to be appointed, of course, by the Republic of China.

Mr. SPARKMAN. The information is very clear, and I am very much obliged to the gentleman.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, my understanding is that it will be about three years.

The SPEAKER pro tempore (Mr. HAY). The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

HOMESTEAD ENTRY OF MINORS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2419) permitting minors of the age of 18 years or over to make homestead entry or other entry of the public lands of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

Mr. TAYLOR of Colorado. Will the gentleman withhold his objection?

Mr. MANN. Yes.

Mr. TAYLOR of Colorado. Mr. Speaker, by authority of the Public Lands Committee I am authorized to report this bill and place it upon the Unanimous Consent Calendar, with the hope that its importance would be recognized by everyone and that no objection would be made to its consideration at this time.

While the bill as it comes before us is a Senate bill, it is identical with my bill (H. R. 10838), and reads as follows:

That any minor of the age of 18 years or over, and otherwise qualified under the public-land laws, shall be permitted to make homestead and desert-land entries under and subject to the public-land laws of the United States: *Provided*, That no minor shall be eligible to make final proof upon any such entry until he or she shall have attained the age of 21 years.

There are many reasons why the Public Lands Committee and the Members of the House from the Western States believe the enactment of this law would be in accordance with sound public policy and in the interest of the development of the West.

The demands for the enactment of this measure come primarily from the Northwest, because of the fact that the Canadian public-land laws are so much more liberal than ours that our boys in the Northwestern States are many of them attracted to Canada because their laws allow an 18-year-old boy to acquire a home, and they are taking up the public lands of that Dominion in preference to our own. This measure was referred to both the Interior Department and the Agriculture Department for a report, and both of those departments have strongly indorsed it.

The newspapers and the public generally throughout all of the Western States have very heartily indorsed this measure. I have received hundreds of communications favoring it since I introduced the bill. And at the third annual conference of the western governors, held in Denver last month, the governors of all of the Western States went on record and unanimously resolved that—

We approve the plan now before Congress to permit homestead entries by persons over 18 years of age.

Mr. MOORE. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. MOORE. How much land would be reserved for a boy of 18 years of age?

Mr. TAYLOR of Colorado. One hundred and sixty acres.

Mr. MOORE. Did we not pass a law some time ago increasing the number to 320?

Mr. TAYLOR of Colorado. Yes; but that only applies to such lands as may be designated by the Secretary of the Interior as being entirely arid, lands that can not be irrigated. That does not change the general homestead law as to other lands.

Mr. MOORE. Does the gentleman know of any other instance in which the law recognizes a minor 18 years of age to be qualified to hold property?

Mr. TAYLOR of Colorado. Oh, if a minor is married he can take a homestead now.

Mr. MOORE. I know, but——

Mr. TAYLOR of Colorado. I will say this——

Mr. MOORE. He might hold title through a guardian or trustee?

Mr. TAYLOR of Colorado. The bill does not allow them to acquire title to the land until they are 21 years of age. It allows them to make a settlement upon the public domain.

Mr. MOORE. Does the gentleman know of any other instance in which the law makes an exception of this kind?

Mr. TAYLOR of Colorado. My idea in introducing this bill was to encourage our boys and girls in making a home, in getting a start in the world, and at the same time increasing the agricultural products of the country. The portion of our public domain now remaining open to settlement is very inferior to what it used to be. It is the land that has been passed over for 50 years and that no one would take.

Mr. MOORE. I know——

Mr. TAYLOR of Colorado. And my idea is that Congress should encourage our boys and girls to go on a farm and stay there.

Mr. MOORE. As I read the reports coming from the Interior Department and some of the speeches which emanate from that department, there seems to be a great desire to give land away, to dispose of it to somebody; but after it is given away we sometimes hear a great deal about its being gobbled up and turned over in some form or other to monopolists, resulting in investigations by Congress, at great expense to the people.

Mr. TAYLOR of Colorado. As a matter of fact, about 99 per cent of all this muckraking talk about fraud and monopoly of the public lands is pure buncombe; it is absolutely a bugaboo. There is no monopoly of agricultural land in the West to-day, and everyone who has a big farm is trying to cut it up and sell it off into smaller tracts. That is the tendency all over the West at the present time.

Mr. BURKE of South Dakota. I can also say to the gentleman there is not much land to be given away.

Mr. TAYLOR of Colorado. No. The land that is left is not, generally speaking, very desirable. It is either very difficult and expensive to clear or it is arid land that can not be irrigated.

Mr. BURKE of South Dakota. I will also say for the benefit of the gentleman from Pennsylvania the enlarged homestead act does not apply to North and South Dakota, and the purpose of this measure is to enable those 18 years of age to enter 160 acres as a homestead. It will enable families to acquire land sufficient so they can live upon land that is located mostly in arid or semiarid portions of the country. The lands are really only suitable for grazing purposes in most instances. If 18-year-old boys can take a homestead, it will encourage them to remain at home instead of going into the crowded cities.

Mr. MOORE. I want to say to the gentleman from South Dakota and also to the gentleman from Colorado, in passing, that when we hear in the East of these 160-acre tracts being given away, and of these tracts of 320 acres in arid or semiarid regions which it is now proposed to increase to 640 acres, we sometimes wonder why so many people are pressing to get arid and semiarid land in such large quantities when we have good, workable land along the Atlantic seacoast waiting for people to come and till it. I read only the other day a speech by the Assistant Secretary of the Interior intimating it was impossible for a man to keep a family on 640 acres of land——

Mr. TAYLOR of Colorado. If the gentleman will permit me——

Mr. BURKE of South Dakota. I want to remind the gentleman from Pennsylvania that the boys serving in the Navy and the Marine Corps are, many of them, not more than 18 years old, and their average age is about 20. I would like to ask him if he would say that those who recently gave their lives at Vera Cruz were too young to file a homestead? I would encourage our boys to remain at home and stay on the farms instead of enlisting in the Army and the Navy; and surely if a boy is old enough for military service he ought to be eligible to file on the public domain.

Mr. MOORE. That is a very fine and very patriotic utterance of the gentleman from South Dakota, and I quite agree that a majority of those serving at Vera Cruz are about 21 years of age and that many of those who laid down their lives for their country were but 20 years of age. We are very proud of them. But it is somewhat anomalous for us to be passing laws constantly that prevent boys and girls from going to work until they are 16 or 17 years old and then at 18 years of age saddle them with the responsibility of 160 acres on which to remain——

Mr. TAYLOR of Colorado. There is nothing compulsory about this bill. It merely furnishes an opportunity to boys and girls to get a start in the world—to have something to work for. It is a chance to work and at the same time make a home. There are many thousands of boys who have to support themselves from and after they are 18. The clearing of a farm and building a home is healthful work and much better for a boy in most cases than going to the city and hunting a job.

Mr. MOORE. You pass laws to prevent them from working, and then would pass laws to permit them to acquire property and force them to earn a living.

Mr. STEPHENS of Texas. In Texas we have reserved 640 acres of land, and we find that they are taking them up very rapidly.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. TAYLOR of Colorado. While our Government has in former years been extremely generous in the disposition of the public lands, yet everyone from the West or Northwest knows that in recent years the regulations of the Department of the Interior in regard to the qualifications for entry, residence, and improvements on lands entered under the homestead and desert-land laws have often been harshly strict in their requirements. The interpretation of the law during recent years has also frequently been unreasonably burdensome; and the homestead settlers have not only been held to a literal compliance with the law, but to a strict and technical compliance with many regulations, some of which have been impractical and have often caused a forfeiture of their rights or worked a very great inequitable and unwarranted hardship upon the poor but bona fide settlers upon the public domain. The ever-present special field agents and inspectors have been on hand to protest any proof offered where it has been thought the settler has not fully and technically complied with all the requirements of the law and regulations with respect to residence, cultivation, and improvements.

Until the act of June 6, 1912, a residence of five years was required under the homestead law before the settler was permitted to make final proof and receive patent. Under the law as it always has been and now is one of the qualifications for entry is that the entryman shall be the head of a family or of the age of 21 years. The act of June 6, 1912, reduces the period of residence from five to three years "from the time of establishing actual, permanent residence upon the land." The requirements of this law and the department in regard to cultivation are much more strict and expensive than under the old five-year homestead law.

The richest and most fertile of the agricultural lands belonging to the public domain in all the Western and Northwestern States were taken many years ago, and now we only have left lands that have for the past 50 years been passed over as being too expensive to clear or not worth taking. Under the laws existing from 1876 until 1890 a qualified settler had, as it was termed, his "three rights." First, a preemption right provided for by section 2259 of the Revised Statutes of the United States, under which he could acquire title to 160 acres of land by six months' residence and cultivation and on payment of $1.25 per acre; second, a timber-culture entry right, under which he could acquire title to 160 acres of land without residence thereon and by cultivating 10 acres thereof to trees, and at the end of 8 years, and not exceeding 10 years, paying the land-office fees, amounting to the sum of $14; and, third, his homestead right under section 2289, Revised Statutes, whereunder he could acquire a patent to a homestead of 160 acres after 5 years' residence and cultivation and upon the payment of the land-office fees of $14. He had, under the law, the privilege of making commutation proof on his homestead after 6 months' residence and cultivation, and in case of commutation he was required to pay in addition to such land-office fees the sum of $1.25 per acre, the same as in the case of a preemption. If the entryman had served as a soldier in the War of the Rebellion, his period of service was credited on the time he was required to reside on his homestead.

But with the passing into private ownership of the best public lands and the consequent upbuilding of all the great Western States by the owners of those lands the liberal land laws and liberal construction thereof of earlier days have also passed into history and the homesteader of to-day is confronted with an entirely different situation.

The timber-culture law has been repealed. The preemption law has been repealed, excepting as to a few very small tracts of Indian reservation land. There were only 22 preemption entries made in the United States during the past fiscal year.

The stone-and-timber law has been practically rendered inoperative by regulations. There were during the last fiscal year only 946 final entries made under that law in the United States.

The isolated-tract law, one of the most beneficial laws on the statute books, has likewise been practically nullified by regulations. The entries do not seem to be reported, but the total number during the last year was probably much less than 500.

The desert-land law was years ago attended with considerable irregularities and some fraud, but in recent years it has, owing to regulations, been attended with so much hardship that it is also becoming unimportant. Throughout the entire United States there were only 2,102 final desert-land entries made during the last fiscal year.

The enlarged-homestead act applies only to certain nonirrigable land in the semiarid portions of certain States, and the Kinkaid Act applies to only a portion of western Nebraska. There were only 737 final mineral entries and 76 coal-land entries in this entire country during the past fiscal year, ending June 30, 1913.

So that with the above comparatively negligible exceptions there is not, and has not been for several years past, any other method of acquiring title to any portions of our agricultural or nonmineral public domain except through homestead entry,

with the very strict requirements of that law and the regulations thereunder. The records of our General Land Office show in a very striking way the marvelous benefits of a liberal homestead law. During the first year after the passage of the three-year homestead law the final homestead entries throughout the United States more than doubled. During the fiscal year ending June 30, 1912, the total homestead entries throughout the United States were 24,326, covering 4,306,068 acres of land. The three-year homestead law was passed on June 6, 1912, and *during* the fiscal year ending June 30, 1913, there were in the United States 53,252 final homestead entries made, covering more than 10,000,000 acres of the public domain; and notwithstanding that this law requires much more cultivation and improvements than the old five-year homestead law.

While there will probably be some less homestead entries during the present fiscal year, the above figures conclusively show the benefits of that law and illustrate why it is that hundreds of thousands of our citizens go to Canada to obtain a home.

The most desirable portions of the agricultural lands having been selected and entered many years ago, and the lands opened for homestead settlement for the last several years being in that part of the country where there is liable to be in any year or through a series of years an insufficient rainfall for the successful raising of crops, it is hardly to be expected that such lands would be taken and occupied unless conditions in regard to qualifications for entry, residence, and cultivation were otherwise favorable.

The opening up for homestead settlement of the rich agricultural lands in the three great Canadian Provinces of Manitoba, Saskatchewan, and Alberta, has been in itself an inducement for the emigration of citizens of many States, especially those along the Canadian border, into Canada in order that they might acquire title to land and make for themselves a home.

But the greatest inducement for such emigration is found in the more liberal land laws of the Dominion of Canada. Under our law the young man must be at least 21 years of age before he can make homestead entry, while under the Canadian law he is permitted to make such entry on arriving at the age of 18 years.

Realizing that the State of South Dakota, as well as other States, was being deprived of some of our most enterprising and ambitious young men by reason of the better opportunities afforded them in Canada, the South Dakota Legislature, on the 8th day of March, 1913, passed a house joint resolution memorializing Congress to amend the homestead law so as to permit male minors over 18 years of age to make entry. The recitals preliminary to the resolution are significant; they are:

> Inasmuch as many young men 18 years of age and under 21 years of age are self-supporting, and, further, inasmuch as the Canadian homestead laws permit male minors over 18 years of age to make homestead entry, etc.

The resolution then proceeds to memorialize Congress "to amend the homestead laws to permit male minors 18 years of age or over to make homestead entry under the same conditions as if they were over 21 years of age."

That memorial is certainly most timely, and it is deemed of the utmost importance that Congress should pass a law which will afford to those desiring to make homes on the public lands open for settlement opportunities as nearly equal as possible to those afforded by an adjacent foreign Government with a soil equally if not more fertile than the soil of any of the lands yet available within the borders of the United States.

A comparison of the land laws of the Dominion of Canada with those of the United States shows many other beneficial features and far greater liberality in the settlement and occupation of homestead lands than such as pertain merely to the age at which homestead entry may be made.

Thus, section 106 of the Dominion lands act of 1906 (vol. 2, Revised Statutes of Canada) permits any male person who has attained the age of 18 years to make purchase of any land which had theretofore been sold to a purchaser and who had failed to comply with the conditions of sale and whose purchase has therefore been canceled, such purchase to be for a price fixed by the minister, but at not less than $1 per acre. Residence and cultivation upon said land must be as provided in the homestead law. Section 109 of said statutes provides that every person who is the sole head of a family and every male who has attained the age of 18 years who makes application according to a certain prescribed form is entitled to obtain homestead entry for any quantity of land not exceeding one quarter section, the land to be of a class open to homestead entry under the provisions of the act. The privilege of homestead entry applies to agricultural lands only.

Final proof may be made at the expiration of three years from the date of entry. No patent, however, may issue to any person who is not a subject of Great Britain by birth or naturalization.

It will be seen from this that the homesteader who has emigrated to Canada from the United States must, in order to obtain a homestead, cease to be a citizen of the United States and become a citizen and subject of a foreign country.

The law in regard to the proof of residence and cultivation is evidently more liberal than our own homestead laws. Section 126 provides that—

> Proof of residence or cultivation required by the three last preceding sections of this act, and of the erection of a habitable house, shall be made by the claimant by affidavit, and shall be corroborated by the evidence on oath of two disinterested witnesses resident in the vicinity of the land to which the evidence relates, and shall be subject to acceptance as sufficient by the commissioner of Dominion lands or the Dominion lands board; and such affidavit shall be sworn and such evidence given before the local agent or his senior assistant, or before some other persons named for that place by the minister.

The Canadian law has the further liberal provision that—

> If the father (or the mother if the father is deceased) of any person who is eligible to make a homestead entry * * * resides upon a farm in the vicinity of the land entered for by such person, the requirements * * * as to residence prior to obtaining patent may be satisfied by such person residing with the father or mother. (Sec. 131, Dom. Lands, Rev. Stat., 1906.)

The Canadian laws also make provision for the settling of homesteaders together in a hamlet or village in numbers embracing at least 20 families, with a view to greater convenience in the establishment of schools and churches, and in such cases the minister is permitted to vary or dispense with the requirements of the law in regard to residence. (Sec. 121, Dom. Lands, Rev. Stat., 1906.)

And if any settler has his permanent residence upon farming land owned by him in the vicinity of his homestead, the requirements of the law in regard to residence may be satisfied by residence upon said land. (Sec. 132, Dom. Lands, Rev. Stat., 1906.)

The reason for the emigration of our young men and citizens to Canada is easily found in these liberal provisions of Canadian homestead law, and in the prospect of securing title to lands equal, if not superior, to any now remaining in our public domain and open to homestead settlement.

The records show that it is now, and has for several years, been a serious question with any prospective homesteader of full age as to which of the two offers he will accept, namely, that of the United States, permitting him to enter any quarter section yet open for settlement under our homestead laws and present regulations with the conditions they impose, or that of the Dominion of Canada, under the prospects and liberal conditions there existing.

It should not be a matter of wonder that hundreds of thousands of such prospective homeseekers have accepted the latter proposition, even though it involved a renunciation of their American citizenship.

But with the minor of 18 years of age desirous of acquiring land, which everybody knows he is capable of improving and cultivating, there is no choice. He must emigrate to Canada or remain without the land.

The figures showing the numbers who have emigrated to Canada during the last 10 years are somewhat startling.

On January 28 of the present year Mr. William J. White, being a witness before the lobby investigating committee of the Senate, in answer to questions propounded by Senator NELSON, said:

> Senator NELSON. What is the number of the immigrants that have come from the United States to your Provinces during the last 4 or 5 years or the last 10 years?
>
> Mr. WHITE. This last year, up till November, there were about 115,000. Last year, up to the present time, there were about 141,000. The year before that there were about 110,000, and the year before that the same. It has been running along about 100,000, last——
>
> Senator NELSON. Ten years, has it not?
>
> Mr. WHITE. It has been running about 100,000 for the last five years. Last year—that is, the fiscal year ending March, 1913—was our largest year. There were about 141,000.
>
> Senator NELSON. And for the last five or six years the general average has been 100,000?
>
> Mr. WHITE. Yes; about 100,000.
>
> Senator NELSON. And how many have you gotten in all from the United States in the last 10 years, we will say?
>
> Mr. WHITE. Our records will show that we have had about 800,000. Some of them have been going back and going into Montana and taking up homesteads in Montana, and we may not have as many as 800,000.

Mr. White is the agent and representative of the Canadian Dominion, and is, or was at the time of giving his testimony, in charge of the advertising, and had been in charge of such advertising for a number of years, and according to his statement, his Government spends between $60,000 and $70,000 a year in such advertising. (See pp. 4686–4690 of hearings.)

In view of all these conditions the committee believes the time is at hand when the Government, as a matter of wise public policy, should adopt a more liberal rule as to the disposition of its remaining agricultural lands.

While the South Dakota memorial related only to male persons of the age of 18 years, yet your committee, recognizing the fact that under the general homestead law of the United States females of the age of 21 years, and otherwise qualified as to citizenship, and so forth, may make entries of the public lands, deems it advisable to extend the provisions of the law in regard to age to them as well as male persons.

The bill with the amendments reported by the committee confining its operation to homestead and desert-land entries, is along the line of a more just and liberal policy of encouraging homebuilding by our boys and girls.

Those 800,000 American citizens who have expatriated themselves for a home were the farmers and young men, the bone and sinew, the best citizenship of this country, and their loss to our country is beyond the possibility of any estimation. They are the kind of people we most need at this time. With our agricultural productions decreasing at a terrific and alarming rate, as compared with our increase in population; with our high cost of living still getting higher; with our 665,891,029 acres of unappropriated and unreserved public domain, besides 165,000,000 acres of forest reserves, all of which is producing comparatively nothing and costing millions of dollars a year to supervise, it would seem as though it is time to change somewhat our public-land policy and allow at least the agricultural portions of this land to go into private ownership and be used for the homes of our citizens and the production of agricultural crops. It is not only a colossal financial blunder, but an outrage against the present generation, to hold all of that imperial domain in idleness for future generations when every township of cultivated land increases the wealth of the State a million dollars every year.

The most beneficial use is the only kind of conservation that should be practiced by our Government. It is not conservation of agricultural lands to make no use of them, except for grazing purposes, and keep them in the barren state in which they have existed for thousands of years. Let us cease driving good American citizens to Canada for land. Let us give our people a home on our public domain and welcome them to an abiding place under our own flag.

Mr. SELDOMRIDGE. Mr. Speaker, I regret that the gentleman from Illinois [Mr. MANN] has objected to the present consideration of the bill permitting minors of the age of 18 years or over to make homestead or other entry of the public lands. In my opinion, there can be no valid objection to this bill. It is advocated by Representatives from Western States and has been passed by the Senate. It would encourage further settlement of vacant Government land, and enlarge the productive forces of the Nation; it would give to many American youth the incentive to make and acquire homes. The city as well as the country boy would take advantage of this legislation. It would stimulate home building and develop worthy traits of character. The farmer's son is often obliged to leave the country to make his way in the city. He passes from the producing to the consuming class. He should be encouraged to remain in the country. The Government can well afford to be generous in its disposal of the public lands when our American boys are to be the beneficiaries. The title will not pass from the Government until the entryman shall have reached the age of 21. I would like to support a bill more liberal in its terms than the measure now before us. I would favor a provision allowing the entryman to reside with his relatives within 10 or 15 miles of the tract filed upon, provided the requirements for cultivation and improvements were observed. I realize that such a liberal measure would not be considered and was therefore in hopes that this bill would not meet with any objection and would become a law. In the face of the generally recognized fact that tenancy is increasing at a marked ratio throughout the country, and that the Government through various agencies is endeavoring to cultivate a policy of agricultural development, I can not understand why any Member of this House should oppose this legislation. The public land remaining for settlement is largely located in the arid region of the West. Its cultivation requires intelligent and patient effort. I contend that the young men who have been reared in that section, who understand the proper methods of cultivation and realize the difficulties to be overcome, are better fitted to occupy and develop this land than the residents of other sections or those who have recently come to us from across the sea. I am still hopeful that the Committee on Rules will see fit to bring this bill before the House under a special rule when the objection of a single Member will not prevent its consideration and passage.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. MANN. I ask for the regular order.

Mr. STAFFORD. Then I will not object.

Mr. MANN. Has my request been submitted?

The SPEAKER pro tempore. It has, and the request was granted.

Mr. RAKER. Mr. Speaker, I rise for the purpose of asking unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

SALES BY ARMY TO MILITARY SCHOOLS AND COLLEGES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9042) to permit sales by supply departments of the Army to certain military schools and colleges.

The bill was read, as follows:

Be it enacted, etc., That, under such regulations as the Secretary of War may prescribe, educational institutions to which an officer of the Army is detailed as professor of military science and tactics may purchase from the War Department for cash, for the use of their military students, such stores, supplies, matériel of war, and military publications as are furnished to the Army, such sales to be at the price listed to the Army with the cost of transportation added: *Provided*, That all moneys received from the sale of stores, supplies, matériel of war, and military publications to educational institutions to which an officer of the Army is detailed as professor of military science and tactics shall respectively revert to that appropriation out of which they were originally expended and shall be applied to the purposes for which they are appropriated by law.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

This bill is on the Union Calendar.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. McKELLAR. Mr. Speaker, the purpose of this bill is to permit sales by the supply department of the Army to certain military schools and colleges. As said in the report:

This bill is designed to help perfect a detail in the operation of the long-approved plan of the United States to encourage, in various institutions of learning throughout the country, the practical instruction of young men in the military policy of the Nation, and in such forms of elementary military training as may help them the more readily to adapt themselves to actual service in the Volunteer Army in the emergency of war. This is a recognized part of the American policy of avoiding the burden of a large and expensive standing army, while at the same time instilling into the youth of the land a proper understanding of the true martial spirit and military efficiency that the country must rely upon from its great body of citizenship in such a crisis.

There are at present in the United States approximately 100 military colleges and schools under the supervision of the War Department giving such instruction to 28,000 of our young men. These young men in the course of time become the center of great influence as citizens, and, if necessary, citizen soldiers.

The bill has the commendation of the War Department.

Mr. Speaker, to my mind, the bill is a most meritorious one. Any measure that has for its object aid to education of the youth of our country meets my most hearty approval. We ought to train even more young men than we now train in these institutions; and, in my judgment, the National Government ought to organize more educational institutions in which the youth of our country may be given a military training and at the same time an excellent college training.

Be that as it may, the institutions that are already being aided by the Government ought to be further aided by being permitted to buy their supplies at the cheapest possible price, as provided for in this bill. The bill was introduced by the distinguished chairman of the Military Committee, Mr. HAY. Mr. GREENE of Vermont, who made the report, is temporarily out of the city, at West Point, on official duty there.

I hope the bill will pass.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. MCKELLAR, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

INVESTIGATION OF VESSEL AND STEAMSHIP LINES.

The next business on the Calendar for Unanimous Consent was House concurrent resolution No. 35, directing the Interstate Commerce Commission to investigate and report facts regarding ownership, organization, operation, and rates of vessels and steamship lines engaged in transporting freight between the Atlantic and Pacific coasts.

The resolution was read, as follows:

House concurrent resolution 35.

Resolved, etc., That the Interstate Commerce Commission be, and hereby is, authorized and directed to immediately investigate and, as soon as practicable, report to Congress the following information:

1. To what extent, if any, vessels and steamship lines are engaged in transporting freight between Atlantic and Pacific ports wholly by water, or partly by water and partly by rail, and in the coastwise trade of the United States, under joint ownership or common control or in community of interest, directly or indirectly, by stock ownership, trust, holding committee, or otherwise, with railroad companies engaged in transporting freight by rail between the Atlantic and Pacific ports of the United States and in the coastwise trade of the United States, stating separately what vessels and steamship lines are owned and controlled by said railroad companies, if any, and what vessels and steamship lines in said transportation are under a common or joint ownership or control with said railroad companies, or any thereof, and the names of the owners, stockholders, trustees, holding committees, directors and officers of all steamship lines and railroads engaged in the coastwise and foreign trade of the United States. And to what extent and how, if any, they are consolidated, directed, or operated by and through holding companies, interlocking stock, interlocking directorates, or interlocking officers.

2. What are the prevailing rates upon the principal commodities carried by vessels between said Atlantic and Pacific ports of the United States wholly by water or partly by water and partly by rail across the Isthmus of Panama or Tehuantepec, and what are the prevailing rates between said Atlantic and Pacific ports upon such commodities transported wholly by rail and what are the prevailing rates for transportation of similar commodities wholly by water by vessels not under United States registry for similar distances as the water routes between said Atlantic and Pacific ports of the United States carried under similar conditions.

3. And what are the prevailing rates upon the principal commodities carried by vessels in the coastwise trade of the United States in comparison with such rates on similar commodities for similar distances carried by vessels in the foreign trade of the United States.

4. And what are the prevailing rates for transportation for similar commodities wholly by water by vessels not under United States registry for similar distances on similar commodities under similar conditions in comparison with the rates on commodities transported in the coastwise trade of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the concurrent resolution?

Mr. RAKER. Mr. Speaker——

Mr. MANN. Mr. Speaker, reserving the right to object, the Senate has already passed a resolution of this sort. What is the object of this, may I ask, now?

Mr. ADAMSON. That occurred since we reported this resolution, and it seemed to me, as the committee was getting up the information, we could just amend it and make it a House resolution.

Mr. MANN. I do not see any object in passing it at all. If there is any object, what is it? The Senate passed a similar resolution.

Mr. ADAMSON. I yield to the gentleman from Texas [Mr. HENRY], the author of the resolution.

Mr. HENRY. Mr. Speaker, the Senate put an amendment on it that left the commission a little more freedom than this does. I think it should be mandatory that they make this investigation and make a report of the same to Congress. I think it would be of great value, not only in legislating on the tolls question but on the entire rate question.

Mr. MANN. The gentleman has committed himself on the tolls question and expects to have legislation before this report can be made.

Mr. HENRY. There is a lot of information that can be compiled and sent to this House that will be of great value on the rate question, on the stock-and-bond law, and other things, and I think if the Interstate Commerce Commission will furnish us the information it will be of great advantage.

Mr. MANN. Mr. Speaker, the Interstate Commerce Commission has more work on its hands now than any other governmental institution or body in the world. It is very much behind with its work, has various cases pending before it which it ought to determine at the earliest possible moment. It has no knowledge or information itself about most of the matters called for in this resolution.

Mr. HENRY. If the gentleman will permit me just a moment, before introducing the resolution I talked with some members of the Interstate Commerce Commission. Permit me to read a letter from the chairman of the Interstate Commerce Commission, which, of course, reflects the views of the commission:

INTERSTATE COMMERCE COMMISSION,
Washington, April 14, 1914.

Hon. WILLIAM C. ADAMSON,
House of Representatives, Washington, D. C.

MY DEAR MR. ADAMSON: I presented to the commission in conference this morning your letter of the 8th, inclosing a copy of House concurrent resolution 35. I am directed by the commission to say that we see no objection to the passage of the resolution. Much of the information called for is already in the possession of the commission, and as soon as possible will be made available for use under the resolution. The other information, in case of the passage of the resolution, will be obtained by the commission so far as practicable and as promptly as possible.

I write this letter to confirm what I said to your secretary over the telephone this morning.

Very truly, yours, JAMES S. HARLAN, *Chairman.*

The commission is ready and willing to undertake this investigation. It will not take very long. They have some information at hand and other things within easy reach, and it will be compiled in such form that it will throw a flood of light on many important problems that are to be dealt with during the next two or three weeks in this House. So I hope the gentleman will not object to it. It does not bear alone on the tolls question, but on the general question of regulating freight rates and regulating common carriers, matters of very great importance to the people of the country.

After giving the subject considerable study and conferring with members of the commission, I am satisfied within two weeks or less time we will have information that we will be glad to have in our possession.

Mr. MANN. Mr. Speaker, I have had a long and intimate acquaintance with the work of the Interstate Commerce Commission and with many of the Interstate Commerce Commissioners. I know if this resolution should pass and they should make investigation in conformity with the spirit of it, they could not make a report inside of two or three years, and then they themselves would not make the investigation. They would employ some clerk or expert, or prejudiced or unprejudiced opinioned individual to make the investigation. The Interstate Commerce Commission has now work that it ought to perform which it is physically impossible for the members themselves to do and which they are required to turn over to employees.

But that is on the merits of the proposition. The Senate has already directed, though I do not think they have such authority, the commission to make this investigation, and if the commission wants to make it they will make it under the Senate resolution. The tolls question was the only excuse for it, possibly, in the first place, over in the Senate, and if the Senate wants the information after they have passed the tolls bill, very well.

Mr. HENRY. I had some other ideas besides the tolls question.

Mr. MANN. The gentleman knows the Interstate Commerce Commission does not have jurisdiction over the coastwise trading vessels of the United States, in the main.

Mr. HENRY. They have to a certain extent, you will recall.

Mr. MANN. They have to a very, very limited extent.

Mr. HENRY. Well, there was a provision in the act that we passed here several years ago providing that they should determine——

Mr. MANN. I drew the provision, and I know what it is.

Mr. HENRY. And I have read it frequently. They are to determine what ships are controlled by the railroads. That is their business under the amendment that the gentleman drew.

Mr. MANN. And this is to exercise certain control over vessels that carry freight part way in connection with another route, part of which is a railroad. Now, we had an investigation made by a very distinguished committee in this House, presided over by the very able gentleman from Missouri [Mr. ALEXANDER], who probably can give us cards and spades, so far as information on this matter is concerned.

Mr. ALEXANDER. I will say that I have sworn returns from all the railroads with reference to their ownership and control of ship lines in my files, and they will be available to the Interstate Commerce Commission or to the House, if necessary.

Mr. HENRY. But they have not been printed or compiled?

Mr. ALEXANDER. They are all in printed volumes in my office.

Mr. MANN. The committee made a long report on that case.

Mr. ALEXANDER. My cabinet is full of them. There are two or three hundred of those reports. We could not embody them all in our printed reports, but they are available to the House or the Interstate Commerce Commission. I am not opposing this resolution.

Mr. HENRY. I understand. If the gentleman will allow me, I will state that I talked with his expert, Dr. Hoebner, who stated that he did have a lot of this information, and much of it was given in a confidential way, and he would not feel authorized to release it, and it ought not to be published. Now, if we can get that confidential information and have it furnished to the Interstate Commerce Commission, it will be of very great value to this House and to the country; and I deem it important that we let this resolution pass, and let the Interstate Commerce Commission gather the facts from the reports and confidential files or from the files that have not been compiled, and put them in tangible form, so that we can take them up and study them.

Mr. MANN. The Interstate Commerce Commission is not the proper body to make an investigation of this kind. They do not have jurisdiction over these ships in the main. They can not make the investigation themselves. The members of the commission do not have the time. There is plenty of work for that commission to perform.

Mr. HENRY. They are willing to undertake it.

Mr. MANN. Oh, they are willing to undertake what Congress directs them to do, and they seldom will say publicly that they do not think it ought to be done, but privately they say that they do not think they ought to be required to make so many investigations, in which opinion I largely agree.

Mr. ALEXANDER. Mr. Speaker, I wish to say one word in relation to the confidential nature of any information in the possession of the Committee on the Merchant Marine and Fisheries. It does not apply to any of these reports. We sent out about 3,000 inquiries to the principal shippers of this country with reference to their attitude toward the steamship conferences and agreements, and in order to protect them and to get a full and frank statement of their views on the subject we assured them that their names would not be disclosed, but that their statements, of course, would be used by the committee in making its report, and I may say that was done; but so far as the reports made by the railroads and steamship lines are concerned, they are available. And I will say, too, that the Interstate Commerce Commission officials have on a number of occasions sent to my committee room and I have given them access to the files, in connection with other questions that have been under consideration by the Interstate Commerce Commission.

Mr. FALCONER. Mr. Speaker, if the gentleman from Illinois will withhold his objection, I want to say that one of the very sweetest morsels, one of the things that was rolled around the tongues of the Democratic free-toll repealers most, was the subject of the ship subsidy and the ship monopoly controlling rates. The gentleman from Texas [Mr. HENRY] used that argument in his debate favoring the repeal of free tolls.

The gentleman from Texas, I believe, is entirely consistent in offering this resolution, which provides for an investigation to ascertain whether a ship monopoly exists. The gentleman from Illinois [Mr. MANN] and those who viewed the tolls matter with him did not give much credence to the argument that there was a shipping monopoly or that shipping interests would be benefited by free tolls, and the gentleman from Illinois, it seems to me, is very inconsistent in opposing this resolution. There is no reason why we should not investigate the matter. The people of the country—at least those who have confidence in the Democratic Party and the Democratic arguments that have been advanced in the ship tolls debate—believe there is a ship monopoly and that it will have much to do with the freight rates between the Atlantic and Pacific coasts, and I see no reason why the Congress should not pass this resolution. I hope it will do so.

Mr. MANN. Mr. Speaker, the gentleman from Washington [Mr. FALCONER] has not been long enough here to have gathered sufficient information to know very much about the Interstate Commerce Commission either in the past, present, or future.

Mr. FALCONER. I will say to the gentleman from Illinois, Mr. Speaker, that I have not been here for a great number of years, but I have been engaged in legislative work for some 10 years, and I admire the ability of the gentleman from Illinois; if his ability is exceeded by anything, it is by his nerve and his egotism.

The SPEAKER pro tempore. Is there objection?

Mr. HENRY. Mr. Speaker, I hope the gentleman from Illinois will withhold his objection for a moment.

Mr. MANN. I will do it as I did for the other gentleman—under personal abuse.

Mr. ADAMSON. Mr. Speaker, I hope the gentleman from Illinois will not charge any of that to any of us. I have not indulged in any such thing.

Mr. HENRY. Here is what I was going to say about this matter: This House needs in compact form the information called for in the resolution. I have said and do believe that there is a shipping monopoly, and that if the Interstate Commerce Commission is allowed to make an investigation and secure the names of the men who own the railroads and the ship lines it will be demonstrated when their names are laid before the House and the country that there is such monopoly controlled by certain railroads and ship companies.

Now, that is the first thing, to wit, calling for these names. In the next place the resolution calls for a comparison of rates charged in the coastwise shipping and on seagoing ships. That is to say, it will show that the ships engaged in the coastwise trade, in transporting similar commodities for similar distances and under similar conditions, secure five or six times as much in their freight charges as the ships on the high seas. In other words, where a ship on the high seas gets $5 per ton for the same distance upon the same commodities and under similar conditions the ships in the shipping trust get five or six times that amount.

Now, what we wish to do is to have the Interstate Commerce Commission look into these things and investigate them and report them to this House, and all these things that I have stated will be verified, and we will have them here for our benefit as we legislate. Why should we be afraid to face these facts? Why not get them? Why not let the Interstate Commerce Commission, with its experts, with its knowledge, give us all these facts, as I feel sure they exist? It is a very important resolution, and the gentleman from Illinois [Mr. MANN] ought not to stand in the way of it. With this tolls fight on in the Senate and in the country everywhere, he ought to be willing to discover every fact and all such transactions in order that we may thoroughly uncover this hideous monopoly.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. HENRY. I do.

Mr. STAFFORD. The Senate having passed a similar resolution calling for these very same facts, what advantage would be gained by the House passing this resolution to-day?

Mr. HENRY. The Senate passed a resolution asking the Interstate Commerce Commission to send out circulars and find out things. This resolution calls on the Interstate Commerce Commission to make a genuine investigation.

Mr. MADDEN. Does the gentleman think that if the information which is sought for by the resolution is obtained, it will disclose a state of facts which will justify the action of the House in the repeal of the free-tolls proposition?

Mr. HENRY. I think it will absolutely demonstrate it, and prove it beyond the peradventure of a doubt.

Mr. MADDEN. Then I hope it will be passed.

Mr. HENRY. I hope so, too.

Mr. ADAMSON. I will ask the gentleman if he does not think the objection of the gentleman from Illinois [Mr. MANN] will be an admission on his part that we are right in that contention?

Mr. MANN. Since gentlemen have taken so much time to jump on me, I just want to say a word.

Mr. HENRY. I have not jumped on you.

Mr. MANN. The gentleman from Texas [Mr. HENRY], who is chairman of the Committee on Rules, who could have brought in a rule on this subject, as he has on others at various times, now seeks to put odium upon me for objecting to this resolution, which is silly on its face. The Interstate Commerce Commission is not the body to make the investigation. The gentleman says he wants the information for consideration on the tolls proposition.

Mr. HENRY. If you will stand out of the way, we will show whether it is silly or not.

Mr. MANN. I did not interrupt the gentleman. Can not the gentleman be quiet for a moment!

The resolution is silly. So far as obtaining this information for consideration on the tolls question, the House has passed the tolls bill with the aid of the gentleman. I did not vote for it. The information contained in this resolution can not be secured by the Interstate Commerce Commission inside of several years. If there be a shipping trust in violation of the Sherman antitrust law, as gentlemen have stated, why does not the Attorney General prosecute it, insead of the gentleman endeavoring to give immunity to it by having an investigation and calling them to testify. I do not know whether there is a shipping trust or not, but if there is I do not want to give immunity to the men who are engaged in it. The Democratic Attorney General had better be engaged in prosecuting this shipping trust which so many gentlemen allege to exist. I do not know. I heard many distinguished gentlemen say they favored the repeal of the tolls-exemption bill because a shipping trust would get the benefit of tolls exemption. If there is a shipping trust, why does not somebody prosecute it? We will

give to the Attorney General all the money he wants for all the men he wants to make investigations of this kind and to prosecute the offenders. I am perfectly willing to give to any commission or committee the power to make a proper investigation by proper officials.

Mr. HENRY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HENRY. You say you will give to the Attorney General all the power and money he wants. Why not give him these facts, that the Interstate Commerce Commission say they are ready and willing to give the House, and then we can furnish them to the Attorney General. Why stand in the way of it for a moment?

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. COOPER. Will the gentleman withhold his objection just a moment?

Mr. MANN. Yes.

Mr. COOPER. In view of what the gentleman from Texas [Mr. HENRY] said about a so-called "shipping trust," I desire to read to the House what a very distinguished Democrat had to say on that subject in a speech in the Senate on Saturday last. I refer to the great speech of Senator WALSH of Montana, a distinguished Democrat, who was the secretary of the committee on resolutions which prepared and reported the platform of the last Democratic National Convention, a committee of which Mr. Bryan, now Secretary of State, was also a member. Senator WALSH was also the secretary and Mr. Bryan a member of the subcommittee of 11 which first adopted the plank for the exemption from tolls of American ships engaged in coastwise traffic passing through the Panama Canal. The Senator was likewise the secretary and Mr. Bryan a member of the subcommittee of four selected to put the platform into appropriate form and language.

The Senator declared that two circumstances fastened themselves upon his mind, indicating that the plank exempting our coastwise traffic from the payment of tolls had the particular attention of the committee aside from the attention that was necessarily given it in the reading of the entire platform. He said that when the tolls plank was presented Mr. Bryan expressed his approval, and then suggested an additional plank excluding railroad-owned ships, and it was adopted in the following language:

> We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

And the Senator from Montana called particular attention to the word "also"—we "also" favor—in the resolution of Mr. Bryan, which word clearly shows that Mr. Bryan had in mind and approved the tolls-exemption plank when he suggested the plank which follows it.

I will now read the Senator's words concerning the alleged shipping trust. I commend this masterly speech to every Member of the House:

> Of a piece with the talk about subsidy is the appeal to popular prejudice by ascribing to some mythical "shipping trust" the enjoyment of the advantages accruing from the existing act.
>
> What is this "shipping trust" which is to send its vessels through the Panama Canal from our ports on the Atlantic to our ports on the Pacific? Who is at the head of it? By what name is it known? What is the nature of its organization?
>
> Reference is made to the report of the House Committee on Merchant Marine and Fisheries to the effect that 92 per cent of the coastwise shipping is controlled either by railroads or by combinations of one kind or another, the fact being that it referred entirely to line steamers and not to tramps at all. How much of that 92 per cent will go through the canal? It includes the greater part of the shipping on the Great Lakes. It includes the barges and ferries that connect the railroad termini at Jersey City with New York. It includes the craft that carry railroad cars between the Virginia Capes. It includes the Southern Pacific steamers that ply between New Orleans and New York. Why particularize further? There are, according to Prof. Emory R. Johnson, who gives facts here, not opinions, now in existence steamers that are likely to make use of the canal in the coastwise trade, 24 of the American Hawaiian Line; 3 of the Grace Line; and 6 belonging to the United States, operated by the Isthmian Canal Commission or the Panama Railroad Co. That is all that will engage in the general trade.

I stop reading from the speech of the distinguished Democratic Senator to remind gentlemen that by the law which you seek to repeal, and to which reference was made by the gentleman from Texas [Mr. HENRY], ships owned or controlled by railroad carriers engaged in transportation competitive with the canal are prohibited from going through the canal, and that ships owned or controlled in violation of the Sherman antitrust law are also prohibited from going through the canal.

I desire now to finish this quotation from the eminent Democrat, who was a member of the committee on platform in the last Democratic national convention in company with the present distinguished Secretary of State.

Mr. HENRY. I want to inject right there——

Mr. COOPER. I do not want the gentleman to inject anything, because I am now reading from a good Democratic speech, with the accent on the good. [Laughter.] He continues:

> There are, besides, 44 tank steamers, fitted only for carrying oil, and 32 tramps. If any other ships enter into the coastwise trade through the canal, they must be built or taken out of the service in which they are now employed, presumably profitably.
>
> Talk of a "shipping trust" in this connection may pass upon the hustings or in the rural press, but indulgence in it in this body does not add to the dignity of the discussion nor to the enlightenment it may afford.

I ask the especial attention of our Democratic friends to that last paragraph.

Mr. HENRY. Will the gentleman yield for a moment?

Mr. COOPER. Before I yield I want to direct attention to the Senator's close analysis of the testimony given before the Senate committee by men who knew all about the ships of the United States, by whom they are owned, and which of them could, under existing law, go through the Panama Canal. Witnesses of vast experience testified that 85 per cent of the tonnage of the world is carried in tramps and only 15 per cent in liners, so called. They testified that wheat and flour are carried abroad almost exclusively in tramp ships. The report of the House Committee on the Merchant Marine and Fisheries, to the effect that 92 per cent of the coastwise shipping is controlled either by railroads or by combinations of one kind or another, referred entirely to line steamers and not to tramp ships at all. Now, if 92 per cent of the line steamers engaged in coastwise trade are controlled by railroads or unlawful combinations, then the existing law absolutely excludes those 92 per cent from entering the canal if they belong to roads that compete with the canal.

Let me again state the facts. That 92 per cent includes what? It includes the shipping on the Great Lakes. Of course, that shipping is not going through the canal. It includes the barges and ferries that connect the railroad termini at Jersey City with New York; of course, those are not going through the canal. That 92 per cent includes also the craft that carry railroad cars between the Virginia Capes; of course, that craft is not going through the Panama Canal. The 92 per cent includes the Southern Pacific steamers that ply between New Orleans and New York. They are not going through the Panama Canal because owned by railroads competing with the canal, and therefore prohibited from entering it.

Mr. HENRY. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. HENRY. I will give the gentleman some information that he has not received.

Mr. COOPER. I have not control of the time.

Mr. HENRY. I want to say this to the House, if it will indulge me. In regard to what the Senator from Montana had to say in his speech, I have this to remark, and we might as well meet it and be candid about it now as later on. What really occurred at the Baltimore convention was this——

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HENRY. Yes.

Mr. COOPER. Was the gentleman on the subcommittee of four?

Mr. HENRY. Never mind; I have the information.

Mr. COOPER. The gentleman was not on either subcommittee, and he can not know the facts.

Mr. HENRY. I am going to give you information which I have received.

Mr. COOPER. That is absolutely hearsay. The gentleman was not on the committee, and what he repeats will be hearsay, and I refuse to receive it as against the statement of the secretary of the committee.

Mr. HENRY. Will not the gentleman allow me to give the House the information?

Mr. COOPER. I object to the consideration of the resolution.

Mr. HENRY. Oh, that is unfair.

Mr. COOPER. I object unless the gentleman can give us some direct evidence.

Mr. MANN. How much time does the gentleman want?

Mr. HENRY. Not more than five minutes.

The SPEAKER. This discussion is proceeding by unanimous consent. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HENRY. Now, what occurred at the Baltimore convention was this: I was a delegate and was on the rostrum when the platform came up for consideration. When they got down to a certain point in the platform committee report, the Secretary of State suggested that in dealing with the accomplishments of the Democratic House of Representatives they enumerate those things that had been written into law by the

Democracy. So in a certain part of the platform you will find the achievements of the Democratic Party incorporated. The Secretary of State was willing for other gentlemen to make the enumeration. When it got to the question of a subsidy, some gentleman slipped one over on the delegates at another place in the platform. [Laughter.] And they did not put the free-tolls measure in the enumeration of what the Democratic House had done. When the subject of the merchant marine was reached, the Secretary of State, believing the Democratic House had really provided that coastwise ships should go through the canal free, allowed it to go through, thinking it had passed by a Democratic majority. Such was not and is not the case. The Secretary of State said to me that if he had known that a majority of the Democrats in the House had voted against it there should not have been any provision for it in the platform.

Mr. BRYAN. Had President Wilson found that out when he made his speech two weeks later?

Mr. HENRY. That is the literal truth, and those who favor a subsidy need not think that they are making any capital by controverting that point. The Democratic Party is against subsidies, and we follow that faith of the Democracy. We do not follow the one that was put in another isolated part of the platform.

Mr. MANN. The gentleman knows that the free tolls and the subsidy are in the same plank.

Mr. HENRY. It is not in the same plank; it is in a different place.

Mr. MANN. Then I happen to be more familiar with the platform than the gentleman from Texas.

Mr. HENRY. I read the platform only yesterday, and free tolls does not appear under the enumeration of the things done by the Democratic House.

Mr. MANN. Oh, no; but it appears in the same plank as the subsidy.

Mr. HENRY. Yes, it does; but in a different place from the enumeration of the Democratic achievements. I was talking about the plank recounting achievements of the Democratic Party.

Mr. MANN. They have no achievements. [Laughter on the Republican side.]

Mr. HENRY. And still you gentlemen run to cover on this resolution. You let the resolution pass and we will show you by the report which the Interstate Commerce Commission makes that, although ships owned by railroads or combinations are not to pass through the Panama Canal, they have not accomplished anything of benefit to the American people, because the report will show that the same man or set of men that finance the railroad are financing the ship monopoly as well; that the same hand furnishes the money to both of them; and although your Interstate Commerce Commission report that they have separated them, and that these ships in a certain class shall not go through, yet they are within the same dominion of financial control. Let us get the names of these men. Let the resolution pass and we will show you the personnel of the men who control the ship monopoly and the railroads.

Mr. HARDY. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. HARDY. I want to suggest to the gentleman from Wisconsin that it seems to me that if he will read the entire evidence taken before the Merchant Marine and Fisheries Committee, that, whether the Senator from Montana says there is no shipping trust or not, he will agree that the shipping routes of this country are dominated by the shipping combinations.

Mr. COOPER. The gentleman from Texas misunderstood the quotation from the speech of the Senator from Montana. The Senator referred to the report of the House Committee on the Merchant Marine and Fisheries, to the effect that 92 per cent of the line steamers engaged in coastwise traffic are dominated by the railroads——

Mr. HARDY. No; railroads and trusts.

Mr. COOPER. Yes; railroads and combinations. But the law of August, 1912, expressly excludes such ships from the canal, so what is there in the contention of the gentlemen on that side of the aisle? Ships that are owned by trusts in violation of the Sherman antitrust law and ships owned by railroads which are competitors of the canal are not to be permitted to go through the canal.

The SPEAKER. The gentleman will suspend for a moment. All of this talk on both sides of the aisle is by unanimous consent. There is nothing pending, and if the gentleman from Wisconsin desires to proceed, he will have to do what the gentleman from Texas [Mr. HENRY] did—ask unanimous consent.

Mr. COOPER. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman is too late.

Mr. LINTHICUM. I was on my feet.

The SPEAKER. The gentleman was not making much noise about it. [Laughter.]

Mr. LINTHICUM. I shall not object, Mr. Speaker; but I will object to any further extension.

Mr. HARDY. Mr. Speaker, I will have to object now.

The SPEAKER. The gentleman from Texas is too late.

Mr. HARDY. Mr. Speaker, just as soon as the gentleman from Maryland reserved the right to object——

The SPEAKER. But he did not reserve the right to object. He said he served notice that he was going to object.

Mr. HARDY. But, Mr. Speaker——

The SPEAKER. The Chair had already ruled that he was too late.

Mr. HARDY. The Chair will permit me to be heard for a moment on the question of parliamentary practice?

The SPEAKER. For a moment; yes.

Mr. HARDY. Mr. Speaker, the gentleman from Maryland rose, and was held not to be too late.

The SPEAKER. The Chair distinctly held that he was too late.

Mr. HARDY. I thought the Chair permitted him to reserve the point of order.

Mr. BARTLETT. Mr. Speaker, I call for the regular order.

Mr. COOPER. I am the regular order. [Laughter.]

The SPEAKER. The gentleman from Wisconsin has five minutes.

Mr. COOPER. Mr. Speaker, I wish our friends on the other side of the aisle to listen to this great Democratic Senator from Montana.

Mr. HARDY. But we can not reply.

Mr. COOPER. He was the secretary of the platform committee in your national convention, a committee and a convention of which the present Secretary of State was a most important member. Says that distinguished Senator referring to the tolls plank:

> Neither am I disposed to listen with any patience to the view that the obnoxious plank is contrary to the time-honored principle of the Democratic Party against a subsidy. I have no disposition to expose myself to the disrespect of any man who gives thought to the subject at all by advancing any such preposterous argument.

He calls your "subsidy" talk "preposterous."

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. COOPER. I can not.

Mr. HARDY. Then I make the point of order that it is not proper for the gentleman to refer to a discussion in the Senate at this time.

Mr. COOPER. But I am not commenting upon it.

The SPEAKER. The point of order is well taken. The Chair would have sustained it 15 minutes ago if it had been made.

Mr. HARDY. I only make it now because we have no opportunity to reply.

Mr. COOPER. Am I not permitted to read from a speech, if I refrain from comments?

The SPEAKER. No; the rule is the other way.

Mr. COOPER. Then, Mr. Speaker, I desire to make an argument of my own.

The SPEAKER. Very well.

Mr. COOPER. And it is a very able argument, I think, too. [Laughter.]

Mr. HARDY. Mr. Speaker, the gentleman is commenting on the speech by saying what sort of an argument it is.

The SPEAKER. The gentleman from Wisconsin said he was going to make an argument of his own, and that it was a good argument.

Mr. COOPER. Mr. Speaker, I do not want this taken out of my time.

The SPEAKER. No; it will not be taken out of the gentleman's time.

Mr. COOPER. Mr. Speaker, I believe I have four minutes and a half left. [Laughter.]

> So, if tolls exemption be a subsidy, we are going to continue subsidizing shipping, whatever be the fate of the pending bill. If the term "subsidy" is applicable to the case at all, the question is——

Mr. HARDY. Mr. Speaker, I make the point of order that the gentleman can not read from a speech in the Senate and call it his speech.

The SPEAKER. The Chair sustains the point of order.

Mr. COOPER. Mr. Speaker, the statement that I have just made is one in the truth of which I firmly believe. What I am reading expresses perfectly my views.

The SPEAKER. The Chair can not get down and investigate to see whether the gentleman is reading from a Senator's speech or making his own speech. The Chair has stated what the rule is. The rule is frequently violated, so far as that is concerned, but when it is invoked the gentleman can not quote from a Senator or talk about a Senator.

Mr. MANN. He is not doing either one.

The SPEAKER. If he is not doing either one, he is not violating the rule.

Mr. HARDY. I wish to say that it appeared by ocular demonstration that the gentleman was reading. I do not know whether he was reading or not.

The SPEAKER. He may be reading the Bible, for all the Chair knows.

Mr. HARDY. On the ground that it may be the Bible, I withdraw the objection. [Laughter.]

Mr. COOPER. He says—[laughter]—I refer to the gentleman from Texas [laughter], that by ocular demonstration I am reading. The gentleman ought to listen and learn the truth through auricular demonstration. Mr. Speaker, this is not to be taken out of my time. [Laughter.]

Mr. HARDY. The gentleman is doing it all himself, and I do not know why it should not come out of his time.

Mr. COOPER. This Senator says—

We appropriate millions annually for the improvement of rivers and harbors. We must desist because we are subsidizing the shipping interests which make use of these improvements free, as will our coastwise shipping under the act that has recently evoked so much hue and cry about subsidy. As if these considerations did not make the proposition sufficiently ridiculous, the tariff act, in which we all take so much pride, contains a provision under which goods brought to our ports in American bottoms enter at a rate of duty 5 per cent less than those specified in the various schedules. The result to the Government is exactly the same—

Mr. HENRY. Will the gentleman yield?

Mr. COOPER. I can not now.

The result to the Government is exactly the same as though the nominal rates were exacted and then a payment of 5 per cent of the amount collected made to the American shipowner. In a sense, though by no means in any exact sense, this is a subsidy—quite as near being a subsidy as is the exemption granted by the canal act to coastwise shipping. Yet the Democratic committees of both Houses conceived the idea, the Democratic caucuses of both Houses approved of it, the Democratic Members of both Houses voted for it, and the Democratic President gave it his sanction in signing the historic measure of which it is a part.

[Applause on the Democratic side.]

But according to your new views that 5 per cent reduction in rates was and is a 5 per cent subsidy in favor of American ships. You who are cheering so loudly voted for that subsidy. And yet now claiming that you can not vote to give a preference to American coastwise vessels in the canal for the pretended reason that it would be a subsidy, you deliberately repudiate your party platform and all the arguments and promises in its support made before the election by you and by your candidate for the Presidency. If your platform had declared against tolls exemption on coastwise trade, could your party have carried Oregon? No. You repudiate your platform and your promises because you say tolls exemption on American ships is a subsidy, and yet there is absolutely no distinction in principle, Mr. Speaker, between that 5 per cent reduction provided for in the Democratic tariff act on goods coming in American ships and the exemption from canal tolls of American coastwise ships.

Let us not invite——

Mr. HENRY. From what is the gentleman reading?

Mr. COOPER (continuing):

Let us not invite the imputation of hypocrisy by shouting "subsidy." That kind of subsidy is as old as our Government. It had the approval of Jefferson and every Democratic administration down to Jackson's time. The First Congress, which convened in 1789, gave a preference to American ships by fixing the rate of duty on imports brought in by them at 10 per cent less than those entering in foreign vessels.

President George Washington signed that law.

The SPEAKER. The time of the gentleman has expired. While this is fresh in the minds of Members, the Chair will read to the House the rule which is frequently violated. This is from Jefferson's Manual, section 364:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other, and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

Then in a footnote Mr. HINDS says:

This rule of the parliamentary law is in use in the House of Representatives to the full extent of its provisions, and it has always been held a breach of order to refer to debates or votes on the same subject in the other House.

And so forth.

This is a practice that ought to be observed, and the reason is, it is likely to lead to bad feeling.

Mr. BURKE of South Dakota. Mr. Speaker, will the Chair permit a parliamentary question?

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I would like to ask the Speaker whether he considers it to be a violation of the rule if a Member of the House, in a speech, should refer to a speech made elsewhere without stating by whom it was made or where it was made, but yet quoting a speech or a portion of a speech made in the Senate?

The SPEAKER. Why, if he is really quoting the speech, he is trying to evade the inhibition.

Mr. HARDY. Mr. Speaker, will the Chair permit me a word of personal explanation? I did not desire to exclude the gentleman from Wisconsin from reading the speech. I only did so because I understood that there would be no chance to reply to his comment.

Mr. MANN. Does the gentleman want any time?

Mr. HARDY. No. I am now under notice in regard to it, and I want to get through, anyhow.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. MANN. Mr. Speaker, I object.

AMENDMENT TO SECTION 4472, REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14377) to amend section 4472 of the Revised Statutes.

The Clerk read as follows:

Be it enacted, etc., That section 4472 of the Revised Statutes of the United States of America be, and the same is hereby, amended by adding thereto the following provision:

"*Provided, however*, That nothing in the foregoing or following sections of this act shall prohibit the transportation and use by vessels carrying passengers or freight for hire of gasoline or any of the products of petroleum for the operation of engines to supply an auxiliary lighting and wireless system independent of the vessel's main power plant: *Provided further*, That the transportation or use of such gasoline or any of the products of petroleum shall be under such regulations as shall be prescribed by the board of supervising inspectors, with the approval of the Secretary of Commerce."

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I reserve the right to object, for the purpose of giving the gentleman from Missouri [Mr. ALEXANDER] an opportunity to state just what is expected to be accomplished by the enactment of this amendment.

Mr. ALEXANDER. Section 4472 of the Revised Statutes, enacted March 3, 1905, provides in part:

No loose hay, loose cotton, or loose hemp, camphene, nitroglycerin, naphtha, benzine, benzole, coal oil, crude or refined petroleum, or other like explosive burning fluids, or like dangerous articles shall be carried as freight, or used as stores on any steamer carrying passengers. * * *

Now, by the act of July 23, 1912, section 1 of the "Act to require apparatus and operators for radiocommunication on certain ocean steamers, approved June 24, 1910," was amended so as to provide among other things:

An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night. * * *

Mr. MADDEN. This just provides the necessary material to establish the power?

Mr. ALEXANDER. Yes.

Mr. MADDEN. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GRAY. Mr. Speaker, I ask unanimous consent to return to H. R. 11317, which was passed this morning without prejudice. I have just obtained the data for which I left the Chamber this morning and want to explain why I make this request——

Mr. MANN. I shall have to object to that.

Mr. GRAY. I ask unanimous consent for five minutes to state the facts relative to this bill going over and why I am able now——

Mr. MANN. I object to that.

The SPEAKER. The gentleman objects to that.

Mr. MANN. We took care of the gentleman's bill by not striking it from the calendar.

Mr. GRAY. When I explain that the chairman of the subcommittee reporting the bill has been and is still absent from——

The SPEAKER. No; the gentleman from Illinois objects to the unanimous consent for the gentleman to address the House.

Mr. RAKER. Mr. Speaker, when this matter was up, the gentleman from Indiana had to go over to get the papers. He was in the House this morning——

Mr. MADDEN. I object to that, Mr. Speaker.

The SPEAKER. That is out of order. The Clerk will report the next bill.

COLLISIONS IN RIVERS AND HARBORS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15605) to amend an act entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," approved June 7, 1897.

The bill was read, as follows:

Be it enacted, etc., That section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," be amended so as to read as follows:

"SEC. 2. That the supervising inspector of steam vessels and the Supervising Inspector General shall establish such rules to be observed by steam vessels in passing each other, and as to the lights to be carried by ferryboats, and by barges and canal boats when in tow of steam vessels, and as to the lights and day signals to be carried by vessels marking a wreck or other obstruction to navigation, or moored for submarine operations, or made fast to a sunken object which may drift with the tide or be towed, not inconsistent with the provisions of this act, as they from time to time may deem necessary for safety, which rules, when approved by the Secretary of Commerce, are hereby declared special rules duly made by local authority, as provided for in article 30 of chapter 802 of the laws of 1890. Two printed copies of such rules shall be furnished to such ferryboats and steam vessels, which rules shall be kept posted up in conspicuous places in such vessels."

Also the following committee amendments were read:

Strike out the word "inspector," in the eighth line of page 1, and insert in lieu thereof the word "inspectors."

Insert, after the word "ferryboats," in the eleventh line of page 2 of the printed bill, the following: "barges, canal boats"; so that it will read: "ferryboats, barges, canal boats, and steam vessels."

Also further amend by striking out the period at the end of the word "vessels," in line 13, on page 2, and insert a comma and the words "barges, and boats."

Mr. MADDEN. Mr. Speaker, reserving the right to object, does not the board of steamboat inspectors now make regulations for the passage of ships on the lakes and in navigable waters controlled by the Government of the United States, and in what particular way or to what extent will this language change that authority?

Mr. BURKE of Wisconsin. I will say to the gentleman from Illinois [Mr. MADDEN] that the supervising inspectors of steam vessels and Supervising Inspector General have now power to make rules and regulations to a certain extent. It appears from the law that they have not the power to make rules and regulations providing warning signals for vessels working on wrecks or other obstructions to navigation, or for vessels working on submarine operations. For that reason it is necessary to so amend the law as to give this power in such cases to the supervising inspectors of steam vessels.

Mr. MADDEN. Then this amendment does not propose to enlarge the authority of inspectors of steamboats to make regulations for the navigation of the ships, but simply to provide for a condition which does not now exist?

Mr. BURKE of Wisconsin. Exactly. It provides for warning signals.

Mr. MADDEN. It does not change the regulations already in existence, except as to the specified cases provided in this amendment?

Mr. BURKE of Wisconsin. That is all, sir.

Mr. MADDEN. I have no objection to it, then.

Mr. MOORE. Mr. Speaker, how does this question come to arise?

Mr. BURKE of Wisconsin. It comes to arise in this manner: It appears that the Chapman & Merritt Wrecking Co. is engaged in laying submarine aqueduct pipes from Long Island to Staten Island, across the Narrows at New York Harbor. That harbor, as everyone knows, is frequented by hundreds of vessels every day, going back and forth, and this work at that point will continue, it is estimated, for more than a year. The matter was presented to the Secretary of Commerce by the representatives of this dredging company, and it was ascertained then that there was no provision in law requiring them to carry any given signal which would be different from other marine signals. I desire further to say that the Secretary of Commerce, in a letter to the chairman of the Committee on the Merchant Marine and Fisheries, explained this matter fully and urged the speedy adoption of this amendment. I will say that the amendment, of course, is of general application.

Mr. MOORE. It will be of general application?

Mr. BURKE of Wisconsin. Yes, sir; it is so stated in the report.

Mr. MOORE. And it arises owing to this condition in New York Harbor?

Mr. BURKE of Wisconsin. And it sort of emphasizes the fact that this gap is in the law.

Mr. MOORE. What is the reason for bringing this amendment in here?

Mr. BURKE of Wisconsin. I will say to the gentlemen, that if there is no objection to the consideration of the bill at this time I propose to move for the consideration of the Senate bill in lieu of the House bill. The Senate bill is similar to the House bill.

Mr. MOORE. The calendar number of the Senate bill is 143, and it is called "An act to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work." Substantially all of the bill and all of the reports seem to be the same. It is not intended to press both measures?

Mr. BURKE of Wisconsin. No, sir. At the proper time I propose to ask that the Senate bill be considered in lieu of the House bill.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. BURKE of Wisconsin. Mr. Speaker, there is upon the Unanimous Consent Calendar the Senate bill 5289, or No. 143 on the calendar, which is a bill exactly similar to the House bill now under consideration. It has passed the Senate, and it is the wish of your Committee on the Merchant Marine and Fisheries, and also of the Secretary of Commerce, to expedite matters as much as possible. Therefore, I ask unanimous consent that the Senate bill 5289 be considered now, in lieu of the House bill.

The SPEAKER. The gentleman from Wisconsin [Mr. BURKE] asks unanimous consent that the Senate bill of similar tenor to the House bill be considered in lieu of the House bill.

Mr. MANN. Let it be reported.

The SPEAKER. The Clerk will report the Senate bill. Does the gentleman from Wisconsin know the calendar number?

Mr. BURKE of Wisconsin. It is No. 143 on the Unanimous Consent Calendar.

The SPEAKER. Does the Chair understand the gentleman to say that the Senate bill is on the Unanimous Consent Calendar?

Mr. BURKE of Wisconsin. It is.

Mr. STAFFORD. It is, Mr. Speaker.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 5289) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work.

Be it enacted, etc., That section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," be amended to read as follows:

"SEC. 2. That the supervising inspectors of steam vessels and the Supervising Inspector General shall establish such rules to be observed by steam vessels in passing each other and as to the lights to be carried by ferryboats and by barges and canal boats when in tow of steam vessels, and as to the lights and day signals to be carried by vessels marking a wreck or other obstruction to navigation or moored for submarine operations, or made fast to a sunken object which may drift with the tide or be towed, not inconsistent with the provisions of this act, as they from time to time may deem necessary for safety, which rules when approved by the Secretary of Commerce are hereby declared special rules duly made by local authority, as provided for in article 30 of chapter 802 of the laws of 1890. Two printed copies of such rules shall be furnished to such ferryboats and steam vessels, which rules shall be kept posted up in conspicuous places in such vessels."

The SPEAKER. Is there objection to considering the Senate bill just reported in lieu of the House bill of similar tenor? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time.

Mr. BURKE of Wisconsin. Mr. Speaker, there are certain amendments that were submitted by the Committee on the Merchant Marine and Fisheries to the Senate bill. I desire to say at this time, Mr. Speaker, that since the reporting of the Senate bill with amendments we received two separate communications—one from the Superintendent of the Bureau of Lighthouses and one from Mr. Chamberlain, of the Bureau of Navigation, in which they suggested two other slight amendments, so that now I think the proper way to do is to withdraw the committee amendments as reported and submit the following amendments on behalf of the committee.

The SPEAKER. Has the House committee ever considered the Senate bill?

Mr. BURKE of Wisconsin. Certainly.

Mr. MANN. It has been reported.

The SPEAKER. Without objection, the vote by which the third reading of the House bill was ordered will be vacated.

There was no objection.

The SPEAKER. The gentleman from Wisconsin suggests——

Mr. MANN. The committee amendments were not acted upon. The gentleman from Wisconsin [Mr. BURKE] can offer his amendment as a substitute.

The SPEAKER. The Clerk will report the committee amendment.

Mr. ALEXANDER. No. 1.

The Clerk read as follows:

Amend Senate bill 5289 as passed by the Senate by striking out, after the word "by," in the first line of page 2, the words "marking a wreck" and inserting in lieu thereof the words "dredges of all types and vessels working on wrecks and by," and placing a comma after the word "by," in the first line of page 2.

Mr. MANN. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What report has the Clerk got on this bill? Is it the Senate bill 5289? What has he there? There is no such amendment in the copy that I have.

Mr. BURKE of Wisconsin. I do not understand the gentleman from Illinois.

Mr. MANN. These are not the committee amendments.

Mr. BURKE of Wisconsin. No, sir. I asked the privilege of withdrawing the committee amendments.

Mr. MANN. I know; but I objected to withdrawing the committee amendments. Now I have no objection. I would like to have this amendment reported again. I thought it was reported as the first committee amendment.

The SPEAKER. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amend Senate bill 5289 as it passed the Senate by striking out, after the word "by," in the first line of page 2, the words "marking a wreck" and inserting in lieu thereof the following words——

Mr. MANN. On what page and line is that?

The Clerk read as follows:

By striking out the word "by" in the first line of page 2 of the Senate bill.

Mr. MANN. There is no such language there. I do not see how you can amend and strike out language that is not there.

Mr. BURKE of Wisconsin. Mr. Speaker, there may be a difference in some of these prints; but I specifically, in the amendment, called attention to line 1 of the Senate bill as it passed the Senate.

Mr. MANN. I know; but the gentleman knows that when an amendment of this sort is offered and it goes to the enrolling room they can not enroll it at some other place than where it is offered, and it ought to be offered in the right place.

Mr. BURKE of Wisconsin. This is offered in the right place.

Mr. MANN. It is certainly not in the right place, page 2, line 1.

Mr. STAFFORD Can not the gentleman indicate on the Senate bill as reported by his committee? You will find it on page 2, lines 3 and 4. There is this language, "marking a wreck." Is that the language that the gentleman refers to?

The SPEAKER. The Chair has an idea that the amendment is being offered as a substitute.

Mr. MANN. This is not the correct place.

The SPEAKER. The Chair is trying to help everybody out of the muddle by stating what the muddle is about.

Mr. BURKE of Wisconsin. Mr. Speaker, I desire to explain this, that when the bill was reported back from the House, in the reprinting of it the words of certain lines in the Senate bill as it was passed were in different lines in the bill when reprinted after being reported from our committee. I noticed that when I was drawing the amendment.

Mr. MANN. Very well.

Mr. BURKE of Wisconsin. I specifically provide that it was to be an amendment on line 1 of the Senate bill after the word "by" on page 2.

Mr. STAFFORD. In this print the gentleman will find it on line 3, page 2, after the word "by," preceding "vessels."

Mr. MOORE. Succeeding "vessels marking a wreck."

Mr. BURKE of Wisconsin. In the Senate bill reported from the House committee it is after the word "by" in the third line.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

Amend Senate bill 5289 as it passed the Senate by striking out, after the word "by" in the first line of page 2, the following words: "marking a wreck" and inserting in lieu thereof the following words: "dredges of all types and vessels working on wrecks and by," and place a comma after the word "by" in the first line of page 2.

Mr. MANN. Now, I would like to ask the gentleman a question. In the copy of the act which I have the first word after the word "by" is "vessels." Yet the gentleman has offered an amendment to strike out after the word "by" the words "marking a wreck."

Mr. STAFFORD. The gentleman wishes to strike out the words "marking a wreck."

Mr. MANN. Let the gentleman tell what he wants. I want to have the amendment reported so that we can understand it.

The SPEAKER. What suggestion has the gentleman from Illinois to make?

Mr. MANN. I am trying to find out where the gentleman from Wisconsin [Mr. BURKE] wants it to come in. He proposes to strike out a word after a word that does not exist in the bill.

Mr. BURKE of Wisconsin. I beg the gentleman's pardon. I want to strike out the word "marking" and put in "working on a wreck."

Mr. MANN. That comes in after the word "vessels."

Mr. BURKE of Wisconsin. Yes.

Mr. MANN. The language reads "to be carried by vessels marking a wreck."

Mr. BURKE of Wisconsin. Yes.

Mr. MANN. You do not want to strike it out after the word "by," because it does not follow the word "by."

Mr. BURKE of Wisconsin. Yes; it means after "vessels."

Mr. MANN. Very well.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, by striking out, after the word "vessels," in the first lines of page 2, the following words: "marking a wreck," and insert in lieu thereof the following words: "dredges of all types, and vessels working on wrecks, and by," and place a comma after the word "by" in the first line of page 2.

Mr. ALEXANDER. I should like to inquire if the Clerk has the bill that passed the Senate.

The SPEAKER. The Clerk has the engrossed copy of the bill.

Mr. ALEXANDER. And is that reference to the first line on page 2 correct?

The SPEAKER. Yes.

Mr. HARDY. Mr. Speaker, I want to take one whack at this. I think the gentleman is mistaken, and that what he wanted to do was to strike out the words "vessels marking a wreck," and then make the insertion that he spoke of, so that he would make the insertion after the word "by."

Mr. MOORE. Let it be reported as amended.

Mr. HARDY. I ask the Clerk to read the sentence as it would be when amended.

Mr. MOORE. Beginning with section 2.

The SPEAKER. If there be no objection, the Clerk will report it as it will read if amended.

The Clerk read as follows:

To the lights and day signals to be carried by vessels, dredges of all types, and vessels working on wrecks, and by.

Mr. BURKE of Wisconsin. Mr. Speaker, I desire to say that the amendment as originally handed up by me is correct. The words "vessels marking a wreck" should be stricken out.

Mr. MOORE. May we have the section read as proposed to be amended?

The SPEAKER. If there be no objection, the Clerk will again report it.

The Clerk read as follows:

To the lights and day signals to be carried by vessels, dredges of all types, and vessels working on wrecks, and by other obstructions to navigation, or moored for submarine operations.

Mr. HARDY. The words intended to be inserted are properly reported, but the words intended to be stricken out should include the word "vessels" also.

The SPEAKER. Will the gentleman from Wisconsin [Mr. BURKE], in charge of the bill, state whether that is correct?

Mr. BURKE of Wisconsin. It ought to be:

Strike out the words "vessels marking a wreck," and substitute therefor the words "dredges of all types, and vessels working on wrecks, and by."

The SPEAKER. The Clerk will report it that way.

The Clerk read as follows:

To the lights and day signals to be carried by dredges of all kinds, and vessels working on wrecks, and by.

Mr. BURKE of Wisconsin. That is correct.

Mr. STAFFORD. I ask unanimous consent that it may be reported now as amended.

The SPEAKER. The Clerk will again report it.

The Clerk read as follows:

To the lights and day signals to be carried by dredges of all types, and vessels working on wrecks, and by other obstructions to navigation, or moored for submarine operations.

Mr. STAFFORD. That does not make sense, Mr. Speaker.

Mr. BURKE of Wisconsin. The word "by" in the amendment may be stricken out now.

The SPEAKER. The Clerk will now read the amendment as it should be.

The Clerk read as follows:

To the lights and day signals to be carried by dredges of all types, and vessels working on wrecks, and.

Mr. MOORE. I want to ask the gentleman if it is intended to strike out the words "ferryboats, barges, and canal boats," because that is what it would seem to do.

Mr. BURKE of Wisconsin. No; the striking out is of the words "vessels marking a wreck," and the insertion is "dredges of all types, and vessels working on wrecks."

Mr. MOORE. That does not comport with the bill I have in my hand. The amendment would not fit in at all. It would be a mere jumble.

Mr. BURKE of Wisconsin. The gentleman probably has the bill as it was printed after being reported to the House, and not the bill as it passed the Senate.

Mr. MOORE. I would not like to object to the gentleman's proposition, but it seems to me we ought to have the bill in proper shape.

Mr. STAFFORD. I should like to ask the gentleman whether the word "or" should not still be retained. As the amendment is reported by the Clerk it strikes out the word "or." Now, as I gather from the gentleman's statement, he wishes to have the language read as follows:

Signals to be carried by dredges of all types, and vessels working on wrecks or other obstructions to navigation, or moored.

Mr. BURKE of Wisconsin. Yes.

Mr. STAFFORD. I think the word "or" should be retained and not stricken out as last reported by the Clerk. The word "or" should be substituted for "and," so as to read "or other obstructions to navigation."

The SPEAKER. Does the gentleman offer that as an amendment to the amendment?

Mr. STAFFORD. Yes.

The SPEAKER. The Clerk will report the amendment. We do not want to be passing amendments without knowing what they are.

The Clerk read as follows:

In line 2 of the amendment strike out the word "or."

The SPEAKER. Does the gentleman from Wisconsin [Mr. STAFFORD] intend that the word "or" shall be part of the amendment offered by his colleague [Mr. BURKE]?

Mr. STAFFORD. I understood that as the amendment was reported by the Clerk the last word was "and." Instead of that it should be "or," so as to carry out the intention of this bill.

The SPEAKER. Those in favor of changing the word "and" to the word "or" will say aye. Those opposed will say no.

The amendment to the amendment was agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Wisconsin [Mr. BURKE] as amended.

The amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend by inserting, after the word "ferryboats," in line 11, page 2, the words "barges, dredges, canal boats, vessels working on wrecks," and place a comma after the word "ferryboats," in line 11.

Mr. MADDEN. I should like to ask the gentleman from Wisconsin just what that means.

Mr. BURKE of Wisconsin. This amendment refers to the posting of notices pertaining to these regulations in different boats. As the statute now stands——

Mr. MADDEN. As the statute now stands it does not require the posting of these notices?

Mr. MANN. It requires the notice on ferryboats and steam vessels.

Mr. BURKE of Wisconsin. Ferryboats and steam vessels; and on account of the change in the text above, it is necessary that the notices should be posted on barges and vessels working on wrecks.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk read the following committee amendment:

Amend Senate bill by inserting, after the word "vessels," in line 13, page 2, the following words: "barges, dredges, and boats," and place a comma after the word "vessels."

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BURKE of Wisconsin, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

PATENT TO JOHN RUSSELL.

The next business on the Calendar for Unanimous Consent was the bill S. 1243, an act directing the issuance of a patent to John Russell.

The Clerk read the bill, as follows:

Be it enacted, etc., That a patent under the homestead laws be issued to John Russell for the land occupied by him situated approximately in sections 4 and 5 of township 13 north, range 13 east of the Willamette meridian, in the Mount Rainier Forest Reserve, State of Washington, notwithstanding any withdrawal heretofore made affecting the same, upon his submitting satisfactory proof of the agricultural character of said lands and his compliance with the homestead laws applicable thereto: *Provided, however*, That patent shall not issue until said lands have been surveyed by metes and bounds under the direction of the surveyor general for the State of Washington.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I find in the report that the Acting Secretary of Agriculture says that the land is valuable for reclamation purposes and virtually makes a dissenting report upon this bill. I would like to have some explanation why the bill is asked to be passed under such circumstances.

Mr. LA FOLLETTE. Mr. Speaker, I think I can give the gentleman the information. This man John Russell went into a mountain valley in Kittitas County, Wash., 30 years ago—in 1884. He settled as a squatter. The land was unsurveyed. He made his home there until such time as the forest reserve was established. At the time he went there there had been no such thing as a forest reservation thought of.

The land was never surveyed and he never had a chance to file on it. After the forest reserve was established he went to the forest-reserve people, who acknowledged the justice of his claim and would have granted his request and allowed him to file, but before they got ready to act and have the land surveyed it was set aside with other lands for a reservoir site in a new scheme that had come in under the reclamation act. Of course that was long after the man had settled on the land. When he made application to have the land surveyed, the reclamation people decided against him, not that he had no right under the law but because they thought it should be set aside as a reservoir site.

Mr. STAFFORD. How much land is involved?

Mr. LA FOLLETTE. One hundred and sixty acres.

Mr. STAFFORD. I find from the report that—

An examination of the land was made at that time, but there appears from the records of the case to have been some difficulty in reconciling Mr. Russell to the limitations of the act of June 11, 1906—that is, 160 acres.

From my reading of the report of the Assistant Secretary of Agriculture it appears that Mr. Russell once had an opportunity of making a selection of 160 acres, but he was not satisfied, because the amount of land that he had squatted upon was larger. Then later the land was reserved from settlement, and now, according to the uncontradicted statement of the department officials, the Assistant Secretary of Agriculture and the Assistant Secretary of the Interior, they say that the land is valuable and is needed in connection with an irrigation project.

Mr. LA FOLLETTE. For a reservoir site.

Mr. STAFFORD. Why should he surrender the title when it is necessary for a site for reservoir purposes?

Mr. LA FOLLETTE. Let me ask the gentleman from Wisconsin if this man had a good title, under the irrigation act, if they decided they needed it for a reservoir site, would they not have to either purchase it or condemn it? This man should have the same right to this place that he has lived on for 30 years as he would have if he had settled on it under the laws of the United States and received his patent.

Mr. STAFFORD. But he wanted more than 160 acres.

Mr. LA FOLLETTE. I do not know about that.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. Where the law provides that a patent under the homestead laws be issued, can there be a patent issued for more than 160 acres?

Mr. LA FOLLETTE. I do not think so.

Mr. MANN. So, as a matter of fact, that patent of this land was offered to him—160 acres—and he would not take it. If he had taken it, and we wanted the land back, we would have to buy it and charge it up as a part of the Reclamation Service; and that is all that this bill proposes to do.

Mr. STAFFORD. There would be considerable delay before the Government could get hold of the land.

Mr. MANN. Oh, not at all; it is for a reservoir site, and they can not use it until they construct the other works.

Mr. LA FOLLETTE. That is in the future, allow me to say to the gentleman from Wisconsin.

Mr. STAFFORD. Let me read a line from the report for the benefit of the House:

It appears from his report, however, that it is regarded as a necessary part of the complete irrigation development of the Yakima project, and the director feels that the water users in the project should not be charged with the expenditure which would result from the acquisition of the land by purchase or condemnation should patent issue to Mr. Russell.

Mr. LA FOLLETTE. This man is an old man. He settled on this place and worked on it long before reclamation projects or forest reserves were heard of. Why should he be denied a title to it?

Mr. STAFFORD. He only had a squatter's right.

Mr. MANN. He had rights under the law, and they are rights under the statutes of the United States.

Mr. LA FOLLETTE. Here is the law; and the gentleman from Wisconsin will find that a squatter has as much right to land as anybody else.

Mr. MANN. The law gives him a right to go on the land.

Mr. STAFFORD. Do we have the positive assurance of the gentleman from Washington that this resolution will only give him 160 acres and no more?

Mr. LA FOLLETTE. Yes; and gentlemen will understand that he has valuable improvements on this land.

Mr. STAFFORD. His valuable improvements are nothing more than log houses and some other log buildings.

Mr. LA FOLLETTE. He is an old man and has nothing in the world to leave to his children except this land and buildings.

The SPEAKER. Is there objection?

There was no objection.

Mr. LA FOLLETTE. Mr. Speaker, this bill is on the Union Calendar, and I ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Washington asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

PUBLIC ROADS ON CERTAIN INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9899) authorizing the laying out and opening of public roads on the Winnebago, Omaha, and Santee Sioux Indian Reservations in Nebraska.

The Clerk read the bill, as follows:

Be it enacted, etc., That the legal road authorities charged with the duty of laying out and opening public roads and highways under the laws of the State of Nebraska having jurisdiction over any territory embraced within the Winnebago Indian Reservation, the Omaha Indian Reservation, and the Santee Sioux Indian Reservation, in the State of Nebraska, are hereby authorized and empowered to lay out and open public roads within any of the said Indian reservations in conformity to and in accordance with the laws of the State of Nebraska relating to the laying out and opening of public roads, and that any public road when so laid out and opened shall be deemed a legal road.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand that when this bill was last considered there was violent objection to it from some Members of the House.

Mr. STEPHENS of Nebraska. Yes; and I have an amendment to satisfy that objection.

Mr. STAFFORD. Will the gentleman inform us what the amendment is?

Mr. STEPHENS of Nebraska. I propose to offer an amendment to the second committee amendment, on page 2 of the bill, to strike out the period after the word "road," in line 11, insert a comma, and add the following:

And no such road shall be laid out until after it has received the approval of such superintendent.

Mr. STAFFORD. With that amendment, what additional rights or privileges do the counties have over what they have at the present time under the law?

Mr. STEPHENS of Nebraska. The counties have no rights at all on an Indian reservation at the present time. The roads on Indian reservations are practically by unanimous consent, roads laid out under the direction of the Secretary of the Interior, and the rules of the department are that practically unanimous consent must be obtained from all of the heirs before you can lay out a road, and it sometimes happens that a small piece of land will have a dozen heirs scattered all over the country, and it becomes almost impossible to secure a road.

As proof of this, here is a rich territory set down in the eastern portion of Nebraska, belonging to these Indians, highly valuable as agricultural lands, that has practically no roads established upon it because of the impracticable workings of the present law. This bill would simply put in the hands of the road authorities of the State of Nebraska the establishing of roads, and the law safeguards the rights of the citizens in that particular.

Mr. STAFFORD. And also safeguards the rights of the Indians by reserving to the superintendent his visé before the road can be opened?

Mr. STEPHENS of Nebraska. Yes; and their rights will be amply safeguarded without that, as the law in that State does that.

Mr. STAFFORD. I question whether under the bill as it is, without amendment, they would be safeguarded.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, lines 7 and 8, after the word "reservation," insert the words "the Ponca Indian Reservation."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. I understand the gentleman's amendment to be an amendment to the next committee amendment?

Mr. STEPHENS of Nebraska. Yes.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, after the word "road," insert: "*Provided*, That such road authorities shall, in addition to notifying the landowners as provided in the State laws, likewise serve notice upon the superintendent in charge of the restricted Indian lands upon which it is proposed to lay out a public road, and shall also furnish him with a map drawn on tracing linen showing the definite location and width of such proposed road."

The SPEAKER. The Clerk will now report the amendment offered by the gentleman from Nebraska [Mr. STEPHENS] to the committee amendment.

The Clerk read as follows:

After the word "road," at the end of the committee amendment, strike out the period, insert a comma, and insert "and no such road shall be laid out until after it has received the approval of such superintendent."

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the committee amendment as amended.

The committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska."

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed, was laid on the table.

LEAVE OF ABSENCE TO HOMESTEAD SETTLERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2316) authorizing leave of absence to homestead settlers upon unsurveyed lands.

The Clerk read the bill, as follows:

Be it enacted, etc., That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a continuous leave of absence from the land settled upon by him for a period not exceeding five months in each year after establishment of residence: *Provided*, That he shall have plainly marked the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

With the following committee amendments:

Page 1, line 5, after the word "unsurveyed," insert the words "unreserved unappropriated public."

Lines 10 and 11, after the word "marked," insert the words "on the ground."

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. STOUT. Mr. Speaker, I will ask the gentleman to reserve his objection for a moment.

Mr. MANN. Very well; I reserve the objection.

Mr. STOUT. There are thousands of people out in the public-land States of the West who go out there and settle on this unsurveyed land. They settle in sections where the land has not been surveyed. It is the only kind of land that they can settle on in that particular section. It is financially impossible for this Government to survey this land as fast as the people want to settle on it. Thousands and tens of thousands of acres of the very best land in my State is unsurveyed land. These people locate on it, and in many instances they have put in improvements running into thousands of dollars, expecting to and always do file on the land under the preference right given them by law.

All that this bill grants is simply these people shall have a leave of absence to leave their claims. Under the present statute if they leave them for only one night and somebody else goes and jumps it they are out all the work and improvements they put upon it. I certainly can not see any possible reason for objecting to the bill, and I think upon consideration the gentleman will not object.

Mr. BURKE of South Dakota. I will ask the gentleman if this bill does more for a settler who is upon unsurveyed land than the law grants a settler upon lands which are surveyed and under entry.

Mr. STOUT. It does just the same, exactly.

Mr. MANN. Let us see whether it does or not. A man goes on unsurveyed land for a homestead and he files an entry, does he not? A man goes on and squats on a piece of land and does not file anything. No; he does not file a thing.

Mr. STEPHENS of Texas. Will the gentleman permit——

Mr. MANN. I am asking this gentleman a question; if he prefers to let the gentleman from Texas ask me one, I am perfectly willing. In the one case there can be no controversy about what the land is, because the man has filed on the surveyed land. On the other hand, there is no one knows what the land is, except he knows the boundary line—which may be changed overnight, by the way. Now, there is that difference, is there not?

Mr. STOUT. Yes; there is that difference.

Mr. MANN. Is all the surveyed land in Montana settled upon?

Mr. STOUT. Oh, no; no, sir.

Mr. MANN. Does the gentleman know how rapidly they are surveying the lands now?

Mr. STOUT. Well, I will say to the gentleman, this is not a Montana bill; this is a general bill.

Mr. MANN. Well, I know; but I thought the gentleman might be glad for me to ask him a question about his own State. I did not believe he would know how much unsurveyed lands there were in Florida.

Mr. STOUT. Will the gentleman please ask his question again?

Mr. MANN. I asked the gentleman how much surveyed land there was in his own State, and how much there was not settled upon.

Mr. STOUT. I do not recall; but the Land Office records have that. But no doubt now there are great areas of land which have been surveyed but which have not been settled upon.

Mr. MANN. Does the gentleman know how rapidly they are surveying the lands in his State?

Mr. STOUT. They spent last year $50,000 for the surveying of lands in Montana. I do not recall exactly the acreage, but it is quite large.

Mr. MANN. I am willing to do all I can to help the gentleman have his lands surveyed.

Mr. STOUT. Well, I really do not believe that the gentleman's objection to this bill is well taken. I can not see any reason why these people should not have the right to leave these claims for a while.

Mr. MANN. This would inevitably happen—it used to happen years ago. Here a man goes and squats on a piece of land. There is no record of it anywhere. He is required to put up under this bill some kind of a boundary line. If he goes away for five months and somebody else changes the boundary line, there is not only a row but probably bloodshed, and that would happen constantly, and I do not see any reason why we should encourage it.

Mr. STOUT. I will say, Mr. Speaker, we have hundreds—I suspect, thousands—of people squatting at the present time on unsurveyed lands——

Mr. MANN. Oh, but they stay on the land.

Mr. STOUT (continuing). In our State.

Mr. MANN. They stay on the land. These controversies will arise if you let them go away for half a year.

Mr. STOUT. I think the gentleman is assuming a case which is very far-fetched and not likely to happen at all. I know this will grant relief to vast numbers of people throughout the West.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

LEASING PRIVILEGES FOR HOTELS, YOSEMITE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1694) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The bill was read.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The bill is ordered stricken from the calendar.

GEORGE FREDERICK KUNZ.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 249) for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission.

LEASING PRIVILEGES FOR HOTELS, YOSEMITE NATIONAL PARK.

Mr. RAKER. Mr. Speaker, on the other bill I did not rise at the time and we have gone on this bill. I know my friend from Illinois, if he would hear the report on this bill, would recognize the fact——

Mr. MADDEN. I have read the report and all connected with it, and I do not believe the Government of the United States ought to authorize any such lease as this bill provides or authorize anybody to make mortgages or to authorize the Department of the Interior to accept mortgages or to authorize such conditions as the bill provides for in any way, so I insist on my objection.

Mr. RAKER. Will not the gentleman withhold it for just a minute and give me a little opportunity?

Mr. MADDEN. I have no objection, Mr. Speaker, to the gentleman explaining.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] has an absolute right to object.

Mr. RAKER. I am just asking him if he will not withhold it.

Mr. MADDEN. I have no objection to withholding the objection for a moment to give the gentleman an opportunity.

Mr. RAKER. That is very kind of him. I appreciate it very much. In regard to this, Mr. Speaker, I want to be heard just a moment.

The SPEAKER. This is the bill that just preceded the last one?

Mr. RAKER. Yes; the one that is on the calendar as No. 1694. This bill is recommended by the conservation people.

Mr. MADDEN. Who are they?

Mr. RAKER. Mr. Fisher, ex-Secretary of the Interior; Mr. Lane——

Mr. MADDEN. Does that make it any better?

Mr. RAKER. I am just giving a list of the men who approve such legislation.

Mr. MADDEN. I submit to the gentleman from California that we are elected here by the people to decide questions upon their merit and as to their advisability, and we are here exercising the right we have on the floor. It is not necessary at all for us to obey instructions from anybody on the outside as to what is right or what is not right.

Mr. RAKER. That is true. The gentleman has withheld his objection, and has been very kind to-day, as usual, and I just wanted to say a few words, thinking that the gentleman and the rest of the Members of the House might permit this bill to be considered to-day. It had, last year, the unanimous support of ex-Secretary Fisher and of all the department officials, and it has to-day the favorable report of the Secretary of the Interior, and in that report he makes this statement—I think it is worth while to call it to the attention of the House:

DEPARTMENT OF THE INTERIOR,
Washington, June 10, 1913.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR SIR: Your letter has been received, submitting, with request for report thereon, House bill 1694, entitled "A bill to amend an act approved October 1, 1890, entitled 'An act to set apart certain tracts of land in the State of California as forest reservations.'"

In response I have to state that this bill is substantially the same as Senate bill 8279 (62d Cong., 2d sess.), which was reported upon favorably by this department under date of January 25, 1913 (copy herewith embodied in S. Rept. No. 1163), and which bill subsequently passed the Senate on January 29, 1913.

Now, listen, my brother from Illinois:

The enactment of this bill into law will be in the interest of better administration of affairs in the Yosemite National Park, and I therefore recommend the early and favorable consideration thereof by your committee.

Very truly, yours, FRANKLIN K. LANE.

Mr. MADDEN. I insist on my objection, Mr. Speaker.

Mr. RAKER. How is that?

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] insists on his objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent——

The SPEAKER. To do what?

Mr. RAKER. That I may extend my remarks in the RECORD upon this bill.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks upon this bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk will now report the bill which he first started to report.

GEORGE FREDERICK KUNZ.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 249) for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission.

The resolution was read, as follows:

Resolved, etc., That the vacancy in the commission for the erection of a memorial to the North American Indian caused by the death of Robert C. Ogden shall be filled by the appointment of George Frederick Kunz, of New York.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, having read the very complete report of the committee on this, would the distinguished gentleman from Massachusetts [Mr. THACHER], now representing this great committee, give us some little information?

Mr. THACHER. I shall be glad to do so. I think the gentleman from Illinois [Mr. MANN] will probably recall that the Sixty-second Congress authorized Mr. Rodman Wanamaker to erect at his own expense on a United States reservation in the harbor of New York a suitable memorial to the memory of the North American Indian, and the act of December 8, 1911, created a commission consisting of five persons, including the chairman of the Committee on the Library of the House, the chairman of the Committee on the Library of the Senate, the Secretary of War, the Secretary of the Navy, and Mr. Robert C. Ogden, of New York, to superintend the construction of this memorial, without expense whatever to the Government.

Mr. MANN. Who is George Frederick Kunz?

Mr. THACHER. Mr. George Frederick Kunz is a distinguished gentleman of New York. I believe he is well conversant with matters relating to art and in every way qualified to serve on the commission, and as Mr. Ogden died the place will naturally have to be filled. The memorial has not been erected yet, and there is a vacancy on this commission. In behalf of the Committee on the Library I ask permission of the House to have the vacancy filled.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the House joint resolution.

The resolution was ordered to be engrossed and read a third time, was read a third time, and passed.

LEAVE TO EXTEND REMARKS.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the educational bill (H. R. 9042) that was passed here a little earlier in the afternoon.

The SPEAKER. The gentleman from Tennessee [Mr. McKELLAR] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

SETTLERS ON FORT BERTHOLD AND OTHER INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4632) for the relief of settlers on the Fort Berthold Indian Reservation, in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations, in the States of South Dakota and North Dakota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to extend for a period of one year the time for the payment of any annual installment due, or hereafter to become due, on the purchase price for lands sold under the act of Congress approved June 1, 1910, entitled "An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect," and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made: *Provided further*, That any and all payments must be made when due, unless the entryman applies for an extension and pays interest for one year, in advance, at 5 per cent per annum upon the amount due as herein provided, and patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof: *And provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended, as herein provided, shall forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

SEC. 2. That the provisions of the act of April 13, 1912, entitled "An act extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota," shall apply to all homestead entries for said lands heretofore or hereafter made in the same manner it applies, by its terms, to entries made before its passage.

With committee amendments as follows:

Page 1, line 4, strike out the words "and directed."

Page 2, line 4, after the word "effect," insert the following: "the act of Congress approved May 27, 1910, entitled 'An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect,' and the act approved May 30, 1910, entitled 'An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.'"

Page 3, line 14, strike out the word "said" after the word "for" and insert after the word "lands" the words "in said reservations."

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, this bill, as I understand, is to permit settlers on the Fort Berthold and Standing Rock Indian Reservations to delay for a period of one year the time for paying annual installments on the purchasing price of lands in those reservations. I would like to inquire of the gentleman from South Dakota [Mr. BURKE] if this includes a part of the reservation that was opened a year or two ago—a part of the Standing Rock Indian Reservation?

Mr. BURKE of South Dakota. It does not include the part of the Standing Rock Indian Reservation that was authorized to be opened a year or two ago. In fact, that has not been opened yet to settlement.

Mr. FOSTER. It is the one that was to be opened under the act passed previous to that time?

Mr. BURKE of South Dakota. Yes, sir.

Mr. FOSTER. The report says that by failure of crops in the last two or three years these people have no money and can not pay, and that they will probably abandon their claims unless the Government gives them an extension for another year. Does the gentleman think that South Dakota is going in the next year to be able to overcome the drought and enable these people to pay the interest and principal?

Mr. BURKE of South Dakota. I will say to the gentleman that if the same conditions obtain in the next few years that have obtained the last three years these lands will never be paid for at the price at which the settlers have entered them and have undertaken to pay. The lands were appraised at a time when conditions were favorable from the standpoint of more rainfall than we usually have in that section of the State, and at a time when there was a great demand for land, and the prices were fixed under the homestead law at as high as $6 an acre.

Now, settlers went in there and were required under the law to pay one-fifth of the purchase price at the time they made their entries. Following their settlement came a condition of drought that has continued for three years, and in this section of South Dakota there has been practically nothing raised, I will say to the gentleman, in the last three years.

What we are endeavoring to do by this bill is to make it possible, if such a thing is possible, that these people may save what they have already paid, and that they may be able to pay this price, which is more than can be obtained for the lands again if the settlers should abandon them—which they will do unless we accord them this relief.

Mr. FOSTER. What has become of the opening of the Standing Rock Indian Reservation? In the bill that was passed in the last Congress it was proposed to open for settlement the balance of the unallotted lands there and sell them off. Now, is the Government going ahead and taking action in reference to that remaining portion of the reservation?

Mr. BURKE of South Dakota. Under that law there were a number of things that had to be done before the land was actually offered for sale and entry. Among other things were some allotments to the Indians. Then the State was given a certain time to make selections of lands in lieu of sections 16

and 36, which had been allotted. These preliminaries have not been concluded and the proclamation has not yet issued.

Mr. FOSTER. Are these lands that have been sold of the same character as the lands that are proposed to be sold?

Mr. BURKE of South Dakota. Substantially the same, except that the lands that are proposed to be sold are not as desirable, I think, as these lands, because they are remnants left of a large area after the Indians have been allotted, and so much of it has been allotted that these tracts that are left are undesirable, and my opinion is that very little of it will be taken under the homestead law.

Mr. FOSTER. It seems to me I remember distinctly that in the last Congress the gentleman from South Dakota [Mr. BURKE] was very insistent on opening for settlement the remaining part of these unallotted lands. It seemed to me at that time that it ought not to be done; but in the course of legislation it was passed, and I suppose in due course of time the lands will be put up for sale and sold to some settlers; which probably would be a good thing, except now it develops that this country is so dry, on account of lack of rainfall, that they can not pay for these lands. So I wonder what is to be done with all the other lands when they are put up for sale.

Mr. BURKE of South Dakota. There is not very much land to be disposed of. I will say to the gentleman that I think about 150,000 to 200,000 acres in an area of about 1,300,000 acres are all that remain. Over 1,000,000 acres of that area have been allotted to the Indians, and the Indians have all received their allotments.

Mr. FOSTER. I want to say to the gentleman from South Dakota, on the statement he makes that these lands will probably go back to the Government, and that these people are really in distress——

Mr. MANN. The Government does not own these lands?

Mr. BURKE of South Dakota. The Government does not own them. The Government is undertaking to dispose of these lands for the benefit of the Indians.

Mr. FOSTER. Certainly. I understand.

Mr. BURKE of South Dakota. And instead of giving the money to the Indians, under the agreement of 1889, so far as these reservations in South Dakota are concerned, the money goes into the Treasury, and we appropriate it for the support and civilization of the Indians.

Mr. FOSTER. Yes; I understand that.

Mr. BURKE of South Dakota. Thereby relieving the Treasury to that extent.

Mr. FOSTER. Yes; I understand that.

Mr. MANN. Will the gentleman yield for just a moment?

Mr. FOSTER. Yes.

Mr. MANN. Mr. Speaker, we have had a lot of these cases at different times where we have required the payments to be made in the course of three, four, or five years, and then have extended the time. I think in nearly every one of those cases the land has finally been taken by the settlers, because the people go upon the land and go ahead and cultivate it. At first they do not succeed in getting very good crops. They get behind in the payments which they are required to make. Then we extend the time, and, while the extension is nominally for one year, it is extended again for another year if it is not paid until the last payment comes due.

Mr. BURKE of South Dakota. Automatically.

Mr. MANN. And when the last payment comes due, if they have been able to do anything at all with the land and if things are not very adverse, they are able to borrow money upon their own credit and the credit of the land, enough to pay for it. That has been the history in all these cases since I have been in the House, and there have been a number of them.

Mr. FOSTER. Then, as I understand from my colleague, they buy these lands at, say, $6 an acre?

Mr. MANN. Yes.

Mr. FOSTER. They pay so much each year.

Mr. BURKE of South Dakota. One-fifth.

Mr. MANN. That is the requirement.

Mr. FOSTER. But, if we grant an extension of time, it goes over, and they get the use of these lands for 5 per cent upon the $6 an acre; and then, if at the end of the time they do not desire to pay for them, the land goes back to the Government.

Mr. MANN. The land goes back to the Indians.

Mr. FOSTER. For the benefit of the Indians.

Mr. STEPHENS of Texas. And, I will say, to the gentleman also, if he will permit——

Mr. MANN. But, as a matter of fact, the settlers finally take them, if they have been at all successful, so that they are able to get the money to pay for them.

Mr. BURKE of South Dakota. When a new country has once been abandoned because settlers are unable to maintain themselves there, it is almost impossible to get another lot of people to go in under any conditions. Consequently, unless these settlers pay up, these lands will have to be disposed of at a very much smaller price than will be received if those now there pay the amount that they have agreed and are trying to pay.

Mr. MANN. Whether the lands are disposed of at a less price or not, settlers have to pay the same rate of interest, or a higher rate in some cases than would be paid if they paid the cash into the Treasury and the Government paid the interest. So the Indians do not lose anything by it.

Mr. FOSTER. I understand that.

Mr. BURKE of South Dakota. They get 2 per cent the best of it.

Mr. STEPHENS of Texas. Nearly all of them have put improvements on the land, and it will be a great hardship if they should lose out because of inability to make the payments.

Mr. FERRIS. Mr. Speaker, I am in favor of these extensions of time for settlers. I have asked for a good many of them for my own State, and Congress has granted them a number of times. But here you include in this instance some five or six Indian reservations and in two States. Is not that job-lotting them a little more than we have ever done before? Are these conditions in each case identical?

Mr. BURKE of South Dakota. Yes; substantially the same, because they are all west of the Missouri River. Fort Berthold is in North Dakota, the portion of the Standing Rock Reservation affected by this bill is in South Dakota, and so are the other three reservations mentioned, namely, the Cheyenne River, Rosebud, and Pine Ridge.

Mr. FERRIS. On what terms were these lands sold? Surely not all on the same terms?

Mr. BURKE of South Dakota. In the Cheyenne River and Standing Rock Reservations the price was fixed by appraisement, the maximum being $6 an acre. In the Pine Ridge and Rosebud the bill fixed the price, and the maximum was $6 an acre for all land taken within a certain time, and then graduating it down to $2.50 an acre.

Mr. FERRIS. How many extensions have they had on the Fort Berthold Reservation?

Mr. BURKE of South Dakota. I will yield to the gentleman from North Dakota, who is more familiar with that reservation.

Mr. NORTON. The entries were first made on the Fort Berthold Reservation in May, 1912. Under the law providing for the opening of these lands to homestead settlement it was required that the time of making filing of homestead entry one-fifth of the purchase price should be paid and that the next installment should become due two years after the entry was made. There has heretofore been no extension of the time of payment granted to the homestead settlers on these lands. This is the first time they have asked for any extension of the time of installment payments.

Mr. Speaker, there is urgent need for the immediate enactment of this legislation. On the Fort Berthold Reservation a considerable number of the first annual installments to be paid became due on the 4th of this month. The remainder of the first installments to become due since the first entries were made on these lands will all become due within the next few weeks. Those directly interested in and affected by this proposed legislation had hope that this bill would have been enacted into law before the 1st of the present month. However, if this bill is allowed to be considered without objection this afternoon I shall, on behalf of my constituents who are interested in the bill, be very grateful to the Members of the House and freely concede that with the overcrowded condition the House Calendar is now and has been in for the past month, we are more than fortunate in getting consideration for this measure at this time. As the gentleman from Illinois has stated, the extension of the time of payment of these installments, as provided for in this bill, will work no injustice to the Government, but will be a very large benefit to the pioneer settlers on these lands and will enable many of them to continue on these lands who otherwise would be obliged to abandon their lands and the improvements already made thereon if required to make payment of the annual installment due this spring. The amount of the installment payments due this spring on lands on the Fort Berthold Indian Reservation is approximately $250,600. This is not by itself a large sum, but when it is remembered that the settlers on these lands have, on account of unusually dry weather in that section of the country, raised practically no crops the past three years, it is in the aggregate not only a large sum but an enormously large sum to require them to pay. Fifty or a hundred dollars is not a big sum to the man with hundreds or thousands of dollars in his pocket or at his command. On the other hand, a dollar is a mighty considerable sum to the honest, hardworking farmer,

who, through failure of his crops, may not have a dollar in his pocket and who may not be able to secure a dollar without paying for its use an exorbitant rate of interest. These are things to be kept in mind in considering this legislation, gentlemen.

Mr. FERRIS. How many extensions have there been on the Cheyenne River?

Mr. BURKE of South Dakota. They have had none, so far as the entries that were made subsequent to the act that extended the time prior to the act of 1912. Those who made entry before that act was passed, their payments were extended, but this bill does *not* affect them. It only affects those who have filed since or who may file hereafter.

Mr. FERRIS. You first had an opening; what year was that?

Mr. BURKE of South Dakota. The act was passed in 1908.

Mr. FERRIS. When were the lands sold?

Mr. BURKE of South Dakota. I think they went on the market the following year.

Mr. FERRIS. They have had how many, four extensions?

Mr. BURKE of South Dakota. Only one.

Mr. FERRIS. How about the Standing Rock?

Mr. BURKE of South Dakota. That is the same.

Mr. FERRIS. And the Rosebud?

Mr. BURKE of South Dakota. Not any, so far as the lands affected by this bill are concerned.

Mr. FERRIS. And the Pine Ridge?

Mr. BURKE of South Dakota. Not any.

Mr. FERRIS. The gentleman had an extension in the same omnibus bill that I had an extension in in 1912.

Mr. BURKE of South Dakota. That is the one that extended the time of the settlers on the Cheyenne River and Standing Rock.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. In just a moment; I want to pursue this inquiry a little further. Now, on page 3, line 15, it seems to me that this provision is anomalous—to not only extend the time of the entries that have been made, but on those that may be made in the future. Does not the gentleman think that he is omnibussing a little too much when he provides for several reservations in two States for five or six tribes and then say that it shall not only apply to entries in the past but in the future?

Mr. BURKE of South Dakota. The department suggested that.

Mr. MANN. Let me call the gentleman's attention to the department's letter. They requested that that be done.

Mr. BURKE of South Dakota. The department found that the act passed in 1912 had worked so well that they favored making it general as to these reservations. It means the payment of interest in advance at 2 per cent more than the fund would receive credit for if extensions are not granted and the payments should be made and the money deposited in the Treasury.

Mr. FERRIS. You get 5 per cent for money in the bank?

Mr. BURKE of South Dakota. Three in South Dakota and and 4 in North Dakota for money deposited in the Treasury.

Mr. FERRIS. They make them bid for it in my State.

Mr. BURKE of South Dakota. They do not bid in the Dakotas, as far as the tribal funds are concerned; they go into the Treasury, where, I think, they ought to go.

Mr. STAFFORD. I would like to inquire of the gentleman what has been the effect of deferred payments of settlement in his State. Here is a bill that authorizes the deferring of all the payments until the last, drawing interest thereon at 5 per cent.

Mr. FERRIS. We did not proceed in quite that way. We came in one year at a time. We had one year extension and then conditions were bad, crops failed, and we had to come back again. Settlers, as a rule, never pay until they have to.

Mr. BURKE of South Dakota. How many extension acts have there been affecting the Kiowas and Comanches?

Mr. FERRIS. I think three or four.

Mr. BURKE of South Dakota. Was it not that condition that suggested the automatic extension in the act of 1912?

Mr. FERRIS. I think there was a small reservation in the district of the gentleman from Oklahoma [Mr. MORGAN] that was applied in this way.

However, I wish the gentleman could inject something into this legislation that would keep off the scramble for free homes. It seems the longer you extend the payments, the worse they want the free homes, and the gentleman is afflicted with the same complaint in his State that we are in our State.

Mr. STEPHENS of Texas. Is it not a fact that in the Southwest—in the gentleman's country—and extending up to the Dakotas, it is very often the case that we will have two or three years of drought and then three or four years of good crops?

Mr. FERRIS. That is true.

Mr. STEPHENS of Texas. Are we not now at about the end of two or three years of bad crops?

Mr. FERRIS. That is true. During the last three or four years in Oklahoma and in the gentleman's State drought has been very severe.

Mr. STAFFORD. This bill leaves it optional with the settler to extend the payments, whether there are droughts or not, provided he pays interest of 5 per cent in advance.

Mr. STEPHENS of Texas. Is it not a fact that the deferring of these payments does not take any money from the Indians, but leaves the payments in the Treasury for the benefit of the Indians?

Mr. FERRIS. That is true, and in the main they are making the land more valuable rather than wearing it out. Some time ago when I tried to get through a bill for an extension some one objected upon the ground that they were wearing the land out.

Mr. STEPHENS of Texas. Is it not a fact that the selling of these lands in this way will prevent a great many people from going to Canada and elsewhere?

Mr. FERRIS. Yes; I have no doubt the matter of extending payments is a wise course. It is a tough proposition to try to hold down a claim for the first two or three or four years. The first three or four years they do not get anything off the land but a little fodder and stuff like that, which does not bring them in any money. The thought that made me rise to interrogate the gentleman is that there is such a lot of stuff omnibussed together, embodying two whole States and five or six reservations, all of which were sold under different acts of Congress.

Mr. STEPHENS of Texas. Is not the gentleman aware of the fact that these reservations are adjoining, and the same climatic conditions governing one will govern them all?

Mr. FERRIS. Oh, certainly. There is one thing more I desire to ask the gentleman from South Dakota. Does the gentleman from South Dakota really think that he ought to have the provision in providing for an extension even before the entry is made? Does the gentleman think we ought to make a law applicable to a man who has not even taken up any sort of relations with the Federal Government?

Mr. BURKE of South Dakota. Mr. Speaker, unless you put it in we will be back here again with another bill. The department has suggested, to avoid confusion, that we ought to have uniformity.

Mr. FERRIS. I know, but it does not do the settler a great deal of harm to come back to Congress occasionally. You might put these payments off for so long a time that you would never get them.

Mr. BURKE of South Dakota. It is put off only one year after the last payment is due.

Mr. FERRIS. I notice that, and that of course gets your money one year after it would have become due, so I guess it is not as bad as I at first thought.

Mr. FOSTER. I suggest that Congress has been pretty liberal about making these extensions when necessary, but I am not going to object.

Mr. MANN. These payments are due now.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 4, strike out the words "and directed."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 4, after the word "effect," insert the following: "the act of Congress approved May 27, 1910, entitled 'An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect,' and the act approved May 30, 1910, entitled 'An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.'"

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 3, line 14, strike out the word "said" and insert, after the word "lands," the following: "in said reservations."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read: "An act for the relief of settlers on the Fort Berthold, Cheyenne River, Standing Rock, Rosebud, and Pine Ridge Indian Reservations, in the States of North and South Dakota."

Mr. NORTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

PAYMENT OF CERTAIN FIRE CLAIMS, ROSEBUD INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2156) to authorize the payment of certain claims for damages sustained by prairie fire on the Rosebud Indian Reservation, S. Dak.

The bill was read.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to have the gentleman from South Dakota——

Mr. FOSTER. Mr. Speaker, I think this is a claims bill and ought not to be here, and I object.

Mr. MANN. It is here properly enough.

Mr. FOSTER. I know it is here, but I do not think it has any right to be here.

Mr. MANN. I agree with the gentleman.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

The SPEAKER. The gentleman from Illinois objects.

TENTS FOR AGRICULTURAL AND MECHANICAL COLLEGE, TEXAS.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 232) authorizing the Secretary of War to transfer from stock on hand for use of the Army to the State of Texas for the use of the agricultural and mechanical college of said State 95 wall tents.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to transfer from stock on hand for the use of the Army to the State of Texas for the use of the agricultural and mechanical college of said State 95 wall tents to replace an equal number of wall tents supplied by said college for the use of the flood sufferers in the Brazos River bottom, State of Texas, in the year 1913, and which were afterwards condemned, such tents to be as nearly as practicable of the same quality and value as those supplied by said college, or in lieu thereof to supply from stock on hand for the use of the Army the equivalent in value in obsolete or shelter tents.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Texas explain the reason why the Federal Government should furnish these tents lost when the Federal Government was there doing work for the benefit of the State of Texas at that time?

[Mr. HARDY addressed the House. See Appendix.]

Mr. FOSTER. Well, I do not believe in doing business in that way. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects. The Clerk will report the next bill.

TERMS OF COURT AT ERIE, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15190) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 103 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913, be, and the same is hereby, amended so as to read as follows:

"SEC. 103. That the State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Bradford, Cameron, Carbon, Center, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall be held at Scranton on the second Monday in March and the third Monday in October, at Harrisburg on the first Mondays in May and December, at Sunbury on the second Monday in January, and at Williamsport on the first Monday in June. The clerk of the court for the middle district shall maintain an office, in charge of himself or a deputy, at Harrisburg, and civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court, unless of by consent of parties they are removed to another place for trial. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburgh on the first Monday of May and the first Monday of November, and sessions of the court shall be held at Erie on the third Monday of March and the third Monday of September. The clerk and marshal of said district shall have their principal offices at Pittsburgh, and shall maintain by themselves or by their deputies offices at Erie.

"The clerk shall place all cases in which the defendants reside in the counties of said district nearest Erie, upon the trial list for trial at Erie, where the same shall be tried, unless the parties thereto stipulate that the same may be tried at Pittsburgh."

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I wish to offer a formal amendment. There is a surplus word in the first line on page 3, the word "of," after the word "unless." I move to strike out the word "of."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 1, by striking out the word "of" after the word "unless."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM of Pennsylvania, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AVIATION SERVICE OF THE ARMY.

Mr. HAY. Mr. Speaker, were it not for the fact that conditions exist of a very grave character, I would not at this time ask the House to take up this bill which I am now going to ask to be considered by unanimous consent. It is the House bill 5304, to increase the efficiency of the aviation service of the Army, and for other purposes.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take up for present consideration House bill 5304, which the Clerk will report.

Mr. HAY. It is a long bill; and if anybody is going to object, I think it would be better for him to object now.

Mr. STAFFORD. I think the bill ought to be reported, Mr. Speaker.

Mr. HAY. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. STAFFORD. I do not wish to object to the consideration of the bill, I will say to the gentleman.

Mr. HAY. Very well. I ask, Mr. Speaker, that the Clerk may report the bill as it is reported by the committee.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That there shall be, and there is hereby, created an Aviation Corps, which shall be a part of the line of the Army, and in which there shall be officers in number, and with rank while serving in said corps as follows, to wit—

Mr. MANN. Mr. Speaker, I suggest to the gentleman that his motion to suspend the rules be to pass the House substitute, so that the original bill will not have to be read.

Mr. HAY. I ask that the bill as reported by the committee be read instead of the original bill.

The SPEAKER. The Clerk will report the bill as reported by the committee.

The Clerk read as follows:

That there shall hereafter be, and there is hereby created, an aviation section, which shall be a part of the Signal Corps of the Army, and which shall be, and is hereby, charged with the duty of operating or supervising the operation of all military air craft, including balloons and aeroplanes, all appliances pertaining to said craft, and signaling apparatus of any kind when installed on said craft; also with the duty of training officers and enlisted men in matters pertaining to military aviation.

SEC. 2. That, in addition to such officers and enlisted men as shall be assigned from the Signal Corps at large to executive, administrative, scientific, or other duty in or for the aviation section, there shall be in said section aviation officers not to exceed 60 in number, and 260 aviation enlisted men of all grades; and said aviation officers and aviation enlisted men, all of whom shall be exclusively engaged on duties pertaining to said aviation section, shall be additional to the officers and

enlisted men now allotted by law to the Signal Corps, the commissioned and enlisted strengths of which are hereby increased accordingly.

The aviation officers provided for in this section shall, except as hereinafter prescribed specifically to the contrary, be selected from among officers holding commissions in the line of the Army with rank below that of captain, and shall be detailed to serve as such aviation officers for periods of four years, unless sooner relieved, and the provisions of section 27 of the act of Congress approved February 2, 1901 (31 Stats., p. 755) are hereby extended so as to apply to said aviation officers and to the vacancies created in the line of the Army by the detail of said officers therefrom, but nothing in said act or in any other law now in force shall be held to prevent the detail or redetail at any time to fill a vancancy among the aviation officers authorized by this act, of any officer holding a commission in the line of the Army with rank below that of captain, and who, during prior service as an aviation officer in the aviation section, shall have become especially proficient in military aviation.

There shall also be constantly attached to the aviation section a sufficient number of aviation students to make, with the aviation officers actually detailed in said section under the provisions of this act, a total number of 60 aviation officers and aviation students constantly under assignment to, or detail in, said section. Said aviation students, all of whom shall be selected on the recommendation of the chief signal officer from among unmarried lieutenants of the line of the Army not over 30 years of age, shall remain attached to the aviation section for a sufficient time, but in no case to exceed one year, to determine their fitness or unfitness for detail as aviation officers in said section, and their detachment from their respective arms of service which under assignment to said section shall not be held to create in said arms vacancies that may be filled by promotions or original appointments: *Provided*, That no person, except in time of war, shall be assigned or detailed against his will to duty as an aviation student or an aviation officer: *Provided further*, That whenever, under such regulations as the Secretary of War shall prescribe and publish to the Army, an officer assigned or detailed to duty of any kind in or with the aviation section shall have been found to be inattentive to his duties, inefficient, or incapacitated from any cause whatever for the full and efficient discharge of all duties that might properly be imposed upon him if he should be continued on duty in or with said section, said officer shall be returned forthwith to the branch of the service in which he shall hold a commission.

SEC. 3. That the aviation officers hereinbefore provided for shall be rated in two classes, to wit, as junior military aviators and as military aviators. Within 60 days after this act shall take effect the Secretary of War may, upon the recommendation of the Chief Signal Officer, rate as junior military aviators any officers with rank below that of captain, who are now on aviation duty and who have, or shall have before the date of rating so authorized, shown by practical tests, including aerial flights, that they are especially well qualified for military aviation service; and after said rating shall have been made the rating of junior military aviator shall not be conferred upon any person except as hereinafter provided.

Each aviation student authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of 25 per cent in the pay of his grade and length of service under his line commission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 50 per cent in the pay of his grade and length of service under his line commission. The rating of military aviator shall not be hereafter conferred upon or held by any person except as hereinafter provided, and the number of officers with that rating shall at no time exceed 15. Each military aviator who shall hereafter have duly qualified as such under the provisions of this act shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 75 per cent of the pay of his grade and length of service under his line commission.

The aviation enlisted men hereinbefore provided for shall consist of 12 master signal electricians, 12 first-class sergeants, 24 sergeants, 78 corporals, 8 cooks, 82 first-class privates, and 44 privates. Not to exceed 40 of said enlisted men shall at any one time have the rating of aviation mechanician, which rating is hereby established, and said rating shall not be conferred upon any person except as hereinafter provided: *Provided*, That 12 enlisted men shall, in the discretion of the officer in command of the aviation section, be instructed in the art of flying, and no enlisted man shall be assigned to duty as an aerial flyer against his will except in time of war. Each aviation enlisted man, while on duty that requires him to participate regularly and frequently in aerial flights, or while holding the rating of aviation mechanician, shall receive an increase of 50 per cent in his pay: *Provided further*, That, except as hereinafter provided in the case of officers now on aviation duty, no person shall be detailed as an aviation officer, or rated as a junior military aviator, or as a military aviator, or as an aviation mechanician, until there shall have been issued to him a certificate to the effect that he is qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case, and no such certificate shall be issued to any person until an aviation examining board, which shall be composed of 3 officers of experience in the aviation service and 2 medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case: *Provided further*, That the Secretary of War shall cause appropriate certificates of qualification to be issued by The Adjutant General of the Army to all officers and enlisted men who shall have been found and reported by aviation examining boards in accordance with the terms of this act, to be qualified for the details and ratings for which said officers and enlisted men shall have been examined: *Provided further*, That except as hereinbefore provided in the cases of officers who are now on aviation duty and who shall be rated as junior military aviators as hereinbefore authorized, no person shall be detailed for service as an aviation officer in the aviation section until he shall have served creditably as an aviation student for a period to be fixed by the Secretary of War; and no person shall receive the rating of military aviator until he shall have served creditably for at least three years as an aviation officer with the rating of junior military aviator: *Provided further*, That there shall be paid to the widow of any officer or enlisted man who shall die as the result of an aviation accident, not the result of his own misconduct, or to any other person designated by him in writing, an amount equal to one year's pay at the rate to which such officer or enlisted man was entitled at the time of the accident resulting in his death, but any payment made in accordance with the terms of this proviso on account of the death of any officer or enlisted man shall be in lieu of and a bar to any payment under the acts of Congress approved May 11, 1908, and March 3, 1909 (35 Stat., pp. 108 and 755), on account of death of said officer or enlisted man.

SEC. 4. That all laws and parts of laws, so far as they are inconsistent with the terms of this act, be, and they are hereby, repealed.

SEC. 5. This act shall take effect 30 days after the date of its approval by the President.

The SPEAKER. Is there objection?

Mr. HAY. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. HAY. Mr. Speaker, I move to amend the bill, on page 5, line 21, by striking out the word "is."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Virginia.

Mr. MANN. The word "is" is in the singular number, and it is all right.

Mr. HAY. Mr. Speaker, I withdraw my motion to amend.

The SPEAKER. The gentleman from Virginia withdraws his amendment. Is there any other amendment?

Mr. HAY. Mr. Speaker, I move to strike out section 5 of the bill.

The SPEAKER. The gentleman from Virginia moves to strike out section 5 of the bill.

Mr. MANN. Section 5 of the committee amendment, the gentleman means.

Mr. HAY. Yes; section 5 of the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, lines 12 and 13, strike out section 5, as follows:
"This act shall take effect 30 days after the date of its approval by the President."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAY. Now, Mr. Speaker, it has been suggested that I make a brief statement as to what this bill does. Under this bill there will be added to the Army 60 officers, who will have the rank of first and second lieutenants, and there will be added 260 men to the enlisted strength of the Army.

The bill will ultimately cost $279,994.50 a year.

Mr. MANN. And that will be the cheapest money we spend for the Army.

Mr. HAY. The bill has been very carefully drawn, and I believe it meets with the approval of the War Department. It is a bill for the purpose of establishing a military aviation corps, which will be under the Signal Corps of the Army. We are very much behind every other first-class power in the world in aviation. As an illustration of that I will point out that Germany has spent $28,000,000 on aviation. France has spent $22,000,000. Russia has spent $12,000,000. Italy has spent $8,000,000. Austria has spent $5,000,000, England $3,000,000, Belgium $2,000,000, Japan $1,500,000, and the United States only $435,000. So that we are very far behind other countries in the development of aviation, which is now so important, and which, I may say, has practically revolutionized modern warfare. For 1913 France appropriated $7,400,000, Germany $5,000,000, Russia $5,000,000, England $3,000,000, Japan $1,000,000, Italy $2,100,000, Mexico $400,000, and the United States $125,000.

Mr. AUSTIN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. AUSTIN. Will the gentleman tell us how those appointments of officers in this corps are to be made?

Mr. HAY. The officers are to be detailed from the line by the President.

Mr. MADDEN. This does not add to the number of officers in the Army, then?

Mr. HAY. It does. It adds 60 officers.

Mr. MADDEN. How do we supply the shortage of the 60 who are taken from the line?

Mr. HAY. They will be filled like any other vacancies in the Army—either from the graduating class at West Point or by examination of civilians or by the examination of enlisted men.

Mr. AUSTIN. Is this a unanimous report of the Committee on Military Affairs?

Mr. HAY. Oh, yes.

Mr. STAFFORD. I notice, apart from the main proposition, that you provide for payment to the widow in case of death. In many bills the House has provided that where the widow is not living the year's allowance shall be paid to the minor children.

Mr. HAY. Yes.

Mr. STAFFORD. I should like to ask whether the committee has considered paying this to the minor children in case there is no widow living?

Mr. HAY. This is taken from the Army appropriation bill.

Mr. STAFFORD. I was not aware that that was the rule in the Army. Of course, there should be some provision made for paying to the minor children in case there is no widow living; but if this comports with the general rule in the Army, I do not wish to press an amendment at the present time.

Mr. HAY. This is taken from the Army appropriation bill.

Mr. MANN. I would suggest to the gentleman that we do not ordinarily put in what is contained in section 4, and I think it is wholly unnecessary.

Mr. HAY. That section provides:

That all laws and parts of laws, so far as they are inconsistent with the terms of this act, be, and they are hereby, repealed.

I do not now recall any particular law that is inconsistent with this act.

Mr. MANN. Of course, as a matter of fact, this act would repeal them, anyhow.

Mr. HAY. I move to strike out section 4.

Mr. MANN. It might be a little awkward to have it in there.

The SPEAKER. The gentleman from Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 12, strike out lines 9, 10, and 11.

The amendment was agreed to.

Mr. HAY. Mr. Speaker, I ask unanimous consent to extend my remarks by printing the report of the committee on this bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The report (by Mr. HAY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5304) to increase the efficiency of the aviation service of the Army, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendment: Strike out all after the enacting clause and insert the following:

"That there shall hereafter be, and there is hereby created, an aviation section, which shall be a part of the Signal Corps of the Army, and which shall be, and is hereby, charged with the duty of operating or supervising the operation of all military air craft, including balloons and aeroplanes, all appliances pertaining to said craft, and signaling apparatus of any kind when installed on said craft; also with the duty of training officers and enlisted men in matters pertaining to military aviation.

"SEC. 2. That, in addition to such officers and enlisted men as shall be assigned from the Signal Corps at large to executive, administrative, scientific, or other duty in or for the aviation section, there shall be in said section aviation officers not to exceed 60 in number, and 260 aviation enlisted men of all grades; and said aviation officers and aviation enlisted men, all of whom shall be exclusively engaged on duties pertaining to said aviation section, shall be additional to the officers and enlisted men now allotted by law to the Signal Corps, the commissioned and enlisted strengths of which are hereby increased accordingly.

"The aviation officers provided for in this section shall, except as hereinafter prescribed specifically to the contrary, be selected from among officers holding commissions in the line of the Army with rank below that of captain, and shall be detailed to serve as such aviation officers for periods of four years, unless sooner relieved, and the provisions of section 27 of the act of Congress approved February 2, 1901 (31 Stat., p. 755), are hereby extended so as to apply to said aviation officers and to the vacancies created in the line of the Army by the detail of said officers therefrom, but nothing in said act or in any other law now in force shall be held to prevent the detail or redetail at any time to fill a vacancy among the aviation officers authorized by this act, of any officer holding a commission in the line of the Army with rank below that of captain, and who, during prior service as an aviation officer in the aviation section, shall have become especially proficient in military aviation.

"There shall also be constantly attached to the aviation section a sufficient number of aviation students to make, with the aviation officers actually detailed in said section under the provisions of this act, a total number of 60 aviation officers and aviation students constantly under assignment to, or detail in, said section. Said aviation students, all of whom shall be selected on the recommendation of the Chief Signal Officer from among unmarried lieutenants of the line of the Army, not over 30 years of age, shall remain attached to the aviation section for a sufficient time, but in no case to exceed one year, to determine their fitness or unfitness for detail as aviation officers in said section, and their detachment from their respective arms of service which under assignment to said section shall not be held to create in said arms vacancies that may be filled by promotions or original appointments: *Provided*, That no person, except in time of war, shall be assigned or detailed against his will to duty as an aviation student or an aviation officer: *Provided further*, That whenever under such regulations as the Secretary of War shall prescribe and publish to the Army, an officer assigned or detailed to duty of any kind in or with the aviation section shall have been found to be inattentive to his duties, inefficient, or incapacitated from any cause whatever for the full and efficient discharge of all duties that might properly be imposed upon him if he should be continued on duty in or with said section, said officer shall be returned forthwith to the branch of the service in which he shall hold a commission.

"SEC. 3. That the aviation officers hereinbefore provided for shall be rated in two classes, to wit, as junior military aviators and as military aviators. Within 60 days after this act shall take effect the Secretary of War may, upon the recommendation of the Chief Signal Officer, rate as junior military aviators any officers with rank below that of captain, who are now on aviation duty and who have, or shall have before the date of rating so authorized, shown by practical tests, including aerial flights, that they are especially well qualified for military aviation service; and after said rating shall have been made the rating of junior military aviator shall not be conferred upon any person except as hereinafter provided.

"Each aviation student authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of 25 per cent in the pay of his grade and length of service under his line commission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty, requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 50 per cent in the pay of his grade and length of service under his line commission. The rating of military aviator shall not be hereafter conferred upon or held by any person except as hereinafter provided, and the number of officers with that rating shall at no time exceed 15. Each military aviator who shall hereafter have duly qualified as such under the provisions of this act shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 75 per cent of the pay of his grade and length of service under his line commission.

"The aviation enlisted men hereinbefore provided for shall consist of 12 master signal electricians, 12 first-class sergeants, 24 sergeants, 78 corporals, 8 cooks, 82 first-class privates, and 44 privates. Not to exceed 40 of said enlisted men shall at any one time have the rating of aviation mechanician, which rating is hereby established, and said rating shall not be conferred upon any person except as hereinafter provided: *Provided*, That 12 enlisted men shall, in the discretion of the officer in command of the aviation section, be instructed in the art of flying, and no enlisted man shall be assigned to duty as an aerial flyer against his will except in time of war. Each aviation enlisted man, while on duty that requires him to participate regularly and frequently in aerial flights, or while holding the rating of aviation mechanician, shall receive an increase of 50 per cent in his pay: *Provided further*, That, except as hereinafter provided in the cases of officers now on aviation duty, no person shall be detailed as an aviation officer, or rated as a junior military aviator, or as a military aviator, or as an aviation mechanician until there shall have been issued to him a certificate to the effect that he is qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case, and no such certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the aviation service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case: *Provided further*, That the Secretary of War shall cause appropriate certificates of qualification to be issued by The Adjutant General of the Army to all officers and enlisted men who shall have been found and reported by aviation examining boards in accordance with the terms of this act to be qualified for the details and ratings for which said officers and enlisted men shall have been examined: *Provided further*, That, except as hereinbefore provided in the cases of officers who are now on aviation duty and who shall be rated as junior military aviators as hereinbefore authorized, no person shall be detailed for service as an aviation officer in the aviation section until he shall have served creditably as an aviation student for a period to be fixed by the Secretary of War; and no person shall receive the rating of military aviator until he shall have served creditably for at least three years as an aviation officer with the rating of junior military aviator: *Provided further*, That there shall be paid to the widow of any officer or enlisted man who shall die as the result of an aviation accident not the result of his own misconduct, or to any other person designated by him in writing, an amount equal to one year's pay at the rate to which such officer or enlisted man was entitled at the time of the accident resulting in his death, but any payment made in accordance with the terms of this proviso on account of the death of any officer or enlisted man shall be in lieu of and a bar to any payment under the acts of Congress approved May 11, 1908, and March 3, 1909 (35 Stats., pp. 108 and 755), on account of death of said officer or enlisted man.

"SEC. 4. That all laws and parts of laws, so far as they are inconsistent with the terms of this act, be, and they are hereby, repealed.

"SEC. 5. This act shall take effect 30 days after the date of its approval by the President."

Amend the substitute offered by the committee as follows:

Page 5, line 21, strike out the word "it."

Page 5, line 23, insert before the word "craft" the word "air."

Page 7, line 22, after the word "person," insert the words "except in time of war."

Page 10, after the word "provided," line 5, insert the words:

"*Provided*, That 12 enlisted men shall, in the discretion of the officer in command of the aviation section, be instructed in the art of flying, and no enlisted man shall be assigned to duty as an aerial flyer against his will except in time of war."

Page 10, line 9, after the word "*Provided*," insert the word "*further*."

Page 11, line 20, after the word "amount," insert the word "equal."

The subject of military aviation has engaged the attention of this committee and of the House of Representatives for the last three or four years. Last summer the bill H. R. 5304 was introduced, and the committee went into the subject very fully, having then had before it a large number of persons interested in the subject and obtaining from them views and opinions as well as statistics. The result of that investigation is this bill.

The War Department, some time ago, advised the passage of a bill which would have very largely increased the personnel of the Signal Corps. Your committee thought the plan embodied in this bill would be better and at the same time more economical. The committee has not sought to place an aviation service upon the same plane as that of the

first-class war powers of Europe, but has tried to give to this service in this country a position which will enable it to keep abreast with the experiments which are being made in aviation, the committee feeling sure that the last word has not yet been said in that science and that it would be unwise and unnecessary for this country to expend the enormous sums which are being spent in other countries.

Your committee is thoroughly convinced that it would be most unwise to continue the parsimonious policy which the Government has pursued with regard to military aviation. It is expected that this committee will appropriate $300,000 in the pending Army bill as against $125,000 appropriated last year for the purchase and upkeep of aeroplanes, and it is thought that that amount, together with the personnel provided in this bill will enable our Army to make the experiments necessary to a thorough knowledge of the art, and to train the number of men who may be needed for service in time of emergency.

The cost of this bill will be as follows: First year, $258,002; second and third years, $269,044.50; fourth year, $279,994.50; which latter figures will show the highest sum which this bill will cost the Government at any time in the future. See itemized statement.

EXHIBIT A.

Annual estimated cost of the personnel of the aviation section of the Signal Corps under H. R. 5304:

In preparing the following estimate the object has been to find the approximate maximum, rather than minimum, cost, and it is thought that the totals given will be higher than what will actually occur when the bill goes into effect. For example, it is probable that a first lieutenant, junior aviator, may be on aviation duty but not actually flying. In this case he would receive the pay of captain, which would be less than his pay as a first lieutenant with 50 per cent added. All the master signal electricians are taken in their third enlistment period, and all other noncommissioned officers and enlisted men in their second enlistment period, and the 50 per cent increase allowed for aviation mechanicians has been applied to the highest, and not the lowest, grades.

There are at present 7 first and 14 second lieutenants on aviation duty, and it is fair to assume that the aviation branch will be composed of first and second lieutenants in the ratio of 1 to 2. This will make 20 first and 40 second lieutenants when the total number authorized has been detailed. The estimated cost is given for four years, as the total effect of the bill will not be felt until the fourth year. Inasmuch as the maximum limit of age for detail is 30 years, it is not possible that any officer on aviation duty can have more than two fogies. After the first year, judging from experience of the past, it is thought that of the 60 officers on duty 1 in 4 will be students, or 15 in all. Of these 15, 5 will be first lieutenants and 10 second lieutenants. There will be no military aviators until the fourth year. The assumed composition and cost of the aviation branch for the first year is as follows:

First year.

JUNIOR AVIATORS.

First lieutenants:	
2 with 2 fogies	$7,200.00
5 with 1 fogie	16,500.00
Second lieutenants:	
4 with 1 fogie	11,220.00
10 flat	25,500.00

STUDENTS.

First lieutenants:	
4 with 2 fogies	12,000.00
9 with 1 fogie	24,750.00
Second lieutenants:	
12 with 1 fogie	28,050.00
14 flat	29,750.00
	154,970.00

ENLISTED.

4 master signal electricians, plus 50 per cent	5,976.00
8 master signal electricians	7,968.00
8 first-class sergeants, plus 50 per cent	7,056.00
4 first-class sergeants	2,352.00
20 sergeants, plus 50 per cent	14,400.00
4 sergeants	1,920.00
20 corporals, plus 50 per cent	9,720.00
58 corporals	18,792.00
8 cooks	3,168.00
80 first-class privates	22,176.00
44 privates	9,504.00
Total	103,032.00
Commissioned personnel	154,970.00
Enlisted personnel	103,032.00
Total cost, first year	258,002.00

Second and third years.

JUNIOR AVIATORS.

First lieutenants:	
7 with 2 fogies	$25,000.00
3 with 1 fogy	9,900.00
Second lieutenants:	
20 with 1 fogy	56,100.00
15 flat	38,250.00

STUDENTS.

First lieutenants:	
2 with 2 fogies	6,000.00
3 with 1 fogy	8,250.00
Second lieutenants:	
5 with 1 fogy	11,687.50
5 flat	10,625.00
Total	166,012.50
Cost of enlisted personnel same as in first year	103,032.00
Total cost of second and third years	269,044.50

In the fourth year the cost will be increased $10,950, owing to the fact that in the fourth year it is assumed that the total number of 15 military aviators allowed by the bill will have been appointed.

Base pay per annum under the bill.

Junior aviator:	
First lieutenant with 2 fogies	$3,600.00
First lieutenant with 1 fogy	3,300.00
First lieutenant, flat	3,000.00
Second lieutenant with 1 fogy	2,805.00
Second lieutenant, flat	2,550.00
Aviation students:	
First lieutenant with 2 fogies	3,000.00
First lieutenant with 1 fogy	2,750.00
First lieutenant, flat	2,500.00
Second lieutenant with 1 fogy	2,337.50
Second lieutenant, flat	2,125.00
Enlisted:	
Master signal electrician, third enlistment period, plus 50 per cent	1,494.00
Master signal electrician, third enlistment period	996.00
First-class sergeant, second enlistment period, plus 50 per cent	882.00
First-class sergeant, second enlistment period	588.00
Sergeant, second enlistment period, plus 50 per cent	720.00
Sergeant, second enlistment period	480.00
Corporal, second enlistment period, plus 50 per cent	486.00
Corporal, second enlistment period	324.00
Cook, second enlistment period	396.00
First-class private, second enlistment period	252.00
Private, second enlistment period	216.00

RECAPITULATION.

Total cost of personnel, first year	258,002.00
Total cost personnel, second and third years	269,044.50
Total cost fourth year	279,994.50

It may be interesting to know the amounts which are being annually spent by other countries for their military aviation service, and the figures given below will show what is being spent in other countries. These figures were given to the committee by the Chief of the Signal Corps. (See hearing on bill 5304, p. 267.)

EXHIBIT B.

Estimate on the total expenditures of the different governments for aeronautical work during five years approximates $100,000,000.

GOVERNMENT EXPENDITURES.

1. Germany	$28,000,000
2. France	22,000,000
3. Russia	12,000,000
4. Italy	8,000,000
5. Austria	5,000,000
6. England	3,000,000
7. Belgium	2,000,000
8. Japan	1,500,000
9. Chile	700,000
10. Bulgaria	600,000
11. Greece	600,000
12. Spain	550,000
13. Brazil	500,000
14. United States	435,000
15. Denmark	300,000
16. Sweden	250,000
17. China	225,000
18. Roumania	200,000
19. Holland	150,000
20. Servia	125,000
21. Norway	100,000
22. Turkey	90,000
23. Mexico	80,000
24. Argentina	75,000
25. Montenegro	40,000
26. Cuba	50,000
Total	86,570,000

PUBLIC SUBSCRIPTION.

1. Germany	3,500,000
2. France	2,500,000
3. Italy	1,000,000
4. Russia	100,000
Total	7,100,000
Total public subscription	7,100,000
Total Government subscription	86,520,000
Grand total	93,620,000

APPROPRIATIONS FOR 1913, VARIOUS COUNTRIES.

France	7,400,000
Germany	5,000,000
Russia	5,000,000
England	3,000,000
Japan (approximate)	1,000,000
Italy	2,100,000
Mexico	400,000
United States	125,000

It is hardly necessary in a report of this character to dwell upon the importance of military aviation, nor to point out its importance in modern warfare. That military aviation is destined to play an important and conspicuous part in future wars is certain; and that this country would make a grave mistake if it wholly neglected this branch of the military service is equally certain.

Mr. HAY. If no Member desires to ask any further questions, I will ask for a vote.

The SPEAKER. The question is on the committee amendment as amended.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I thought we would run until 6 o'clock on the Unanimous Consent Calendar, if any gentleman has any bill that he wants to take up. If not, I will move that the House adjourn.

Mr. MANN. The bills are all put away, anyway.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until Tuesday, May 19, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed in the case of Florence W. Beardsley, widow of George S. Beardsley, deceased, *v.* The United States (H. Doc. No. 985); to the Committee on Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed in the case of Edward W. Whitaker *v.* The United States (H. Doc. No. 986); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the resolution (S. J. Res. 58) authorizing the Secretary of the Navy to loan the bell of the late U. S. S. *Princeton* to the borough of Princeton, N. J., reported the same without amendment, accompanied by a report (No. 684), which said bill and report were referred to the House Calendar.

Mr. UNDERHILL, from the Committee on Industrial Arts and Expositions, to which was referred the bill (H. R. 16327) to provide an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition, reported the same with amendment, accompanied by a report (No. 686), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 11840) for the relief of R. G. Arrington, reported the same with amendment, accompanied by a report (No. 685), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 16632) authorizing the Secretary of War to donate to the village of Hustisford, in the county of Dodge, and State of Wisconsin, two bronze or brass cannon or fieldpieces with their carriages; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 16633) to increase the efficiency of the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. SUTHERLAND: A bill (H. R. 16634) to provide for the erection of a public building at Williamson, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. KENT: A bill (H. R. 16635) authorizing the establishment of a free public school upon the Fort Barry (Cal.) Military Reservation; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 16636) to provide for the disposition of timber and timbered lands; to the Committee on the Public Lands.

By Mr. ADAMSON: A bill (H. R. 16637) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. GREGG: A bill (H. R. 16638) to provide for the purchase of ground and the erection of a public building thereon for a marine hospital, to be used also in connection with Immigration Service, in the city of Galveston, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. GITTINS: A bill (H. R. 16640) to authorize the construction of a bridge across the Niagara River in the town of Lewiston, in the county of Niagara and State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. DUPRÉ: A bill (H. R. 16641) providing for an increase of salary for the United States district attorney for the eastern district of Louisiana; to the Committee on the Judiciary.

By Mr. BAKER: A bill (H. R. 16642) authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Vineland, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 16643) to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes; to the Committee on Agriculture.

By Mr. MURRAY of Oklahoma: A resolution (H. Res. 519) referring the bills (H. R. 16618 and H. R. 16619) for the relief of the Iowa Indians of Oklahoma to the Court of Claims for a finding of fact and conclusions of law; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 16644) granting an increase of pension to George W. Saunders; to the Committee on Invalid Pensions.

By Mr. CHURCH: A bill (H. R. 16645) for the relief of Osbia H. Wiard; to the Committee on Military Affairs.

By Mr. COOPER: A bill (H. R. 16646) granting a pension to Daniel Geyer; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 16647) granting an increase of pension to Willis J. Gambel; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 16648) granting a pension to Nellie P. Swetland; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 16649) granting an increase of pension to Isaiah H. McDonald; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 16650) for the relief of Thomas P. Darr; to the Committee on Claims.

Also, a bill (H. R. 16651) for the relief of the heirs of Joseph Tucker; to the Committee on War Claims.

By Mr. HELVERING: A bill (H. R. 16652) granting an increase of pension to Nathan C. Calhoun; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 16653) granting a pension to Francis E. Hayes; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 16654) for the relief of Isaac Robertson; to the Committee on War Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 16655) granting a pension to Andrew Hanson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16656) granting a pension to Malcolm J. McNeill; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 16657) granting a pension to Matilda M. Howard; to the Committee on Invalid Pensions.

By Mr. MURRAY of Oklahoma: A bill (H. R. 16658) to correct the military record of James Ruff Utley; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 16659) granting an increase of pension to Milton A. Beahm; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 16660) granting an increase of pension to John J. Lee; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16661) granting an increase of pension to Martin L. Pembleton; to the Committee on Invalid pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 16662) granting an increase of pension to John R. Lucas; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 16663) granting a pension to Fred Craig; to the Committee on Pensions.

Also, a bill (H. R. 16664) granting an increase of pension to Mary J. Cooper; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 16665) for the relief of the heirs of Henry Sears; to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 16666) granting a pension to Michael Friel; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 16667) granting an increase of pension to Charles W. Saxbury; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 16668) granting an increase of pension to Joseph M. Adair; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 16669) granting a pension to Ethel Culver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16670) granting an increase of pension to James D. Carr; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 16671) granting an increase of pension to Birney Dutton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Confederated Southern Memorial Association, relative to locating and marking graves of Confederates who died as prisoners of war in the Northern States; to the Committee on Military Affairs.

Also (by request), resolutions from certain citizens of Palmyra, N. Y.; Chicago, Ill.; Deep River, Iowa; Fruitland, Idaho; Malcom, Iowa; Yates City, Ill.; Sanborn, Iowa; Bayfield, Colo.; Lompoc, Cal.; Cleveland, N. C.; Topeka, Kans.; Denver, Colo.; Fairfield, Iowa; Minneapolis, Minn.; Springfield, Ill.; Wray, Colo.; Dutch Neck, N. J.; New Lisbon, Wis.; Paterson, N. J.; Kasota, Minn.; Yuma, Colo.; Patterson, N. Y.; Carrollton, Ill.; Lakin, Kans.; Dodge City, Kans.; Butler, Mo.; Bethany, Ill.; Byron, N. Y.; Dayton, Ohio; Duncanville, Ill.; Orleans, Ill.; Port Byron, N. Y.; St. Joseph, Mo.; Bennington, Kans.; Santa Ana, Cal.; Longmont, Colo.; and Sterling, Kans., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAMSON: Petitions of J. I. Fletcher, J. B. Huff, and A. C. Chancellor, of Columbus, Ga., and sundry citizens of Mount Zion, Ga., favoring national prohibition; to the Committee on the Judiciary.

By Mr. AINEY: Petition of 407 citizens of Thompson, the Woman's Christian Temperance Union of Gravity, the Woman's Christian Temperance Union of Falls, 48 voters of Canton, and 31 voters of Damascus, all in the State of Pennsylvania, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. ALEXANDER: Petitions of sundry citizens of Nettleton, Fleming, Mirabile, Turney, Kingston, Polo, Lathrop, and other towns of the State of Missouri, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Union Hardware Co. and 9 other merchants of Ashland, Ohio, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of G. A. Garver and 6 other citizens of Strasburg, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. AVIS: Resolutions of George W. Crabbe and others, trustees of the Anti-Saloon League of State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of sundry citizens of Johnstown, Pa., favoring passage of national prohibition; to the Committee on the Judiciary.

By Mr. BAKER: Petition of 665 citizens of the second congressional district, New Jersey, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Burlington and Marlton, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BEAKES: Petitions of the Farmers' Institute of Lenawee County; the Free Methodist Church of Adrian; the Woman's Congress of Adrian; the Presbyterian Sunday School of Plymouth; the Methodist Episcopal Church of Clayton; the Free Methodist Church of Ypsilanti; the Free Baptist Sunday School of Temperance; Ladies' Aid Society of the Presbyterian Church of Clayton; the Congregational Church of Ypsilanti; and the Methodist Episcopal Church of Ypsilanti, all of the second district of Michigan, in favor of national prohibition; to the Committee on the Judiciary.

Also, petitions of 90 voters of Spring Arbor, Mich., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petition of the common council of Riverside, Cal., favoring the Hamill bill, relative to retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. BURGESS: Petition of sundry citizens of Columbus, Colorado County, and Victoria, Victoria County, Tex., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of 100 citizens of Gettysburg, S. Dak., and sundry citizens of White, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petition of 20 citizens of Fox Lake, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petitions of sundry citizens of the State of Florida, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. COOPER: Petition of various residents of Delavan, Wis., favoring nation-wide prohibition; to the Committee on the Judiciary.

Also, petitions of residents of Racine, Kenosha, Caledonia, Burlington, and Franksville, all in the State of Wisconsin, protesting against nation-wide prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Protests of Lyman Allan and 75 other citizens of St. Clair County, Mich., against the Hobson resolution for national prohibition; to the Committee on the Judiciary.

Also, resolution of the village council of the village of Highland Park, Mich., in support of the Hobson resolution for national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition by 82 citizens of Napa County, Cal., protesting against the Hobson national constitutional prohibition resolution now pending before Congress; to the Committee on the Judiciary.

Also, petition by 1,433 citizens of Sacramento, Cal., protesting against the Hobson national constitutional prohibition resolution; to the Committee to the Judiciary.

Also, petition by 6 citizens of Crockett, Cal., protesting against the Hobson national constitutional prohibition resolution now pending before Congress; to the Committee on theJudiciary.

Also, petition by 11 citizens of Yountville, Benicia, Sacramento, and Suisun City, Cal., protesting against the Hobson national constitutional prohibition resolution; to the Committee on the Judiciary.

Also, petition by 24 citizens of Port Costa, Cal., protesting against the Hobson national constitutional prohibition resolution now pending before Congress; to the Committee on the Judiciary.

Also, resolution by the Civic Center Club, of Fairfield, Solano County, Cal., against war with Mexico; to the Committee on Foreign Affairs.

By Mr. DALE: Petitions of Harry Miller and others, citizens of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the American Peace and Arbitration League, commending the President's policy toward Mexico; to the Committee on Foreign Affairs.

By Mr. DAVENPORT: Petition of 40 citizens of Nowata, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of the Redding (Conn.) Equal Franchise League, favoring passage of the Bristow-Mondell resolution enfranchising women; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of Hillsboro, Kans., favoring House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads

Also, petition of sundry citizens of Kansas, favoring Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Kansas, favoring House bill 2865; to the Committee on Invalid Pensions.

By Mr. GILMORE: Memorial of the directors of the port of Boston, Mass., approving recommendation that a dredge be provided by the Government at the port of Boston; to the Committee on Interstate and Foreign Commerce.

Also, petition of 211 citizens of Brockton and 14 citizens of Randolph, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GREEN of Iowa: Petition of certain citizens of Guthrie County, Iowa, in support of an amendment to the Constitution of the United States providing for national prohibition of the liquor traffic; to the Committee on the Judiciary.

Also, petition of various union miners of Buxton, Iowa, approving bill by Hon. J. W. BRYAN, of Washington, for relief of Colorado strike; to the Committee on the Judiciary.

Also, petition of sundry citizens of Audubon County, Iowa, protesting against the passage of House bill 9674, preventing labor on buildings on the Sabbath day; to the Committee on the District of Columbia.

By Mr. HAY: Petitions of sundry citizens of Shenandoah, Va., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HELVERING: Petitions of 250 citizens of Summerfield and of 120 citizens of Scandia, both in the State of Kansas, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HINDS: Petitions of 47 citizens of Portland, 106 citizens of Cornish, Biddeford and Saco Sunday School Associations, and 40 citizens of South Portland, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

Mr. IGOE: Petitions and letters from the A. Graf Distilling Co.; the Bowman-Blackman Machine Co.; the Lambert Deacon-Hull Printing Co.; Henry J. Jacobsmeyer; the Steinwender-Stoffregen Coffee Co.; the Robert Jacob Engine & Machine Co.; the John B. Schmidt Sign Co.; the Boeckler Lumber Co.; the F. E. Schoenberg Manufacturing Co.; the Engel Paper Box Specialty Co.; the N. O. Nelson Manufacturing Co.; the National Ammonia Co.; Cigar Makers' Union No. 44, representing over 900 men and women, William Schillig, president, Earl H. Heilman, secretary; the Catholic Union of Missouri, composed of 15,000 members, M. Deck, president; the Schurk Iron Works employees, Joseph G. Schulett, Hubert H. Frank, Henry B. Schurk, F. G. Brandis, William Kauffman, William Erdmann, Fred L. Evers, Otto W. Fielder, H. L. Goff, H. Miller, H. R. Gilbert, Charles H. Frochlich, Otto Wanek, W. L. Massa, Al Sterling, John Vojcsk, A. Goldenberger, Lukas Provides, Lomis Post, Oscar Hepe, Hy Horne, Frank Doepke, R. Hasemann, Joseph Urban, Raymond Burr, Charles Laup, Ed. Heffermann, Peter Horn, F. Kreiger, William Eberle, Louis Numan, A. Hammert, George A. Collet, Joseph A. Collet, Eugene O. Collet, Edward Collet, Harry A. Collet, and Nicholas King, all of St. Louis, Mo., protesting against the enactment of pending prohibition resolutions and all similar measures; to the Committee on the Judiciary.

By Mr. KENNEDY of Iowa: Petitions of various voters of Burlington and three citizens of Keokuk, Iowa, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of the New York Store Mercantile Co., of Cairo, Ill., favoring passage of House bill 15986, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. LA FOLLETTE: Petitions of 332 and more citizens of Spokane, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of G. A. Van Rifer and sundry citizens of Chelan, Wash., protesting against passage of Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of various voters of the third congressional district of Washington, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Cigar Makers' Union No. 42, of Hartford, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Waiters and Cooks' Union of Hartford, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of M. Cronin and 24 other citizens of Connecticut, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. McCLELLAN: Protests of J. C. Borst, F. L. Straub, Bates & Vrooman, Smith & Teeck, Ward P. Croswell, Luther Toland, and John R. McAllister, all of Middleburg, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the twenty-seventh congressional district of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Bernard Katz and J. L. Baker, of Middleburg; J. A. Costello & Co., of Rondout, and sundry citizens of Hudson and Sullivan Counties, all in the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Nebraska, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAHER: Petition of the First National Bank of Brooklyn, N. Y., protesting against the passage of the Clayton antitrust bill, H. R. 15657; to the Committee on the Judiciary.

By Mr. MOORE: Memorial of the Philadelphia Board of Trade, protesting against House bill 15657, the antitrust bill; to the Committee on the Judiciary.

By Mr. MURRAY of Oklahoma: Petitions of sundry citizens of Willow, Okla., and Fost (Okla.) School House, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PALMER: Memorial of the Lehigh County (Pa.) Socialist Party, relative to conditions in Colorado coal mines; to the Committee on the Judiciary.

Also, memorial of a mass meeting in Philadelphia and Oxford, Pa., urging passage of Bristow-Mondell resolution enfranchising women; to the Committee on the Judiciary.

Also, petition of sundry citizens of South Bethlehem, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of sundry citizens of Bethlehem, Portland, and Chestnut Hill, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petition of the Chamber of Commerce of San Francisco, Cal., favoring passage of Senate bill 3338, relative to extending ocean-mail-steamship act; to the Committee on the Post Office and Post Roads.

Also, petition of the Western Association of Retail Cigar Dealers, of Seattle, Wash., favoring passage of House bill 13305, Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Petition of the Redding (Conn.) Equal Franchise League, favoring passage of resolution enfranchising women; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Petition of 119 residents of Somerville, Mass., favoring the adoption of an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

Also, petitions of citizens of Massachusetts, remonstrating against the adoption of an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

Also, petition of citizens of Massachusetts, protesting against the adoption of an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

By Mr. RUBEY: Petition of sundry citizens of Missouri, protesting against the passage of House bill 7826, entitled "A bill to provide for the closing of barber shops in the District of Columbia on Sunday"; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Missouri, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Missouri, favoring the passage of bill to amend the postal and civil-service laws (H. R. 12928); to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Petition of sundry citizens of the fourteenth congressional district of Texas, against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Protests of 29 citizens of Kalamazoo, Mich., against prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Minnesota: Petitions from and resolutions adopted by organizations of Minnesota aggregating 4,300 members, protesting against adoption of proposed constitutional amendment prohibiting manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

Also, petitions of the Sixth Ward Local Club and the International Association of Machinists, of Minneapolis, Minn., protesting against conditions in the coal fields of Colorado; to the Committee on the Judiciary.

By Mr. SPARKMAN: Memorial of the Board of Trade of Tampa, Fla., favoring appropriation for employment of commercial attaché to promote foreign trade, etc.; to the Committee on Appropriations.

Also, petition of the Ruskin (Fla.) Local of the Socialist Party, relative to conditions in the coal fields of Colorado; to the Committee on the Judiciary.

By Mr. STEENERSON: Petitions of Christ Eagan and 20 others of East Grand Forks, Minn., and J. A. Quade and others of Vergas, Minn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Frank L. Erlongher and 26 others, of Frazee, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petitions of 7,593 citizens of the third congressional district of Nebraska, against national prohibition; to the Committee on the Judiciary.

By Mr. TALBOTT of Maryland (by request): Petition of the Christian Endeavor Society of Hamilton (Md.) Presbyterian Church and various other churches and Sunday schools of the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Baltimore, Md., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TAVENNER: Petition of L. M. Annan and Vander Vennetts Hardware Co., of Moline, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Resolution from the convention association and citizens of Denver, Colo., protesting against the passage of nation-wide prohibition legislation; to the Committee on the Judiciary.

Also, petition of sundry citizens of Denver and Kiowa Counties and the Methodist and the First Baptist Churches of Longmont, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Retail Association of the Denver Chamber of Commerce, protesting against the enlargement of the present Parcel Post System; to the Committee on the Post Office and Post Roads.

By Mr. TREADWAY: Petition of sundry citizens of Lee, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TUTTLE: Petition of Elizabeth Petoff Dalker and voters of the fifth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Plainfield and Dover, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petitions of the Central Federated Union of New York City and the International Union of the United Brewery Workmen of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Philadelphia (Pa.) Board of Trade, protesting against the passage of House bill 15657, the antitrust bill; to the Committee on the Judiciary.

By Mr. WALLIN: Petition of 1,007 citizens of the thirtieth congressional district of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WEAVER: Two petitions of sundry citizens of Murray County, Okla., relative to strike conditions in Colorado; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petitions of William F. Worn & Co. and Lewis Reitler, of New York City, protesting against national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 19, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek from Thee the spiritual equipment for life's great service. Unless Thy spirit go up with us, send us not up hence. For who is sufficient for these things? When we measure the length and breadth of human responsibility, we would despair if only intellectual power could be applied to the tasks that press upon us. We would be altogether unfit if we possessed only material wealth in a world like this. For out of the heart are the issues of life. We pray that Thy grace may come upon our hearts, fitting us in every thought and purpose and desire to do Thy will. Through the consecration of our lives by Thy grace may we accomplish much for the peace of the world and for the happiness of mankind. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FRENCH SPOLIATION CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the following causes:

The vessel brig *Little Sam*, Joseph White, master (H. Doc. No. 987); and

The vessel ship *Hare*, Nathan Haley, master (H. Doc. No. 988).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 65. An act to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910;

S. 1243. An act directing the issuance of patent to John Russell;

S. 5066. An act to increase the authorization for a public building at Osage City, Kans.;

S. 5552. An act to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914; and

S. J. Res. 139. Joint resolution to authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement.

The message also announced that the House had passed the bill (S. 4096) to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4632) for the relief of settlers on the Fort Berthold Indian Reservation, in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations, in the States of South Dakota and North Dakota, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House disagrees to the amendment of the Senate to the amendment of the House No. 3 to the bill (S. 4377) to provide for the construction of four revenue cutters, and insists upon its amendment to the title; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. SIMS, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes;

H. R. 9042. An act to permit sales by the supply departments of the Army to certain military schools and colleges;

H. R. 9899. An act to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska;

H. R. 10835. An act to authorize the Secretary of the Treasury to consolidate sundry funds from which unpaid Indian annuities or shares in the tribal trust funds are or may hereafter be due;

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City;

H. R. 14377. An act to amend section 4472 of the Revised Statutes;

H. R. 15190. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913; and

H. J. Res. 249. Joint resolution for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission.

COAL LANDS IN ALASKA.

Mr. WALSH. Mr. President, I send to the desk a communication from the Secretary of the Interior, with accompanying papers, which I ask may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 15, 1914.

To the Members of Congress:

What am I to say to this man? If the Alaskan coal-leasing bill becomes law this session the answer will be easy.

FRANKLIN K. LANE.

—

SAN FRANCISCO, *April 28, 1914.*

Hon. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.

DEAR SIR: I am shipping a dredge into Alaska to work a placer-mining claim owned by me on Cache Creek, in the Yetna mining district in southwestern Alaska. In the vicinity of my mining claim there are several veins or outcroppings of coal. I would like to get permission from the Government to extract a sufficient amount of this coal to burn in the operation of the dredge for mining purposes. These veins or outcroppings of coal are along the Short Creek, a tributary to Cache Creek, and this coal is suitable for use for mining purposes but is not a marketable coal.

It is not my purpose to extract any of this coal for any commercial purposes or for sale, but simply for the purpose of burning in the operation of my dredger.

There is also some coal of the same character on the Yetna River, and I would like permission to extract sufficient amount of this coal to burn in the stern-wheel river boat for transportation of my dredger to MacDougal Station, near my mining property.

I do not want to violate any of the rules and regulations of the Interior Department, or any law in relation to the extraction of coal from coal lands in Alaska, and for this reason I would like to have a permit to use the coal mentioned for the purpose stated.

If it is necessary to fill out any blanks or forms used by the Government I would be pleased to have you forward these blanks to me at Susitna Station, Alaska.

Yours, truly,

J. C. MURRAY.

—

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 15, 1914.

RELATIVE TO COAL LANDS IN ALASKA.

Mr. J. C. MURRAY,
Claus Spreckels Building, San Francisco, Cal.

MY DEAR SIR: In reply to your letter of April 28, 1914, you are advised that on November 12, 1906, by order of the department all public lands in the District of Alaska in which workable coal was known to occur were withdrawn from entry, filing, or selection under the coal-land law. The circular of May 16, 1907, permitted parties who

had initiated valid coal claims prior to withdrawal to complete their entries and acquire title to the lands covered thereby. By Executive order of July 2, 1910, the withdrawal of November 12, 1906, was ratified, confirmed, and continued in full force and effect, and the public lands and lands in national forests in the District of Alaska in which workable coal is known to occur were withdrawn from location, settlement, sale, or entry and reserved for classification and in aid of legislation providing for the disposal of coal lands. This withdrawal is still in force, and there has been as yet no law passed by Congress providing for the disposal of the coal deposits in these withdrawn lands. There is accordingly no authority of law for the granting of permits to parties to mine coal on the public lands in Alaska for use in the operation of a dredger or for any purpose.

There is now pending before Congress certain legislation which provides for a system of leasing the public coal lands in Alaska, and until Congress provides some method by which the public coal lands in that district may be opened up and developed this office can grant you no relief.

Very respectfully, CLAY TALLMAN,
Commissioner.

Mr. WALSH. In the same connection I send to the desk a brief editorial from the Washington Times of May 16, and ask that it be read.

There being no objection, the matter referred to was read, as follows:

PASS THESE MEASURES

There may be some excellent reasons for hurrying the adjournment of Congress, but none of them is good enough to justify ending the session before the conservation measures now reported from the House Public Lands Committee shall have passed. With all deference to pet features of the administration program, the opinion is ventured that more people are concerned in behalf of these conservation bills than in behalf of trades commission and antitrust acts.

For a decade or thereabouts these problems of dealing with the public lands, both in the States and in Alaska, have been before Congress and the country. They have been considered from every angle. There is no need for longer delay. Secretary Lane has given his approval to a series of measures for control of water powers, Alaskan lands, and other details of public-land administration. There is every reason for confidence that the measures are safe and desirable. They have been reported from the House committee. The Western States and the great northwestern territory need to have their opportunity of progress and development restored to them, and these measures will do very much toward restoring it.

President Wilson has indicated that he would be glad to see these bills become laws at the current session, but it is not understood that he includes them in the program on which he insists. Probably they will not be passed unless they are brought within the irreducible minimum of Executive demands. There is enough and violent opposition to prevent their passage unless the whole power of the administration is placed behind them. Every consideration of the real public interest of the great West demands that this be done.

CALLING OF THE ROLL.

Mr. HOLLIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Norris	Smith, S. C.
Bankhead	Hollis	O'Gorman	Smoot
Borah	Hughes	Overman	Sterling
Brady	Johnson	Page	Stone
Brandegee	Jones	Pittman	Sutherland
Bristow	Kenyon	Poindexter	Thornton
Bryan	Kern	Pomerene	Tillman
Burleigh	La Follette	Ransdell	Townsend
Burton	Lane	Reed	Vardaman
Catron	Lea, Tenn.	Robinson	Walsh
Chamberlain	Lee, Md.	Saulsbury	West
Crawford	Lippitt	Shepard	Williams
Culberson	Lodge	Sherman	Works
Cummins	McCumber	Smith, Ariz.	
Dillingham	Martin, Va.	Smith, Ga.	
Gallinger	Martine, N. J.	Smith, Md.	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired on all votes with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of McPherson, Hays, and Sterling, in the State of Kansas; of Chicago, Ill.; of Saxonburg and Pittsburgh, Pa.; of Atlantic Highlands, N. J.; of St. Joseph and Amoret, Mo.; of Portland, Oreg.; of Fedora, S. Dak.; of Santa Ana, Cal.; of Longmont, Colo.; and of West Charlton, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Philadelphia Yearly Meeting of the Religious Society of Friends, of Pennsylvania, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented petitions of sundry citizens of Lincoln and Chadron, in the State of Nebraska, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey. Mr. President, I have received a letter from some of my constituents in New Jersey, accompanied by a preamble and resolution adopted by the Americus Association, of Elizabeth, N. J., with the request that they be incorporated in the RECORD. I ask that the resolution may be appropriately referred and printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

AMERICUS ASSOCIATION,
83 SOUTH PARK STREET,
Elizabeth, N. J.

Whereas the President of the United States, after watchful waiting for the past several months over the condition of affairs in Mexico in looking after the interest of our citizens in that country and, if possible, to avoid any severe clash with our neighbors on our southern border, and living in hope the trouble existing in Mexico would be adjusted by her people in such a manner as would be satisfactory to both the people of Mexico and the United States:

Whereas the self-made dictator Huerta has seen fit to not only oppose every good measure advanced by President Wilson since said Huerta assumed the Presidency of Mexico, but has from time to time made the lives of our citizens dangerous and their financial interest interfered with, which forced our President to land our soldiers on Mexican soil and, if necessary, to declare war against the said Huerta: Therefore be it

Resolved, That we, the members of the Americus Association, of Elizabeth, N. J., here assembled in the celebration of the fortieth anniversary of our association, pledge ourselves to support the President of the United States in the stand he takes on the Mexican question and that we hold ourselves ready to supply and fill any position the governor of New Jersey sees fit to call us in upholding the respect of our country and the honor of our flag.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of Charles A. Wing and sundry other citizens of New Hampshire, praying for an explicit indorsement of the President's pledge made at Mobile, Ala., that the United States would not seek expansion by the conquest of contiguous territory, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Arizona presented memorials of sundry citizens of Winkelman, Dos Cabezos, and Florence, in the State of Arizona, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented resolutions of the common council of Stamford, Conn., favoring the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. CATRON presented memorials of sundry citizens of Santa Fe, N. Mex., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of McAlister, N. Mex., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a petition of the Commercial Club of Helena, Mont., praying for the enactment of legislation to provide a prompt issuance of patents by the Department of the Interior to homestead settlers, which was referred to the Committee on Public Lands.

Mr. POINDEXTER presented petitions of sundry citizens of Spokane, Wash., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WORKS presented a memorial of sundry citizens of Sacramento, Cal., and a memorial of the French Hospital Society, of San Francisco, Cal., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the convention of the Epworth Leagues of Los Angeles, Cal., and of sundry citizens of Healdsburg, Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Stockton, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. COLT presented a petition of sundry citizens of Block Island, R. I., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. JONES presented the petition of Arthur Simmons, president of the American Foreign Labor Exclusion League, of Tacoma, Wash., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. OWEN presented a petition of sundry citizens of Nowata, Okla., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. JOHNSON presented a petition of Local Branch 166, National Association of Letter Carriers and Postal Employees, of Biddeford, Me., and a petition of sundry citizens of the State of Maine, praying for the enactment of legislation to provide compensatory time for Sunday services performed by employees of the Post Office Department, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Eden, Me., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of Local Lodge No. 136, Brotherhood of Railroad Trainmen, of Fort Wayne, Ind., praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of J. M. Bogner, Charles Snow, Paul Owen, and 223 other citizens of Vigo County, and of Otto Kenney, Frank Gallagher, C. W. Allen, and 188 other citizens of Fort Wayne, in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRISTOW:

A bill (S. 5596) granting an increase of pension to Andrew H. McWhorter (with accompanying papers);

A bill (S. 5597) granting a pension to Lucinda R. Hanson (with accompanying papers); and

A bill (S. 5598) granting an increase of pension to Christian C. Fleck (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5599) granting a pension to Clara Branch (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5600) authorizing the appointment of Maj. George A. Armes, retired, to the rank and grade of colonel on the retired list of the Army without increase of pay; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 5601) to establish a commission form of government in the administration of national affairs in Alaska, and for other purposes; to the Committee on Territories.

By Mr. RANSDELL:

A bill (S. 5602) for the relief of heirs or estate of Joseph Hernandez, deceased (with accompanying papers), to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 5603) granting a pension to Alice Tumbridge; and

A bill (S. 5604) granting a pension to Lewis Larsen; to the Committee on Pensions.

A bill (S. 5605) authorizing the Secretary of War to make certain donation of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. BURLEIGH:

A bill (S. 5606) granting a pension to William B. Wall; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5607) for the relief of Henry von Hess (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 5608) providing for the building of roads in the diminished Colville Indian Reservation, State of Washington; to the Committee on Indian Affairs.

By Mr. COLT:

A bill (S. 5609) granting an increase of pension to Sarah J. Tillinghast (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5610) granting a pension to Clara A. Packard (with accompanying papers);

A bill (S. 5611) granting an increase of pension to Benjamin F. Neddo (with accompanying papers); and

A bill (S. 5612) granting an increase of pension to Henry M. Bennett (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5613) granting an increase of pension to James D. Brooks; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRADY submitted an amendment authorizing the accounting officers of the Treasury to credit the account of William Schuldt, of Lewiston, Idaho, late deputy United States marshal, with the sum of $101 expended by him in traveling on official business, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRYAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BANKHEAD submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. JAMES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

SURVEY OF FLORIDA WATERS.

Mr. BRYAN. For my colleague [Mr. FLETCHER] I submit a resolution and ask unanimous consent for its present consideration.

The resolution (S. Res. 365) was read, as follows:

Resolved, That the Secretary of War be, and hereby is, directed to furnish the Senate with all of the data and information available touching the improvement of the navigable waterway from the navigable waters of the Caloosahatchee River to the navigable waters of Lake Okechobee, Fla., heretofore procured under the act of Congress approved June 25, 1910, providing for a survey of the Kissimmee and Caloosahatchee Rivers and Lake Okechobee and its tributaries, with a view to adopting a plan of improvement of said waters which will harmonize as nearly as may be practicable with the general scheme of the State of Florida for the drainage of the Everglades.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BURTON. I should like to understand the resolution. Does it provide for the appropriation of a certain amount of money?

Mr. BRYAN. It is simply a resolution calling upon the Secretary of War for certain information.

Mr. BURTON. Is it a Senate resolution or a joint resolution?

Mr. BRYAN. It is a Senate resolution, calling upon the Secretary of War for information.

Mr. BURTON. I will state that some years ago the question was several times raised whether under the law the War Department was authorized to submit a report merely on a Senate resolution, and the decision was in the negative. That was along about the year 1903 or 1904. To whom is this resolution addressed?

Mr. BRYAN. It is addressed to the Secretary of War.

Mr. BURTON. I suppose when it reaches the Secretary of War he will consider the question. There are very valid objections to allowing a report to be made merely on a resolution of either House. It involves a certain degree of partiality. I shall not, however, object. Let the question be tried out hereafter.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

TRUSTS AND THE CONSTITUTION.

Mr. SMOOT. I have a copy of a monograph by Hugo Clark and Bartlett Brooks on the trusts and the Constitution. I present it by request, and I ask that it may be referred to the Committee on Printing with the view to having it printed as a public document.

The VICE PRESIDENT. Without objection, that action will be taken.

TRANSPORTATION OF PARCEL-POST MATTER.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Senate resolution 363, by Mr. SMITH of Georgia, requesting the Joint Committee on Postage on Second-Class Mail Matter and Compensation of Transportation of Mails to report.

Mr. SMITH of Georgia. I desire that the resolution may go over for two or three days. I ask that it may be permitted to go over, without prejudice, until Saturday next. I hope we may have some information by that time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution goes over without prejudice, to be handed down at the end of morning business on Saturday next.

AFFAIRS IN MEXICO.

Mr. WILLIAMS. Mr. President, there have been very many criticisms of the President of the United States in his course in the Mexican trouble; some by Huerta because the President was going too rapidly and some by Americans because he was not going rapidly enough. I desire to read and to put into the RECORD a letter which I received this morning from a personal acquaintance, of whose character and responsibility I have full knowledge, and upon whose judgment I have a great deal of reliance. It is a very short letter, and I shall take the liberty of reading it. I purposely shall not put the name of the writer into the RECORD, because he is in the service and it might be thought improper for him to be writing letters upon a political question. He says:

> If you were down here and in close touch with the whole thing you could easily see why the efforts of the President to compose the trouble is so roundly condemned. The noisiest thing in Mexico is an American dollar that feels itself in jeopardy. I met one of these blatant so-called refugees last night and had a talk with him. He was for marching on the city at once. I pressed him down, found he had not paid a cent of taxes in the United States for 15 years, had not voted in the States in 15 years, did not intend to return to the United States, but did cuss out all of you gentlemen who are opposed to what will certainly be a war of conquest, that ought never to be started to appease dollar-grabbing fortune hunters, who, having taken a gambler's chance and the game having gone against them, want Uncle Sam to step in and pull their chestnuts out of the fire.
>
> The assimilation of these people will be impossible, and to take up the task of governing them will be another Philippine elephant of larger proportions and more difficult to handle. Wee Willie Hearst has a large corps of men here making mountains out of molehills for the purpose of inflaming the public mind, in order that his investments in lands in Mexico may be enhanced in value. It is a rotten game, and the majority of the newspaper men here do not want to see war. The suffering it would entail on these people to march on their capital would be enormous, and the picture Gambetta drew of the beggar at a barracks door will be realized if we do not stop this great drain on our resources to take care of the military.
>
> We can not take Mexico without the loss of more than 200,000 men, and it will require around $10,000,000,000 to subjugate the people. I do hope that you and the other thoughtful leaders of the Senate will pause before plunging this country in a war of conquest to save gamblers' dollars.
>
> Every officer that I have met and all the enlisted men are opposed to war. There are fewer jingoes in the Army and Navy than any place I know of. Now, this does not mean a lack of patriotism and a desire that respect be shown the flag, but it does mean an appreciation of what war means.
>
> It would be cheaper to take every refugee out of here, pay him every dollar due him, pension him for life, and let his blatant mouth be heard at home, as insufferable as that would be, rather than engage in war.

The remainder of the letter is personal.

Mr. BORAH. Mr. President, I wish to ask the Senator from Mississippi if the name of the gentleman who wrote that letter is to be inserted in the RECORD?

Mr. WILLIAMS. The Senator from Mississippi announced at the very beginning that he would not give his name, because he is engaged in the service, and it might be thought improper for him to be writing letters upon political subjects.

Mr. BORAH. I think myself that it is very improper for him to write that kind of a letter without his name being given.

Mr. WILLIAMS. The Senator from Mississippi also announced that he was a personal acquaintance of his and a man of the highest character and good judgment.

Mr. BORAH. That is sufficient; but I disagree with his reflection upon all citizens of the United States who may be in Mexico.

Mr. WILLIAMS. And it has been put in the RECORD as a part of my remarks.

Mr. GALLINGER. In this connection, Mr. President, I will say that I have a letter on my table, received two days ago, from a gentleman who has not been an exploiter in Mexico, but who has been in charge of an industry in which the people of New Hampshire have invested $400,000, and he writes a very different kind of a letter from the one the Senator from Mississippi has read. I have hesitated to put it in the RECORD, but I am not quite sure that I will not do so. It is not a criticism of the President, I will say.

Mr. WILLIAMS. I hope the Senator will put it in, and I hope that all letters from people with personal financial interests will go in the RECORD, to show the true character of the opposition to the President's policy.

Mr. GALLINGER. If the Senator knew the gentleman to whom I refer, he would not cast any slur upon him——

Mr. WILLIAMS. I have cast none.

Mr. GALLINGER. Because he has been engaged in legitimate business in Mexico and he ought to have been protected to a greater extent than he has been. He makes no criticism upon the President or the State Department, but simply details facts concerning the condition of things in a portion of that territory where the men who are in command seem to be in high——

Mr. WILLIAMS. I hope the Senator from New Hampshire will remember that what I have said and what I have read refers only to those who have made criticisms upon the President; so that if his correspondent makes none, there is no reference to him.

Mr. GALLINGER. Of course the Senator's correspondent did not name anyone who had made criticisms. However, at the suggestion of the Senator, I think to-morrow or the next day I shall ask that the letter from my correspondent may be read and go into the RECORD.

PANAMA CANAL TOLLS.

Mr. THORNTON. Mr. President, I ask that the unfinished business be laid before the Senate for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. GALLINGER. Mr. President, on a former occasion I somewhat briefly discussed the bill now before the Senate, which proposes the repeal of the toll-exemption provision of the Panama Canal act. Since that time the matter has been freely discussed in the public press, and many elaborate arguments have been made, on both sides of the question, in this body. I now propose to further analyze the subject, with a view of elucidating the contention of some of us that repeal is unnecessary, impolitic, and not demanded by any just interpretation of existing treaties.

WHO IS URGING THE REPEAL?

In entering upon a discussion of this question it is proper to inquire how our attention was first directed to the supposed necessity for the repeal of the exemption clause of the Panama Canal act; from what quarter the appeal emanated; and the reasons advanced which should cause us to retreat from the position taken at the time of the passage of the act.

It seems that on July 8, 1912, Mr. A. Mitchell Innes, chargé d'affaires of Great Britain, addressed a note to our Secretary of State calling attention to the various proposals then being made to relieve American shipping from the burden of Panama Canal tolls, and stating that such exemption would be considered by Great Britain as contrary to the provisions of the Hay-Pauncefote treaty. Mr. Innes gave as the opinion of His Majesty's Government that there is no "difference in principle between charging tolls only to refund them and remitting tolls altogether," but in referring to the possibility of the remission of tolls being accorded only to our vessels engaged in the coastwise trade Mr. Innes says:

> If the trade could be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption it may be that no objection could be made.

It is proper to add that after making the above suggestion Mr. Innes said that, in his judgment, it would be impossible to frame regulations which would prevent the exemption from resulting in fact in a preference to United States shipping, and consequently in an infraction of the treaty, but it occurs to me that that objection can easily be overcome by a slight amendment to the Panama Canal act, if indeed any amendment is necessary.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me a moment, I should like to ask him a question for information as to his view upon it. The language the Senator has just read says "bona fide coastwise trade." Does the Senator think or does he not think that any coastwise trade could be bona fide where the ships engaged in it have to touch at two foreign ports, in this particular case Colon and Panama?

Mr. GALLINGER. Why, Mr. President, I assume that the coastwise ships would not of necessity have to touch at those ports for commercial purposes, and the passing of those ports on their way through the canal would not take from them their bona fide coastwise character.

After the receipt of the note from Mr. Innes the Panama Canal act, which contains the objectionable exemption, was passed on August 24, 1912. The secretary of state for foreign affairs of Great Britain, Sir Edward Grey, then forwarded a detailed statement to this Government amplifying the former

note of Mr. Innes and taking exception to the memorandum of President Taft, which accompanied the approval of the act.

From that time until January 21, 1913, little was heard of the matter, and most of those who gave the subject any thought presumed that inasmuch as the exemption was to be confined to the coastwise traffic of the United States no further objection would be made by Great Britain. On the last-mentioned date, however, the senior Senator from New York [Mr. ROOT] delivered a very exhaustive speech in the Senate, in which he reaffirmed and emphasized the previous contention of Great Britain, arguing that under the Hay-Pauncefote treaty we had no right to grant toll exemption to our coastwise or other shipping, and contending that the whole matter should be submitted to arbitration. This speech was seized upon by the Carnegie Peace Foundation, and by the expenditure of many thousands of dollars hundreds of thousands of copies of the speech were distributed broadcast over this country and England. This unexpected turn of affairs gave fresh impetus to the British contention, with the result that on February 27, 1913, the British ambassador called attention to the subject again in a note to the Secretary of State. The matter was overshadowed by the tariff and currency legislation during the special session of Congress last summer, but at the beginning of the present year it was again brought forward and bills introduced having in view the repeal of the exemption clause of the act.

On March 5, 1914, President Wilson delivered an address to the Senate and House on the subject, which without doubt is the most remarkable presidential utterance that has ever been presented to Congress. One searches the message in vain for a single valid reason to warrant us in consenting to the repeal which the President advocated. Instead we were told that "We ought to reverse our action without raising the question whether we were right or wrong," and that, using the President's words, "I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure." The message is full of mystery and absolutely lacking in any statement upon which, maintaining our self-respect, we could predicate a reversal of an action affecting the welfare of this country.

It will thus be seen that the sources from which nearly all of this agitation springs are Great Britain and the President of the United States. No other nations have voiced a protest to the exemption of our coastwise ships from tolls, although it would be supposed that all nations would have an interest in the matter directly proportional to the amount of their shipping using the canal. The American people as a whole have certainly made no demand for this repeal, and beyond those who have blindly followed the President in his appeal to redeem what he chooses to call "the words of our own promises" the rallying cry is heard to save for Americans that which was built with American money, on American territory, and by American brains.

WHY ENGLAND FAVORS REPEAL.

In addition to the direct benefit to British and other foreign shipping which would result from the repeal of the exemption provision, I desire to call attention to another economical advantage which will accrue to English manufacturers. The Pacific coast producers of oil, wheat, flour, lumber, fruit, etc., are planning to make shipments direct to England and the Continent by way of the Panama Canal. In returning these ships will bring to the Pacific coast the products of the cheap labor of the factories of England, Germany, and other countries, which will be sold to the people of the western coast. If the exemption provision is repealed the English shipper will be able to add over a dollar per ton to the price of his shipments and still compete with the goods shipped from our Atlantic coast via the canal to the Pacific coast which would have to pay a toll of $1.20 per ton. Of course, this means an enormous profit to the English producer, and he adds his demand for repeal to that of the British shipowner.

NO PROTESTS FROM OTHER NATIONS.

We are constantly assailed with the statement that all the nations of the world are siding with Great Britain as against the United States in this matter, but when pressed for some specific instance where a foreign nation other than Great Britain has entered a protest the proponents of repeal are silent.

The President in his recent message said:

Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

The President offers no proof of this statement or of any other statement in his remarkable address, and Congress and the public are expected to swallow it without a murmur.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. GALLINGER. I should prefer to continue, Mr. President, but I am always accommodating.

Mr. REED. I wish to ask the Senator just one question. Did he ever in his life know of a case where, to illustrate, a farmer owned a piece of ground, and the public were claiming the right to pass over it, where all the public would not be for their own interest and against the farmer's interest? And is not that pretty nearly a parallel with the present situation, when all the nations of the earth are said to be on one side and our Nation on the other?

Mr. GALLINGER. Mr. President, doubtless that is so; and yet, even admitting that to be so, we have no proof whatever, and no proof has been submitted from any quarter, that any other nation has taken exception to the Panama Canal act so far as the exemption provision is concerned. We are left absolutely and totally in the dark as to what position those nations may take regarding it.

Mr. REED. What I meant by my illustration was that whether they had taken the position or not it would be very natural for them to take it, as their own interest would lie there; and it does not appeal to me as a very strong argument even if they do.

Mr. GALLINGER. I agree with the Senator on that point, and it is more remarkable, if they feel as Great Britain does, that they have not joined in the protest of Great Britain submitted to our State Department.

The Senator from Massachusetts [Mr. LODGE] in his comprehensive speech a short time ago said:

The opinion of foreign nations, with hardly an exception, and that only in the case of some individuals, is against the interpretation which I believe to be correct.

What specific, authoritative proof is there that "the opinion of foreign nations" is against our interpretation of the treaty? What foreign Governments have objected? The Senate is not in possession of any correspondence, if there be such, which would indicate such a contention. So far as any present official information goes the only objection to the exemption of American coastwise ships has come from Great Britain.

The foremost German authority on shipping matters, Count von Reventlow, after a discussion of the tolls question, summarizes his views as follows:

It has been years, if, indeed, such a case ever occurred before, since the United States so openly backed down before England—years since it so openly felt and said it no longer was absolute in its own sphere, but dependent upon other powers.

Again, the Law Magazine and Review of London, in a very lengthy discussion of the subject, recognizes the right of the United States to discriminate in favor of its own vessels passing through the Panama Canal, as follows:

To sum up, it is reasonably arguable:

(a) That the United States can support its action on the precise words of the material articles of the treaty, that its case is strengthened by reference to the preamble and context, and that its case is difficult to challenge on ground of general justice;

(b) That there is no international obligation to submit the construction of its legislative act to any process of arbitration; and

(c) That any aggrieved party has an appropriate and impartial and a competent tribunal in the Supreme Court of the United States.

The full article will be found in the London Law Review for November, 1912, volume 38, pages 1 to 34.

Other citations might be mentioned which make it appear that the leading authorities in the legal profession, as well as experts on the subject of shipping, not only in England but in other countries, admit that our position is based on equity and logic. Undoubtedly many foreign newspapers, not only in Great Britain but on the Continent, are hostile to the exemption of American coastwise ships at Panama. But these same newspapers and the influences behind them—the great European steamship syndicates and combinations—were much more violently and persistently hostile to the ocean mail bills for American lines to South America and the Orient. These foreign interests do not relish the idea of any American interference with their monopoly of ocean navigation. They have very good reason to dread the result of national encouragement of any kind to American shipbuilding and shipowning, and they know it. If the Senator from Massachusetts waits for some effective legislation in favor of American shipping which the European press and the European steamship combinations will not criticize and object to, he will wait indefinitely.

NO PROTEST MADE WHEN EXEMPTION OF TOLLS WAS GRANTED TO THE REPUBLICS OF PANAMA AND COLOMBIA.

In the Hay-Herran treaty with Colombia, ratified by the Senate on May 17, 1908, the following words are found:

The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times without paying charges of any kind.

After the ratification of that treaty the Republic of Panama came into existence, and the Hay-Bunau-Varilla treaty with that country was ratified by the Senate on February 23, 1904. It contains the following words:

The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times, without paying charges of any kind.

It is also a fact that the treaty recently negotiated by the Secretary of State with Colombia contains a provision similar to those I have just quoted, and we are thus treated to the remarkable spectacle of the administration, presumably the guardian of the rights of the American people, granting exemption of tolls through the Panama Canal to a foreign country and in the same voice demanding that the United States, the builder and owner of the canal, shall be denied that privilege.

I have not heard of any protests having been lodged with this country because of the provisions in these treaties with Panama and Colombia. Can it be possible that we can discriminate in favor of the shipping of those countries and at the same time be prevented from making a similar concession to our own commerce?

The Senator from Massachusetts answers this argument as follows.

This grant, whether limited or not, was part of the compensation for the title obtained by the United States, without which the canal could not have been built, and does not therefore sustain the arguments in support of the exemption of the merchant vessels of the United States from tolls, because unless we had secured our title and building rights from Panama there would have been no canal. No nation could and no nation did object to the consideration paid to Panama for our rights and title on the Canal Zone.

The reply to this would seem to be that the Hay-Pauncefote treaty was in effect at the time of the ratification of the treaties with Colombia and Panama, and therefore such a consideration was not in our power to give. Suppose at some future time we became financially indebted to another country; according to this argument we could give as part consideration the right to use the Panama Canal free of tolls. So we have this preposterous situation: Under the "all nations" clause of the Hay-Pauncefote treaty we grant, without protest from Great Britain, exemption of tolls to the ships of certain foreign countries, but are prevented from giving the same concession to the vessels of our own country.

The Senator from Massachusetts quotes article 19 of the Panama treaty, relating to the exemption of tolls to that Republic, which I read a moment ago, and then says:

* * * article 19 applies apparently only to the vessels of the Republic—that is, naval vessels and those carrying troops and munitions of war.

The Senator argues from this that, as nobody claims that we have no right to pass our Government-owned vessels through the canal free, the treaty with Panama can not be used as an argument in support of exempting tolls for our merchant ships. In this connection it is interesting to note that on June 19, 1902, six months after the ratification of the Hay-Pauncefote treaty, the same Senate, by a vote of 67 to 6, passed the bill providing for the building of the Panama Canal, afterwards signed by the President on June 28, 1902. The Senator from Massachusetts voted in favor of the bill, section 6 of which reads as follows:

SEC. 6. That in any agreement with the Republic of Colombia or with the States of Nicaragua and Costa Rica the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or *by citizens thereof.*

Suppose the treaty with Panama should be construed as extending the exemption of tolls to privately owned vessels of that Republic, would the Senator then claim that it was in violation of the Hay-Pauncefote treaty, after his approval of the legislation I have just read, in which it is expressly agreed that the President may extend that privilege to private owners of vessels?

ENGLAND AND THE SUEZ CANAL.

The clause covering tolls, equality of treatment, and so forth, in the Hay-Pauncefote treaty was borrowed verbatim from the convention of Constantinople governing the Suez Canal, the chief stockholder in which is the British Government. It is interesting, therefore, in connection with the demands of Great Britain for equality of tolls through the Panama Canal for all nations, including the United States, to observe how this matter of "equality" is interpreted in the management of the Suez Canal. Some foreign nations pay outright the tolls of their own ships through the Suez Canal without protest from the British Government or anybody else. Yet Mr. Innes, in his note of July 8, 1912, says:

But there is a great distinction between a general subsidy, either to shipping at large or to shipping engaged in any given trade, and a subsidy calculated particularly with reference to the amount of user of the canal by the subsidized lines or vessels. If such a subsidy were granted, it would not, in the opinion of His Majesty's Government, be in accordance with the obligations of the treaty.

It is difficult to comprehend why England should object to this Government rebating the tolls to American shipping through the Panama Canal, or, which is the same thing, remitting the tolls altogether, and at the same time permit other Governments to refund specifically the tolls of their vessels through the Suez Canal, both canals being governed by the same rules of equality.

Great Britain herself pays to her principal steamship lines through the Suez Canal a subsidy equivalent to at least two-thirds of the tolls on her ships. The facts as to Suez Canal tolls and their repayment by foreign Governments are set forth on pages 15–17 of the Report of the Commissioner of Navigation for 1911.

In view of what foreign Governments are doing at Suez, it is easy to imagine what will speedily happen to American ships at Panama. They will be the only ones that will actually be required to pay tolls there. This is what the President is proposing. Already the British Government has increased by $340,000 annually the subsidy to the Royal Mail Steam Packet Co., the principal line of British steamers that will pass through the Panama Canal. Of course this was not given definitely for the tolls, but it will repay the tolls and more. It is nominally contingent on a slight, inexpensive improvement in the mail service to the West Indies. Doubtless in anticipation of the opening of the canal, the Canadian Government has just given another subsidy of $340,000 to this same Royal Mail Steam Packet Co. for a line from Halifax to the British West Indies—a compensation far in excess of the American rates under the ocean mail law. Presumably this line also, with its subsidy to pay the tolls, will be in a position to continue through the canal from Halifax to Vancouver.

Mr. President, in some remarks I made a short time ago in the Senate (April 25) I set forth in detail the preparations that are being made by foreign Governments to remit the tolls on their vessels through the Panama Canal. As the canal nears completion practically all countries are taking steps toward this end, and I beg leave to submit in this connection two additional items relating to subsidies, a part or a whole of which will undoubtedly be used to pay the tolls through the Panama Canal on foreign steamships.

STEAMSHIP SUBSIDIES OF CANADA.

Important facts regarding the subsidized steamship services of the Dominion of Canada are set forth in part 6 of the report of the department of trade and commerce of Canada for the fiscal year ending March 31, 1913, printed at Ottawa in 1914.

The total expenditures for the year 1912–13 by the Canadian Government for the encouragement of steamship services were $2,703,200.

The principal subsidized steamship lines were as follows:

Canada & Great Britain	$1,000,000
Canada & Cuba	25,000
Canada & Newfoundland	70,000
Canada (Atlantic) & Australasia	120,000
Canada, the West Indies & South America	225,500
Canada & South Africa	146,000
Canada (Pacific) & Australasia	180,509
Canada, China & Japan	121,666
Canada & France	200,000
Making a total of	2,088,675

The remainder of the total expenditures of $2,703,200 was devoted to a few minor steamship services to Great Britain, and to the encouragement of steamship lines in the Canadian coastwise trade.

All of these Canadian steamship subsidies were given to ships of British register. It was stipulated in the contracts "that two-thirds of the total number of officers, engineers, stewards, crew, or other employees whatsoever upon the steamships engaged in the performance of the service herein contracted for shall be British subjects," except as the minister of trade and commerce might in individual cases allow otherwise. It was stipulated further in the Canadian subsidy contracts that:

The contractors shall not, nor shall any of their agents or servants or officers or crew of the said steamers, receive or permit to be received on board of the said steamers any letters for conveyance other than those contained in His Majesty's mails, or which are or may be privileged by law, or the mails of any other country, except such as are specified by the postmaster general of Canada for the time being.

It was also stipulated that:

The steamer employed in carrying out the provisions of this contract shall not on any of its trips call at any foreign port not specified in this contract.

The aim of this is to prevent the steamers subsidized by Canada from calling at the ports of the United States.

For the year 1914 a subsidy of $340,666 is to be allowed to the Royal Mail Steam Packet Co. for a fortnightly service from St. John and Halifax to the British West Indies and British

Guiana, South America. These ships are not allowed to touch at any American port, and it is expected that the line, with a subsidy to pay the tolls, will be continued through the Panama Canal when the canal is opened.

JAPAN AND THE PANAMA CANAL.

The enterprising Japanese nation is preparing for the large use of the canal, and the indications are that that country will pay the tolls on Japanese ships from the public treasury. The American minister to Japan, Hon. George W. Guthrie, in a supplemental consular report for April 13, 1914, to be found in the Daily Consular and Trade Reports, May 1, 1914, states that the policy of the Japanese Government with reference to the Panama Canal is further shown in the plan of subsidizing a trans-Panama steamship line, as explained by the minister of communications at a meeting of the budget committee in the Lower House of the Diet. While the details of the plan have not yet been fully decided, it is said that the service contemplates eight steamers of 9,000 tons or more each. The proposed ports of call are as follows:

Eastern line: Outward voyage—Yokohama, Seattle, Panama, Colon, and New York; inward voyage—New York, New Orleans, Colon, Panama, Seattle, and Yokohama.
Western line: Outward voyage—Yokohama, Kobe, Moji, Shanghai, Manila, and Hongkong; inward voyage—Hongkong, Manila, Shanghai, Moji, Kobe, and Yokohama.

With regard to the proposal to make Seattle one of the ports of call in place of Honolulu, the Japanese Government claimed that while the distance from Yokohama to New York by the former route is 120 nautical miles longer than by the latter, Seattle offers better and cheaper coaling facilities than Honolulu. On the other hand, it is alleged that one, if not the chief, reason for the proposal is based on a desire to assign the trans-Panama service to the Nippon Yusen Kaisha, and as this company already runs a line to Seattle, the natural course in such case would be to make the New York line an extension of it. This inference is confirmed by the proposed redistribution of subsidies for the next period, under which the amount granted in the North America (Seattle and Tacoma) services is reduced from $905,440 to $374,781, the latter amount representing the future aid to be extended to the Osaka Shosen Kaisha line to Tacoma only, while the Nippon Yusen Kaisha line to Seattle is to be replaced by the New York line with a separate subsidy.

The annual amounts of Japanese subsidy proposed in aid of the trans-Panama service during a period of five years, commencing with 1915, are as follows: 1915–16, $718,307; 1916–17, $841,116; 1917–18, $875,447; 1918–19, $875,447; 1919–20, $875,447. The sums are smaller than those allotted to the San Francisco line, which during the same period are: 1915–16, $1,180,924; 1916–17, $1,137,113; 1917–18, $1,071,495; 1918–19, $1,005,877; 1919–20, $940,259.

The foregoing program of subvention still awaits the approval of the Diet. In presenting the plan to the Diet the minister of communications expressed the opinion that the opening of the Panama Canal would exert an immense influence upon American-Japanese trade, and that the Government had decided upon the necessity of subsidizing a trans-Panama line after full consultation with the chambers of commerce and shipping unions of the country.

Mr. President, from what I have submitted it will be seen that the statement I made on the 25th day of April was substantially accurate.

In this connection I wish to call attention to the efforts continually being made by foreign countries in behalf of their merchant marine, and against which the practically unaided shipping of the United States has to contend. In a speech I delivered on March 30 I presented a table of subsidies paid by foreign Governments to their shipping, aggregating $45,224,513, and inasmuch as the United States pays no direct subsidies to its shipping, and a very small amount in the matter of ocean mail pay, it requires no argument to prove that we are at a tremendous disadvantage in competition with the other maritime countries of the world. On that account, largely, our over-seas shipping has been destroyed, and it now becomes a question as to whether or not we will protect our coastwise shipping from the dangers that threaten it.

REMISSION OF SUEZ TOLLS.

Mr. President, on the 25th day of April, as I was about to leave the city for a visit to my home, I briefly discussed a resolution I had offered dealing with the question of the remission of tolls at Suez on the part of European Governments, which, if followed at Panama, as it doubtless will be, will place our shipping at a great disadvantage with foreign shipping. Since my return I notice in the CONGRESSIONAL RECORD that the senior Senator from Ohio [Mr. BURTON] discussed the question, saying, among other things:

I think the statements made in the preamble—

Referring to the resolution I had offered—

are not characterized by the accuracy usually employed by the Senator from New Hampshire. He states that "Whereas all nations largely engaged in commerce now pay either indirectly or specifically the tolls of their principal national lines of steamships passing through the Suez Canal."

And so forth.

Let me suggest that the word "indirectly" refers to the practice of Governments like Great Britain and Germany, which subsidize their principal lines through Suez, ostensibly for mail or other considerations. The wording of the preamble to the resolution I offered follows closely the very precise and well-considered language of the senior Senator from Massachusetts in his speech of April 9 (CONGRESSIONAL RECORD, p. 6454, second column), the language being:

Almost all the nations largely engaged in commerce now pay either indirectly or specifically the tolls of their vessels passing through the Suez Canal. They will undoubtedly do the same thing for their vessels which pass through the Panama Canal.

The official report of the Commissioner of Navigation for 1911, page 16, states, on the authority of the company's report, that the Suez Canal dues on ships and passengers of the Peninsular & Oriental Co., a British corporation, in 1910 were £357,989 4s. 7d., and its subsidies £297,143 6s. 8d. The report also states that the North German Lloyd subsidy is $1,385,160, which, so says the Commissioner of Navigation, "would have sufficed to pay all the tolls and leave a handsome margin."

The distinguished Senator from Ohio added:

There are but three countries which specifically rebate tolls paid on vessels going through the Suez Canal. Those countries are Russia, Austria-Hungary, and Sweden.

The Senator from Ohio apparently overlooked the new 25-year ocean mail contract between the French Government and the Messageries Maritimes, by which the Suez tolls are specifically reimbursed to the company "in addition to the subsidy," using the language of the contract. This is very significant. So that to Russia, Austria-Hungary, and Sweden, which specifically rebate their tolls, must now be added France.

Mr. President, it does not make any real, practical difference whether the subsidies granted to the ships passing through Suez are given specifically to pay the tolls or nominally for some other purpose. In either case the desired result is achieved, which is sure to be followed by foreign Governments in the same way at Panama. The statement made by me was entirely accurate and justified by the official report of the Commissioner of Navigation and the text of the French Government contract with the Messageries Maritimes.

The policy already adopted by other Governments at Suez, and certain to be followed by them at Panama, of virtually providing free passage for their principal lines of steamers, has a vital bearing on the question whether tolls shall be paid or shall not be paid by American coastwise ships, and should be considered at the same time and in the same connection as the proposed repeal of the exemption clause.

COASTWISE TONNAGE—HOW OWNED.

And now, Mr. President, a few words on another important phase of the subject under consideration.

The statement has been repeated again and again in the course of the debate on the tolls question that 90 per cent of American coastwise tonnage is owned or controlled by railroads or combinations. Nothing could be further from the facts. This assertion is made to support the demand for repeal of the exemption provision of the Panama Canal act, and presumably also for a repeal of our coastwise legislation which has been on the statute books for nearly a century. The statement arises from a misunderstanding of the precise language of the report of Prof. Huebner, of the University of Pennsylvania, and of Chairman ALEXANDER, of the House Committee on Merchant Marine and Fisheries, in summing up the investigation into shipping trusts and combinations. The House committee found, in the first place, the important fact that practically all the foreign steamship lines that ply from our ports in foreign trade were included in trusts or combinations, and also that many or most of the regular-line service in the coastwise trade belonged to railroads or to shipping combinations—these combinations being large steamship companies, one of them the Eastern Steamship Corporation of New England, and the other the Atlantic, Gulf & West India Co., of which the Ward Line is a part.

The fact is, Mr. President, that the bulk of our coastwise tonnage is made up of coal and lumber carriers, and so forth—"tramp" vessels, steam and sail, that go to any port where

business carries them. As a result nearly seven-eighths of the tonnage in the American coastwise trade on the Atlantic, the Gulf, the Great Lakes, and the Pacific belongs neither to railroads nor to combinations, but is controlled by private shipowners, who must number many thousands in all. Besides the regular coast lines controlled by railroads, the only railroad-owned tonnage, so far as I know, is a certain number of coal barges owned or controlled by the coal roads of Pennsylvania, Maryland, and Virginia.

The claim that American coastwise shipping is a "trust" or "monopoly" is attempted to be sustained by quotations from the recent report of the House Committee on Merchant Marine and Fisheries on "Steamship agreements and affiliations in the American foreign and domestic trade."

These quotations are as follows (report as above, vol. 4, pp. 403–406):

The foregoing chapters discuss the control of regular line services in the most important divisions of this country's domestic commerce. With the exception of the Pacific coast trade proper, it was shown that the line of traffic is handled by comparatively few companies and that these are largely controlled by railroads and shipping consolidations. Thus, in the entire Atlantic and Gulf coastwise trade (exclusive of all inland waterway and purely local carriers), 28 lines, representing 235 steamers of 349,821 gross tons, furnish the line service. Of this number of lines, 10 are railroad owned and represent 128 steamers of 340,084 gross tons, or 54.5 per cent of the total number of steamers in the trade and 61.9 per cent of the tonnage. Seven lines operating 71 steamers of 175,971 gross tons in the coastwise trade belong to the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines and represent in the aggregate nearly 30 per cent of the total number of steamers and 32 per cent of the tonnage. Combining the two interests, it appears that the railroads and two Atlantic coast shipping consolidations control nearly 85 per cent of the steamers and nearly 94 per cent of the gross tonnage engaged in the entire Atlantic and Gulf coastwise trade. Attention may be called again to the fact that very few of the routes between any two ports on the entire Atlantic and Gulf coasts are served by more than one line.

On the Great Lakes the through package freight from the western gateways to eastern seaports via Buffalo is controlled exclusively by six railroad-owned boat lines, and these six lines represent 63 steamers of 180,007 gross tons, or approximately 47 per cent of the line steamers and 64 per cent of the line tonnage operating on the Great Lakes. Exclusive of ferry companies and strictly passenger lines, 17 other freight lines of some importance connect various Lake ports. These, however, represent but slightly more than one-third of the Great Lakes line tonnage. Most of these independent lines are comparatively small, none engages in the through traffic from western terminal centers, and seven report that they encounter no direct competition from other water carriers.

Even in the Pacific coast trade (including the intercoastal trade), where independent steamship lines make a more prominent showing than in either the Atlantic coast or Great Lakes trade, railroads and shipping consolidations represent a large proportion of the total tonnage. The 15 lines already noted as operating in this trade represent (after excluding steamers engaged in the foreign trade) a total of 106 steamers of 350,512 gross tons. Three of these lines are owned by railroads and four by shipping consolidations, and represent a combined total of 68 steamers of 172,679 gross tons, or over 64 per cent of the total number of steamers for the 15 lines and over 49 per cent of the tonnage.

Considering all the line services noted in the preceding chapters as engaged in coastwise and Great Lakes trade, the following totals appear: The lines number 66; the steamers operated strictly in the domestic trade, 474; and the gross tonnage of these steamers, 1,180,897 tons. Of these totals, 19 railroads control 209 steamers (44.1 per cent of the total) and 589,561 gross tons (nearly 50 per cent of the total). Eleven lines belong to shipping consolidations and operate 121 steamers (25.5 per cent of the total) of 279,180 gross tons (23.6 per cent of the total). All told, the 30 lines referred to in the preceding chapters as controlled by railroads or shipping consolidations operate 330 steamers of 868,741 gross tons, or nearly 70 per cent of the tonnage.

Those who quote this language habitually ignore the fact that it is only the "regular-line" service that is considered—a relatively small or minority part of the total coastwise merchant marine, which is composed, as already suggested, mainly of general cargo or "tramp" tonnage—of steamers, barges, and sail vessels operating not on regular routes, but wherever there is freight to convey.

The quoted report of the Merchant Marine Committee of the House of Representatives cites as "controlled by railroads or shipping consolidations" only "330 steamers of 868,741 gross tons," which are described as embodying "nearly 70 per cent of the total number of steamers and 74 per cent of the tonnage" of the companies engaged in this regular-line service, on the Atlantic and Pacific coasts, the Great Lakes, and the Gulf of Mexico. But the total coastwise merchant marine of the United States on June 30, 1913, according to the report of the Bureau of Navigation for 1913 (page 7), consisted of 27,070 vessels of 7,886,518 tons. Of this immense shipping, 24,765 vessels of 6,858,742 gross tons were enrolled and licensed vessels engaged in the coastwise trade—only 1,027,776 gross tons being registered for foreign commerce. Therefore it follows that the 330 steamers of 868,741 gross tons described by the Merchant Marine Committee as "controlled by railroads or shipping consolidations," constitute only about one-eighth of the entire coastwise merchant shipping of the United States, which consists, all told, as has been said, of 24,765 vessels of 6,858,742 gross tons. That is, nearly seven-eighths of the tonnage of the American merchant marine in coastwise trade is not included in the line service of these railroad companies or steamship consolidations.

The most notable recent development of the American merchant marine has been in steam vessels of the all-around "tramp" or cargo-carrying type, built in part on the Great Lakes and in part in shipyards of the Atlantic seaboard. Most of these vessels are owned and controlled in New England and New York. Such ships are engaged in the carrying of coal, lumber, sugar, molasses, cotton, sulphur, phosphate rock, and so forth. They are of a type expressly calculated for service through the Panama Canal. So far as is known, none of these "tramp" ships are owned by railroads or by shipping consolidations. They are increasing in number more rapidly relatively than the steamers of the regular coastwise lines.

A trust or monopoly of 24,765 vessels of 6,858,742 tons has never been effected and never could be effected. Many of these vessels are small craft, but a great many of them are of a seagoing type. Such a multitude of units never could be brought together—the task has never been undertaken. It would be about as practicable to form a trust monopoly of owners of automobiles or of farm wagons. The service which the general freight-carrying coastwise merchant fleet of this country renders has always been distinctively and keenly competitive in its character. Until now nobody has ever asserted otherwise.

Not only is there no trust or monopoly dominating the coastwise merchant marine of the United States—nearly seven-eighths of its tonnage as has been shown being outside the lines found to be controlled by railroads or steamship consolidations—but by the terms of the Panama Canal act of August 24, 1912, any trust or monopoly control of coastwise shipping through the Panama Canal is made absolutely impossible. Section 11 of this act provides:

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interests whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere, with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

This section would bar completely from the Panama Canal any steamship owned by a railroad company or in which a railroad company had any direct or indirect interest. A subsequent paragraph of section 11 of this same act bars also all ships owned by trusts or monopolies, as follows:

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

It should be added that the American coastwise steamship lines now actively preparing to use the canal are not in any case described by the Merchant Marine Committee as owned either by railroads or by steamship consolidations. They are included by the committee among the independent lines. The Pacific Mail steamers from San Francisco to Panama and the Panama Railroad Co.'s steamers from New York City to Colon will presumably not enter the canal when it is opened. The other lines now preparing to use the canal are—

American-Hawaiian Steamship Co., 26 ships, already in operation from Atlantic coast, via Isthmus of Tehuantepec, to Pacific coast ports and Hawaii.

Luckenbach Steamship Co., 10 steamships, already in operation from Atlantic ports, via Straits of Magellan, to Pacific coast ports and from Pacific coast ports to Panama.

W. R. Grace & Co., 4 ships, already in operation from New York and Philadelphia, via Straits of Magellan, to San Francisco and Puget Sound.

John S. Emery & Co. (Inc.), 2 ships building and more to be chartered, from Boston through the canal to San Francisco and Puget Sound.

Red Star Line, 2 ships now in trans-Atlantic service; plans yet unannounced.

Newspaper dispatches of March 6, 1914, stated that—

New Orleans, Port Arthur, and Galveston business men are organizing a steamship company to operate coastwise steamships from these ports through Panama to the Pacific seaboard.

It is estimated by shipping authorities that the American steamship companies which have already signified their intention to run steamers through the Panama Canal from coast to coast will have enough steamers when the canal is completed to dispatch a ship from the Atlantic or from the Pacific coast practically every business day throughout the year.

This is for the regular-line service, in addition to the "tramp" business, bulk-cargo carriers of coal, grain, asphalt, and lumber, for which in the past two or three years many steamships well adapted have been built on both the Atlantic and Pacific coasts and on the Great Lakes.

Coastwise carriers of the Atlantic seaboard are owned in two ways—either by corporations organized to carry on the shipping trade, whose stock, as a rule, is widely distributed, or by groups of individual owners, each possessing a certain number of "shares." These shares may be thirty-seconds or sixty-fourths, and this is the manner of ownership traditionally pursued in the old sail-ship days. Relatively few of these coastwise carriers—and these are apt to be small craft—are owned altogether by an individual. In New England, particularly, the ownership of the coastwise vessels is widely subdivided among thousands of shareholders or stockholders, the great majority being persons of moderate means. From what I have said it clearly appears that the charge that a coastwise-shipping trust exists in this country is absolutely without foundation and ought not to be repeated in this Chamber or elsewhere.

THE QUESTION OF SUBSIDY.

Mr. President, this is not a party question. The President is entitled to our confidence and respect unreservedly, and in all matters of public policy to our support in so far as we can conscientiously accord it, but the mere fact that he proclaims that he is opposed to subsidy in every form does not in the least justify either the Senate or the administration in the gratuitous sacrifice of such an invaluable commercial asset as the right to give by exemption of tolls an encouragement to our merchant marine. The history of no political party and no party leader, either in this country or abroad, justifies any such claim of infallibility as the attitude of the administration implies; and so I venture to say that the administration would not be in such hot haste to sweep American shipping from the face of the sea, possibly for all time, if it truly realized that after all the President may be mistaken about this matter and may have to reverse himself as he has been forced to do about some other equally cherished delusions. Indeed, if we are to admit that the remission of tolls to American coastwise vessels is a subsidy, then it follows that every deepened waterway and broadened channel, every lock and every canal on our lakes, along the coast, and upon our rivers, built by national appropriations and used by our shipping, is a subsidy. The Democratic Party, not less than other parties, has had its honorable share in these great internal improvements, and in that way has granted enormous subsidies to foreign shipping, for whose benefit most of the great expenditures on the seacoast have been made.

After all, perhaps a little introspection of the subsidy question, instead of stargazing around it, will suffice to show it is not such a terrible thing as our friends imagine. If the argument of the repealers on this subject is correct, we undoubtedly have been unconsciously subsidizing the church for years in this country. I can easily show you over $25,000,000 worth of church property right here in Washington that pays the Government no taxes, to which nobody objects, and surely that is as much a contribution to a class as any subsidy ever suggested for American shipping would be. If the theory we are asked to commit ourselves to holds good, to be consistent we should have a tollgate at Cape Henry, another at Sandy Hook, and at least two at New Orleans. How about the subsidy to the common schools that the rich now so cheerfully concede to the poor, the well-to-do to those who want to do well in this country? If free passage through the canal is a subsidy, how about the income tax, patents, appropriations to destroy the boll weevil and the gypsy moth, and for the encouragement of industries purely local in their character, such as the raising of live stock in the cane-sugar and cotton districts of the United States, to be found in the Agricultural appropriation bill now before the Senate? Very likely that is intended to be a legislative placebo or a consolation prize for the destruction by Congress of the sugar industry of the State of Louisiana. However that may be, it is a bald subsidy, notwithstanding the senior Senator from Louisiana a few days ago declared with great unction that "subsidy grates on the ears of Democrats." And I might well ask, What about the subsidy in the naval appropriation bill which grants free passage to vessels through the Panama Canal en route to or returning from the Panama-Pacific International Exposition?

So, I pray, Senators, let us not needlessly burn our bridges over this river which we shall surely have to recross later on unless we propose to let our more enterprising neighbors drive the Stars and Stripes utterly from the seas, which they have already largely accomplished.

It is within the memory of many of us that Democracy bitterly opposed the abolition of slavery, the safeguarding the integrity of the Union with arms, the prosecution to a finish of the Civil War, and the establishment of the gold standard. It has had confident convictions on other subjects—free silver and free trade, for instance, both of which delusions it has surrendered, partially at least, and must still further modify if it is to remain in power; therefore something more than a human conviction should be insisted upon before we consent to give up something that all the civilized world beyond our boundaries believes to be the most potent weapon ever forged for defense or offense on the ocean. In the face of the fact that almost every public-school boy knows that both of the great English parties—the Whig and the Tory—have been on every side of every political question that has ever been exploited in Great Britain, it is only reasonable to suppose that the Democratic Party is destined to change front about this matter as frankly and completely as it has done about other national questions that used to widely divide us. Indeed, in this debate at least two distinguished Democratic Senators have already committed themselves to the policy of granting relief in the form of subsidies to American shipping.

There was a time when the American flag was seen in every port of the civilized world, while now it is rarely seen outside of our own borders. The destruction of our over-seas shipping is absolutely pathetic and a reproach to a nation that leads all the world in wealth, in manufactures, in mining, and in agriculture. The time is sure to come when all parties will unite—Democrats, Republicans, and men of all other political beliefs—in a demand that we shall no longer neglect our merchant marine, but that it shall be rehabilitated by the same methods that other nations employ, and that is through governmental aid in the shape of appropriations from the National Treasury.

This matter of vacillation and changing of front of the Democratic Party on the important questions of the day is convincingly illustrated in the utterances of the present occupant of the White House. Every member of his party not only admits but glories in the assertion that Woodrow Wilson is one of the greatest exponents of Democratic principles that ever lived. His words and actions therefore may be considered as typically Democratic, and his repudiation of his party's platform declaration on the matter of tolls, which he indorsed during the campaign, is notorious.

In a speech at Washington Park, N. J., on August 15, 1912, Mr. Wilson, among other things, said:

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

Compare this language with the words of his message to Congress on the same subject, which is familiar to everyone.

Another illustration of the delightful inconsistency of the occupant of the White House is given in the following letters, in which is shown his varying estimates of his amiable Secretary of State:

PRINCETON UNIVERSITY, PRINCETON, N. J.,
President's Room, April 29, 1907.

MY DEAR MR. JOLINE: Thank you very much for sending me your address at Parsons, Kans., before the board of directors of the Missouri, Kansas & Texas Railway Co. I have read it with relish and entire

agreement. Would that we could do something, at once dignified and effective, to knock Mr. Bryan once for all into a cocked hat.

Cordially and sincerely, yours,

WOODROW WILSON.

Mr. ADRIAN H. JOLINE.

WHITE HOUSE,
Washington, February 5, 1914.

MY DEAR MR. MARBURY: I have your letter of January 30. * * * Your reference to the Secretary of State shows how comprehensively you have looked on during the last few months. Not only have Mr. Bryan's character, his justice, his sincerity, his transparent integrity, his Christian principle, made a deep impression upon all with whom he has dealt, but his tact in dealing with men of many sorts, his capacity for business, his mastery of the principles in each matter he has been called upon to deal with, have cleared away many a difficulty and have given to the policy of the State Department a definiteness and dignity that are very admirable.

I need not say what pleasure and profit I myself have taken from close association with Mr. Bryan, or how thoroughly he has seemed to all of us who are associated with him here to deserve not only our confidence but our affectionate admiration.

Sincerely, yours,

WOODROW WILSON.

Mr. WILLIAM L. MARBURY, *Baltimore, Md.*

Other instances without number could be given showing the facility with which the President is able to suit his utterances to what he considers the needs of the hour, but enough has been said to indicate a bare possibility that the failure to repeal the exemption provision may not be such a dire calamity as the President would have us believe. On the contrary, it would be quite within the precedents to find him in a short time advocating exemption of tolls quite as loudly as he now denounces them.

THE REPEAL IS NOT NECESSARY AS A MATTER OF POLICY.

Many arguments have been advanced tending to show that the repeal of the exemption clause is desirable as a matter of "policy." This can be considered from but two viewpoints. Either it is a poor economic proposition to extend aid to our coastwise shipping by means of the exemption of tolls or it is a menace to our foreign policy to stand on our rights in refusing to accede to the demands of Great Britain. At least one of the Senators who has taken the latter position, the Senator from Massachusetts [Mr. LODGE], who has always cast his vote in favor of assisting our merchant marine, now holds that we should not exercise the right of discrimination simply because we possess it, largely because of the effect upon our foreign policy. This is probably true of nearly all the Senators who will vote in favor of repeal on the ground of policy.

What can there be in our relations with foreign Governments that would be jeopardized or imperiled by a firm stand on our rights? One would think that such a position would win the respect and compel the admiration of all nations, and that future negotiations would be greatly facilitated if it was clearly understood that we did not propose to deviate from the fundamental doctrines of this Government. Is there anything in the Mexican situation to warrant such a suggestion? It would seem that a little more firmness and insistence in the beginning on our demands upon Mexico for reparation and punishment of guilty parties would have been productive of beneficent results. As a consequence of our vacillating Mexican policy we are said to be the laughingstock of the world. If we yield in this matter our position will be rendered still more ridiculous. A weak retreat from the stand we have taken will simply be an incentive to Japan to renew with fresh vigor her claims in California, and other nations will probably immediately resurrect old grievances and insist on decisions favorable to them.

INTERPRETATION OF THE HAY-PAUNCEFOTE TREATY.

If all the Senators who believe we have an undeniable right under the Hay-Pauncefote treaty to grant exemption from Panama Canal tolls to our coastwise shipping were to vote against the repeal of the exemption clause, it can not be doubted that the proposition would be defeated. It may be contended, therefore, that arguments could be directed more effectively toward the question of exercising that right at the present time. This I propose to do before I complete my remarks, but at this point I wish to point out what, to my mind, are fallacious constructions sought to be attached to the treaty by those who favor repeal.

In the first place, that part of the preamble of the treaty is quoted which says that it is negotiated "without impairing the 'general principle' of neutralization established in article 8 of that convention," referring to the Clayton-Bulwer treaty of 1850. Let us, therefore, study the wording of that article to see if any of its provisions are impaired by the exemption from tolls of American ships.

THE ORIGINAL CONTRACT OF 1850.

The precise words of article 8 of the Clayton-Bulwer treaty of 1850 are as follows:

The Governments of the United States and Great Britain, having not only desired, in entering into this convention, to accomplish a particular object but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable, and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

It is seen that the United States and Great Britain agreed to extend *their* "protection" to the canal route, wherever it might be located. Now, read carefully the second sentence of the article. It simply means that *in consideration of the protection granted jointly* by the United States and Great Britain no charges or conditions of traffic shall be imposed other "than the aforesaid Governments shall approve of as just and equitable."

In other words, to quote Hon. JOSEPH HOWELL, Representative in Congress from Utah:

The principle laid down and clearly established in this article is that protection is the price paid for equal treatment. Simply this and nothing more. Protection and equality of treatment stand in the relation of cause and effect.

This consideration is also extended to other Governments which may undertake to guarantee similar protection. Are we to understand that Great Britain undertakes to give "protection" to our canal, built with our own money, on our own soil, or that other countries have indicated that they will do the same thing? The suggestion is preposterous, and the whole argument for equal tolls based on this proposition must fall to the ground.

When this matter of joint protection of the canal was under consideration there was absolutely not the slightest intimation that the United States would build the canal with its own money and on its own territory. In the great speech on the subject by Senator Clayton March 9, 1853, not a reference to such a thing can be found. Even such an advocate of exclusive control of the canal by the United States as Stephen A. Douglas did not offer such a suggestion. In a speech in answer to that of Mr. Clayton Mr. Douglas used these words:

In his last speech the Senator—Mr. Clayton—chose to persevere in representing me as the advocate of a canal to be made through Central America, with funds from the Treasury of the United States. I need not remind the Senator that he had no authority from anything I have said to attribute to me such a purpose. I certainly did not assume any such position, while my remarks were calculated to negative such an idea.

Is it to be supposed that had it been known that the canal was to be built with our own money on our own soil the protection of Great Britain or any other country would have been solicited or accepted? Of course not; and as it was built with our own money and on our own soil, and we are to maintain and protect it we receive no "protection" from Great Britain, and therefore we are not bound to admit her ships to the canal on equal terms with our own.

ALL RULES OF EQUAL FORCE.

The Hay-Pauncefote treaty contains six rules for the purpose of governing the operation of the canal. The Senator from Massachusetts [Mr. LODGE] and other Senators have put the matter very plainly when they said:

It seems unreasonable to suppose, as I have already said, that when five out of the six of the treaty rules do not apply to the United States the sixth was intended to apply.

The rules are as follows:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not

depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

It would seem that either all the rules apply to the use of the canal by this country or none of them have application to such use. Suppose they all do apply, then the United States, in its own canal, would be subject to the following restrictions:

First. We could not blockade the canal.

Second. We could not exercise a right of war or commit an act of hostility within the canal.

If at war with any other nation—

Third. We could not revictual or take on stores in the canal, except as strictly necessary.

Fourth. Transit through the canal would have to be made with least possible delay.

Fifth. We could not embark or disembark troops, munitions of war, or warlike materials in the canal.

Sixth. We could not allow our vessels to remain in the canal or within 3 miles of either end longer than 24 hours.

It is manifestly absurd to contend that the United States is controlled by the rules I have just outlined, and it is equally absurd to claim that the rule prescribing equality of tolls applies to the United States if all the others do not.

Again, by reference to the Hay-Pauncefote treaty, it is seen that "*the United States* adopts * * * the following rules." Is it reasonable to suppose that the party who promulgates the rules is to be bound thereby? The treaty also says:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules.

Suppose the United States did not observe the rules which she herself has laid down, is she then to be denied the use of her own canal; and if so, who will undertake the enforcement of the denial? It would seem that the contention is manifestly too ridiculous to be seriously considered.

NEUTRALIZATION.

Much stress has been laid upon the so-called neutralization clause of the Clayton-Bulwer treaty, namely, article 8. It is claimed that the Hay-Pauncefote treaty must be construed in the light of this article, and that this neutralization provision guarantees absolute "equality" between the citizens of Great Britain and the United States. Nothing could be further from the truth.

Let us see what the real meaning of "neutralization" is. Ex-Senator Foraker, whose high standing as a lawyer is everywhere recognized, gives the following definition:

The well-defined and established primary meaning of "neutralization" has reference to conditions of war and the rights and duties of belligerents. There can not be any neutral port unless there are belligerents, and there are no belligerents in time of peace—only in time of war.

Neutrality means the equal treatment of the belligerents compared one with another, but not the equal treatment of belligerents with the nation to which the neutral port may belong. Assuming the United States to be the neutral nation we could not show favor to one or the other of warring nations without violating the rules of international law applicable, and thus laying ourselves liable to be called to account by the injured belligerent. There is nothing in the treaty to indicate that the word as used was to have any other than its ordinary meaning, and this ordinary meaning has no reference to peace or the conditions of peace, but only war and the conditions of war; but if we are to extend its application to rule 1 and make it apply to tolls in time of peace as well as in time of war, then, according to all rules of construction, neutrality in such new use would mean equal treatment accorded by the neutral nation to other nations, just as it does in every instance under its familiar application.

It is impossible to think of any case of neutrality or "neutralization," whether peaceful or warlike, without at least three parties being concerned—the neutral, who has no interest in the controversy, and the parties thereto who are entitled to equal treatment as between themselves, and, receiving that, have no claim of any kind against the neutral.

All things considered, the British contention is not only utterly untenable, but also utterly unjust.

I quote two additional definitions of the meaning of "neutralization." In Moore's International Law we find the following:

The idea of a neutral nation "implies two nations at war and a third in friendship with both."

Turning to Bouvier's Law Dictionary, the following definition is given:

The state of a nation which takes no part between two or more other nations at war with each other.

Neutrality consists in the observance of a strict and honest impartiality, so as not to afford advantage in the war to either party, and particularly in so far restraining its trade to the accustomed course which is held in time of peace as not to render assistance to one of the belligerents in escaping the effects of the other's hostilities.

It will thus be seen that the use of the word "neutralization" presupposes the existence of war, and has no reference whatever to the administration of the canal in time of peace. Therefore the "general principle" of neutralization established by the Clayton-Bulwer treaty, and which the Hay-Pauncefote treaty undertakes to perpetuate, has application only in regard to belligerents, and can not be considered as affecting in any way the matter of tolls in times of peace.

THE WELLAND CANAL.

During the debate great stress has been laid on the fact that after imposing discriminating tolls on our vessels through the Welland Canal Great Britain, in response to a protest from our Government, exempted our vessels from the payment of tolls through that waterway, and it has been suggested that that fact was an illustration of generosity on the part of Great Britain which we might well reciprocate by repealing the exemption provision of the Panama Canal act.

The Senator from Georgia [Mr. SMITH] laid great stress on that point, but the Senator from Idaho [Mr. BORAH] exploded that argument by showing that the action of Great Britain was simply a concession of a right that naturally and properly belonged to us, and the Senator from Montana [Mr. WALSH] also pointed out the fallacy of the claim. The fact is that in regard to the Welland Canal there is an agreement between the United States and the Dominion of Canada for mutual, reciprocal use of the Great Lakes and connecting waterways, including the American and Canadian canals at Sault Ste. Marie, the American St. Clair Canal, the Detroit River artificial channel, and the Welland and St. Lawrence Canals. Canada has improved some of these waterways and controls the Canadian Sault Ste. Marie, the Welland, and St. Lawrence Canals. She grants our vessels the use of these waterways on the same terms which her own ships enjoy. On the other hand, we grant her vessels similar use of the Soo Canal and the St. Clair and Detroit Channels, which have been deepened at enormous expense to the United States.

In other words, our use of the Canadian canals depends upon a special reciprocal arrangement. We give Canada certain privileges in our canals, and she gives us certain privileges in return. The whole question is well illustrated by the two canals at Sault Ste. Marie, paralleling each other on opposite sides of the river. Canada has built and maintains one. We have built and maintain another, and we are now constructing a very much deeper waterway on our side. If Canada had built at Panama at equal cost a canal paralleling ours, she would have a perfect right, as distinguished from all the other nations of the world, to come to us and say, "If you will pass our vessels free through your canal, we will pass yours free through ours."

But no such Canadian canal at Panama exists. We have built the only canal at the Isthmus at our own expense, and neither Canada nor any other nation has a right to come to us and demand that we shall follow at Panama the same policy which, under absolutely different conditions, we have followed on the Canadian border. If at some future time Canada or some other nation shall build a canal across the American Isthmus, then a condition comparable to that on the Great Lakes and the St. Lawrence would develop.

As a matter of fact, Canada did, prior to 1896, remit a part of the toll on the Welland Canal on grain carried to Montreal or Europe, and when we protested Canada insisted that she was well within her rights. She did not yield until we threatened to refuse free passage to her ships through the Sault Ste. Marie Canal. Then she granted to us equality in the Welland Canal as a matter of expediency, but by so doing she did not place us under obligation to her in any respect.

To put it concisely, Canada bought her privileges in our lake channels at a price of equal privileges in her own waterways, but no nation is in a position to do this at Panama.

VIEWS OF THOSE WHO PARTICIPATED IN THE PREPARATION OF THE HAY-PAUNCEFOTE TREATY.

In the consideration of this question it seems to me that it is of vital interest to understand just what the writers of the treaty conceived its real meaning to be. During the consideration of the treaty in the Senate Senator Bard, of California, introduced an amendment, as follows:

The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

This amendment was defeated by a vote of 43 to 27, but practically all of the Senators who voted in the negative, including myself, did so because they thought we had the undoubted right of discrimination in the treaty as it stood, and that the adoption of the amendment would be simply cumbering the treaty with useless language. Senator Bard himself admits that it was generally conceded that we had that right, and that his amendment was simply to remove all question or doubt. Ex-Senator

Foraker, in referring to the contention that we are prohibited from discriminations in favor of our own ships, says:

There is a preposterous absurdity in such a conclusion, and I should feel deeply mortified to think that I had favored and supported a measure that was capable of such a construction.

Secretary of State John Hay, the plenipotentiary on the part of the United States in the negotiation of the treaty, sent to the Senate a history of the amendments proposed to the first Hay-Pauncefote treaty, which resulted in the negotiation of the second treaty that is now in force. His explanation of the meaning of the treaty at the time of its transmittal to that body was this:

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is exclusively the property of the United States, and is to be managed and controlled and defended by it. * * * The United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated and assumes the entire responsibility and burden of enforcing, without the assistance of Great Britain or of any other nation, its absolute neutrality.

The quotation shows the views of the man who, above all others, was in a position to know and understand the true meaning and intent of the Hay-Pauncefote treaty. No stronger or more emphatic language could have been used by him, and this one argument is sufficient, in my opinion, on which to base my contention.

It is utterly unconscionable to suppose that true Americans, such as John Hay and those associated with him in the negotiation of the Hay-Pauncefote treaty, would have considered for a moment the surrender of the right to do with this canal exactly what we saw fit. As I have already suggested, it was built with our own money, on our own territory, by our own labor and ingenuity, without the slightest aid or suggestion from Great Britain or any other power, and, according to all rules of equity, justice, fair play, and common sense, we are privileged to control its affairs precisely as we wish. That view was held by President Roosevelt, President Taft, and Secretary of State Knox.

One of the latest utterances made on this point is by Dr. David Jayne Hill, Assistant Secretary of State under John Hay at the time the treaty now in force was negotiated, who afterwards was American ambassador to Germany and who is recognized as an authority on international law. In a recent number of the Saturday Evening Post, under the title of "The Meaning of the Hay-Pauncefote Treaty," Dr. Hill reaches the conclusion that the treaty is observed in letter and spirit when the United States treats all nations alike in assessing canal tolls, and that they have no right to complain if the United States, the owner of the canal, passes its own vessels through free.

Another point made by Dr. Hill is important, and that is that if we are not to be given preferential treatment in regard to our coastwise vessels then all other governments should be required to pay proportionally the deficit that will accrue in the maintenance of the canal. The estimated annual cost of maintenance and operation of the canal, including interest and amortization, is $29,250,000, while the income from tolls, including tolls on American coastwise shipping, would be only $12,600,000. This would leave an annual deficit of $16,850,000. The tolls on coastwise shipping would amount to $1,200,000, leaving $15,650,000 to be reimbursed by foreign governments. It is estimated that the shipping of Great Britain passing through the canal will be more than half of the total.

I would like to inquire of any Senator who favors the repeal of the exemption clause whether this proposition is not a just and fair one. Why should we, having built the canal, provided we admit the ships of all nations to the canal on the same terms as our own, be required to pay all the loss that occurs in the matter of interest, maintenance, and protection? The mere statement of this matter shows clearly that the United States is on a different footing from other nations in regard to the canal, for the reason that if we repeal the exemption provision the United States will be required to pay the deficit, and no foreign government will be asked to contribute a dollar. In other words we have built the canal, and must now bear greatly more than our share in maintaining it. How absurd that is. If the United States chooses to remit $1,200,000 to its coastwise shipping, thus making the deficit larger, why should foreign countries complain so long as they do not pay any part of the deficit? I wish that some Senator would frankly tell me why Dr. Hill's proposition is not a fair and equitable one.

Again, Mr. President, let us suppose that at some future time the canal is seriously damaged or destroyed by an earthquake or some other catastrophe, an event which may occur at any moment, will the nations who, if this bill passes, are to be granted in every respect equal privileges and benefits in that great waterway with ourselves rebuild it, or will that task, accompanied by another enormous expenditure of money, devolve upon the United States? The question answers itself, and it shows clearly the folly that we will perpetrate if we yield to the joint demands of Great Britain and the President of the United States on this question.

THE HAY-PAUNCEFOTE TREATY IS OF NO EFFECT UNDER THE CONSTRUCTION GIVEN IT BY THOSE FAVORING REPEAL.

A word as to the treaty-making power.

In Wharton's International Law is found an illuminating discussion of the limitations of the treaty-making power of the President and Senate. I quote as follows:

That a treaty can not invade the constitutional prerogatives of the legislature is thus illustrated by a German author, who has given to the subject a degree of elaborate and extended exposition which it has received from no writer in our own tongue: "Congress has, under the Constitution, the right to lay taxes and imposts, as well as to regulate foreign trade, but the President and Senate, if the 'treaty-making power' be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution, Congress has the right to determine questions of naturalization, of patents, and of copyright. Yet, according to the view here contested, the President and Senate, by a treaty, could on these important questions utterly destroy the legislative capacity of the House of Representatives. The Constitution gives Congress the control of the Army. Participation in this control would be snatched from the House of Representatives by a treaty with a foreign power by which the United States would bind itself to keep in the field an army of a particular size. The Constitution gives Congress the right of declaring war; this right would be illusory if the President and Senate could, by a treaty, launch the country into a foreign war. The power of borrowing money on the credit of the United States resides in Congress; this power would cease to exist if the President and Senate could, by treaty, bind the country to the borrowing of foreign funds. By the Constitution 'no money shall be drawn from the Treasury but in consequence of appropriations made by law,' but this limitation would cease to exist if, by a treaty, the United States could be bound to pay money to a foreign power. * * * Congress would cease to be the lawmaking power as is prescribed by the Constitution; the lawmaking power would be the President and the Senate. Such a condition would become the more dangerous from the fact that treaties so adopted, being on this particular hypothesis superior to legislation, would continue in force until superseded by other treaties. Not only, therefore, would a Congress consisting of two Houses be made to give way to an oligarchy of President and Senate, but the decrees of this oligarchy, when once made, could only be changed by concurrence of President and of senatorial majority of two-thirds." (Wharton, Int. Law Digest, art. 131a, I. 26.)

As has been suggested elsewhere, to this list of the powers of Congress delegated by the Constitution can well be added the power "to regulate commerce with foreign nations and among the several States and with Indian tribes." If the legislative power of the House of Representatives under this provision of the Constitution has been taken from them by the Hay-Pauncefote treaty, as must be the case under the construction given to the treaty by those who favor repeal of the exemption clause, then the Senate apparently has exceeded its treaty-making power, and the treaty, in this respect at least, is of no effect whatever.

The Panama Canal was built with money received from taxation of the American people. The canal is therefore the property of the people. The President and Senate, constituting the treaty-making power, are simply the trustees of the people. Hon. Lewis M. Hosea, one of the ablest lawyers of Cincinnati, and but recently retired from the bench of the superior court of Ohio, has taken notice of the above principle, which he clothes with the following language:

Whosoever deals with a trustee, knowing him to be such, is bound to take notice of his powers and limitations.

This is a principle of common law, familiar in both England and the United States, and Judge Hosea comments on it as follows:

This is especially true of public officials who are mere agents and trustees of the public, charged with the performance of specific duties and intrusted with powers suitable to that end. An act of a public officer, therefore, within the scope of his duty and power binds the public; but if the act be not within the scope of such duty and power it does not bind the public, and one thus dealing with a trustee can take no benefit from his wrongful act.

If, therefore, under familiar legal principles common both in England and the United States, neither the President nor the Senate had power or authority to make a treaty with England, surrendering the local and interstate rights of the people incident to the construction of the canal and its use as a local highway connecting United States territory, then if the treaty does surrender such rights, it is void.

Edward Everett, as Secretary of State, on December 1, 1852, in a letter to the Compte De Sartiges, of Spain, in regard to a proposed convention stipulating that we would never annex Cuba, gave utterance to the following:

Now, it may well be doubted whether the Constitution of the United States would allow the treaty-making power to impose a permanent disability on the American Government for all coming time and prevent it under any future change of circumstances from doing what has been so often done in times past.

The provision in the Hay-Pauncefote treaty allowing "all nations" to use the canal on equal terms is, under the construction

sought to be placed upon it by those who favor the repeal of the exemption provision, clearly an imposition of "a permanent disability on the American Government," and prevents it from doing what has been done many times in the past. At the time of the ratification of the treaty there were some very eminent constitutional lawyers in the Senate, and it is inconceivable that they would have allowed a treaty to be ratified if there was any suspicion that it would impose on this Government a permanent disability. The fact that that question was not raised in the debate clearly indicates that the construction now sought to be attached to the treaty is erroneous, and that we did not surrender any of our rights to the full and complete control of the canal.

It is a well-established rule of international law that where the circumstances surrounding the making of a treaty undergo material change the treaty becomes voidable at the option of either party. When the Hay-Pauncefote treaty was negotiated the supposition was that the canal was to be built in alien territory and by private capital. As a matter of fact it was built on territory belonging exclusively to the United States, and with the money of the people of the United States. This country is therefore not bound to adhere to the provisions of the treaty, even though the construction sought to be given it by those who favor repeal is admitted to be correct. If the views held by the advocates of repeal shall prevail, it will manifestly be the duty of this Government to abrogate the treaty, and get rid of the "permanent disability" it imposes on us.

Hon. Hannis Taylor, another eminent authority on international law, supports this argument in the following words:

The conclusion is irresistible that by the radical changes wrought in conditions existing at the time the Hay-Pauncefote treaty was made, through subsequent purchase of the Canal Zone by the United States, the treaty as a whole became voidable. Or, to use the words of Prof. Oppenheim, that the vital change wrought by the subsequent purchase of the Canal Zone rendered an otherwise "unnotifiable treaty" notifiable. Under the universally accepted rule of rebus sic stantibus, so luminously expounded by the greatest of the recent English publicists, we have the right and Great Britain has the right to call a diplomatic conference in order to make such modifications in the terms of this voidable or "notifiable" treaty as either party may desire.

THE MORAL QUESTION.

It has been contended, in season and out of season, by certain Members of this body, notably the distinguished senior Senator from New York [Mr. ROOT], that our national honor can only be upheld by the repeal of the exemption provision in the Panama Canal act. On that point I desire to say that some of us who are opposed to that exemption are just as sensitive upon this question of national honor as is the Senator from New York or any other man in or out of this Chamber. We take exception to the doctrine thus enunciated, and hold that we are subserving national honor to a greater extent by standing for what we conceive to be the rights of our people as against the protests from Great Britain or any other foreign country. I find no fault with those who entertain views opposite from those I hold, but I do find fault with any suggestion from any quarter that our national honor can only be upheld and promoted by yielding to the demands of Great Britain on this important subject.

Mr. President, if there be any moral issue that touches this case, it is, in my opinion, whether we shall or shall not suffer ourselves and the American people to become demoralized by our want of moral courage and conduct in this vital matter. A pledge solemnly made in writing to the electorate of this country, openly and unconditionally proclaimed by each and every one of the great political parties, soliciting popular approval and support at the polls, should be a moral law to those who uttered it not to be lightly cast aside by its authors. It is undeniable that to break such a unanimously plighted pledge tends to promote infidelity in the national heart. The resultant loss of faith in party principles and declarations justifies the thought, growing all too common in this country, that the honeyed phrases of party platforms are indeed nothing more than political molasses to catch human flies.

This charge of dishonorable practice is so succinctly answered in an editorial in the Outlook for October 5, 1912, that I beg to quote a few words therefrom:

What is it that the United States has done? For nearly 400 years the civilized world entertained the idea of a canal through the Isthmus from the Atlantic to the Pacific. Surveys were made, plans were drawn, treaties were enacted. Finally the French people undertook the work. They failed. The American people assumed the burden. They have fought disease and death. They have struggled with engineering problems incredibly difficult. They have laid upon themselves financially an everlasting burden of over $400,000,000. All this has been done not merely for their own benefit, but for the benefit of the entire world. And their final act is to say that the ships of all nations, including their own, engaged in *international commerce* shall share the benefits of the canal on equal terms. Not only that, they have legally fixed for the ships of the British people (who are now accusing the Americans of dishonorable practices) a rate of toll which is actually insufficient to pay the cost of the maintenance of the canal. Have they (the British) given us in this matter that word of praise which we may be fairly said to deserve? If they have spoken such a word of praise, they certainly have not repeated it often enough to be in danger of overstimulating our vanity.

THE QUESTION OF ARBITRATION.

The Senator from New York [Mr. ROOT] in his able speech of January 21, 1913, devoted much space to an appeal that the question should be submitted to The Hague court of arbitration. And the Senator from Utah [Mr. SUTHERLAND] also argued forcibly in favor of disposing of the matter in that way. But let us see if the matter under discussion is arbitrable. In the treaty with Great Britain of April 4, 1908, it is agreed that all matters in dispute shall be referred to The Hague permanent court of arbitration, except those which "affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties." What reference does the Senator from New York make to these exemptions in his speech? I quote his words:

Of course, the question of the rate of tolls on the Panama Canal does not affect any nation's vital interests. It does not affect the independence or the honor of either of these contracting States. We have a difference relating to the interpretation of this treaty, and that is all there is to it.

The learned Senator thus disposes of the exemptions above quoted, and goes on through many pages to extol the virtues of arbitration. Not a word as to whether the dispute concerns the "interests of third parties." Is it not the contention of those who favor the repeal of the exemption clause that every nation, as well as Great Britain, must be admitted to the canal on the same basis as the United States? Why, then, are there not many "third parties"? This one point, as it seems to me, would render the matter not subject to arbitration. It may seem presumptuous in me to say this, but that is the way I interpret the treaty.

The Senator asserts that the question of the rate of tolls does not "affect any nation's vital interests." Perhaps the mere question of tolls does not, but the principle which underlies this whole matter certainly does. A retreat from our position, in the words of ex-Senator Foraker, not only "means self-condemnation, but it also means the abandonment for all time of a right which in the vicissitudes of our national life may, under changed circumstances, be of value far beyond what we can now realize or appreciate." If the British, quoting further from Mr. Foraker, "are to be allowed to dictate with respect to the use of our canal to the extent now demanded, it will be found the more we yield the more we will have to yield." It is the far-reaching consequences of repeal which affect our "vital interests," and having once submitted to dictation by Great Britain, and established a precedent, no one can prophesy where her demands will end, or what essential rights we will next be called upon to surrender.

Mr. President, we are besought to withdraw from what is styled our "arrogant refusal" to submit the matter to arbitration and to consent to allow the dispute to be adjusted by an "impartial tribunal." It strikes me that it is reasonable to assume that the members of that court representing foreign nations, especially if the suggestion that all the nations of the world except ourselves hold that we are wrong, are necessarily prejudiced against us in advance. Again, I do not know whether the members of the court representing the United States would be admitted to the arbitration or not, or whether they would consent to serve if invited to do so; but it is significant that if they should serve at least two members of the court who will represent the United States have already placed themselves on record as opposed to the exemption of tolls; hence it occurs to me that we would in any event be badly handicapped from the beginning if the matter should be submitted to The Hague court as now constituted, as suggested by the senior Senator from New York. For myself I much prefer the suggestion made by the Senator from Montana [Mr. WALSH], that the matter might well go to the Supreme Court of the United States for a determination as to the true construction of the treaty. As he ably argued, a decision reached by that court would at least satisfy our own people, while the result of arbitration, if the decision was against us, would presumably leave the matter, so far as our own people are concerned, in the same unsettled condition of mind as now exists.

FOLLOW THE PRESIDENT, "RIGHT OR WRONG!"

The President's appeal to Congress that we should grant him what he asks "in support of the foreign policy of the administration" is echoed by other Senators, who urge that we should give "unreserved support" to the President of the United States in his foreign policies, because he is the President of no party, but of all the people.

But does this bind us to sustain him in every measure he may propose for the placating of foreign Governments? At the

outset of his administration the President secured the enactment of a tariff law, radically reducing the duties on American manufactures which come into competition with the products of Europe. Those concessions were supposed to be of enormous value to the European Governments and peoples. It was just such a tariff as foreign nations had long, earnestly, and frankly desired, and criticized and denounced our Government for not adopting.

But this tariff for revenue only, valuable and welcome though it was, has apparently failed to satisfy the greed or to secure the favor or friendship of Great Britain. Still another concession—a higher purchase price—is necessary. It is offered in the repeal of the clause exempting American coastwise ships from paying tolls at Panama.

But suppose that this added concession of ours should fail, as the new tariff has failed, to win the complete good will of Great Britain, what then? That country, as is well known, has been giving generous subsidies to her principal lines of steamships for more than 70 years. She has expended for this purpose not far from $400,000,000. British shipping is now receiving almost $10,000,000 a year in all from the United Kingdom and her colonies. These British subsidies have been a most important factor in upbuilding the vast steam marine of the British Empire and in destroying our own steam marine in foreign trade, which in the early days was far more efficient and successful than the fleet of our great competitor.

Now, suppose that the British Government, believing that the purpose of its own subsidy policy had been achieved by the practical destruction of our over-seas shipping, and dreading lest we might follow her example, should propose to President Wilson, who rejects all subsidies as economically unsound, that Great Britain and America should agree in a formal treaty that no more subsidies should be given by either nation? This would present another question of foreign policy. It would provide another opportunity and another very tempting price whereby to win the approbation and good will of foreign Governments. Would the Senator from Massachusetts [Mr. LODGE], who advises us to follow the President, notwithstanding in the Senator's opinion we have a right to exempt our coastwise ships, also hold that we all ought to follow and sustain the President, whether "right or wrong," in that new departure? I apprehend not.

REPEAL OF THE COASTWISE LAWS.

It is a fact of new and profound significance that at the present time, both in this and in the other House of Congress, gentlemen who are following the President have introduced and are apparently pressing for consideration various proposals for the repeal of our historic coastwise legislation, which ever since the early years of the Republic has reserved the great coastwise trade of this country to American ships and American sailors. If this legislation is repealed, foreign ships, with Chinese or Lascar crews, and with their tolls paid in subsidies from foreign Governments, can compete freely with our own ships in the carrying of American merchandise between Boston, New York, New Orleans, and our own ports of the Pacific seaboard. Such a policy would mean, of course, the destruction of what is left of our merchant marine and the utter annihilation of American shipbuilding and navigation.

If the imposing of full tolls upon American ships at Panama should fail, as the reduction of tariff duties upon a billion dollars' worth of foreign manufactured goods has manifestly failed, to produce the desired conciliatory effect upon foreign Governments; and President Wilson, as a further effort in this direction, should recommend to the Congress the immediate consideration and enactment of the legislation proposed by some of his supporters for the repeal of our coastwise laws; and if the President should reiterate his present assurances that this still further concession was absolutely essential to his diplomatic policies, would the Senator from Massachusetts once more urge that the President's word should be supreme in foreign relations, and that party differences should cease at the water's edge? Would the Senator follow the President to this further and complete extinguishment of American maritime interests? Of course he would not; and yet if the President must be upheld in his foreign policy at any price, must he not be upheld in the one case as well as in the other?

FORMER PATRIOTISM IN REGARD TO THE AGGRESSIONS OF ENGLAND.

While the Clayton-Bulwer treaty was under discussion in 1850, Mr. Clayton, the Secretary of State, was subjected to very severe denunciation in the Senate for accepting a treaty which practically provided for a partnership with Great Britain in the construction of the canal, when it was within his power to secure a monopoly for the United States. After he left the Cabinet he sought election to the Senate for the express purpose of replying to his critics. He was successful, and four days after taking his oath as Senator he made a memorable speech defending his course in the negotiation of the Clayton-Bulwer treaty. His principal critic had been Senator Cass, of Michigan, but at this time Mr. Cass was at home in attendance on his sick wife, so Mr. Clayton addressed his remarks to Senator Stephen A. Douglas, the chief lieutenant of Senator Cass. At the close of Mr. Clayton's remarks Mr. Douglas arose to reply. After hearing the supplications from the present-day leader of the Democratic Party that we ought to placate Great Britain by repealing the tolls exemption provision, it is, indeed, refreshing to listen to some of the patriotic outbursts of the virile head of that party in the days when men spoke their convictions.

Mr. Douglas said:

> Are we under any more obligation to consult European powers about an American question than the allied powers were in their congress to consult us when establishing the equilibrium of Europe by the agency of the Holy Alliance? America was not consulted then. Our name does not appear in any of the proceedings. It was a European question, about which it was presumed America had nothing to say.
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> I hope the time has arrived when we will not be told any more that Europe will not consent to this and England will not consent to that. I heard that argument till I got tired of it when we were discussing the resolution for the annexation of Texas. I heard it again on the Oregon question, and I heard it on the California question. It has been said on every occasion whenever we have had an issue about foreign relations that England would not consent, yet she has acquiesced in whatever we have had the courage and the justice to do. And why? Because we kept ourselves in the right.
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> I think the time has come when America should perform her duty according to our own judgment and our own sense of justice, without regard to what European powers might say in respect to it. I think this Nation is about of age. I think we have a right to judge for ourselves. Let us always do right and put the consequences behind us.
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> Sir, the way to establish friendly relations with England is to let her know that we are not so stupid as not to understand her policy nor so pusillanimous as to submit to her aggressions. The moment that she understands that we mean what we say and will carry out any principle we profess, she will be very careful not to create any point of difference between us.

Mr. President, those words were spoken by Stephen A. Douglas, the great leader of the Democratic Party, 61 years ago, when our Government was much weaker and less able to defend herself from the aggressions of foreign powers than she is to-day. They are commended to the Democrats of the present generation. They were brave words from a brave man, who did not allow his judgment to be warped or his utterances to be suppressed through fear of foreign interference. We may well emulate the words of that great leader of his party—known in his day as "the Little Giant"—and stand firmly and unflinchingly for the best interests of the people of the United States, uninfluenced by the views or desires of foreign governments.

In 1810, during the discussion of the bill to repeal the embargo against British shipping, which eventually succeeded, under pressure from England, Henry Clay delivered a notable speech in the Senate, which might well be repeated to-day. I quote a few paragraphs from that speech, which show that patriotism was not lacking in this body in those days in denouncing foreign aggression. Mr. Clay said:

> Sir, is the time never to arrive when we may manage our affairs without the fear of insulting His Britannic Majesty? Is the rod of British power to be forever suspended over our heads? Does Congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean, we are immediately warned of the indignation of offended England. Is a law of nonintercourse proposed, the whole navy of the haughty mistress of the seas is made to thunder in our ears.
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> Does the President refuse to continue a correspondence with a minister who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole Nation, we are instantly menaced with the chastisement which English pride will not fail to inflict.
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> Whether we assert our rights by sea or attempt their maintenance by land, whithersoever we turn ourselves, this phantom incessantly pursues us. Already has it had too much influence on the councils of the Nation. It contributed to the repeal of the embargo—that dishonorable repeal, which has so much tarnished the character of our Government.

The words of Douglas and of Clay reverberated throughout the land when they were uttered, and the American people will indorse equally brave words to-day. England has been a land pirate all through her history. Her diplomacy has been both able and unscrupulous, and if she succeeds in carrying the point now in controversy she will add one more notable victory to her long line of diplomatic triumphs. Can it be possible that the Senate of the United States will aid her in that effort?

Mr. President, a present-day note of patriotism in regard to this matter is sounded by Mrs. Mary Lockwood, the founder of the Society of the Daughters of the American Revolution. I commend her appeal to every true American, man and woman alike, who has at heart the principles upon which this great society was founded. Mrs. Lockwood says:

> The time has come when Americans had best look out for American interests. I appeal to every patriot to stand by his or her country's rights and privileges.

Mr. President, if we are brave enough to do that, the interference of Great Britain in a matter of purely domestic concern to the United States will be rebuked, and we will stand before the world in the light of an independent, self-respecting, courageous Nation, sensitive of our rights, and ready to defend them at all times and under all circumstances.

Mr. President, the great task is completed, and to-day it is expected that a vessel will pass from the Atlantic to the Pacific Ocean across the Isthmus of Panama. The dreams of ages have been fulfilled, and the canal is open on equal terms to the international commerce of the world. The greatest achievement of modern times immortalizes the genius of America and Americans; and Goethals, Gorgas, and their associates have won imperishable renown, and their names will forever live in the memory of our people. They conquered disease, overcame what seemed to be insuperable engineering problems, and by patience, courage, and unflagging devotion to duty consummated the great enterprise. In a sense the canal belongs to the world, but in a larger and truer sense it belongs to us. To a just share in its privileges and benefits the nations of the earth are invited; but its defense, protection, and maintenance are reserved to the United States. The waters of the two oceans will mingle, and a large share of the commerce of the world will be carried through the great waterway to be distributed to South America, the Orient, and other distant markets; and more and more, as the years come and go, will the incalculable boon that we have bestowed be appreciated. It is for us as a nation to feel just pride in what we have accomplished, and it is equally for us to be jealous of our rights and faithful to the interests of the great Nation we represent. That we can only do by firmly adhering to the legislation now on the statute books and resisting all efforts, from whatever source they may come, to induce us to yield the superior rights that we have fairly won and the superior recognition that is manifestly our due. Let us in dealing with this question adopt the words of Jefferson in his communication to the American commissioners at Madrid:

> We confide in our strength without boasting of it; we respect that of others without fearing it.

Mr. STERLING. Mr. President, I desire to give notice that on Wednesday, May 27, following the routine morning business, I shall address the Senate on the pending bill.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fall	Pittman	Smith, Ga.
Borah	Gallinger	Poindexter	Smith, Md
Brady	Hughes	Pomerene	Smith, S. C.
Brandegee	Johnson	Ransdell	Smoot
Bristow	Kenyon	Reed	Sterling
Bryan	Kern	Robinson	Sutherland
Burleigh	Lea, Tenn.	Root	Thompson
Burton	Lodge	Shafroth	Thornton
Catron	McCumber	Sheppard	Tillman
Chamberlain	Martine, N. J.	Sherman	West
Chilton	Norris	Shields	
Dillingham	Overman	Shively	
du Pont	Page	Smith, Ariz.	

Mr. THORNTON. I was requested to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he has a general pair with the senior Senator from New York [Mr. ROOT].

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum of the Senate present.

THE TRADITIONAL POLICY OF THE UNITED STATES IN RELATION TO WATERWAYS.

Mr. BURTON. Mr. President, in support of the bill to repeal the exemption of our coastwise shipping from the payment of tolls in the Panama Canal three classes of arguments have been earnestly and ably presented to the Senate.

First. That the Hay-Pauncefote treaty of 1901 requires entire equality among nations, and consequently the exemption of any shipping of the United States is a violation of its provisions. It is further argued that even if the treaty in itself does not forbid discrimination, at least when negotiations and treaties made before and after are considered with it, the inhibition is absolutely conclusive.

Second. The economic argument that the exemption from payment of tolls constitutes a subsidy, and that is not justified by our laws, is contrary to the spirit of our institutions, and is opposed by the party in power and by many adherents of the Republican Party. In this connection it is maintained that the exemption will not materially benefit producer or consumer or aid in reducing rates on transcontinental railroads.

Third. The opinion of other nations. It is alleged that this opinion is practically unanimous against us. The President, in his brief and forcible message, while regarding the exemption as a mistaken economic policy from every point of view and in plain contravention of the treaty with Great Britain, adds: "The meaning of the treaty is not debated outside of the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption." He also gives an intimation of "matters of even greater delicacy and nearer consequence" with which he will have difficulty in dealing unless the exemption act is repealed.

The distinguished Senator from Massachusetts has aptly expressed this argument in quoting from the Declaration of Independence the words, "a decent respect for the opinions of mankind," to which he added, "and the high position of the United States among the nations of the world."

But in addition to these three, there is still a further argument equally potent in favor of repeal, and that is the traditional and practically uniform policy of the United States in advocating—yes, demanding—the free and equal use of navigable channels or waterways. Our policy in this regard is as near to being invariable as upon any important national question. It is much more constant than our record as regards the relation of the Federal Government to the States or upon tariff or foreign affairs.

Nations, like individuals, have their distinctive qualities, opinions, and aspirations which shape their course and determine their standing among the countries of the world. Thus their movements may be forward or backward. They may advance the cause of human liberty or retard its development. They may promote international confidence or breed discord and repulsion.

German idealism has given to nations the attribute of personality. The great Swiss-German publicist, Bluntschli, says:

> Individual States differ like individual men in spirit, character, and form. * * * While history explains the organic nature of the State, we learn from it at the same time that the State does not stand on the same grade with the lower organisms of plants and animals, but is of a higher kind; we learn that it is a moral and spiritual organism, a great body which is capable of taking up into itself the feelings and thoughts of the nation of uttering them in laws, and realizing them in acts; we are informed of moral qualities and of the character of each State. History ascribes to the State a personality which, having spirit and body, possesses and manifests a will of its own. * * *
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> The recognition of the personality of the State is thus not less indispensable for public law (Statsrecht) than for international law (Volkerrecht).

The United States from the very beginning insisted upon certain fundamental principles, such as that all men are created equal; that governments derive their just powers from the consent of the governed. The basis of the demand for equal use of channels is found in the essential ideas which actuated the American Revolution. Liberty and equality of rights demanded as a concomitant equality of opportunity and unrestricted progress. Progress and equality of opportunity require common access to those utilities and agencies which are necessary for the use and benefit of mankind.

Thus we see that from the very first our ancestors strenuously insisted upon the abolition of exactions and the removal of restrictions which royal privilege had imposed or which had been accepted as belonging to countries because of favorable location or other advantages. Many of the colonists prior to the Revolution had been actively engaged in trade and in commerce by sea. One of the accusations against King George III in the Declaration of Independence is "for cutting off our trade with all parts of the world."

In the report of the committee of the Continental Congress, in response to the conciliatory resolution proffered by Lord North in 1775, complaint was made that freedom of movement had been denied to the ships of the colonies. The report, submitted to Congress on July 25, 1775, is in the following language:

> On the contrary, to show they mean no discontinuance of injury, they pass acts, at the very time of holding out this proposition, for restraining the commerce and fisheries of the province of New England, and for interdicting the trade of other colonies with all foreign nations and with each other. This proves unequivocally they mean not to relinquish the exercise of indiscriminate legislation over us.

ILLUSTRATIONS OF CLAIM OF NATURAL RIGHTS IN NAVIGABLE STREAMS.

This claim of a natural right was asserted by the Continental Congress during the Revolutionary War in a demand made upon Spain for the free navigation of the Mississippi River. The domain of Spain then extended along the westerly bank of the Mississippi and on the easterly bank from the mouth to the present northerly boundary of the State of Louisiana, parallel 31 of north latitude. On the 6th of August, in the year 1779,

the minister of the United States, Mr. John Jay, was authorized, by resolution—

to conclude with France and Spain a treaty or treaties, offensive or defensive, in which offensive or defensive treaty nevertheless you shall insert on the part of your State a proper article or articles for obtaining the free navigation of the River Mississippi.

The following month a similar resolution was passed and made the basis for instructions to Mr. Jay. The inability to agree on this subject prevented the making of a treaty. Notwithstanding the earnest desire for a treaty of friendship and alliance with Spain, the Members of the Continental Congress refused to enter into any engagement, however favorable, unless the free navigation of the Mississippi was assured.

On the 2d of October, 1780, Benjamin Franklin, in writing a letter to Mr. Jay, said:

Poor as we are, yet as I know we shall be rich, I would rather agree with them (Spain) to buy at a great price the whole of their right on the Mississippi than sell a drop of its waters. A neighbor might as well ask me to sell my street door.

As the war was protracted and the success of the colonies became less promising, the Congress became less insistent. It seems to have been the opinion that the river had been used by the United States without trouble with Spain, and there was no reason to fear that the friendly disposition between the two nations would be interrupted. The minister was authorized, in 1781, if he could not obtain the desired concession, to recede from it. No final agreement, however, was entered into, and the question was left open until the matter was again taken up by Mr. Jefferson in the year 1792, to which I shall make reference later.

The next manifestation of this policy was before the adoption of the Federal Constitution. In the negotiations for the preliminary treaty of 1782 with Great Britain, October 8, 1782, Benjamin Franklin and John Jay, commissioners on behalf of the United States, submitted a draft, which contained the following provision:

Fourthly, That the navigation of the River Mississippi from its source to the ocean shall forever remain free and open, and that both there and in all rivers, harbors, lakes, ports, and places belonging to His Britannic Majesty or to the United States, or in any part of the world, the merchants and merchant ships of the one and the other shall be received, treated, and protected like the merchants and merchant ships of the sovereign of the country. That is to say, the British merchants and merchant ships, on the one hand, shall enjoy in the United States and in all places belonging to them the same protection and commercial privileges and be liable only to the same charges and duties as their own merchants and merchant ships; and, on the other hand, the merchants and merchant ships of the United States shall enjoy in all places belonging to His Britannic Majesty the same protection and commercial privileges and be liable only to the same charges and duties of British merchants and merchant ships, saving always to the chartered trading companies of Great Britain such exclusive use and trade and their respective posts and establishments as neither the subjects of Great Britain nor any of the more favored nations participate in.

This was refused.

On April 29, 1783, the American commissioners presented to Mr. Hartley, the British commissioner, an article for the proposed final treaty giving equal rights to both nations in the navigable waters of each. It was in the following language:

All rivers, harbors, lakes, ports, and places belonging to the United States, or any of them, shall be open and free to the merchants and other subjects of the Crown of Great Britain and their trading vessels, who shall be received, treated, and protected like the merchants and trading vessels of the States in which they may be and be liable to no other charges or duties

And, reciprocally, all rivers, harbors, lakes, ports, and places under the dominion of His Britannic Majesty shall thenceforth be open and free to the merchant trading vessels of the said United States, and of each and every of them, who shall be received, treated, and protected like the merchants and trading vessels of Great Britain and be liable to no other charges and duties, saving always to the chartered trading companies of Great Britain such exclusive use and trade of their respective ports and establishments as neither the other subjects of Great Britain nor any of the most favored nations participate in.

It will thus be seen that a new and advanced principle with reference to freedom of navigation—that of entire equality in the use of both national and international waters—was presented by these eminent patriots, all of whom were so prominent in the early days of this Republic and had so much to do in shaping our institutions and policies.

May 21, 1783, Mr. Hartley made a counter proposition, which only gave equality in import and export duties to the ships of both countries.

The reason why the offer of the American commissioners was not accepted is set forth very fully in the reply of Mr. Hartley, the British commissioner, of May 21, 1783:

A proposition having been offered by the American ministers for the consideration of His Britannic Majesty's ministers and of the British nation for an entire and reciprocal freedom of intercourse and commerce between Great Britain and the American United States in the following words—

Then follows the article suggested by the American commissioners of April 29, 1783, given above:

It is to be observed that this proposition implies a more ample participation of British commerce than the American States possessed even under their former connection of dependence upon Great Britain, so as to amount to an entire abolition of the British act of navigation in respect to the 13 United States of America, and although proceeding on their part from the most conciliatory and liberal principles of amity and reciprocity, nevertheless it comes from them as newly established States, and who, in consequence of their former condition of dependence, have never yet had any established system of national commercial laws, or of commercial connections by treaties with other nations, free and unembarrassed of many weighty considerations, which require the most scrupulous attention and investigation on the part of Great Britain, whose ancient system of national and commercial policy is thus suddenly called upon to take a new principle for its foundation, and whose commercial engagements with other ancient States may be most materially affected thereby. For the purpose, therefore, of giving sufficient time for the consideration and discussion of so important a proposition respecting the present established system of the commercial laws and policy of Great Britain and their subsisting commercial engagements with foreign powers, it is proposed that a temporary intercourse of commerce shall be established between Great Britain and the American States previously to the conclusion of any final and perpetual compact. In this intervening period, as the strict line and measure of reciprocity, from various circumstances, can not be absolutely and completely adhered to, it may be agreed that the commerce between the two countries shall revive, as nearly as can be, upon the same footing and terms as formerly subsisted between them, provided always that no concession on either side in the proposed temporary convention shall be argued hereafter in support of any future demand or claim. In the meantime the proposition above stated may be transmitted to London, requesting (with His Majesty's consent) that it may be laid before Parliament for their consideration. * * * With regard to the West Indies, there is no objection to the most free intercourse between them and the United States. The only restriction proposed to be laid upon that intercourse is prohibiting American ships carrying to those colonies any other merchandise than the produce of their own country. The same observation may be made upon this restriction as upon the former. It is not meant to affect the interests of the United States, but it is highly necessary, lest foreign ships should make use of the American flag to carry on a trade with the British West India Islands.

It is also proposed, upon the same principle, to restrain the ships that may trade to Great Britain from America from bringing foreign merchandise into Great Britain. The necessity of this restriction is likewise evident, unless Great Britain meant to give up the whole navigation act. There is no necessity for any similar restrictions on the part of the American States, those States not having as yet any acts of navigation.

In view of the insistence of Great Britain, the American commissioners were compelled to yield their contention.

The treaty was signed at Paris, September 3, 1783, by John Adams, Benjamin Franklin, and John Jay on behalf of the United States, and by Mr. Hartley for Great Britain.

Article 8 is the only one which refers to navigation. It is as follows:

The navigation of the River Mississippi from its source to its mouth shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

As regards the refusal to grant reciprocal use of channels, Mr. John Adams, in his diary for Monday, May 19, 1783, volume 3 of his collected works, page 269, says:

Mr. Hartley informed us to-day that the King's council had not agreed to our proposition of putting Britons upon the footing of Americans in all American ports, rivers, etc., and Americans on the footing of Britons in all British ports, rivers, etc. He says he is sorry for this, because he thinks it just and politic, and he shall ever be in Parliament for bringing things to this point.

At a later time the question of the navigation of that portion of the Mississippi River flowing through the territory belonging to Spain was again raised. Mr. Jefferson, then Secretary of State, claimed the right to equal navigation by boats of the United States as a natural right, and in his report in 1792 on negotiations with Spain regarding a treaty relative to the navigation of the Mississippi River he said:

If we appeal to this as we feel it written in the heart of man, what sentiment is written in deeper characters than that the ocean is free to all men and the rivers to all their inhabitants? Is there a man, savage or civilized, unbiased by habit, who does not feel and attest this truth? Accordingly, in all tracts of country united under the same political society we find this natural right universally acknowledged and protected by laying the navigable rivers open to all their inhabitants. When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind.

In a treaty framed in 1795 equal use of the Mississippi River was provided for both nations in the portions flowing through territory belonging to Spain south of the thirty-first parallel of north latitude; also in that part which served as the western boundary of the United States. This treaty was ratified in the year 1796, during the administration of President Washington. In the following decade Madison, then Secretary of State under President Jefferson, made the same claim with reference to streams east of the Mississippi passing from the United States through the Floridas.

In a letter dated March 2, 1803, addressed to Messrs. Livingston and Monroe, our representatives in France, he says:

The United States have a just claim to the use of the rivers which pass from their territory through the Floridas. They found their

claims on like principles with those which supported their claims for the use of the Mississippi.

For a long time prior to the beginning of the nineteenth century the Barbary States had been imposing tribute upon vessels passing through the Strait of Gibraltar. Their location made it easy for them, by piratical excursions, to capture merchantmen passing to and from the Mediterranean, and in settlement specific amounts were agreed upon. One singular feature of this situation was that Great Britain gained an advantage from the conditions existing, as her subjects were able to pay $200,000 annually in the way of tribute, while the other countries were unable to meet the demands. Our trade with Mediterranean ports was very considerable. Our shipping had been subjected to these exactions and payments had been made in the form of ransoms for prisoners taken, presents, and otherwise. The amount of these payments, according to a report of the Secretary of the Treasury, amounted to $2,046,000, July 30, 1802. We demanded that our ships have free access to the Mediterranean without the payment of tribute, and engaged in a naval war which, in the heroism displayed, is one of the most notable pages in the history of the American Navy. Our contention for the free use of this strait and for undisturbed navigation of the Mediterranean was conceded by the Barbary States. The courageous stand of this Republic for the rights of our shipping and for the freedom of commerce inured to the benefit of all the commercial nations of the globe.

In the meantime the right of free and equal navigation of international rivers and waterways began to be asserted in Europe. This right had been maintained by the Romans and was affirmed in the institutes of Justinian, but was generally denied after the ninth century. Although Grotius had maintained the principle of equal use of rivers, a contrary view prevailed in Europe until the French Revolution. The French Republic sought to open the Rhine and other rivers to the free navigation of nations bordering upon it.

The treaty of Paris, May 30, 1814, after the fall of Napoleon, went much further, and laid down the rule of free navigation not solely for bordering States but for all States. This rule was definitely established for the Rhine, and the treaty provided that in a future congress the general principle should be considered of extending the same rule to all other streams which in their navigable course separated or traversed different states.

At the congress of Vienna, in the following year, articles 108 to 116, the general principle was laid down. On the 3d of May, 1815, a treaty between Austria and Russia declared the navigation of the rivers and canals of the ancient Kingdom of Poland to be free, so as not to be interdicted by any inhabitant of the Polish Provinces subject to either the Russian or Austrian Governments. There was a similar treaty between Russia and Prussia touching the waterways of Poland. In 1815 and 1821 treaties were entered into between Prussia and other States relating to the navigation of the Elbe. In 1856 the countries bordering on the Danube provided for freedom of navigation upon it. Similar treaties were entered into in regard to the Po between Austria and two States of Italy. The river Douro, by a treaty between Portugal and Spain of August 31, 1835, was declared to be free. The treaty of Berlin, in 1885, proclaimed the principle of liberty and equality in the largest degree for the Kongo and the Niger, expressly extending the agreement not merely to rivers, large and small, but to lakes, the canals connecting them, and still further, to highways and railways connecting with these waterways.

The settled contention of the United States was again maintained during the administration of President Monroe. The administration in 1823 began negotiations with Great Britain relative to the right of inhabitants of the United States to navigate the St. Lawrence. It was stated that this right had never been discussed with Great Britain, but was referred to as one which might be established upon the "general principles of the law of nature." Mr. Adams, the Secretary of State, in his instructions to our embassy at London, declared the United States bound to maintain for its people in Michigan, Illinois, and so forth, "the natural right of communicating with the ocean by the only outlet provided by nature from the waters bordering upon their shores." He admitted that possession of both shores and the mouth had been held to give the right of obstructing or interdicting navigation to the people of other nations, but claimed that the river was "a right of nature preceding it in point of time and which the sovereign right of one nation can not annihilate as belonging to the people of another." He cited the acts of the congress of Vienna declaring navigation of various rivers "free to *all* nations." Great Britain, however, was willing to treat the claim as a concession for which an equivalent must be obtained.

Under the reciprocal treaty of 1854, terminated March 17, 1866, the right of reciprocal navigation of the St. Lawrence was granted and in return therefor Lake Michigan was opened to British subjects, together with an engagement on the part of our Government to urge upon the State governments the use of several State canals on terms of equality. The treaty of 1871 again gave the right of navigating the St. Lawrence and the Canadian canals, and the British subjects were given a like right to the use of American canals. These rights were confirmed in the more recent treaty of 1909–10 relating to boundary waters between the United States and Canada.

The United States was the country most insistent upon exemption from tolls charged by the Danish Government on vessels and cargoes passing through the sound and the two belts which form a passage from the North Sea into the Baltic. These tolls had been imposed on the ground of immemorial usage, beginning in the fourteenth century and sanctioned by a long succession of treaties. The passage through the strait was aided by lights upon Danish territory, and the course of vessels was within cannon shot of land owned by Denmark on both sides.

Under a treaty concluded in 1826 the United States received for its vessels and their cargoes the most-favored-nation treatment under a provision that our ships should not pay higher or other duties than those paid by other countries; but in the year 1844, under the administration of President Tyler, Mr. Calhoun, then Secretary of State, maintained that Denmark had no right to levy duties on vessels passing through the sound from the North Sea to the Baltic, that such a charge was contrary to the public law of nations under which the navigation of the two seas connected by the straits should be free to all nations and therefore the navigation of the channel by which they are connected ought also to be free. He maintained that the foundation of the claim was made in a "remote and barbarous age, even before the discovery of America." It appears that in a preceding period of 16 years, 1828 to 1843, both inclusive, the average annual amount collected from American shipping was $107,467.71, and in addition there were other charges for "light money," and so forth. The amount of the tonnage of American ships going through the sound during a year was about 21,000 tons, both going and returning. Negotiations continued for a considerable time and in the year 1857 a treaty was framed under which the navigation of the sound and belts was declared free to American vessels on payment of $393,000.

There has been much diplomatic correspondence in regard to rivers in South America. Most of the countries in that continent have shown a liberal policy in opening their rivers to navigation for the merchant vessels of all nations. A decree to that effect was issued by the Argentine Confederation on the 3d of October, 1852, relating to the Rivers Parana and Uruguay. Mr. Secretary Clayton, in 1850, stated that the Department of State had for some time past in contemplation measures for procuring for the citizens of the United States the navigation of the River Amazon and some of its tributaries.

Bolivia, in 1853, declared its navigable waters free to the commerce and navigation of all nations of the globe. Brazil for a time opposed, and Secretary Marcy, under President Pierce's administration, sought the removal of restrictions upon the navigation of the Amazon. In a letter to our minister to Brazil he said:

> The most important object of your mission, an object to which you will devote your early and earnest efforts, is to secure to the citizens of the United States the free use of the Amazon. * * * The restricted policy, which it is understood Brazil still persists in maintaining in regard to navigable rivers passing through her territory, is the relic of an age less enlightened than the present. * * * You are instructed to claim for our citizens the use of this natural avenue of trade. This right is not derived from treaty stipulations. It is a natural one, as much so as that to navigate the ocean, the common highway of nations.

A treaty was framed by Bolivia in 1858 in which that State declared the River Amazon and the River La Plata, with their tributaries, to be highways or channels opened by nature to the commerce of all nations. The Government of Brazil, by a decree of December 7, 1866, opened the navigation of the Amazon to the vessels of all nations from September 7, 1867. In 1868 the President of Peru issued a decree declaring the navigation of all the rivers of that Republic open to merchant vessels, whatever their nationality.

In the year 1878 it was reported to the State Department that the Argentine Republic and Chile were proposing to exclude foreign ships from free passage through the Straits of Magellan. On this subject Mr. Secretary Evarts wrote to our minister, Mr. Osborn, on the 18th of January, 1879:

> The Government of the United States will not tolerate exclusive claim by any nation whatsoever to the Straits of Magellan and will

hold responsible any government that undertakes, no matter on what pretext, to lay any impost or check on United States commerce through these straits.

Other countries protested also, and as a result a treaty was entered into between the Argentine Republic and Chile on the 13th of June, 1888, which provides in article 15 that—

The Magellan Straits are neutralized forever and free navigation is guaranteed to the flags of all nations. To insure this neutrality no fortifications or military defenses shall be created that could interfere with this object.

I have not by any means given all the instances in which, by diplomatic correspondence or otherwise, the United States has insisted upon the free and equal use of navigable channels, nor have we refused to grant the same privilege to other nations. In the year 1871 equality was granted in the Yukon, the Porcupine, and the Stikine Rivers, flowing from the British possessions into Alaska. The foregoing, however, show a uniform policy, to which there have been but insignificant exceptions. For example, prior to the abolition of tolls on the Erie Canal in the year 1882 the State of New York imposed higher charges in the canal upon salt mined in Canada than upon that mined in the State of New York. This was a protective measure of a very drastic character, and was actuated, no doubt, by the fact that the State of New York owned salt mines near Syracuse. The correspondence of Mr. Blaine in regard to a closed sea in the neighborhood of the Pribilof Islands is another apparent exception.

The stand taken at that time was due to the very exceptional conditions existing.

In the treaty of cession of Alaska the boundary line was a long distance from the shore, and for the preservation of the seal herds on the islands it was thought essential to control a large section of the sea outside of the 3-mile limit because of the habits of the seal. Our contention in this regard was submitted to arbitration and the decision was unfavorable to the United States. In 1892 Secretary of State Foster maintained that the Hudson River was exclusively a national stream, and that the natural right of navigation did not exist. It must be said that this latter contention is not altogether in line with our general policy.

This opinion was in response to a claim on the part of Canada of the right to send boats from the Champlain Canal down the Hudson to its mouth. Canada gave our refusal to accept this claim as a reason for the discriminatory regulations in regard to the Welland Canal and other waters, which gave rise to the controversy of 1888–1892.

DECLARATIONS OF THE UNITED STATES MADE IN CONTEMPLATION OF THE CONSTRUCTION OF AN ISTHMIAN CANAL.

It is not necessary for us to rely upon precedents of a general nature. The most conclusive proof of the policy of the United States is to be found in the action of this Senate, the House, and of Presidents and Secretaries of State in relation to the very project under consideration, namely, the construction of an isthmian canal connecting the Caribbean Sea with the Pacific Ocean. The intention to make this artificial waterway open to all nations on terms of entire equality has been manifested in the most unequivocal language, not only by the executive and legislative departments of the Government but by men of all political parties, Democratic, Whig, and Republican, and that, too, in the life of almost every administration which has had this subject under consideration during nearly 90 years. There has been hardly a dissenting note in all this period except in the act of 1912.

After independence had been achieved by the Central and South American Republics it was proposed to hold a conference on the Isthmus of Panama. Messrs. Anderson and Sergeant were chosen delegates to this proposed gathering, though they were unable to attend. Instructions were framed for them by Henry Clay, then Secretary of State under John Quincy Adams. Mr. Clay was so proud of these instructions that when, in his declining years, his friends proposed to prepare a medal in commemoration of his political career, he chose the words "Panama instructions" for one inscription upon this medal as commemorating one of the most notable acts of his whole life. The following is the direction which he gave to the delegates, Messrs. Anderson and Sergeant, in regard to a proposed canal:

A cut or a canal for purposes of navigation somewhere through the Isthmus that connects the two Americas to unite the Pacific and Atlantic Oceans will form a proper subject of consideration at the congress. That vast object, if it should be ever accomplished, will be interesting in a greater or less degree to all parts of the world. But to this continent will probably accrue the largest amount of benefit from its execution, and to Colombia, Mexico, the Central Republics, Peru, and the United States more than to any other of the American nations. What is to redound to the advantage of all America should be effected by common means and united exertions and should not be left to the separate and unassisted efforts of any one power. * * * *If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.*

It is well to notice in this connection that the fear the Monroe doctrine may be interfered with by granting equal rights as to tolls on ships passing through the Panama Canal must be without foundation. John Quincy Adams, as Secretary of State in the Cabinet of President Monroe, had been most prominent in formulating the principles which constituted the so-called Monroe doctrine. Barely four years later, after he had become President, his Secretary of State, undoubtedly with his approval, wrote instructions to the effect that the benefits of the proposed canal ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe.

In the year 1835, during the administration of President Jackson, the Senate of the United States unanimously adopted a resolution, as follows:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulations *the free and equal right of navigating such canal to all such nations* on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

Mr. Charles Biddle was appointed in pursuance of this resolution by President Jackson and obtained from the Government of New Granada an exclusive grant to the citizens of the United States to construct a canal. Mr. Biddle's action was expressly disavowed.

During the administration of President Van Buren, in a report to the House of Representatives March 2, 1839, Mr. Mercer, of Virginia, from the Committee on Roads and Canals, stated:

The policy is not less apparent which would prompt the United States to cooperate in this enterprise, liberally and efficiently, before other disposition may be awakened in the particular State within whose territory it may be ceded *or other nations* shall seek by negotiations *to engross a commerce which is now and should ever continue open to all.*

In the same year the House of Representatives by unanimous vote adopted a resolution much the same as that of the Senate in 1835, requesting the President—

to consider the expediency of opening or continuing negotiations with the Governments of other nations, and particularly with those the territorial jurisdiction of which comprehends the Isthmus of Panama, and to which the United States have accredited ministers or agents, for the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus *and of securing forever by suitable treaty stipulations the free and equal right of navigating such canal by all nations.*

In a letter to Mr. Buchanan, Secretary of State, on December 17, 1845, the commissioner accredited to examine a canal route said:

Like all other international questions, it can only be satisfactorily adjusted by concert with the other maritime powers which have similar interests, more or less important, and whose assent is necessary to place the proposed passage under the protection and guaranty of the public law, recognized by the whole world.

On the conclusion of the treaty with New Granada in 1846 President Polk submitted it to the Senate with a message, in which he said:

In entering into the mutual guaranties proposed by the thirty-fifth article neither the Government of New Granada nor that of the United States has a narrow or exclusive view. *The ultimate object*, as presented by the Senate of the United States in their resolution (Mar. 3, 1835), to which I have already referred, *is to secure to all nations the free and equal right of passage over the Isthmus.*

In the meantime conditions had arisen which had an important bearing upon the question of an isthmian canal. In the year 1846 our forces had taken possession of California, and it was evident a great area fronting on the Pacific coast would be annexed to the United States. Communication with California was regarded as a matter of immediate and pressing importance, especially as the route overland was exceedingly difficult. The desire for a canal was naturally very much intensified. The treaty with New Granada, which provided for a route across the Isthmus, was concluded in December, 1846, but was not ratified by the Senate until June 3, 1848. In the meantime the treaty of Guadalupe-Hidalgo had been ratified, and California was an assured portion of the United States.

In the consideration of routes the Nicaraguan route had gained in favor in comparison with the route across the Isthmus of Panama. The situation which confronted us was that England had possession of that part of the coast of Nicaragua and Costa Rica in which lay the Atlantic terminus of the proposed route through Nicaragua; also Great Britain maintained a naval squadron in the West Indies, and then, as now, possessed

important islands. All these circumstances gave her a great advantage in any plan for a route between the two oceans. Thus it was not Great Britain but the United States which at that time was endeavoring to secure absolute neutrality and equality for the isthmian route.

From the beginning our traditional policy had favored no discrimination in the enjoyment of straits, canals, and rivers, and in this particular instance our interests reenforced that traditional policy. Negotiations from this time on can not be understood without taking into account the desire to obtain under manifest disadvantages equality of treatment in any route across the Isthmus.

In the next administration, that of President Taylor, our Secretary of State, Mr. Clayton, opened negotiations with Great Britain with a view to adjusting the differences between the two countries, Mr. Rives, our minister to France, being appointed to submit the views of the United States to Lord Palmerston. Mr. Rives, in his letter to Secretary Clayton of September 25, 1849, describes his interview with Lord Palmerston and states that in pursuance of his instructions he had said to him:

That the United States, moreover, as one of the principal commercial powers of the world, and the one nearest to the scene of the proposed communication, and holding, besides, a large domain on the western coast of America, had a special, deep, and national interest in the free and unobstructed use, in common with other powers, of any channel of intercourse which might be opened from the one sea to the other; * * * *that the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practicable, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all; * * * that the United States would not, if they could, obtain any exclusive right or privilege in a great highway which naturally belonged to all mankind.* * *

President Taylor in his first annual message to Congress, December 4, 1849, said:

* * * All States entering into such a treaty will enjoy the right of passage through the canal on payment of the same tolls. The work, if constructed under these guaranties, will become a bond of peace instead of a subject of contention and strife between the nations of the earth. Should the great maritime States of Europe consent to this arrangement (and we have no reason to suppose that a proposition so fair and honorable will be opposed by any), the energies of their people and ours will cooperate in promoting the success of the enterprise. * * * Should such a work be constructed under the common protection of all nations, for equal benefit to all, it would be neither just nor expedient that any great maritime State should command the communication. The territory through which the canal may be opened ought to be freed from the claims of any foreign power. *No such power should occupy a position that would enable it hereafter to exercise so controlling an influence over the commerce of the world or to obstruct a highway which ought to be dedicated to the common use of mankind.*

In a letter to Lord Napier, the British minister, September 10, 1857, Mr. Lewis Cass, Secretary of State under President Buchanan, said:

While the rights of sovereignty of the local governments must always be respected, other rights also have arisen in the progress of events involving interests of great magnitude to the commercial world and demanding its careful attention and, if need be, its efficient protection. In view of these interests and after having invited capital and enterprise from other countries to aid in the opening of these great highways of nations under pledges of free transit to all desiring it, *it can not be permitted that these Governments should exercise over them an arbitrary and unlimited control or close them or embarrass them without reference to the wants of commerce or of the intercourse of the world.* Equally disastrous would it be to leave them at the mercy of every nation which in time of war might find it advantageous for hostile purposes to take possession of them and either restrain their use or suspend it altogether.

The President hopes, by the general consent of the maritime powers, all such difficulties may be prevented and the interoceanic lines, with the harbors of immediate approach to them, may be secured beyond interruption to the great purposes for which they were established.

In 1862 there was a disturbance upon the Isthmus of Panama which we were called upon to pacify. The note of Mr. Seward, then Secretary of State under President Lincoln, to Mr. Adams is particularly significant, because by the treaty of 1846–1848 with New Granada we had absolutely equal privileges with that country in traffic across the Isthmus. Further, an obligation rested upon us by the same treaty, article 35, to maintain order there, yet Mr. Seward claimed no special privileges for the United States. In his note to Mr. Adams, our minister to London, he said, in speaking of the disturbances which had occurred:

This Government has no interest in the matter different from that of other maritime powers. It is willing to interpose its aid in execution of its treaty and further equal benefit of all nations.

And again, during the term of President Johnson, under date of January 18, 1869, Secretary Seward expressed himself in the same manner.

In the administration of President Grant, Secretary Fish wrote:

* * * A Darien Canal should not be regarded as hostile to a Suez Canal; they will not be so much rivals as joint contributors to the increase of the commerce of the world, and thus mutually advance each other's interests. * * * We shall * * * be glad of any movement which shall result in the early decision of the question of the most practicable route and the early commencement and speedy completion of an interoceanic communication which shall be guaranteed in its perpetual neutralization and dedication to the commerce of all nations, without advantages to one over another of those who guarantee its assured neutrality. * * *

* * * the benefit of neutral waters at the ends thereof for all classes of vessels entitled to fly their respective flags, with the cargoes on board, on equal terms in every respect as between each other.

About the year 1880 the opinion became prevalent that whatever canal might be constructed should be under the exclusive supervision and protection of our own country. This view was maintained by President Hayes. An attempt was made soon after to repudiate the Clayton-Bulwer treaty. Notwithstanding this change of opinion, equality among nations was promised by us as distinctly as theretofore.

Secretary Blaine, Secretary of State under the administration of President Garfield, in 1881, in two letters gave the following instructions to Mr. Lowell, our minister to England:

First, that of June 24, 1881:

Nor, in time of peace, does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls, through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panama Railway, under the exclusive control of an American corporation. The extent of the privileges of American citizens and ships is measurable under the treaty of 1846 by those of Colombian citizens and ships. *It would be our earnest desire and expectation to see the world's peaceful commerce enjoy the same just, liberal, and rational treatment.*

It should be noted that at that time the Panama Railway, an American corporation, was available for the commerce of all nations, without any discrimination whatever. Mr. Blaine proposes that the policy of the United States in regard to tolls shall be the same as that of the Panama Railway, which charged equal rates for all.

Second, that of November 19, 1881:

In assuming as a necessity the political control of whatever canal or canals may be constructed across the Isthmus, the United States will act in an entire harmony with the Governments within whose territory the canals should be located. Between the United States and the other American Republics there can be no hostility, no jealousy, no rivalry, no distrust. This Government entertains no design in connection with this project for its advantage which is not also for the equal or greater advantage of the country to be directly and immediately affected; nor does the United States seek any exclusive or narrow commercial advantage. *It frankly agrees, and will by public proclamation declare at the proper time, in conjunction with the Republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal shall apply with absolute impartiality to the merchant marine of every nation on the globe and equally, in the time of peace, the harmless use of the canal shall be freely granted to the war vessels of other nations.*

Lord Granville replied as follows:

* * * such communication concerned not merely the United States or the American Continent, but, as was recognized by article 6 of the Clayton-Bulwer treaty, the whole civilized world, and that she would not oppose or decline any discussion for the purpose of securing on a general international basis its universal and unrestricted use. * * *

President Cleveland, in his first annual message to Congress, said:

* * * *Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind,* to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. * * * These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

In the second administration of President Cleveland Secretary of State Olney made the following memorandum:

* * * That the interoceanic routes there specified should, under the sovereignty of the States traversed by them, *be neutral and free to all nations alike.* * * *

Then, in speaking of the Clayton-Bulwer treaty, he said:

* * * Under the circumstances, upon every principle which governs the relations to each other, either by nations or of individuals, the United States is completely estopped from denying that the treaty is in full force and vigor.

It may be said that most of the above declarations were made when it was anticipated that the canal would be built by private capital. While no possible reason can exist for a change in the principles applicable in case the canal should be built by our Government, the following declarations were made after the time when it was contemplated that the United States should build and operate the canal.

There was no more decisive note in favor of neutrality and equality than that uttered by Senator Davis, then chairman of the Committee on Foreign Relations, and announced after it was decided that the building and operation of the canal should be a national enterprise. The whole of his report should be read, but the following are pertinent portions:

In the origin of our claim to the right of way for our people and our produce, armies, mails, and other property through the canal, we offer to dedicate the canal to the equal use of mankind. As to neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-

Bulwer treaty came from the United States and were concurred in by Great Britain. In no instance has the Government of the United States intimated an objection to this treaty on account of the features of neutrality, its equal and impartial use by all other nations. * * * No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war, and always open on terms of impartial equity to the ships and commerce of the world. * * * The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an Isthmian Canal, and its equal use by all nations without discrimination. To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries would be unworthy of the United States if we owned the country through which the canal is to be built. * * * The Suez Canal makes no discrimination in its tolls in favor of its stockholders; and, taking its profits, or the half of them, as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment.

President Roosevelt, in submitting the second Hay-Pauncefote treaty, said:

It specifically provides that the United States alone shall do the work of building and assume the responsibility of safeguarding the canal and shall regulate its neutral use by all nations on terms of equality without the guaranty of interference of any outside nation from any quarter. * * *

Again, he says, on January 4, 1904, in a special message:

* * * Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, *keeping it open for the vessels of all nations on equal terms.* The United States thus assumes the position of guarantor of the canal and of its peaceful use by all the world.

In a note by Secretary Hay on the following day, he states:

* * * The Clayton-Bulwer treaty was conceived to form an obstacle, and the British Government therefore agreed to abrogate it, the United States only promising in return to protect the canal and keep it open on equal terms to all nations, *in accordance with our traditional policy.*

Aside from correspondence and declarations relating to the proposed Isthmian Canal, two negotiations remain very nearly contemporaneous with the date of the Hay-Pauncefote treaty, both of which are in entire accordance with our settled national policy, but which in their bearing upon the interpretation of the Hay-Pauncefote treaty far outweigh all the preceding, not only because of the similarity in the questions involved but because of the further fact that they are so nearly contemporaneous with the negotiation of the treaty. The facts pertaining to them must have been clearly in mind when the treaty was framed. They are:

First, our negotiations in relation to the so-called open door in China in 1899 and succeeding years. Great Britain, Germany, France, Russia, and Japan were the countries regarded as possessing, though in unequal degrees, an advantageous position in China. Great Britain had received a concession of the island of Hongkong in the year 1841 and had acquired a peninsula, known as Kowloon, opposite the island of Hongkong; also a 99-year lease of a tract of territory on the mainland in the Province of Kwangtung, in the extreme southern part of China. This was acquired in 1898. The total area of this last concession was 400 square miles, with a population in 1911 of 366,145. Also in 1898 the port of Weihaiwei was leased for so long a period as Port Arthur should remain in the hands of Russia, the object of which was to provide Great Britain with a suitable naval harbor in northern China and for the better protection of British commerce in the neighboring seas. The area of the territory under this lease was 285 square miles, with a population of 150,000. The lease was extended under an agreement in which provision is made that it (Weihaiwei) shall remain in the occupation of the British "so long as Port Arthur remained in the hands of any foreign power"—that is, any power other than China. Port Arthur now belongs to Japan.

Germany had a 99-year lease, granted in 1898, of Kiao-Chau, including the bay of the same name, its islands, and the north and south tongues of land at the mouth of the harbor. The extent of this is 193 square miles. In view of the possessions held, Great Britain has a sphere of influence in the Yangtze Valley and Germany a similar area of about 2,750 miles, but now extended to the whole of the Province of Shantung.

France at that time had, under a lease for 99 years, given in 1898, the port of Kuang-chou-wan to establish a naval station with coaling depot, together with adjoining islands and territory in the Province of Kwangtung in the extreme southern part of China, some 300 miles west of the British island of Hongkong. The area included in this is 325 square miles, with a population of 190,000. The sphere of influence has extended over the Yunnan Province.

Russia had a 25-year lease, granted in 1898, of Liao-Tung Peninsula, including Port Arthur, Ta-lien-wan, and the adjacent waters. The area of the land included in this lease was about 2,000 square miles, in which Port Arthur and Ta-lien-wan were the principal ports. This sphere of influence extended into South Manchuria; Russia also had a lease of land necessary for the construction of a railway 508 miles long, leading from Port Arthur to Kwanchengtsee, and another road 150 miles long, leading from Antung on the Yalu River, which is the boundary between Korea and Shengking Province, to the city of Mukden.

Each of these countries had also garrisons and a naval force in their respective spheres of influence. It was apparent that these possessions gave them a very substantial advantage in the trade of China, and it was the aim of President McKinley and Secretary Hay to obtain for our own citizens equal rights in all the Chinese Empire. With that purpose in view assurances had been given to our ambassador by the Russian minister of foreign affairs that American interests should in no way be prejudiced by Russian occupation and influence, and it was not the desire of Russia to interfere with the trade of other nations. There was an imperial decree of July 30, 1899, creating the free port of Dalny, near Ta-lien-wan Bay, and establishing free trade for the adjacent territory. In a letter to our ambassador at St. Petersburg, Mr. Hay said:

However gratifying and reassuring such assurances may be in regard to the territory actually occupied and administered it can not but be admitted that a further, clearer, and more formal definition of the conditions which are henceforth to hold within the so-called Russian "sphere of interest" in China as regards the commercial rights therein of our citizens is much desired by the business world of the United States, inasmuch as such a declaration would relieve it from the apprehensions which have exercised a disturbing influence during the last four years on its operations in China.

Mr. Hay accordingly laid down certain principles which he desired should be formally declared by the Russian Empire and by all the great powers interested in China. Of these principles he said they "will be eminently beneficial to the commercial interests of the whole world":

First. The recognition that no power will in any way interfere with any treaty port or any vested interest within any leased territory or within any so-called "sphere of interest" it may have in China.

Second. That the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said "sphere of interest" (unless they be "free ports"), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.

Special attention is called to the third of the principles, the recognition of which was requested. It included a demand that no higher railroad charges over lines built, controlled, or operated within its sphere on merchandise belonging to the citizens or subjects of other nationalities should be levied than on similar merchandise belonging to its own nationals.

An identical note containing the request for recognition of the three principles was sent to France, Germany, and Russia on the same date, September 6, 1899. This same note was transmitted to Great Britain on September 22, 1899, from the London embassy; to Japan, November 13, 1899; and to Italy, November 17, 1899. The reply of Russia, dated December 30, 1899, stated that Russia had already declared Ta-lien-wan a free port, thus demonstrating its friendly intention to follow the "open-door" policy as to territory lying in the so-called "sphere of influence," and that Russia intended to claim no privileges to the exclusion of foreigners, though this assurance was given on condition that a similar declaration should be made by the other powers. Before the close of the year the other powers made a similar declaration, and under date of March 20, 1900, Secretary Hay sent instructions to all the Governments concerned, stating that all the powers had given their acceptance and that the Government of the United States would consider such acceptance final and binding.

We thus demanded equal use of the ports controlled by these various nations, equal privileges in trade, and, what is most significant of all, equal railroad rates upon railways constructed by Russia at great expense and extending into the interior through Chinese territory to a connection with railways within her own domains.

The insistence upon equal opportunity for American enterprise in China was carried so far that in 1902 Secretary Hay stated that an agreement by which China "ceded to any corporation or company" the exclusive right to open mines, establish railroads, or in any other way industrially develop Manchuria, can but be viewed with the gravest concern by the Government of the United States. He alleged this was so, because such a monopoly was a distinct breach of the stipulations of the treaties concluded between China and foreign powers, and

thereby seriously affected the rights of American citizens. He concluded by saying:

The inevitable result must be the complete wreck of the policy of absolute equality of treatment of all nations in regard to trade, navigation, and commerce within the confines of the Empire.

The following year, 1903, Mr. Hay entered a protest against the demand of the Russian Government that no foreigners, except Russians, should be employed in the public service.

It is often said that we made a bad bargain when the Hay-Pauncefote treaty was framed. This statement has been repeatedly made. The conclusive answer to that is contained in a very few words in a note by Secretary Hay of January 5, 1904, to which reference has already been made:

The Clayton-Bulwer treaty was conceived to form an obstacle—that is, to the construction of an Isthmian Canal by us—and the British Government therefore agreed to abrogate it. The United States only promised in return to protect the canal and keep it open on equal terms to all nations, *in accordance with our traditional policy.*

Not only was the treaty in accordance with our traditional policy, but negotiations had been initiated contemporaneously with the negotiations with the various nations in China for an "open door," and it would have been the height of inconsistency to have made the demand for equality of treatment in China and to have denied it in a treaty relating to an Isthmian canal.

Our record was so uniform and unbroken that we could have taken no other ground. The attempt by John Adams and Franklin and Jay in the years 1782 and 1783 pointed a new way as emphatically and as decisively as any of the great principles which lie at the foundation of our Government, and were just as strenuously maintained.

Mr. GALLINGER. Mr. President, I know the Senator prefers not to be interrupted, but I should like to ask him how that traditional policy is to be squared with our coastwise laws.

Mr. BURTON. Navigation is one thing, commerce is another. There are two reasons for giving a monopoly to domestic or coastwise traffic which are commonly observed the world over. One is the avoidance of smuggling; the other is the building up of a merchant marine. Navigation and commerce are very widely apart. You might as well say, "Why does a nation restrict ownership on the ground but place no restrictions on the air?"

Mr. GALLINGER. If I understood the Senator correctly—and I shall not interrupt him further—in the early part of his most interesting address he cited over and over again the fact that all of our waterways were to be open on terms of equality to all the nations of the world.

Mr. BURTON. Yes.

Mr. GALLINGER. Under that system I am sure England could have engaged in our coastwise trade. Later on we legislated to prohibit it.

Mr. BURTON. There, again, is the difference between commerce and navigation. I shall treat of that later on.

Mr. GALLINGER. I can not see the difference; but still——

Mr. BURTON. The Senator from North Dakota [Mr. MCCUMBER] informs me that Senator Morgan even more strongly expressed himself on this subject.

Mr. GALLINGER. While the Senator is reading what has been handed to him, I will say to the Senator that I shall be delighted to listen to the discussion whereby he is going to differentiate between commerce and navigation. If navigation does not control commerce in a very important particular, I have not correctly interpreted the term.

Mr. BURTON. There is a very great difference between the use of channels and the privilege of trading in them or in towns upon them. There must be, just so long as nations have their policy of protective duties or fiscal regulations.

Senator Morgan said:

All that is left of this general treaty is the general principle provided in article 8 of the Clayton-Bulwer treaty. That is, that the vessels of all nations using the canal should be treated with exact equality, without discrimination in favor of the vessels of any nation.

Again he says:

Then this convention, in article 2, proceeds to define and formulate into an agreement, intended to be world-wide in its operation, "the general principle of neutralization," established in article 8 of the Clayton-Bulwer treaty on the basis of the treaty of Constantinople of October, 1888, relating to the Suez Canal.

Nothing is given to the United States in article 2 of the convention now under consideration, nor is anything denied to us that is not given or denied to all other nations.

Putting us on an exact footing of equality with them. I am much obliged to the Senator from North Dakota for presenting this to me.

Second. Our demands in relation to Canadian waterways in 1888 to 1892.

On the 15th of July, 1912, in some remarks in the Senate I set forth at length the transactions with Canada at the time mentioned. The Canadian Government in council had in substance decreed that while the tolls on cargoes carried through the Welland Canal should be 20 cents per ton on eastbound freight, yet if the boat went as far as Montreal there should be a rebate of 18 cents a ton, leaving the net toll only 2 cents. This gave a preference to the port of Montreal as compared with the ports of the United States on Lake Ontario, the St. Lawrence River, and, in fact, upon the north Atlantic seaboard. Its manifest object was to increase the importance of Montreal as a port for the export of grain and other commodities. I do not wish to repeat the remarks made at that time. They appear on pages 9065 and 9066 of the CONGRESSIONAL RECORD for the Sixty-second Congress, second session.

The Senator from Georgia [Mr. SMITH] on last Tuesday set forth at length the messages of Presidents Cleveland and Harrison and the memoranda on this subject in the State Department, the discussion of a resolution in the House and Senate, which resolution by unanimous vote authorized the President to issue a proclamation in retaliation; also the proclamation in retaliation of August 18, 1892. This action led to a revocation of the regulation of the Canadian Government by order of the council, so that equal privileges were afforded to the ships and commerce of both nations.

The distinct assertion by all of our statesmen who took part in this controversy or declared themselves upon the subject was that by the treaty of 1871 equality of treatment was secured not only for our shipping but for our citizens, that regard must be had for the routes of transportation to prevent discrimination against the United States in trade. But it should be very carefully noted that the treaty of 1871 did not contain so strong language as the Hay-Pauncefote treaty of 1901. Indeed, it is not only plausible but extremely probable that the language of the treaty of 1871 was in mind when that of 1901 was drawn, and that the object was to secure equality beyond the possibility of any ambiguity. The language of the treaty of 1871 is:

The Government of Her Britannic Majesty engage *to urge* upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion *on terms of equality with the inhabitants of the Dominion.*

The language of the Hay-Pauncefote treaty is:

The canal *shall be free and open* to the vessels of commerce and of war of all nations observing these rules on terms of *entire* equality, *so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise.*

There is no question of territory involved in Canadian canals, either the Welland or those below Lake Ontario beside the rapids along the St. Lawrence River. They are all within the Dominion of Canada. It was not necessary to acquire the land through which they pass to build a canal as "a trust for the world." The argument in favor of the right of exclusion is, we must admit, much stronger than it is in the case of the Panama Canal; yet when a discrimination in tolls, which it was alleged was not altogether against our ships, was attempted we demanded that it should be done away with, because it discriminated against our citizens and diverted trade and transportation which naturally belonged to our own country in another direction. Can we afford to assert the principle of equality in the use of channels when it benefits us and our trade, and at the same time establish another and entirely opposite rule when the canal or route belongs to us?

In this connection it might be well for us to consider our dependence upon Canada for our traffic through artificial waterways, especially as regards the Soo Canal, the Welland, and other canals parallel to the rapids in the St. Lawrence. It will be well to compare the American traffic through them with the probable coastwise traffic through the Panama Canal. In case both countries shall adopt the same policy, which will have the advantage? Through the connecting waters between Lakes Superior and Huron in the St. Marys River there is a traffic which is the largest through any waterway in the world, except that through the Detroit and St. Clair Rivers. The total freight passing through the river in the year 1913 was 79,718,344 tons, the principal articles being, respectively, iron ore, coal, grain, and general merchandise. The iron and steel business in the United States has gained its supremacy by reason of the abundant supply of iron ore in the State of Minnesota, with very large supplies also in Wisconsin and Michigan, nearly all of which pass through this canal. By reason of the abundance and cheap transportation of these ores the United States has taken the lead among the nations in the production of iron and steel. Of course, our supply of coal must also be taken into account, but the iron ore supply and its ready transportation from Lake Superior to Lake Michigan and Lake Erie constitute the real basis of our supremacy.

In this river there are rapids, to overcome which two lateral canals have been constructed, one by us on the American side, the other on the Canadian side at the expense of the Canadian Government and under its control. In the canal on the American side there are two parallel locks, known as the Poe and the Weitzel Locks; the former has a depth of water 18.5 feet and the latter 12.9. In the canal on the Canadian side there is one lock, having a depth of 19 feet. A new lock is under construction on the American side, more ample than any of those now existing, but which will probably not be finished until October of this year. The locks on the American side are absolutely incapable of carrying the total amount of this enormous traffic. In the year 1913 the total freight passing through the Canadian canal was more than that through the American, in round numbers 42,000,000, or, more exactly, 37,022,201 tons passed through the American canal and 42,696,143 tons through the Canadian canal. Expressed in percentages, 54 per cent of the freight passed through the Canadian and 46 per cent through the American.

Suppose a policy of retaliation, or one based upon the Panama Canal act of 1912, should be adopted by Canada? American freight would be shut out from the Canadian canal, except on the payment of tolls, and the enormous traffic movement in this waterway, having a valuation of eight hundred and sixty-five millions, would be so impaired as to cause an injury to our industrial and commercial interests almost beyond computation. To make this more impressive, it may be stated that of the total traffic through this Canadian canal, in which free passage is given to American freight, less than 5,000,000 tons was Canadian, as against 37,000,000 tons of the United States, all of which was part of the coastwise commerce of this country. In comparison with this how small is the quantity which is likely to pass through the Panama Canal. Prof. Johnson, in his testimony before the Committee on Interoceanic Canals, April 14 last, page 149, estimates that during the initial years in which the Panama Canal is to be utilized the net tonnage of vessels passing through will be some 10,500,000 a year. Of that 1,000,000 tons net tonnage will be contributed by the coastwise shipments, which existing legislation seeks to free from tolls. How the actual carriage will compare with the estimated tonnage, no one can tell. If I were to give my own estimate of coastwise traffic, which I should put beside that of Prof. Johnson with a great deal of deference, as he has given much study to the subject, it would be larger. But, in any event, the comparative amount is trivial, not one-twentieth of the quantity of coastwise freight which now passes in our ships through the Canadian canal in the waters connecting Lake Superior and Lake Huron.

It is for us to pause and consider this situation and to ask whether we can afford to make such a discrimination. Should the regulations continue as at present in the Canadian canal at the Soo there will be no burden upon us; should they impose tolls or otherwise exercise discrimination we should be subjected to almost incalculable damage.

The situation at the Soo does not describe the whole of conditions on our northern border. The Canadian Government is about to complete another canal at the Soo, 30 feet in depth, and a waterway from Lake Erie to Lake Ontario to replace the present Welland Canal, and in connection therewith is preparing to construct canals and improvements in the St. Lawrence, so as to give an outlet 30 feet in depth from Lake Erie and the Great Lake system of navigation to the ocean. The benefits of such a route to transportation can not be overestimated. It would make more readily available to the markets of Europe and the world all the manifold products of agriculture and industry which belong to the region tributary to the Great Lakes. At present the draft of boats from Lake Erie to the ocean is limited to 14 feet and the length to approximately 250 feet, notwithstanding there are already many ships on the lakes 550 to 600 feet in length and having a draft of more than 20 feet. Even with the limitation of the present channels, from Lake Erie through the Welland Canal to Lake Ontario and the St. Lawrence, there is a very considerable traffic. The number of tons of freight passing through the Welland Canal in 1913 was 3,570,714, of which 2,093,406 belonged to Canada and 1,477,308 belonged to the United States. In the canals around the rapids in the St. Lawrence there was a somewhat larger amount of Canadian freight amounting to 2,837,019 tons, while in vessels of the United States there were 1,465,408. In these canals tolls are charged, but there is entire equality between Canadian vessels and vessels of our own country. But should a discrimination be made, as this is a coastwise route, it would appear that in both the Welland Canal and those of the St. Lawrence a larger quantity of freight would be discriminated against in these channels than the total of the coastwise traffic which will pass through the Panama Canal.

The slight attention given in these debates to our demand from 1888 to 1892 for equal privileges in the Welland Canal and other Canadian channels is hardly fair to those who advocate the repeal of this exemption. During the debates in July and August of 1912 the demand was made that the supporters of the House bill should reconcile their position with the attitude of the United States on this question during the administrations of President Cleveland and President Harrison. I do not recall that any reply was made to that challenge of 1912 for a consistent explanation of our course in 1888 to 1892. But now, after the lapse of two years, the explanation is offered that neither Canada, nor Great Britain acting for her, ever conceded that they were wrong; but that to the last they maintained the correctness of their position and yielded merely as a matter of expediency. But does even that afford one particle of justification for us to insist upon this preference?

We made an insistent demand, not merely by diplomatic notes, but by action of Congress and by a retaliatory proclamation expressing our interpretation of the principles involved in the treaty relating to the Welland Canal and asserting the observance of our traditional policy. The action taken then was in entire harmony with declarations theretofore made in regard to the proposed Isthmian Canal and our demands in regard to other waterways in foreign countries extending over 100 years. It must be conceded that the position taken by the act of 1912 was squarely in contradiction to that of 1892.

Can we now, under changed conditions, and when we will be benefited by observing a different rule, afford to declare that our deliberate action then taken was wrong? Was there one law of honor and patriotism in 1892 and another in 1912? Does it require only 20 years to change the law of fairness between nations?

Fortunate, thrice fortunate, is that country, as well as that individual, which can sustain a contention in its own interest and obtain benefit by maintaining opposite sides in successive controversies according to its own sweet will; too fortunate, indeed, to be consistent or to be honest with ourselves or with the world.

It is maintained that to favor equal treatment in tolls at Panama is unpatriotic. If those who maintain this position are unpatriotic, were all the Senators and the Representatives and the two Presidents who maintained the opposite view in the four years mentioned lacking in patriotism?

The argument will no doubt be made that there are two distinctions which should be observed in determining the status of the Panama Canal as a waterway. The first is the difference between waters entirely within the limits of a country, which may be called national waterways, and those which flow through two or more countries, called international waterways. In the latter list are included those which serve as boundaries between two countries. It has been maintained in this discussion that the Panama route is a national waterway, as it is located upon territory owned by the United States, and thus within its sole jurisdiction. Indeed, the very extreme statement has been made that we could not respect the suggestion of another Government to make all tolls equal, because it would involve an abandonment of sovereignty. Very considerable stress has been laid upon the distinction between national and international waterways in past years, but with the increase of commercial relations and the general decrease in military operations this distinction has lost much of its importance. At present the practical reason for the regulation or prohibition of foreign ships in national waters is the prevention of frauds upon the customs revenue.

It was formerly said by many publicists that the right to use a river flowing through two countries was a natural right, while the right of a foreign vessel to navigate a river located exclusively in one country was a conventional right or dependent upon treaty. The memorandum of Secretary Foster with reference to the right of Canadian vessels to navigate the Hudson, to which reference has been made, pointed out this distinction. It is, nevertheless, the present rule to allow foreign vessels to enter and sail upon rivers entirely within the United States, at least, if they connect with other waters, natural or artificial, extending into other countries or to the sea, such as the Mississippi, the Hudson, the Columbia, and the bays along our coasts. While this privilege is secured in many cases by treaty, it is not believed, however, that the exercise of the right depends upon any conventional arrangement. It is rather granted as a matter of comity with foreign nations.

The value of this privilege is enlarged by the customs reorganization measure adopted last year and the regulations framed under it. Dating back almost to the beginning of the Govern-

ment there was a distinction between ports of entry and ports of delivery. Foreign boats were allowed to touch at ports of entry, but not at ports of delivery. The reason was based upon the danger of smuggling. By the customs reorganization act this distinction between ports of entry and ports of delivery has been abolished and an additional number of ports of entry have been created at all of which foreign boats may stop. At an early date the right was asserted to exclude foreign ships from purely national waters or interior bays, like the Chesapeake and the Delaware, but this right has not been asserted in recent years. The vital question, however, is whether the Panama Canal is on the same footing with a national stream. Clearly it is not. A strip 10 miles in width was granted for its construction, but this was not a territorial acquisition. If so, it would have been absolutely contrary to our settled policy with reference to the Republics to the south of us. For this strip we pay an annual rental of $250,000, which is quite inconsistent with a fee-simple title. A width of 10 miles was regarded as necessary for the convenient construction and operation of the canal. Material was obtained from this area or zone in the work that was done. Also material was deposited upon it. Provision was made in the treaty for going outside the zone on payment of proper compensation, if necessary for the construction of the canal. It was deemed desirable that the land obtained be permanently held for the habitation of those engaged in the operation of the canal and for sanitary and police control in its immediate locality. Had the mere ground through which the canal is excavated been obtained, it would have been easy for marauders to approach it, and the safeguarding of the health of the employees would have been difficult. The language of the treaty itself expresses in the clearest terms that the grant of the land in Panama is in trust for a certain purpose and not for territory to be incorporated in the United States as a part of its general domain.

As compared with other portions of the United States the distinctions in the control exercised over this strip are very marked. There is no legislative body. There is no provision for elections. A governor is appointed by the President. In the express language of the statute, the Canal Zone "is to be held, treated, and governed as an adjunct of such Panama Canal." The customs laws of the United States are not applicable there, nor have the inhabitants of this strip the right to send their merchandise into the United States in the manner granted to the people of our country. Imports from the Canal Zone pay duties at our customhouses in the same manner as imports from a foreign country. Imports into the Canal Zone are not subject to the duties imposed by our laws. The War Department has assumed the authority of fixing customs regulations without any reference to Congress whatever. The canal, instead of being an artery of commerce, supplying a large adjacent territory, such as is the case with the great rivers or waterways of the United States, is limited to furnishing what is needed for those who operate the canal and to the promotion of its traffic. Whatever transshipment there may be, whatever coaling or supply stations may be established, are but incident to the waterway between the oceans and are provided to facilitate traffic through the canal. The most important of all, however, is the fact that this waterway is a mere connecting link between the two oceans, less than 50 miles in length, and is constructed as a part of maritime routes of great length providing a waterway to aid the means of communication between nations, many of which are remote from the canal and are located upon seas or oceans.

Second. It has been maintained that there is a marked distinction between natural and artificial waterways in the degree of control which may be exercised over them by the countries through which they pass.

The more recent declarations of publicists and international lawyers, however, all favor the idea that artificial canals connecting great bodies of waters are international waterways. This principle was asserted in the most unequivocal language in the convention relating to the Suez Canal of 1888. The duty of a country owning the territory through which a canal may be constructed to afford opportunity for its construction was maintained in the most strenuous manner by President Roosevelt in his action with reference to Colombia.

There is no clearer statement of the American view on the subject than that contained in a letter from the Hon. Lewis Cass, our Secretary of State under President Buchanan, to Mr. Lamar, our minister to the Central American States, on July 25, 1858. He wrote, in referring to the country or countries through which a canal might be constructed, the following:

Sovereignty has its duties as well as its rights, and none of these local governments * * * would be permitted, in a spirit of eastern isolation, to close these gates of intercourse on the great highways of the world and justify the act by the pretension that these avenues of trade and travel *belong to them*, and that they choose to shut them or, what is almost equivalent, to *encumber* them with such unjust regulations as would prevent their general use.

We can reach no conclusion except that a canal constructed like the Panama, under a concession, the aim and object of which is merely to provide a connecting waterway, especially in view of the language of the Hay-Pauncefote treaty, is to be considered as an international watercourse and subject to the rules pertaining to natural straits. There is, of course, an exception to this, so far as regards the necessity of adopting necessary regulations to protect against hostile attack, the necessity of adopting proper regulations to insure the safety of boats in passing, to provide against injury to locks and other constructions, to police the canal and enforce sanitary regulations. Again, the position of an artificial waterway is exceptional in that the cost of construction allows the imposition of tolls as a compensation for the expense of the improvement, though in many instances the improvement of natural channels so as to make them readily available for navigation is very large and, in kind, the same as the building of artificial waterways. Indeed, it is often a question over a given stretch of a river whether the most feasible method to secure navigation is by improving the main stream or by a lateral canal. In modern times the demand is that navigation have free scope, without interruption from pirates, from payment of tribute, or from discrimination. As has been pointed out, there is no nation which has been quite so insistent in this principle as our own. The tendency of recent years in the making of treaties and agreements is altogether against discrimination in the use of artificial waterways. It should again be said that our own policy, as exemplified in negotiations with Canada, shows that we have maintained the principle that when a canal is a connecting link in a longer route afforded by rivers or by sea it must be open on equal terms to all. Every declaration made upon this subject in the earlier years when negotiations were under way for an Isthmian canal would condemn in the most decisive language any attempt on our part to discriminate in our favor in any canal connecting the two oceans.

It has been frequently alleged in argument here that as we have constructed canals and improved rivers and inland waterways within our borders at great expense, and those canals and rivers are open to navigation for all citizens without charge in the way of tolls—for a statute passed in 1884 abolished all charges—our coastwise shipping is entitled to pass through the Panama Canal on similar terms of exemption. In meeting this contention we may pass by several arguments of very great importance, namely, that the Panama Canal is an extra territorial enterprise, and in this respect is sharply distinguished from the improvement of our inland waterways; also the enormous expense, reaching nearly half the amount expended on all our rivers and harbors since the foundation of the Government; also that from the very outset the universal understanding has been that tolls should be charged on ships availing themselves of this expensive waterway in order to meet a portion of the expense. The conclusive answer to this argument is that our inland waterways, free though they may be to our citizens, are also free to the boats of foreign nations, so that if this argument has any force it means not merely that our coastwise shipping should be exempt from charges, but that no tolls should be charged on any ships, foreign or domestic, going through the Panama Canal.

In stating these facts, of course a distinction should be made between navigation and commerce. No foreign boat is allowed to take on cargo at one domestic port and unload it at another. This fact renders the privilege of navigation in minor streams of slight importance and shuts out traffic between ports of our country. The privilege of navigation nevertheless exists.

The case of Olsen against Smith has been quoted as an argument to the effect that we can allow our own ships in the coastwise trade to pass through without the payment of tolls. Indeed, a considerable number of Senators seem to have relied upon this decision as a reason for their vote in 1912. Without reverting to the fact that a decision of our own Supreme Court, though worthy the very highest respect the world over, is not binding in a controversy between ourselves and other nations, the conclusive reason why this case does not settle this present controversy is the fact that the Hay-Pauncefote treaty grants entire equality to nations, their citizens or subjects, in respect to the conditions or charges of traffic or otherwise; also so that there shall be no discrimination. Thus, while we might exempt our coastwise shipping from payment of tolls, we should also be required to exempt the coastwise shipping of other countries. If our coastwise shipping is exempt so that boats from New York to San Francisco do not pay tolls, there is equal reason why the coastwise ships of other countries should be exempt.

In addition to the United States, there are other countries fronting on the Atlantic or Pacific, or, more correctly, on the easterly and westerly seas, which would use these canals. They are Canada, Mexico, Guatemala, Honduras, Nicaragua, and Costa Rica in North America, and Colombia in South America. The countries to the south of us front on the Gulf of Mexico or the Caribbean Sea as well as upon the Pacific, and in order to accommodate their traffic between different coasts of their respective countries it is necessary to use this canal. It is hardly fair to the countries to the south of us, toward which we have made such protestations of friendship and good will, to allow our coastwise shipping to be exempt while theirs must pay charges. The language of our treaties with them, to which I will make reference, when read in connection with the Hay-Pauncefote treaty, precludes the idea that we intended to discriminate against them.

One argument which has not been fully presented in this discussion deserves great weight, and that is the phraseology of our treaties negotiated prior to the treaty of 1901 in reference to coastwise shipping. If it was intended to exempt coastwise shipping, why was not reference made to that fact? Practically every treaty in which there is any reference to commerce negotiated prior to that time either contains specific language, or else the exemption is necessarily implied. There is a great variety of language in these treaties, but I am unable to find one in which there is any reference to commerce which omits reference to the subject specifically or does not secure exemption by necessary implication. These provisions are for the most part of four classes: The first, in which the following language is used, or language of similar import:

> But * * * this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

Second:

> The reciprocal liberties of commerce [granted in the treaty] shall be subject always to the laws and statutes of the two countries, respectively.

Third:

> Contracting parties shall enjoy all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted to the citizens or subjects of the most favored nation.

Fourth:

> The inhabitants of the two countries, respectively, shall have liberty freely and securely to come with their ships and cargoes to all such places aforesaid, to which other foreigners are permitted to come and to enter the same.

These last two forms would not permit participation in coasting trade, because neither the favored nation or other foreigners are granted that right. The first two forms manifestly are not subject to any doubt.

Those in which the coastwise exemption does not specifically appear are for the most part treaties made many years ago, or, if recently, with remote countries, such as the treaty with Borneo in 1850, that with the International Association of the Kongo in 1891, with Korea in 1882, with Egypt in 1884, with Servia in 1881, that with Prussia in 1785, with Tripoli in 1796, and that with Great Britain in 1815, which last, however, contains an express provision that the reciprocal liberty of commerce shall be subject always to the laws and statutes of the two countries, respectively.

It is noteworthy that the specific exemption of the coastwise trade is contained in the treaties with the following States to the south of us: Mexico, Costa Rica, Nicaragua, Honduras, Guatemala, Salvador, Venezuela, Ecuador, Chile, Peru, and Brazil.

The treaties pertaining to a proposed Isthmian canal are especially significant. In that of 1846 with New Granada there are two provisions. Article 3 contains the usual clause exempting the coastwise trade of either country. Article 35, which has to do with the ports of the Isthmus of Panama or any road or canal across the Isthmus that may be made by the Government of New Granada, or by the authority of the same, provides that there shall be no other tolls or charges levied or collected from the citizens of the United States than are, under like circumstances, levied and collected from the Granadian citizens.

The Cass treaty of November 26, 1857, with Nicaragua, known as the Cass-Yrisarri treaty, in article 2 reserves the coastwise trade; article 14 grants transit on terms of equality to the Atlantic and Pacific, and contains the provision that no higher charges or tolls shall be imposed on the conveyance or transit of persons or property of citizens or subjects of the United States or any other country across said route of communication than are or may be imposed on the persons or property of citizens of Nicaragua. This treaty was not ratified. Other treaties with Nicaragua and other countries make unequivocal reference to the coastwise trade.

In the treaty with Panama of 1903 there is in article 19 an exemption of the vessels of the Republic of Panama and its troops and munitions of war in such vessels from the payment of charges of any kind. This shows that when an exemption was intended it was regarded as necessary to state it. The Frelinghuysen-Zavala treaty made in 1884 and recommended by President Arthur in his message of the same year, but withdrawn by President Cleveland in his first annual message of 1885, contained this provision in article 14:

> The tolls hereinbefore provided shall be equal as to vessels of the parties hereto and of all nations, except that vessels entirely owned and commanded by citizens of either one of the parties to this convention and engaged in its coasting may be favored.

Thus all of these treaties—that with New Granada, the proposed agreements with Nicaragua, and the treaty with Panama—show that in all our negotiations pertaining to an isthmian canal when it was intended to exempt coastwise shipping or to grant any preferences it was specifically so stated.

Now, the Hay-Pauncefote treaty of 1901 contained no exemption of coastwise shipping, but, on the contrary, the very strongest language to express entire equality.

Is it to be believed that when, through a series of years in practically all countries near to the proposed canal, coastwise shipping was exempt from the provisions of the treaties in the most definite language it could have been intended to claim exemption or preference for our own coastwise shipping in this canal, built on soil acquired from a foreign country and connecting the two great oceans of the world, without any language whatever on the subject? If it was intended to exempt our coastwise shipping, why did we not say so? This, too, in the face of our own "traditional policy" asserted against Canada less than 10 years before, and asserted contemporaneously, at least in principle, in negotiations with the nations having spheres of influence in the Chinese Empire.

This contention is strengthened by the fact that almost all of our shipping is that engaged in the coastwise trade. The Statistical Abstract for 1912 shows the registered tonnage in our foreign trade to be 923,000 tons; that in our domestic or coastwise trade is 6,737,000 tons, or more than seven times as much. Is it credible that a treaty providing equality could be framed merely to include the limited quantity of shipping which is engaged in our foreign trade? We all regret that it is so small, but such is the fact. If it was intended that our coastwise trade should be exempt, the provision of equality becomes a practical nullity. Special importance may be assigned to this fact, because so many countries to which reference has already been made, including the countries to the south of us, also have coastwise shipping which would utilize this canal.

In opposing this bill for repeal nothing has been more frequent than an appeal to patriotism and to national pride. Any such appeal must necessarily be received with a responsive spirit, and if made with earnestness it stirs the heart. But patriotism does not mean that we shall disregard treaty obligations or swerve from policies which have been maintained with persistency and zeal through all our national life. It is our duty to maintain a scrupulous regard for national faith and to follow the rules which we have laid down for ourselves as well as for all other nations. To be consistent and to be fair to all the world, that is patriotism. If we retrace our steps from the ennobling record which has characterized us for more than 100 years, let us beware lest the most inspiring notes of patriotism, though uttered with the tongues of men and of angels, may become as sounding brass and a tinkling cymbal.

Mr. THORNTON. Mr. President, if no other Senator desires to address the Senate on the subject of the unfinished business this afternoon, I ask that the unfinished business be temporarily laid aside.

Mr. VARDAMAN. Mr. President, I ask the Senator from Louisiana to withhold that request for a moment.

Mr. THORNTON. It is withheld.

Mr. VARDAMAN. I offer an amendment, which I ask the Secretary to read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the amendment proposed by the Senator from Mississippi.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

> That the second sentence in section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1913, which reads as follows: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," shall be suspended and shall not take effect as a statute of the United States until July 1, 1915, on which date it shall have full force and effect as a statute law of the United States. It is further provided that the proper authorities operating said Panama Canal who shall, prior to said date, collect tolls levied upon vessels engaged in the coastwise trade of the United States are hereby directed

to set apart all such tolls so collected and retain the same in a separate fund until July 1, 1915. On that date, or as soon thereafter as possible, such tolls so collected shall be returned to the parties from whom they were collected, provided no contrary disposition has been made by law prior to that time.

That so soon as practicable after the passage of this act the President of the United States is hereby authorized and directed to appoint a commission, consisting of not less than three nor more than five persons, to be selected by him for the purpose of meeting a like commission to be appointed by His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, in a diplomatic conference to be held at such time and place as His Britannic Majesty and the President of the United States may agree upon. The purpose of such diplomatic conference shall be to take into consideration the controversy now pending between Great Britain and the United States as to the proper construction of the Hay-Pauncefote treaty, so far as the provisions of the same involve the right of the latter to regulate by its own legislation the levying of tolls upon vessels engaged in its coastwise trade and passing through said Panama Canal. It shall be the duty of such diplomatic conference, acting in the light of the discussions that have already taken place, to seek, in an equitable and friendly spirit some practical solution of the entire question now at issue, which will worthily round out a hundred years of peace and friendship by respecting and conserving the interests and honor of both nations. The conclusions reached by such diplomatic conference shall be reported at its close to the Governments of Great Britain and the United States by their respective commissioners, but such conclusions shall not be binding upon either Government until accepted by both and duly ratified upon the part of the United States by the necessary and appropriate legislation.

That the expenses and compensation of the said commissioners to be appointed to attend said diplomatic conference upon the part of the United States shall be paid out of the contingent fund of the Department of State according to law.

Mr. VARDAMAN. Mr. President, the honor of a nation like the honor of man is its most priceless asset, and should be sacredly guarded. The same code of morals should govern nations in their dealings with each other which men require their fellows to observe in their intercourse with each other. The might which overrides the right may triumph for a season, but there is no permanency in any system of government or rule of conduct among nations or individuals except that which was founded upon the eternal rock of justice and righteousness. It has been truthfully said that—

Out of the twilight of the past
We move to a diviner light;
For nothing that is wrong can last,
Nothing's immortal but the right.

In the settlement of the question as to whether or not the United States Government has the right under the treaty with Great Britain to exempt its ships engaged in coastwise trade from the payment of tolls in passing through the Panama Canal, the American people do not want anything except that which is just and unquestionably their own. If they have made a mistake in their platform declaration, if the people have misunderstood this question in their instructions to their representatives, when they shall be convinced of that fact the wrong will be righted.

I have no doubt in my own mind about the right of the United States Government under the terms of the treaty to do with the canal as it sees fit with reference to our coastwise trade. I believe that out sovereignty over the canal is as absolute and complete as it is over the Mississippi River or any other domestic waterway. But if there were any doubt in my mind about our sovereignty, the people of Mississippi and America have instructed me upon that point. Every political platform adopted in 1912 gave specific instructions to the President, Senators, and Congressmen elected upon that platform as to how they should vote upon this question. I believe in the sacredness of our party platform promises. I believe in the wisdom and patriotism of party organization. I realize that no great governmental scheme or question of political economy was ever enacted into law but that had behind it a well-organized and disciplined political faction. No man can be faithless to his platform promises and be true to himself and his country. The platform is to me a political confession of faith, and the man who violates it without permission from the people betrays his constituents. So far as I am concerned, I am going to be true to the people who elected me. I am going to be faithful to my party obligations. If in this instance loyalty to the platform promises shall raise the question of violation of the treaty with England, I shall still be true to the platform promises and faithful to my constituents. But there are men of greater wisdom, more varied experience, of larger observation, and equal patriotism who entertain opinions diametrically opposite to those entertained by me. I am perfectly willing to concede to them sincerity and honesty of purpose, and to admit that I may be mistaken. In matters of such grave importance, so far-reaching in their consequences, and about which men differ so widely the largest, most liberal, and careful consideration should be given to all the phases of the question under consideration. In the determination of this matter we can not afford to be too technical, nor can we afford to be other than generous in dealing with our opponents and faithful to every promise which we have made directly or implied. Our constituents would not have us do less. And under the terms of our commission as the representatives of the people executing a great trust we can not do more. I want to say in this connection, Mr. President, that I do not in any way share the feeling of hostility toward the English people or the English Government which some of my fellow countrymen manifest in the treatment of this question. I realize that the future development and the moral and material uplift of the world will be greatly promoted by united and harmonious action on the part of the English-speaking peoples; but their good influence will be minimized unless they shall, in international intercourse, maintain scrupulous regard for the rights of each other, and avoid the appearance of trying to drive a hard bargain or take undue advantage. There should be no competition between the people of Great Britain and the people of America, except that healthy spirit of rivalry which only serves to quicken our patriotism, enlarge our energies, and sharpen our intellects in solving the great problems, industrial and otherwise, which confront the civilization of the century. "There is a destiny that makes us brothers." We are one in thought, one in aspirations, and bent upon one common purpose. United we shall rule the world, direct its destiny, preserve its peace, and hasten the day when—

The common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber, lapt in universal law.

If the amendment which I propose shall be adopted, this matter can be settled without heartburnings, disappointments, or the generation of hatred. We are committed to the policy of settling differences of this character by diplomatic conferences. It is the rational, humane, and proper method. It will also give time for the American people to consider the question. A general understanding will be effected and justice tempered with a spirit of generosity and good-fellowship will take the place of what I fear will be a feeling of disappointment, injustice, and wrong if the plan for the settlement of the question proposed by the President shall be adopted by the Congress.

I hope to have something further to say upon this question during the consideration of the bill.

Mr. THORNTON. I now renew the request that the unfinished business be temporarily laid aside in order that the chairman of the Committee on Agriculture and Forestry may ask that the consideration of the Agricultural appropriation bill be resumed.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

THE CONGRESSIONAL CLUB.

Mr. KERN. Mr. President, I have here an invitation to Members of the Senate from the Congressional Club, which I should like to have read at the Secretary's desk.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The communication was read, as follows:

The Congressional Club requests the honor of the presence of the Members of the United States Senate at the ceremonies incident to the laying of the corner stone of the new clubhouse on Thursday morning, May 21, at half past 10 o'clock, New Hampshire Avenue and U Street NW.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask that the Agricultural appropriation bill be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. McCUMBER. Mr. President, when the Senate adjourned yesterday I had the floor in reference to an amendment which I proposed to offer to the bill. I desire to give very brief attention to that proposition.

Anticipating the eagerness of Senators to vote upon this bill, I desire to show how a proposed amendment is necessary, or why the pending bill is incomplete and should not be passed without the proper amendment. I have already called attention to the fact that from line 4 to line 6 on page 19 there is the following provision:

For investigating the handling, grading, and transportation of grain and the fixing of definite grades thereof, $76,320.

This provision as it now stands is a mere mockery. It means nothing. The mere fixing of a grade without any method of enforcing the decree which fixes the grade of course amounts to nothing; and I anticipate that is not what was intended by the person who drafted this provision of the bill. Therefore it is my desire to have that definite grade fixed in a definite man-

ner, and I shall limit the proposed amendment to that particular matter.

You are to fix a definite grade. Now, how can you make a grade definite without power to enforce its definiteness?

It has been claimed that this matter would be subject to a point of order upon the ground that it is general legislation. I wish Senators would stop a little while and see if we can not, with the assistance of the Chair, finally adopt something of a rule which we can use as a precedent which will guide us in the future in determining what is and what is not general legislation.

The records of the Senate show that the point of general legislation has been raised against an amendment to add a wing to a particular building, as though that was general legislation. Further, it has been argued upon this floor time and again that anything that changes existing law, though it be a special law, is general legislation.

Why, Mr. President, if we should follow the theories of some of these objectors to amendments upon the ground that they are general legislation, we would be absolutely crippled in any effort to amend any bill that might come from the House.

The parliamentarian of the Senate, Mr. Gilfry, recognizing the fact that we have steered our parliamentary course all over the ocean of conjecture in the matter of this question of general legislation, sought to call our minds back to a few fundamental principles, so that we might appreciate our course, and I call attention to some of the declarations made by him on this subject. He says:

No subject is more widely discussed in the Senate during the consideration of appropriation bills and amendments thereto than the question What is general legislation on a general appropriation bill?

The Century Dictionary says:

"General legislation, that legislation which as applicable throughout the State generally, as distinguished from special legislation, which affects only particular persons or localities.

"Local legislation, local statute, such legislation or statute as is in terms applicable not to the State at large, but only to some district or locality and to the people therein."

Mr. REED. Mr. President, I will ask the Senator if he will kindly give us the citation?

Mr. McCUMBER. Page 54 of "Precedents, Decisions on Points of Order in the United States Senate," by Mr. Gilfry.

Proceeding, he states——

Mr. REED. Since I have interrupted the Senator, may I inquire why the Senator is discussing a question of order with reference to his proposed amendment before the amendment is laid before the Senate? Of course, the Senator will proceed in his own way, I take it; but it seems to me the ordinary procedure would be to offer the amendment, and if some one raises the question of order, then it will be a matter for consideration, but not to anticipate that the point will be made.

Mr. McCUMBER. In answer to the Senator's question, I will say that I had hoped that it would prevent considerable delay in the discussion of the subject hereafter if I might call attention to a few leading principles which might dissuade Senators from making points of order which would lead to a long discussion.

The author goes on further and cites the definition given by Bouvier in volume 1, page 877:

General law (legislation): Laws which apply to and operate uniformly upon all members of any class of persons, places, or things, requiring legislation peculiar to themselves in the matters covered by the laws. Statutes which relate to persons and things as a class. Laws that are framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the purpose of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves.

There is considerable more in the definition given by Bouvier, but I will not take the time to read it.

Generally all matters of this kind have been submitted to the Senate. Upon that point I wish to cite a statement that was made by Vice President Fairbanks:

The VICE PRESIDENT. The point of order is before the Senate.

Then the Vice President discussed the question of points of order on the ground that matters were general legislation. He said:

The Senator from Idaho [Mr. BORAH] makes the point of order that the pending amendment contravenes paragraph 3 of Rule XVI, which provides: "No amendment which proposes general legislation shall be received to any general appropriation bill." What is general legislation upon a general appropriation bill, under Rule XVI, has long been a sharply debated question. The rule is an old one. It has been frequently invoked, and the discussion has invariably disclosed the same conflicting views which have been expressed with respect to the point of order now interposed. There is no well-defined uniform line of decisions, either by the Chair or by the Senate, when the question has been submitted by the Chair to its determination or when the question has been brought before it by an appeal from the decision of the Chair. The impression created upon the mind of the present occupant of the chair, after a somewhat careful and thorough examination of the subject, is that the Senate has been largely controlled in its interpretation of the rule for more than a third of a century by a consideration of the public interest involved at the time being, rather than by any regard for its technical meaning or strict application.

That is what that rule has finally come to be—a mere capricious action of the Senate. If the Senate wants the amendment upon the bill, it puts it in by declaring that it is not general legislation. If the Senate does not want it in, it holds against the amendment as being general legislation.

I think we ought to have some rule to guide us on this important question, which arises upon every appropriation bill from fifty to a hundred times before it passes through the Senate; and I know of no better guide than that laid down by Mr. Gilfry himself in his Precedents, in which he cites the definitions given by Bouvier and the Century Dictionary.

I shall offer an amendment to make certain the provision that I have read from the general bill—that is, to fix definite rules for the definite grades that are to be fixed by the Secretary of Agriculture. I shall do this by offering that portion of what is known as the Lever bill in the House, or the Gore bill in the Senate, which has received the earnest approval of those who are opposed to the general legislation which I sought, and which covered general inspection. The very first step toward the remedy, as I stated before, was covered by the Lever bill, namely, Federal standardization; and the second step was also covered by it, namely, uniformity of standards. The third step which I thought was necessary was Federal inspection. The substitute for that in the Lever bill was Federal supervision. I have not, however, offered, and shall not offer, any portion of the Lever bill which relates even to Federal supervision. I allow the States to go on with their inspection, but I propose merely to provide that the Secretary of Agriculture shall fix standards of grain as he fixes standards of cotton; and after he has arrived at those standards, the rules shall be lived up to by the several boards.

To show that this is greatly desired by all the farmers of the Northwest, I desire attention to the fact that but a few years ago I was called upon to address the farmers' organization known as the Tri-State Grain Growers' Association of the States of Minnesota and the two Dakotas. There were about 3,000 representatives present. I did not discuss the grain bill at that time, but they were decidedly interested in it. When I had closed my remarks a very prominent member of the society asked me to explain to the farmers there present why it was that the Senate of the United States refused to give them the relief for which the State legislature had been appealing for years, and for which they, through their little organizations, had also appealed by petitions.

My answer to them was that the whole trouble lay in the fact that we had no great farmers' organization that would act as an organization, and would make their views felt as an organization, in the way that all other organized societies give expression to their views to control or influence the action of Congress.

I called their attention to the fact that wherever we had a great board of trade I would be certain to have at least two Senators from that State against me. If in New York, we had the Board of Trade of New York and also that of Buffalo engaged in the grain business, that meant the two votes of New York against what I was asking for. If I found the same condition in Minnesota, it would have the same result. If I found another one in Chicago, I could count the Illinois Members against me. If I found one in Baltimore, I could count the Maryland votes against the proposition. If I found one in New Orleans, I could be sure to count the Louisiana votes against me. If I found one in Toledo, I could be pretty sure to count the Ohio votes against me. If I found one in some other particular State—in Nebraska, in Omaha—I would be pretty certain to find at least the Senator within the radius of its influence against me.

Now, why? They were honest Senators, who wanted to do what was right or what they thought was just and fair in all this matter; but the moment you introduce a bill of this kind the farmer does not come to his Senator and, through his organization, say: "We demand this, and we expect you to live up to it." He does not say anything; but the board of trade immediately begins to talk, and it sends out its circulars, and it sends its representatives to the Capital, and it secures the best legal talent that it can secure to present its case; and the Senator thinks: "Well, now, here are all these people in the city, my friends, protesting against the bill, and there is not a single farmer in my State asking for it. I have not time to go into the subject very much and look up your interest in the matter. If it is not of sufficient interest to you to present it in the same aggressive way that it is presented on the other side, it can not be a matter of any great importance."

Those were the reasons I gave to the farmers. Then I was compelled to give another reason, and that was the ancient Democratic policy of holding the State outside the grip of national policies, to give full vent to State rights. I stated to them that most of the old Bourbon Democracy were opposed to extending national legislation into their States under any and all considerations, with the exception of a single one; that they would waive their prejudice in favor of State rights wherever they could find that the Government would expend its money within their territory, and if the Government would kindly do that there would be no objection whatever to the *extension* of Federal influence into the State.

So we find here about $400,000 that is to be used down here in the southern section, the Democratic section, of the country, to send an army of inspectors chasing the cattle tick. Four hundred thousand dollars is appropriated for that class of chasers; and we have not the slightest objection to the extension of the Federal power if it carries that army into our State, where they may do us some good by spending the Government money there and possibly by frightening away some of the cattle ticks.

Then again there is $46,000 appropriated to control diseases of cotton. Then there is appropriated for improvement of cotton $38,000. Then for fixing standards, and so forth, of cotton and other matters there is an appropriation of $300,000. Then there is for farm demonstration $400,000, about $300,000 of which is to be used in that section of the country where the Senators do not believe very much in Federal interference. Now, as they have overcome that in the last few years, I hope they will give us the same consideration when we are really asking for Federal interference. We have always said that we were willing that the Federal Government should extend its powerful arm to assist us and protect us against injustice and against fraud.

Now, I desire to present, Mr. President, an amendment that will contain the two or three paragraphs of the Lever bill.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. With pleasure.

Mr. WEST. I presume we are in Committee of the Whole, are we not?

The VICE PRESIDENT. The bill is in Committee of the Whole.

Mr. WEST. That is what I mean. The bill is in Committee of the Whole, and this section has already been considered, and the Senator can not present an amendment to the section without reconsidering it for the purpose of amending it.

Mr. McCUMBER. I think the Senator is under the impression that this is an amendment that I am considering. I am considering not an amendment, but the original bill itself.

Mr. WEST. Is it not a substitute?

Mr. McCUMBER. No; I am going to amend the text of the original bill, if I can.

The VICE PRESIDENT. The Senator from North Dakota is in order.

Mr. McCUMBER. Mr. President, a short time ago, when we were discussing this question, the Senator from Louisiana [Mr. RANSDELL] stated, in substance, that he knew nothing about the matter, and that where the doctors disagreed a layman could not be expected to decide what the remedy should be in the particular case. I want to say to that Senator and also to his colleague that the doctors have finally agreed upon two or three propositions I wish to present, first, the statement of Dr. NELSON upon this proposition. I am offering the Lever bill. I feel that I possibly ought to apologize to the Senator from Illinois [Mr. SHERMAN] and the Senator from Minnesota [Mr. NELSON] for a little suspicion when the bill was up before and for an expression I made in conformity with that suspicion to the effect that the Lever bill was not intended in good faith; that it was simply introduced as a check for the time being so that the McCumber bill could be in some way knocked out, and that they really did not believe in the Lever bill. But I have read over their statements again, and they are so strong and ring so true that I know they meant every word they said, and will be very glad of the opportunity now to vote for the proposition which they extolled so earnestly in the previous discussion.

I will start in with the statement of the Senator from Illinois [Mr. SHERMAN]. He said, as recorded on page 5356 of the CONGRESSIONAL RECORD:

> I will follow that by the statement that I am in entire accord with the purpose of the Department of Agriculture and all those who have worked in joint effort with that department to procure and establish, upon adequate investigation, a uniform system, both of grades and weights, and to make it obligatory upon all grain entering into the interstate commerce of the country to require the States having an inspection system established under their statutes to bring themselves to adopt that standard before the grains in the States of their origin shall be admitted into interstate commerce. I am not opposed to, but, on the contrary, I believe in, these inspections and grades and in a uniform system of weights; but I do not think it is necessary that a new bureau be created here under the auspices of the Federal Government, and that the State inspection system of some of the principal grain-producing States in the Union, and also some of the States in which there are the large primary markets of the country, be entirely obliterated and pulled up by the roots, so to speak, in order to accomplish these purposes. I am not against the end sought by the Senator from North Dakota, but I am opposing the means, because, in my judgment, the Lever bill, introduced in the House of Representatives very lately, will accomplish all of the good results desired, and standardize both weights and measures, without any corresponding evils.

That is a pretty good recommendation. Again, he says on page 5357:

> On the contrary, under the supervision plan, I believe, the standards being fixed by the Department of Agriculture under some such bill as the Lever or the Gore bill, that the State inspection would immediately be required to come up to that level; if it lacked anything in reaching that degree of perfection or desirability, it would immediately go to that level. Otherwise, the State inspection system falling short, grains inspected under that system would necessarily cease to go into the interstate commerce of the country. That would of itself bring State inspection to that level.

Again, the Senator from Illinois said a day or two later, on May 9, at page 8710:

> I do not think there will be any controversy between those who support this bill—

That was my bill—

> and myself about the necessity as well as the propriety of a uniformity of grades. Since I have begun to give this subject some attention, reaching back several years ago, it has seemed to me at all times that uniformity of grades is desirable.

Again, he says on page 8719:

> Let me say here parenthetically there is no controversy between those who favor this bill and those who oppose it on the desirability of uniformity. There ought to be uniformity in the standards. The principle of the Lever bill in the House gives uniformity. It seems the same as that introduced by the Senator from Oklahoma [Mr. GORE].

Well, it is the same.

> I have not read them one along with the other, but I believe them to be exactly similar. The uniformity of grades is the useful part of every regulation. The uniformity can be secured by fixing the standards, and in that event every State having an inspection system can be compelled to grade up to the standard fixed by the Department of Agriculture. When that is done you have uniformity. You have uniformity under the supervision of the General Government and not the inspection of the General Government. I favor uniformity of standards and Government supervision, to be worked out so as not to destroy or impair our State inspection systems.

Again, on page 8725, the Senator quotes a letter from Frank H. Funk, favoring Federal standardization and uniformity but opposing Federal inspection.

On the same page the Senator quotes, with approval, a letter from the secretary of the Illinois Grain Dealers' Association, which I quote as he quoted it:

> Your support of the Lever bill in opposition to the McCumber bill meets with the approval of practically every grain dealer in the State of Illinois. The country shippers represented by the State associations of Ohio, Illinois, Indiana, Iowa, Nebraska, Kansas, and Oklahoma have been working for Federal supervision for a number of years and it is believed that such a measure of protection will be entirely satisfactory.

Once again, on page 8726, the Senator from Illinois states:

> These purposes of the different State inspection systems are perpetuated and provided for in the Lever bill now pending in the House. The Lever bill represents the views of the Department of Agriculture, the arm of the Federal Government that is asked by Senate bill No. 120 to absorb the inspection systems of the States.

Again, on page 8726, the Senator from Illinois quotes, with approval, a letter from Mr. Merrill, and I want Senators to listen to this for one moment. Mr. Merrill says:

> Exchanges, State and local associations of grain handlers, have generally united in opposing it (the McCumber bill), and thus far have succeeded.

That is the most solemn truth that they ever uttered in their lives. They have consistently opposed it and so far they have succeeded. Quoting from the same letter:

> A committee representing farmers and all classes of grain handlers is now drawing up such a bill and the Department of Agriculture of the United States is assisting, Secretary Houston having met the committee in conference and approves the action.

Now, proceeding again, the Senator from Illinois [Mr. SHERMAN] says:

> This was written last February. Since that time the bill has been perfected through the joint action of the persons named in this bill and the department, and it is now pending in the name of the Lever bill. The Gore bill, which is pending in the Senate, I think is identically the same bill.

Then the Senator cites letters covering several pages, all favoring the Gore and Lever bill and, of course, all opposing the McCumber bill. Now, with the strong argument of the Senator from Illinois, which was given here some time ago, there ought not to be a single vote in the Senate against the little amendment which I propose to-day.

But, Mr. President, the Senator from Minnesota [Mr. NELSON] adds his moral power and impetus to the Gore bill, also known as the Lever bill. On April 14, at page 8201, the Senator from Minnesota said:

To the Lever bill, so called—and a similar bill has been introduced in the Senate by the Senator from Oklahoma [Mr. GORE]—in its essential features we have no objection; such a law would not destroy our State grain-inspection system.

Again, on page 8207, the Senator from Minnesota said:

There is no objection to creating national standards; * * * we can establish uniform standards of grain for the whole country, leaving the inspection in the hands of each State government, simply requiring them to adhere to the Federal standard. The Lever bill in substance so provides, and a similar bill has been introduced by the Senator from Oklahoma [Mr. GORE] in the Senate. We are quite willing that grades shall be standardized; we have no objection to that.

Again, on page 8227, the Senator from Minnesota reiterates:

Our people are not opposed to standardizing grades; that is, to let the Federal Government establish the standards, but leaving the States to carry on the inspection service and comply with the standards.

Again, on page 8230, the Senator from Minnesota supports the Gore bill. He says:

If the bill were confined to sections 5, 6, and 7—

That is, sections 5, 6, and 7 of my bill—

providing for national standardization and nothing more, it would be unobjectionable and would accomplish all that is necessary and proper. I call attention to those sections.

The Senator then read the three sections in full. Then he proceeds:

If you take these three sections and limit the bill to them, you can get national standards for the whole country established by the Federal Government that will be standards for all interstate commerce. If you stop there, you leave the inspection force of each state to live up to those standards. To say that we are not capable in Minnesota or that they are not capable in Missouri or Illinois is to say that the employees of the State are not as competent and are not as honest as they would be if they were Federal employees and wore Uncle Sam's livery.

The Senator from Minnesota and the Senator from Illinois were reenforced by the senior Senator from New York [Mr. ROOT]. I will not stop to read the statement of the senior Senator from New York but it is to be found on page 5356, in which he quotes with great approval the circular which was sent out by the Buffalo Exchange and also by the New York Exchange, and a similar note sent out by the Boston Exchange, all of which stated that they were perfectly satisfied with what is known as the Gore bill. The Senator said he was willing to support that bill; but he saw a good deal of force in their objections to the McCumber bill.

Now, what was the Gore bill? The Gore bill provided for the standardization and then fixed rules requiring the Government to supervise the matter, and it then appropriated, I think, $350,000 to carry out that supervision.

Now, I do not go that far, because I do not wish this amendment to be open to the objection that it carries a great appropriation without an estimate from the department, and really I do not need it, because the Secretary of Agriculture with the appropriation of $76,320 can do all that is required under this amendment, and I am in fact simply directing how he shall fix those standards and enforce them.

Now taking the bill as it stands on page 19, it reads:

For investigating the handling, grading, and transportation of grain and the fixing of definite grades thereof, $76,320.

Then I propose to provide:

That in fixing said definite grades the Secretary of Agriculture shall fix and establish from time to time standards of quality and condition of grain. In promulgating the standards the Secretary shall specify the date or dates when the same are to become effective, and may give public notice thereof by such means as he deems proper.

Remember, now, I am quoting literally from the Gore or Lever bill. I only add "in fixing said definite grades," whereas in the other bill they propose that the Secretary of Agriculture shall do so and so, using that term, in fixing said grades to make the proper connection with the previous legislation:

That the standards so fixed and established shall be known as the official grain standards of the United States.

That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District, to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade, unless the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States and the grain conforms to the standard fixed and established for the specified grade.

Then here comes the provision that the Senators who oppose my bill desire:

Provided, That variations from the official grain standards may be permitted under such rules and regulations as the Secretary of Agriculture shall prescribe. No person shall, in any contract or agreement of sale or agreement to sell, either oral or written, or in any invoice or bill of lading or other shipping document, relating to such shipment or delivery for shipment, describe or in any way refer to any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

That whenever standards shall have been fixed and established under this act for any grain, no person thereafter shall ship or deliver for shipment from any State, Territory, or District, to or through any other State, Territory, or District, or to any foreign country, any such gain which is sold or offered for sale, whether by grade or not, under any name, description, or designation which is false or misleading in any particular.

And here comes another provision the lack of which was urged as an objection to my bill, Senate bill 120:

Provided, That nothing contained herein shall prevent the shipment or delivery for shipment, otherwise lawful, of any grain which is sold or offered for sale, without reference to grade, under names, descriptions, or designations which are not false or misleading.

That the Secretary of Agriculture is authorized to cause inspections and examinations to be made of any grain which has been certified or represented to conform to any grade fixed in the official grain standards of the United States, and to ascertain whether the grain is, in fact, of the specified grade; and whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, it is determined by the Secretary that any lot of grain has been incorrectly certified or represented to conform to a specified grade he may publish his findings.

That every person who shall violate any provision of this act relating to the shipment or standardization of grain, as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $200 for the first offense and for each succeeding offense not exceeding $1,000.

Mr. President, that is the amendment which I offer, and, as I stated before, it is that portion of the Lever bill that has been spoken of by those who are opposed to the provisions of my bill, and which seem, as is shown by their declaration, to be entirely agreeable to them. I offer that as an amendment as indicated.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota presents an amendment, which will be read.

The SECRETARY. At the end of line 6, on page 19, insert——

Mr. McCUMBER. As I read the amendment myself, I do not think it is necessary under the rules for the Secretary to reread it.

The VICE PRESIDENT. Very well.

Mr. McCUMBER. I make the suggestion in order to save time.

Mr. REED. Is the amendment now offered?

The VICE PRESIDENT. The amendment is offered.

Mr. REED. Mr. President, I make the point of order against the amendment, first, that the amendment is general legislation; second, that the amendment includes items not estimated for by any department of the Government; third, that the amendment has not been favorably reported on by any committee; and, fourth, that the amendment is practically a repetition at the same session of Congress of a bill already defeated at that session.

The VICE PRESIDENT. The Chair recognizes that there is a great deal of truth in what the Senator from North Dakota has said as to the ruling of the Senate upon the question of general legislation on an appropriation bill, and that it is always within the province of the Senate to determine when an amendment is or when it is not general legislation by an appeal from the ruling of the Chair. But the Chair believes that the point of order in this instance should be sustained. Accordingly it is sustained.

Mr. McCUMBER. I have another amendment that I desire to offer.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I yield to the Senator from Georgia.

Mr. WEST. I propose to amend the bill when it comes into the Senate, on page 20, by striking out the last proviso.

The VICE PRESIDENT. The bill is before the Senate, as in Committee of the Whole, and subject to amendment.

Mr. WEST. Yes; I understand that. I am merely stating the amendments which I propose to offer when the bill is reported to the Senate. In addition to the amendment which I have stated, I propose to amend the bill, on page 42, line 23, by striking out "Western" and substituting therefor "United States"; and then, in line 20, by striking out "$15,000" and substituting therefor "$30,000." That does not change the total appropriation.

Mr. McCUMBER. I offer the following amendment: On page 19, after the same words to which I referred in the other amendment, I move to insert:

That said Secretary of Agriculture be, and he is hereby, authorized and required, as soon as may be after the enactment hereof, to determine and fix, according to such standards as he may provide, such classifications and grading of wheat, flax, corn, rye, oats, barley, and other grains as in his judgment the usages of trade may warrant and permit. In the inauguration of the work herein provided he may, if in

his judgment the best interests of trade and commerce in said grains require it, adopt the standards of classification and grades now recognized by commercial usages or established by the laws of any State or by boards of trade or chambers of commerce, and may modify or change such classifications or grades from time to time as in his judgment shall be for the best interests of interstate and export grain trade.

That when such standards are fixed and the classification and grades determined upon the same shall be made matter of permanent record in the Agricultural Department, and public notice thereof shall be given in such manner as the Secretary shall direct, and thereafter such classification and grades shall be known as the United States standard.

That from and after 30 days after such classifications and grades have been determined upon and fixed, and duly placed on record as hereinafter provided, such classification and grading shall be taken and held to be the standard in all interstate commerce in grain.

Mr. REED. Mr. President, will the Senator from North Dakota permit me to make an inquiry?

Mr. McCUMBER. I will not yield at this time.

Mr. REED. Mr. President——

Mr. McCUMBER. I will not yield now, Mr. President.

Mr. REED. Very well.

Mr. McCUMBER. I simply desire to state in reference to this amendment that the Senator from Minnesota [Mr. NELSON] said:

If the bill were confined to sections 5, 6, and 7—

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. REED. I make the point of order. I understand the Senator has now offered his amendment?

The VICE PRESIDENT. The Chair is uncertain on that question.

Mr. REED. I think the parliamentary situation ought to be cleared up. I understood the Senator from North Dakota to say that he had offered that amendment.

Mr. McCUMBER. I have not yielded, and I do not think in the middle of another Senator's address the Senator can raise the point of order. I raise the point of order that the Senator can not be recognized for that purpose without my consent.

Mr. REED. A point of order is always in order.

Mr. McCUMBER. The Senator can rise to a parliamentary inquiry.

The VICE PRESIDENT. The rules of the Senate are to the effect that a question of order may be raised at any stage of the proceedings. The Chair will read the rule:

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing.

So the Senator from Missouri, if he desires to make a point of order, has the right to do so now.

Mr. REED. I understood the Senator from North Dakota to say that he now offered "the following amendment," and he then proceeded to read his amendment. The amendment is, therefore, before the Senate; and I make the point of order that the amendment is general legislation; that the amendment includes items not estimated for by any department of the Government; that the amendment has not been favorably reported by any committee; and that the amendment is practically a reintroduction at the same session of Congress of a bill already defeated at the present session. Upon that point of order I ask for the ruling of the Chair.

Mr. McCUMBER. Mr. President, I desire to state in reference to that——

Mr. REED. The question is not debatable, Mr. President.

The VICE PRESIDENT. The point of order is not debatable; but, as the Chair understands the rule of the Senate, amendments must be sent to the desk and presented to the Senate. The reading of an amendment by a Senator, it not having been sent up to the Secretary's desk, does not constitute a presentation of the amendment to the Senate.

Mr. McCUMBER. That was the point of order I desired to state.

I will proceed to quote what the Senator from Minnesota said with reference to these three sections. He said:

If the bill were confined to sections 5, 6, and 7—

Those are the three sections which I read—

providing for national standardization and nothing more, it would be unobjectionable and would accomplish all that is necessary and proper. I call attention to those sections.

Then the Senator read the three sections which I have read, and proceeded:

If you take these three sections and limit the bill to them, you can get national standards for the whole country established by the Federal Government that will be standards for all interstate commerce. If you stop there, you leave the inspection force of each State to live up to those standards.

Mr. President, I did stop there, and, striking out the numbers of the sections, I shall offer them as an amendment. I would ask, in view of the fact that questions of order concerning amendments containing legislation quite similar have been submitted to the Senate, that I be accorded at least that courtesy. Though the Chair may differ from me as to whether or not it is general legislation, and there is no question about the authority of the Chair to refuse to submit the question to the Senate, it would gratify me if the Chair would do so in this particular instance; and I will then take no further time.

I offer as an amendment sections 5, 6, and 7 of the old bill, striking out the numbers of the sections.

The VICE PRESIDENT. The amendment has been read, and the point of order, the Chair understands, has been made by the Senator from Missouri [Mr. REED]. There is a very easy way to overrule the Chair, and that is by appealing from the decision of the Chair. The Chair has heretofore expressed the opinion as to similar amendments that they were general legislation and subject to the point of order. The Chair accordingly sustains the point of order as to the amendment proposed by the Senator from North Dakota.

Mr. McCUMBER. I appeal from the decision of the Chair, and on that I ask for the yeas and nays.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On that question the Senator from North Dakota asks for the yeas and nays.

The yeas and nays were not ordered.

Mr. McCUMBER. Mr. President, before the question is put to the Senate, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Johnson	Overman	Smith, S. C.
Brandegee	Jones	Page	Smoot
Bryan	Kenyon	Reed	Sterling
Burleigh	Kern	Robinson	Swanson
Chamberlain	Lane	Shafroth	Thornton
Chilton	McCumber	Sheppard	Tillman
Crawford	Martin, Va.	Sherman	Warren
Gallinger	Martine, N. J.	Smith, Ga.	Weeks
Gore	Nelson	Smith, Md.	West
Hughes	Norris	Smith, Mich.	

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is detained at home on account of illness.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he has a general pair with the senior Senator from New York [Mr. ROOT].

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably detained from the Chamber on official business.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I suggest that the names of the absent Senators be called.

The VICE PRESIDENT. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. RANSDELL, Mr. SHIVELY, and Mr. THOMPSON responded to their names when called.

Mr. BORAH, Mr. CLAPP, Mr. LEA of Tennessee, and Mr. SHIELDS entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present.

Mr. WEST. I move that the Senate adjourn.

Mr. KERN. I hope the Senator will not press that motion at this time.

Mr. WEST. Very well; I withdraw the motion.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. LA FOLLETTE entered the Chamber and answered to his name.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

Mr. McCUMBER. What is the motion?

The VICE PRESIDENT. That the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. McCUMBER. I move that the Senate adjourn.

The question being put, there were, on a division—ayes 17, noes 17.

The VICE PRESIDENT. The Chair votes "no," and the Senate refuses to adjourn. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. GALLINGER. Mr. President, in the interest of the public business, I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. OVERMAN. I am surprised that the Senator should have made that motion. It is out of order.

Mr. GALLINGER. I withdraw the motion.

The VICE PRESIDENT. The Chair would have to sustain the point of order against the motion.

Mr. GALLINGER. The motion is withdrawn.

Mr. LEE of Maryland entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is a quorum present.

Mr. KERN. I ask that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m.

The motion was agreed to.

The VICE PRESIDENT. The Senator from North Dakota [Mr. MCCUMBER] presented an amendment to the bill, which, upon a point of order being raised, the Chair decided to be not in order. From this ruling the Senator from North Dakota has appealed. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. REED. I move to lay the appeal on the table.

The motion was agreed to.

Mr. KENYON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 20, in lines 18 and 19, it is proposed to strike out the words and figures "and for farm demonstration work, $400,000," and insert "$250,000," so that, if amended, it will read:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $250,000.

It is also proposed to insert, after the word "stock" in line 22, page 20, the following:

For farm-demonstration work outside of the cotton belt, $400,000.

Mr. KENYON. Mr. President, I should like to ask the chairman of the committee if the bill can not go over until to-morrow. It will take some 15 or 20 minutes in any event to explain this amendment, though I shall be very brief in explaining it. I should prefer, however, to have the matter go over.

Mr. GORE. I will say to the Senator that the $400,000 included in the bill is for demonstration work outside of the cotton belt.

Mr. KENYON. My very purpose is to show that that statement, as I view it, is not correct; and I am merely trying to accomplish the object which the Senator says the bill does accomplish. If it did, I should not press the amendment; but I expect to show that the farm-demonstration work outside of the cotton belt is limited to about $138,000. I think the House added a little more, so that it runs up to $170,000. I want to differentiate the items that are included in the appropriation of $400,000 and give them their proper place under the appropriation of $250,000 and then leave the appropriation of $400,000 for farm-demonstration work.

It will require, being as brief as I can be, some 15 or 20 minutes, and I wish the Senator from Oklahoma would not press the matter to-night. I will go ahead, however, if he insists.

Mr. GORE. I understand that the Senator from Indiana [Mr. KERN] desires to move an executive session.

Mr. KERN. We desire to have a brief executive session.

Mr. GORE. I therefore yield to the Senator from Indiana.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 56 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 20, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 19, 1914.

UNITED STATES ATTORNEY.

Thomas D. Slattery to be United States attorney for the eastern district of Kentucky.

UNITED STATES MARSHAL.

John S. P. H. Wilson to be United States marshal for the district of Maine.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Commander Frank H. Brumby to be a commander.
Lieut. Frank R. McCrary to be a lieutenant commander.
Ensign Kinchen L. Hill to be a lieutenant (junior grade).
Lieut. (Junior Grade) Weyman P. Beehler to be a lieutenant.
Asst. Naval Constructor Roy W. Ryden to be a naval constructor.
Asst. Naval Constructor Waldo P. Druley to be a naval constructor.
William McKinney to be an assistant surgeon in the Medical Reserve Corps of the Navy.

POSTMASTERS.

ALABAMA.

George Cotton, Dothan.
Ella M. Harris, York.
R. M. Jemison, Talladega.
John E. McGee, Carrollton.

ARKANSAS.

Arthur G. Morris, Heber Springs.

CALIFORNIA.

R. A. Boyd, Highland.
George E. Glover, Azusa.
Charles B. McDonell, Ventura.
May A. Miller, Glendora.
John H. Quinlan, Half Moon Bay.
T. M. Storke, Santa Barbara.
R. Warner Thomas, Redlands.

GEORGIA.

Henry T. Sewell, Lavonia.

IDAHO.

Joseph S. Robison, Montpelier.

INDIANA.

John W. Bosse, Decatur.
Oscar C. Bradford, Marion.
William W. Briggs, Geneva.
William E. Cartwright, Summitville.
Julius C. Fishel, Hope.
John C. Gorman, Princeton.
Anderson B. Lee, Alexandria.
Sylvester Rennaker, Converse.
James R. Sage, Milroy.
Albert Spanagel, Lawrenceburg.
Frank J. Vessely, North Judson.

ILLINOIS.

F. H. Stevens, La Grange.

MINNESOTA.

William E. McEwen, Duluth.

MONTANA.

John H. Booth, Ekalaka.
Thomas A. Busey, Conrad.
Augusta C. Sheridan, Bigtimber.

NEW MEXICO.

E. V. Long, East Las Vegas.

OKLAHOMA.

George W. Barefoot, Chickasha.
S. B. Elrod, Hominy.
F. B. Hutchison, Kaw.
J. O. Parker, Avant.

SOUTH DAKOTA.

Stephen Donahoe, Sioux Falls.
Patrick Holland, Fort Pierre.

UTAH.

D. L. Argyle, Salina.
James H. Clarke, American Fork.
A. Horace Gleason, Garland.

VIRGINIA.

J. M. Minnich, Gate City.

WASHINGTON.

LeRoy R. Sines, Chelan.
Sherman E. Huntley, Buckley.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 19, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Bring us, we pray Thee, our Father in heaven, by Thy holy influence, into harmony with the great eternal plan that with clear minds, strong hearts, and willing hands we may work together with Thee for the final consummation of good. That Thy kingdom may indeed come in every heart and Thy will be done to the honor and glory of Thy holy name. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. UNDERWOOD. Mr. Speaker, I desire to present to the House Judge C. C. HARRIS, of Alabama, who has been elected without opposition to succeed the late Representative Richardson from the eighth district of Alabama, to fill the vacancy caused by Judge Richardson's death. Judge HARRIS was elected last Monday without any opposition, but his credentials have not yet arrived. I ask unanimous consent that he may take the oath of office now.

The SPEAKER. The gentleman from Alabama states that Judge HARRIS, successor to Judge Richardson, is present; that he was elected without opposition from the eighth Alabama district; and that his credentials have not yet arrived; and he asks that he be allowed now to take the oath of office. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRIS appeared at the bar of the House and took the oath of office required by law.

THOMAS B. M'CLINTIC.

Mr. POU. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 661) for the relief of the widow of Thomas B. McClintic, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the Senate bill 661 and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. POU, Mr. DIES, and Mr. MOTT.

LEAVE OF ABSENCE.

Mr. ROGERS, by unanimous consent, was given leave of absence for one week, on account of the serious illness of his father.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3886. An act to repeal sections 2588, 2589, and 2590 of the Revised Statutes of the United States; to the Committee on Ways and Means.

CONDITIONS IN COLORADO.

Mr. SELDOMRIDGE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a copy of a joint resolution adopted by the Colorado Legislature, approved May 15, 1914, with reference to conditions existing in that State growing out of the strike. In view of the statements that have been made on the floor of the House I would like to have this resolution printed in the RECORD.

Mr. MADDEN. What does the resolution say?

Mr. SELDOMRIDGE. I will have them read if the gentleman desires

The SPEAKER. The gentleman from Colorado asks unanimous consent to have printed in the RECORD certain resolutions passed by the Colorado Legislature relating to the strike in Colorado.

Mr. BARNHART. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if these resolutions refer directly to remarks made on the floor of the House?

Mr. SELDOMRIDGE. They refer to conditions in the public mind, not only in Colorado but elsewhere throughout the country, which have grown out of remarks made on conditions in that State, some of which have been made, I have no doubt, on the floor of the House.

Mr. BARNHART. Is the gentleman sure that remarks have been made on the floor of the House?

Mr. SELDOMRIDGE. I am not sure; but I am satisfied there have been.

Mr. BARNHART. Mr. Speaker, until the gentleman can give us an assurance that the resolutions are the result of remarks made on the floor of the House I shall object.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the following titles:

S. 5066. An act to increase the authorization for a public building at Osage City, Kans.;

S. 5552. An act to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914;

S. 65. An act to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910; and

S. J. Res. 139. Joint resolution to authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement.

WARNING SIGNALS FOR VESSELS WORKING ON WRECKS.

Mr. MANN. Mr. Speaker, yesterday the House passed the Senate bill 5289 to provide for warning signals for vessels working on wrecks, and so forth, and corrected the title. There were two amendments to correct the title and they were both wrong. The bill relates to the amendment to an act approved June 7, 1897, the title as amended providing either for an amendment to an act approved June 7, 1897, or June 27, 1890, it is impossible to tell which. I ask to have the title corrected so that it will be to amend an act approved June 7, 1897.

In the first amendment adopted in the House yesterday to strike out the language which appears in lines 3 and 4 of the bill reported to the House, the language stricken out should have been "marking a wreck or," and there should have been inserted as a part of the amendment at the end of the amendment the word "by." I ask unanimous consent that the vote by which the bill was passed may be reconsidered, and the bill returned to a second reading so that these corrections may be made.

The SPEAKER. The gentleman from Illinois asks to vacate the proceedings on the bill S. 5289 back to the amendment stage. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, I ask to have the amendment which was agreed to corrected; to strike out the language proposed to be stricken out by the first amendment, "marking a wreck or," and that there be added to the amendment agreed to at the end the word "by."

The SPEAKER. The gentleman asks unanimous consent that the words "marking a wreck or" be stricken out and that the word "by" be inserted at the end of the amendment. Is there objection?

There was no objection.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "June 7, 1897."

STANDARD OIL.

Mr. MURRAY of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the influence of Standard Oil in the midcontinental oil field.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD on the subject of influence of the Standard Oil in the midcontinental oil field. Is there objection?

There was no objection.

RURAL CREDITS.

Mr. WILSON of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD on the subject of rural credits. Is there objection?

There was no objection.

CONTRIBUTION FOR POLITICAL PURPOSES.

Mr. RUCKER. Mr. Speaker, I call up House resolution 256. On last Friday I asked unanimous consent to revise and extend my remarks in the RECORD, but I notice that the request was not put by the Speaker. I now renew that request.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the resolution. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution by title.

The Clerk read the resolution by title, as follows:

Resolution (H. Res. 256) providing for the appointment of a committee to investigate and report whether any Members have been guilty of violating the provisions of the Criminal Code by soliciting contributions for political purposes, etc.

The SPEAKER. On last Friday, just before the House adjourned, the gentleman from Missouri moved the previous question, and the question now is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question now is on striking out the original resolution and inserting.

Mr. AUSTIN. Mr. Speaker, I ask that the resolution may be reported, as there were not many Members in the House on Friday afternoon.

Mr. UNDERWOOD. Mr. Speaker, the resolution is somewhat long, and as the substitute is what we are voting on I ask that the substitute be read.

Mr. MANN. Oh, I take it this would require only the reading of the original resolution at this time, and not the preamble.

Mr. UNDERWOOD. Very well, Mr. Speaker, with that understanding, I do not object.

The SPEAKER. The Clerk will read the Mann resolution and then the Rucker substitute.

The Clerk read as follows:

Resolved, That a committee of seven Members shall be appointed by the Speaker to investigate and report to this House whether any Members of this House have been guilty of violating any of the provisions of the Criminal Code by soliciting or receiving or by being in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person receiving any salary or compensation from moneys derived from the Treasury of the United States, and particularly from Members of this House, to the end that it may be ascertained whether the Members of this House, constituting in part the law making branch of the Government, are above the law.

Substitute:

Resolved, That it is no violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

Resolved, That it is no violation of section 119 of the Criminal Code of the United States for a Senator or Member of the House to solicit contributions for political purposes, from other Senators or Members of the House, by letters written in his office in the Senate or House Office Building.

The SPEAKER. The question is on agreeing to the substitute which the committee reported to strike out the original resolution.

The question was taken; and on a division (demanded by Mr. RUCKER) there were—ayes 71, noes 44.

Mr. MANN. Mr. Speaker, I demand the yeas and nays; and pending that, as a matter of convenience to the Members, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 178, nays 80, answered "present" 22, not voting, 154, as follows:

YEAS—178.

Abercrombie	Claypool	Gordon	Lieb
Adair	Cline	Gorman	Linthicum
Adamson	Coady	Graham, Ill.	Lloyd
Aiken	Collier	Gray	Lobeck
Alexander	Connelly, Kans.	Gregg	Lonergan
Allen	Conry	Hamlin	McAndrews
Aswell	Covington	Hammond	McDermott
Baker	Crosser	Hardy	McGillicuddy
Baltz	Davenport	Harris	McKellar
Barkley	Decker	Harrison	MacDonald
Barnhart	Dent	Hart	Maguire, Nebr.
Bathrick	Dickinson	Hay	Mitchell
Beakes	Dixon	Hayden	Moon
Beall, Tex.	Donovan	Helm	Morgan, La.
Blackmon	Doolittle	Henry	Morrison
Booher	Doughton	Hensley	Murray, Mass.
Borchers	Dupré	Hill	Neeley, Kans.
Borland	Eagan	Hinebaugh	Neely, W. Va.
Bowdle	Eagle	Hobson	Nolan, J. I.
Brown, W. Va.	Edwards	Howard	O'Brien
Buchanan, Tex.	Evans	Hughes, Ga.	Oldfield
Bulkley	Fergusson	Hull	O'Leary
Burgess	Ferris	Igoe	O'Shaunessy
Burke, Wis.	FitzHenry	Jacoway	Padgett
Burnett	Flood, Va.	Johnson, Ky.	Page, N. C.
Byrnes, S. C.	Floyd, Ark.	Keating	Park
Byrns, Tenn.	Fowler	Kettner	Patten, N. Y.
Candler, Miss.	Gallagher	Key, Ohio	Post
Cantor	Gallivan	Kindel	Pou
Cantrill	Garner	Kinkead, N. J.	Ragsdale
Caraway	Garrett, Tex.	Korbly	Rainey
Carew	Gilmore	Lazaro	Raker
Carter	Goeke	Lee, Ga.	Rauch
Clancy	Goodwin, Ark.	Lever	Rayburn
Reed	Sparkman	Tavenner	Vollmer
Reilly, Conn.	Stedman	Taylor, Ark.	Walker
Rouse	Stephens, Cal.	Taylor, Colo.	Webb
Rubey	Stephens, Miss.	Ten Eyck	Whitacre
Rucker	Stephens, Nebr.	Thomas	Williams
Russell	Stephens, Tex.	Thompson, Okla.	Wilson, Fla.
Sherwood	Stevens, N. H.	Thomson, Ill.	Wingo
Sisson	Stout	Tribble	Woodruff
Small	Sumners	Underhill	Young, Tex.
Smith, Md.	Taggart	Underwood	
Smith, N. Y.	Talbott, Md.	Vaughan	

NAYS—80.

Anderson	Dyer	Kennedy, Iowa	Powers
Anthony	Esch	Kennedy, R. I.	Roberts, Mass.
Austin	Fordney	Kinkaid, Nebr.	Roberts, Nev.
Barton	Frear	Knowland, J. R.	Scott
Bell, Cal.	French	La Follette	Sedgwick
Britten	Gardner	McKenzie	Sinnott
Browne, Wis.	Green, Iowa	McLaughlin	Sloan
Bryan	Greene, Mass.	Madden	Smith, Idaho
Calder	Hamilton, Mich.	Mann	Smith, Minn.
Campbell	Hamilton, N. Y.	Mapes	Smith, Saml. W.
Cary	Haugen	Mondell	Stafford
Cooper	Hawley	Moore	Steenerson
Cox	Helgesen	Morgan, Okla.	Stevens, Minn.
Cramton	Hinds	Norton	Stone
Cullop	Howell	Parker	Switzer
Danforth	Humphrey, Wash.	Payne	Towner
Davis	Johnson, Utah	Peters, Me.	Weaver
Dillon	Johnson, Wash.	Peterson	Willis
Drukker	Kahn	Platt	Witherspoon
Dunn	Kelley, Mich.	Plumley	Young, N. Dak.

ANSWERED "PRESENT"—22.

Bartlett	Foster	Lindbergh	Smith, J. M. C.
Brockson	Gerry	Montague	Thacher
Browning	Glass	Murray, Okla.	Watkins
Burke, S. Dak.	Guernsey	Peters, Mass.	Watson
Church	Holland	Saunders	
Doremus	Houston	Sims	

NOT VOTING—154.

Ainey	Faison	Kitchin	Prouty
Ansberry	Falconer	Konop	Quin
Ashbrook	Farr	Kreider	Reilly, Wis.
Avis	Fess	Lafferty	Riordan
Bailey	Fields	Langham	Rogers
Barchfeld	Finley	Langley	Rothermel
Bartholdt	Fitzgerald	Lee, Pa.	Rupley
Bell, Ga.	Francis	L'Engle	Sabath
Brodbeck	Gard	Lenroot	Scully
Broussard	Garrett, Tenn.	Lesher	Sells
Brown, N. Y.	George	Levy	Shackleford
Bruckner	Gillett	Lewis, Md.	Sharp
Brumbaugh	Gittins	Lewis, Pa.	Sherley
Buchanan, Ill.	Godwin, N. C.	Lindquist	Shreve
Burke, Pa.	Goldfogle	Loft	Slayden
Butler	Good	Logue	Slemp
Callaway	Goulden	McClellan	Smith, Tex.
Carlin	Graham, Pa.	McCoy	Stanley
Carr	Greene, Vt.	McGuire, Okla.	Stringer
Casey	Griest	Mahan	Sutherland
Chandler, N. Y.	Griffin	Maher	Talcott, N. Y.
Clark, Fla.	Gudger	Manahan	Taylor, Ala.
Clayton	Hamill	Martin	Taylor, N. Y.
Connolly, Iowa	Hardwick	Merritt	Temple
Copley	Hayes	Metz	Townsend
Crisp	Heflin	Miller	Treadway
Curry	Helvering	Morin	Tuttle
Dale	Hoxworth	Moss, Ind.	Vare
Deitrick	Hughes, W. Va.	Moss, W. Va.	Volstead
Dershem	Hulings	Mott	Wallin
Dies	Humphreys, Miss.	Murdock	Walsh
Difenderfer	Johnson, S. C.	Nelson	Walters
Donohoe	Jones	Oglesby	Whaley
Dooling	Keister	O'Hair	White
Driscoll	Kelly, Pa.	Paige, Mass.	Wilson, N. Y.
Edmonds	Kennedy, Conn.	Palmer	Winslow
Elder	Kent	Patton, Pa.	Woods
Estopinal	Kiess, Pa.	Phelan	
Fairchild	Kirkpatrick	Porter	

So the substitute was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CASEY with Mr. SHREVE.

Mr. SMITH of Texas with Mr. BARCHFELD.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. GUDGER with Mr. GUERNSEY.

Mr. CALLAWAY with Mr. MERRITT.

Mr. CARR with Mr. WALTERS (commencing May 18).

Mr. PALMER with Mr. VARE.

Mr. GLASS with Mr. SLEMP.

Mr. TOWNSEND with Mr. TREADWAY (commencing May 19, ending May 19).

Mr. WALSH with Mr. GRAHAM of Pennsylvania (commencing May 19, ending May 19).

Mr. OGLESBY with Mr. GOOD (commencing May 19, ending May 19).
Mr. TUTTLE with Mr. PROUTY.
Mr. FITZGERALD with Mr. GILLETT (commencing May 19, ending May 19).
Mr. FOSTER with Mr. FESS.
Mr. KONOP with Mr. FAIRCHILD.
Mr. ANSBERRY with Mr. AINEY.
Mr. ASHBROOK with Mr. AVIS.
Mr. BAILEY with Mr. COPLEY.
Mr. BROWN of New York with Mr. CURRY.
Mr. BUCHANAN of Illinois with Mr. EDMONDS.
Mr. CARLIN with Mr. FARR.
Mr. CLARK of Florida with Mr. FALCONER.
Mr. CONNOLLY of Iowa with Mr. GREENE of Vermont.
Mr. DERSHEM with Mr. GRIEST.
Mr. DIES with Mr. HAYES.
Mr. DIFENDERFER with Mr. HULINGS.
Mr. DONOHOE with Mr. KEISTER.
Mr. DRISCOLL with Mr. KELLY of Pennsylvania.
Mr. FAISON with Mr. LAFFERTY.
Mr. FIELDS with Mr. LANGLEY.
Mr. FINLEY with Mr. LANGHAM.
Mr. FRANCIS with Mr. LEWIS of Pennsylvania.
Mr. GARD with Mr. LINDQUIST.
Mr. GARRETT of Tennessee with Mr. MANAHAN.
Mr. GODWIN of North Carolina with Mr. MCGUIRE of Oklahoma.
Mr. GEORGE with Mr. MILLER.
Mr. GOLDFOGLE with Mr. MORIN.
Mr. HARDWICK with Mr. NELSON.
Mr. HEFLIN with Mr. MOSS of West Virginia.
Mr. HUMPHREYS of Mississippi with Mr. MOTT.
Mr. JOHNSON of South Carolina with Mr. MURDOCK.
Mr. KITCHIN with Mr. BARTHOLDT.
Mr. LEE of Pennsylvania with Mr. KIESS of Pennsylvania.
Mr. MCCLELLAN with Mr. VOLSTEAD.
Mr. MCCOY with Mr. WOODS.
Mr. O'HAIR with Mr. WINSLOW.
Mr. PHELAN with Mr. PAIGE of Massachusetts.
Mr. QUIN with Mr. ROGERS.
Mr. RIORDAN with Mr. RUPLEY.
Mr. ROTHERMEL with Mr. PORTER.
Mr. SABATH with Mr. SUTHERLAND.
Mr. SHACKLEFORD with Mr. TEMPLE.
Mr. SHERLEY with Mr. PATTON of Pennsylvania.
Mr. TALCOTT of New York with Mr. KREIDER.
Mr. LEVY with Mr. SELLS.

Mr. BROWNING. Mr. Speaker, I voted "no." I am paired with the gentleman from New Jersey, Mr. SCULLY, and I desire to withdraw my vote of "no" and answer "present."

The name of Mr. BROWNING was called, and he answered "Present."

Mr. GLASS. Mr. Speaker, I am told I am paired with the gentleman from Virginia, Mr. SLEMP. I therefore withdraw my vote of "aye" and answer "present."

The name of Mr. GLASS was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

On motion of Mr. RUCKER, a motion to reconsider the vote by which the amended resolution was agreed to was laid on the table.

ANTITRUST LEGISLATION.

Mr. HENRY. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 521 (H. Rept. 687).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration, in the order named, of the following bills, to wit:

1. H. R. 15613. "To create an interstate trade commission." The first reading of the bill shall be dispensed with, and there shall be not exceeding six hours of general debate on the bill, to be equally divided between those who favor and those who oppose the same, one-half of such time to be controlled by the gentleman from Georgia [Mr. ADAMSON] and the other half by the gentleman from Oregon [Mr. LAFFERTY]. At the conclusion of such general debate the bill shall be read for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole, the same shall be laid aside with such recommendations as the committee may make.

2. H. R. 15657. "To supplement existing laws against unlawful restraints and monopolies." The first reading of the bill shall be dispensed with, and there shall not be exceeding 16 hours of general debate, to be equally divided between those who favor and those who oppose the same, one half of such time to be controlled by the gentleman from Alabama [Mr. CLAYTON] and the other half by the gentleman from Minnesota [Mr. VOLSTEAD]. At the conclusion of such general debate the bill shall be considered for amendment under the five-minute rule and only the substitute reported by the Judiciary Committee shall be read. After the bill shall have been perfected in the Committee of the Whole the same shall be laid aside with such recommendation as the committee may make.

3. H. R. 16586. "To amend section 20 of an act to regulate commerce, etc." The first reading of the bill shall be dispensed with and there shall be not exceeding 10 hours of general debate, to be divided equally between those who favor and those who oppose the bill, one half of such time to be controlled by the gentleman from Georgia [Mr. ADAMSON] and the other half by the gentleman from Minnesota [Mr. STEVENS]. At the conclusion of such general debate the bill shall be considered in the Committee of the Whole House on the state of the Union and shall be read for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be laid aside with such recommendations as the committee may make.

At the conclusion of the consideration of the three bills above specified in the Committee of the Whole the committee shall rise and report the same to the House in the order named, whereupon the previous question shall be considered as ordered upon each of said bills and amendments thereto separately as to each bill and in the order named to final passage without intervening motion, except one motion to recommit on each of said bills.

The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday, nor with the consideration of H. R. 16508, the further urgent deficiency bill, nor with the consideration of conference reports on appropriation bills or the sending of appropriation bills to conference. All debate shall be confined to the subject matter then under consideration, and all Members speaking upon said bill shall have the right to revise and extend their remarks in the RECORD, and all Members shall have the right to print remarks on said bill during not exceeding five legislative days.

During the continuance of this order of business, except on Wednesdays, the House shall meet each day at 11 o'clock a. m. And while the general debate is in progress the House shall recess at not later than 5.30 p. m. until 8 o'clock p. m., when it shall reconvene and continue in session until not later than 11 o'clock p. m.

The SPEAKER. Before this debate begins, the Chair lays before the House the following personal requests.

The Clerk read as follows:

Mr. STEPHENS of Mississippi requests leave of absence indefinitely, on account of serious illness in his family.

Mr. ESTOPINAL requests leave of absence indefinitely, on account of illness.

The SPEAKER. Without objection, the requests will be granted.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I hope it will not embarrass the Speaker; and my request is as to whether, if this rule be adopted in the form it is, such matters as this can be presented to the House before all of these bills are finally voted upon? I notice the rule says it shall be a continuing order except——

Mr. HENRY. To what matters does the gentleman refer?

The SPEAKER. What is it the gentleman asks?

Mr. MANN. Well, leaves of absence and things of that sort, as to whether it will interfere with matters upon the Speaker's table?

The SPEAKER. Oh, no; it would not interfere with personal requests; it would interfere with all other business except things like that. Of course, the Chair would have to be governed by common sense.

Mr. HENRY. I would like to ask the gentleman from Kansas [Mr. CAMPBELL] how much time he would like for discussion of the rule.

Mr. CAMPBELL. Mr. Speaker, I think we can get on with a half an hour on this side if an agreement can be reached for that amount of time.

Mr. HENRY. That is entirely satisfactory to me.

Mr. CAMPBELL. I will state to the gentleman I have just had some additional requests, and if the gentleman will make it five more minutes that would be more acceptable.

Mr. HENRY. Well, say an hour and ten minutes.

Mr. CAMPBELL. Yes.

Mr. HENRY. I have no objection to making it 35 minutes on each side. Mr. Speaker, I ask unanimous consent that debate on this rule extend for 1 hour and 10 minutes, and at the end of that time the previous question shall be considered as ordered on the rule, the time to be equally divided between the two sides.

Mr. MANN. Reserving the right to object, I am quite willing the previous question shall be then submitted to the House, but it might develop that some one wanted to offer an amendment and the House might not want to order the previous question.

Mr. HENRY. Well, I do not believe anyone would want to offer an amendment to the rule, but, of course, I will move the

previous question at the end of that time, and that will be the understanding.

Mr. MANN. I am perfectly willing for the gentleman to have the right to move the previous question at the end of that time.

Mr. HENRY. If that is the agreement and understanding——

The SPEAKER. Now, what is the agreement? The Chair does not want to get it wrong.

Mr. HENRY. That the debate on the rule shall not exceed 1 hour and 10 minutes, 35 minutes of which time to be controlled by myself and 35 minutes by the gentleman from Kansas, and at the end of that time that I be recognized to move the previous question on the resolution.

The SPEAKER. Before the Chair puts that he wants to answer more fully the parliamentary inquiry of the gentleman from Illinois. The Chair thinks that during this lapse of time in which these bills are to be debated all such things as personal requests, sending bills to conference, taking bills from the Speaker's table with Senate amendments, and so forth, where it does not take too long, ought to be attended to——

Mr. MANN. I do not know how that would be determined.

The SPEAKER. The Speaker might determine it with the consent of the House.

Mr. HENRY. Is there anything in this resolution which forbids the Speaker when the committee rises each afternoon or night from submitting these personal requests?

The SPEAKER. The Chair thinks not.

Mr. MANN. There would be if anybody asked for the regular order.

Mr. GARNER. That would be equivalent to an objection, anyway.

The SPEAKER. Everybody in the House knows very frequently there are matters that do not take more than a minute or two to transact, but which are of a good deal of importance to some particular Member, but, of course, if the Chair believes something is going to take two or three hours, he will refuse to recognize them.

Mr. MACDONALD. Will the gentleman yield?

Mr. HENRY. Let us have this agreement.

The SPEAKER. The gentleman from Texas asks that debate on this rule be limited to 1 hour and 10 minutes, 35 minutes of that time to be controlled by the gentleman from Kansas and 35 minutes by himself. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY. And the understanding and agreement is, of course, that at the end of that time I move the previous question.

The SPEAKER. Well, the Chair will recognize the gentleman from Texas when this debate is over to move the previous question.

Mr. HENRY. I now yield to the gentleman from Michigan.

Mr. MACDONALD. The gentleman from Oregon [Mr. LAFFERTY], who is the Progressive member of the committee and to whom time is assigned, is not here, and probably will not be here during this debate.

Mr. HENRY. Mr. Speaker, let us presume Mr. LAFFERTY will return by the time the rule is adopted, and after we have adopted it if the gentleman does not return it will be time to take up the matter——

Mr. MACDONALD. I would like to make sure about that, as I understand debate will begin immediately on this matter.

Mr. MANN. Will the gentleman yield? The gentleman from Michigan referred to the gentleman from Oregon as the Progressive member of the committee. He has just been a candidate for Congress on the Republican ticket. How does the gentleman know he is now a Progressive?

Mr. MACDONALD. I will say to the gentleman from Illinois [Mr. MANN] I do not know if he is a Progressive now, but I do know that he was put on this committee to represent the Progressive Members of this House.

Mr. MANN. In the Directory he has always put himself in as a Republican and never as a Progressive.

Mr. GARNER. What was the result of this conglomeration in which he has recently been a candidate?

Mr. MANN. All I saw was in the daily press.

Mr. HENRY. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT], who will explain the provisions of this special rule.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] is recognized for 10 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, the resolution which has been offered is very clear in its terms, and it seems to me explains itself. It provides an order of business which will be the continuing order until concluded, not to interfere with certain matters therein specifically mentioned. It provides that the trade commission bill shall be first considered in the Committee of the Whole House on the state of the Union, that there shall be not exceeding six hours of general debate, to be equally divided between those favoring and those opposing the bill, the time to be controlled one half by the gentleman from Georgia [Mr. ADAMSON] and the other half by the gentleman from Oregon [Mr. LAFFERTY], who was the minority member of the Committee on Interstate and Foreign Commerce making a minority report in opposition to the bill. At the conclusion of the general debate the bill will be read for amendment in the usual way under the five-minute rule and perfected in the Committee of the Whole House on the state of the Union, and will then be laid aside with such recommendations as the committee shall make concerning it.

Following that, the bill H. R. 15657, supplementing existing law against unlawful restraints and monopolies, will be taken up for consideration. On that there are 16 hours of general debate, to be equally divided between those favoring and those opposing, one half of the time to be controlled by the gentleman from Alabama [Mr. CLAYTON], the chairman of the committee, and the other half by the gentleman from Minnesota [Mr. VOLSTEAD], the ranking member on the Republican side. At the conclusion of that this bill also is to be read for amendment, with no limitation upon amendment, and after being perfected it will be laid aside with such recommendation as the committee may make.

Mr. GARNER and Mr. GARDNER rose.

The SPEAKER. To whom does the gentleman from Tennessee yield?

Mr. GARRETT of Tennessee. I will first yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. This bill is the Clayton antitrust bill, is it not?

Mr. GARRETT of Tennessee. It is.

Mr. GARDNER. And is at present on the House Calendar and not on the Union Calendar?

Mr. GARRETT of Tennessee It is.

Mr. GARDNER. And if it were not for this proposed special rule any amendments which might be offered to that bill would be subject to a yea-and-nay vote, would they not?

Mr. GARRETT of Tennessee. Probably.

Mr. GARDNER. Certainly. Would they not be considered in the House?

Mr. GARRETT of Tennessee. Under the general rules of the House; yes.

Mr. GARDNER. Under the general rules; yes. But by this special rule as drawn you have arranged it so that the amendments to that Clayton antitrust bill will not be voted on by a yea-and-nay vote unless they are lumped together with other things in one single motion to recommit. Is that correct?

Mr. GARRETT of Tennessee. That is one effect of it.

Mr. GARNER. Provided, of course, the amendments are not adopted in the Committee of the Whole, but adopted by the House.

Mr. GARDNER. The gentleman said amendments that were adopted. Of course any amendment reported back to the House would be voted on in the House.

Mr. GARNER. What is the object of laying these bills aside when perfected and retaining them until they must be voted on at one time after general debate and perfection of each bill?

Mr. GARRETT of Tennessee. It is a part of the program to carry them through as rapidly as possible.

Mr. GARNER. Then why not send the bills to the Senate as fast as we can perfect them. For instance, when the first bill is disposed of why not send it to the Senate and thereby hasten final legislation on it and adjournment of the Congress?

Mr. GARRETT of Tennessee. The only answer that I can make to the gentleman from Texas touching that is that that question was submitted in committee, and after very full consideration it was determined by a majority of the committee that this plan would be better in expediting public business.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. BARTLETT. If the plan suggested by the gentleman from Texas [Mr. HENRY] is adopted, is it probable that we could get through and adjourn quicker if we do not permit the Senate to consider them until all three are considered? The object of this program, as I understand it, is to finish this program as quickly as possible and adjourn. Is it not a fact that if we take two days to pass this trade-commission bill and a week to pass the trust bill, and another week to pass the other bill, that it would then be two or three weeks or four weeks before the Senate could begin the consideration of any one of these bills?

Mr. MADDEN. Of course, if they wait two or three weeks before getting the bills they will expedite the matters a good deal more. Is not that it?

Mr. GARRETT of Tennessee. Of course it is a matter of judgment.

Mr. BARTLETT. Is not the gentleman's judgment that the other plan would expedite the consideration of these bills in the other body, where they must be considered before they become a law? I will ask the gentleman's judgment upon it.

Mr. STAFFORD. Mr. Speaker——

Mr. GARRETT of Tennessee. The gentleman's judgment—oh, well, perhaps my individual judgment is not important. I yield to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. So that the House may have a clear understanding of this provision of continuing in recess from 5.30 p. m. until 8 p. m., when the House is considering these bills under general debate, I would like to ask whether if general debate is not concluded at 5.30 and runs over after 8 o'clock, and is concluded at some time between 8 and 11 p. m., whether then the House of its own force will adjourn or take up the consideration under the five-minute rule until the hour of adjournment? For instance, you begin the consideration of the first bill at about 3 o'clock. There will be two or three hours of general debate this afternoon and two hours and a half this evening, and maybe more, but before 11 o'clock comes the general debate will have been concluded. What is the purpose then—to adjourn pro forma, or will we immediately proceed to the consideration under the five-minute rule?

Mr. GARRETT of Tennessee. I will say to the gentleman that I think that will rest with the Committee of the Whole. The only purpose that the Committee on Rules had in mind in connection with that was to insure a night session, in so far as it could, for general debate.

Mr. STAFFORD. Does the gentleman believe that we should give these weighty and important bills consideration under the five-minute rule in the evening session? I take it that the purpose of the committee was only to provide means in the evening sessions for general debate, and when the time for general debate expires in the evening the committee would rise until the following morning at 11 o'clock.

Mr. GARRETT of Tennessee. The rule says the committee shall sit not later than 11 p. m. On the question of whether or not they shall consider these weighty bills at the night session under the five-minute rule, it will depend on the feeling and wish of the House or the Committee of the Whole.

Mr. STAFFORD. What is the construction of the rule? It will bear one construction, namely, that only general debate will be considered at the evening session. The House ought to know, so that it will know what it is consenting to when it votes to consider these bills from 11 o'clock in the morning until 5.30 in the afternoon, and then from 8 o'clock in the evening until 11 o'clock at night. That would be a very exhaustive service.

Mr. GARRETT of Tennessee. So far as the rule is concerned it only provides for evening sessions during the general debate.

Mr. GARNER. It is very important that the gentleman's construction of this rule should be thoroughly understood, because the question might come up in the Committee of the Whole at the night session, if a point of order was made that you could not consider the amendments under the five-minute rule at that hour, because this is provided only for general debate. As I understand, the proceedings of the Committee of the Whole are to be confined to general debate at the night session. That is a matter that will come up in Committee of the Whole very likely if a point of order is made against it.

Mr. GARRETT of Tennessee. The only compulsory thing as to evening sessions is that if a quorum is present during general debate it shall sit until 11 o'clock at night. If there should not be a quorum present, of course the committee would have to rise. But it does not prevent the Committee of the Whole from considering the bills under the five-minute rule if it chooses to do so.

Mr. STAFFORD. At the evening session?

Mr. GARRETT of Tennessee. At the evening session.

Mr. GARNER. It is well that that should be understood.

Mr. MANN. If the general debate should be concluded in the afternoon on one of these bills, there would be no evening session that night? Is not the rule clear about that?

Mr. GARRETT of Tennessee. Undoubtedly. Of course, the House itself could fix the time. But so far as the rule is concerned, the rule itself would not compel an evening session except for purposes of general debate.

Mr. GARNER. That is the point; that is all right.

The SPEAKER pro tempore (Mr. HOUSTON). The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I ask that the gentleman from Kansas [Mr. CAMPBELL] use some of his time.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CAMPBELL. Mr. Speaker, this rule is another evidence of the desperate political situation in which this administration and the Democratic Party now find themselves.

You are legislating now by special rule. This resolution makes in order under one rule three of the "five brothers." Of course, everybody knows that neither one of these bills will become a law during this session of Congress. That is the announced policy, well understood at both ends of the Capitol and quite as well understood at the other end of Pennsylvania Avenue. But for some reason it is insisted that all these bills shall be made in order in one rule and rushed through the House. Is some one trying to save his face or make pretense before the country that something of importance is being transacted? A few days ago you did not think your condition so desperate, and only made two separate bills in order in one rule.

But the manner in which you do business, while bad, is not as bad as the result of the business you do. You have been in power now 1 year 2 months and 15 days, and your record reads like an obituary.

You have paralyzed and prostrated industries of every kind; you have reduced wages and the employment of labor; you have made business and enterprise of every kind uncertain and hazardous; you have reduced the value of the industrial and transportation properties of the country over $10,000,000,000; you have cut the value of farm property one-fourth. Men engaged in the productive enterprises of our own country stand idle while others engaged in similar enterprises in foreign countries are supplying our market. The farmers find the products of other countries in the market which they have supplied during the entire period of our country's history. It would be impossible to exaggerate the demoralized conditions into which you have thrown our domestic affairs.

Our condition at home is discouraging and depressing to laboring men and business men in every section of our country.

Mr. MADDEN. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CAMPBELL. I regret I can not yield now. Conditions at home are bad, but you have humiliated and made us ridiculous in the face of the world by your foreign policy—or, perhaps, I should say by your want of a foreign policy.

You are surrendering our right to control our own affairs in Panama to England and other nations that may claim any rights there. You are giving to Colombia greater rights in the use of the Panama Canal than you assert for the people of our own country, and giving that country $25,000,000 as a gratuity, and besides making an abject apology for taking the steps that made the construction of the canal possible.

Overnight you plunged the country into a war with Victoriano Huerta, an unrecognized assassin in Mexico, on a matter of mere punctilio, because of the difference in the offer of a salute of 5 guns and the demand of a salute of 21.

Oh, of course, you as individuals are not less concerned about the common welfare than those who disagree with you in politics. You are not less patriotic than others. You are simply incompetent to manage the affairs of a Nation so great as ours.

Your policies, while attractive in theory, can not be made to work out in practice.

There has not been such a deplorable condition in our country since you were in full power 16 years ago.

You may adopt this rule, make these three bills in order, and pass them through the House, and it is safe to say that they will aggravate rather than relieve the conditions in which your other acts have placed us.

There is not as much big business to assail as there was when you began. If you keep on there will be none to complain of.

Then, too, this rule also enables you further to repudiate the Baltimore platform. It enables you to surrender State government of local industries to Federal control. There is now nothing in the political world so obsolete as the Baltimore platform. It promised to speed business; you have retarded it. It promised to increase employment and wages; you have diminished both. It promised to increase exports; you have reduced them. It promised to increase revenues; you have reduced a surplus to a deficit. It promised to make living better and cheaper; you have done neither.

No doubt these are some of the reasons why you are rejecting and repudiating your platform.

But the lamentable and discouraging situation that confronts the country to-day is the fact that there yet remains two years nine months and fifteen days before the people can rid them-

selves of the latest exhibition of Democratic incompetency in the management of our Government. It seems a long time.

However, the people will give you the customary two years' notice to move on the third day of November next, by electing a Republican House of Representatives. [Applause on the Republican side.]

The trouble is your policies are wrong, and incidentally you just do not know how to run the country. [Applause on the Republican side.] Nobody knows better than you do that what I am saying is true. Why, the manner in which you are attempting to shape up your affairs to present to your constituents when you go home would be amusing if it was not so pathetic. You can not explain it to them. You gentlemen who assailed President Taft for surrendering to Canada in the reciprocity treaty will have some difficulty in explaining to your farmer constituents when you go home why it was that you surrendered to Canada everything that was given by reciprocity and more and got nothing in return. It is now stated by shrewd Canadian statesmen that they engineered the repudiation of Canadian reciprocity for the sole purpose of getting a better deal out of you when you came into power. They got it, and that is but another evidence of your incapacity and incompetency to manage the affairs of the Nation. [Applause on the Republican side.]

Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore. The gentleman has consumed 17 minutes.

Mr. CAMPBELL. I reserve the remainder of my time.

Mr. HENRY. Mr. Speaker, I will ask the gentleman to consume the balance of his time, as there will be only one more speech on this side.

Mr. CAMPBELL. Then I yield 10 minutes to the gentleman from New York [Mr. PAYNE]. [Applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, I beg the pardon of the House for reading a short extract from a publication issued a couple of years ago, which a large number of those who voted for it seem to be ignoring entirely, and it looks as though the whole party would like to see the thing sent to the everlasting "demnition bow-wows." Of course, everybody recognizes that I am speaking of the Baltimore platform—molasses to catch flies. When you were patting yourselves upon the back as to what you had done in the last Congress you said:

It—

Referring to the House—

has, among other achievements, revised the rules of the House of Representatives so as to give the Representatives of the American people freedom of speech and of action in advocating, proposing, and perfecting remedial justice.

You have forgotten all about that.

Mr. SLOAN. No; but they would like to.

Mr. PAYNE. You have been bringing in rule after rule here for the purpose of curtailing the freedom of action of the House and of the Members of the House, and cutting down debate. You have transferred your deliberations to the caucus room and the committee-room building, and to the executive chamber, and you have no freedom of action in the House. Whenever you want to bring up a measure that you deem important, you call a caucus and get the gentlemen together upon the subject, if possible, and when you get in there you tell them a certain gentleman at the other end of the Avenue wants this and does not want that, and that seems to go with the caucus. [Applause on the Republican side.]

Why, the last bill you had here of a general character was a bill having more importance in the future and for years to come perhaps than any other bill you will consider. That was the bill to repeal the tolls exemption; and not merely that, but to give up to foreign nations our control of a property that cost $400,000,000, a property that will have more influence on the future commerce of the world than any other great property ever owned by any nation. And when you came in with a rule for the consideration of that bill, it provided that there should not be any amendment to the immortal Sims bill; and the gentleman from Georgia [Mr. ADAMSON] said, "Why, it is so good a bill, so well drawn, that it can not be amended." So we were left without any privilege of amending that bill here in the House. It has gone over to another place where they do deliberate; and in these latter days I thank God that there is a legislative body in the United States that does deliberate and consider, and they propose to amend that bill to try to save the cowardly surrender of this canal to foreign powers by your administration and by yourselves. [Applause on the Republican side.]

The other day the gentleman from Alabama [Mr. UNDERWOOD]—I am sorry to say I do not see him in his seat—on the 14th of this month used this significant language in debate on this floor:

The people of the United States are not clamoring so much for legislation to-day as they are for an opportunity to do business. (CONGRESSIONAL RECORD of May 14, p. 9345.)

The people of the United States have had enough of your kind of legislation. I am glad the gentleman from Alabama realizes it. Why, I have been advising some of you gentlemen individually what you had better do for the good of the Democratic Party, and especially for the good of the country—that is, to pass the appropriation bills and adjourn, and go home without doing any further injury—and I find that the most of you agree with me personally; and I have understood from the newspapers that the members of these committees who have reported these bills would not have brought them in here to-day and asked for a vote on them except for the orders that came from the other end of the Avenue. According to the telegrams in the papers of last Saturday, our optimistic President seems to have caught the fever from the Secretary of Commerce, as published in the Associated Press reports, that we were on the eve of the greatest revival of business the world has ever seen. We have been on that eve now ever since the 3d day of October. Our worthy Speaker prophesied it due in December. The Secretary of State, a little more careful, said he saw the rainbow of promise of prosperity in the sky along in January. Latterly you have fallen back upon the prediction of the Secretary of Agriculture, that we are going to have a bumper crop in this country that will make everybody rich and happy, and that, too, before half the crop is sown in the United States. [Laughter.] Half of the area in the United States to-day is not planted because of the prevailing rain and moisture. But you are going to have a magnificent crop.

Now, you are young in these matters. If you stop to think, when you have bumper crops prices are lower and the farmers do not have any more money to spend. That is not going to help you out.

You were going to increase the foreign trade under the Underwood tariff bill, because you said you can not hope to sell unless we buy. I had something to do with the tariff bill that has been berated for four years, up to the time my friend UNDERWOOD came along with his bill, amended from the White House. Since then it has been different; my bill has become popular. Under it we made the greatest progress in the markets of the world ever made by any people. [Applause on the Republican sire.] It is so marvelous that the Secretary of Commerce can not help talking about it.

I am anxious for you to do better. I want you to improve on what you have done. The very best you can do is to adjourn. You have done enough already, God knows, to throw you into oblivion the first time that the people can get at you; but I want to save what little you have left for the people of the United States.

What kind of a record have you made in the markets of the world? I have the statistics here, the last one for April from the Secretary of Commerce, who gives out the statistics for publication month by month, and what is the record? Why, ever since you put that bill on the statute books eight months ago your exports have been decreasing month by month in geometrical ratio.

The balance of trade was against us under the Walker tariff and the tariffs that followed. It was against us under the first Wilson bill, while under all Republican tariffs it has been in our favor. It was so during every month of the law of 1909. The annual exports exceeded the imports by hundreds of millions. We were getting European gold to settle the balance. But never was there such a tremendous export of manufactured articles from any country as from ours under the last Republican tariff.

Your bill has been in operation since October 3, 1913. Here are the figures showing the balance of trade for the seven full months up to the 1st of May, as compared with the corresponding months of the previous year.

Monthly excess of exports.

	Fiscal year 1913 (Payne law).	Fiscal year 1914 (Underwood law).
October	$76,645,000	$138,976,000
November	127,000,000	97,000,000
December	96,000,000	49,000,000
January	64,000,000	10,000,000
February	44,000,000	26,000,000
March	32,000,000	5,000,000
April	53,600,000	[1] 10,271,372

[1] Excess of imports

Your tariff was not in full operation in October and the balance of trade was $139,000,000. This dwindled to $5,000,000 in March, and was wiped out in April, with a balance of over $10,000,000 against us.

You ought, in view of your record, to let up on the American people and give them a rest. Do not put the antitrust laws into litigation for another 10 years. Enforce them as they are.

Mr. CAMPBELL. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, when we were in power, many a time have I heard the Democratic side of the House criticize us for our special rules. We never did anything so improper as that which the Democratic members of the Rules Committee propose. They have taken this Clayton antitrust bill from its place on the House Calendar, where there would be a yea-and-nay vote on each one of the labor amendments, and they propose to tuck it away in the Committee of the Whole House, where there can not be a record vote. Instead of being exposed to the cold, cold hillside of a yea-and-nay vote, Members are to be cloistered in the careful seclusion of the Committee of the Whole House on the state of the Union, where the exasperating record vote is unknown.

Now, Mr. Speaker, it is not as if the Clayton antitrust bill were really a Union Calendar bill. It is not a Union Calendar bill. It is a House Calendar bill. It is now on the House Calendar, and that means that Members could demand a yea-and-nay vote on every amendment if it were not for the reprehensible way in which this proposed special rule is drawn.

To be sure, the Covington and the Rayburn bills are properly on the Union Calendar, but this Clayton antitrust bill has been deliberately taken from its position, where it would be subject to a yea-and-nay vote, and has been tucked away into Committee of the Whole, where no record vote can be had on these amendments or on any others.

Now, Mr. Speaker, I am not going to conceal my position. I propose to vote against the amendment which declares that antitrust laws shall not apply to labor unions and to certain other organizations, and I intend to vote in favor of the other amendment proposed by labor. I mean to vote for the amendment which proposes to make lawful certain actions against which the issuance of injunctions is forbidden by this bill. If the House votes down the previous question on this rule, I shall propose an amendment providing that the Clayton antitrust bill shall be considered in the House as in Committee of the Whole. Then we shall have yea-and-nay votes whenever necessary.

Mr. GARRETT of Tennessee. Will the gentleman yield? The gentleman from Massachusetts does not have any doubt but that there will be a record vote on that proposition?

Mr. GARDNER. I have very great doubt on the subject: whether the amendments are adopted or rejected. There is only one motion to recommit provided, and on that motion the Speaker must accord recognition to some gentleman who says that he is opposed to the bill. The gentleman who is opposed to the bill may move to recommit with a very different proposition than either one of these labor amendments.

Now, a motion to recommit can comprise both of these amendments, or it may comprise half a dozen other things; but there can be only one motion to recommit. The chances are that, under the rules, recognition will be accorded to somebody who will make a motion to recommit, which will not comprise either of these labor propositions. If that proves to be the case there will be no yea-and-nay vote on either of them, whether they are adopted or rejected in Committee of the Whole.

Mr. Speaker, I yield back the balance of my time.

Mr. CAMPBELL. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has five minutes.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois, Mr. Mann. [Applause on the Republican side.]

Mr. MANN. Mr. Speaker, I have two especial criticisms to make of this rule There are others. First, we are passing a rule in order to consider these bills speedily, so that they may be sent over to the Senate at an early date. Then, why do we not vote on each bill in the House and pass it as we finish it in Committee of the Whole? Can anybody tell me that? We take up the interstate trades commission bill, finish it in the Committee of the Whole, and lay it aside. Why do we not pass it then, or vote on it in the House? We take up the Clayton antitrust bill, consider it in Committee of the Whole, and lay it aside. Why do we not vote on it then, if we want to hasten action in the Senate, and send it over to the Senate? But under this rule we wait until we are through with all the bills before we vote upon any of them in the House. Can any distinguished Democrat tell me why? I will be very glad to have the gentleman from Texas [Mr. HENRY] tell why, when we are in a hurry to pass the bills, we delay final action upon them. It would not take any longer to pass these bills in the House at the time we have considered and reported each to the House than it will when they are all reported back in a bunch, because it will take a separate roll call, if one is asked, on each bill, and there may be a motion to recommit on each bill. It is one of those curiosities of legislative performance which emanates from some unknown source. I suppose they had the orders from the White House. They dare not pass these bills one ahead of the other. In the end one must be voted upon in the House ahead of the other, but if we are in a hurry, when we get through with the interstate trade commission bill in the committee, why not report that bill back to the House and dispose of it at once?

Mr. LEVY. Mr. Speaker, will my colleague allow me to——

Mr. MANN. No; I do not believe the gentleman represents his side of the House, or I should. I have not the time anyway. There is no one else on the gentleman's side of the House who is in accord with the gentleman from New York.

Mr. LEVY. The people are. [Laughter.]

Mr. MANN. The people are in accord with the gentleman from New York on one thing, and that is that the people believe, like he, that the Democrats are not capable of running the Government.

Mr. LEVY. Oh, no; I am a Democrat.

Mr. MANN. I do not yield further. I have one other criticism, Mr. Speaker, and that is the same one made by the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. MANN. I have not the time.

Mr. GARDNER. I meant to say that we had talked this over beforehand.

Mr. MANN. Oh, that is unnecessary. The gentleman from Massachusetts is watching everything in respect to the rules and legislation and parliamentary law as closely as any man who ever came into the House.

Mr. Speaker, there are two classes of public bills in this House, one that goes to the Union Calendar and one that goes to the House Calendar. Union Calendar bills are perfected in Committee of the Whole House on the state of the Union, where amendments are offered in committee and no roll call can be had upon them. House Calendar bills are perfected in the House, sitting as the House. Where an amendment is offered to a House Calendar bill, a roll call can be had upon it. The Clayton antitrust bill is a House Calendar bill. In this bill, as reported from the committee, there is a committee substitute, or one amendment for all of the provisions of the bill, and when the bill is reported back to the House it will be as a committee substitute, which is one amendment. There can be no separate vote when this bill is reported back to the House on any amendment which is offered to amend the committee amendment. It will be reported back as one amendment. The bill contains this provision:

> That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural, or horticultural organizations—

And so forth.

Some gentlemen desire to change that to provide that nothing contained in the antitrust laws shall apply to these organizations.

If that amendment was acted upon under the ordinary rules of the House on a House bill, gentlemen for or against the amendment could have a roll call on the amendment, but under this peculiar rule, the first of the kind that has ever been brought into the House in the history of the House, to consider a House Calendar bill in Committee of the Whole House, you can offer 40 amendments, vote them up or down, and there will be no chance for a roll call upon any one of them, and there is no opportunity for a roll call upon this proposition or any similar proposition. You on the Democratic side of the House will escape being placed personally on record on each of these amendments, but the country and the people who are interested will hold you responsible, because you have violated the rules of the House, because you are afraid personally to record yourselves on this amendment. [Applause on the Republican side.] And it is pure cowardice of which you are guilty. You have changed the rules which authorize a record vote in order to escape a record vote. There is one thing I thank myself for. I think I am not a coward. [Applause on Republican side.]

Mr. HENRY. Mr. Speaker, I believe I have 25 minutes remaining?

The SPEAKER pro tempore. Yes.

Mr. ADAMSON. Mr. Speaker, before the gentleman begins his argument, I will ask him to yield to me for a moment.

Mr. HENRY. Very well.

Mr. ADAMSON. Mr. Speaker, the gentleman from Oregon [Mr. LAFFERTY] mentioned in the rule as entitled to control the time on the other side is absent. I consulted gentlemen on the other side, both members of the Progressive Party and members of the Republican Party, and I find that they can agree over there, and they are all willing to trust the gentleman from Minnesota [Mr. STEVENS]. I ask the gentleman from Texas to obtain unanimous consent to substitute the gentleman from Minnesota [Mr. STEVENS] for the gentleman from Oregon [Mr. LAFFERTY].

Mr. HENRY. There will be no objection to that later on. I hope this will not be taken out of my time.

Mr. MANN. Oh, no; Mr. Speaker, there seems to have been a misunderstanding on this side. It was understood by the gentleman from Kansas [Mr. MURDOCK] that he was to have five minutes. In some way, through a misunderstanding, his colleague is not able to yield it to him. I ask unanimous consent that the gentleman from Kansas may have five minutes.

Mr. HENRY. Mr. Speaker, I will yield the gentleman five minutes myself.

Mr. MANN. We all thank the gentleman for his courtesy.

Mr. MURDOCK. Mr. Speaker, I particularly thank the gentleman from Texas.

The SPEAKER pro tempore. The gentleman from Kansas is recognized for five minutes.

Mr. MURDOCK. Mr. Speaker, I do not believe there is a man here who will ever face on domestic legislation a graver moment than this. This is the beginning of another attempt on the part of the Government to handle the trust proposition.

The matter should have come in early in the session; it has come in at the end of the session, and, as was to be expected in a matter of this kind, another special rule has been invoked. The rule is carefully guarded. So far as the provision for general debate is concerned I think it is liberal, but great care is taken to give only one motion to recommit on each of the bills and no opportunity is afforded the membership of the House to have any separate vote upon the amendments in the bill itself. Now there are three political parties in the House, and those three parties have distinct programs. The Democrats have come forward with the administration measures. The Republicans, as usual, are not in accord in their views. The Republican members of the committee disagree in their reports.

The Progressives do have a constructive plan for trust legislation drawn with great care and put forward with great enthusiasm and sincerity. Under this special rule one or the other of the two minority parties is going to be shut out from the right to offer a motion to recommit. That is not right. There ought to be in this rule a provision for two motions to recommit, and the House ought have the right to vote upon separate amendments. Now, I said in the beginning this is a grave moment in the Congress. Twenty-two years ago I was a reporter in Chicago, and my paper sent me down to Ohio to report the first great suit that was brought against the Standard Oil Trust, and a high court solemnly and by final decree at that time dissolved the Standard Oil Trust, and I remember distinctly writing the heading upon my newspaper article 22 years ago to the effect that the Standard Oil Co. had been dissolved. What a record of delay, denial of popular demand, and legal helplessness has transpired since. Futility in the highest court of the land ruling one way in the Knight case and another way in the Northern Securities case. Futility in the Congress of the United States. In the Fiftieth Congress the Committee on the Judiciary in this body reported that there was one further amendment necessary to the Sherman antitrust law to cover the interpretation of the Supreme Court of the United States in the Knight case, a correction that the Supreme Court has since made itself. Futility in the administrative bodies of this Government. Inaction upon the part of prosecutors of the Government, and now, after 24 years, almost a quarter of a century of confessed helplessness on the part of this great Government, we are about to take another step. I am sorry that it is a random step and will be, in my opinion, a futile step. I am sorry that the Covington bill is weak, purely investigative in its powers, born a cripple. I am sorry the Clayton bill persists in the attempt to make this country travel again the old, profitless circle which follows writing rigid inhibition against big business, honest and otherwise, into law and leaving it to the long-lingering delay which waits upon the interpretations of the courts. I think this is a time when we ought to pause and give ear to the significant events of the hour. What fantastic films the morning newspapers reveal before the eyes of the country. Rockefeller, over at Tarrytown, N. Y., installing a system of electric lights that he may keep, by touching a button at his bedside, his eight guards who surround the house awake through the hours of the night. The testimony in Denver yesterday, where witnesses stated before the board of inquiry that in Troop A, which looted the tents of the striking miners at Ludlow after they had shot the miners down and killed 11 women and children, there were only 8 members who were not either mine guards or mine employees. Constitutional government in Colorado has broken down. The man who has been the beneficiary of our delay, of our careless, futile, trust legislation, passed at random——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MURDOCK. Sits in his palace upon the Hudson, insecure, fearful that the law will not protect him, and the men out in Colorado who are his victims know that it does not protect them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, the ceremony seems to be a solemn occasion for gentlemen on that side of the House. I was surprised at the remarks of the gentleman from Kansas [Mr. CAMPBELL]. He ranged all over the legislative domain and really discussed nothing in particular. The gentleman asked why we vote on these bills at the same time. Let me tell the House why we are doing it. There are two good and sufficient reasons why we have pursued that course. In the first place, if we vote upon them at three separate times, the Members would have to be here and be on notice that there were three separate votes. As it is, when we have completed a bill, we lay it aside with whatever recommendation the committee makes, and then we take up the next bill and pursue the same course, and then the remaining bill, and at the end of that time vote on all the bills in accordance with the order in which they are enumerated in the special rule. Is there anything queer or anything wrong about a rule of that sort? The objection made by the gentleman from Illinois [Mr. MANN] is an absurdity on that point. Now, another good reason that appealed to some of us was this: We did not care to have one of these bills passed ahead of the others and sent over to the Senate while the antitrust bill was delayed here and perhaps a lot of provisions be incorporated in the trade-commission bill by the Senate, looking to the creation of a commission to investigate interlocking directorates, holding companies, dummy directorates, and things of that sort, so as to postpone the whole antitrust program. We intend to face the questions as they are presented here and to vote upon all of them. Why, the gentleman from Kansas [Mr. CAMPBELL] says we are hurrying these bills through. He must understand that his remark is not justifiable. We have allowed all the time asked on either side of this House for general debate, and then after the general debate is exhausted we take the bills up separately under the five-minute rule and allow unlimited debate and amendment. Gentlemen may proceed, if it takes a week or two weeks, to finish either one of the bills under the five-minute rule.

So this is one of the most liberal rules that has ever been brought into this House.

Next, the gentleman from New York, the Nestor of the House, the distinguished gentleman, Mr. PAYNE, offers a little free advice to the Democratic Party. Let me remind him and his side of the House that he is a very poor adviser, indeed, because he advised his party to vote for the Payne-Aldrich bill, and the Republican Party went upon the rocks in less than six months after its passage. [Applause on the Democratic side.] We do not need his advice, nor do we care for it. And it was, indeed, a pitiable sight to see the gentleman drag before this House and the world the corpse of the old Payne-Aldrich bill that would have been forgotten long ago if it had not been for the oppression and suffering heaped upon the people by the provisions of that infamous measure. [Applause on the Democratic side.]

The gentleman from Massachusetts [Mr. GARDNER] says, too, that we have taken a bill from the House Calendar and put it upon the Union Calendar, and that we have done it in order to prevent a record vote on certain amendments. Let me warn the gentleman that until he becomes more friendly to the labor organizations of this country we can not profit by any advice from him. Now, Mr. Speaker, let me serve notice on him that when the antitrust bill bearing the name of the distinguished gentleman from Alabama [Mr. CLAYTON] is up for consideration under the five-minute rule it will be in order to offer amendments without limit and to freely debate them. And let me further advise him that there will be an amendment in plain and clear-cut English language exempting directly and specifi-

cally labor organizations and farmers' organizations from the provisions of the antitrust law. We have the votes to put it on in the Committee of the Whole and in the House of Representatives as well. So he need not be alarmed. I am squarely for this Samuel Gompers amendment.

He need not be distressed about this matter. Every Member's vote will be understood in the Committee of the Whole and in the House after the bill is reported there, and he will find that there will be no friend of labor lagging on this side of the House, and we will again write into the law, as we have done several times heretofore, a provision exempting those organizations from the provisions of the antitrust law, as intended when it was passed in 1890.

Mr. GARDNER. Will the gentleman yield now?

Mr. HENRY. For a question.

Mr. GARDNER. At what point will there be a yea-and-nay vote on that "apply to" amendment, whether it is adopted or defeated?

Mr. HENRY. Of course there will be a vote in the House on the motion to recommit. The gentleman knows that.

Mr. GARDNER. But suppose some gentleman claims the floor and says he is opposed to the bill. The right to recommit rests with him. Suppose he does not include that amendment in his motion to recommit?

Mr. HENRY. You need not be uneasy. We are not going to let that happen.

Mr. GARDNER. You can not help it.

Mr. HENRY. We can help it and we will help it. We are going to put it on in the committee.

Mr. GARDNER. I shall vote against the "apply to" amendment in the committee, as I have already said. You can not get a yea-and-nay vote on it in the House, because it is an amendment to the amendment.

Mr. HENRY. The gentleman knows we can find a plain way to get it on.

Mr. GARDNER. You can not if you adopt it in the committee.

Mr. HENRY. If you are so solicitous about this, you ought to get on the side of these gentlemen and help them put the amendment on. You need not presuppose the Democrats are cowards on this question. And I do not suppose the Members on that side are cowards, because I expect most of you to vote against labor, as you have done heretofore. For more than 20 years the labor organizations of this country stood before the door of this House and before the Speaker's room and urged the passage of such legislation as contained in the Clayton antitrust measure. You and your party spurned their request. You denied them the right to be heard on the floor of this House. But no sooner had the Democracy gone into power in the House of Representatives than we passed those bills which had been suppressed by the distinguished former Speaker, Mr. Cannon, and his official régime that advised and cooperated with him on these matters. They are in this bill, and they are going to remain there, and we are going to vote for them, and intend to give to the labor organizations and the people of this country the laws they have been clamoring for during nearly a quarter of a century. And the program is going through the Senate, and the bills will go to the President, and the Executive that the Democratic voters of this country put in power will give relief to the people. The gentleman from Kansas [Mr. CAMPBELL] may question the sincerity of the President by innuendo and make unjust charges against him, yet I tell him that the American people believe in Woodrow Wilson and know that he is honest and on their side. [Loud applause.]

Mr. MADDEN. Will the gentleman yield?

Mr. HENRY. I yield for a question.

Mr. MADDEN. The gentleman says the program will go through the House, and he seems to be able to speak for the Senate, and now I want to ask him if the President will sign this antitrust bill with that provision for labor in as he describes?

Mr. HENRY. The gentleman knows I have no brief to speak for the President. I am nobody's spokesman here. I am speaking for myself on this occasion, and saying what I believe; and I repeat that all three of these measures will be given to the country which your party deliberately suppressed for many years. We ask the country to test our good faith, and they will find that the Democratic Party has not forsaken them. Ah, gentlemen may prate about these things, but they know that the measures are for the relief of the people, and if they need amendment, come along and help us amend them, aid in making them better. Let me warn you now that if the Republican Party, the stand-pat party, goes back to its idols, the special-privilege class of this country, there will not be enough of you left after the next election to justify calling the roll in the House.

Mr. MANN. Will the gentleman yield for a question?

Mr. HENRY. Yes.

Mr. MANN. The gentleman says that the bill needs amendment. Does the gentleman think the Clayton antitrust bill does need amendment on the matter that relates to the exemption of labor and farmers' organizations?

Mr. HENRY. Yes; I do. I think it needs amendment, and I shall vote and do everything I can to amend it.

Mr. MANN. Then all the gentlemen on that side are not in accord with the gentleman?

Mr. HENRY. I do not know, but we will take care of it. The gentleman from Illinois need not worry. How does he stand on the question?

Mr. MANN. I am not worrying.

Mr. HENRY. Where do you stand?

Mr. MANN. I am in favor of having a roll call on it.

Mr. HENRY. Are you for this amendment?

Mr. MANN. And when you have a roll call, I will vote. I am not afraid to have a roll call.

Mr. HENRY. How will the gentleman vote in the Committee of the Whole?

Mr. MANN. I do not know whether it will come up in the Committee of the Whole.

Mr. HENRY. How do you stand now?

Mr. MANN. How I stand now will depend very largely upon whether I can make more mischief on your side of the House by voting one way or the other. You are all split up the back, and whatever is done we will do.

Mr. HENRY. And you will not tell where you stand?

Mr. MANN. I will not, until the time comes.

Mr. HENRY. You talk about your courage and bravery, and yet you will not say where you stand on this amendment. [Applause on the Democratic side.]

Mr. MANN. I am quite willing to tell where I stand when it counts. I do not propose to tell the gentleman in advance, because we shall determine on this side of the House what is done with that amendment. You are divided on that side. [Applause on the Republican side.]

Mr. HENRY. No; I will tell the gentleman this——

Mr. MANN. And you are afraid over there to go on record.

Mr. HENRY. You are afraid to tell the people before the election where you stand on this question. The gentleman says he loves to make all "the mischief" he can for the Democratic Party.

Mr. MANN. No; I did not; but I will tell the gentleman that I will do it on this occasion.

Mr. HENRY. Now, let me give the gentleman a little friendly advice, because he and I came into the House together in 1896. Let the gentleman from Illinois quit trying to cause "mischief" to the Democratic Party. Let the gentleman vote for the interests of the people, and stand for the people's cause, and then the gentleman will be better off. [Applause on the Democratic side.]

Now, I like the gentleman from Illinois and dislike to be put to the painful necessity of giving him this advice; and yet I was never more sure of doing him a good service than I am now in asking him to accept my advice. [Laughter and applause.]

Mr. MANN. I shall be sure to be returned if I do not take the advice of the gentleman from Texas. [Laughter.]

Mr. HENRY. If the gentleman had taken my advice since 1897 and followed it, perhaps his party would now be in power, and not the Democratic Party. But we drove you from pillar to post, because you insisted on serving the privileged classes of this country, and your party went down, and it will remain beneath the waves until you get on the people's side. [Applause on the Democratic side.]

Mr. MANN. Until the next election. Then we shall be on top. [Applause on the Republican side.]

Mr. HENRY. That is the trouble with these gentlemen, who say they want to have a show and an opportunity to vote on this amendment in the House. The gentleman will have a chance to vote on it in the Committee of the Whole. He will have a chance to vote on all of these measures, and he will have a chance to improve them, if they ought to be improved. That is not the trouble with the gentleman from Illinois. The trouble with him is that these bills are good, and he does not want them passed at all, and if he had his way he would defeat every one of them. But Democrats will take the responsibility. Democrats in this House are not afraid to face the American people and tell them where we stand on all of these bills. We have come into power promising these things, and we are going

to keep our pledges made to the people. [Applause on the Democratic side.]

Mr. Speaker, this is an important occasion. To-day we are taking up for consideration the most significant political problems pending before this country. These three bills contain some things that will bring greater relief to the people of this country than any measure that has been considered since I have been a Member of this body. It means that hereafter we shall not negotiate with big business violating the law, but will set the limits on big business and tell them how far they shall go. We will pass statutes requiring them to salute the law. We are going forward. We are going to pass the bills, and they will pass the Senate before this summer has passed, and the President will put his approval on them. We will bring prosperity to this country. We shall do the things that ought to have been done 25 years ago, and would have been done if the old stand-pat Republican Party had not prevented it. [Applause on the Democratic side.]

Now, let me admonish my good friend from Kansas [Mr. MURDOCK] to come along with us and quit playing politics, and help us amend these bills and pass them and give them to the voters of this country.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield right there?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HENRY. Yes; I yield.

Mr. MURDOCK. Of course I will not say the gentleman is playing politics, but I want to ask him a question that is not political.

If the gentleman is not playing politics, why did not the gentleman from Texas, as chairman of the Committee on Rules, give the Progressives here a chance, with their constructive antitrust program, to amend this bill? Why did you cut us out?

Mr. HENRY. You have a chance to amend this bill everywhere.

Mr. MURDOCK. The gentleman has described the state of the Republicans on this side, and he has properly described them. They want to keep the old Sherman antitrust law as it is without supplementary legislation, and some of the Republican members on the committee say so.

Mr. MANN. Let the gentleman speak for himself.

Mr. MURDOCK. We have a constructive program.

Mr. HENRY. Mr. Speaker, I can not yield further.

Mr. MURDOCK. The gentleman has given this Republican crowd a chance to offer a motion to recommit and has shut us out.

The SPEAKER. Does the gentleman yield?

Mr. MURDOCK. He has already yielded.

Mr. HENRY. I decline to yield further.

The SPEAKER. The gentleman declines to yield.

Mr. MURDOCK. He can not cut me out in the middle of a sentence after he has yielded.

Mr. HENRY. If the gentleman has diagnosed the old standpat Republican Party aright, then I say to him come with us and help us put these amendments on.

Mr. MURDOCK. Oh, Mr. Speaker——

Mr. HENRY. The gentleman should sit down. He is taking too much time. I say, let him help us put these amendments on, and we will give the country relief.

And, in conclusion, Mr. Speaker, I move the previous question.

Mr. MADDEN. Why did you not write the bill on the square, so that it would not need any amendment?

The SPEAKER. The gentleman from Texas [Mr. HENRY] moves the previous question. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The yeas and nays are demanded. Those in favor of taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Forty-seven gentlemen have arisen in the affirmative. The noes will rise and stand until they are counted. [After counting.] Thirty-five gentlemen have arisen in the negative. Forty-seven are a sufficient number, and the yeas and nays are ordered. The Clerk will call the roll. Those in favor of ordering the previous question will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 192, nays 87, answered "present" 5, not voting 150, as follows:

YEAS—192.

Abercrombie	Aswell	Bathrick	Borchers
Adair	Baker	Beakes	Borland
Adamson	Baltz	Beall, Tex.	Bowdle
Alexander	Barkley	Blackmon	Brockson
Allen	Barnhart	Booher	Brown, N. Y.
Brown, W. Va.	Ferris	Kindel	Rouse
Brumbaugh	Fitzhenry	Kinkead, N. J.	Rubey
Buchanan, Tex.	Flood, Va.	Korbly	Rucker
Bulkley	Floyd, Ark.	Lazaro	Russell
Burgess	Foster	Lee, Ga.	Saunders
Burke, Wis.	Fowler	Lever	Sharp
Burnett	Gallagher	Lewis, Md.	Sherwood
Byrnes, S. C.	Gallivan	Lieb	Sims
Byrns, Tenn.	Garner	Linthicum	Small
Candler, Miss.	Garrett, Tenn.	Lloyd	Smith, N. Y.
Cantor	Garrett, Tex.	Lobeck	Sparkman
Cantrill	Gerry	Lonergan	Stedman
Caraway	Gilmore	McAndrews	Stephens, Miss.
Carew	Goeke	McDermott	Stephens, Nebr.
Carlin	Goodwin, Ark.	McGillicuddy	Stephens, Tex.
Carter	Gordon	McKellar	Stone
Church	Gorman	Maguire, Nebr.	Stout
Clancy	Graham, Ill.	Mitchell	Sumners
Claypool	Gray	Montague	Taggart
Cline	Gregg	Morgan, La.	Talbott, Md.
Coady	Hamlin	Morrison	Talcott, N. Y.
Collier	Hammond	Murray, Mass.	Taylor, Ark.
Connelly, Kans.	Hardy	Murray, Okla.	Taylor, N. Y.
Conry	Harris	Neeley, Kans.	Ten Eyck
Covington	Harrison	Neely, W. Va.	Thacher
Cox	Hart	O'Brien	Thomas
Crosser	Hay	Oldfield	Thompson, Okla.
Cullop	Hayden	O'Leary	Tribble
Davenport	Helm	O'Shaunessy	Underwood
Decker	Helvering	Padgett	Vaughan
Dent	Henry	Page, N. C.	Vollmer
Dickinson	Hensley	Park	Walker
Dixon	Hill	Patten, N. Y.	Watkins
Donovan	Hobson	Peters, Mass.	Watson
Doolittle	Holland	Peterson	Weaver
Doremus	Houston	Post	Webb
Doughton	Howard	Pou	Whitacre
Dupré	Hull	Rainey	White
Eagan	Igoe	Raker	Williams
Eagle	Jacoway	Rauch	Wilson, Fla.
Edwards	Johnson, Ky.	Rayburn	Wingo
Evans	Kettner	Reed	Witherspoon
Fergusson	Key, Ohio	Reilly, Wis.	Young, Tex.

NAYS—87.

Anderson	Frear	La Follette	Roberts, Nev.
Bartholdt	French	Lindbergh	Scott
Barton	Gardner	McGuire, Okla.	Sinnott
Bell, Cal.	Graham, Pa.	McKenzie	Sloan
Britten	Green, Iowa	McLaughlin	Smith, Idaho
Bryan	Greene, Mass.	MacDonald	Smith, J. M. C.
Calder	Hamilton, Mich.	Madden	Smith, Minn.
Campbell	Hamilton, N. Y.	Mann	Smith, Saml. W.
Cary	Haugen	Mapes	Stafford
Chandler, N. Y.	Hawley	Mondell	Steenerson
Cooper	Helgesen	Moore	Stephens, Cal.
Cramton	Hinds	Morgan, Okla.	Stevens, Minn.
Curry	Hinebaugh	Murdock	Stevens, N. H.
Danforth	Howell	Nelson	Switzer
Davis	Humphrey, Wash.	Nolan, J. I.	Thomson, Ill.
Dillon	Johnson, Utah	Norton	Towner
Dunn	Johnson, Wash.	Parker	Volstead
Dyer	Kelley, Mich.	Payne	Willis
Esch	Kennedy, Iowa.	Peters, Me.	Woodruff
Falconer	Kennedy, R. I.	Platt	Woods
Fess	Kinkaid, Nebr.	Powers	Young, N. Dak.
Fordney	Knowland, J. R.	Roberts, Mass.	

ANSWERED "PRESENT"—5.

Bartlett	Burke, S. Dak.	Guernsey	Levy
Browning			

NOT VOTING—150.

Aiken	Falson	Kitchin	Ragsdale
Ainey	Farr	Konop	Reilly, Conn.
Ansberry	Fields	Kreider	Riordan
Anthony	Finley	Lafferty	Rogers
Ashbrook	Fitzgerald	Langham	Rothermel
Austin	Francis	Langley	Rupley
Avis	Gard	Lee, Pa.	Sabath
Bailey	George	L'Engle	Scully
Barchfeld	Gillett	Lenroot	Sledomridge
Bell, Ga.	Gittins	Lesher	Sells
Brodbeck	Glass	Lewis, Pa.	Shackleford
Broussard	Godwin, N. C.	Lindquist	Sherley
Browne, Wis.	Goldfogle	Loft	Shreve
Bruckner	Good	Logue	Sisson
Buchanan, Ill.	Goulden	McClellan	Slayden
Burke, Pa.	Greene, Vt.	McCoy	Slemp
Butler	Griest	Mahan	Smith, Md.
Callaway	Griffin	Maher	Smith, Tex.
Carr	Gudger	Manahan	Stanley
Casey	Hamill	Martin	Stringer
Clark, Fla.	Hardwick	Merritt	Sutherland
Clayton	Hayes	Metz	Tavenner
Connolly, Iowa	Heflin	Miller	Taylor, Ala.
Copley	Hoxworth	Moon	Taylor, Colo.
Crisp	Hughes, Ga.	Morin	Temple
Dale	Hughes, W. Va.	Moss, Ind.	Townsend
Deitrick	Hulings	Moss, W. Va.	Treadway
Dershem	Humphreys, Miss.	Mott	Tuttle
Dies	Johnson, S. C.	Oglesby	Underhill
Difenderfer	Jones	O'Hair	Vare
Donohoe	Kahn	Paige, Mass.	Wallin
Dooling	Keating	Palmer	Walsh
Driscoll	Keister	Patton, Pa.	Walters
Drukker	Kelly, Pa.	Phelan	Whaley
Edmonds	Kennedy, Conn.	Plumley	Wilson, N. Y.
Elder	Kent	Porter	Winslow
Estopinal	Kiess, Pa.	Prouty	
Fairchild	Kirkpatrick	Quin	

So the previous question was agreed to.

The Clerk announced the following additional pairs:
Until further notice:
Mr. HARDWICK with Mr. AUSTIN.
Mr. GUDGER with Mr. GUERNSEY.
Mr. UNDERHILL with Mr. MANAHAN.
Mr. GODWIN of North Carolina with Mr. MORIN.
Mr. SISSON with Mr. PLUMLEY.
Mr. REILLY of Connecticut with Mr. MONDELL.
Mr. MOON with Mr. KAHN.
Mr. ESTOPINAL with Mr. DRUKKER.
Mr. AIKEN with Mr. ANTHONY.
Mr. DEITRICK with Mr. LINDQUIST.
On this vote:
Mr. GOLDFOGLE (for previous question) with Mr. WINSLOW (against).
Mr. WHALEY (for previous question) with Mr. ROGERS (against).

Mr. HUGHES of Georgia. Mr. Speaker, I should like to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. HUGHES of Georgia. No, Mr. Speaker; I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the resolution.

The resolution was agreed to.

Mr. HENRY. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Minnesota [Mr. STEVENS] be substituted for that of the gentleman from Oregon [Mr. LAFFERTY], in pursuance of a tentative agreement arrived at a little while ago.

The SPEAKER. The gentleman from Texas asks unanimous consent that the name of the gentleman from Minnesota [Mr. STEVENS] be substituted for that of the gentleman from Oregon [Mr. LAFFERTY] to control time in opposition to the bill. Is there objection?

There was no objection.

Mr. HENRY. Mr. Speaker, I ask that the gentleman from Alabama [Mr. CLAYTON] be recognized to make a request.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Alabama [Mr. CLAYTON] be recognized to make a request. Is there objection?

There was no objection.

Mr. CLAYTON. Mr. Speaker, under a sense of duty I desire to make a brief statement to the House.

In a few days I shall return to the State of my nativity and there take up duties congenial to me, but in the administration of public justice rather than in the making of laws. I therefore deem it my duty at this time to express my appreciation of the confidence that the Committee on Rules and the House itself has shown in me by designating me to take charge of one of the bills mentioned in the resolution just adopted. But, Mr. Speaker, I can not be here longer, after having been appointed to another honorable position under this great Government that calls for duties in a different sphere. I must choose between these two duties; therefore I respectfully ask the House that my name be stricken from the resolution just adopted and that the name of the distinguished young statesman from North Carolina, Mr. WEBB, be substituted where mine now appears in the resolution.

Mr. Speaker, my heart is too full on this occasion to express the gratitude I feel for the uniform kindness extended to me by the House and the love I have for every Member. Everyone has shown me on all occasions the utmost courtesy and kindness.

If it be true as a philosophic fact that the power to make laws is the greatest of all governmental functions, then, perhaps, so far as the wishes of the people are concerned, this body, being nearer to them, is in some sort the greatest of all legislative bodies known to the civilized and progressive nations of the world.

Until very recently, as we all know, this body was the only agency under our plan of government chosen by direct vote of the people. Popular election of Representatives worked so well and so much have you as representatives of the American people merited commendation, that they have decided to choose Senators after the manner in which you have always been chosen. [Applause.] This is the highest indorsement that could possibly have been given to the House of Representatives.

Mr. Speaker, I have served with you here and with others for 17 years. That association has been most pleasant, and I can truly say that so far as my personal relations and my friendships are concerned I know no division by the center aisle of this House. [Applause.] I have had as much courtesy and kindness from that side of the Chamber as from this. [Applause.]

Mr. Speaker, I beg to assure you and every Member of this House that I shall carry in my heart of hearts the highest appreciation and everlasting love for each and every Member and the most pleasant recollection of my associations here. I thank you, Mr. Speaker, and you gentlemen of the House. [Long and loud applause.]

The SPEAKER. The gentleman from Alabama asks unanimous consent that the name of Mr. WEBB, of North Carolina, be substituted for his name in the control of time where it is mentioned in the resolution. Is there objection?

There was no objection.

The SPEAKER. Under the resolution the House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Tennessee, Mr. HULL, will take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. HULL in the chair.

INTERSTATE TRADE COMMISSION.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15613 and other bills. Under the rule, the first reading of H. R. 15613 is dispensed with, and the Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. ADAMSON. Mr. Chairman, the gentleman from Maryland [Mr. COVINGTON] has acted as chairman of the subcommittee, and with great assiduity and ability has labored upon the preparation and perfection of the bill now before this committee. His work was so satisfactory that the subcommittee unanimously agreed, and when it was reported to the full committee was with almost perfect unanimity agreed to. Objection was made, as I remember, by only two persons, not that the bill was not good enough as far as it goes, but that it did not go further and do a little more.

The gentleman from Maryland, from his able and painstaking labors on the subject, probably understands the bill and the subject better than any other member of our committee, if not better than any member of the Committee of the Whole House, and it is with great pleasure, in consideration of his intimate acquaintance with the subject and in recognition of his fidelity and ability in the preparation of this bill, that I yield to him such part of the time allotted to me as he sees proper to use.

Mr. COVINGTON. Mr. Chairman, the bill to create an interstate trade commission now presented to the House is the first legislative measure resulting from the message of the President read to Congress in January last on the subject of trusts and monopolies. In that message he recommended the creation of an interstate trade commission as an instrument of information and publicity and as a clearing house for the facts by which both the public mind and the managers of great business undertakings should be guided. Moreover, he suggested in that message that the commission ought to be made capable of assisting the courts in the shaping of corrective processes.

It is true that the President in urging the creation of a trade commission referred to the wishes of the business men as follows:

They desire the advice, the definite guidance, and information which can be supplied by an administrative body, an interstate trade commission.

And straightway certain big business men and their lawyers, who had in the field of industrial business constantly been hovering in the dim shadows of the twilight zone which separates honesty from unlawfulness, began to hail the message as the forerunner of a statute that would enable them to propose to a Government commission their plans for exploitation, conceived with subtlety and phrased in fair words, and obtain, perchance, that initial approval which would mean individual immunity at a later date if the subtlety of the plan had been followed by fraud or criminality in its consummation.

But these persons had not critically analyzed the President's message, for in speaking of the opinion of the country regarding the trade commission he had also said:

I would not wish to see it empowered to make terms with monopoly or in any sort to assume control of business, as if the Government made itself responsible.

The truth is that the administration idea and the idea of business men generally is for the preservation of proper competitive conditions in our great interstate commerce. That equal and complete freedom in business which is the way of peace and of success as well is best promoted by the unrestrained and

uncontrolled genius and industry of the American business man. Consequently it would be completely out of harmony with our present idea to establish a commission clothed with the effective power to approve and disapprove proposed contracts, to enforce fair competition, to prohibit unfair competition, to have powers of regulation or control of prices, and the power directly to issue orders outlining the scope of the lawful operations of industrial business of this country.

In harmony with those general views the Committee on Interstate and Foreign Commerce submits the bill now under consideration. In the concurring report of the Republican minority it has been accurately said:

For many years all legislation in this committee has been considered upon its merits, without regard to partisan lines or influences.

That has been emphatically the case with this bill to create an interstate trade commission. It is a piece of constructive legislation for the benefit of the whole country, and it was drafted by a subcommittee of Democrats and Republicans, who cooperated in the broadest spirit to produce a measure which will meet the public expectations and necessities. While the bill happens to bear my name, I want this House to understand that it is simply the result of the aggregate labors of the entire membership of a subcommittee, which in turn earnestly sought and gladly accepted all the expert advice it could obtain to produce a bill adequate to meet the sentiments and requirements of the whole people.

Mr. Chairman, public sentiment has undoubtedly crystallized for an interstate trade commission. Two of the three great political parties in the last presidential election advocated such a body in their national platforms. While the Democracy did not propose such a body or in any way deal with the subject as a campaign issue, the President, with that largeness of mind so characteristic of him, finding such a commission to be so desirable as an independent administrative body exercising certain powers in connection with our industrial business, has urged the legislation necessary for its creation. [Applause.]

Thoughtful men, without regard to party, have given definite expression to their views favoring an interstate trade commission. In a speech delivered on February 12, last, Victor Morawitz, one of the foremost corporation lawyers of the United States, said:

It is true, however, that more effective machinery could be provided for ascertaining violations of the law, for obtaining prompt decisions as to its application to specific cases as they arise, for enforcing the prohibitions of the law more promptly and more efficiently. To attain that result the creation of an interstate trade commission under an act carefully defining its functions, powers, and duties would be a wise and effective measure.

In the report of the Senate Committee on Interstate Commerce, of which Senator CLAPP was chairman, made to the Senate on February 26, 1913, it was said:

If the Bureau of Corporations were converted into an independent commission composed of trained, skillful men, and clothed with adequate authority, there could be gathered more complete and accurate knowledge of the organization management, and practices of the corporations and associations engaged in national and international commerce than we now have. In saying this the committee does not mean to disparage the work of the Bureau of Corporations as hitherto carried on, but, valuable as the work has been, it is believed that a greater service could be rendered by a commission with a distinct organization with adequate appropriations and added authority. Moreover, it is clear that the constant inquiry into and investigation of interstate commerce in order to ascertain whether the law is being violated should be more closely connected with prosecutions for violations, when found to exist, than at the present time.

The report of the special committee on trust legislation of the Chamber of Commerce of the United States of America, made on April 14, 1914, contains a paragraph regarding the pending bill, as follows:

For the purposes which the trade-commission bill has in view—affecting business in its great branches of manufacture and merchandising—an independent commission is to be preferred to an official subordinate of a Cabinet officer. A commission will have in its membership one or more men whose experience and training have been gained primarily in business; thus there will always be possibility for representation of the point of view of practical men of affairs. It is inevitable that through the stimulus of discussion and exchange of suggestions among members a commission in its investigations and studies will more surely arrive at essential facts and will reach conclusions which are more truly decisive than is possible for the head of a departmental bureau. Although an individual may be more effective in performance of executive duties, a commission is more successful in dealing with questions involving consideration of complex elements. As the commission is to have a function of recommending legislation relative to trade practices and the like, it is all the more important that it should be a body of experts.

The bill, as it is now presented to this House for passage, has been subject to very wide publicity and very extensive analysis by business men and lawyers all over the country. It is not without its opponents. No piece of legislation intended to benefit the business men of the country and the great masses of the people alike can be expected to commend itself to those malefactors who seek special privilege through the shortcomings or the devious ways of the law. It is significant, however, that, amid all the generalizations of criticism which have taken place regarding this bill, the powers to be exercised by the commission created under it and the broader field of investigations to be entered by it have not been successfully attacked. So true a representative of that section of big business which is concerned with the sort of special privilege which revels in secrecy as the New York Journal of Commerce, in an editorial more than a column long on April 24, 1914, after discussing the bill to create the proposed interstate trade commission, and applauding the objections of Mr. Felix H. Levy, a well-known corporation lawyer, to the broad powers of publicity and investigation conferred upon the commission, gets its specific objection to the bill down to this paragraph:

But the Covington bill contains no provisions whatever giving to the proposed commission the right to pass upon questions of business procedure which business men may desire to propound. Mr. Levy is certainly not alone in his belief that so far from the proposed interstate trade commission meeting the demand which the President stated in January existed among the business community, it makes no attempt to meet that demand, but, on the contrary, sets up a tribunal whose only claim to recognition must consist in the possession of powers needlessly inquisitorial and perniciously broad.

I am glad to see the objections of a certain element in Wall Street so frankly stated. It is a singular thing that the men in control of that section of big business which needs stringent supervision and which has in the past been the subject of most criticism for its wayward practices are the men who so persistently urge that a trade commission ought by all means to be created; that the country is crying out for a trade commission, but that it must surely possess the plenary power to pass administrative orders of approval upon the various schemes of combination and business operation which their subtle minds or the cunning of their adroit lawyers can conceive to the disadvantage of the American people. It is just such a course as this that the President vigorously opposes and the committee deliberately determined to prevent. We do not believe that at this time it is possible for a trade commission always to judge accurately, and in the interest of honest big business and the public alike, respecting the approval or disapproval in advance of the plans of combinations to engage in interstate commerce. The approval of those plans may prevent the subsequent prosecution of individuals connected with them, no matter what flagrant violations of law may take place after such approval, and no matter how much ruthless robbery of the people through stock exploitations may have been the result.

It seems almost a foolish thing to present to this House the views of men concerned with industrial business that the creation of a trade commission as an independent body, and with the powers we have conferred upon it, is an eminently wise piece of legislation. That the present bill embodies a full measure of the broad powers which impartial and just business men would have the commission exercise is very evident. Many briefs have been filed by the counsel of these men, and from them I take a passage by Mr. Charles Wesley Dunn, of New York City, the very able counsel of the American Specialty Manufacturers' Association. He says:

The recital of the powers, authority, and duties of the proposed trade commission indicates that such a comuission would be in harmony with the suggestions of the President. It has been earnestly and sincerely urged, and with much force, that the commission should in the beginning be clothed with the effective power to deal directly with business, to approve and disapprove proposed contracts, cooperation, and other plans to enforce fair competition and prohibit unfair competition by administrative order. * * * The shadow of a commission thrust full-born and dominating, and suggesting control of private business, would worry the legitimate business world in a manner which would not be beneficial. It is indeed true that "such matters are of a most delicate, complex, and doubtful nature." A trade commission, which by experience has proven its worth and value and has gained the confidence of the business world, may extend its field of service more surely and safely. The President has indicated: "The object and spirit is to meet business halfway in its processes of self-correction and disturb its legitimate course as little as possible." The opinion is ventured that a careful, analytical, and impartial study of industrial business would be of incalculable value. It is believed that this need alone would warrant the creation of a trade commission.

The bill as reported provides for a commission of three members at a salary of $10,000 a year. The proposed commission will largely justify its creation by the method and manner of the performance of its varied duties by its members. The highly efficient services of men of large capacity will be required, and the salaries of the members of the commission have been placed at a figure which will enable the President to secure that sort of men. In the detailed organization of the commission the provisions of the existing act to regulate commerce and the amendments thereto creating the Interstate Commerce Commission are followed wherever practicable.

Under the act of February 14, 1903, the Bureau of Corporations was created as a bureau of the newly organized Depart-

ment of Commerce and Labor. Under that act and its amendments, the Commissioner of Corporations was given rather extensive powers to investigate the organization and management of business corporations and to obtain such information as would enable the President to make recommendations to Congress for new legislation. With the creation of the Department of Labor in 1913, the bureau was one of those placed under the jurisdiction of the Department of Commerce. While the powers, authority, and duties conferred upon the Bureau of Corporations and the Commissioner of Corporations are broad, there was a failure specifically to require the regular gathering of certain most important kinds of information through the medium of annual reports from industrial corporations engaged in interstate commerce. The act also omitted to confer other powers, perhaps not then thought useful, but now believed to be most necessary to assist in effectuating the definite policy and functions for the proposed commission announced by the President in his trust message.

However, an interstate trade commission must almost of necessity be built up on the foundation existing through the Bureau of Corporations, and in section 3 the bill transfers to the commission all of the powers, authority, and duties of the Bureau of Corporations and of the Commissioner of Corporations. The broadest powers of that bureau and of the Commissioner of Corporations are embraced in the general provision of the law creating that bureau to investigate the organization, conduct, and management of the business of corporations, and to gather information and data to enable the President to make recommendations to Congress for legislation for the regulation of interstate commerce.

And, Mr. Chairman, I think it a just tribute to the broad vision and legal learning of the present minority leader, the gentleman from Illinois [Mr. MANN], to remind Members of this House that he drafted the law creating that bureau amid the fulminations of great constitutional lawyers, who asserted that it attempted to break down the constitutional safeguards of business corporations. [Applause.]

The Commissioner of Corporations up to this time has not come to an issue in court with any corporation concerning the extent of the powers to be exercised under the very general phraseology of the law creating the Bureau of Corporations. At the same time, in the case of United States *v.* Armour & Co. (142 Fed. Rep., 808), before Judge Humphrey in the United States District Court for the Northern District of Illinois, the validity of those powers was expressly in issue in a criminal case. It was held that—

> the primary purpose of the act was legislative, to enable Congress by information secured through the work of officers charged with the execution of that law to pass such remedial legislation as might be found necessary, and the act must be construed in view of that purpose—

and that its provisions were definite expressions of legislative intent and constitutionally enforceable.

Notwithstanding the ordinary objections to legislation by mere reference to existing statutes, the committee felt that in view of the judicial determination of the validity of the powers of the Bureau of Corporations and of the Commissioner of Corporations and their broad character it is by far the wisest course in the pending bill to transfer those powers to the commission by specific reference to the existing law.

But, Mr. Chairman, the great value to the American people of the Interstate Commerce Commission has been largely because of its independent power and authority. The dignity of the proposed commission and the respect in which its performance of its duties will be held by the people will also be largely because of its independent power and authority. Therefore the bill removes entirely from the control of the President and the Secretary of Commerce the investigations conducted and the information acquired by the commission under the authority heretofore exercised by the Bureau of Corporations or the Commissioner of Corporations. All such investigations may hereafter be made upon the initiative of the commission, and the information obtained may be made public entirely at the discretion of the commission.

One of the foremost opponents of the creation of the Bureau of Corporations was Mr. Carman F. Randolph, a prominent New York lawyer. He has prepared a brief against the pending bill to create a trade commission "at the request of certain corporate interests within the purview of the bill."

In opposing the powers provided in the bill for the commission, he says:

> While the nature and purposes of the commission and the strong phrasing of its powers suggest a sharper inquisitorial activity than the bureau * * * the main constitutional issue is not more deeply involved in the commission bill than in the bureau act.

Having regard for the admitted constitutionality of the bureau act to the extent necessary for the decision in United States against Armour & Co., supra, and considering the nature, according to Mr. Randolph, of the additional powers of great value to the people and industrial business itself to be exercised by the commission, this House may feel well assured that constitutional limitations are duly regarded at the same time that the commission is required to perform effective duties not now existing with the Bureau of Corporations.

Now let us take up the powers conferred upon the interstate trade commission in the pending bill, and which are beyond the purview of the Bureau of Corporations. There has been serious question whether under the powers of the Bureau of Corporations there may be required annual or special reports of specified corporations, indicating information as to the financial condition, organization, bondholders, stockholders, relation to other corporations, and business practices while engaged in interstate commerce. None were apparently contemplated in the law creating that bureau, and certainly there was no compulsory power provided to obtain them.

Therefore, in section 9 of the bill, annual reports from the great industrial concerns of the country are provided for, setting forth essential facts connected with the organization, stockholders, financial condition, and general business conduct of those concerns.

The testimony before the committee by many men of large business experience was singularly in accord with the idea that these reports will afford one of the surest means of that publicity which will tend to an elevated business standard and a better business stability. All corporations engaged in interstate commerce having a capital of more than $5,000,000 are required to file these reports. But it is not always the large corporation that has an organization or financial condition or a system of practices that requires publicity to bring about lawful methods in its business. It is quite possible that a group of small corporations may be so operated as to cause serious violations of law. The commission is given the power, therefore, to make classifications of corporations having a capital of less than $5,000,000, which shall be required to make the same annual reports that are to be made by the large corporations. This power of classification will relieve the mass of smaller business concerns engaged in interstate commerce from the necessity of making such reports, while it reserves to the commission that discretion which it ought to have to provide for rational publicity of bad practices in interstate commerce without regard to the size of the corporations engaging in those practices.

The commission, under this section, may also require such special reports as it may deem advisable. By this means, if the ordinary data furnished by a corporation in its annual reports do not adequately disclose its organization, financial condition, business practices, or relation to other corporations, there can be obtained by a special report such additional information as the commission may deem necessary.

Compulsory publicity of an abstract of the annual and special report of each corporation is required by the provision of section 17 that such abstract must be included in the published annual report of the commission. The section contains, however, ample safeguards to prevent the disclosure of those necessary trade secrets which are of no value to the public in promoting lawful competitive business, but which when disclosed simply afford an opportunity for injurious use by competitors.

In some quarters these annual and special reports seem to be regarded as an unnecessary publicity of the affairs of corporations. It is therefore well to note that both the preliminary and final reports of the industrial commission recommended as the chief measures of reform to check the growth of monopoly, greater publicity regarding the operations of corporations, and particularly the establishment of some organ of publicity in the Federal Government.

The preliminary report of the industrial commission submitted to Congress in 1900 said in part as follows:

> The larger corporations—the so-called trusts—should be required to publish annually a properly audited report showing in reasonable detail their assets and liabilities, with profit and loss; such reports and audit under oath to be subject to Government inspection. The purpose of such publicity is to encourage competition when profits become excessive, thus protecting consumers against too high prices and to guard the interests of employees by a knowledge of the financial condition of the business in which they are employed.

The final report of the industrial commission, submitted to Congress in 1902, in volume 19, pages 650–651, said in part as follows:

> That there be created in the Treasury Department a permanent bureau the duties of which shall be to register all State corporations engaged in interstate or foreign commerce; to secure from such corporations all reports needed to enable the Government to levy a franchise tax with certainty and justice, and to collect the same; to make such inspection and examination of the business and accounts of such

corporations as will guarantee the completeness and accuracy of the information needed to ascertain whether such corporations are observing the conditions prescribed in the act and to enforce penalties against delinquents; and to collate and publish information regarding such combinations and the industries in which they may be engaged, so as to furnish to the Congress proper information for possible future legislation.

The publicity secured by the governmental agency should be such as will prevent the deception of the public through secrecy in the organization and management of industrial combinations or through false information. Such agency would also have at its command the best sources of information regarding special privileges or discriminations, of whatever nature, by which industrial combinations secure monopoly or become dangerous to the public welfare. It is probable that the provisions herein recommended will be sufficient to remove most of the abuses which have arisen in connection with industrial combinations. The remedies suggested may be employed with little or no danger to industrial prosperity and with the certainty of securing information which should enable the Congress to protect the public by further legislation if necessary.

Well-known publicists also place first in the order of correctives for the evils to competition and fair trade still existing in the world of interstate commerce a wide publicity of corporation affairs. In his book, "Trusts or Industrial Combinations in the United States" (1899), Prof. Von Halle, in his chapter, "Conclusions," pages 145–146, says:

In a form which corresponds to the character of the people and Constitution, the railroad problem has been intrusted to a controlling commission; a similar measure is asked for to-day, in view of the great capitalistic organization of production. The means by which it is attempted to settle the great social problems are in many respects identical all over the world. It is not a mechanical regulation of business life, which would lame the individual and make him subservient to a vast machine that is sought for, but a display of the rights of the Nation by means of a control in the hands of the community and in the full light of publicity. No author has conceived better the meaning of the corporation problem for the Commonwealth than Henry C. Adams. He asks for publicity, publication of the results, and the ways in which they were reached; a control through public bodies and a responsibility of the individual member of the administration of the corporation for the observance of the necessary restrictions. The leaders of the large companies have power and honor, but are not kept face to face with sufficient supervision.

In his recent work, "Corporations and the State" (1911), THEODORE E. BURTON, United States Senator from Ohio, says, regarding publicity as a vital force in the regulation of industrial business (pp. 60–61):

The manifest tendency, however, is toward greater publicity; and it should be borne in mind that if a corporation is receiving abnormal profits it is but fair to the public that this should be known. If profits are due to unusual ability, to care, and skill, that is one thing; if they are due to the possession of monopoly privileges or to oppression and exaction, that is another. In any event it would seem that the public is entitled to know whether corporations are being conducted in accordance with the requirements of law. This is certainly true in the case of the great corporations carrying on business on a large scale and coming in close touch with the needs of the people in the production of the necessaries of life. When the régime of publicity was introduced in Germany in 1884 fear was expressed that the business of corporations would be destroyed and their stockholders ruined if the details of their earnings and general condition were made public. But time has proven that these grave apprehensions were groundless.

And further on he says (pp. 137–138):

Of all regulations which promise results, publicity should be placed first. The most common argument against greater publicity is that the public has no more right to know about a corporation's affairs than about the affairs of a private individual. Such a view shows a radical misconception of the nature of a corporation. A business organization which is incorporated is a public agency invested with public responsibility. The basis for its existence is not merely the opportunity afforded its members to make profits, but its ability to perform a service more efficiently than any individual. At first, it may not seem desirable to impose this rule upon all the smaller corporations, but when they assume any considerable size there is no other adequate way to protect investors, creditors, and others who are affected.

In a recent address Mr. Guy E. Tripp, chairman of the board of directors, Westinghouse Electric Co., referring to the pending interstate trade commission bill, said:

A trade commission seems to me to be needed in a well-rounded plan of business legislation. No other agency can so well collect information, conduct investigations, and determine facts for the guidance of the legislature and courts, and that in the last analysis is all the power that the bill gives it. No great harm can come from elaborate powers given the commission in way of getting papers and documents except expense and bother to the corporations.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. COVINGTON. Certainly.

Mr. BATHRICK. Right on that point, in section 9, I notice that in the discretion of the commission this publicity will take place.

Mr. COVINGTON. That is correct.

Mr. BATHRICK. It just occurred to me that the public was not certain to get this information if it relied wholly on the discretion of the commission.

Mr. COVINGTON. Mr. Chairman, I will say to the gentleman that that is the same discretion the Interstate Commerce Commission now possesses, and there has never been any trouble in the 27 years' history of that commission about the public getting all of the information about the railroads that was desired. Moreover, there will inevitably be in the great mass of data collected from 1,300 corporations in the United States certain classes of information which would serve the public no useful purpose, would merely encumber the reports of the commission, and give the American people no information which would enable them to judge of the practices of the corporations, whether they were proper or improper. I think we may safely trust at all times to the personnel of an independent commission, whose members may be named by Presidents of the United States of any political faith, to deal squarely in matters of publicity between the American people and big corporate business in interstate commerce. [Applause.]

Regarding one clause of section 9 there has arisen some legal controversy. Many small corporations have claimed to believe that they may be improperly affected by the expression which authorizes the commission to classify for reports corporations having less capital than $5,000,000. It has been urged by some that this supposed delegation by Congress to an administrative body of its legislative powers is of doubtful constitutionality. An early and leading case upon the subject is Field *v.* Clark (143 U. S., 649). There the President was authorized to suspend "for such time as he shall deem just" the tariff provisions relating to the free introduction of certain articles whenever satisfied that any country producing such articles imposed duties upon the products of this country "which he shall deem to be reciprocally unequal and unreasonable." The court held that this provision was constitutional and did not "in any real sense invest the President with the power of legislation" (p. 692).

In Butterfield *v.* Stranahan (192 U. S., 470), the court sustained the constitutionality of the tea-inspection act of March 2, 1897 (29 Stat., 604). That act gave the Secretary of the Treasury power, with the aid of a tea-inspection board, to "fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of tea imported into the United States"; and prohibited the importation of tea "of inferior purity, quality, and fitness for consumption to such standards." The court rejected the contention that this was a delegation of legislative power, saying:

We are of opinion that the statute, when properly construed, * * * but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior purity, or unfit for consumption, or presumably so because of their inferior quality. This, in effect, was the fixing of a primary standard and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute. * * * Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would, in effect, amount but to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted (p. 496).

In In re Kollock (165 U. S., 526) the law taxing oleomargarine required it to be packed in wooden boxes, "marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe." A violation of this provision was made punishable by fine and imprisonment. It was held that this was not an unconstitutional delegation of legislative power.

In Union Bridge Co. *v.* United States (204 U. S., 364) a statute delegating to the Secretary of War the power to determine conclusively that any bridge over a navigable waterway is an unreasonable obstruction to navigation and to require its removal, and imposing a fine of $5,000 upon proof of the owners' disobedience of the order for its removal, was held proper. The court said:

By the statute in question Congress declared in effect that navigation should be free from unreasonable obstructions arising from bridges of insufficient height, width of span, or other defects. It stopped, however, with this declaration of a general rule and imposed upon the Secretary of War the duty of ascertaining what particular cases came within the rule prescribed by Congress, as well as the duty of enforcing the rule in such cases. In performing that duty the Secretary of War will only execute the clearly expressed will of Congress, and will not, in any true sense, exert legislative or judicial power (p. 386).

In St. Louis & Iron Mountain Railway Co. *v.* Taylor (210 U. S., 281, 287) the court sustained section 5 of the safety-appliance act (27 Stat., 531), which provided, in effect, that after a date named only cars with drawbars of uniform height should be used in interstate commerce, and that the standard should be fixed by the American Railway Association and declared by the Interstate Commerce Commission.

In United States *v.* Grimaud (220 U. S., 506) the act establishing forest reserves (26 Stat., 1103), as amended by Thirtieth Statute, page 35, and Thirty-third Statute, page 628, authorized the Secretary of Agriculture to—

make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations * * * and to make such rules and regulations and establish such services as will insure the objects of such reservation, namely, to regulate their

occupancy and use and to preserve the forests thereon from destruction—

and imposed a punishment for the violation of such regulations. Under this authority the Secretary made a regulation forbidding the grazing of sheep on such reservations without his permission. The defendants were indicted for violating this regulation. Held, the delegation of power was constitutional and the regulation was proper. The court said (p. 516):

In authorizing the Secretary of Agriculture to meet these local conditions Congress was merely conferring administrative functions upon an agent and not delegating to him legislative power.

In United States *v.* Antikamnia Chemical Co. (231 U. S., 654) it was held that section 3 of the pure food and drugs act (34 Stat., 768), giving the Secretaries of the Treasury, of Agriculture, and of Commerce and Labor the power "to make uniform rules and regulations for carrying out the provisions of the act," authorized them to make a regulation requiring the labels on packages of drugs containing any derivative of the substances named in section 8 of the act to state the name of the parent substance as well as of the derivative. It was held that while the power given to the Secretaries was "undoubtedly one of regulation—an administrative power only—not a power to alter or add to the act," the regulation in question was "administrative of the law" and not "additive to it. * * * If it fulfills the purpose of the law it can not be said to be an addition to the law * * *" (pp. 666-667).

In Interstate Commerce Commission *v.* Union Pacific Railroad Co. (224 U. S., 194) the court held that section 20 of the commerce act gave the commission power to require reports both of the interstate and intrastate business of carriers subject to the act and held that section 20 thus construed was not an unlawful delegation of legislative power to the commission. It was said:

The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress. * * *

In section 20 Congress has authorized the commission to require annual reports. The act itself prescribes in detail what these reports shall contain. The commission is permitted, in its discretion, to require a uniform system of accounting and to prohibit other methods of accounting than those which the commission may prescribe. In other words, Congress has laid down general rules for the guidance of the commission, leaving to it merely the carrying out of details in the exercise of the power so conferred. This, we think, is not a delegation of legislative authority (pp. 214, 215).

From the above cases it seems conclusive that when Congress has once fixed the general test or principle to be applied it may confer on administrative officers a wide latitude of discretion in applying that test or principle. Judged by this rule, the provision in question is clearly constitutional. It obviously is not intended to confer an utterly arbitrary and unlimited discretion upon the commission. The implied test of the propriety of requiring a certain class of corporations to furnish reports is plainly the due enforcement of the antitrust acts and the performance of the commission's duties in assisting to enforce those acts. A primary test may be implied as well as expressed. (Butterfield *v.* Stranahan, supra.) The test here implied—the due enforcement of the antitrust acts—is sufficiently specific.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. COVINGTON. Certainly.

Mr. MOORE. Is the gentleman referring in his second classification to the line on page 8 of the bill which refers to "a class of corporations which the commission will designate"?

Mr. COVINGTON. I am.

Mr. MOORE. That is the second class which the gentleman is now explaining?

Mr. COVINGTON. Yes.

Mr. MOORE. May I ask if this bill does not apply wholly to corporations other than common-carrier corporations which are now subject to the supervision of the Interstate Commerce Commission?

Mr. COVINGTON. Unquestionably, except in a single section. If the gentleman will read the bill carefully, he will find a definition of the word "commerce" which we have created in order to simplify the bill. When that word is used throughout the act it necessarily limits the operations of the commission to interstate commerce, and the bill expressly excludes railways by excepting corporations subject to the act to regulate commerce, except in the section which provides for an investigation to be made to find the facts relating to violations of the antitrust law. We did not think we could circumscribe the right of such investigation by stating it should only take place with respect to corporations not subject to that act, because a railroad corporation, subject to the act to regulate commerce and controlled exclusively under that act, in so far as the regulation of its rates and its practices and all that sort of thing is concerned, may be engaged in a combination in violation of the Sherman law in connection with a group of hotel companies, for example. The investigation of the hotel companies for operating as a monopoly would force the interstate trade commission into an investigation of the railway itself. But aside from that section, I will say to the gentleman that in every part of this bill railways are carefully excluded. The committee felt that the Interstate Commerce Commission was so wisely, so well, and so satisfactorily, to the great body of American people, performing its duties as a regulatory body over the railroads of this country that we did not want to enter the domain of their power.

Mr. MOORE. In the course of the gentleman's forceful speech he has referred several times to big business and little business. That means business of a corporation, whether big or little?

Mr. COVINGTON. Unquestionably. And in that connection I want to say that I do not regard business as dangerous merely because it is big. The phrase was merely a term commonly used to apply to those great corporations in the interstate commerce of the country.

Mr. MOORE. It does not refer to a business man who is not incorporated, or to business men who are not incorporated?

Mr. COVINGTON. It does not. The business which ought properly to be affected by the operation of a trade commission is so nearly always operated by corporations that the committee did not think it wise to make the provisions of the bill apply to individuals.

Mr. MOORE. Just one more question. On page 5 the word "corporation" is defined to mean—

a body incorporated under law, and also joint-stock associations and all other associations having shares of capital or capital stock or organized to carry on business with a view to profit.

During a previous discussion in the House a question arose as to whether we should include in certain legislation a corporation publishing a socialistic newspaper, which had seven or eight thousand stockholders—in effect a paper published by a labor association. Would that be included amongst those corporations having—

shares of capital or capital stock or organized to carry on business with a view to profit?

Would that be included amongst those subject to inquiry by and report to an interstate trade commission?

Mr. COVINGTON. Mr. Chairman, I would not like to hazard an opinion upon whether a particular journal would or would not be included, because that might involve some sort of examination as to the precise method and manner of the business organization conducting the journal. I will say this, that I think I know what the gentleman is driving at. There was not any intention in the framing of that definition in this bill to create any exemptions for labor organizations or farmers' organizations, or any other sort of organizations that exist in the United States of America, because the proposed trade commission will not deal with any of them in such a way as to infringe their just rights.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. COVINGTON. Yes.

Mr. BORLAND. I might suggest to the gentleman from Pennsylvania [Mr. MOORE] that those corporations included in this act must not only be corporations within the definition of corporations, but they must be engaged in commerce within the definition of commerce, and that means such commerce as Congress has the power to regulate under the Constitution.

Mr. MOORE. But if the gentleman will look at page 5 he will find it refers to any association having shares of capital or capital stock, or organized to carry on business with a view to profit, which was certainly the case with regard to that socialistic newspaper, which has seven or eight thousand stockholders, which was especially exempted from certain operations of the postal laws.

Mr. BORLAND. Yes; and if the gentleman will turn to page 7, section 9, he will see reference there to "every corporation engaged in commerce," so that the definition he must refer to is not only the definition of "corporations," but also the definition of "commerce," because it must be a corporation within the definition, and also be engaged in commerce within the definition.

Mr. TOWNER. I want to call the gentleman's attention to the distinction of "commerce." As I understand it, he said it was written in the bill, so as to exclude railroad companies. The distinction is given in section 6, as follows:

Commerce means such commerce as Congress has power to regulate under the Constitution.

Mr. COVINGTON. I fear the gentleman misunderstood me. What I meant to say was this, that the definitions and express exemptions eliminate carriers from the operation of this act, except in a single section. That is the meaning I intended to convey.

Mr. TOWNER. The definition of commerce as here given——

Mr. COVINGTON. The definition of "commerce" is broad enough to cover any commerce over which the Federal courts have control.

Mr. TOWNER. I have not examined the bill carefully enough to know whether its exclusion would be carried out in other places of the bill or not.

Mr. COVINGTON. I think the gentleman, whose legal ability I always gladly recognize, will find on a careful examination of this bill that we have excluded railways from every provision of it except the single one to which I have referred.

Now, Mr. Chairman, to return from the diversion, I want to say a final word regarding the classification of the corporations under section 9. The Congress has itself fixed two broad classes, those with more than $5,000,000 capital, which are arbitrarily required to file reports, and those with less than $5,000,000, which, under rules and regulations of the commission, may or may not report. In the language of the Supreme Court in the Antikamnia case, the regulation classifying certain corporations from which reports must be filed is "administrative of the law" and not "additive to it."

I come now to another important power of the commission. The commission will also be required under section 10 of the bill, by the direction of the President, the Attorney General, or either House of Congress, to investigate and report the facts relative to any alleged violation of the antitrust acts, and it may include in its report recommendations for readjustment of business so that the corporations investigated may operate lawfully.

It has long been the opinion of lawyers who have represented the Government that there should be some compulsory process whereby the Department of Justice, before bringing suit under the antitrust act, can obtain all the information necessary to determine whether the act has been violated and for the proper statement of the case if there has been a violation. As the law now stands in civil proceedings under the antitrust laws the department has no means of compelling the disclosure of facts in advance of bringing suit. This deficiency is fully met by the provision of section 10 of the pending bill.

Especially valuable will be the provision that agents of the commission shall have the right to examine the files of any corporation under investigation. This is a much more effective means of obtaining information than by a subpœna duces tecum, since before making use of the latter the prosecutor must know what records and documents to specify, whereas there may be in the possession of the corporation many records and documents material to the inquiry of which he has no knowledge and which could only be discovered by such an examination as this section authorizes.

Attorney General Harmon, in reply to a House resolution of January 7, 1896, requesting a report regarding the enforcement of the laws against trusts and conspiracies in restraint of trade, and what further legislation, if any, was needed, in part said:

> If the Department of Justice is expected to conduct investigations of alleged violations of the present law or of the law as it may be amended, it must be provided with a liberal appropriation and a force properly selected and organized. * * * But I respectfully submit that the general policy which has hitherto been pursued of confining this department very closely to court work is a wise one, and that the duty of detecting offenses and furnishing evidence thereof should be committed to some other department or bureau.

Moreover, the Department of Justice has often found that an agreement for readjustment by an offending corporation accomplishes a better result than the continuance of a prosecution. Heretofore there has been no administrative body to obtain the information that will assist in attaining such an end, and in connection with this power now conferred the commission has a most desirable independence preserved by giving it the entire control of its report to be made after such investigation. There can thus be no laxity at the Department of Justice when it is presented with the facts disclosing violations of law.

Mr. MADDEN. The creation of this commission would not create ability in men, would it?

Mr. COVINGTON. Certainly not.

Mr. MADDEN. They would not be able to get any better experts under the commission plan than under the other?

Mr. COVINGTON. The gentleman from Illinois is recognized as a pretty good business man, and he knows that when you begin to organize a bureau as an independent administrative body, authorize it to do work along certain lines, and employ steadily special classes of legal experts and certain classes of experts in the various lines of industrial business to make investigations, that just as the Interstate Commerce Commission has created its trained experts to get the facts regarding railway operations in the country, you would develop a set of experts by the constant special work who will be much more successful than the chance investigators that the Department of Justice or the Bureau of Corporations is able to find.

Mr. MADDEN. I am willing to admit you can train men to become specialists.

Mr. COVINGTON. That is all I intended to mean by the assertion I made.

Broad as are the powers of the Bureau of Corporations, the Commissioner of Corporations, in his report of 1904 (p. 14) defines the limit of those powers. He says:

> He can not make investigations or procure or furnish information by means of his compulsory powers for the purpose of enforcing penal provisions other than those contained in the organic act of the bureau.

It is therefore certain that the power to investigate and report the facts concerning alleged violations of the antitrust acts, *including the power to make recommendations for readjustment of business in accordance with law*, is not now vested in the Bureau of Corporations.

And, Mr. Speaker, herein is to be found the full measure of "definite guidance and counsel," and the spirit "to meet business halfway in its process of self-correction" which the President referred to in his special message to Congress. Not to advise in advance, in a fashion at variance with our entire jurisprudence, but to meet in a spirit of compromise and conciliation those who really have unwittingly offended and who desire to obey the law.

That this investigational power is a constitutional delegation of power seems certain. By section 3 of Article II of the Constitution it is specifically required of the President that "he shall take care that the laws be faithfully executed." The Attorney General is merely an arm of the Executive, and it was no doubt in consonance with this constitutional provision that Attorney General Harmon wrote the report to Congress above referred to. It is thus certain that the investigations by the commission under this section, by direction of either the President or the Attorney General, will be in the exercise of valid power delegated to the commission.

In so far as the investigations under this section as the result of resolutions of Congress, or either House thereof, are concerned, the commission is authorized to perform a legal and certainly a most beneficent function. Congress, having the constitutional authority to legislate in regard to interstate and foreign commerce, has the power to obtain all the information necessary to make such legislation appropriate and adequate. Its future regulation of industrial corporations engaged in interstate and foreign commerce may be as much determined by information concerning the present practices of corporations in violation of law as otherwise. In its judgment the existing substantive law or procedure of the courts may be ineffective and new remedial legislation may be the solution. In repeated cases the Supreme Court has held that "Congress may not delegate its purely legislative power to a commission," but it has not been held that Congress may not by a commission elicit information in order to lay the foundation for intelligent and effective action in the matter of regulating interstate and foreign commerce.

Unthinking criticism has been directed against such power to be conferred on the commission. However, more than 25 years ago Judge Cooley, the distinguished chairman of the Interstate Commerce Commission, said of such power then believed to exist in that commission:

> This is a very important provision, and the commission will no doubt have frequent occasion to take action under it. It will not hesitate to do so in any case in which a mischief of public importance is thought to exist and which is not likely to be brought to its attention on complaint by a private prosecutor.

The committee also limited the authority of the commission under this section to investigating and reporting the *facts* and did not authorize it to make findings as to whether the antitrust laws had been violated. A grave constitutional question might arise from any attempt to confer this larger authority upon the commission, but putting the constitutional question aside, the practical results may be most unfortunate. If the commission, acting under such a provision, ascertained the facts in respect of an alleged violation of the antitrust act and reported them to the Attorney General, together with its conclusion that the facts disclosed a violation of the act, and the Attorney General was nevertheless of opinion that the facts found by the commission did not constitute a violation of the act, he must nevertheless prosecute. For if, in his discretion,

he refused to prosecute, that course would soon bring a collision between the commission and the Department of Justice.

In addition to the broad powers of subpœna conferred on the commission and available for investigations under the section, it is also expressly provided that—

For the purpose of prosecuting any investigation or proceeding authorized by this section, the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against.

Those who oppose this bill as containing unusual inquisitorial power point to this paragraph as constituting a clear invasion of the constitutional guaranty against unreasonable searches and seizures contained in the fourth amendment to the Constitution.

In section 20 of the amended act to regulate commerce is contained an almost identical provision. It has been much availed of by the Interstate Commerce Commission, and has only been brought into question in a case or two where the commission sought access to documents which the carrier believed was not included in the language of the act. That it is entirely unconstitutional has never been contended.

The search-and-seizure clause of the fourth amendment undoubtedly applies to corporations. (Hale *v.* Henkel, 201 U. S., 43, 76.) It seems, however, that its application to corporations is much narrower than its application to individuals; for corporations, unlike individuals, are not protected by the self-incrimination provision of the fifth amendment. (Hale *v.* Henkel, supra.) And one purpose of the fourth amendment is substantially the same as that of the self-incrimination provision of the fifth—to prevent the forcible production of an individual's private books and papers to be used in evidence against him. (Boyd *v.* United States, 116 U. S., 616, 633.) It seems to follow that a search or seizure directed against a corporation can not be "unreasonable" simply because it compels the production of testimony against that corporation, and it has been so intimated by the Supreme Court. (Interstate Commerce Commission *v.* Baird, 194 U. S., 25, 45–46; Hale *v.* Henkel, supra, 73–75.) The unreasonableness of a search or seizure directed against a corporation must therefore rest on another basis than that of self-incrimination. That basis is indicated in Hale *v.* Henkel, supra, as follows:

We are also of opinion that an order for the production of books and papers may constitute an unreasonable search and seizure within the fourth amendment. While a search ordinarily implies a quest by an officer of the law, and a seizure contemplates a forcible dispossession of the owner, still, as was held in the Boyd case, the substance of the offense is the compulsory production of private papers, whether under a search warrant or a subpœna duces tecum, against which the person, be he individual or corporation, is entitled to protection. Applying the test of reasonableness to the present case, we think the subpœna duces tecum is far too sweeping in its terms to be regarded as reasonable. It does not require the production of a single contract, or of contracts with a particular corporation, or a limited number of documents, but all understandings, contracts, or correspondence between the MacAndrews & Forbes Co., and no less than six different companies, as well as all reports made and accounts rendered by such companies from the date of the organization of the MacAndrews & Forbes Co., as well as all letters received by that company since its organization from more than a dozen different companies, situated in seven different States in the Union.

If the writ had required the production of all the books, papers, and documents found in the office of the MacAndrews & Forbes Co., it would scarcely be more universal in its operation, or more completely put a stop to the business of that company. Indeed, it is difficult to say how its business could be carried on after it had been denuded of this mass of material, which is not shown to be necessary in the prosecution of this case, and is clearly in violation of the general principle of law with regard to the particularity required in the description of documents necessary to a search warrant or subpœna. * * * A general subpœna of this description is equally indefensible as a search warrant would be if couched in similar terms (pp. 76–77).

This language applies in terms only to search warrants and subpœnas duces tecum. The principle there laid down would scarcely be extended to an examination of books and papers by an administrative officer under statutory authority. Indeed, it seems to have been expressly left open by the opinion in Hale *v.* Henkel, which concludes:

Of course, in view of the power of Congress over interstate commerce to which we have adverted, we do not wish to be understood as holding that an examination of the books of a corporation, if duly authorized by act of Congress, would constitute an unreasonable search and seizure within the fourth amendment (p. 77).

This language can not mean that Congress may authorize a violation of the fourth amendment, and its only other meaning is that the court was prepared to draw a distinction between such an administrative power of visitation as is conferred by the section of the present bill and the judicial process of search warrant or subpœna duces tecum involved in Hale *v.* Henkel.

The test to be applied where corporations are concerned is that of reasonableness in fact, as Hale *v.* Henkel, supra, plainly indicates. The court has frequently recognized the wide visitorial powers which Congress may exercise over corporations engaged in interstate commerce, and the necessity for a considerable latitude in the exercise of this power. (I. C. C. *v.* Baird, supra; I. C. C. *v.* Brimson, 154 U. S., 447; I. C. C. *v.* Goodrich Transit Co, supra, 215; Kansas City Southern Railway Co *v.* United States, 231 U. S., 423.) And observing the broad application of the rule in the "Beef Trust cases," United States *v.* Armour & Co. (142 Fed. Rep., 808), there would seem to be no doubt that there is ample authority for the full exercise in a constitutional manner of the inquisitorial and visitorial powers conferred upon the commission.

In section 12 there is conferred upon the commission a broad and useful power as adjunct to the courts in suits arising under the antitrust laws. This is another essential power not vested in the Bureau of Corporations. There has been no proper bureau equipped with a trained force to assist the Department of Justice and the courts in solving the difficult economic problems connected with the dissolution of corporations which have been adjudged to be operating in violation of the antitrust laws, and one of the most effective powers conferred upon the interstate trade commission is that contained in the section authorizing the courts to refer to it the matters of the pending suit at the conclusion of the testimony therein to ascertain and report an appropriate form of decree. The purpose of such investigation is to give the court the most complete economic information to assist it. This power, of course, does not authorize the commission to gather evidence to be offered in any case considered by the court as the basis of its judgment, and it amply safeguards the constitutional rights of defendants by reserving to them the same right to file exception to the report that now exists in relation to masters' reports in equity causes in the Federal courts. The commission, as an independent body of specialists, will, however, have placed upon it the proper burden of framing the plans for the effective segregation and readjustment of unlawful combination, subject, of course, to the approval of the court.

Mr. FOWLER. Will the gentleman yield?

Mr. COVINGTON. I will.

Mr. FOWLER. The provision in section 12 is a departure, is it not, from the ordinary rule of courts?

Mr. COVINGTON. Oh, absolutely. It creates a certain innovation in the judicial procedure of this country; but it is an innovation that has the approval of about as heterogeneous a group of well-informed gentlemen as in this country could possibly be found. I find a statement of approval in The Outlook, which is supposed to be the embodiment of Mr. Roosevelt's Progressive Party views. I find also Mr. Samuel Untermyer, who is supposed to be somewhat of an authority on this sort of legislation, in a recent magazine article advocating it. And several of the most conservative of business men, such as Seth Low, think it a proper function of the commission.

Mr. FOWLER. I did not rise for the purpose of offering a criticism, but I want to ask the gentleman if he had any fears that it might delay a final judgment in case the court——

Mr. COVINGTON. On the contrary—and I will try to tell the gentleman from Illinois the history of the dissolution of the American Tobacco Co. When the Supreme Court decided that the Tobacco Trust was a combination in restraint of trade, no effective decree of dissolution was formulated, but the case was remanded to Judge Lacombe of the Southern District Court of New York, with instructions to formulate a decree of dissolution in consonance with the opinion. When the case got back to Judge Lacombe he found this proposition confronting him: Here was a great combination, with its trade ramifications everywhere, with 35 or 40 constituent companies doing all branches of tobacco business. He was a lawyer and not an economist. His training had been along the lines of legal study and not of industrial operations and statistics. Here, however, he was confronted with the proposition to formulate a decree that would at once create an effective dissolution of the trust and also safeguard the honest interests of the thousands of stockholders of the many constituent companies who were about to be launched into independent business. What actually happened was that the Attorney General and the representatives of the tobacco company, week after week and month after month, labored over a decree by consent. They called on the Bureau of Corporations for such information as it had regarding the American Tobacco Co., and they finally evolved by agreement a sort of decree that they thought would fit the case and submitted it to Judge Lacombe for his final approval. The net result was that, by reason of the lack of an efficient body charged with the handling of the numerous facts relating to all those tobacco concerns and assisting the court, a delay was caused and an imperfect decree resulted. If Judge Lacombe had been able to refer to a commission of the sort now proposed the whole record in the case and obtain a report concerning the form of a

proper constructive decree of dissolution, the public would have been more speedily and more effectively served.

I yield to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Does not the gentleman think that when a case is being tried the court should say, in the first instance, that it needed help, and make a demand or a request upon the commission for such information as it might have at its command concerning the truth or concerning the business that was affected by the suit, rather than wait until after the evidence is all in and then submit the case to the Interstate Commerce Commission for an opinion as to what character of a judgment should be rendered?

Mr. COVINGTON. I think that would be an invasion of the constitutional right of the defendant.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Iowa?

Mr. COVINGTON. Yes.

Mr. TOWNER. I wanted to say to the gentleman that, as I understood it, in cases of this character this report of the commission upon the request of the court was to be treated as the report of a master in chancery. If that is the case, I commend the gentleman and the committee, because it seems to me that that is not only a very ingenious and very expeditious method of treatment, but it is entirely within the powers of every court in every instance where a court desires to have before it in a case of equity a report from a master in chancery. It has a very large discretionary power. It is not bound to accept the report of the master in chancery, neither would the court here be bound to accept the report of the commission. But it might act upon it and use it, and it seems to me that that is not only perfectly legal, but a very expeditious and well-informed method of getting the information before the court.

Mr. COVINGTON. The last three or four lines, specifically providing for the reference, were actually taken, in substance, from the recent rules of the Supreme Court providing for references to masters in chancery.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Illinois?

Mr. COVINGTON. Yes.

Mr. MADDEN. I would like to inquire as to the procedure where a case was brought in equity and the court, in view of the testimony, if it deemed it proper to refer it to the commission, did so refer it, whether the commission has any power to take such testimony except that testimony already taken by the court?

Mr. COVINGTON. Absolutely none. There was no question in the committee but that such a course would constitute a bald invasion of the constitutional rights of the defendant. He would not have his day in court. It does just what Judge Towner has so accurately expressed—it has provided this machinery in a rather happy way and imposed on the commission practically the function of a master in chancery.

Mr. MADDEN. I was afraid that the words "refer said suits to the commission to ascertain and report" gave the commission power to take evidence.

Mr. COVINGTON. No. That language is universally accepted by the courts to mean simply referring the actual record papers in the case.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Virginia?

Mr. COVINGTON. I do.

Mr. MONTAGUE. I am interested in the gentleman's statement. In order that the matter may not be misunderstood, although my colleague has expressed it clearly, the committee should observe this language:

If it—

That is, the court—

shall be then of opinion that the complainant is entitled to relief.

In other words, the court has reached an opinion, and the reference is not upon subsequent evidence, but upon the existing record at that time, in order that the decree may be effective in carrying out that opinion.

Mr. COVINGTON. That is precisely the condition that will exist. The judgment of the court will already have been arrived at. The reference will be after the decree is determined to be entered against the defendant.

Mr. MADDEN. I am not a lawyer, but a business man, and am one who might possibly be affected by an investigation of the commission at some time. I was afraid that they might have the power to take evidence that had not already been given in the court.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Illinois?

Mr. COVINGTON. I yield for a question.

Mr. FOWLER. The point brought out by the gentleman from Virginia [Mr. MONTAGUE] is the very point that impressed me as the reason for delay. After the court has made up its mind that relief ought to be granted, then if it is referred to another body it occasions an opportunity for delay, and that is the question that was worrying me in the matter.

Mr. COVINGTON. I appreciate the good intentions of the gentleman from Illinois, and I know what is running through his mind, but the committee was abundantly satisfied that delay would not be the actual result in practice.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Georgia?

Mr. COVINGTON. I yield to the gentleman from Georgia.

Mr. ADAMSON. It is customary, after the court has arrived at a general conclusion in the case, that the attorneys of the case should participate in drawing the decree, and they do usually participate in drawing it, do they not?

Mr. COVINGTON. They do, as a matter of fact.

Mr. ADAMSON. Now, when attorneys have some difficulty in agreeing upon the form of the decree and the court and attorneys have some embarrassment about it, they will find in this commission a body of very able men, conversant with the subject and fully acquainted with all the details of the business which is before the court, and is it not exceedingly appropriate that for that reason the form of that decree should be referred to such a board as that, in order to aid the court and the lawyers in its preparation?

The Senate Committee on Interstate Commerce in its report to the Senate on February 26, 1913, on this subject, said:

One of the most serious problems in connection with suits brought under the antitrust act is to find the proper method of disintegrating combinations that have been adjudged unlawful. The dissolution of a corporation or a series of associated corporations must often involve the consideration of plans for reorganization in order that the property which has been unlawfully employed may thereafter be lawfully used in commerce. The courts are not fitted for the work of reconstruction, and whatever jurisdiction they now have or that may hereafter be conferred upon them with respect to such matters, it can not be gainsaid that a commission the members of which are in close touch with business affairs, and who are intimately acquainted with the commercial situation, might be extremely helpful in the required adjustment.

And in referring to this section in the pending bill one of the most experienced trust prosecutors of the Government has recently said:

This is a most useful provision. Many of the suits instituted under the antitrust laws cover the entire range of an industry, and where combinations complained of are adjudged unlawful the working out of the appropriate relief often involves intricate problems of trade, finance, and economics. It would be a great relief to the Department of Justice and to the courts if it were possible to refer such problems to such a body as the proposed interstate trade commission.

Mr. Chairman, let me now take up another important function. The commission is required upon its own initiative by section 13 to see that the execution of any decree against any corporation to prevent or restrain a violation of the antitrust acts is effective. It has been repeatedly said by authorities upon this subject that there must be some independent and impartial body charged with the duty to see to the continued performance, subject to the direction of the court, of such decrees. The commission is to make investigations whenever necessary for the purpose of enforcing that effective disintegration of a combination in restraint of trade contemplated by the decree of court, and it must transmit to the Attorney General a report showing the manner in which the decree is being carried out so that application may be made at once to the court for any supplemental order necessary to the proper and continued enforcement of its decree.

Mr. MADDEN. Now, if the gentleman finds a corporation which had been dissolved violating the decree, would it be the duty of the commission to report that case to the Attorney General?

Mr. COVINGTON. The bill so states, and the Attorney General would then, in the usual procedure appear in court and ask an order to have the appropriate corrective process, by a proceeding for contempt or otherwise, adjudged against those who had been guilty of the violation.

That this is regarded by informed persons as a most vital function, I quote from an article by Mr. Samuel Untermyer, the widely known New York lawyer, in a recent number of the North American Review:

It should be the province of the trade commission, and of the Interstate Commerce Commission in the case of railroads, to perform for the courts the burden of framing plans of segregation and readjustment of unlawful combinations, subject to the approval of the court, and to

retain jurisdiction, under the direction of the court, so as to see the proper enforcement of the decree. Until we have such a body charged with that duty there will be no such thing as an effective dissolution of unlawful combinations.

And The Outlook of February 14, 1914, while urging other functions for a trade commission consistent with the Progressive Party theory of licensing monopoly, at the same time declares, as one of the most important functions of such an independent body, that—

Whenever by a decree of court a combination is declared to be monopolistic and is ordered to be dissolved, the Federal trade commission should be given the authority and duty of administering the decree of dissolution, with full power to decide what it is necessary for the combination to do in order that the purpose of the decree be carried out.

And the same able attorney for the Government in trust cases above quoted, in referring to this proposed power says:

The usefulness of this provision is patent. Complaints are frequently made of alleged violations of decrees entered in suits under the anti-trust act, and their investigation would be greatly facilitated if made one of the principal duties of a permanent body clothed with power to require witnesses to testify and to compel the production of books and papers. As the law now stands such complaints must be investigated by agents of the department without the aid of compulsory process.

Mr. SCOTT. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. COVINGTON. I yield to the gentleman.

Mr. SCOTT. Aside from this power conferred by section 13, following the final decree, is it claimed for this bill that the commission to be created possesses any other inherent powers than those now possessed by the Bureau of Corporations?

Mr. COVINGTON. I have stated three very distinct, broad powers not now possessed by the Bureau of Corporations.

Mr. SCOTT. Perhaps the gentleman does not understand. I would not classify as inherent powers the powers stated by the gentleman. For instance, the powers initiated by the President or the Attorney General, or to be exercised only upon direction of those officials, can hardly be said to be inherent. True, the commission performs certain functions after the action has been initiated by these other officers, but has the commission any other power than the present power in and of itself, acting upon its own initiative, outside of section 13?

Mr. COVINGTON. Oh, yes. If the gentleman was present during the earlier part of my remarks he must recall that I pointed out, at least to the best of my ability, that the power to gather the annual reports and the special reports which are to comprise the great body of information, producing that publicity which a great many men in America believe will be a great and salient safeguard for honest business in the future, is not a power now possessed by the Bureau of Corporations. It can not classify corporations nor segregate the smaller concerns into those classes which ought not to be burdened by the requirement for reports, while at the same time requiring reports from those which, notwithstanding their smallness, are so operating as to need that great check which would come from publicity of their acts.

Mr. TALCOTT of New York. If the gentleman will yield, I will simply remind the gentleman from Iowa [Mr. SCOTT] that the gentleman from Maryland [Mr. COVINGTON] has already said that the power exercised under section 13 was exercised on the initiative of the commission.

Mr. SCOTT. I mentioned that. I will say to the gentleman that I was present during all of his remarks, and I thought I followed him quite closely; but it occurred to me that an examination of the section to which the gentleman referred showed that that was not a power of the commission at all, but a provision of the statute imposing those duties upon the corporation; and the corporation does not act in response to a requirement of the commission, or under any power exercised by the commission, but under the direct requirement of this statute. And in that respect the power of the commission is not enlarged.

Mr. COVINGTON. If the gentleman dwells upon that technical construction which differentiates between the powers inherent in the commission and the imperative duties to be performed by corporations at the instance of the commission, that is true. But I take it that in legislating in a broad way the true test by which such a bill as this must be judged is whether there are or are not in it valuable provisions guaranteeing to the American people, either through the inherent power of the commission itself or through the legislative provisions of the bill, which fasten on the corporations specific duties, effective powers which make for the welfare of the people and safeguard their interest as against the unlawful aggressions of the big corporations of this country. I know the gentleman would not want to split hairs on whether or not these are inherent powers when he comes to reflect.

Mr. SCOTT. I hope the gentleman will not think that I am criticizing the bill, but it occurred to me that it was quite material to be considered whether or not these obligations that are imposed on the corporation by the law were to be enforced by a commission or whether it stands as a mere statute to be enforced through the courts in the ordinary way.

Mr. COVINGTON. There is a penalty to be enforced through the courts. I see the gentleman's point of view.

Mr. ADAMSON. Will the gentleman yield?

Mr. COVINGTON. Certainly.

Mr. ADAMSON. Will the gentleman tell me how it is possible for this proposed commission to have any inherent power? Is it not entirely dependent upon the provision of law creating it for all authority?

Mr. COVINGTON. I assumed that the gentleman from Iowa meant inherent in the sense of any power that we conferred upon the commission.

Mr. SCOTT. Certainly.

Mr. ADAMSON. Does not the gentleman from Maryland think, and did not he write the provision with that view, that it will be the duty of the commission, if the bill goes through in the present form, to keep itself thoroughly posted under the law at all times as to the condition and all the details of all the business institutions in and above the class that is made the minimum in the bill?

Mr. COVINGTON. Yes.

Mr. LEVY. Will the gentleman yield?

Mr. COVINGTON. I will.

Mr. LEVY. Is there any way under this bill by which you can avoid the interference of all these investigators at once? For instance, the Attorney General and the Interstate Commerce Commission, the Interstate Trade Commission, and the Department of Labor might all at one and the same time investigate the same corporation. Is not there some way by which you can provide that an investigation shall be made only by this commission? For instance, we have in New York 13 or 14 inspectors of buildings, and very often they all come to inspect the property at one and the same time. Now, I am not criticizing the gentleman's bill, but I want to know if there is not a way by which the Interstate Trade Commission can take the responsibility of all these other investigators and make the investigation, instead of having three or four made at once?

Mr. COVINGTON. When the bill goes into effect and the commission is appointed, it will be the only body that will have power under the Federal Government to make any investigations into the interstate-commerce business of corporations.

Mr. MADDEN. Is it intended to have some uniform method of summarizing the reports?

Mr. COVINGTON. Mr. Chairman, I will state that the commission in one section is given ample power to formulate uniform rules and regulations for the entire operation of its work and for everything pertaining to its investigations and reports.

Mr. MADDEN. Not to endeavor to invade the methods of conducting business, bookkeeping, and that sort of thing?

Mr. COVINGTON. After careful consideration, the committee was a unit in the opinion that at this time the widely different methods of industrial business, their varied schemes of accounting, each sufficient, perhaps, to itself, would not permit this commission successfully to create a uniform system of accounting.

Mr. MADDEN. I am very glad the committee did not do that, because every line of business has its own particular line of accounting, and it would not fit into any other line of business in any way.

Mr. COVINGTON. That is precisely the opinion that this committee arrived at after quite an exhaustive discussion.

Mr. Chairman, on April 17, 1914, that very able independent newspaper, the Springfield Republican, said of this whole bill and its purpose for the benefit of the business people of the United States:

The majority of the House Interstate Commerce Committee wisely reports concerning the scope of the commission's powers, that only experience can be depended upon to develop them in accordance with the demonstrated needs of the country. The history of the Interstate Commerce Commission in relation to railroads shows a gradual evolution of function which could not wisely have been hastened by arbitrary legislative fiat. The development of the interstate trade commission may well be left to future requirements and the unmistakable demands of the people.

Mr. Chairman, as I stated in the report presented to the House on this bill, the commission has in no sense been empowered to make terms with monopoly or in any way to assume control of business. Such matters are of a most delicate, complex, and doubtful nature, and their advocates seemed all too desirous that the Government should make itself initially responsible for corporate activities conceived perhaps with such subtlety that the dangers to the public might develop only after sad experience. There has been no attempt to deal with the question of maintenance of fixed prices. The commission has been given no power to pass orders in any way regulating produc-

tion. It has not been clothed with authority to make a declaration as to the innocuousness of any particular corporation or agreement, even if coupled with the right to revoke such order in the future.

All those problems are interwoven with the industrial business of the country in such a way as to be effectively legislated upon, if at all, only after the most exhaustive investigation by trained experts. The hearings before the Senate Committee on Interstate Commerce of a year and a half ago and the hearings before this committee during the pendency of the present bill did not produce any information which would warrant an attempt at an intelligent and sound legislation upon them.

It must be remembered that this commission enters a new field of governmental activity. The history of the Interstate Commerce Commission is conclusive evidence that the best legislation regarding many of the problems to come before the Interstate Trade Commission will be produced from time to time as the result of the reports of the commission after exhaustive inquiries and investigations. No one can foretell the extent to which the complex interstate business of a great country like the United States may require, alike for the benefit of the business man and for the protection of the public, new legislation in the form of Federal regulations, but such legislation should come by a sound process of evolution. Even the control of the railways in this country by the Interstate Commerce Commission affords no complete parallel to administrative control of the industrial corporations of the country by a Federal commission. It is largely the experience of the independent commission itself that will afford Congress the accurate information necessary to give to the country from time to time the additional legislation which may be needed.

There has already come an awakened public conscience to correct the shortcomings and evils of government that have grown up in America as a result of that smug complacency which seems to have gone hand in hand with our tremendous material progress and prosperity. The people have come to a better understanding of the genesis of our institutions, and they realize that our country's greatness must consist, not merely in the wealth of its inhabitants, not in the extent of its territory, but in the capacity of its citizens to maintain justice and liberty through the agency of self-government. The vast majority of the evils still existing in the industrial world will be in the future corrected by that pitiless publicity which will make the man of devious ways an object of reproach among his fellow men. Where publicity fails to be a sufficient corrective I think we have provided, in the proposed bill to create the Interstate Trade Commission, ample powers to promote beneficent legislation and to aid the existing administrative machinery of the Federal courts to an extent not now anywhere authorized.

If this commission shall be created, the clear vision, ripe experience, and abiding patriotism of the President can be depended upon to select for its membership men of the character and capacity to make it in its field as great a success as the Interstate Commerce Commission. And the country may with full assurance feel that it will perform services that will be of inestimable advantage to the business and the future of the country. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, I ask to be notified at the end of 20 minutes.

The Republicans upon the Committee on Interstate and Foreign Commerce realized that there was a severe responsibility upon them; that the general subject concretely presented in this measure had been discussed before the country for several years; that the establishment of a trade commission of some sort had been generally acceptable to the business world; that the leading publicists, economists, and men of affairs, whose judgments are of consequence in our country, had almost unanimously advocated such a plan; and especially it had been approved by the leaders of the Republican Party. President Taft in his messages in 1911 and 1912 especially recommended a plan for national control and incorporation of concerns doing an interstate business, and the Republican national platform of 1912 also in a plank especially recommended the creation of a commission with somewhat the powers that are contained in this bill. I insert the plank of the Republican platform, as follows:

FEDERAL TRADE COMMISSION.

In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein, there is much that may be committed to a Federal trade commission, thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the laws and avoid delays and technicalities incident to court procedure.

The Republican platform went a little beyond the provisions of this measure in evidently intending some administrative sections in the bill. The Republicans of the committee did not feel authorized at this time to strongly insist upon any such concrete provisions, much as some believed in their efficacy and necessity. We could all agree upon a commission which should have the most ample power to require reports, conduct investigations, secure publicity, assist the courts, give information, and study and recommend suitable legislation.

Attorney General Wickersham, as the gentleman from Maryland [Mr. COVINGTON] has stated, in his report for 1912 recommended some phases of this bill which have been most valuable, and the report of the Senate Committee on Interstate Commerce in 1911 outlined the substance of this measure, which met general acceptation. There is nothing novel or startling here, but it is the beginning of a most beneficent plan for the real relief of the business affairs of this country if it shall be established and administered in the spirit with which your committee has reported it to you.

As the Republican members of the committee stated in their minority report:

For many years all legislation in this committee has been considered upon its merits, without regard to partisan lines or influences. The subject matter of this bill was recommended to Congress by the President and has been properly made a matter of importance by the present administration. The Republican members of the committee realized the great interest in it by the business organizations and thoughtful citizens interested in the public welfare, as well as its consequence and opportunity for good to the people of the country. Thus its consideration has proceeded with a sincere desire on our part to assist in the preparation of the legislation along the lines which would seem to meet both the public expectations and necessities, and yet not be oppressive so as to injure individual effort and initiative.

The majority members of the committee have freely conferred with the members of the minority and have received their cordial cooperation in the formulation of this measure. The legislation as reported is such in general as we approve, although individual differences necessarily exist as to the wisdom and scope of some of its provisions and details.

So that the minority members of the Committee on Interstate and Foreign Commerce were very glad to cooperate with our friends of the majority in the framing of this legislation, and especially those of us who were on the subcommittee, the gentleman from Wisconsin [Mr. ESCH] and the gentleman from California [Mr. J. R. KNOWLAND], are very glad to state to the House that our ideas and theories and our services were very courteously received, and that we did cooperate very sincerely in the framing of this measure, and are very glad to support it as a general proposition. There may be some details, as we stated in our report, which we may call to the attention of the House, but as a general proposition we are very glad to cooperate and support it. But there is another suggestion which should be had in mind—not only is this along the line of Republican suggestions and of true Republican doctrine, but we realize that our Democratic brethren have a right to borrow from our stock whatever they may think of value. We can not complain if we would at this administration taking possession of our property. Not so very long ago some of our Republican administrations had been accustomed to abstract some of the treasures of your Democratic platforms without any especial credit for it, and we turned them to our advantage without any thanks to you. So turn about is fair play. [Applause.]

SUPERVISES METHODS.

The particular reason why this measure should be considered at this time is this: This bill supervises the mechanism and the methods of trade, the movement of goods or commodities, from the man who produces to the man who consumes them. This mechanism and these methods and these commercial processes are the very essence of trade. This exchange is the essence of material civilization itself by which men get along one with the other and assist each other in human progress. The various appurtenances of such trade and exchange have been under supervision and regulation for years by the National and State Governments. Transportation has been regulated by the Interstate Commerce Commission, finance is now regulated by the Treasury reserve board, and for years past the Treasury Department, in a way, through its internal revenue has regulated many other business activities. Then we have our food and drug acts, those regulating the weights and measures, and many other activities, incidents, or appurtenances of commerce have been regulated or supervised by the National Government. But this measure reaches to commerce itself, to its machinery and methods and processes by which it exists and flourishes and confers its inestimable blessings, or, on the other hand, is misused for purposes of extortion and oppression.

Other nations have done this before us, and have had some similar supervisory authority and have established administrative bodies to correct admitted evils and oppressions in the domain of commerce. Some of the States also have done this, as has been very thoroughly shown by the Committee on the Ju-

diciary in their collection of statutes of States and foreign nations. So that it is now incumbent upon the National Government to do its share for the enlightenment and protection of our trade and people in interstate and foreign commerce, embracing a large majority of such activities in the daily life of our Nation.

PRESENT NECESSITY.

The necessity is now pressing. Our people now number nearly 100,000,000, and are the most active and aggressive in the world. They have become educated and broadened so that their desires and necessities have increased in a vastly greater ratio than their numbers. Our means of communication and transportation have developed so very rapidly that our domestic commerce is equal to the foreign commerce of the whole globe. The inventions used and practiced in the arts and sciences have multiplied infinitely with the last generation. Our matchless resources have been developed so tremendously that gigantic organizations have seemed necessary to profitably, or at least adequately, carry on the business affairs growing out of such stupendous growth, to supply the wants and necessities and possibilities of our people. Vast wealth has been accumulated, especially in the hands of a few, irresponsible except to their own consciences and sense of justice and patriotism, and these powers have become so concentrated and involved that disentanglement is extremely difficult.

From this situation the great mass of our people have a very just apprehension that this wealth, and power growing out of it, may be not only used to the detriment but also may be a potential source of injury and oppression.

Nobody is particularly blamable for this condition. It has been a necessary coincident with the tremendous growth of our country and its business affairs.

The National and State Governments have fostered these processes and yet have not sought to adequately curb the abuses. This measure should be an intelligent beginning.

It is time that we knew exactly what the facts are and have the machinery to keep in touch and step with any future development, so that there may be considered and formulated the proper public measures for protecting our people and the general business interests of the country, because we conceive that business itself needs such information and protection equally with the mass of the people.

Most citizens are patriotic, honest, fair, and broad-minded, and desirous of doing right. But we all realize that there must be a few irresponsible, greedy, unscrupulous, and capable men who will use all of these vast agencies for their own selfish ends. This necessarily compels their competitors to adopt somewhat similar means in order to maintain themselves. So that unless some higher power, like the Government, intervenes and protects and encourages the good citizens, oppression and disaster necessarily result.

This bill does exactly those two things. It furnishes a means of information for the people, the business interests, and the Government and its officials; and, secondly, it outlines as clearly as may be legislation for administrative guidance and assistance wherever it may be found necessary.

PROTECTS INSTITUTIONS.

Mr. Chairman, this bill may delve even deeper than merely such guidance and assistance.

The very foundation of our institutions may be protected by a measure of this kind. Republican institutions, free institutions, can only exist where the people are intelligent, self-controlled, satisfied that they are having a fair chance in life, devoted to our institutions, and fairly well contented with existing conditions and prospects for the future. Unless these conditions do exist, the people do not and can not believe in their institutions and the Government based on them. Unless they do, free institutions can not last. We know that there is a spirit of unrest abroad. We know that there is a prevalent dissatisfaction with existing conditions and prospects for the future at the hands of the responsible servants of the people. The people have the right to look to us to ascertain what evils there really are and what remedies may be necessary, and at the same time preserve the inestimable blessings of our system of government and the wonderful efficiency and progress of our business affairs. This measure, by furnishing a medium for acquiring the information which has been outlined so ably and comprehensively by the gentleman from Maryland [Mr. COVINGTON], by opening the avenues for guidance and assistance, by outlining opportunities for cooperation, by regulating the efficiency of our organizations and institutions so that the people can get the benefit of that efficiency, can maintain a prosperity for the masses of our people, can assure them that their Government continues for their benefit, can assure stability and harmony and in such way conduce to the general satisfaction with our institutions. This may be only a dream, but it is one of the possibilities of hope, latent in this apparently simple measure.

ECONOMIC STUDIES.

This commission, established by this bill, must undertake in the near future some lines of research of inestimable value to our people and their business methods. If most of us thought that this measure would remain as it now stands, as a finality, I have no doubt that none of us would approve it, because the Bureau of Corporations could be extended to accomplish the express requirements of this bill. We believe that it is to be the beginning of something which will work out for the lasting benefit of the American people, and that it must lead the way with intelligence, sincerity, and a patriotic and practical broad-mindedness in setting forth some solutions of our troublesome, intricate, and possibly dangerous social and economic problems. We realize that we have a most complex political and industrial organism, probably the most complex in the world, to carry on the most intricate and tremendous daily business of our people, and that this commission will touch the nerve center of this great complex national structure. We realize there are vast economic and social forces constantly changing conditions, as the material and human bases change. What can this commission do to enlighten and lead us as to them? To me it would seem that this commission must undertake at once two classes of investigations and studies: First, what must be done with the economic, social, and political situations in this country as regulated by the Sherman antitrust law; and, secondly, whether the best way to handle this complex corporate situation must or not be through direct national control by a national act of incorporation for concerns doing such a business. First, as to the Sherman antitrust law, I think we all realize the fundamental soundness of it and that it is probably the best drafted statute designed to accomplish the contemplated results which has ever been placed upon our statute books.

SHERMAN ANTITRUST LAW.

The general beneficent purposes of it must not be abandoned and should not be radically changed. But this commission can profitably consider whether something can be worked out for the benefit of the whole people which should increase the general national efficiency as well as more surely provide for improved protection and justice. But the basis of the statute must continue, as its fundamental principle for centuries have, as the foundation for the well-being and well-doing of our citizenship and their material industry. In its form the Sherman antitrust law can not be well improved.

It is comprehensive; it is clear; and, considering its scope, it is strong and certain when one understands its history and its construction and interpretation by the thorough analysis of our courts for nearly a quarter of a century. No one can question but that it has been of inestimable benefit to our people, and that it has saved us from great evils. Some of these conditions yet exist, and will always exist so long as does human nature, with its greed, ambitions, and infirmities. So that the strong, restraining force of such a law is clearly necessary to protect the welfare and opportunities of the mass of the people. Yet at the same time there have arisen social and economic questions in consequence of such a statute which now thrust themselves upon us and we must heed them. Testimony has come before your Committee on Interstate and Foreign Commerce and the Judiciary that there is an economic side to these regulatory measures which is pressing upon us. Any comprehensive, repressive statute like the Sherman antitrust law may not be entirely economic in all of the operations, and in many instances it may be construed to impede the necessary progress or diminish the necessary rights and privileges of our people and their daily business. So that one of the first things which this commission must investigate and report to us is what, if anything, should be done concerning a modification of the Sherman antitrust law. Let me illustrate some of the ramifications which have appeared in the discussions before our committee and, I think, before the Committee on the Judiciary, as I have examined their hearings.

MODIFICATIONS.

The leaders of labor claim that their natural, God-given right to cooperate for their mutual protection and benefit is practically taken away from them, as this act has been construed. They claim, and justly, that such cooperation is necessary for their protection and that of society, and so demand that they shall be exempt from the operations of the Sherman antitrust law. Every patriotic citizen desires the best possible opportunity for the wageworkers of this country to cooperate for their own welfare. They do not desire and no one desires for them that such organizations shall be used oppressively to the great mass of the people. So the proper modification should be care-

fully investigated, to encourage necessary protection and yet not allow oppression. The farmers and the agricultural organizations also insist that they shall be exempt for the reason that it is necessary for their welfare and the general welfare of this country that they should cooperate to get their products to market properly and to the best advantage of all. The retail organizations of this country appeared before us, and I think also before the Committee on the Judiciary, and asked that they be allowed to have a modification of the Sherman antitrust law so that they can make trade agreements and maintain themselves in competition with the chain stores and the department stores and the other organizations which are slowly crushing the independent retailers and smaller merchants of the country. The druggists and grocers and other organizations of that kind made very impressive arguments as to why they too should be allowed to have some trade agreements.

Certain classes of manufacturers producing specialities presented reasons why they should have a right to make trade agreements to maintain the quality of their goods and maintain equal prices to consumers everywhere and at all times, so that everybody should be assured of equal treatment in the use of their products. The exporters also appeared and showed the necessity of maintaining suitable and adequate organizations and utilize trade agreements as to our export trade, so that our people and our exporters could compete on equal terms with those of other nations in the markets of the world. Other nations strongly and efficiently assist their export trade in many ways. This Nation can not afford to lag behind, and our exporters insisted that something must be done to give them the right standing and proper governmental protection in competition with foreign concerns, which are encouraged by their Governments to make any sort of combinations and agreements necessary to secure the world's business. These conditions are entirely different in this struggle for foreign business than as to our domestic affairs.

We have had experience among the users of water power, who insist that they must also have some modification of the economic principle of the Sherman antitrust law, that our great water powers should be developed economically, so that capital can be persuaded to invest and utilize our natural resources for the benefit of our people. We were shown that unless this can be done it will be impossible to secure capital and economically utilize this most important and valuable natural resource.

The producers of coal and lumber made very impressive statements to your committees, showing that because of excessive competition and inability to make proper trade agreements large waste was necessary in both lines of industry; that in order to cheapen production under such stress of competition a considerable portion of coal and lumber could not be profitably taken from the mines or forest and marketed to advantage. If trade agreements could be had under proper supervision, this waste could be avoided and there would be large savings of our natural products, with the resultant benefits to our people by preserving a considerable portion of our natural resources. An estimate of some of the coal miners was in many localities that nearly one-half of the possible production was wasted in this way, which could be saved by proper trade agreements. This is of immense importance, as we all realize. We know that public carriers are forbidden to make trade agreements, and yet are practically obliged to maintain the same schedules of rates in traffic, which must be just and reasonable for all, between competing points, in order to avoid rate wars, which were not only the ruin of the carriers but also were of the greatest injury to the affected communities.

You will realize that these are very serious economic questions, which must be considered by this commission at once, but not too hastily, as they touch the very foundation of our business affairs. You can realize from this slight summary that this is only a beginning of a tremendously important work for this commission for the people of this country.

NATIONAL INCORPORATION.

Then there is another branch of the problem which must be studied: What is the effect of the diverse incorporation laws of our States in working out the business welfare of this country and the control of the evil practices? Shall there be allowed to continue the present system by which the States have the sole right to incorporate and prescribe the powers and limits of corporate activities, with the temptation, for the sake of getting some local business, to encourage the use of too ample and diversified corporate powers; or should there be a national incorporation law so that the Nation itself can control its interstate and foreign business as best suited to a nation's welfare? The powers and limits of incorporation may be the very basis for wrongdoing or of successful conduct of business. What would be the best policy for the control of these great business concerns having in view the interests and welfare of the whole people? My own judgment is clear that the national authority is necessary and that we should have an affirmative action or pressure upon them, rather than to rely and exercise only a negative control by means of rigid and often uneconomic prohibitions. This can be worked out intelligently and, I believe, acceptably by such a trade commission.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Illinois?

Mr. STEVENS of Minnesota. Certainly.

Mr. MADDEN. Would that require a constitutional amendment?

Mr. STEVENS of Minnesota. I think not.

Mr. MADDEN. Would the National Government have the right to take away the power of the States?

Mr. STEVENS of Minnesota. No; not take away the power of the States, but just give permissive authority to the business interests to incorporate where the National Government has such special jurisdiction as it has over interstate and foreign commerce. I think there can be no doubt about that.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Georgia?

Mr. STEVENS of Minnesota. With pleasure.

Mr. BARTLETT. Can the gentleman tell us what rights have not been taken away from the States?

Mr. STEVENS of Minnesota. I agree with the gentleman from Georgia in his suggestion, but I do not care to discuss that question at this time. The most of them that have been taken away have been recently taken away by the gentleman's own side of the House. [Laughter on the Republican side.]

Mr. BARTLETT. I realize that there are getting to be more State-rights Republicans than there remain State-rights Democrats. [Laughter.] Will the gentleman permit another question?

Mr. STEVENS of Minnesota. Certainly.

Mr. BARTLETT. The gentleman referred to the Sherman antitrust law and its power and efficiency. Is it not a fact that in the judicial history of that law there has never come before the courts a case of alleged violation of the antitrust law to be considered where the law has not been maintained and where the corporation has not been decided against? Is not that true, except in the Knight case?

Mr. STEVENS of Minnesota. Yes; except in the Knight case.

Mr. BARTLETT. And that went off on a question of jurisdiction and not upon a question of law.

Mr. STEVENS of Minnesota. Yes. If the pleadings had been properly framed it probably would have been decided differently. At least that is the general expression.

Mr. BARTLETT. So that this law that has been for 24 years on the statute books has, during its 20 years in the courts, been established as an effective weapon in the hands of the courts and in the hands of the people for upholding the principles embodied in that antitrust law?

Mr. STEVENS of Minnesota. There can be no question about that.

Mr. BARTLETT. So that does no the gentleman think—I think so myself—that we ought to be exceedingly careful, after that law has been thus administered and thus interpreted and thus construed, how we venture upon new and untried fields, where the courts must again enter upon a domain of investigation and decision?

Mr. STEVENS of Minnesota. I am very glad that the gentleman has called attention to that situation, because it is exactly what the committee had in mind and I was trying to state. I have called the attention of this committee to some of the phases of our commercial activity that do necessitate examination by the commission. But we are confronted with these economic and social considerations. We realize there may be too rigid prohibitions against cooperation, which may result in injustice to labor and producers and waste and inefficiency in other lines of production. No one desires that. We realize it will not do to allow the bars again to be thrown down and all sorts of combinations and agreements allowed to be made and flourish. Now, what can we do in the general interest and for the general welfare of the whole people, to allow such cooperation as shall preserve the good without encouraging the bad elements of society, and what sort of restriction must we have for the bad which will not at the same time repress and eliminate the good? That is exactly the problem which must be put before such a commission at the outset. It must find some method of separating the sheep from the goats. Negative pro-

hibitory legislation has not proved effective or satisfactory. Affirmative legislation may be worse unless framed with the utmost care, intelligence, fairness, and patriotism.

I believe this commission should blaze the way for such a consummation. That is my chief hope and desire in the formulation of this measure.

At the same time I realize fully the tremendous force of what the gentleman from Georgia [Mr. BARTLETT] has just stated. There should not be any modification of the exceedingly effective Sherman law, until after the right kind of a commission had investigated the whole situation with the utmost care and indicated what could be done and what bounds should be set to any modification, because I think we all agree that the welfare of our people requires that the general principles of the Sherman law must be maintained; and if any modification is made, we must determine what can be done, and an adequate administrative authority must be created to supervise and regulate those who might operate under them.

Mr. BARTLETT. And that is in the interest of the people and not in the interest of the corporations.

Mr. STEVENS of Minnesota. This must all be done with an eye single to the welfare of the people, and not in the interest of anyone who may desire these modifications. That has been the difficulty in all of this class of legislation. We have heard from those whose personal interests lie in making these modifications. We should have the experienced judgment of an expert body as to the effect on the people at large of any proposed change before we could adopt it. I believe such to be necessary, and I am glad of this suggestion of the gentleman from Georgia.

Mr. BARTLETT. And the course which the gentleman suggests is not a course that is in the interest of the corporations, but in the interest of the people themselves. Having found a good law, and it being enforced, we ought to be careful not to change it in such a way as to make it less effectual.

Mr. STEVENS of Minnesota. No change ought to be made unless it is clearly shown to be in the interest of the people and clearly regulated, so that we may be sure it is within the proper bounds and in the public interest. My own idea is that not only must an expert commission study and outline first the changes which could and should be made in the interest of the whole people, and not merely those who ask for it, but there must be some restrictions and limitations and administrative supervision in the interest of the people before we can safely make any changes. What these must be should be carefully worked out in advance and the consequences realized before we leap.

Congress and its committees have not the information or the time or the environment to properly do this. We should have at hand the best possible official advice, assistance, and cooperation and then know that the duties we prescribe will be properly performed. This is too serious a matter for us to go aflight without consideration. It is easy to promise the interested parties, and be a good fellow, and let down the bars to all who clamor to be exempt from the rigid requirements of the Sherman law; but it seems to me a patriotic duty upon us, as the representatives of the whole people, to insist upon intelligent and conscientious study, discussion, and protection to the great mass of the people before we make any serious changes.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. STEVENS of Minnesota. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Do I understand the gentleman that the question whether the Sherman law should be modified with respect to these matters of which he has spoken will be a part of the work of the commission?

Mr. STEVENS of Minnesota. Yes; in the line of investigation of the work of corporations and the processes of corporate activities and practices.

Mr. GREEN of Iowa. Do I understand the gentleman further that the bill now before us provides for that?

Mr. STEVENS of Minnesota. Practically; yes.

Mr. MONTAGUE. It provides for investigation and reports.

Mr. STEVENS of Minnesota. Yes.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEVENS] has consumed 20 minutes.

Mr. STEVENS of Minnesota. I will be obliged to the Chairman if he will call my attention when I have consumed five minutes more.

The Interstate Trade Commission will have plenary power to investigate under the acts now existing as to the Bureau of Corporations. It can obtain any sort of information it may find necessary under that section. But it can also obtain any sort of information under section 9 which annual or special reports can furnish, and it is granted the right to have expert assistance within or without the governmental service to pursue this line of research and study and recommendation. All branches of the Government can contribute to its tasks. The Interstate Commerce Commission can enlighten as to the effect and the problems of transportation; the Treasury and its agencies as to the financial situation and as to corporations. The Department of Commerce can assist as to statistics and whatever may be necessary as to the machinery of commerce. The Departments of Interior, Agriculture, Labor, Post Office, and Justice can all assist, and outside experts can be made available. Thus the machinery and means for a proper study of these most important subjects have been provided in this measure, and this commission directs them all to do it. It must be done, and now is the opportunity to have it properly done.

Mr. BARTLETT. Under section 17, which specifically gives this commission the power, and requires them also to report, it is provided that the report shall also include recommendations as to such additional legislation as the commission may deem advisable.

Mr. STEVENS of Minnesota. Yes. It is perfectly clear that the real object of this commission is to study these economic questions and the incidental questions which grow out of them, such as the relative efficiency between big business and little business, between cooperation, combination, and competition, if there can be any differentiation in the studies as to these methods. The Bureau of Corporations is already studying these subjects. They are being discussed all over the country, and have been discussed more or less before our committee. But this new commission will undoubtedly discuss and consider them at an early date and give whatever information it can to assist us and the people in working out their industrial salvation.

There has been set forth more or less in various discussions the different views as to competition and cooperation and combination in preserving industrial activities. The commission will be obliged to investigate and consider those phases of our industrial situation; not to lay down any hard and fast rules, because that is the one thing we do not desire to have done, but to present the various phases of the question to the public and to Congress, so that the industrial classes of this country and the business classes of this country can know what is the exact situation—what is proposed and best to do, how it would work and how to protect themselves—and if legislation shall be necessary, then enlighten Congress exactly as to what ought to be done and what would be the probable results of our action. Especially, as I have said before, would it be necessary to establish suitable administrative and supervisory machinery to insure the proper results for the people.

Mr. METZ. In connection with section 2, on page 3, among other detailed matters, you provide that the expenses of members of the commission and employees shall be paid.

Mr. STEVENS of Minnesota. Yes.

Mr. METZ. In a recent appropriation bill we limited the expenses for officials of the Government to $5 a day. Take, for instance, the Board of General Appraisers. They are limited to that amount. Now, how will this commission stand in regard to that?

Mr. STEVENS of Minnesota. I presume it would come under the general law.

Mr. METZ. These men have to go all over the country, from here to San Francisco, and it is out of the question that they should be expected to travel and pay hotel expenses on $4 or $5 a day. It is a good thing to have that in mind in connection with this commission.

Mr. STEVENS of Minnesota. I am glad that the gentleman from New York has called that to our minds. I presume such an act would apply, and it might be burdensome. There is one thing to be also considered, and that is that it is extremely difficult to frame this sort of legislation in a satisfactory way if, at present, it contains any substantial or affirmative provisions. With all due respect to two eminent gentlemen who have delivered messages on this subject, the present Chief Executive and the one who preceded him, it is comparatively easy to prepare and read delightful messages on broad economic subjects from that desk. We all enjoy them and profit exceedingly from them. But it is a mighty different proposition to sit at a committee table and frame a bill which shall adequately meet the situations outlined in those messages.

There have been various criticisms of Congress in the public press and on the floor, that we are only rubber stamping the will of the Executive. I wish to say about the formulation of this measure that it was really perfected by the Committee on Interstate and Foreign Commerce, with all of its defects and all of its virtues. The subcommittee worked for weeks, and we received less assistance from the executive departments in formulating this measure than as to any great measure I have

known to come from that committee during my service of 12 years on the committee. [Applause.]

At one time I thought the executive departments had been somewhat remiss in extending their assistance, and I criticized them for not doing what I thought they ought to do to further assist the committee and the subcommittee in the formulation of the various intricate provisions of the measure. I realize that they desired to assist us, but they did not desire to press too vigorously their views upon us, but as requested they rendered all the assistance they could.

OBJECTIONS.

Now, there are two classes of objections to this bill which have been outlined so very ably by the gentleman from Maryland—one class, who think that we have not done enough, and the other class, who think that we have done too much.

As to the first, those who think we have not done enough, we have only this to say: In the first place, we did not desire to exceed the jurisdiction which the House conferred upon the Committee on Interstate and Foreign Commerce. We realize that the substantial parts of this subject were within the jurisdiction of another committee, and we did not desire to trench upon the prerogatives of any other committee of the House. But especially we did not believe we had sufficient information as to what substantive changes should be placed in a law of this kind until after a most careful and exhaustive investigation by a trained body of experts, such as provided by the bill itself. Such substantive acts would give rise to most important and delicate constitutional, economic, and social questions. So whatever changes should be made in the substantive law should be such as to advance the interests of and protect the people and not lead to uncertainty, harassing regulations, and rigid requirements without beneficial results. We did not think we could do this extremely important and intricate subject the justice it deserved within the limits of our time and information before us. That is one reason, and that is the one reason, we did not go further.

Again we realized, as the gentleman from Maryland stated, that we did not want to cast any cloud, at the present time, over the business affairs of this country. We wanted that this measure should be regarded as an assistance to business affairs, that it should give accurate information and be of genuine help, and for that reason just at this time, Republicans as we are, anxious for our party's success, realizing that the party in power is charged for good and evil, yet we wish to do all within our power to sincerely help the business affairs of this country. [Applause.]

We did not think under the present circumstances it was safe or fair to go any further. We may be obliged to do so before this bill shall be finally enacted.

ADVERSE CRITICISM.

Now as to those who think we have done too much. Undoubtedly you gentlemen have received circulars from the Chamber of Commerce and the Board of Trade and Transportation of the city of New York, two of the greatest commercial organizations in the country, protesting against this sort of legislation. They are eminent and able gentlemen, some of whom have testified before our committee, but they do not seem to realize that the world does move.

Mr. METZ. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. METZ. I am a member of the Chamber of Commerce, and I want to say that that bill to which the circular relates was a former bill that was talked about and not the present bill at all. I believe there is no objection to this present measure on the part of anyone.

Mr. STEVENS of Minnesota. I am glad the gentleman has made that statement.

Mr. TALCOTT of New York. I think the gentleman who has been recently elected president of the Chamber of Commerce of New York appeared before the committee and strongly favored the bill.

Mr. STEVENS of Minnesota. Yes; I am glad the gentleman from New York called my attention to the fact. We are anxious to have the business institutions of this country know that we want to do something for their assistance. At the same time we want them to know that there is a responsibility upon them, that it is our business and our duty to locate, that it is our duty to find out, what is going on, and that the people of this country have the right to know about the business affairs of the country which bear upon the general welfare and necessities of our people, and whether or not, on the whole, they are being carried on for the interests of the whole country. That is our business as legislators to properly provide for, as we have done in this legislation. More and more business concerns are being impressed with a public use and thus come under public scrutiny. Business men must realize that fact and prepare for it. They may not like it, but such a theory is progressive and will be made effective in legislation and adjudication. Then business men and those interested in so-called private corporations must realize this fact and that it will be increasingly the basis of much legislation and public administration in the future. The Supreme Court of the United States and other courts have often laid down the rule that all corporations are created and are allowed to exist and do business primarily for the benefit of the public, and that the profit of the corporators must be secondary. A corporation receives a portion of the public sovereignty for its creation and immunity and privilege. Without such grant of sovereignty it could not exist or move or have any being. This is presumed to be first for the public welfare, as it is and must be; so that it is our duty, in a bill like this, to properly provide for such machinery as will insure the public having its just rights and privileges. This is not with any hostility to corporations, but with a sincere desire to have them properly fulfill the functions of their being, by which they live and flourish.

There is a fear that we have impaired individual initiative and individual rights. We have done the best we could not to infringe upon the provisions of the Constitution of the United States protecting individual rights to our citizens, and especially the provisions of this bill do not interfere with the personal initiative of the citizen.

We realize that the great progress of this country has come from the wonderful personal initiative of the American citizen, and we want that force continued, to increasingly grow, for the general welfare of the people, as well as for the welfare of the individual himself. We realize it has developed our industries, our resources, our people, and made our Nation the wonder of history. We wish to preserve this splendid power which has made the United States what it is. At the same time we want these men who have accomplished so much and are capable of so much to realize that there is a responsibility upon them as American citizens, that they receive a part of the blessings of our institutions, and that they must yield something and do something for the common welfare and not try to grab it all for themselves. It is with that view that we Republicans have approached the consideration of this measure. I believe it has been the right thing to do. We have done it as Representatives of the people of the United States, desirous of assisting in a genuinely constructive measure which should be the basis for the blessings of an industrial, economic, social, and political freedom, advancement, and prosperity for generations to come. [Applause.]

I reserve the balance of my time.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15613) to create an Interstate Trade Commission, and had come to no resolution thereon.

SPEAKER PRO TEMPORE FOR TO-NIGHT.

The SPEAKER. The Chair appoints the gentleman from Tennessee, Mr. MOON, to preside as Speaker pro tempore for to-night.

RECESS.

Mr. ADAMSON. Mr. Speaker, is it necessary to make a motion to recess under the rule?

Mr. GARRETT of Tennessee. Mr. Speaker, before the Speaker rules on that, I think I should say that the Committee on Rules deliberately fixed the rule so that the House should take the recess without a motion, and I think the rule is mandatory on the House, just as it is on the Committee of the Whole.

The SPEAKER. The Chair is inclined to believe that is so under the rule, and, in accordance with the resolution, the House will stand in recess until 8 o'clock to-night.

Accordingly (at 5 o'clock and 17 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session and was called to order by the Speaker pro tempore [Mr. MOON].

INTERSTATE TRADE COMMISSION.

The SPEAKER pro tempore. Under the rule adopted to-day the House will resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bills referred to in the rule, the particular bill under consideration being H. R. 15613, to create an interstate trade commission, to define its powers and duties, and for other purposes, and the gentleman from Tennessee [Mr. HULL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15613, with Mr. HULL in the chair.

Mr. ADAMSON. I would like the gentleman from Minnesota [Mr. STEVENS] to proceed if he is so disposed.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN of Oklahoma. Mr. Chairman, as some of you know, I am somewhat of an enthusiast in favor of the creation of a Federal trade commission. I have the honor of having introduced into this House the first bill to create a Federal commission with jurisdiction and power over our industrial corporations. That bill was introduced on the 25th of January, 1912. Even in the campaign of 1910 I said in many of my speeches that such a commission should be created. I spent a very considerable time in study and investigation in the preparation of that bill. The number of it is House bill 18711, and it was introduced in the Sixty-second Congress. The bill covers the entire subject, giving the commission very extensive power and jurisdiction.

On the 20th of February, 1912, I delivered in this House a carefully prepared speech giving an outline of the provisions of the bill and strongly urging the necessity of such a commission. So far as I have been able to ascertain, that was the first speech delivered in the House of Representatives advocating the creation of a Federal trade commission. This was before any political party had indorsed the proposition. Since that time the Republican and Progressive Parties have specifically indorsed the proposition in platform declarations, and President Wilson, a Democratic President, has by special message recommended the creation of such a commission. I naturally take some pride in the fact that a measure which I was the first to initiate in this House and which I was the first to openly advocate on the floor of this House has now received the approval of the three great political parties and will no doubt soon be crystallized into law. I expect to vote for this bill. My criticism of the bill is not for what it does contain, but for what it does not contain. In other words, the bill does not give the commission sufficient power to make it a regulative body that will accomplish the best results. In 1912, when the Republican convention met at Chicago, it declared in favor of creating a Federal trade commission. This bill does not go so far as the Republican platform would justify, but I am glad that the Republican Party was the first to declare in favor of a Federal trade commission. But I want to congratulate the Democratic Party on adopting this measure, on assuming the responsibility of its enactment into law; and whether we give this commission at this time extensive power and jurisdiction or not, this measure, in my judgment, will be a landmark in the history of national legislation, and as long as your party shall endure you will refer to the creation of this Federal trade commission as one of the masterpieces of legislation for which your party is entitled to credit. [Applause.]

The Republican platform uses language something like this:

> In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein there is much that may be committed to a Federal trade commission, thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts.

That platform does not say there is a little that may be committed to a Federal trade commission. It does not say that there are some things that may be committed to a trade commission, but it says there is "much" that may be committed to a trade commission. The platform further says, "thus placing in the hands of that commission many of the functions now exercised by the courts." The platform says "many functions," not a few functions, but many functions. I have the very highest respect and regard for the Republican members of the Interstate Commerce Committee. I recognize and admire their ability. In no way do I wish to reflect upon their work. But I submit that the power and jurisdiction given the trade commission in this bill is not such as is demanded in the language of the Republican platform.

Mr. J. R. KNOWLAND. Will the gentleman yield for a moment?

Mr. MORGAN of Oklahoma. Certainly.

Mr. J. R. KNOWLAND. My colleague must remember the Republican members on that committee were decidedly in the minority. We were not framing the bill.

Mr. MORGAN of Oklahoma. That point is well taken, and I, of course, feel sure that if the Republican members had been the majority of that committee and had the responsibility of framing this legislation that the commission would have been given much additional power.

A FEDERAL TRADE COMMISSION.

I have prepared a summary of the uses to which a Federal trade commission may be put and the things for which such a commission is needed. This summary is as follows:

1. To aid the courts in the dissolution, disintegration, and reorganization of unlawful corporations.
2. To aid in the enforcement of antitrust laws.
3. To do the work of investigation, recommendation, and publicity now assigned to the Bureau of Corporations.
4. To aid without legal proceedings, but with legal authority, through conference, negotiation, and mediation, in the readjustment of business in harmony with the law.
5. To control the practices and business methods of large industrial corporations.
6. To reenforce, restore, and maintain competition as the chief price regulator, and, if necessary for the public welfare, to exercise a limited direct control over prices.
7. To minimize the power of the large industrial corporation to concentrate wealth, and to maximize its power as an agency for the equitable distribution of wealth.
8. To enable us to secure all the benefits and advantages of the large industrial unit and escape the evils and dangers thereof.
9. To relieve doubt and uncertainty in business, develop trade, encourage commerce, and promote enterprise.
10. To secure labor the highest wage, the largest amount of employment under the most favorable conditions and circumstances.
11. To allay public suspicion and distrust, remove prejudice, and secure the people from unjust tribute levied by monopolistic corporations.
12. To promote industrial peace and thereby contribute to social justice, industrial strength, commercial power, and business prosperity.

Now, I believe that the time has come when the Federal Government should exercise very great control over our large industrial corporations. I listened this afternoon with a great deal of interest and pleasure and with much profit to the speech made by the gentleman from Maryland [Mr. COVINGTON] and to the speech made by the gentleman from Minnesota [Mr. STEVENS], and yet I could not help but feel that they were too conservative, if you will allow that term; that they were not moving up to what the country expected; that they were inclined to postpone and delay and put off any effective action. Now, what is the fact? Nearly 24 years ago the Sherman antitrust law was enacted. What law since that time has been placed upon the statute books that gives to the Federal Government any additional power to control or regulate the practices of our great industrial corporations? Not one. What has been done by Congress in these 24 years to curb the trusts? Nothing. I believe that our courts and our Attorneys General through the various administrations have done the best they could. During all these years concentration has been going on. Our corporations have become larger, our industrial units have become greater. It is true that under the decisions rendered by our Supreme Court some of our largest corporations have been dissolved, but the units into which they have been dissolved are still exceedingly large corporations. Take the American Tobacco Co. One of them has, I think, $97,000,000 of capital and another $67,000,000, and so on. The United States Steel Corporation has $1,400,000,000 of capital. And so we have these great business combinations. Great capital, extensive organization, a large business are not necessarily objectionable. We must have large business concerns to meet commercial conditions. We can not stand still. We must grow; we must look for expansion in the future; we must expect and desire that our business interests shall continue to grow at home and expand abroad; we must have large industrial units to meet and compete with the great business organizations of other countries who are competing with us in our own country and in the markets of the world. So I submit that the chances are that in the future our business organizations must continue large.

Now, I claim, however, that these large business concerns necessarily possess large monopolistic power. I do not believe, with two or three great corporations having capital and wealth beyond the comprehension of man, with their immense business organization extending out into every State and district and

county in the Union, that competition between those concerns means effective competition. And so, according to my theory, it is necessary when the business concern is large to throw around that business power of the Federal Government or else that concern will have large monopolistic power. And I mean by that monopolistic power that it will possess the power which will enable it, in a large degree, to arbitrarily control the prices of its products. So I believe, for the protection of the people, it is necessary that we should have some kind of governmental control that will regulate the practices and business methods of our large industrial concerns. So I am disappointed in this bill that it does not give the commission adequate power. While I earnestly urge that the commission be given largely increased power, I still believe that the commission should be created even if it only has the power as given in this bill, namely, to secure proper reports, annual and otherwise; to assist in the dissolution of corporations; to investigate the violations of the law in specific cases; and the power to follow up the work of the courts and see that these corporations, when dissolved, shall live up to the decree of the courts. All this will be useful and helpful, and I will be glad to see it done.

WEALTH OF OUR CORPORATIONS.

Mr. Chairman, Government reports show that our corporations have $92,000,000,000 in stocks and bonds. If the great corporations own $92,000,000,000 worth of stocks and bonds, that must represent half the wealth of this country. The report of the Commissioner of Internal Revenue shows that these corporations upon that $92,000,000,000 have a net profit of nearly 4 per cent annually. So that a large amount of wealth is in the hands of corporations, and it is centered in large corporations, with the wonderful power of drawing something from every home in the land.

The instrumentalities used in commerce and trade have changed, but our laws have not changed. Interstate business is largely under control of the gigantic business concerns—great corporations—mammoth industrial organizations, wielding incomprehensible power in the business and commercial world. This power under proper control may be used for the glory of our country, or unrestrained it may be used for the exploitation of the public and oppression of the people.

Few people realize to what extent the corporations control the business of this country. Few persons fully comprehend how these great corporations now touch every avenue of trade, commerce, and business, receive tribute from every avocation, calling, and profession of life, and draw support and sustenance from every home and fireside in the land.

The corporations of the country, after deducting all the cost of labor, material, losses, and every other expense, made an annual net profit of $3,213,247,000. Industrial and manufacturing corporations alone make an annual net profit of $1,309,819,000. They employ 7,000,000 persons, and their annual products are worth $21,000,000,000. The corporations of the country, by a conservative estimate, own one-half of the wealth of the Nation. Probably not one-tenth of the people own any interest in these corporations. The corporation is a great business invention which has aided steam and electricity as mighty forces in the production of wealth and in the extension of commerce.

The great problem now before us is to make these corporations better instruments for the equitable distribution of wealth. We have emphasized the problem of producing wealth. The time has come to give greater attention to its proper, fair, and equitable distribution among the great masses of our producers and consumers.

Mr. J. M. C. SMITH. Will the gentleman yield for a question?

Mr. MORGAN of Oklahoma. Certainly.

Mr. J. M. C. SMITH. Would you have the commission given power to regulate the affairs of all corporations?

Mr. MORGAN of Oklahoma. I would not, because I believe it is only large corporations that possess monopolistic power.

Mr. J. M. C. SMITH. At what place would you give them that right—as to the amount of their capital stock or the amount of business done? How would you describe "big business," as you call it?

Mr. MORGAN of Oklahoma. In the bill which I prepared I fixed the limit at concerns which do an annual business to the value of $5,000,000. I place it upon the amount of business transacted and not on their capital stock.

Mr. J. M. C. SMITH. So that the corporation that did a business of $4,500,000 would not be controlled, and the one that did a business of $5,500,000 would be under the control of the Government?

Mr. MORGAN of Oklahoma. If my bill becomes a law, only the large concerns would be subject to its provisions. I would have no objection to amending it so as to bring in a larger number. But I think it would be unwise to undertake to strictly control small concerns. Monopoly is the evil we wish to control. Competition is the thing we wish to maintain. In the realm of small business, when competition is abundant, there is no demand for Federal control. These may be left to State control.

Mr. WILLIS. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will yield.

Mr. WILLIS. Does not the gentleman admit, then, that this bill, in one respect at least, goes further than his bill? He understands, according to the terms of this bill, by the power of classification, the Interstate Trade Commission will have the authority to regulate and control to some extent the business of a corporation without regard to the capital stock.

Mr. MORGAN of Oklahoma. I doubt the propriety of the commission to do that, although there are some reasons for it, I recognize.

Mr. J. M. C. SMITH. The gentleman is making a very instructive argument, and I would like to inquire of him whether he can tell us how many corporations there are in the United States with a capital stock of $5,000,000 and over?

Mr. MORGAN of Oklahoma. I will say to the gentleman that there are something like 268,000 corporations, I believe, in the United States, according to the report made by the Commissioner of Internal Revenue. My idea was, as I figured it out, that, measured by their products of $5,000,000, there would be something like 300 corporations placed under my bill. I think the gentleman from Maryland [Mr. COVINGTON] estimated that there would be something like 1,300 corporations brought under the supervision of the commission by this bill and required to make reports.

Mr. PETERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Indiana?

Mr. MORGAN of Oklahoma. I will yield to my colleague from Indiana.

Mr. PETERSON. Does the gentleman approve the proposition of classifying——

Mr. ADAMSON. Mr. Chairman, the gentlemen use such soft tones in their conversation that we can not hear them. We know that the gentleman from Ohio [Mr. WILLIS] can readily be heard with his resonant voice, but we can not hear the other gentlemen. I would like to be able to hear them.

Mr. PETERSON. We have such a modest audience that we thought they ought to be able to hear our modest voices.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield 10 minutes to the gentleman.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 10 minutes.

Mr. MORGAN of Oklahoma. Now I yield to the gentleman.

Mr. PETERSON. I want to know if the gentleman approved the classification that is made in this bill of two classes—one of $5,000,000 and the other less?

Mr. MORGAN of Oklahoma. I see no serious objection to that provision.

Mr. PETERSON. Is the gentleman aware of the fact that at the time of the supposed dissolution of the Standard Oil Co. its capitalization was $1,000,000, and that immediately upon the reorganization of one of its subsidiary companies it reorganized with a capitalization of $30,000,000, and in two years paid a dividend of 750 per cent on $30,000,000?

Mr. MORGAN of Oklahoma. I was not aware of that.

Mr. PETERSON. In view of that, would you not say it would be more advisable to fix the classification upon the assets of the corporation than on the capitalization?

Mr. MORGAN of Oklahoma. My idea is that it would be better to fix it upon the output, and perhaps the capitalization—both combined.

Mr. TALCOTT of New York. Is it not true that at the time the gentleman from Indiana [Mr. PETERSON] speaks the surplus of the Standard Oil Co. was very large?

Mr. PETERSON. It certainly was.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Kentucky?

Mr. MORGAN of Oklahoma. Yes.

Mr. BARKLEY. The gentleman is aware of the fact that this classification would not prevent an investigation, whether the corporation was capitalized at less than $5,000,000 or over? The commission can make an investigation of corporations of less than $5,000,000 as well as those with more than $5,000,000?

Mr. MORGAN of Oklahoma. I believe so. I wanted to give an idea of the way and manner in which we should undertake to control the practices of corporations. Now, it is evidently proper to prohibit a few acts that are well known to be improper. We can make a few prohibitions, but you will never control the large concerns of this country by a few prohibitions, by prohibiting one or two or three or four or five things. In some way you must enact a general law that will include classes of acts which are improper. I have attempted to do this in my bill, and I want to present these provisions in my bill.

FAIR, JUST, AND REASONABLE PRACTICES.

The Federal Government long ago entered upon the policy of controlling the practices of industrial corporations engaged in interstate business. The Sherman antitrust law controls the practices of such corporations. That law forbids the doing of certain things. When we prohibit corporations from doing certain things we thereby assume the right to control the practices and methods of such corporations. So far, however, the law only prohibits certain acts. We have not fixed any standard by which the business methods of such corporations shall be judged. There are those who seem to think that we should confine our legislation to statutory provisions prohibiting industrial corporations from doing this or that thing. It is well enough to prohibit certain acts—to make certain things unlawful—but we should do more than this. We should by law promulgate a rule of business morality, create a standard by which the methods and practices of industrial corporations shall be judged. I have attempted to do this in section 4 of House bill 1890. This section is as follows:

SEC. 4. That every practice, method, means, system, policy, device, scheme, or contrivance used by any corporation subject to the provisions of this act in conducting its business, or in the management, control, regulation, promotion, or extension thereof, shall be just, fair, and reasonable and not contrary to public policy or dangerous to the public welfare, and every corporation subject to the provisions of this act in the conduct of its business is hereby prohibited from engaging in any practice, or from using any means, method, or system, or from pursuing any policy, or from resorting to any device, scheme, or contrivance whatsoever that is unjust, unfair, or unreasonable, or that is contrary to public policy or dangerous to the public welfare, and every act or thing in this section prohibited is hereby declared to be unlawful.

These great business corporations should not be permitted in conducting their business to engage in practices, use methods, or resort to devices that are not just, fair, and reasonable. Big business should have a high standard of business ethics. Whether corporations have souls or not, they should be compelled, in the management of their business and in all means, methods, schemes, devices, and contrivances used for the enlargement and extension of such business to keep clearly within the bounds of the principles of sound morality. While I believe the business of this country is, in general, conducted along lines of high moral principles, Congress might well promulgate a new code of business ethics for the guidance of the managers of the great industrial corporations.

JUST AND FAIR TREATMENT TO THE PUBLIC AND COMPETITORS.

Section 5 of House bill 1890 supplements section 3 in fixing a standard for our industrial corporations to follow in dealing with the public. Think of it. At the present time there is no law except the Sherman Antitrust Act which in any way limits, restricts, regulates, or controls the business methods of industrial corporations. So long as they do not violate some general criminal statute or the provisions of the Sherman antitrust law, corporations may resort to all kinds of acts and practices which are unfair to competitors and inimical to the public. They may, with perfect impunity, treat competitors unfairly and discriminate against localities, and be guilty of all kinds of business immorality. And we are talking about big business—about corporations with immense capital—having a large degree of monopolistic power. Why not enact a statute which will crystallize the sentiment, the judgment, and the conscience of a nation into a rule of action for the guidance of these great business concerns in dealing with competitors and the public? This I have attempted to do in section 5 of my bill, which is as follows:

SEC. 5. That every corporation subject to the provisions of this act shall deal justly and fairly with competitors and the public, and it shall be unlawful for any such corporation to grant to any person or persons any special privilege or advantage which shall be unjust and unfair to others, or unjustly and unreasonably discriminatory against others, or to enter into any special contract, agreement, or arrangement with any person or persons which shall be unjustly and unreasonably discriminatory against others, or which shall give to such person or persons an unfair and unjust advantage over others, or that shall give to the people of any locality or section of the country any unfair, unjust, or unreasonable advantage over the people of any other locality or section of the country, or that shall be contrary to public policy or dangerous to the public welfare, and any and all the acts or things in this section declared to be unlawful are hereby prohibited.

This section is modeled after sections 2 and 3 of the act of February 4, 1887, entitled "An act to regulate commerce" (24 Stat. L., 379). The two sections are as follows:

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines.

These provisions in the "act to regulate commerce," with supplemental legislation along the same line, have resulted in driving from the railway transportation business by far the greater part of the practices and methods of railway corporations, about which for a long time there was so much just complaint. There is now little complaint of unfair discrimination as between individuals or sections of the country.

In other words, the provisions in the act creating the Interstate Commerce Commission, which I have quoted, under the administration of the Interstate Commerce Commission, have resulted in the main in giving to the public just and reasonable rates, to individuals and localities equality of charges, and to all impartial privileges and facilities.

May we not fairly conclude that by promulgating similar fundamental rules of action for the guidance of our mammoth industrial corporations, and by creating a like commission to administer and enforce these rules of action, we may expect equally good results upon the methods and practices of our great industrial institutions?

POWER OF COMMISSION TO MAKE REGULATIONS.

One paragraph in section 9 of House bill 1890 is as follows:

The commission is hereby authorized and empowered to make and establish rules and regulations not in conflict with the Constitution and laws of the United States to aid in the administration and enforcement of the provisions of this act, and may, by such rules and regulations, prohibit any particular or specific act or acts, practice, method, system, policy, device, scheme, or contrivance that is contrary to any of the provisions of this act.

Under this provision of the bill the commission not only has power to make rules and regulations to aid in administering and enforcing the provisions of the bill, but may by such rules and regulations prohibit any particular or specific act, practice, method, system, policy, device, scheme, or contrivance which is contrary to any of the provisions of the act.

It will be well for Congress to prohibit any known act or practice hitherto indulged in by corporations, by which the public has suffered, but it is safe to say Congress will cover by enactment only conspicuous abuses. The commission should therefore have power to prohibit by rule things which are contrary to the general rules enunciated by the law. Congress acts with deliberation. It takes time to enact laws. The commission can act quickly. Besides, the corporations may adopt new practices which are offensive. If they are contrary to the broad rules of action, enunciated by the law, the commission may quickly make a rule that will make the practice unlawful.

This is the plan adopted in creating the Interstate Commerce Commission. You may talk about giving this commission power, and you may say there is little power given to the Interstate Commerce Commission. Yet when we created the Interstate Commerce Commission we did declare that the practices and charges of the railroad company should be reasonable. We did declare against discriminations. We did make general rules that should control our transportation corporations thereafter.

Mr. ADAMSON. Mr. Chairman, will the gentleman allow me to make a suggestion?

The CHAIRMAN. Does the gentleman yield?

Mr. MORGAN of Oklahoma. My time is nearly up, but I will yield.

Mr. ADAMSON. I will yield as much time to the gentleman as I take up.

Mr. MORGAN of Oklahoma. I shall be glad to yield

Mr. ADAMSON. The gentleman is aware of the fact that our purpose in the preparation of this bill was to establish an instrumentality, leaving the Congress to enact in the future as many general laws as the wisdom of Congress might dictate. There may be many or there may be few, but such a law as the gentleman suggests or any others may be enacted to be administered through this instrumentality when it is established. Many of them are now pending before our committee. Among them is one to establish a general antifraud law, patterned after the British honest-tradesmen law. That will apply to all frauds practiced in interstate commerce in any line of business. We propose that as one of the laws that should be enacted after this commission bill should be passed. Now, I will ask the gentleman if those suggestions will not help to forward his idea?

Mr. MORGAN of Oklahoma. I think so, and I have not any doubt but what from time to time those things will come and will give the commission additional power; but I think we ought to begin in advance of where you are beginning.

Mr. ADAMSON. If the gentleman will pardon me, I will say that it is not a question of power vested in the commission by this bill. We are establishing it and clothing it with power. It is a different thing from considering what general laws we may enact to be administered. We shall consider those other things apart from the establishment of this commission as an institution and instrumentality.

Mr. MORGAN of Oklahoma. I understand very well; but, as I understand it, the success that has followed the administration of the law which brought the Interstate Commerce Commission into existence has not come by our enactments, except in so far as those enactments have given additional power to that commission.

Mr. ADAMSON. Now, if the gentleman will pardon me, as he has made that analogy, let him follow it. That commission was instituted as an incident to the act to regulate commerce. The law to regulate commerce was first drawn without any proposition in it for a commission. The commission was put in as an incident to it. Then the commission having been established at the same time that the first interstate-commerce act was passed, we have followed that up by the enactment of many laws since that time, and every few years we revise the act to regulate commerce; but it is something distinct from the commission itself. The commission has been instituted, and Congress passes the laws which are enforced by the commission.

Mr. MORGAN of Oklahoma. But here is what you did: In that very act Congress declared general powers and control over the charges and practices of railroad corporations. They said, even in the first act, that if any individual, municipality, or certain public officers of a State made complaint before that commission the offending corporation should be notified and have a hearing, and the commission would then make an order; and thus it became a real, regulative force and power; and it was not so much the law as it was the fact that this great commission had the power to summon the offending railroads before it and give those railroads their orders.

Mr. ADAMSON. And every time in the future when Congress enacts a general law pertinent for this Interstate Trade Commission to administer, that fact will be noted in the law, and the Interstate Trade Commission will be authorized to proceed to execute that act, just as in this case it is authorized to look into existing law.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. ADAMSON. I want to yield to the gentleman three minutes, to make up for the time which I occupied in the interruption.

The CHAIRMAN. The gentleman is recognized for three minutes.

Mr. MORGAN of Oklahoma. Just one more point. I believe that the Attorneys General of previous administrations have exercised, and that the present Attorney General is now exercising, a power and control over the business interests of this country that the Executive ought not to exercise. I believe it is unsafe for an administration in power, an administrative officer representing a great political party, to hold the power of life and death over the great business interests of this country. And instead of giving additional power to the Attorney General we should, as the gentleman from Maryland [Mr. COVINGTON] said this afternoon, create a great, independent, nonpartisan commission, independent of the President, independent of Cabinet officers, removed so far as possible from partisan politics, that would command the respect and confidence of all parties and of all the people of the Nation. It never was intended that the Attorney General should have great business concerns come to his office and negotiate from time to time upon what conditions they shall do business. The committee, in their report on this bill, quote from what Attorney General Harmon said, I believe in 1896, in substance that he believed the proper course for the Attorney General is to work in the courts, that the Attorney General should not be an investigating committee, that such work ought to be left to an independent source; and yet we are multiplying our laws, we are adding additional statutes, we are prohibiting this and that, thus throwing upon the Attorney General more work, more power over business, offering greater temptation to use this power in aid of a political administration. What I say is not particularly applicable to the present Attorney General or the administration in power. Whatever we do in regulating business should be removed as far as possible from political influence.

It will be far safer to place this power in the hands of a great independent commission that will go on while administrations may change. That is one reason why I believe in having all these matters placed, so far as they can be, in the hands of a commission, taking these business matters out of politics. I believe that the great masses of the business interests of this country are in favor, not of a commision to investigate, but of a trade commission with power to give orders, with power to advise, with power to confer, with power to mediate, with power to direct the honest business interests of this country along the right pathway. I believe the hearings before the committee showed that to be what business men want and what consumers and producers want. I certainly should regret to have any vote that I cast here injure the business interests of this country; but I believe that legislation along this line is for business peace. I believe it will contribute to business prosperity; I believe that it will be for the benefit of the whole country. [Applause.]

WEALTH AND POWER OF CORPORATIONS.

In closing let me say that many of our industrial corporations are, in fact, though not in the eye of the law, public agencies, institutions that are impressed with a public use, and are in truth and in reality quasi-public corporations. We must in some way make a distinction between the gigantic corporations possessing large monopolistic power, and controlling the manufacture, sale, and distribution of the necessities of life, and the great majority of the smaller corporations which possess little, if any, monopolistic power, and which are in no way in a position to impose any great burdens upon the people through excessive prices. Out of nearly 300,000 industrial corporations in the United States perhaps 300 to 500 would cover all the industrial corporations which really possess such monopolistic power as to be able to injure any great part of the public through the possession of monopolistic powers. Let us separate the sheep from the goats. Let free competition, untrammeled by governmental control, reign among our lamblike industrial corporations, but let us bring all other corporations under the yoke of governmental control.

The great corporations largely control the productive forces of our country. The wealth produced naturally flows into the corporations. As I have already pointed out, measured by the stocks and bonds they have issued, our corporations own $92,000,000,000 of our national wealth. This is more than double the $41,000,000,000 at which all our farms and farm property is valued. Seventy-two billion dollars of wealth is owned by two classes of our corporations—that is, transportation and communication corporations and manufacturing corporations.

The census of 1910 shows that one-third of our manufacturing establishments employ 90 per cent of the 7,000,000 wage earners in these establishments and produce 95 per cent of all our manufactured products. In round numbers, 10 per cent of our manufacturing establishments employ three-fourths of the labor in such establishments and produce four-fifths of the product.

One per cent of our manufacturing establishments employ one-third of the labor, and produce nearly one-half of our manufactured products.

I do not believe in Government control of private business. I do not believe that would ever be necessary. All progress would cease if we should destroy the incentive for individual initiation, for individual effort and energy. But corporations are artificial persons. When they attain a certain size, and acquire large control over the production of a product in common use, they cease to be strictly private concerns. They have become impressed with the public use, they have become public agencies and quasi-public corporations, and as such should be placed under the supervision and control of our Federal Government.

Mr. STEVENS of Minnesota. Mr. Chairman, with the permission of the gentleman from Georgia [Mr. ADAMSON], I will

yield such time as he may desire to the gentleman from California [Mr. J. R. KNOWLAND].

The CHAIRMAN. The gentleman from California [Mr. J. R. KNOWLAND] is recognized for such time as he may desire.

Mr. J. R. KNOWLAND. Mr. Chairman, after the very able presentation of the provisions of this bill this afternoon by the gentleman from Maryland [Mr. COVINGTON] and the gentleman from Minnesota [Mr. STEVENS], my colleagues on the subcommittee which framed this bill, I do not feel that I should consume much time this evening in a discussion of the merits of the measure. I happen to be the only member of the Committee on Interstate and Foreign Commerce who is not of the legal profession, and I might say that that accounts, of course, for the even-balanced legislation which so frequently emanates from that committee. [Laughter.]

I shall support this bill. It is perhaps the first recommendation of President Wilson during this session of Congress that I have been able to support. [Applause on the Democratic side.] I support it also because it is in conformity with, as has already been stated, a plank in the Republican national platform, and I might add parenthetically that we Republicans believe that our party declarations "are not molasses to catch flies," and always endeavor to live up to our party platforms. We do not seek excuses for repudiating party planks. I do not go quite so far as the illustrious Secretary of State, who declares that a man who violates the party platform is a criminal, but I do contend, like the Speaker of this House, that a party platform means something.

The gentleman from Minnesota [Mr. STEVENS] this afternoon made reference to the trade-commission plank of the Republican platform of 1912, but he did not read it. In view of the fact that reference has also been made to it this evening, I think it might be well for me to read it into the RECORD:

> In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein there is much that may be committed to a Federal trade commission, thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the laws, and avoid delays and technicalities incident to court procedure.

A reading of this declaration discloses that the pending bill does not go quite as far as the plank in the Republican national platform, but it is in harmony with the spirit of that plank, and being in harmony with the spirit of the plank, as a Republican, I certainly feel bound to support the bill now before us.

The Democratic Party has announced a very ambitious program along the line of antitrust legislation. I do not pose as a prophet, but I want to make the prediction that this will be the only bill of the group that will become a law during the present session of Congress. Well-posted Democrats believe this, although they can not so publicly state. The others will probably pass the House, but will never be acted upon by the Senate. If this be true, and only the pending bill becomes a law, as I have predicted, in my judgment we will have a measure that will be welcomed, not only by the people generally, but will meet with the approval of every honest business man throughout the United States, and I speak from the standpoint of a business man. The other bills contain much of merit but need amendment.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. J. R. KNOWLAND. I will.

Mr. ADAMSON. I wish to congratulate the country on the prospect of the gentleman from California coming to the Senate and improving the expedition of that dignified body in the near future. [Applause.]

Mr. J. R. KNOWLAND. I thank the distinguished Democrat, the gentleman from Georgia, for that kind reference and indorsement, for it may prove very serviceable in the coming campaign. [Laughter.]

One of the best provisions in this bill is that providing for publicity. Many of us realize the fact that in many instances business concerns resort to certain doubtful practices because followed by their competitors, but if they knew that these practices had to be reported to a commission, and that the commission had the power to give the facts to the public, it would prove a very potent deterrent.

It is true, as already stated, we had before our committee numerous witnesses, many of whose names are known throughout the length and breadth of the country—the Hon. Seth Low; Herbert Knox Smith, former Commissioner of Corporations; the president of the University of Wisconsin, Dr. Van Hise; and others whose names are as familiar to the people of this country. They practically all favored a measure along these lines. Some would go further than the committee saw fit to go, and others would not go quite as far. But, in my judgment, this conservative measure can not be objected to by anyone who conducts an honest business. It is not so radical as to disturb business conditions, which everyone realizes are far from satisfactory throughout the country.

Our Democratic friends are boasting of their achievements since they assumed control of every branch of the Government. They boast particularly of having forced through their tariff bill, in whose wake they promised would come prosperity and reduced cost of living. No one can be found who has located that prosperity, and every housewife in the Nation knows that the cost of living has been soaring under this beneficent Democratic tariff.

Briefly, the bill provides for the appointment of an interstate trade commission, to be composed of three commissioners to be appointed by the President and confirmed by the Senate. Not more than two of the commissioners shall be members of the same political party. The commissioners shall receive a salary of $10,000 a year. Upon the organization of the commission all existing powers, authority, and duties of the Bureau of Corporations and of the Commissioner of Corporations are to be vested in the commission. When directed by the President, the several departments and bureaus of the Government shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation, subject to any of the provisions of the act.

It appears that in time past there have been jealousies in various departments and bureaus, and at times it was difficult to obtain information from one department of great value to another in work of investigation.

Under the further provisions of the bill every corporation engaged in commerce, excepting corporations subject to the acts to regulate commerce, which, by itself or with one or more other corporations owned, operated, controlled, or organized in conjunction with it so as to constitute substantially a business unit, has a capital of not less than $5,000,000, or, having a less capital, belongs to a class of corporations which the commission may designate, shall furnish annually to the commission such information, statements, and records of its organization, bondholders, stockholders, and financial condition, and also such information, statements, and records of its relation to other corporations, and its business and practices while engaged in commerce as the commission shall require. The commission may also prescribe a uniform system of annual reports, containing all the required information and statistics for the period of 12 months ending with the fiscal year of each corporation's report, and they shall be made out under oath or otherwise and filed with the commission at its office at Washington within three months after the close of the year for which the report is made, unless additional time be granted. The commission may also require such special reports as it may deem advisable.

Penalties are provided for failure to file said annual reports. A fine of $100 for each and every day that the corporation shall be in default is provided.

Facts relating to any alleged violations of the antitrust laws by any corporation shall be investigated by the commission upon the direction of the President, the Attorney General, or either House of Congress.

The commission in its report may include recommendations for readjustment of business in order that the corporation investigated may thereafter conduct its business in accordance with law. Reports made after investigation under this particular section may be made public in the discretion of the commission.

It was anticipated that in the course of investigations made by this commission information might be obtained concerning certain unfair competition or practices not necessarily constituting a violation of existing law, and that when such practices were disclosed report shall be made to the President to aid him in recommendations to Congress for legislation.

Any person under the act who willfully makes a false entry or statement in any report submitted shall be guilty of a misdemeanor, and upon conviction subject to a fine of not more than $5,000 or to imprisonment for not more than three years, or both fine and imprisonment.

Annual report shall be made to Congress by the commission, which will furnish facts and statistics of value in the determination of questions connected with the conduct of commerce of corporations. The reports shall also include recommendations as to additional legislation deemed necessary.

Provision is made for the safeguarding of all trade secrets and private lists of customers.

These in brief are the provisions of the pending bill. Personally I believe this bill should be passed and the law accorded a fair trial and that it will work out satisfactorily. It is far better to enact a measure of this kind, conservatively drafted, than to attempt more radical legislation.

Those of us who have been Members of this body for a number of years know that the interstate-commerce law is an evolution. It began with a basis such as we have in the pending bill, and as it was tried out and the necessities arose the commission came to Congress and additional powers were asked for, and Congress responded in nearly every instance. This bill will furnish a basis. If it is found not to be sufficiently comprehensive, if it needs to be made more drastic, the commission can come to Congress and ask for legislation, and I have always found in my experience here that this body is responsive to any legitimate request from any bureau or department of this Government. I hope that the Republican side of the House will support the measure. Let us give it a fair trial. If it is found that we should go further and enact legislation more in line with the Republican platform, it will not be unlikely that we as Republicans will then be in a better position to formulate such legislation. [Applause.]

Mr. ADAMSON. Has the gentleman from Minnesota any speaker that he can yield to at the present time?

Mr. STEVENS of Minnesota. Yes; but I thought the gentleman from Georgia was to yield to some one.

Mr. ADAMSON. I am considerably ahead in time so far. If the gentleman has no other speaker, there is one that we own jointly, who is to divide his time between the two sides.

Mr. STEVENS of Minnesota. Perhaps our colleague from New Hampshire [Mr. STEVENS] should be recognized. I yield the gentleman 15 minutes.

Mr. ADAMSON. If he is ready, I think he ought to go ahead; and I yield him 15 minutes, so he must treat the two sides fairly. [Laughter.]

[Mr. STEVENS of New Hampshire addressed the committee. See Appendix.]

Mr. FESS. Will the gentleman yield there?

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. FESS. I hope the gentleman from Minnesota will give the gentleman from New Hampshire a little more time.

Mr. STEVENS of Minnesota. I can not. My time is all promised. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. HINEBAUGH].

The CHAIRMAN. The gentleman from Illinois [Mr. HINEBAUGH] is recognized for 20 minutes.

Mr. HINEBAUGH. Mr. Chairman and gentlemen, I think possibly I ought to say that I shall probably vote for all three of these bills [applause], although I sincerely hope that at least two of them will be amended.

Mr. Chairman, three great problems confronted the Democratic administration when it rubbed its eyes after a profound sleep of 16 years and awoke to the startling fact that somehow and through some kind of ledgerdemain, it had been intrusted with power, and correspondingly burdened with responsibility. The effect was not unlike that which amazed and dumfounded Rip Van Winkle when he awoke from his long sleep. The Democratic Party had served a useful purpose as a party of opposition for a good many years, but they had threatened to shoot for such a long, long time that when the actual command was given to fire it is not at all surprising that they missed the mark at which they had been aiming since the days of Grover Cleveland.

Please do not misunderstand me, gentlemen. I do not mean to say that the Democrats are not full of good intentions, for that they certainly are; but you know Shakespeare tells us that hades is completely paved with the same thing. But be that as it may, we must admit that under the able leadership of President Wilson and the courteous, broad-minded gentleman from Alabama [Mr. UNDERWOOD], they went at their job tooth and toe nails. They were so anxious to swat the robber tariff of the standpat Republicans that they locked the doors of the Democratic caucus room so tight that even a Progressive Member of the House could not peep in and see what they were doing, much less were we allowed to give any advice, notwithstanding the well-known fact that we represent the second party in numerical strength and importance in the Nation. And right at this point, Mr. Chairman, the Democrats fell down. For had they invited the Progressives into their caucus and listened to our counsels, the Republican calamity howlers and the Democratic prosperity shouters would not now be straining their vocal cords and bursting their lungs to tell the country what it already knows much better than they possibly can know, while the Sergeant at Arms continues to hand them their pay checks.

In spite of all this, our little band of Progressives has enjoyed many a drowsy, sleepy hour while you have been at this job, as though your political lives were about to be demanded by the people, evidently not knowing that the day has gone by when you can fool the people with the tariff as a political issue. The people intend to remove the tariff from politics in 1916 and make it what every honest man knows it always has been—a purely local, economic, business question. They intend to do this by entrusting the Progressive Party with power to do the things for which it stands and in which a large majority of the people believe. When that glad time comes, and come it surely will, there will be no more wholesale tinkering with the tariff. A scientific expert tariff commission, with full and complete information, will handle the tariff, item by item, as conditions warrant, and business will no longer be disturbed by a long period of waiting and uncertainty.

The Democratic Party, after gumming up the tariff machinery of the country with a too liberal application of their revenue tariff oil, applied at random and without intelligent consideration as to just what parts of the tariff machine needed their kind of oil; after doing all that by main force, they plunged recklessly into the field of banking and currency reform. The Republican Party, after its palsied efforts at currency legislation, is now estopped from making any noise about the Democratic policy and could only say in sorrowful accents, "You are stealing our Aldrich plan." It must be admitted, however, that some of their progressively inclined members voted right, after the Progressives in the House had assisted the Democrats in framing a fairly good law. If the Democratic majority had been wise enough to accept half the suggestions and amendments offered by the Progressives the result would have been much better and the question finally settled for many years to come. But here, again, Mr. Speaker, the Democrats apparently refused to be guided by the Progressives, although they are indebted to us for their fleeting tenure of office, and for a second time during their administration dashed from their lips the cup of future success.

And now the Democratic Party enters upon the consideration of the third, last, and most important of the three gigantic issues with which they had to deal, namely, the trusts. [Applause.] How do they approach this great question? In their Baltimore platform they said:

> A private monopoly is indefensible and intolerable.

Just here I wish to remind the Democratic Party that Mr. Taft in 1909 said:

> The woolen and cotton schedules in the Republican tariff bill are indefensible and intolerable.

Yet he subsequently signed the Aldrich tariff bill, and still later attempted to defend it. Beware, my Democratic brethren, or history will repeat itself. In your Baltimore platform you also said:

> We demand the enactment of such legislation as may be deemed necessary to make it impossible for a private monopoly to exist in the United States.

Is your program of antitrust legislation so far-reaching?

What else did you say? You said:

> We condemn the action of the Republican administration in compromising with the Standard Oil and the Tobacco Trusts.

Again I say, beware, or your Attorney General will compromise you with his reorganization agreements as a cure-all for the wrongs which you have pledged the people to right.

It does not, however, lie in the mouth of any Republican to criticize the Democratic program on trust legislation. With your hats off, clothed in sackcloth and ashes, you Republicans should approach this subject keeping step to the funeral march of lost opportunity, and with bowed heads and contrite hearts you should repeat in low and mournful tones the words of that sad, yet beautiful, poem entitled "Opportunity":

> Master of human destinies am I!
> Fame, love, and fortune on my footsteps wait.
> Cities and fields I walk; I penetrate
> Deserts and seas remote, and passing by
> Hovel and mart and palace, soon or late
> I knock unbidden once at every gate!
> If sleeping, wake; if feasting, rise before
> I turn away. It is the hour of fate,
> And they who follow me reach every state
> Mortals desire and conquer every foe
> Save death; but those who doubt or hesitate
> Condemned to failure, penury, and woe
> Seek me in vain and uselessly implore.
> I answer not, and I return no more!

"If sleeping, wake." You certainly were sleeping, lulled to rest by an unseen power. "If feasting, rise before I turn away." Oh, the irony of fate! You surely were feasting, and upon such meat, furnished by the invisible government, that your stomachs were gorged and your brains dazed; so dazed that President Roosevelt was compelled to lash you unmercifully

with the whip of public sentiment in order to secure the passage of the Hepburn railroad bill, now unanimously acknowledged to be a righteous law. You were asleep on the Constitution, and when prodded into wakefulness you would rouse up and mumble plethorically: "It can't be done. It can't be done. It's unconstitutional." You had 16 years of continuous uninterrupted opportunity to respond to an insistent public demand on this great question and you failed and refused to grasp the opportunity, but with an air of supercilious nonchalance you adopted the slogan "The people be damned." And now the people have condemned you to failure and woe, and though you seek them in vain and uselessly implore, they answer not and will return to you no more. [Applause.]

Ah, yes; you agreed with a great captain of industry who loudly proclaimed the doctrine that you "can not unscramble eggs." Nevertheless you have lived to see the son of that same man come into camp and lay down his arms at the feet of Woodrow Wilson.

The father said, "The public be damned; you can not unscramble eggs." But in less than five years the son proceeds, apparently at least, to unscramble the eggs, and resigns from the directorate of more than 30 corporations in response, as he declares, to a righteous public sentiment which has recently been strongly against the old system of interlocking directorates.

Shortly after the J. P. Morgan Co. had announced its supposed surrender to public sentiment on the subject of interlocking directorates I introduced House resolution 364, which reads as follows:

Whereas it has been reported in the press of the country that the financial world was "startled to its depths" by the announcement of Mr. J. P. Morgan that the firm of J. P. Morgan & Co. had resigned from the directorates of some 30 corporations, among which are the following: New York Central & Hudson River Railroad Co., Lake Shore & Michigan Southern Railway, and the Michigan Central Railroad Co.; and

Whereas Mr. Morgan is reported as saying that these resignations were made possible by the change in public sentiment, which has recently been strongly against the old system of interlocking directorates; and

Whereas the New York Central system, through its board of interlocking directors, controls the Lake Shore & Michigan Southern Railway and also the Michigan Central Railroad Co.; and

Whereas the New York Central owns and controls 89 per cent of the stock of the Michigan Central Railroad Co. and 90 per cent of the stock of the Lake Shore & Michigan Southern Railway; and

Whereas the board of directors of the New York Central system is composed of the following 13 men: William K. Vanderbilt, Marvin Hewitt, W. K. Vanderbilt, jr., George S. Bowdin, William H. Newman, Chauncey M. Depew, Frederick W. Vanderbilt, William C. Brown, Louis Cass Ledyard, James Stillman, William Rockefeller, J. P. Morgan, and George F. Baker; and

Whereas these 13 men hold 112 separate and distinct positions as directors in the New York Central, Michigan Central, Lake Shore & Michigan Southern, and other subsidiary lines; and

Whereas interlocking stock control confers all the powers which actually come from interlocking directorships; and

Whereas under the present system there is no honest competition between parallel railroad lines; and

Whereas the only purpose of legislation prohibiting interlocking directorates is to bring about a healthy and honest competition in the interest of the public between these great transportation companies: Therefore be it

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to investigate and report to this House—

(a) The relations of railroad companies forming the so-called New York Central system and its subsidiary lines.

(b) The influence, if any, of the interlocking directorates of the New York Central system, including the Michigan Central Railroad Co. and the Lake Shore & Michigan Southern Railway, upon railroad costs, service, and rates.

(c) The influence and effect, if any, of interlocking stock control upon railroad costs, service, and rates, as applied to the New York Central system and its subsidiary lines, including the Michigan Central Railroad Co. and the Lake Shore & Michigan Southern Railway.

My purpose in asking the House to direct the Interstate Commerce Commission to investigate and report to Congress the influence and effect of interlocking directorates upon railroad costs, service, and rates was to ascertain the true conditions and the actual effect, if any, upon railroad costs, service, and rates of interlocking directorates, and because I believed then and still believe that interlocking directorates is but one of the many symptoms of a disease which lies far deeper, and because I believed then and believe now that the dissolution of interlocking directorates will by no means remedy the evils of our present system. Such an investigation by the Interstate Commerce Commission and such a report would have furnished to the Congress an excellent foundation upon which proper legislation could have been framed to remedy existing evils.

Mr. Chairman, it does not require an expert to understand that where a majority of the stock of a railroad corporation or any other corporation is divided between two or more different corporations conducting the same line of business or traversing the same territory a gentleman's agreement to harmonize action is very likely to result.

Any physician will tell you that to cure a disease you must treat more than one of the symptoms.

A law which prohibits interlocking directorates will not reach the bottom if railroads or other corporations are permitted to own or control the stock of an actual or possible competitor. Perhaps the most efficient vehicle used by naturally competing railroad lines for the purpose of hoodwinking the public is the holding company. The Pennsylvania Co. is an excellent illustration. It does not actually own a mile of railroad track and yet operates the Pennsylvania Railroad Co. and all of its leased and controlled subsidiary lines west of Pittsburgh.

The friends of the holding company tell us the only purpose of such an organization is to hold the securities of railroad companies, and that such companies are very desirable as a means of equalizing the risks of investments for small stockholders. Whether or not that contention is true, it must nevertheless be admitted that the tremendous power of the holding company for centralizing and concentrating control renders it a dangerous and most undesirable part of the present system. Everybody knows that the policy of a railroad corporation is not determined by the bondholders, but by the stockholders. The stockholders alone have the right and the power, generally speaking, to vote, and a majority of the stock determines the right of control. There may be, and doubtless are, many instances where the stock of a corporation is held by 10,000 stockholders and among those 10,000 one stockholder owning 5 per cent of the entire stock. Does anyone doubt that this one man could determine the policy of his company against the combined position of all the rest of the stockholders?

The control of stock gives the power to name the board of directors, and the board of directors determines the course a railroad is to pursue in its business policy. The general effect of such a system can be seen in controlled traffic and the power to determine the earnings of the various lines operated by the system.

For many years the Republican Party, which placed the Sherman antitrust law upon the statute books of the Nation, was urged to make that law more effective, and by amendment or supplementary legislation to define more clearly its true meaning, in order that the business man engaged in interstate commerce might certainly know when his acts were in violation of law. The Republican Party refused to create an interstate trade commission and to strengthen the Sherman law by an act to prevent unfair competition. Through all these years the Republican Party insisted that the Sherman law was all sufficient to protect commerce against monopolies, when, as a matter of fact, the apparent effect of the Sherman law was to hasten the concentration of industry by driving the trust organization to the holding company and from that to complete merger of naturally competitive lines of business. This, of course, was exactly the opposite result from that which was intended by the framers of the Sherman law.

In spite of all this, a condition of lethargy seems to have settled down upon the Republican Party. They refused to keep step to the progress of the age, and went out of power forever, the victim of lost opportunity.

THE DEMOCRATIC PLAN.

The Democratic plan in dealing with this great question is founded upon the declaration in their platform that private monopoly is indefensible and intolerable. And now for the third and last time the Progressive Members of this House respectfully call the attention of the Democratic majority to the three bills introduced by the Progressive leader, the gentleman from Kansas [Mr. MURDOCK], on the 17th day of last November, covering this most important subject.

These measures were introduced for the purpose of carrying into effect the declarations in the National Progressive platform adopted in Chicago August 7, 1912. In that platform we declared for a strong national regulation of interstate corporations, and to that end for the establishment of a strong Federal administrative commission of high standing, which shall maintain permanent, active supervision over industrial corporations engaged in interstate commerce, or such of them as are of public importance, doing for them what the Government now does for the national banks, and what is now done for the railroads by the Interstate Commerce Commission. We declared that—

Such a commission must enforce the complete publicity of those corporate transactions which are of public interest; must attack unfair competition, *false capitalization*, special privilege; and, by continuous trained watchfulness, guard and keep open equally to all the highways of American commerce. Thus the business man will have certain knowledge of the law and will be able to conduct his business easily and in conformity therewith, the investor will find security for his capital, dividends will be rendered more certain, and the savings of the people will be drawn naturally and safely into the channels of trade. Under such a system of constructive regulation legitimate business, freed from confusion, uncertainty, and fruitless litigation, will develop

normally in response to the energy and enterprise of the American business man.

Our first bill intended to carry into effect our platform pledges provides for the creation of an interstate trade commission, empowering such commission to require from all corporations subject to its jurisdiction information as to their organization, conduct, management, security holders, financial condition, and business transactions, in such degree and in such form as the commission may require; and to require from such corporations access at all reasonable times to their records, books, accounts, papers, and all other documents including the records of any of their committees; to point out and make public from time to time, in such form as in the discretion of the commission best advances fair, honest, and efficient business, all cases of material overcapitalization, unfair competition, misrepresentation, or oppressive use of credit of which any corporation may have been guilty, and present such case to the Attorney General for prosecution.

Our second bill is intended to prohibit and prevent unfair competition, and empowers and directs the interstate trade commission to prevent all corporations subject to its jurisdiction from engaging in or practicing unfair or oppressive competition in relation to the acceptance or procurement of rates or terms of service from common carriers not granted to other shippers under like conditions; prevents discrimination in selling prices, as between localities or individuals, which is not justified by differences in cost of distribution; prohibits the making of oppressive, exclusive contracts for the sale of articles of which the seller has a substantial monopoly; prevents the maintenance of secret subsidiaries or secretly controlled agencies, held out as independent of the corporation and used for the purpose of unfair competition; prevents the destruction of competition through the use of interlocking directorates; and any other business practices involving unfair or oppressive competition.

The third bill empowers the interstate trade commission, upon its own initiative or upon the complaint of any corporation or person, to investigate the organization, conduct, and management of any corporation subject to its jurisdiction for the purpose of determining whether such corporation exercises a substantial, monopolistic power in any industry in which said corporation is engaged; and empowers and directs the commission to determine by investigation whether such monopolistic power is based upon:

a. Control of natural resources,
b. Control of terminal or transportation facilities,
c. Control of financial resources,

or any other economic condition inherent in the character of the industry.

These bills, if enacted into law, would remedy the evils of which we now complain, and would result in the immediate dissolution of the New York Central, New Haven, Pennsylvania, Baltimore & Ohio, Erie, and Chesapeake & Ohio, the six great railroad systems covering the eastern part of the United States which now own and control 57 railroads through intercorporate or individual ownership of stock. The necessity for drastic legislation which will prohibit the use of transportation companies for stock-jobbing purposes must be admitted by all who have given the subject careful consideration.

The St. Louis & San Francisco Railroad system was placed in the hands of a receiver last June because of its alleged inability to take up $2,500,000 of its 5 per cent notes. Investigation of the Frisco system developed some startling facts. It had an authorized capital of $200,000,000; its total paid-up stock was $49,000,000; its total bond issue, $320,000,000; the gross earnings of the system for the year 1912, $42,000,000; its net earnings only $12,000,000. It had sold within three years $72,000,000 worth of bonds, and within six months of the time application was made for a receiver these stock-jobbing pirates, under the leadership of B. F. Yoakum, had unloaded $26,000,000 of bonds in France, and in spite of all of this were unable to meet obligations amounting to only $2,500,000. The Interstate Commerce Commission, by its investigation, developed the amazing fact that over $40,000,000 had been pocketed by these financial sharks before they took the initial steps to bring about a reorganization of the company. Upon the heels of the Frisco receivership came the New Haven slaughter, very properly called by Senator NORRIS "its twin in infamy," through which millions of dollars were taken from more than 10,000 people, among whom were many widows and orphans.

Mr. Chairman, the evil practices which resulted in the wreck of these two railroad systems and the consequent financial ruin of thousands of their stockholders will never be stopped by the creation of a trade commission such as is proposed by our Democratic brethren. Why, even the New York World, which certainly can not be accused of any affection for the Progressive Party, in a recent editorial said:

President Wilson's trade commission is no more like the Roosevelt Progressive commission than the Constitution of the United States is like the code of Napoleon.

The real distinction between the proposed Democratic legislation on trusts and that proposed by the Progressive Party may be very well illustrated by comparing the interstate trade commission bill of the Democratic Party with the trade commission proposed by the Progressives.

The only purpose which the Democratic interstate trade commission will serve is that of news gathering for the courts and for Congress. Why should you limit the powers of your commission purely to matters of investigation if you really mean business? You got your idea of a trade commission from the Progressive platform, just as you did the presidential preference primary law. Why do not you put teeth into the trade commission by adopting our plan to define and punish violations of the law? Why do not you give your trade commission power to prevent unfair competition? When an unfair practice or violation of the law has been established by the commission, why not give that same body power to punish and prevent a repetition? The people are looking for results.

What do our Democratic brethren hope to accomplish by the enactment into law of House bill 15657, which is to be supplementary to existing laws against unlawful restraints and monopolies, after defining commerce as trade among the several States and with foreign nations and the word "person" or "persons" as including corporations and associations existing under the laws of the United States? Our Democratic friends fall into the old trap of technical legal construction, which usually renders nugatory almost any punitive statute.

Section 2 provides that any person engaged in commerce who shall, directly or indirectly, discriminate in price between different purchasers of commodities in the same or different sections of the country, providing such commodities are sold for use, consumption, or resale within the United States, or anywhere under the jurisdiction of the United States, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding $5,000 or imprisoned not exceeding one year, or both, in the discretion of the court—and then they provide the joker—the discrimination in price must be made "with the purpose or intent to thereby destroy or wrongfully injure the business of a competitor." In other words, the person injured must prove intent to wrongfully injure him—a thing practically impossible to accomplish. Under this section it would be practically impossible for the Government to secure a conviction.

It is provided in section 3 that the owner, operator, or person controlling the product of any mine engaged in selling its products to commerce shall not refuse arbitrarily to sell such product to any responsible person, firm, or corporation who wishes to purchase for use, consumption, or resale within the United States. Here again the Government must show, when undertaking to enforce this law, that the refusal was an arbitrary refusal.

Perhaps the most glaring example of insincerity in this entire bill is to be found in sections 8 and 9, in relation to intercorporate stock control of naturally competitive railroad lines and the prohibition of interlocking directors of banks and other corporations.

Section 8 prohibits corporations engaged in commerce from acquiring, directly or indirectly, the whole or any part of the stock or share capital of another corporation engaged in commerce (where the effect of such acquisition would eliminate, or substantially eliminate, competition between such corporations), and it further provides in the same section that "no corporation shall acquire, directly or indirectly, the whole or any part of the stock of two or more corporations engaged in commerce, where the effect of such acquisition or the use of such stock by the voting or granting of proxies would eliminate or substantially lessen competition between such corporations;" and then provides that the section shall not apply to corporations purchasing such stock solely for investment.

It does not require the learning of a lawyer to perceive that the Government must be able to prove that the acquisition of such stock would actually lessen substantially the competition between the corporations. It is not enough for the Government to show that such intercorporate stock control affects or lessens competition between the corporations, but it must also be shown that it substantially affects such competition. Do you imagine that with the shrewd railroad manipulator on the other side the Government could ever prove such a case? Why not take the bull by the horns and absolutely prohibit intercorporate stock ownership or control?

This section was doubtless intended to abolish the holding company. Why then nullify its effect by providing that nothing contained in the section shall prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business and that no railroad company shall be prohibited from extending any of its lines by the acquisition of stock or otherwise of any other railroad company when there is no substantial competition between such companies? The effect of such provisions is simply to invite an evasion of the very purpose of the law.

If you hope to accomplish real results, my Democratic friends, you must not only stop the practice of interlocking directorates, you must prohibit stock watering, voting trusts, holding companies, intercorporate stock control, individual interlocking stock control of naturally competing railroads and other lines of business, and, above all, there must be a complete and drastic reformation of the laws under which insolvent railroads and other industrial corporations are now permitted to affect a reorganization.

Mr. Chairman, I am firmly convinced that this character of legislation will never be enacted under our present system of secret caucus and executive committee session, under cover of which the property power in politics can wield such a tremendous influence without showing its hand. All men in public life know that up to 1907 the special interests politically had been on the defensive. Their determination to prevent legislation in the interest of the people was their chief purpose. Since that time, however, they have made an aggressive fight for legislation intended to multiply and perpetuate their advantages over the people.

Firmly entrenched behind high-tariff walls, as they have been for years, the special interests in politics had been content to grow through combinations of corporations, through holding companies and mergers, until in the year 1908 this monster of monopoly had a capitalization of $31,672,160,754, more than half of which was water. Then it was that they boldly entered the arena of legislation for the purpose of legalizing their watered stocks and compelling the people to pay dividends on their fictitious billions. This inhuman monster absolutely controls the market prices of everything the farmer sells, of everything the consumer buys, and in addition it controls transportation, manufacture, mining, capital, and credit. Under its deadly influence the Senate of Seward, Sumner, and Clay became the Senate of Foraker, Guggenheim, and Lorimer.

The decision of the special interests to compel the people to pay dividends on $15,000,000,000 of water had much to do with the high cost of living. It is now a well-known fact that this tremendous power was delighted with the Aldrich currency scheme, the Payne-Aldrich tariff law, the Taft-Wickersham railroad bill, and Canadian reciprocity. During this period Aldrich was supreme in the Senate by means of the closed committee and secret caucus. His control of the machinery of legislation was absolute, as was that of Cannon in the House.

The Progressives maintain that every standing committee shall be compelled to keep a record of its action; that the executive session shall be a thing of the dark and devious past; that there shall be no back doors to the Senate or the House; that the secret party caucus must be abolished; and that the business of the people must be transacted in the open.

Mr. Chairman, this evolution and revolution can never be realized by either the Democratic or Republican Party. They are both firmly embedded in the traditions and methods of the past.

A new party, free and untrammeled, clean, strong, and responsive to the new thought of the age, unembarrassed by traditions, unfettered by the system, must and will take up the people's cause and carry it forward to final triumph. [Applause.]

Mr. ADAMSON. Mr. Chairman, I confess that I do not often acknowledge a wrong, and when I do I am sorry for it. I am sorry I did the gentleman from Illinois the injustice to insist that he was not speaking on the subject. I overlooked the fact that he opened his able oration by saying that he was going to vote for the bill. I think that overbalances anything he could say against the bill, and I confess that I made a mistake, and I will not do it again. [Laughter and applause.] I would like very much to introduce to the committee the brilliant young Member from Missouri, the baby of our committee. He is a lusty infant, making progress rapidly. The older Members will have to look to their laurels or he will distance them. I now yield to the able, eloquent, and indefatigably industrious gentleman from Missouri, Mr. DECKER.

[Mr. DECKER addressed the committee. See Appendix.]

Mr. ADAMSON. Mr. Chairman, I hope the gentleman from Minnesota will use some time now.

Mr. STEVENS of Minnesota. I yield to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I do not rise to reply to my friend from Missouri [Mr. DECKER], for I appreciate very much most of what he said. I can not agree entirely with all that he said, for I take from his arguments that trusts and monopolies are fostered almost entirely by a protective tariff.

Mr. DECKER. Will the gentleman yield?

Mr. FESS. I will.

Mr. DECKER. I did not wish to convey that impression. I realize that there are other causes of trusts besides the tariff.

Mr. FESS. I am glad to hear that statement, because I do not want to direct my thought in that line, and I would be compelled to do so if that was his utterance.

I arise to state why I am going to support this measure. [Applause.] One distinguished publicist of our country expressed the genius of American movement industrially by announcing that equal opportunity in the rivalry of life is the distinguishing principle of activity, and anything that will interfere with this equal opportunity for you or me to rival one another in the pursuit of happiness ought to be subject to legislation. I have stood as an advocate of the principle that in trade natural law should be allowed to take its own course, unless there would be evils to grow out of it; that individual effort should be, as much as possible, unrestrained. But if individual effort interferes with public welfare, it must be regulated. And you can see that evils do grow out of trade taking its natural course, and, therefore, legal enactment must come in to interfere somewhat with the natural course. Once it was said that competition was the life of trade, and that statement stood as an industrial aphorism for years. Later on people said that in this keen, unlimited, unrestricted competition, competition becomes the dearth of trade, or the death of trade; and many of our authors point to incidents of paralleling of railroads, where one railroad almost entirely kills the prosperity of another, and therefore, they said, instead of competition being the life of trade it has come to be the death of trade. These two statements might be taken as the utterances of two schools of industrialism. I do not put it that way, but I express it in this way, that where combination is possible competition is impossible. In other words, combination is the refuge of those who seek to avert the evils of competition. And I announce it as a fundamental principle that where competing firms, represented by individual units, each one with its complete organization, are competing against one another these competing firms will continue in competition just so long as they can not combine, and the moment they can combine they will do so to avoid the necessity to compete.

Here in one section of the country is a unit in steel railway production; yonder in another part of the country is a second unit; here in another part is a third unit. Throughout the United States there are 200 units. They recognize that each unit has its own individual organization, which entails great expense. Each had to have its president and its directorate; each had to have provisions for its overhead charges, each one maintaining for itself an expensive organization. These companies came to the conclusion that they could supersede these 200 separate organizations by one corporation by a combination. They could have one organization, one president, and one directorate, and they could in this way reduce expenses, cut off needless expenditures, reduce prices, and increase profits; but by so doing competition would cease because combination became possible. In this way the United States Steel Corporation was organized. You have the Standard Oil Corporation, but not quite analogous, as it grew by its ability to prevent much competition. You have the American Tobacco Corporation, the Whisky Trust, the Salt Trust, the Shippers' Trust, and numerous other trusts throughout the country made up of combinations, because these could supersede competition. Wherever competitors became strong, a remedy was sought in combination. This is not due to tariff legislation; it is due to a law of trade.

Now, I had believed that so long as you could maintain competition without any interference at all with the rights of the people, probably it would be better to stand by the natural law and obey the dictates of President Jefferson when he said, "The best government is the one that governs the least."

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANTOR. I ask that the gentleman's time be extended, Mr. Chairman.

The CHAIRMAN. The request is not in order, under the rule.

Mr. STEVENS of Minnesota. I yield five minutes more to the gentleman from Ohio [Mr. FESS].

Mr. FESS. I want to thank the gentleman in charge of the time and the Members of the House. I am speaking somewhat extemporaneously on a theme that I have thought a great deal about. And this is the proposition that I was about to announce: That, other things being equal, I would prefer the Government keep its hands off of the laws of trade. The modern tendencies of industry point to combination rather than competition. It finds its best expression in the term "big business." This tendency of the hour is the result of newer methods of business. It has called into being the famous organizations of enterprise and has brought to light the new captains of industry. The modern method of doing business will perhaps prove its worth by continuing its processes, for we will hardly go back to primitive methods. I think no one desires to return to the stagecoach; all prefer the modern twentieth century train.

But when it comes to the point where business interferes with the pursuit of happiness, by allowing individual or corporate property to interfere with public welfare or with the right of accumulating property for the purpose of the general welfare, as well as for individual profit, then the law must step in to either correct the wrong or prevent a repetition of it, or both. That would be legitimate. In the last 20 years we have seen the steps leading to the present business organization. First the pools, then the combination, then the holding company, and later the complete merger. We have noticed individual entities growing to such fabulous dimensions that you and I and many thoughtful citizens have become alarmed. I confess, as a citizen of this Republic, that when I realize how much wealth has come into the possession of an individual I am alarmed. I do not know how much the distinguished financier whose name is so frequently mentioned is worth, but it has been stated that he is worth at least $900,000,000. If that be true, it is simply bewildering. Nobody can comprehend it. Suppose that Adam, 6,000 years ago, had come into the world upon a salary of $100,000 a year, and suppose that he had not spent a single dollar of it——

Mr. CANTOR. On clothes [laughter]——

Mr. FESS. Suppose that he had saved $100,000 a year for 6,000 years. He would not now be worth more than two-thirds of what at least one American citizen is supposed to be worth. It would require $50,000 a year for 6,000 years for Eve's salary [laughter], added to Adam's, to make $900,000,000. [Laughter and applause.]

I tell you, my friends, when a statement of that kind can be made, that in a single lifetime a man who is still living, starting with nothing, as a poor boy, has accumulated beyond the most fanciful dreams of the wildest imagination; this wizard in finance comes to the point where he is worth such a fabulous sum, one must tremble at the thought of the possibilities involved. He might be a saint, and I am the last man to rise on the floor of this House and say unkind, cruel, and ugly words against anybody because he might possess wealth; but I say that the very fact that any one man has such tremendous power, financially, though he be an angel, makes me tremble, for I think what he might do with it for the injury of his fellow men if he wanted to use it in that way.

Mr. ADAMSON. If the gentleman will yield to me, I will give him a minute of time.

Mr. FESS. Very well.

Mr. ADAMSON. I want to say that on Saturday testimony was submitted to our committee that the profits of a pipe-line oil company in one year were 2,900 per cent on a capitalization of $1,000,000, and the next year they made 84 per cent profit on the $30,000,000.

Mr. FESS. Now, Mr. Chairman, when such a statement as that made by the distinguished chairman of the Committee on Interstate and Foreign Commerce is before us, I am of opinion that this Congress has the right to legislate in those matters. Therefore I believe that it opens a legitimate field of legislation. In such a case corrective legislation, though restrictive, is wise.

Mr. ADAMSON. Our committee is going after that proposition right now.

Mr. FESS. I believe that while we may see some danger in passing over to the proposed trade commission certain power, yet I believe that this trade-commission bill is merely supplemental; it adds to the laws that we now have. It does not interfere with their effectiveness, but rather assists, as I see it. It is an additional step toward doing what we have not been able to do thus far. I will say that, and if it is any honor to the Democratic membership of this House I, as a Republican, say it with congratulation to your side of the House. [Applause on the Democratic side.] And when I say it I trust that the Democratic membership of this House will also be willing to say that the Sherman antitrust law, a Republican measure, while it has been in some respects ineffective, has had a good effect on the whole, and has been a step in the right direction also. [Applause.]

I would hate to see the Sherman law repudiated. I would not want to subtract from it. Upon it has been built a body of decisions which are most valuable to the Nation. I would like to define it and make it clear, so that business men and business concerns may know whether they are within its requirements or without; and then I would like to add to the Sherman law a regulatory power that would make it possible for the commission to meet a single situation or individual incident where it is a violation of the Sherman antitrust law, that power being directed without throwing the country into an uproar by bringing it up here in the House or in the Senate. This commission can thus perform the function of a corrective without disturbing all business. That is why I have always been in favor of adjusting the tariff by a commission, rather than by bringing it before the Congress. While my Democratic friends do not agree with that, I believe that ultimately they will come to that position [applause] for the same reason they now indorse this Republican idea of an interstate trade commission.

I said a moment ago the Sherman law had not been effective in all matters, yet a glance at the history of its operations is sufficient to convince an unbiased citizen of the salutary influence on the country.

During the administration of Harrison 8 cases—5 by the Government and 3 by private parties—were initiated. During Cleveland's second term 18 cases—10 by the Government and 8 by private parties—were prosecuted. During McKinley's administration 17 cases—6 by the Government and 11 by private parties—were prosecuted. During Roosevelt's administration 44 cases were prosecuted. In President Taft's administration the major part of the work of the Department of Justice was taken up by prosecutions under the Sherman law. It would take a very bold man to declare that the Sherman law was a dead letter. On the other hand, the Republican administrations were so active in its enforcement that many good people were led to think the policy of the Government had come to be one of persecution rather than stimulation, of destructive application rather than constructive legislation.

Believing as I do in the principle of cooperation in business and readily seeing the advantage of the modern system of business organization, when kept within the law, I desire to preserve the Sherman law, and am willing to supplement it by a trade commission in line with the recommendation of President Taft and the Republican Party.

Therefore I am going to give my hearty support to this trade commission bill. [Applause.]

Mr. ADAMSON. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Minnesota [Mr. STEVENS] has 55 minutes remaining and the gentleman from Georgia has 66 minutes.

Mr. ADAMSON. Has the gentleman from Minnesota any other speaker?

Mr. STEVENS of Minnesota. Not here. The gentleman from Ohio [Mr. WILLIS] asked for time, but he does not seem to be here.

Mr. ADAMSON. I do not like to lose any time, Mr. Chairman, but although several gentlemen have asked for time no one seems to be ready to occupy the floor at this moment, and so I shall have to move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MOON having resumed the chair as Speaker pro tempore, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p. m.) the House adjourned until Wednesday, May 20, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law in the French spoliation claims relating to the brig *Little Sam*, in the case of Robert S. O. Griffith et al. against The United States (H. Doc. No. 987); to the Committee on Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law in the French spoliation claims relating to the ship *Hare*, in the case of Augustus W. Clason, administrator of Isaac Clason, against The United States (H. Doc. No. 988); to the Committee on Claims and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14551) granting a pension to William J. Walker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14467) granting an increase of pension to Moses Goldstein; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15945) granting an increase of pension to Lee Henning; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16255) granting a pension to Herman Siegel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16507) granting an increase of pension to Frank Hemenway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WILSON of Florida: A bill (H. R. 16639) to amend section 5211 of the Revised Statutes of the United States, relating to national banking associations; to the Committee on Banking and Currency.

By Mr. REILLY of Wisconsin: A bill (H. R. 16672) to amend an act entitled "An act to increase pensions for total deafness"; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes; to the Committee on the Public Lands.

By Mr. NEELEY of Kansas: A bill (H. R. 16674) to provide for the purchase or supplying of equipment for rural mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: A bill (H. R. 16675) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes"; to the Committee on Ways and Means.

By Mr. LA FOLLETTE: A bill (H. R. 16676) providing for the building of roads in the diminished Colville Indian Reservation, State of Washington; to the Committee on Indian Affairs.

By Mr. EDWARDS: A bill (H. R. 16677) to stop payment of back salary accumulations to Members of Congress and others; to the Committee on Accounts.

By Mr. MANN: A bill (H. R. 16678) to protect the water supplies of cities and towns around the Great Lakes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: A bill (H. R. 16679) to authorize Bryan & Albert Henry to construct a bridge across a slough which is a part of the Tennessee River near Guntersville, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD of Virginia: A bill (H. R. 16680) providing for the appointment of secretaries in the Diplomatic Service and appointments in the Consular Service; to the Committee on Foreign Affairs.

By Mr. HOWARD: Resolution (H. Res. 520) authorizing the printing of certain hearings before Committee on Agriculture; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 16681) granting an increase of pension to William N. Cobb; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16682) granting a pension to William C. Johnson; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 16683) for the relief of the heirs of Joseph Hernandez; to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 16684) granting a pension to Oxley Johnson; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 16685) to remove the charge of desertion from the military record of Harrison H. Wolfe; to the Committee on Military Affairs.

By Mr. CONRY: A bill (H. R. 16686) granting an increase of pension to Michael Collins; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 16687) granting an increase of pension to James Williams; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 16688) granting a pension to Frank Sanford Stirling; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 16689) granting an increase of pension to Thomas Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16690) granting an increase of pension to Sarah McGuire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16691) granting an increase of pension to Hans P. Nielson; to the Committee on Pensions.

Also, a bill (H. R. 16692) granting an increase of pension to John A. Truelove; to the Committee on Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 16693) granting an increase of pension to Joseph L. Buckley; to the Committee on Invalid Pensions.

By Mr. NEELEY of Kansas: A bill (H. R. 16694) granting an increase of pension to William Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16695) granting an increase of pension to William Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16696) granting an increase of pension to Daniel B. Waggoner; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 16697) granting a pension to William L. Carpenter; to the Committee on Invalid Pensions.

By Mr. PETERS of Maine: A bill (H. R. 16698) granting an increase of pension to Abner W. Fletcher; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 16699) for the relief of William Schuldt; to the Committee on Claims.

By Mr. STEENERSON: A bill (H. R. 16700) granting an increase of pension to Nels B. Olson; to the Committee on Invalid Pensions.

By Mr. STRINGER: A bill (H. R. 16701) granting an increase of pension to Ezra D. McMasters; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 16702) granting a pension to Mary A. Harding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16703) granting an increase of pension to Francis M. Fowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16704) granting an increase of pension to Alexander C. Harper; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Pittsburgh, Pa.; Philadelphia, Pa.; Fedora, S. Dak.; McPherson, Kans.; Atlantic Highlands, N. J.; Portland, Oreg.; Chicago, Ill.; Amoret, Mo.; Hays, Kans.; and Saxonburg, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request) petition of the Common Council of Stamford, Conn., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also (by request), petition of the Honolulu Merchants' Association, relative to the organization of the Regular Army; to the Committee on Military Affairs.

Also (by request), petition of the Philadelphia Yearly Meeting of Friends, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Dan Grossup and 7 other citizens of Mount Vernon, Ohio, against national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of the Roxbury United Evangelical Church, Johnstown, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRITTEN: Petition of Chicago Photo-Engravers' Union, No. 5, favoring the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of 10 citizens of Woodbury Heights, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition by Rev. G. L. Pearson, superintendent of the Sacramento District, California Conference Methodist

Episcopal Church, of Sacramento, Cal., praying for the passage of the Hobson national constitutional prohibition resolution; to the Committee on the Judiciary.

Also, petition by the congregation of the Central Methodist Church, of Sacramento, Cal., with a membership of 300, praying for the passage of the Hobson national constitutional prohibition resolution; to the Committee on the Judiciary.

Also, resolution by Vallejo Trades and Labor Council, of Vallejo, Cal., with regard to the Colorado strike situation; to the Committee on the Judiciary.

Also, petition by Loyal Sons Bible Class, No. 609, of Sacramento, Cal., praying for the passage of the Hobson national constitutional prohibition resolution; to the Committee on the Judiciary.

Also, petition by 45 residents of Port Costa and Pittsburg, Contra Costa County, and Napa City and the Veterans' Home, Napa County, all in the State of California, protesting against the Hobson national constitutional prohibition resolution; to the Committee on the Judiciary.

Also, petition of 23 residents of Napa County, Cal., protesting against the Hobson national constitutional prohibition resolution; to the Committee on the Judiciary.

By Mr. DALE: Petitions of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of the Common Council of Stamford, Conn., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. ESCH: Petition of the Juneau County Sunday School Association, of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Petitions of 52 citizens of Ohio, favoring passage of House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of the Taliaferro Chapter, Daughters of the American Revolution, favoring House bill 4900, to erect a monument at Georgetown, Ohio, to U. S. Grant; to the Committee on the Library.

By Mr. GERRY: Petitions of 42 residents of Bradford; 25 residents of Bradford; the Rhode Island Federation of Women's Church Societies, representing 2,000 members; 22 residents of Coventry; 11 residents of Westerly; 19 residents of Coventry; the First South Kingston Baptist Church; the Advent Baptist Church, of Peace Dale; the Society of Friends, East Greenwich; Benjamin S. Tubman, principal Natick public schools; Rev. F. B. Murch, First United Presbyterian Church, of Providence; the Rhode Island Anti-Saloon League; Rev. F. M. White, Union Baptist Church, of Providence; Rev. T. T. Green, of Natick; Rev. J. S. Wadsworth, of Providence, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on the Judiciary.

Also, petition of 78 Swedish-American citizens of Cranston, R. I., urging an appropriation of $100,000 for erection of monument to memory of Capt. John Ericsson, designer and constructor of the *Monitor;* to the Committee on the Library.

Also, petitions of the Hanley-Hoye Co., of Providence; the William H. Grimes Co., Pawtucket; Palmer & Madigan, Providence; the Providence Brewing Co., of Providence; J. C. Joyce, Otto Baur, and George H. Cook, of Narragansett Pier; McKenna Bros., John J. McGuire & Co., the Five Sullivan Bros., and 379 residents, all in the State of Rhode Island, protesting against the passage of legislation providing for national prohibition; to the Committee on the Judiciary.

By Mr. GILMORE: Petition of sundry citizens of North Easton, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GREEN of Iowa: Petition of the Cass County (Iowa) Medical Society relative to House bill 6282, the Harrison anti-narcotic bill; to the Committee on Ways and Means.

By Mr. GUERNSEY: Petition of sundry citizens of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of the Woman's Christian Temperance Union and 13 other citizens of Fairmont, Minn., and 55 citizens of Jasper, Minn., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 10 citizens of Mapleton, 57 citizens of Mankato, and 18 citizens of Cobden, all in the State of Minnesota, against national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Telegrams from S. Thomas Carroll, Victor E. Blume, Charles A. Bosse, P. T. Malloney, Thomas White, Edwin Stapleton, Robert Boat, Charles Bell, August Schulte, August Gruss, Richard Keenoy, J. St. Ledger Maher, Charles Lorenz, and Emil Gelhause, protesting against pending prohibition resolutions, as well as all similar measures, as being un-American and against all principles of American citizenship; to the Committee on the Judiciary.

Also, telegram and letters from the Con P. Curran Printing Co., Frank Winter, and J. W. Rowland, president Rowland Sheet Iron & Cornice Works, protesting against prohibition resolutions and all similar measures; to the Committee on the Judiciary.

By Mr. KALANIANAOLE: Petition of the Chamber of Commerce, Honolulu, Hawaii, relative to the organization of the Regular Army; to the Committee on Military Affairs.

By Mr. KEATING: Petitions of sundry citizens of Las Animas, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Colorado, against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Connecticut: Petition of the Common Council of Stamford, Conn., favoring the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. KENNEDY of Iowa: Petition of the Burlington District Methodist Episcopal Church, of Mount Pleasant, Iowa, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KORBLY: Petitions of sundry citizens of Indiana, against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the Common Council of Stamford, Conn., favoring passage of the Hamill bill for civil-service retirement; to the Committee on Reform in the Civil Service.

Also, protest of sundry citizens of Connecticut, against national prohibition; to the Committee on the Judiciary.

By Mr. MARTIN: Petition of sundry citizens of the third congressional district of South Dakota, against national prohibition; to the Committee on the Judiciary.

Also, petition of the South Dakota State Luther League, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Fort Pierre, S. Dak., favoring woman's suffrage amendment; to the Committee on the Judiciary.

By Mr. NEELEY of Kansas: Petitions of 26 citizens of Barton County, Kans., against national prohibition; to the Committee on the Judiciary.

Also, petition of Great Bend (Kans.) Chapter, No. 1650, of the Epworth League of the Methodist Episcopal Church and the Haviland Quarterly Meeting of Friends, of Coldwater, Kans., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of F. R. Kraft, of Holyrood, Kans., against national prohibition; to the Committee on the Judiciary.

Also, petition of James Hadley, of Coldwater, Kans., favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of sundry citizens of Cowley County, Kans., favoring House bill 2865, relative to pensions; to the Committee on Invalid Pensions.

Also, petitions by various Grand Army posts, women's relief corps, Spanish-American War soldiers, and divers and sundry veterans of the Civil War in Kansas, as well as soldiers' widows, all in behalf of House bill's 2865, 14747, and 14748, relative to pensions; to the Committee on Invalid Pensions.

Also, petitions from sundry citizens of Hoisington, Bushton, Olmitz, Otis, Nekoma, Claflin, Alexander, and Geneseo, all in the State of Kansas, relative to House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. NEELY of West Virginia: Resolutions of the Preston County (W. Va.) Bar Association and Taylor County (W. Va.) Bar Association, expressing confidence in Hon. Alston G. Dayton, judge of the District Court of the United States for the Northern District of West Virginia; to the Committee on Rules.

Also, petition of sundry citizens of Adamston, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Petitions of the United Grocers' (Inc.) and the San Francisco Grocery Co., of San Francisco, Cal., against national prohibition; to the Committee on the Judiciary.

By Mr. O'HAIR: Petitions of sundry citizens of Illinois, against national prohibition; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of the Woman's Political Union of New York State, favoring woman-suffrage amendment to the Constitution; to the Committee on the Judiciary.

Also, petitions of sundry citizens of New York, against national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petitions of sundry citizens of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Rhode Island, against national prohibition; to the Committee on the Judiciary.

Also, petitions of F. E. Farnham, of Providence, R. I., and the Antisaloon League of America, Department of Rhode Island, against caucus action on prohibition amendment; to the Committee on the Judiciary.

Also, petition of the Congressional Union for Woman Suffrage and Woman Suffrage Party of Rhode Island, favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of the Beaman & Smith Co., of Providence, R. I., against the Wilson omnibus bill relative to exclusive agencies; to the Committee on the Judiciary.

By Mr. PETERS of Maine: Petition of sundry citizens of Maine, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Maine, against Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. RAKER: Letters from 30 residents of California, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. RAUCH: Petitions of sundry citizens of Indiana, against national prohibition; to the Committee on the Judiciary.

By Mr. REED: Petitions of Clarence E. Kelley and students of the Nute High School, of Milton, N. H., and Ernest Fox Nichols and two others from Dartmouth College, Hanover, N. H., protesting against intervention by the United States in Mexico; to the Committee on Foreign Affairs.

By Mr. SELDOMRIDGE: Petitions of various churches, representing 302 citizens of Fruita, 50 citizens of Colorado Springs, 45 citizens of Simon, 400 citizens of Rocky Ford, 50 citizens of Romeo, 70 citizens of Redvale, 60 citizens of Alamosa, 15 citizens of the Elco Woman's Christian Temperance Union, of Boulder, and sundry citizens of Cortez, Monte Vista, Eagle, and Mesita, all in the State of Colorado, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Resolution of the Realty Board of Los Angeles, Cal., protesting against Hobson prohibition amendment to national Constitution; to the Committee on the Judiciary.

Also, resolution from S. L. Smith, secretary Epworth League of Los Angeles, Cal., representing 2,500 voters, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TREADWAY: Petition of sundry citizens of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr WEAVER: Petition of sundry citizens of Yale, Okla., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Cigar Makers' Union No. 450, of Oklahoma City, Okla., against national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany a bill (H. R. 16670) granting an increase of pension to James D. Carr; to the Committee on Pensions.

Also, papers to accompany a bill (H. R. 16669) granting a pension to Ethel Culver; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the First National Bank of Brooklyn, N. Y., against House bill 15657, relative to interlocking directorates of banks; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *May 20, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee day by day, knowing that human wisdom and human strength are not sufficient for human life. The great problems that confront us can never be solved in the light of common day. But Thou dost give to us to live our lives in a spiritual atmosphere, charged with tokens of Thy love and powers of Thy grace, and Thou dost come with Thy gentle ministry upon the hearts and minds of Thy people, leading them to fulfill a divine plan. Help us to-day to know the guidance of God and to submit our lives to Thy holy will, that we may fulfill all the commission that Thou hast put into our hands and measure up to the responsibilities of Christian statesmen. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
Washington, May 20, 1914.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day.

The Journal of yesterday's proceedings was read and approved.

INDIAN RESERVATION LANDS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4632) for the relief of settlers on the Fort Berthold Indian Reservation, in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations, in the States of South Dakota and North Dakota, which were, on page 1, line 4, to strike out "and directed"; on page 2, line 3, after "effect," to insert "the act of Congress approved May 27, 1910, entitled 'An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect,' and the act approved May 30, 1910, entitled 'An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect'"; on page 3, line 2, to strike out "said"; on page 3, line 2, after "lands," to insert "in said reservations"; and to amend the title so as to read: "An act for the relief of settlers on the Fort Berthold, Cheyenne River, Standing Rock, Rosebud, and Pine Ridge Indian Reservations, in the States of North and South Dakota."

Mr. CRAWFORD. I move that the Senate concur in the amendments of the House of Representatives. This is a bill in which my constituents are interested, as are also those of the Senator from North Dakota [Mr. MCCUMBER], and the amendments were made at the instance of the Representatives from those States.

The PRESIDING OFFICER. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4096) to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes, which was, on page 2, after line 7, to insert:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SUTHERLAND. I move that the Senate concur in the House amendment.

The motion was agreed to.

CONSTRUCTION OF REVENUE CUTTERS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the amendment of the House No. 3 to the bill (S. 4377) to provide for the construction of four revenue cutters, insisting upon its amendment to the title of the bill, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate disagree to the amendments of the House of Representatives; insist upon its amendment to the amendment of the House No. 3; agree to the conference asked for by the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. BANKHEAD, Mr. RANSDELL, and Mr. NELSON conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes; and

H. R. 9042. An act to permit sales by the supply departments of the Army to certain military schools and colleges.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 9899. An act to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska; and

H. R. 10835. An act to authorize the Secretary of the Treasury to consolidate sundry funds from which unpaid Indian annuities or shares in the tribal trust funds are or may hereafter be due.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City; and

H. R. 14377. An act to amend section 4472 of the Revised Statutes.

H. R. 15190. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913, was read twice by its title and referred to the Committee on the Judiciary.

H. J. Res. 249. Joint resolution for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission, was read twice by its title and referred to the Committee on the Library.

PANAMA CANAL TOLLS.

Mr. KERN rose.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Dillingham	Martin, Va.	Smith, Md.
Brady	Gallinger	Nelson	Smoot
Brandegee	Hitchcock	Norris	Sterling
Bristow	Hollis	O'Gorman	Sutherland
Bryan	Hughes	Overman	Swanson
Burleigh	James	Page	Thompson
Burton	Johnson	Perkins	Thornton
Catron	Jones	Pittman	Townsend
Chamberlain	Kenyon	Ransdell	Vardaman
Clapp	Kern	Robinson	Walsh
Clark, Wyo.	La Follette	Saulsbury	West
Crawford	Lane	Shafroth	Works
Culberson	Lea, Tenn.	Sheppard	
Cummins	McCumber	Smith, Ariz.	

Mr. LA FOLLETTE. I was requested to announce for the junior Senator from Missouri [Mr. REED] that he is absent from the Senate this morning on business of the Senate, conducting hearings before the Committee on Manufactures.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on account of sickness.

Mr. SHAFROTH. I wish to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he has a general pair with the senior Senator from New York [Mr. ROOT].

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present.

Mr. KERN. I ask unanimous consent for the following agreement.

The PRESIDING OFFICER. The Secretary will read the proposed agreement.

The Secretary read as follows:

It is agreed by unanimous consent that on Wednesday, May 27, 1914, immediately upon the conclusion of the remarks of Senator STERLING, the Senate will proceed to the consideration of the bill H. R. 14385, the Panama tolls bill, and that at not later than 4 o'clock p. m. on that calendar day the Senate will proceed, without further debate, to vote upon any amendment that may be pending and upon the bill—through the regular parliamentary stages—to its final disposition, and that no amendment offered later than Monday, May 25, will be considered.

Mr. KERN. Mr. President, it is the earnest desire of a number of Senators on both sides that I shall make a proposition for a unanimous-consent agreement this morning. The bill has already been very fully debated. The arguments on either side have been very able, exhaustive, and illuminating. I think no greater debate has occurred in this body in many years. It has seemed to many of us that everything that can be said on either side will have been said by the date named, and that to continue an indefinite debate would be inconsistent with the desire that everyone has for an early adjournment.

It is desired, if agreeable to a majority of the Senate, of course, that the meetings of the Senate should commence at 11 o'clock in the morning and be carried on until such time in the evening as would be necessary to give all Senators who might desire to speak full opportunity to be heard. Notices have been given for one speech on the 21st, one on the 22d, one on the 25th, one on the 26th, and another on the 27th. It is believed that the Senate can very well accommodate itself to at least three, four, or five speeches in a single day if they are not too long. I hope that we may be able to agree to vote at the time suggested.

Mr. GALLINGER. I was not in the Chamber when the request for a unanimous-consent agreement was submitted, and I rise simply to ask the Senator what date he has proposed?

Mr. KERN. The 27th of May, one week from to-day; no amendment to be considered that is offered after Monday.

Mr. McCUMBER. Mr. President, the time has not yet arrived to fix a definite date for a vote upon the bill. I therefore object to any unanimous-consent agreement at this time.

The PRESIDING OFFICER. Objection is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased, and had appointed Mr. POU, Mr. DIES, and Mr. MOTT managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 5289) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Presiding Officer as Acting President pro tempore:

S. 65. An act to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910;

S. 1243. An act directing the issuance of patent to John Russell;

S. 5066. An act to increase the authorization for a public building at Osage City, Kans.;

S. 5552. An act to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914; and

S. J. Res. 139. Joint resolution to authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a petition of Local Union No. 1344, United Mine Workers of America, of Webster, Pa., praying that the Senate of the United States "use every means" to end the labor troubles in Colorado, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Calais, Millersburg, Cincinnati, and Cambridge, in the State of Ohio; of Sparland, Winnebago, Ashmore, Elgin, and Kansas, in the State of Illinois; of Minneapolis and St. Paul, in the State of Minnesota; of Waukesha and Reedsburg, in the State of Wisconsin; of McCoysville, Newville, and Philadelphia, in the State of Pennsylvania; of Bennington, Kans.; of Sheridan, Wyo.; of Emmitsburg, Md.; of Marietta, Ga.; and of St. Louis, Mo., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. McCUMBER presented petitions of sundry citizens of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POMERENE presented memorials of 500 citizens of Cleveland, East Liverpool, Canton, Hamilton, Dayton, and Toledo, and of 502 voters of Newark, all in the State of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of 700 citizens of Cincinnati, 400 citizens of Loraine, 146 citizens of Conneaut, 53 citizens of Bainbridge, 35 citizens of Massillon, 40 citizens of Marion, 27 citizens of Warren, 45 citizens of Union, 13 citizens of Greenville, and 23 citizens of New Carlisle, all in the State or Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Branch No. 20, Glass Bottle Blowers' Association of the United States and Canada, of Zanesville, Ohio, approving the action of President Wilson in sending Federal troops into Colorado to restore peace and order in that State, which was referred to the Committee on Education and Labor.

Mr. KENYON. I present petitions signed by 10,000 members of the Burlington district of the Iowa Conference of the Methodist Episcopal Church, of Iowa, praying for national prohibition. I ask that the petitions may be received and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. The petitions will be referred to the Committee on the Judiciary.

Mr. KENYON. I have a telegram in the nature of a petition from the mayor and committee of Beacon, Iowa, which I ask may be printed in the RECORD without reading.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BEACON, IOWA, *May 7, 1914.*

Hon. W. S. KENYON.
Senate Chamber, Washington, D. C.:

Whereas in the industrial strife that has existed for more than half a year in the State of Colorado, many men, women, and children have been slaughtered by hired assassins, upon whom have been conferred the power and authority of the State; and

Whereas the greedy and inhuman corporation that has been guilty of these atrocious crimes must be prevented from shedding more human blood; and

Whereas not only in the State of Colorado, but in every State in which thousands of unorganized men and women are employed, industrial conditions are as oppressive and unjust as were those that produced the world's bloody revolutions; and

Whereas we believe that the Federal Government should intervene in our industrial affairs for the purpose of safeguarding human rights: Therefore be it

Resolved, That we, citizens of Beacon, Iowa, urge Congress to enact a law requiring the operator of any industry in which 100 or more persons are employed to obtain a Federal charter under which all the workmen's rights, including the right to band themselves together in labor unions, would be protected. Forfeiture of such charter should be the penalty for violation of any of its provisions, and the Government should be authorized to take over and operate the forfeited industry until such time as the owner would bond himself to meet the requirements of the law; and be it further

Resolved, That we hereby petition Congress to pass the bill introduced by Senator MARTINE that prohibits blood-thirsty corporations from employing guards to murder workmen and their wives and children.

Respectfully submitted by

SOL MEEK,
Mayor and Chairman.
JOHN FREAM,
JOHN OWENS,
ALEX HUSSON,
Committee.

Mr. TOWNSEND presented memorials of sundry citizens of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. ASHURST presented telegrams in the nature of memorials from sundry citizens of Arizona, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NELSON presented memorials of sundry citizens of Detroit, Morgan, and Redwood Falls, all in the State of Minnesota, remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Anoka, Morgan, and Redwood Falls, all in the State of Minnesota, praying for the adoption of certain amendments to the postal and civil-service laws, which were referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Suffrage Parade Committee of Minneapolis, Minn., favoring the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented telegrams in the nature of memorials from sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the congregation of the Presbyterian Church of Grand Rapids, Minn., favoring the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of Stockton, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the San Francisco Chamber of Commerce, of California, praying for the enactment of legislation to provide for the control of floods and the improvement of navigation, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Sacramento and San Francisco, in the State of California, remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Armijo Civic Center Association, of Suisun-Fairfield, Cal., praying for a peaceful settlement of the Mexican difficulties, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Riverside, Cal., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Socialist Party of Laytonville, Cal., praying for an investigation into conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Presbyterian Church of Palo Alto, Cal., praying for the enactment of legislation to regulate interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of Typographical Local Union No. 576, of San Luis Obispo, Cal., praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a telegram in the nature of a petition from the congregation of the First Unitarian Church of Portland, Oreg., praying for a peaceful settlement of the Mexican difficulties, which was referred to the Committee on Foreign Relations.

Mr. DU PONT presented a petition of the Woman's Christian Temperance Union of Hokessin, Del., praying for the enactment of legislation providing for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens and organizations of the State of Delaware, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented memorials of sundry citizens of Michigan; of Union No. 19, United Brotherhood of Carpenters and Joiners, of Detroit; of Electrotypers' Union No 54, of Detroit; of Union No. 105, Sheet Metal Workers' International Alliance, of Detroit; of Sanitary Wagon Drivers' Union, No. 37, of Detroit; of Upholsterers' Union No. 31, of Detroit; of Cigar Makers' Union No. 19, of Sault Ste Marie; of German Carpenters' Union, No. 303, of Detroit; and of Cigar Makers' Union No. 269, of Escanaba, all in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Exchange Club, of Detroit, Mich., praying for the adoption of 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Burr Oak; of the congregations of the Stockbridge Avenue Methodist Episcopal Church, of Kalamazoo; the United Brethren Church of St. Johns; and of the Ladies of the Modern Maccabees of Grand Rapids, all in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented the memorial of Patrick McGreevy, of Winooski, Vt., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. NORRIS presented petitions of sundry citizens of Nebraska, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of George G. Shute, secretary of Woodsville Division, No. 417, Order of Railway Conductors, of New Hampshire, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of the Connecticut State Association of Letter Carriers, favoring the closing of first and second class post offices on Sundays, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Connecticut State Association of Letter Carriers, favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. LODGE presented petitions of sundry citizens of Worcester, Fitchburg, West Dennis, Fairhaven, Osterville, New Bedford, West Boylston, and North Easton, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of W. F. Smith, C. R. Hubbard, Frank Dillard, C. Hazelbrig, M. Henderson, James Welch, and 130 other residents of Vigo County; and Robert Orr, Thomas Reed, C. R. Larkin, and 212 other residents of Indianapolis, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented memorials of sundry citizens of Laramie, Wyo., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

MEMORIAL TO MARINES KILLED AT VERA CRUZ.

Mr. SHAFROTH. Mr. President, I send to the desk resolutions adopted by the House of Representatives of the State of Colorado in special session assembled. I ask that the resolutions may be read and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were read and referred to the Committee on Foreign Relations, as follows:

[Certificate.]

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Colorado, ss:

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full, true, and complete transcript of the house resolution No. 9, by Mr. Mitchell, which was filed in this office the 15th day of May, A. D. 1914, at 12.44 o'clock p. m., and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 15th day of May, A. D. 1914.

[SEAL.]

JAMES B. PEARCE,
Secretary of State.
By THOMAS F. DILLON, Jr.,
Deputy.

House resolution 9.

Whereas those who fell at Vera Cruz in the line of duty have to-day been brought back to American soil: Be it

Resolved, That the House of Representatives, in special session assembled, do now take a recess until the hour of 3 p. m. as a silent tribute to the memory of these patriotic dead, who, in devotion to the flag of our country, have laid down their lives that the Nation's honor might be vindicated and its principles of justice and humanity upheld before the civilized world; their names will be forever enshrined, not only in the history of our country, but in the hearts of all their countrymen; be it further

Resolved, That these resolutions be spread at large upon the journal of the House and that a copy thereof be forwarded to our Senators and Representatives in the National Congress.

J. H. SLATTERY,
Speaker of the House of Representatives.

Approved May 15, 1914, 12.12 p. m.

ELIAS M. AMMON,
Governor of the State of Colorado.

Indorsed: Filed in the office of the secretary of state of the State of Colorado on the 15th day of May, A. D. 1914, at 12.44 o'clock p. m. Recorded in book —, page —.

JAMES B. PEARCE,
Secretary of State.
By THOS. F. DILLON, Jr.,
Deputy.

Filing clerk, D., jr.

THE COLORADO STRIKE.

Mr. SHAFROTH. Mr. President, I send to the desk resolutions which have been passed by the General Assembly of the State of Colorado, and I ask that they may be read.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[Certificate.]

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Colorado, ss:

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full, true, and complete transcript of the house joint resolution No. 3, by Mr. Fincher, which was filed in this office the 15th day of May, A. D. 1914, at 12.43 o'clock p. m., and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 15th day of May, A. D. 1914.

[SEAL.]

JAMES B. PEARCE,
Secretary of State.
By THOMAS F. DILLON, Jr.,
Deputy.

House joint resolution 3.

Whereas the public mind, not only in Colorado but elsewhere throughout the country, has been agitated and unsettled through the publication and circulation of conflicting statements concerning the facts related with the unfortunate industrial strife prevailing in the coal fields of Colorado; and

Whereas by reason of such conflicting publications and statements the conditions attending the situation have been intensified and the good name and material interests of the State have greatly suffered: Be it

Resolved, That the general assembly, now in extraordinary session, declares that the people of Colorado, no less than the people of any other State in the Union, recognize that the first and highest duty of the citizen is to respect and render obedience to the law; that there can be no freedom, no justice, under any government where life and property are not safe and secure. That the people of the State of Colorado are firmly resolved to preserve law and order in this State and protect life and property therein and to punish those guilty of violation of law without regard to their association, condition, or position. That the general assembly, so convened in extraordinary session, hereby pledges the entire power and, if necessary, the entire resources of the State to the restoration of peace and order, the preservation of the sovereignty of the State, and the maintenance of the government under the Constitution and laws of the country; be it

Resolved, That this resolution be spread upon the journals of the house and senate and that a copy thereof be sent to the President of the United States; and be it further

Resolved, That a copy of these resolutions be forwarded to Members of the Colorado delegation in Congress.

J. H. SLATTERY,
Speaker of the House of Representatives.
STEPHEN R. FITZGERALD,
President of the Senate.

Approved May 15, 1914, 12.16 p. m.

ELIA M. AMMON,
Governor of the State of Colorado.

Indorsed: Filed in the office of the secretary of state of the State of Colorado on the 15th day of May, A. D. 1914, at 12.43 o'clock p. m. Recorded in book —, page —.

JAMES B. PEARCE,
Secretary of State,
By THOMAS F. DILLON, Jr.,
Deputy.

Filing clerk, D., Jr.

Mr. BORAH. I desire to ask the Senator from Colorado if the Legislature of the State of Colorado has adjourned?

Mr. SHAFROTH. Yes; I understand it adjourned on Saturday evening last.

Mr. BORAH. Did it take any steps to provide for taking care of the situation in Colorado?

Mr. SHAFROTH. It provided for the issuing of a million dollars in bonds for the purpose of raising money to pay the past expenses of the national guard of that State and also for other needs that may arise. The amount which has been expended up to this time is about $680,000, which leaves a surplus of $320,000 for expenditures in the future should it be needed.

Mr. BORAH. I understand the only act upon the part of the legislature, then, was to provide for the expenses of the militia forces of the State?

Mr. SHAFROTH. There was also passed a bill giving certain powers to the State with regard to the seizing of arms at any time the governor should make proclamation; an act was also passed giving to the State authorities the power absolutely to close saloons in times when troubles of this character exist. Those were the three bills passed.

There was also submitted a bill to provide for compulsory arbitration.

Mr. BORAH. That is what I was interested in.

Mr. SHAFROTH. That bill was defeated in the house and did not get to the senate. It seems that both sides were opposed to the bill—both the operators and the strikers. The result was that no headway could be made upon that.

Mr. BORAH. I should like to ask further if the difficulty there has been adjusted?

Mr. SHAFROTH. No; it has not been adjusted as yet. Of course, they are endeavoring to adjust it every day. The troops of the United States have been called in and are now upon the ground—not a great many, but it does not take many United States soldiers to preserve order. There is no hostility seemingly between the strikers and the United States troops. On that account very few are necessary. I think there are probably three or four hundred United States soldiers there, whereas there were perhaps fifteen or eighteen hundred of the militia there previous to that time.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 1269) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, or otherwise, reported it with an amendment and submitted a report (No. 530) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 65) to amend Senate joint resolution

34, approved May 12, 1898, entitled "Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," reported it with amendments and submitted a report (No. 531) thereon.

Mr. BRADY, from the Committee on Military Affairs, to which was referred the bill (S. 4221) for the relief of Charles L. Roe, reported adversely thereon, and the bill was postponed indefinitely.

Mr. ROBINSON, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8893) for the relief of Mary E. Goodley (Rept. No. 535);

A bill (H. R. 10767) for the relief of John D. Baldwin (Rept. No. 532); and

A bill (H. R. 12166) for the relief of Jennie S. Sherman or her heirs (Rept. No. 533).

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 4077) for the relief of Mary E. Goodley, submitted an adverse report (No. 534) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. JOHNSON, from the Committee on Claims, to which was referred the bill (H. R. 12778) for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer, reported it without amendment and submitted a report (No. 536) thereon.

LIEUT. JAMES P. BARNEY.

Mr. BRISTOW. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 9147) to restore First Lieut. James P. Barney, retired, to the active list of the Army, and I submit a report (No. 529) thereon. I call the attention of the junior Senator from Virginia [Mr. SWANSON] to the bill.

Mr. SWANSON. I ask unanimous consent for the immediate consideration of the bill.

Mr. GALLINGER. Let the bill be read.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. I should like to have the Senator from Virginia state why it is necessary that the bill should be acted upon at this time.

Mr. SWANSON. Mr. President, this is a time when we need officers in the Army. The department has recommended that Lieut. Barney be restored to the active list of the Army. Some time ago upon examination he was found to be sick and was retired against his own wishes. His health has since been completely restored. He is now on the retired list receiving three-fourths pay, and this bill proposes to restore him to the active list of the Army. It seems to me that if the Government wants men in the present emergency it would be to the interest of the service to restore to the active list as promptly as it can be done this efficient and capable officer.

Mr. SMOOT. Yes; if the Government desires his services, there is no question about that at all.

Mr. SWANSON. We had better prepare for an emergency, in any event.

Mr. GALLINGER. The bill has not been read, I think.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Does the bill carry any additional pay to the officer during the time he has been retired?

Mr. SWANSON. I think not. He was retired on three-fourths pay.

Mr. GALLINGER. Then it does not carry any additional pay?

Mr. SWANSON. It does not carry any additional pay. He was retired, as I have said, against his own wishes, and his health has been entirely restored.

Mr. McCUMBER. Mr. President, I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. SWANSON. Mr. President, I understood unanimous consent had been granted.

The PRESIDING OFFICER. It had not been granted. The Chair gave time for the purpose and understood that the Senator from New Hampshire [Mr. GALLINGER] was about to object, but he did not do so. The objection was made by the Senator from North Dakota [Mr. McCUMBER].

Mr. GALLINGER. I did not make objection, but I asked that the bill be read. The Secretary had only read the title, and I thought it proper that the bill should be read at length. I did not make objection at any point.

Mr. SWANSON. I think the RECORD will show that the Chair inquired if there was objection, and there was no objection made.

The PRESIDING OFFICER. The Chair had made no announcement, but recognized the Senator from North Dakota, who has objected to the consideration of the bill, and it will go to the calendar.

Mr. BRISTOW. Mr. President, there is a bill, S. 3404, covering the same subject matter as the House bill just reported by me, and which I report adversely from the Committee on Military Affairs, with the recommendation that it be indefinitely postponed, as that course will be necessary if the House bill is to be passed. I ask that the Senate bill go to the calendar with the House bill reported favorably.

The PRESIDING OFFICER. Does the Senator desire present action upon the report he is now submitting?

Mr. BRISTOW. No; I do not desire action upon it until the House bill has been passed.

The PRESIDING OFFICER. Does the Senator desire the Senate bill to be placed on the calendar?

Mr. BRISTOW. I desire it to go to the calendar until the House bill has been acted upon; then I shall move its indefinite postponement.

The PRESIDING OFFICER. The bill will be placed on the calendar.

SALT LAKE CITY (UTAH) WATER SUPPLY.

Mr. SMOOT. From the Committee on Public Lands I report back favorably, with an amendment, the bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah, and I submit a report (No. 537) thereon.

Mr. SUTHERLAND. Mr. President, this is a bill of local application only and is a matter of considerable importance to my home city of Salt Lake. I therefore ask unanimous consent for the immediate consideration of the bill. It is short and will take only a moment. I will also say that it has the approval of the Secretary of the Interior.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let the bill be read first.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The amendment of the Committee on Public Lands was, on page 3, after line 18, to strike out section 2, as follows:

SEC. 2. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by and at the expense of the city of Salt Lake City, under the supervision of the Secretary of Agriculture, for the purpose of storing, conserving, and protecting from pollution the water supply, and preserving the timber on said lands to more fully accomplish such purposes, and to that end said city shall have the right, subject to approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved for the storage and conveying of water and the construction and maintenance thereon of all improvements for such purposes.

And insert:

SEC. 2. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture, at the expense of and in cooperation with the city of Salt Lake City, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands to more fully accomplish such purposes; and to that end said city shall have the right, subject to approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes.

So as to make the bill read:

Be it enacted, etc., That the public lands within the several townships and subdivisions thereof hereinafter enumerated, situate in the county of Salt Lake, State of Utah, are hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or non-mineral land laws of the United States, and set aside as a municipal water-supply reserve for the use and benefit of the city of Salt Lake City, a municipal corporation of the State of Utah, as follows, to wit: The south half of the south half of section 9; the south half of the southwest quarter and the southeast quarter of section 10; the south half of section 11; section 12; section 13; section 14; section 15; section 16; the northeast quarter and south half of section 17; the south half of the south half of section 18; section 19; section 20; section 21; section 22; section 23; section 24; section 25; section 26; section 27; section 28; the north half of section 29; the north half of the north half of section 33; the north half of the north half of section 34; section 35; section 36, in township 1 north, range 1 east, of Salt Lake base and meridian; all of township 1 north, range 2 east of Salt Lake base and meridian; the south half of section 32; the south half of section 33; the south half of the south half of section 34; the south half of section 35, in township 2 north, range 2 east of Salt Lake base and meridian; the south half of section 7; the west half of the west half of section 17; section 18; section 19; section 30; section 31, in township 1 north, range 3 east, of Salt Lake base and meridian; section 1; section 2; the northeast quarter of section 11; section 12; section 13; section 24, in township 1 south, range 1 east, of Salt Lake base and meridian; section 1; section 2; section 3; section 4; section 5; section 6; section 7; section 8; section 9; section 10; section 11; section 12; section 13; section 14; section 15; section 16; section 17; section 18; section 19; section 20; section

21; section 22; section 23; section 24; the north half of section 25, in township 1 south, range 2 east, of Salt Lake base and meridian; the west half and the southeast quarter of section 5; section 6; section 7; section 8; the west half of the west half of section 9; the west half of the west half of section 16; section 17; section 18; section 19; section 20; the west half and the southeast quarter of section 21; the west half of section 27; section 28; section 29; section 30; the north half of section 32; the north half of section 33; the northwest quarter of section 34, in township 1 south, range 3 east, of Salt Lake base and meridian.

SEC. 2. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture at the expense of and in cooperation with the city of Salt Lake City, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands to more fully accomplish such purposes; and to that end said city shall have the right, subject to approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved, for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes.

SEC. 3. That in addition to the authority given the Secretary of Agriculture under the act of June 4, 1897 (30 Stats., p. 35), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this act or of regulations issued thereunder shall be punishable as is provided for in section 50 of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909" (35 Stats. L., p. 1098), as amended by the act of Congress approved June 25, 1910 (36 Stats. L., p. 857).

SEC. 4. That this act shall be subject to all legal rights heretofore acquired under any law of the United States, and the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

Mr. SHAFROTH. I should like to inquire how many acres of land are proposed to be set aside by this bill?

Mr. SUTHERLAND. I can not answer the Senator as to the precise number, because a very large portion of the land is already owned by the city of Salt Lake. I think more than half of it is owned by the city in fee. Probably three or four thousand acres, I should think, altogether are involved.

Mr. SHAFROTH. I have no objection to the consideration of the bill.

Mr. SMOOT. If the Senator from Colorado desires to know exactly, I will read the figures from the report accompanying the bill.

Mr. SHAFROTH. I do not care particularly about that. The information that three or four thousand acres are involved is sufficient.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. I ask unanimous consent that the report on the bill prepared by me may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report referred to is as follows:

[Senate Report No. 537, Sixty-third Congress, second session.]

PROTECTION OF THE WATER SUPPLY OF THE CITY OF SALT LAKE CITY, UTAH.

Mr. SMOOT, from the Committee on Public Lands, submitted the following report, to accompany S. 4741:

The Committee on Public Lands, to which was referred the bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah, having had the same under consideration, beg leave to report it back to the Senate with the following amendment:

Pages 3 and 4, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture, at the expense of and in cooperation with the city of Salt Lake City, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands to more fully accomplish such purposes; and to that end said city shall have the right, subject to approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved, for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes."

As thus amended the committee recommend that the bill do pass.

The above bill contemplates the withdrawal of several townships and subdivisions of townships in the county of Salt Lake, State of Utah, so as to embrace the watersheds in the vicinity of the city of Salt Lake City, and thus afford protection to the water supply of said city.

The city of Salt Lake City at present owns upward of 20,000 acres of land situate in the drainage basins of the creeks from which it gets its water. Here and there all over these lands are little springs and water holes which help to feed the streams from which the city draws its water. Most of these watershed lands were bought from the Union Pacific Railroad Co. The patent to the railroad company, as well as the law making the grant, provides that mineral lands are excepted.

Under cover of mineral locations, squatters are seizing the favored spots in the city watersheds to get the springs thereon. The watersheds are not mineral land. No mine or quarry has been developed on any of them, and no mineral entry seems to be made in any place that does not contain a spring. However, a trace of mineral or limestone or anything else may serve as a pretext for a location to one who wants a spring.

The above bill has been drawn to prevent the contamination of the watersheds surrounding the city by locations made by squatters of a more or less speculative nature.

The land embraced in these watersheds is clearly of a nonmineral character, as set forth in the letter herewith of Mr. Edward R. Zalinski, mining engineer, Salt Lake City, Utah, and addressed to the mayor and commissioners of Salt Lake City.

SALT LAKE CITY, UTAH, *November 12, 1913.*

The MAYOR AND COMMISSIONERS,
Salt Lake City.

GENTLEMEN: In reply to your question as to the character of the lands within the watersheds of City Creek, Dry Creek, Red Butte Creek, Emigration Canyon Creek, and Parleys Creek—as included within the yellow lines on the watershed map of Salt Lake City, a copy of which was given me—I beg to say that in my opinion, based on familiarity with the ground for the past eight years and on a recent inspection of the same, the land has no value as mineral ground, except possibly in a broader sense, for limestone or other quarries, and gravel pits.

Regarding the geology, the country rocks are chiefly limestone and quartzite, with minor quantities of lime shale, sandstone, and conglomerate. There is also a relatively small amount of extrusive or volcanic rock.

The lands in question are classified by the United States Geological Survey, and are shown on the geologic map of North America—Professional Paper 71, plate 1C. This is the latest geologic map of this section, published in 1912, being more up to date than the earlier map of the fortieth parallel survey.

As shown on the latest map, these lands consist of: Carboniferous, undivided (blue, with horizontal hatching on map, symbol No. 14); also some Upper Cretaceous (color green, symbol No. 7, on map); Tertiary effusives (color red, symbol 25); besides these there are the Quaternary gravel beds of the lake benches (light yellow or cream color on map, symbol No. 1).

As to the occurrence of mineral, the beds for the greater part are moderately tilted, with relatively little bending or crumpling of the strata, such as is favorable for ore deposits. There is no important fissuring or faulting; the lands lie east of the Wasatch fault. There are no porphyry intrusions that the writer knows of. These usually accompany mineralization and are present in all of the mining camps of the State.

What might possibly be taken for porphyry is the extrusive or volcanic rock, mostly latite, an eruptive form of a monzonite magma. At Bingham this is later than the mineralization and is nowhere associated with the ore deposits.

This section is not in any recognized mineral district. There has been more or less prospecting, but in the last 50 years, since the fall of 1863, when mining was first started in Utah, no valuable mineral deposits have been discovered or developed.

To sum up, the land embraced within the watersheds is clearly nonmineral ground.

Yours, very truly, EDWARD R. ZALINSKI.

With respect to this withdrawal, the matter was submitted to the Department of the Interior, and in a letter from the Secretary thereof, filed herewith, it will be noted that special legislation is needed in order to accomplish the purpose sought by the city of Salt Lake City, Utah:

DEPARTMENT OF THE INTERIOR,
Washington, March 4, 1914.

Hon. GEORGE SUTHERLAND,
United States Senate.

MY DEAR SENATOR: In response to your request of December 30, 1913, for a report relative to the watershed desired by Salt Lake City to be withdrawn for a water-supply site, I have the honor to submit herewith a copy of a letter from the Director of the Geological Survey describing the land and stating its geographical character. With the papers submitted to you is a diagram showing the lands desired to be withdrawn inclosed in yellow lines. The lands therein colored red are designated on said map as "city land," and I assume that the most of it has been purchased from the Union Pacific Railroad Co. The records of the General Land Office show the total area of the land to be about 67,388.45 acres, of which there has been patented to the Union Pacific Railroad Co., upon its selections, 25,120.27 acres; that preemption patents cover 1,280 acres; patented homestead entries cover 5,277.11 acres; patented soldiers' additional homestead entries, 348.75 acres; approved State selections, 3,850.08; school lands granted to the State in sections 2, 16, 32, and 36, 5,423.30 acres; patented desert-land entries, 697.91 acres; patented timber-culture entries, 40 acres; and patented mineral entries, 1,018.90, making the total area of patented lands 43,057.22 acres, leaving an unpatented area of 24,331.23 acres.

There is also a pending mineral entry for 440 acres and a pending desert-land entry for 280 acres, and 160 acres have been reserved for ranger station and administration site for the Forest Service. One State selection is pending for 40 acres, and a reservation for Fort Douglas contains 200 acres. Permission has also been granted by the Forest Service to the Knight Power Co. for use of 80 acres. Omitting the last-mentioned tract, said pending selections, entries, and reserved land aggregate 1,120 acres.

It is stated in the director's letter that a withdrawal would not affect bona fide claims now in existence, but would prevent entries and selections under the nonmineral laws and the filing of additional claims under the laws applied to nonmetalliferous minerals, "but would not fully protect the city." It appears that a good portion of the unpatented area is covered by the forest reserve, and the withdrawal thereof for the national forest will protect the city, as to such lands, for the present, but, as stated by said director, "It is probable that special legislation will be required to accomplish the purposes of the city authorities."

It is therefore evident that special legislation will be required to fully accomplish the purposes sought by the city. Upon the presentation of a bill for that purpose covering said land, steps will be taken looking to the withdrawal of the land by Executive order from all forms of disposal, pending such legislation.

Your inclosures are herewith returned.

Respectfully, FRANKLIN K. LANE.

The bill has been submitted by the committee to the Department of Agriculture, because the legislation thereof affects the land within the Wasatch National Forest, and the report from the Secretary of the department approving the legislation is also hereto appended.

DEPARTMENT OF AGRICULTURE,
Washington, May 9, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

DEAR SIR: In further reply to your request for a report upon the bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah.

It is proposed in the bill that approximately 25,000 acres of Government land, nearly all within the Wasatch National Forest, be reserved from all forms of entry or appropriation and set aside as a municipal water-supply reserve for the use and benefit of the city of Salt Lake City. Section 2 of the bill proposes the manner in which the area shall be administered for the storage and conveyance of water for municipal purposes. Additional authority is given the Secretary of Agriculture in section 3 of the bill to prevent trespass, so as to preserve the purity of the water supply. All the legal rights of individuals heretofore acquired on the area are protected in section 4.

I inclose a map of the area showing graphically the national forest lands, State lands, municipal lands, and lands in private ownership, together with approximately one section of unreserved, unappropriated public land. From information of record in the Forest Service it appears that titles to these lands within the exterior boundaries of the proposed municipal water-supply reservation are held as follows:

	Acres.
National forest land	24,000
Unappropriated Government land	1,475
State land	2,040
City land	23,855
Railroad and private land	16,527

On the national forest areas there are some lode claims initiated under the mining laws, and there are several placer locations of quarries of smelter, building, and cement stone. Of the lode-mining claims none are being operated. The Emigration Stone Co. and the Portland Cement Co. of Utah are engaged in active operations at their quarries. The placer claims, covering the quarries of different kinds, amount to approximately 1,500 acres. Not more than a half dozen patents have been issued under the lode-mining laws within this area. It is assumed, however, that the Land Office will inform your committee more particularly in regard to the quantities and areas of alienations on the proposed reservation.

The cover of the area consists very largely of scrub oak and maple brush. The northern slope of City Creek Canyon had, however, at one time a good stand of timber. A good reproduction of this has sprung up since the watershed was protected. The south slope of City Creek Canyon is almost entirely oak brush. The next canyon in importance is Emigration, about half of the watershed there being covered with sagebrush and the other half with oak and maple brush. Parleys Canyon has about the same proportion; probably a little larger percentage is of oak and maple brush than of sagebrush. Lambs Fork, the main right fork of Parleys Canyon, has considerable good timber; however, this is largely in private ownership. The character of this land is steep and mountainous, ranging in elevation from 4,500 to 8,000 feet. None of the area is valuable for agriculture. Its chief value is for timber production and for municipal water-supply protection.

This department has always recognized the fact that one of the highest uses to which national forest land could be put is in the protection of water supplies needed for municipal purposes. In several instances cooperation between municipalities and the Forest Service has been arranged. Forms of cooperative agreement are now in force with many of these municipalities, among which are the city of Colorado Springs; the town of Manitou, Colo.; Portland, Oreg.; and Tacoma, Wash. Some of these agreements are entered into under the general authority of this department to cooperate with the municipalities and in other cases specific laws have been enacted by Congress to authorize agreements.

The wording of the bill now before me is quite similar to that used in the act establishing a reservation on the Pike National Forest for the city of Colorado Springs and the town of Manitou, approved February 27, 1913 (37 Stat., 685).

The plan outlined in the provisions of section 3 of that act, relating to the administration of the lands involved, has been found to be eminently practicable and satisfactory. It provides in part as follows:

"SEC. 3. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture at the expense of and in cooperation with the city of Colorado Springs * * *."

Since the purpose of the present act is identical with this earlier enactment for the benefit of the city of Colorado Springs and the town of Manitou, and conditions are in no wise dissimilar, I respectfully suggest that the wording of the present act be slightly amended in order to conform thereto. The following substitute is offered for section 2 of the bill S. 4741:

"That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture at the expense of and in cooperation with the city of Salt Lake City, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands to more fully accomplish such purposes, and to that end said city shall have the right, subject to approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved, for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes."

If this amendment is adopted, this department has no objection to the passage of the bill.

Very truly, yours,

D. F. HOUSTON,
Secretary.

FRENCH SPOLIATION CLAIMS.

Mr. BRYAN. From the Committee on Claims I report a resolution, for which I ask present consideration.

There being no objection, the resolution (S. Res. 366) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That in compliance with the request of the assistant clerk of the Court of Claims, pursuant to an order of the court, under date of May 13, 1914, the Secretary of the Senate be, and he is hereby, instructed to return to the Court of Claims the dismissal of the French spoliation case of the schooner *Maria*, Charles Taylor, master, Nos. 2555, 2630, 4365, 633, contained in House Document No. 379, Sixty-third Congress, second session, and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Congress.

CLAIMS AGAINST THE GOVERNMENT OF COLOMBIA.

Mr. POMERENE, from the Committee on Foreign Relations, reported the following resolution (S. Res. 367), which was read:

Resolved, That there be printed 500 copies each of parts 1 and 2, Senate Document No. 264, Fifty-seventh Congress, first session; Senate Document No. 123, Fifty-seventh Congress, second session; and Senate Document No. 199, Fifty-eighth Congress, second session, all relating to claims against the Government of Colombia, and stitched together in one pamphlet for the use of the Senate document room.

FORT M'HENRY MILITARY RESERVATION.

Mr. CHAMBERLAIN. I ask unanimous consent for the immediate consideration of House bill 12806, being Order of Business 460 on the calendar. My reason for making the request is that the bill has for its object the transferring to the city of Baltimore of the Fort McHenry Military Reservation, which is not used by the Government. It is not in the form of an absolute grant, but simply a permission to use it. The citizens of Baltimore are preparing to hold a celebration there on the 6th of September to honor not only the occasion of the battle fought there, but also the writing of the Star-Spangled Banner by Key. The bill is largely one of local interest, and it is in order to assist them in carrying out the purposes of the proposed celebration that I make this request.

Mr. McCUMBER. Mr. President, is the morning business closed?

The PRESIDING OFFICER. The morning business is not closed.

Mr. McCUMBER. I object to the consideration of any measure until the morning business is closed.

The PRESIDING OFFICER. Objection is made. If there are no further reports of committees, the introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STONE:

A bill (S. 5614) for the improvement of the foreign service; to the Committee on Foreign Relations.

By Mr. McCUMBER:

A bill (S. 5615) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 5616) to correct the military record of Samuel Barry; to the Committee on Military Affairs.

A bill (S. 5617) granting an increase of pension to William Quinlivan; and

A bill (S. 5618) granting a pension to James Kenyon (with accompanying papers); to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 5619) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

A bill (S. 5620) granting a pension to Henry Goodwin (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 5621) granting an increase of pension to James A. Sawyer; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5622) granting an increase of pension to Samuel S. Adams; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5623) granting an increase of pension to Francis M. Drum (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 5624) granting an increase of pension to Z. S. Walker; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5625) granting a pension to Matilda A. Cowgill (with accompanying paper);

A bill (S. 5626) granting an increase of pension to Marquis L. Waits (with accompanying papers); and

A bill (S. 5627) granting an increase of pension to Moses P. Roberts (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 5628) granting an increase of pension to Celia A. Davis; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5629) for the relief of certain persons who made entry under the provisions of section 6, act of May 29, 1908; to the Committee on Public Lands.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. JOHNSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

ARBITRATION TREATIES.

Mr. LODGE. Mr. President, when the treaties with France and England negotiated by President Taft were under consideration, I made a somewhat careful examination of the records to see when the Senate had first committed itself to the principle of arbitration. At that time I did not find anything earlier than the Sherman resolution of 1890, which I placed in the speech I made on those treaties. To-day I have come across an earlier resolution—16 years earlier—which was reported from the Committee on Foreign Relations by Mr. Hamlin, of Maine, on June 9, 1874. It is as follows:

Resolved, That the United States, having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

This resolution was considered and agreed to without debate on the 23d of June, 1874. If there is no objection, I should like to have the Secretary order it reprinted, as I think this is the last copy. I also wish it to appear in what I have just said. It is interesting as showing that the Senate adopted the arbitration principle 40 years ago.

The PRESIDING OFFICER. In the absence of objection, the request of the Senator from Massachusetts will be complied with.

AFFAIRS IN MEXICO.

Mr. SMITH of Michigan. Mr. President, on the 21st of April, in speaking on the Mexican situation, I stated that Ambassador Wilson's recommendations for the recognition of the de facto Huerta government was in March last year. I was in error as to the time and I should like to correct it. I ask unanimous consent to have read and printed in the RECORD a letter from Mr. Wilson on that subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

INDIANAPOLIS, IND., *May 11, 1914.*

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.

MY DEAR SENATOR: I have just been shown a copy of the CONGRESSIONAL RECORD of April 21 which contains a copy of the recommendations made by me to the President and afterwards read to the Committee on Foreign Relations of the Senate, with reference to the recognition of the present provisional government of Mexico. I detect no error in the wording of the recommendations. They were carefully considered at the time they were offered, and I think have been fully justified by events which have since occurred.

In the comments, however, which you had occasion to make at the time of submitting the recommendations you fell into the very natural error of assigning them chronologically to the month of March, 1913. I think it of some importance that it should be known that these recommendations were made to the President and afterwards read to the Senate Committee on Foreign Relations in the month of August, 1913, while I was in Washington under instructions from the Secretary of State and prior to the acceptance of my resignation.

Inasmuch as some overzealous supporters of the President's policies toward Mexico have with unfortunate haste commented upon the recommendations of August as being the sole and only solution of the difficult situation proposed by me, I feel that I am justified in saying that the records of the Department of State show conclusively that in the early months of the present administration—either April or May, I think—I recommended the unconditional recognition of the Huerta administration. If this is denied, I shall know how to demonstrate the truth. I made the same recommendations with reference to recognition to the Wilson administration that I had made to the Taft administration in February, and I may say here, without fear of contradiction, that the Taft administration recognized the legality of the installation of the Huerta government and withheld formal recognition only because of the delay of the new Mexican administration in adjusting certain long pending differences.

When I made the recommendations for unconditional recognition of the Huerta administration in the early days of the present administration, my position was justified by every consideration of interest and humanity; the revolution against Madero had been generally accepted throughout the country, foreign Governments were rapidly according recognition, and the present revolutionary movement was a cloud no larger than a man's hand on the horizon. Prompt action by our Government, if taken then, would, in my judgment, have averted all the horrors, sacrifices, odiums, and dangers which followed. Four months later, when I made the recommendations, which you have placed upon the records of the Senate, the situation had entirely changed. Our policy toward this unfortunate country had become the subject of severe criticism in European chancelleries, had excited profound distrust in Latin America, had alienated the friendly sentiments of the Mexican Government, and inspired the hopes and rallied the spirits of those in rebellion against the Government.

I was therefore obliged to consider three things in making the recommendations, which you have placed upon the Senate records, viz:

First. The best method of restoring our national prestige.

Second. The best method of affording protection to our nationals in northern Mexico, without being forced to go to war.

Third. The best method of meeting what I understood to be the views and of conforming to the announced policies of the present administration.

To accomplish the restoration of our national prestige I recommended the severe conditions to be imposed before according recognition; to protect our nationals in northern Mexico I recommended an agreement with the Mexican Government to the effect that in case of necessity we should be permitted to go as far south as the twenty-sixth parallel with its consent—below the twenty-sixth parallel there was no semblance of a revolution; to meet the views and to conform to the policies of the present administration, I made the recommendation for demanding guarantees for a constitutional election. At the time I made this recommendation, I knew that a constitutional election could not be held in Mexico, but I also believed that it would be impossible to carry this fact home to the minds of those in charge of the foreign affairs of this Nation. I hoped that some satisfactory process might be gone through which would result in the selection of a good man for President, who, without having been elected by constitutional methods, might nevertheless govern in accordance with democratic principles and endeavor to lay foundations upon which an intelligent and instructed suffrage might be built up.

The recommendations which I made in the first instance I still believe should have been acted upon, and those which I had occasion to offer later, and which are the subject of this letter, I am sure every disinterested person must believe were conceived in a spirit of devotion to the interests of this Government.

Very sincerely, yours, HENRY LANE WILSON.

Mr. STONE. Mr. President, this gentleman, who is a pretty well discredited ex-diplomat, sought opportunities to exploit himself through the public press, and availed himself of every opportunity presented until his fulminations became somewhat stale and the press ceased to be interested in him. I suppose he is endeavoring now to revive his drooping fortunes by "butting into" the CONGRESSIONAL RECORD.

Mr. SMITH of Michigan. Mr. President, I think the Senator from Missouri has departed from his usual sense of fairness in the rather hypercritical remarks he has just made about the former American ambassador. Surely the Senator from Missouri recognizes that during the many months—in fact, years—of his service in Mexico, Ambassador Wilson left no important duty unperformed. He stood at the head of the diplomatic corps during the siege and bombardment of the City of Mexico. He was courageous, careful, painstaking, and thorough in his protection of American life and property. He deserves and has received the praise of his countrymen for the services he rendered.

I can not permit this opportunity to pass without expressing my sincere regret that the honored Senator from Missouri should feel called upon to unkindly characterize the services of this faithful official.

Mr. STONE. I do not think, as my friend does, that Mr. Wilson is entitled to the grateful consideration of the American people for his services in Mexico. I think the secretary of that embassy, who, upon Mr. Wilson's somewhat enforced retirement, became the chargé d'affaires at that embassy, is deserving of great praise and the highest consideration for the performance of most delicate duties under circumstances of the greatest difficulty, and not unaccompanied with peril to himself. For myself I have very little consideration or respect for our former ambassador to the Republic of Mexico.

Mr. WILLIAMS. He was a source of embarrassment there.

Mr. SMITH of Michigan. Mr. President, just a word in response to what the Senator says about the "enforced retirement." Of course, anyone at all familiar with the facts which the records of the State Department will disclose must know that Ambassador Wilson tendered his resignation several times, and separated himself from the service voluntarily. He was, however, kept in the service long after his desire to retire, because of the exigencies of the Mexican situation and the desire of this Government to avail itself of his valuable services. That is a matter of easy demonstration.

I think wherever there is any credit or honor due to the American Government in the Mexican situation, it ought to be distributed with fairness. I concur in all the Senator says about the service of Mr. O'Shaughnessy. He certainly performed his duty with credit to himself and to the Government he represented; but it is not easy to ignore the ample proof upon the records of the State Department of Mr. Wilson's fidelity to duty, for which he has received the highest praise at home and abroad for his service in Mexico up to the time when he voluntarily withdrew from the service.

SHIPPING TRADE IN THE UNITED STATES.

Mr. O'GORMAN. Mr. President, Mr. Joseph N. Teal, of Portland, Oreg., was a witness recently before the Interoceanic Canals Committee. I have a brief letter from this gentleman in which he supplements certain views he then conveyed to the committee regarding the condition of the shipping trade in the United States. It is so short I ask that it may be read.

The PRESIDING OFFICER. Is there objection to the reading of the letter? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

PORTLAND, OREG., *May 12, 1914.*

Hon. JAMES A. O'GORMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: It is possible the Panama debate may be closed before this letter reaches you, but in view of the fact at the hearings

before the committee it seemed to be the opinion of some Senators that the "tramp" and the irregular steamers were unimportant factors both from traffic handled as well as effect on rates, I thought you might be interested in the findings of the Interstate Commerce Commission in a recent case passing on violations of the fourth section (long-and-short-haul clause) in the Southeast. This case is entitled "Fourth section violations in the Southeast," and will be found in 30 I. C. C., 153. It is a very exhaustive report on the water situation between Atlantic ports, including, of course, the Carolinas and Georgia and all of the Gulf States. Under the heading "Water transportations from New York to south Atlantic ports," at page 169, after setting out the regular lines operating, at page 170 the commission uses the following *significant* language:

"In addition to the freight carried by the regular steamship companies, large and important quantities of low-grade commodities move into and out of the south Atlantic ports by tramp steamers and steamers belonging to lumber companies moving loaded out of the south Atlantic ports and returning empty except for such traffic as can be obtained. Considerable tonnage is handled by sailing vessels. Cement, coal, fertilizer materials, etc., move to the south Atlantic ports in large quantities by these irregular steamships on lower rates than are afforded by the regular steamship lines. The service of these tramp steamers, lumber steamers, sailing vessels, etc., constitutes a check upon the rates of the regular steamship lines, compelling low rates from them, particularly as to all classes of low-grade traffic which can be handled to advantage by the irregular steamers and sailing service."

Dealing with conditions at the city of Savannah, on the same page, the commission says:

"During the year 1911 Savannah handled over 2,500,000 bales of cotton and, next to Galveston, Tex., is the largest cotton market in the world. During the same year 404 irregular vessels, consisting of schooners, barks, and steamships, not including any vessels of the Ocean Steamship Co. or of the Merchants & Miners Transportation Co., entered Savannah. Such of these vessels as moved to and from eastern ports handled fertilizer material, salt, cement, plaster, coal, iron and steel articles, brick, oil, gravel, and hay from north Atlantic ports to Savannah, and lumber and crossties from Savannah to the north Atlantic ports. The approximate amount of traffic carried by these irregular vessels, exclusive of foreign traffic from the north Atlantic ports to Savannah, was 130,172 tons, and during the same period 50,000,000 board feet of lumber and crossties were shipped from Savannah by these vessels. These outside vessels brought into Savannah 10,938 tons of cement at a rate of approximately 97 cents a ton, as compared with the rate of the regular steamship companies of $1.50. The approximate rates charged by these irregular vessels from north Atlantic ports to Savannah are:

	Per ton.
Fertilizer	$1.50
Salt	1.25
Iron and steel articles	1.70
Plaster	.97
Coal	1.10
Brick	1.09
Hay	.90

Under the head of Brunswick and Jacksonville, page 171, the report shows the arrival and clearances in the coastwise trade for 1911 were 3,492 vessels. "The lumber tonnage alone amounted to 223,786,999 board measure."

The foregoing findings of fact by the commission show that my statement to the committee to the effect that there was a large number of outside vessels not in any trust or combine engaged in the trade between the north Atlantic and south Atlantic ports and also that the tramp vessels control the rates on the heavy commodities was correct. It further shows, as I stated, that tramp steamers loaded with lumber moving north make very low rates to secure tonnage southbound. It is perfectly apparent to me that to secure the fullest benefit of the canal for this country the tramps and independent steamers must be encouraged and not discouraged in their operation, and it is equally apparent that a toll will favor the regular liner reasonably sure of cargo both ways and operate to the detriment of the tramp steamer, which must keep moving in order to make a living and can not lay very long in port at any time awaiting cargo.

Sincerely, yours,

JOSEPH N. TEAL.

SIGNALS FOR VESSELS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 5289) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work, which were, on page 2, lines 1 and 2, to strike out "marking a wreck or" and insert "dredges of all types and vessels working on wrecks by"; on page 2, line 11, after "ferryboats," to insert "barges, dredges, canal boats, vessels working on wrecks"; on page 2, line 13, after "vessels," to insert "barges, dredges, and boats," and to amend the title so as to read:

An act to provide for warning signals on vessels working on wrecks or engaged in dredging or other submarine work, and to amend section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States."

Mr. PERKINS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

IMPORTS AND EXPORTS.

The PRESIDING OFFICER. If there are no further concurrent or other resolutions the morning business is closed.

Mr. SMOOT. I ask unanimous consent for a few moments to present some figures in relation to the imports and exports of the United States for the month of April. It will not take more than a few moments.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Utah will proceed.

Mr. SMOOT. Mr. President, the tariff law has been in force now some six months, and it can now be judged as to what the future result of the workings of that bill will be as affecting our commerce.

I am in receipt of the report from the Bureau of Foreign and Domestic Commerce, Department of Commerce, showing the total values of imports and exports of the United States for the month of April, 1914.

The question is often asked, What is the matter with business? I believe that this is a proper time to call the attention of the Senate and of the country to one of the great reasons for the unsettled and unsatisfactory state of business conditions in this country.

From the report it is shown that the merchandise exported for April aggregated a value of $162,368,852, as compared with $199,813,438 for the corresponding month of last year. This is a loss in exports of $37,444,586 in a single month.

Mr. GALLINGER. Will the Senator restate the figures?

Mr. SMOOT. The returns of the Department of Commerce show that the merchandise exports for April of this year amounted to $162,368,852, as compared with $199,813,438 for the corresponding month of last year under a protective tariff. This is, as I stated, a loss in exports of $37,444,586 in a single month.

The imports in April of this year were $172,640,724, as compared with $146,194,461 in April of last year, or a gain in imports for the month of $26,446,263. Taking the imports and exports together they show a total loss in money to the commerce of the United States of $63,890,849 in one month, or at the rate of $766,690,188 annually.

This, Mr. President, is the promised expansion of trade, and it shows the adverse balances against our country under the present tariff law. But it must be remembered that we are just beginning to experience the real effect of the Democratic law. It has not yet gone into effect to its full extent.

The duty on sugar was cut in March, but it will be some months yet before it takes full effect and thus wipe out the industry in this country. The imports exceeded exports in April by $10,271,872. Thus we are coming to a condition which has existed under former Democratic tariff laws, when distress everywhere prevailed. As I stated, these figures tell of that wonderful expansion of trade promised by our Democratic friends.

Mr. GALLINGER. Especially by Mr. Redfield.

Mr. SMOOT. Mr. President, another thing I want to call attention to is the quantities of goods that are manufactured ready for consumption imported into this country, and the increases of that class of goods. I have not yet the figures for April. It will be impossible to get them until about the beginning of next month. But I have the figures for February and for March of this year, and they can be compared with the figures for February and March, 1913. The imports of merchandise ready for consumption in March, 1914, compared with the imports in the same months of 1913, I ask may be printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Imports of merchandise ready for consumption in March, 1914, showing increase compared with imports in the same month in 1913.

Products.	1914 values.	1913 values.	Increase.	Increase.
				Per cent.
Aluminum, manufactures of	$168,000	$60,767	$107,233	176.4
Watches, and parts of	317,329	205,280	112,049	54.5
Cotton cloths	1,402,071	721,902	680,169	94.2
Stockings	417,473	241,455	176,018	72.8
Other knit goods	366,251	44,675	321,576	719.8
Linen yarns	95,248	55,958	39,290	70.1
Fruit and nuts	4,012,244	3,088,108	924,136	29.9
Glassware	708,349	498,674	209,675	54
Cutlery	272,460	146,979	125,481	85.3
Tin plate	185,130	23,298	161,832	694.6
Leather and tanned skins	1,556,342	635,669	920,673	144.8
Gloves	990,977	755,242	235,735	31.2
Paper, and manufactures of	2,529,933	1,783,048	746,885	41.8
Manufactures of silk	3,095,975	2,094,608	1,001,367	37.1
Vegetables	1,423,939	960,857	463,082	48.1
Wool:				
Class 1	5,253,229	2,681,544	2,571,685	95.9
Class 2	616,845	383,638	233,207	60.7
Class 3	2,066,013	1,197,512	868,501	72.6
Woolen cloths	1,396,910	328,974	1,067,936	324
Dress goods	740,928	225,973	514,955	227
Wearing apparel	170,480	165,087	5,393	3.2
All other manufactures of wool	772,544	95,617	676,927	707
Total	29,218,670	16,994,865	12,223,805	71.9

Mr. SMOOT. Mr. President, I am going to call attention to a few of the increases. For instance, on manufactures of alu-

minum the increase is 176.4 per cent. The increases on cotton cloths are 94.2 per cent.

Mr. SMITH of Michigan. The importations?

Mr. SMOOT. The importations. The increase on other knit goods is 719.8 per cent; on tin plate, 694.6 per cent.

Mr President, I noticed in the press a day or two ago one shipment of tin plate of 12,000 cases landed in the port of New York. So when we get our May returns the increase will be greater than 694.6 per cent.

On leather and tanned skins there is an increase of 144.8 per cent; on woolen cloths, an increase of 324 per cent; on wearing apparel, an increase of only 3.2 per cent; on dress goods, an increase of 227 per cent; on all other manufactures of wool, an increase of 707 per cent. The total average increase of goods ready for consumption during the month of March this year over the month of March, 1913, is 71.9 per cent. Then people wonder why so many of our mills are closed. People are asking why so many of our laboring men are out of employment. These figures tell the story, Mr. President. Instead of our laboring men making our goods, they are made by foreigners and shipped into this country.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. I do.

Mr. SMITH of Michigan. Has the Senator the figures of the Department of Commerce for the six months of the operation of the new tariff law?

Mr. SMOOT. I have not them with me.

Mr. SMITH of Michigan. Will the Senator permit me to place in the RECORD the official figures?

Mr. SMOOT. I will be glad to have the Senator do that.

Mr. SMITH of Michigan. In the report of the Secretary of the Department of Commerce just made he states the value of the finished manufactures imported in six months. According to this report, there was imported in six months under the new tariff, from October 1 to April 1, of finished manufactures, $228,000,000 against $215,000,000 in the same period last year, an increase of $13,000,000, which would represent a loss to American labor of more than $2,000,000 a month in wages.

The value of manufacturers' material imported in the first six months of the new Democratic tariff law is $469,000,000 against $517,000,000 last year. In other words, our labor worked with $50,000,000 less raw material during the last six months than last year.

The value of the manufactures exported in the first six months of the new tariff law decreased from $582,000,000 to $541,000,000, a loss in American trade of $41,000,000 in the last six months, or a little less than $8,000,000 a month to American labor.

These startling figures illustrate the unwisdom of recent tariff changes and call loudly for a reassertion of the historic policy of protection to American industry and labor.

Mr. SMOOT. Taking the month of April, there was imported $26,446,263 worth of goods more than a year ago. I say, if the manufactured goods only required 50 per cent of their value in labor, there was a loss to the United States during the month of April to the laboring men of this country of over $13,000,000 from increased importations alone.

Mr. President, not only do these figures show an increase of importations and a falling off of exportations, but we must remember also that there is a falling off in consumption in this country. People are not purchasing as much. That decrease also falls upon the mill men of this country. I notice that in the month of May——

Mr. LANE. I do not understand the deduction of the Senator. He states that there has been a large importation, but a much less use of the articles after they import them. What do they do with them? Do they pile them up?

Mr. SMOOT. No; they are not piled up. The foreign goods come in and our mills are prevented from making the goods. The increased amount of importations were formerly purchased from our local mills.

Mr. LANE. Then they are used after they come here?

Mr. SMOOT. Certainly they are used.

Mr. LANE. I did not understand the Senator's statement.

Mr. SMOOT. These are importations, and every dollar of importations takes the place of a dollar's worth of goods manufactured in this country.

So far in the month of May, Mr. President, the same increase of importations has been repeated as in the month of April, for I notice that the receipts from customs for the month of April, 1913 and 1914, to the 17th of the month, notwithstanding the reduction in duties, amount to a little more this year than they did last year. It was freely admitted by Democrats that at the close of the fiscal year there would be from forty-five to fifty million dollars shortage in revenue from the collection of customs under the Democratic tariff law, but instead of there being at the end of this fiscal year a deficit of $50,000,000, I want to say to the Senate, there will not be a deficit of $30,000,000. So the tariff law has had the effect of increasing the imports even more than our Democratic friends contemplated that it would.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. KERN. I rise to a parliamentary inquiry, Mr. President. What is the order of business before the Senate?

The PRESIDING OFFICER. Morning business has been closed, and the calender under Rule VIII is in order.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. I ask unanimous consent that the Panama Canal tolls bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. HOLLIS obtained the floor.

Mr. McCUMBER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Hollis	O'Gorman	Sterling
Bristow	Hughes	Page	Stone
Bryan	James	Perkins	Sutherland
Burleigh	Johnson	Pittman	Thompson
Burton	Jones	Poindexter	Tillman
Catron	Kenyon	Pomerene	Townsend
Chamberlain	Kern	Robinson	Vardaman
Chilton	Lane	Saulsbury	Walsh
Clapp	Lea, Tenn	Shafroth	Warren
Clark, Wyo.	Lodge	Sheppard	Weeks
Crawford	McCumber	Shively	West
Cummins	Martin, Va.	Smith, Ariz.	Williams
Gallinger	Nelson	Smith, Mich.	
Hitchcock	Norris	Smoot	

Mr. WALSH. The absence of my colleague [Mr. MYERS] is due to his illness.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present. The Senator from New Hampshire.

Mr. HOLLIS. Mr. President, the Panama Canal, built, owned, and operated by the United States of America, constitutes the greatest public utility on earth.

The United States has dedicated that canal to the service of all mankind. She boasts that she holds it in trust for the peoples of the world. She throws wide its portals on easy terms to the commerce of all the nations. But by act of Congress, enacted August 24, 1912, she has exempted from payment of tolls vessels engaged in the coastwise trade of the United States. And since no other ships than those owned by her citizens are permitted to engage in the coastwise trade of the United States, she has thereby discriminated against the general public in favor of a certain class of her own citizens.

We are now asked to repeal the act of August 24, 1912, so that the ships of all nations may pass through the canal "without discrimination and on terms of entire equality." I favor such repeal, and as my reasons differ in some respects from any that have been disclosed in this debate, I venture to express them to my colleagues.

Good men, wise men, patriotic men, disagree over the treaty obligations and economic policies involved in the pending question. It is not difficult to make a strong argument on either side. There have been masterly arguments on both sides in the Senate in the past few weeks.

To speak with entire frankness, Senators seem to choose sides as a matter of feeling, or a matter of taste, or a matter of party loyalty, and then to marshal facts and figures and precedents to buttress their preconceived notions. And they find the task easy and diverting.

I confess to a prejudice against any form of discrimination in matters of transportation. I have never ridden on a pass in my life. For 10 years I fought the granting of passes by the railroads of New Hampshire, until special privileges of that kind were abolished. During that fight I learned that if one man was carried free some one else had to pay for his transportation, and it worked out in the long run so that those who paid, and who were least able to pay, were charged not only for their own passage, but also for the passage of those who could best afford to pay and who were favored with free passes.

I therefore approach this problem with a healthy prejudice against any special privilege in matters of transportation. I am aware also that any foreign citizen in this country pays

precisely the same rate for the transportation of his person and his property, by rail or by boat, that every American citizen pays. I know, further, that it is the enlightened policy of the age in transportation matters to serve all comers at reasonable rates and without discrimination. I happen, moreover, to be a radical along the lines of equal opportunity and in opposition to special privilege, so I am on the lookout for chances to extend rather than to restrict the doctrine.

And so when I learn that certain citizens of the United States have been exempted from the payment of tolls in transporting their ships through the Panama Canal I see the old problem arising under new conditions, and I have an instinctive feeling that here is the free-pass question again; that exemption of some from the payment of tolls will shift their burden to the shoulders of others, and that the shoulders on which that burden will ultimately rest will be the shoulders of the taxpayers.

I can easily demonstrate that all taxes are paid in the end by the ultimate consumer and that the great bulk of the ultimate consumers are the poor people of the land. And already are the burdens of the poor most grievous.

After frankly stating my prejudice against free passage of any sort, I think it is fair to say that that prejudice is more than overcome in my case by the plank in the Baltimore platform of 1912, pledging the Democratic Party in favor of tolls exemption at Panama. I freely admit that that plank should be sacredly regarded unless the exemption of American coastwise ships from tolls is contrary to our solemn treaty obligations. I assume that no one considers a platform declaration more binding than the provisions of a valid and existing treaty.

My argument, then, will be confined to the construction of the Hay-Pauncefote treaty, concluded in 1901 between the United States and Great Britain. Those who favor repeal hold, as a rule, that this treaty forbids any discrimination in favor of our coastwise shipping; those who oppose repeal hold, as a rule, that this treaty does not forbid discrimination, so far as American ships are concerned.

As is usual in cases of disputed construction, both sides have drawn lavishly in this debate from contemporaneous history and from current opinion. I now venture to direct the attention of the Senate to what the parties probably intended in the light of the common-law principles regarding transportation matters current in both countries at the time the treaty was concluded, for it is improbable that either country would have demanded from the other anything that was manifestly unfair in the light of the best current thought on transportation matters, and it is equally improbable that either country would have made a concession not required by the same enlightened thought.

We may exclude at the outset any application of common-law principles to war vessels and war measures, for these matters are conceded to be settled by the treaty; at least, they are not in controversy at this time. We are dealing with that part of the question which concerns vessels of commerce alone.

Let us first clearly indicate the duties which the common law imposes upon all who undertake a public calling, particularly the public calling which involves transportation in all its branches—by stage coach, turnpike, toll bridge, ferry, steamboat, pipe line, tramway, railroad, or canal.

The distinction between a private calling and a public calling is not always easy to describe, but it has been determined that all persons or corporations who hold themselves out to transport the public or the goods of the public are clearly engaged in a public calling. All persons who are so engaged are obliged to serve everyone who applies on equal terms.

Of the innkeeper it has been said that "when the weary traveler reaches the wayside inn in the gathering dusk, if the host turns him away, what shall he do? Go to the next inn? It is miles away, and the roads are infested with robbers." And so it is for the public interest that the innkeeper be obliged to accept every guest upon equal terms so long as he has accommodations.

The application of these principles to everyone who serves the traveling public, or the shipper of goods, was natural and inevitable, but the principles applicable to public callings have been carried much further.

In the leading case of Munn *v.* Illinois (94 U. S., 113), it was held that a grain elevator was a public business, obliged to serve all comers at reasonable rates, without discrimination, although the elevator stood upon land purchased by private treaty, although it had no privileges in the public streets, although it had no aid from the public treasury, and was not even incorporated. Justice Waite, of the United States Supreme Court, said in his opinion:

> This brings us to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what without its operative effect. Looking, then, to the common law, from whence came the right which the Constitution protects, we find that when private property is "affected with a public interest, it ceases to be *juris privati* only." This was said by Lord Chief Justice Hale more than 200 years ago in his treatise *De Portibus Maris*, and has been accepted without objection as an essential element in the law of property ever since. Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but so long as he maintains the use, he must submit to the control.

In Nash *v.* Page (80 Ky., 531) tobacco warehouses were held to have a monopoly of the business, and hence to have undertaken a public calling, subject to the obligation to treat all comers alike.

In Inter Ocean Publishing Co. *v.* Associated Press (184 Ill., 438) the great news-gathering service of the country was held public, and discrimination was forbidden in these words:

> It has devoted its property to a public use, and has, in effect, granted to the public such an interest in its use that it must submit to be controlled by the public for the common good, to the extent of the interest it has thus created in the public in its private property.

And the same was held of the ticker service for stock quotations upon the ground of monopoly. Shepard *v.* Gold Stock & Telegraph Co. (38 Hun, 338).

So for many years it has been established, under the common law of this country and of England by the highest courts, that when a person or a corporation devotes his property to a use in which the public has an interest he thereby grants to the public an interest in that use and must submit to those common-law principles which exact reasonable rates and equal treatment to all comers, without discrimination. This doctrine is clearly laid down in the case of Munn against Illinois, already quoted, and it is a principle which stands above all others in our constitutional law.

As is said in Tift *v.* Southern Railway (138 Fed., 753), decided in 1905:

> "The administration of justice," said Webster, "is the chiefest concern of man upon earth." Within the scope of that function of government there is, perhaps, no single topic of greater magnitude or moment than controversies which arise in trade and commerce. Said Sir Walter Raleigh, "Whosoever commands the trade of the world commands the riches of the world, and consequently the world itself." In a material sense, and in our astonishing civilization, nothing is more important than the transportation of commodities sold or interchanged, and in transportation the stability and reasonable character of the rates charged therefor is scarcely less important than transportation itself. The three grand departments of government—legislative, executive, and judicial—are with steady and swerveless purpose enacting or enforcing laws to safeguard the rights of the general public, and as well that portion engaged in the business of transportation.

The query naturally arises as to the underlying reason why a person engaging in a public service should be subjected to obligations which guarantee equality, and the usual answer is that the obligations are imposed in exchange for the right of eminent domain, or, in other words, the right to take private property for a public use. But it is clear that the right of eminent domain follows and does not precede the obligations of public service.

A railway company or a canal may be granted the right of eminent domain only because it is the present or prospective servant of the public. And this is for the reason that private property can not be taken from its owners by eminent domain except for public use.

Another reason, which is sometimes given for the rule stated, is that the common carrier has received aid through taxation; but here again the effect is mistaken for the cause. Public taxation in aid of a project is only permissible when that project is intended for a public use. The right of taxation therefore follows and does not precede the obligation to treat all comers alike.

In Loan Association *v.* Topeka (20 Wall. (U. S.), 655, 658, Mr. Justice Miller says:

> It was said that roads, canals, bridges, navigable streams, and all other highways had in all times been matter of public concern; that such channels of travel and of the carrying business had always been established, improved, regulated by the State, and that the railroad had not lost this character because constructed by individual enterprise, aggregated into a corporation. We are not prepared to say that the latter view of it is not the true one, especially as there are other characteristics of a public nature conferred on these corporations, such as the power to obtain right of way, their subjection to the laws which govern common carriers, and the like, which seem to justify the proposition.

From the study of the cases it is clearly evident that the real basis for casting upon public servants the obligation of equal treatment to all comers rests in the establishment of *a monopoly*, more or less complete. When it is evident that a situation has arisen where there is but one place to which the customer may apply for reasonable service, then the application of equality

and the prohibition of discrimination attach. And the cases show that these obligations attach with inexorable force when the business has been established by the grant of an exclusive franchise.

If, then, a citizen of the United States, or of any other country, be it Russia, Japan, or Brazil, can show that a person or corporation has attained an exclusive franchise for the transportation of passengers and freight, he can enforce in the courts of this country his undoubted common-law right to have his person or his property transported at the same rates which are granted to others. No one will deny this right.

Nor will it be denied that citizens of all nations are entitled to exercise other public rights in the United States or any of its possessions. Any citizen from any land may ride upon our railroads or travel our highways, cross our toll bridges, avail himself of our water, gas, or electric service, use our sewers, or exercise any similar public right on the same terms as any citizen of the United States. And we, in common justice, must admit that citizens of the United States are accorded the same privileges in substantially every civilized quarter of the globe, and particularly in Great Britain and her dependencies.

At this point I beg the Senate to take note of a few definite facts at the time the Hay-Pauncefote treaty was concluded in 1901. The common-law principles we have been tracing were in force upon every railroad and canal in Great Britain and in the United States; the vessels of both nations were using the Welland Canal, on English soil, without discrimination and on equal terms; the vessels of both nations were using the Soo Canal, on American soil, without discrimination; the vessels of both nations were using the Suez Canal, on the soil of neither, in common with all other nations, without discrimination; the person and goods of any Englishman were being transported over every railroad and canal in America on equal terms with those of any American; the person and goods of any American were being transported over every railroad and canal in England on equal terms with those of any Englishman. The common law under which these privileges were enjoyed was the common inheritance of the two great Anglo-Saxon nations; it was the crystallized common sense, fairness, and justice of the two peoples.

What, then, would be expected by either of them if they should enter into a treaty which was to bestow on one of them an exclusive franchise to establish a transportation monopoly across the Isthmus of Panama? Would not the nation granting that monopoly naturally expect to require from the recipient of that monopoly franchise at least the same privileges and obligations imposed by both Governments on all railroads and canals within their borders? And why not?

Let us make no mistake about this. Let us fix firmly in our minds that every carrier by rail and water in the United States and in England is bound by the immutable principles of the common law under which both nations live, to carry all comers at reasonable rates, on equal terms, and *without discrimination.* And let us further remember that both nations enforce these obligations of entire equality and fair treatment in favor of prince and pauper, individual and corporation, citizen and foreigner, without discrimination or favor.

I hold it to be too plain for argument that that Nation to which we proudly give our allegiance would expect voluntarily to bind herself to observe those principles of justice and equality which she imposes upon others through her courts of justice.

It is true that there is no court in which these common-law obligations may be enforced, for the United States recognizes no higher power than herself, and there is therefore no authority to compel her obedience to the commonest decencies of international obligations. Even her treaties may be disregarded if she is deaf to the obligations of civilized mankind. But I know that every Senator of the United States, if he can discover and correctly apply the principles of justice and equality upon which our common-law obligations rest, will be zealous to have those principles observed by his country as well as by the humblest person, native or foreign.

But, strictly speaking, the question is not at this juncture what we ought to be willing to do, but what, in the light of the best current thought, we intended by the language we used in the treaty of 1901.

Is it, then, probable that the United States, in coming to an agreement with her neighbor, would voluntarily submit to the same common-law principles of equality and justice which she imposed through her highest courts upon her own citizens and the citizens of other lands? Or is it more probable that, because there is no sanction upon this planet for enforcing justice against her, she intended to stand above those principles of justice and equality which she demands from others and from her own citizens?

We have all observed that the application of morals and ethics ordinarily tends to grow more obscure as it becomes less personal. An upright citizen, who would scorn to take a mean advantage for his private purse, will perform acts which result in unjust enrichment to the corporation which he serves. An upright lawyer, who would not enforce his strict legal rights to the detriment of his neighbor, feels obliged to follow the instructions of his client in a case involving the same situation. Similarly, men will vote for national policies which they would be ashamed to invoke for their own private advantage. They seem to feel that there is a certain patriotism in overreaching for the benefit of their country, when a similar action for their own benefit would be described by a very different word.

I bespeak for the national honor, for the national interest, for the national benefit, the same application of common-law principles as our Nation enforces upon its own citizens and others within its borders—this and nothing more.

I do not feel it my duty as a Senator of the United States to assume that my country was any more grasping, any more selfish, any less just at the time the Hay-Pauncefote treaty was made than I should have been myself if I had been making a contract in behalf of a railroad corporation. I hope that no one else will have the bad taste, in a mistaken burst of patriotism, to invoke a less lively appreciation of what is fair and just.

Urging once more that we keep in mind the undisputed principles of the American and English common law, let us see what matter it was about which the two nations were about to treat in 1900 and 1901.

We are impressed at the outset with the glaring fact that the United States was about to establish a monopoly at Panama, and to do so through an exclusive franchise to be obtained by the common consent of the nations of the earth. Every schoolboy seeking to distract his mind from the hard facts of his geography lesson had drawn a lead-pencil canal through Panama on the map of the Western Hemisphere. Every nation which had any commerce had looked forward to the day when it might send its wares through the Panama Canal and avoid the dangers and the distance of a voyage around Cape Horn.

It was very plain that there would never be more than one canal across the Isthmus. In the first place, the construction of a second canal would be an unpardonable waste of time and money. In the second place, a single canal might be widened and deepened so as to serve all commerce which would ever offer itself for passage. The construction of the Panama Canal would establish a complete monopoly of traffic at or near that point. This could not be denied.

We come next to the character of the franchise to be enjoyed by the United States. It will be conceded that the United States had no exclusive or peculiar right to occupy the Isthmus of Panama when negotiations began among nations for the first canal treaties. It was unthinkable that the United States would permit any other nation to go there and construct a canal without a plain understanding as to the use of the canal by ships of the United States. No other nation engaged extensively in commerce would permit the United States to build a canal for the exclusive use of its own ships. To establish a monopoly for the sole use of United States ships would be a cause of war, promptly crushed by a combination of the world powers. But the United States made no claim to such right. As long ago as 1850 it had entered into a treaty with Great Britain on the subject, and through treaty and convention and international agreement and by universal consent among the nations, the United States was to obtain in 1900 an exclusive franchise to build and maintain the Panama Canal.

At this point I am not debating the rights acquired under the various treaties which have been so much discussed. I am merely calling attention to the fact that, through the assent of the civilized world, the United States was in 1901 about to obtain an exclusive franchise to maintain a canal monopoly across the Isthmus of Panama. And it would necessarily follow, under any fair application of the common-law principles to which I have already alluded, that the United States would expect voluntarily to assume the duties and obligations of a common carrier, and therefore would expect to treat all comers on equal terms, without discrimination.

At this point let us test the soundness of the rule of equality as applied to railroads, canals, and the like. Let us assume that it were possible for one man to possess himself of all the water fit for drinking purposes in the United States. The owner would be compelled to furnish water to all who applied on reasonable terms, and it is inconceivable that he would be permitted to sell to one person for half the price charged to others.

Or assume that one of the United States were divided by a range of mountains, passable through a single narrow canyon, with room for but one wagon track or railroad. Would any person or corporation be permitted to occupy the pass and to carry his friends at one rate and other citizens at a higher rate? And, in the same way and along the same lines of reasoning, was it fair or equitable or decent for one nation to possess itself of the Isthmus of Panama and undertake to discriminate between its own citizens and others, particularly when it prohibits railroads and canals within its borders from discriminating against anyone?

That the principles for which I am contending have been recognized with remarkable unanimity by American statesmen and officials in connection with the Isthmian canal project may be easily shown. Suffice it to say here that they were so recognized in public statements and documents by Henry Clay, then Secretary of State, in 1826; by a Senate resolution in 1835; by a resolution of the House of Representatives in 1839; in a treaty by the United States with New Granada in 1846; in President Polk's message to the Senate in 1847; by Lewis Cass, Secretary of State, in 1858; and by James G. Blaine, Secretary of State, in 1881. These documents and statements are admirably set forth in a pamphlet on Exemption from Panama Tolls, lately published by Prof. Eugene Wambaugh, of Harvard University.

A right understanding of our official utterances and of the common-law principles, which I have emphasized to an extent which is, I fear, unpardonable, leads inevitably to the conclusion that any two Anglo-Saxons would have them clearly in mind when about to make a contract concerning any transportation service; and such an understanding leads equally to the conclusion that any two Anglo-Saxon nations would have them clearly in mind when about to treat concerning a canal from one ocean to another which both nations would expect to use.

Knowing well that it is a fundamental law of common carriers that they must carry all who apply, on reasonable terms and without discrimination, both nations would realize that any treaty provisions *in conflict with this fundamental law*, common to both, must be so *clearly expressed that there could be no doubt of their meaning*. In other words, there would be a presumption that each nation intended to conform to the well-established rules of conduct applicable to the subject matter, *unless* that presumption should be unmistakably rebutted by words of the clearest import. The burden of proof would be on the party claiming a construction opposed to the settled principles involved in transportation by rail or water.

Unless, then, the words of the treaty of 1901 clearly and unmistakably import discrimination in favor of American ships, and the right to impose upon British vessels rates higher than those charged American ships, we must conclude that equality of rates was intended and discrimination prohibited.

We are now prepared to examine the documents in the case, approaching them in the light which encompassed the high contracting parties when their minds met in 1901.

There are only five treaties to be considered from first to last, and they may be briefly described as follows:

1. The Clayton-Bulwer treaty between the United States and Great Britain, April 19, 1850.

2. The first Hay-Pauncefote treaty between the United States and Great Britain, exchanged February 5, 1900, but never ratified.

3. The second Hay-Pauncefote treaty, entered into November 18, 1901, and ratified December 16, 1901.

4. The Hay-Herran treaty with Colombia, January 22, 1903.

5. The Hay-Bunau-Varilla treaty with Panama, November 18, 1903.

The treaties with Colombia and Panama may be dismissed with the single comment that they give to the United States the undoubted right to build the canal across the Isthmus of Panama, and to operate and maintain it "in conformity with all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901." (Hay-Herran treaty, art. 16; Hay-Bunau-Varilla treaty, art. 18.)

Passing, then, to the discussion of the treaties with Great Britain, we find that the Clayton-Bulwer treaty purported to fix by a convention the views and intentions of the United States and Great Britain concerning the construction of a Nicaragua canal. The two Governments made various agreements regarding any attempt to gain an advantage in any part of Central America; but the principal agreements were three in number, as follows: First, that neither nation would ever obtain or maintain for itself any exclusive control over such canal; second, that neither nation would ever erect or maintain any fortifications commanding the canal or in its vicinity; third, that neither nation would take advantage of any connection with any State or Government through whose territory the canal might pass "for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which should not be offered *on the same terms to the citizens or subjects of the other*." (Art. I.)

Here at the outset was a plain recognition of the common-law principles which must necessarily attach to a canal monopoly such as was contemplated. No one would suppose that such a treaty would be necessary among civilized nations inheriting common-law principles founded upon equity and justice. But it is most satisfactory to find these principles clearly recognized at the beginning of the negotiations.

In Article VI the purpose of both nations is plainly stated to be that—

> of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans *for the benefit of mankind, on equal terms to all*, and of protecting the same.

This is a noble and lofty purpose; and any citizen of the United States may congratulate himself that this "great design" was clearly stated at the outset, so that the whole world might understand the purpose of this country to serve mankind "on equal terms to all." Such was the intention of our country in 1850, and no one has suggested any reason why mankind in general should be treated in 1901 or in our day upon a less liberal and less enlightened scale. It may be claimed that one nation or another has at some time so conducted itself that we may be excused for making reprisal at this time. But surely nothing has occurred by which all mankind has forfeited its inherent right to equality of treatment.

In Article VIII it is stated that—

> the Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the inter-oceanic communications * * * by the way of Tehuantepec or Panama.

And Article VIII proceeds to state that—

> it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

We may well look back with pride to the high sense of national obligation so clearly recognized in the Clayton-Bulwer treaty. We have not, after all, made such tremendous advances in the past 60 years in our enlightened conception of what a common carrier owes the public. The spirit of justice and equality for which I have been contending breathes from one end of the document to the other. We find there the clearest recognition of the obligation of the canal builder, whoever it might be, to serve all comers at reasonable rates on terms of entire equality and without discrimination.

Some zealous patriots have seen fit to call the Clayton-Bulwer treaty an "egregious blunder." But, blunder or not, it was a binding treaty until it was superseded by the Hay-Pauncefote treaty of 1901, and when properly viewed in the light of common-law principles, it is a clear and statesmanlike recognition of what Anglo-Saxons at that time believed just and fair in matters of transportation.

We have, then, paving the way—or, to use a better figure, lighting the path—for the treaty of 1901 an express declaration of the common-law principles to which every international carrier should be subjected. I maintain that these far-shining principles of equality and fair dealing needed no declaration by treaty, convention, or international agreement to constitute them beacon lights along the path of progress pursued by the two enlightened nations whose minds met in the treaty of 1850 and again in the treaty of 1901.

But it is indeed a satisfaction to know that these red lights were entowered in 1850, and were not removed or bedimmed in the next 50 years at least. We approach the negotiations of 1900 and 1901, accordingly, in the steady light of their illumination, by which all may read that up to then it was the common understanding of the United States and Great Britain that any canal across the narrows of the American Continent should be open on equal terms to their citizens and subjects, without discrimination, and that all other nations might avail themselves of the same terms by undertaking equal responsibilities.

In order fully to realize the reasons which induced the United States and Great Britain to supersede the Clayton-Bulwer treaty we must bear in mind that with the end of the nineteenth cen-

tury there came to the United States enlarged responsibilities, among them the acquisition of the Philippine Islands, together with a sense of growing power among the nations of the earth, and a consciousness of possible trouble with the peoples of the East which might require the speedy transport of our fleet to the Pacific coast, and that the steady pressure of Great Britain's commerce and the care of her eastern dependencies made an early construction of the Panama Canal most desirable. It was evident that none but the Government of the United States would undertake the task.

But the Clayton-Bulwer treaty stood in the way. We had entered into that convention before we had embarked upon a policy of imperialism, and we had bound ourselves not to build the canal ourselves. We found it very inconvenient to be bound not to fortify the canal, not to exclude from it the ships of our enemy in time of war, not to fix the rate of tolls, not to control the canal and protect it by our own forces. And so we asked England, respectfully enough, to be so good as to release us from our treaty of 50 years' standing.

And England, in 1901, agreed to supersede the Clayton-Bulwer treaty and to make a new one, the Hay-Pauncefote treaty. In point of fact, England receded from nearly every point of vantage under the Clayton-Bulwer treaty. The United States was left free to acquire as much territory as she desired, to build the canal herself, to fortify and control it, to fix the tolls, to exclude her enemies' ships in time of war, and to treat the canal as her private property—just like any other corporation owning a public utility.

In return for all these concessions England received but two promises: First, that there should be no discrimination in tolls; second, that the canal must be open to the ships of war of all nations in war or in peace, except that the United States might exclude the ships of her enemy in time of war. It hardly seems probable that Great Britain intended to yield the right to equality of tolls between English and American ships. She had already yielded four-fifths of her rights without an adequate consideration. Why should she yield the remaining fifth for no return? This line of argument readily suggests itself, but it is comparatively unimportant. Most important it is to examine closely the language of the treaty of 1901 to see whether its terms are so clear and definite against equality and for discrimination as necessarily to preclude the rights of entire equality which would ordinarily be presumed.

Proceeding, then, to a careful examination of the language of the Hay-Pauncefote treaty, we find in the preamble the clearly expressed desire to facilitate the construction of the canal "without impairing the 'general principle' of neutralization" established in Article VIII of the Clayton-Bulwer treaty. Article VIII says nothing of war, as might be indicated by the term "neutralization," but expresses the "general principle" of equality to all nations in the use of any canal at Nicaragua, Tehuantepec, or Panama. Instead of clear language favoring discrimination and inequality, here is an express declaration of the intention, and a recognition of the duty, to preserve equality of use to all nations.

The regulation of the canal is provided for in Article II of the Hay-Pauncefote treaty, and here, again, instead of an explicit prohibition of equality, it is clearly stated that the basis of neutralization adopted is that provided for the navigation of the Suez Canal, where equal rates are guaranteed.

The first rule of Article III provides for vessels *of commerce and of war* of all nations; the other five rules apply only to *vessels of war* or to *acts of war*. It has been argued that because the last five rules apply to vessels of other nations, it must follow that the first rule applies to vessels of other nations, not to vessels of the United States; but it is readily seen that there is nothing in this argument, for the first rule stands clearly by itself in dealing with vessels of commerce as well as with vessels of war. And since this is the only place where vessels of commerce are mentioned in this treaty, they receive the treatment accorded by the words of this article, and none other.

Here, if at all, we should expect those unequivocal and necessary words in derogation of the common-law principles of equality, but once again we are left suspended in mid-air, for these words are clear, it is true, but clear in support of, not in opposition to, the red lights of equality and fair dealing:

> The canal shall be free and open to the vessels of commerce and of war *of all nations* observing these rules, on terms *of entire equality*, so that there shall be *no discrimination* against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It is conceded that these words, standing by themselves, clearly prohibit any discrimination in favor of vessels engaged in the American coastwise trade. For my part I am willing to concede that a strong argument is made in favor of the right to discriminate by bringing to bear other parts of the treaty and the surrounding circumstances. But when we recall the recognized principles of the common law which create a presumption in favor of equality and against discrimination, we clearly see that there is entirely lacking that clear and convincing statement which is required to overcome that presumption.

Not only are clear and convincing terms lacking to overcome the presumption of the common-law principles, but, on the contrary, the terms employed show clearly that the first rule of Article III is a mere reenactment of the obligations which attach to all public undertakings. Every element is there; the canal is open to all comers without exception, on equal terms, and without discrimination, and the charges must be reasonable. Instead of clear terms to set aside the common law we have throughout a second declaration of the recognized principles of the common law.

As eminent a lawyer as Mr. Richard Olney says that the obligations of a common carrier do not fit this case because—

> the principle affects only the users of the public work and only prescribes entire equality as between them—it in no way prevents the owner of the work, or those for whom it holds the work in trust, from using it in any way and to any extent that the legal or beneficial owner or owners may determine. (Address before American Society of International Law, Apr. 25, 1913.)

But if it is conceded that "the principle affects only the *users* of the public work," our point is made. For the "users" are the public—Americans, English, Russians, and citizens of every nation—and for all such "users" entire equality is prescribed. The "owner" is the United States, and its Government vessels may be passed through the canal, everyone concedes, without charge, just as a railroad carries its own goods without payment of freight.

But when Mr. Olney says that "those for whom it holds the work in trust" may pass free, he falls into a plain error. A railroad holds its property in trust for its stockholders, but they can not be carried free, except to annual meetings or something of that sort. Because a man has bought a share of Pennsylvania Railroad stock he is not entitled to be carried free from here to Philadelphia.

Who are the beneficiaries for whom the United States holds the Panama Canal "in trust"? Surely not the owners of domestic ships. They have no more right to have their ships passed free than the owners of American ships engaged in foreign trade. If the Panama Canal is held in trust for any Americans, it is for all Americans, because all have been taxed for its construction. But no one contends that a man has a right to have his goods passed through the canal without charge because he is an American citizen.

The law is that a State or a nation, when it holds a public work in trust, holds it in trust for "the public," including all who come, foreign or domestic. Such is the law in New Hampshire, and in Mr. Olney's State of Massachusetts, regarding "great ponds," which are held in trust by the State for the use of "the public." (Concord *v.* Robertson, 66 N. H., 1; Watuppa *v.* Fall River, 147 Mass., 548.)

The authority cited by Mr. Olney to sustain his proposition (the *Avon*, 18 Int. Rev. Record, 165; III Moore, 268) goes merely to the point that "the nation which constructs an artificial channel may annex such conditions to its use as it pleases," falls short of saying that it may annex one condition for one country and another condition for another country. In the light of American and English common law, whatever conditions it annexes must apply to all on equal terms. Particularly must this be so when the canal occupies the only available place, establishes a monopoly, and is built under an exclusive franchise.

Rightly understood, the case of the *Avon*, supra, is an authority for my contention. It arose out of a collision in the Welland Canal between an American ship and a Canadian ship, in which the Canadian ship was at fault. Under the admiralty law of the United States the owner of the American vessel became the owner of a proprietary interest in the Canadian vessel, which would last until the damages suffered should be paid. The Canadian ship went into the hands of a new owner for value and without notice of the claim for damages. Subsequently the ship was seized in an American port by the American owner to answer for the damages inflicted. The case turned on the question what law should be applied. Under the Canadian law in force over the situs of the Welland Canal, the ship could not be held; under the general law of American admiralty it could be held.

Bear in mind that the Welland Canal is entirely artificial and constructed entirely on Canadian soil.

It was held, however, by the United States District Court that the general admiralty law prevailed just as much as if the collision had occurred on the high seas.

It thus appears that the Panama Canal, even though it is built on American soil by American money and is operated under American control, will be held for maritime purposes to be subject to the admiralty jurisdiction of the high seas.

Mr. Olney and Senator LODGE construct another argument on the proposition that the citizens of other nations are our "customers" in the use of the canal. They say:

> It can not reasonably be argued that in fixing terms for the use of its canal by customers the United States looked upon itself as one of the customers.

This is very true; the United States does not look upon itself as one of its own customers. It stands like a railroad company, and no one questions its right to pass free its Government vessels—ships of war, transports, revenue cutters, and the like—just as a railroad carries free its own freight and employees.

But when we come to the case of *citizens* of the United States as opposed to the *Government* of the United States, the railroad analogy holds. Citizens of the United States are "customers," just as foreign governments and foreign citizens are "customers," and just as stockholders of a railroad company are "customers." I still maintain that the United States has no more right to pass free through the canal ships belonging to its citizens than a railroad has to carry free the persons or property of its stockholders.

In 1912 the Congress of the United States passed a law exempting some of the Nation's "customers" from the payment of tolls. These "customers" are the owners of domestic coastwise ships. We have seen that such exemption was clearly contrary to the Hay-Pauncefote treaty and to the common-law obligations of the United States as the owner of the canal. The passage of the exemption law did not make the exemption an act of justice. Quite the contrary. It merely placed upon the statute books an unjust law; nay, more, an *invalid law*, contrary to our treaty obligations. That injustice it is now our right and our privilege to correct. We are about to repeal an unjust and an invalid law.

It does not appeal to my sense of fair play to refer the validity of this law to the courts of either of the high contracting parties. Imagine the storm of disapproval if *England* should propose to test the law in *its* courts.

It seems to me so plain that I need no court to warrant me in declaring it invalid. The majority of the Senators of the United States can safely be trusted to pass upon it fairly and intelligently. They can repeal it more effectively and more speedily than any court of law.

Referring once more to the declaration of the Democratic platform of 1912 in favor of exemption from tolls, it is clear that no plank in a party platform could make a wrong thing right, any more than could the passage of the exemption act by Congress in August, 1912. No one is bound by a party platform to persist in an immoral or illegal act. I can, moreover, truthfully say that nothing was made of this plank in the State of New Hampshire, and I do not believe that a single Democratic vote was cast on the strength of it. It was a legal mistake to include it in the platform. Good faith and the honor of a great Nation require that it be disregarded.

In his learned speech of May 12 Senator SMOOT, of Utah, was pleased to say that the position taken by the Democratic administration in this matter is—

> not worthy of the sons of the patriot fathers of the Revolution, who won for us by blood and sacrifice the blessings of liberty.

New Hampshire sends her compliments to the distinguished Senator from the great State of Utah. She is glad of his zeal and she glories in his patriotism. But she ventures to remind him that her sons fought the battles of the Revolution when his own State was a howling wilderness. She needs no lessons in brave deeds nor in patriotism. She was not afraid of England then; she is not afraid of England now.

New Hampshire bids me ask, Mr. President, how much her sons feared England in 1775, when they wrested from the British soldiers royal guns and ammunition in Fort William and Mary at Portsmouth and made the first armed resistance to King George, four months before the battle of Concord and Lexington and six months before the Battle of Bunker Hill? Was New Hampshire afraid of England when she built the *Ranger* in Portsmouth Harbor and sent her sailors over the broad Atlantic under John Paul Jones to capture a British man-of-war and receive the first salute ever given the Stars and Stripes by a foreign nation? How greatly did New Hampshire men shrink from their duty when her soldiers made up more than half the American troops at Bunker Hill and more than two-thirds of all the forces who won the Battle of Bennington under her own Gen. Stark? How much fear did the British see in the right wing of the advance guard at Trenton, when New Hampshire troops bore down upon them, led once more by Gen. Stark, under the command of Gen. Sullivan?

New Hampshire is not afraid of England; the United States is not afraid of England.

But there are things, Mr. President, of which my native State and my native country are very much afraid. They are afraid of yielding something of that jealous honor which befits one Christian gentleman when he deals with another; they are afraid to pose in the face of international opinion as a bully, who will grab a prize and hold it because he has the brute strength; they are afraid to submit to the judgment of the world the acute subtleties of a lawyer's argument in place of fulfilling their obligations. They are very much afraid, Mr. President, that the tradition of uprightness and good faith, received from their Revolutionary ancestors, may be transmitted to their descendants with an unworthy stain upon it; they are afraid to refuse to their neighbors the same principles of justice and equality which they impose upon all within their borders; they are afraid, Mr. President, that some other nation may outdo them in dealing thus with their neighbors and rob them of the privilege of being the first to establish the living reality of the Golden Rule among nations.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Before the Senator from Iowa proceeds, the Chair will suggest, on his own motion, the absence of a quorum.

Mr. KENYON. I wish the Chair would not do that. I was going to suggest to Senators who wish to retire that at the close of my remarks I will guard them by calling for a quorum, so that they can be present for any business which is to be transacted. I wish the Chair would not have the roll called.

The PRESIDING OFFICER. The Chair is advised that he has taken a step from which the rules do not permit him to recede. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Gallinger	Martine, N. J.	Shields
Brandegee	Hitchcock	Norris	Shively
Bristow	Hollis	O'Gorman	Smith, Ariz.
Bryan	Hughes	Page	Smoot
Burleigh	James	Perkins	Stone
Burton	Johnson	Pittman	Sutherland
Catron	Kenyon	Poindexter	Thompson
Chamberlain	Kern	Pomerene	Tillman
Chilton	La Follette	Ransdell	Vardaman
Clark, Wyo.	Lane	Robinson	Walsh
Crawford	Lea, Tenn.	Saulsbury	Warren
Cummins	Lodge	Shafroth	West
Fall	Martin, Va.	Sheppard	Works

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Senator from Iowa will proceed.

Mr. KENYON. Mr. President, I have listened very patiently to all the speeches made on this subject, save one, and I can contribute nothing new to this discussion. I am not going to spend very much time, Mr. President, on what I have to say.

I have this advantage over some of our Democratic friends at this time, that we are not compelled to enter into any defense of platforms or the failure to keep platform pledges.

In fact, our Democratic friends should not be seriously criticized for their failure to keep a platform pledge, because, if the figures submitted to-day by the distinguished Senator from Utah [Mr. SMOOT] are correct, it would be well if they had broken another one of their party pledges. I am not, however, concerned with that. I want to say a few words in explanation of my vote, and really shall say these words for the benefit of the people at home whom I represent in this body, but if any Senator should wander in, believing that the agricultural bill is before the Senate, of course I shall be pleased to have him listen to me. I desire the home folks to know my reasons for voting as I shall.

I know, Mr. President, that anyone who shall vote here for the repeal of the Panama Canal tolls act will be charged with being a railroad Senator and anyone who votes against repeal will be charged with being a coastwise-monopoly Senator. I have ceased to care what I am charged with being, so long as I am satisfied in my own mind that my position is the result of honest conviction.

Mr. President, anyone who asserts there is but one side to the Panama-toll question and that the construction of the Hay-Pauncefote treaty is easy, evidences an arrogance of mind and a paucity of intellectual fairness. The questions involved relative to the construction of the treaty are what lawyers would call close questions, and very difficult of determination.

The attitude of a large portion of our American people on this subject is a great tribute to their honesty. From all over the Nation have come demands that the clause in the Panama

act exempting coastwise vessels from toll be repealed. The mere charge or suggestion that we have violated treaty obligation has been enough in many instances, without any proof being furnished, to lead the American citizens to the demand that we keep our pledges. As a people we are honest; if we have made contracts we believe in keeping them. There is little sound judgment, however, in surrendering rights honestly acquired merely because the charge is made that to maintain those rights would be a breach of treaty or contract obligation.

Members of Congress, as was so well pointed out by the distinguished Senator from Utah [Mr. SUTHERLAND] a couple of days ago, are merely trustees. It is not in their power, if conscientious in the performance of their duties, to surrender the rights of those they represent if they believe the particular thing involved is a right or that there is a fair question of doubt with reference thereto.

While a canal across the Isthmus has been the subject of discussion for many years, the absolute necessity therefor had not become a fixed conviction with the American people until the trip of the *Oregon* around the Cape during the Spanish War. There was great trepidation in the minds of our people, a fear that the *Oregon* might meet the Spanish fleet and be sunken. It has been a matter of regret since that it did not meet the Spanish fleet, as undoubtedly the *Oregon*, single-handed and alone, would have destroyed the entire fleet. When it became apparent to the American people that a battleship could not carry coal enough to sail from our Atlantic seaboard to Honolulu and that the canal was necessary from a military standpoint there was no longer any question as to its construction. Commercial purposes were entirely secondary to military purposes. The American people wanted a canal constructed by the people of the United States; they wanted it for protection in times of war, and with the customary American spirit they proceeded along lines to bring it about.

HISTORY OF ISTHMUS.

It had been the dream of many a seafaring adventurer to find a western waterway from Europe to Cathay. Columbus above all others desired and dreamed it. Many attempts at colonization were made upon the Isthmus. As far back as 1671 it was an object of pillage and plunder. Nations of the world had their eyes on the proposition of a canal or some means of passing over the natural barrier between the oceans. Late in the eighteenth century a Spanish commission had explored the Nicaraguan route. Lord Nelson was at one time sent to the coast of Nicaragua to investigate the matter. They all found other discouraging problems besides the engineering ones. Climatic conditions were appalling and apparently unsurmountable.

The South American States were always willing to grant concessions for a liberal consideration. As early as 1830 the King of the Netherlands entered into an engagement with Nicaragua for the construction of a canal. In 1835 an agent of the United States was sent to the Governments of Central America and New Granada with reference to a canal proposition. In 1846 the United States negotiated its treaty with New Granada, evidencing a policy of "watchful waiting" even at that early period. The treaty with New Granada plays an important part in the further consideration of this question and in the evolution of conditions on the Isthmus.

In 1835 President Jackson sent Charles Biddle to Nicaragua. However, he went to New Granada and there obtained some concessions with reference to a canal across the Isthmus of Panama. He evidenced a very healthy personal interest in the matter by providing that two-thirds of the stock should be his property. His act was disavowed by our Government. Others were also sent, notably Eliza Hise, who negotiated a certain treaty with Nicaragua, which was likewise disavowed. Gen. Taylor sent Mr. E. G. Squire, who likewise concluded a treaty which was never ratified. The treaty with New Granada in 1846, before referred to, guaranteed to the Government of the United States that the right of way or transit across the Isthmus of Panama should be open and free to the Government and citizens of the United States. This was the first appearance on the Isthmus of the doctrine of the guarantee of neutrality.

In 1858 we find a French company intervening to secure concessions, and we find Cass declaring that this country would not tolerate interference in this affair by other nations.

In 1869 we find President Grant appointing the first interoceanic canal commission. The French company at Panama collapsed in 1888. It seemed impossible for other nations to do this great work. There was only one nation with the energy, courage, ability, and money to undertake this work, and that was the United States. When it was determined so to do it found itself confronted with the Clayton-Bulwer treaty. England at an early date had placed a "cocked hat" on an old Indian chief and hailed him as "King of the Mosquitos." They assumed through this some rights of sovereignty in the Mosquito territory and worked out a process by which they held the eastern end of what would be the Nicaraguan canal. This was the basis of England's right in the matter.

Our country had been through a Mexican war, and there did not seem to be a desire in this country to undertake the great work by itself. England had large territory on both oceans. It seemed wise to our Government that the canal be under joint supervision. Consequently we surrendered the Monroe doctrine and entered into the Clayton-Bulwer treaty. This undoubtedly prevented trouble with England, as she had taken possession of Tigre Island and was asserting rights in the Isthmus. It averted trouble then, but not now, and was an exhibition of that shortsighted national policy that looks only to the present day and sees not the future.

I desire briefly to sum up the arguments on both sides of this troublesome question.

ARGUMENTS FOR WHAT MAY BE CALLED THE ENGLISH THEORY OF THE TREATY CONSTRUCTION.

Whether by methods to be condemned or not, yet it is a fact that England had secured certain rights in the Central American States prior to the making of the Clayton-Bulwer treaty. This Nation was then willing to have Great Britain assist in the work of constructing a canal between the Atlantic and Pacific Oceans by way of Nicaragua. This had been embodied in the famous Clayton-Bulwer treaty. Article 8, which will become important hereafter in the discussion, is inserted at this point:

ART. 8. The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

The preamble of the Hay-Pauncefote treaty refers in terms to the general principle of neutralization established in article 8 of the Clayton-Bulwer treaty. It may be argued with some degree of force that while article 8 itself is not incorporated in the Hay-Pauncefote treaty, yet the general principle of neutralization is equality in the use of the canal to the United States and Great Britain as expressed in said article. It may be argued that equal treatment was intended; that outside of treaties there is a broad reason for equality of treatment; that this canal was to be a connecting of the great oceans; that the oceans are and should be free without any limitation whatever; that equality is ideal justice; that whoever pierces the great Isthmus must do so for the benefit of all mankind; that the wedding of the oceans must be an international event.

The distinguished Senator from Ohio [Mr. BURTON] in his remarkable address yesterday pointed out and quoted from Thomas Jefferson, and I quote another part of Jefferson's writings, which I think the Senator from Ohio did not quote. Jefferson announced in 1792:

The ocean is free to all men and the rivers to all their inhabitants.

The United States has fought limitations on the freedom of the seas. Great Britain in early days exercised her search and seizure against which we ever protested. We have beheld in history the Barbary pirates holding the gates of the Mediterranean at the Straits of Gibraltar and levying toll upon all people desiring to use the sea. The Red Sea and the Persian Gulf have also been held by sea pirates in the centuries gone by.

The United States, in pursuit of its lofty ideals, has waged warfare against such practice. It sent its fleet into the Mediterranean and forced the Sultan of Morocco to negotiate, refusing to yield to tribute upon the seas. It was well said by Dr. Williams in his address before the American Society of International Law:

Where the flag flew, there the world began to know the freedom of the seas was asserted, and no land could claim more than another in the equal rights of all men to the world's waters.

The United States in 1852 demanded the freedom of the Amazon and ultimately the Amazon was free. So it may well be argued that for the peace of the waters, the great rivers of the world, where they invade more than one sovereignty, should be open on absolutely equal terms to the citizens of all nations; that the Panama Canal, as one of the great waters of the world, should be open and free to all nations; that it is a day of great things; that the mighty Republic of the West, by opening this canal on exactly the same terms to all the nations of the earth, is merely following the high ideals which have ever been a part of its national life. Such view is certainly idealistic.

It also is argued by those who favor what has been termed the England construction of this treaty as follows: England secured certain rights under the Clayton-Bulwer treaty, and admittedly gave up many of them in the Hay-Pauncefote treaty. Now, what did she secure in the way of privileges for the rights given up? What was the quid pro quo? And they answer, equality of treatment. Section 1 of article 3 is the one around which revolves the strong argument of those holding this view. This article is as follows:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

On reading this article in an ordinary, common-sense way, it would seem rather clear that the same terms as to the passage of vessels of commerce and of war through this canal should be extended to all nations.

Further, as reference is made in the treaty to the convention of Constantinople, and as the Suez Canal, provided for by said convention, is free and open to vessels of commerce and of war of all nations, additional weight is added to the argument.

Again, what is known as the Davis amendment, which is as follows:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered one, two, three, four, and five of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order—

was adopted by the Senate when the first Hay-Pauncefote treaty was presented, and would seem to indicate that the Senate understood the provisions of various sections of article 3 to apply to the United States, otherwise no need of the Davis amendment.

Again, if, as stated by the senior Senator from Massachusetts [Mr. LODGE], sections 2, 3, 4, 5, and 6 of article 3 obviously do not apply to the United States, then why is a provision inserted in section 2:

The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Certainly if this section did not apply to the United States there was no need for any such provision; the United States would have this right by virtue of its sovereignty.

Again, it may be argued that the minds of the parties did not meet on any such construction as this country two years ago gave to the treaty, and our attention must necessarily be invited to the correspondence between Mr. Choate, who was our ambassador to Great Britain at the time, and Secretary Hay. Mr. Choate's letter to Senator O'Gorman, of date April 13, 1914, is most interesting. I insert it as part of my remarks:

8 EAST SIXTY-THIRD STREET,
New York, April 3, 1914.

DEAR SENATOR O'GORMAN: As I am unavoidably prevented from accepting the courteous invitation of your Interoceanic Canals Committee for to-morrow, I avail myself of your kind permission to submit anything of mine not already published that might throw light on the pending question.

I accordingly, with the express permission of the Secretary of State, submit to your committee the inclosed copies of letters written by me to Secretary Hay between August 3 and October 12, 1901, giving step by step the negotiations between Lord Lansdowne and Lord Pauncefote and myself in regard to the Hay-Pauncefote treaty.

These, if carefully perused, will, I think, be found to confirm my views that the clause in the Panama Canal act exempting our coastwise shipping from tolls is a clear violation of the treaty.

With great respect, most truly, yours,

JOSEPH H. CHOATE.

Mr. White, the only other person living who has first-hand information, has testified before the committee. It may be gathered fairly from his testimony and his letters to Mr. Hay that he took the matter up with Lord Salisbury and that Lord Salisbury was favorable to a change in the treaty, provided the canal was to be open to the ships of all countries on equal terms. It is rather clear, I think, from Mr. White's testimony before the committee that the question of the coastwise shipping was never discussed or thought of with relation to this treaty. Again, much argument can be indulged in over the Bard amendment, which is as follows:

ART. 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

Twenty-seven votes were cast for this, and 43 against. It is stated by Senator LODGE in his speech, and also by Senator Foraker, and in a letter by Mr. Bard himself, that the Bard amendment was voted down because it was considered unnecessary. Inasmuch as 27 votes were cast for it, it would seem that some Senators considered it necessary, and notwithstanding the statement of Mr. Bard, and of others, the voting down of the Bard amendment is fairly to be thrown into the scale in the determination of this question. Its weight as argument, however, is much lessened by the fact that it was proposed to the first Hay-Pauncefote and not to the second Hay-Pauncefote treaty. If open sessions had been held for the discussion of the Hay-Pauncefote treaty and the records preserved, we possibly would not have had all this trouble. If the Bard amendment had been adopted, the present discussion never would have occurred. Reading the correspondence preceding the Hay-Pauncefote treaty between the representatives of the various Governments, it is apparent that they did have in mind equal treatment and no discrimination. But the correspondence does not clear up the point as to whether such equal treatment was to be extended by the nation building the canal to all of the nations using it, including the builder, or whether that equal treatment was merely to be between the nations using the canal outside of the owner thereof.

It is a strong argument advanced that if the canal had been constructed by a corporation or individual the vessels of the United States would have to be treated the same as the vessels of any other nation. Likewise can the adherents of this view point to the general history preceding the Hay-Pauncefote treaty.

In 1857 Secretary Cass had said to Great Britain:

The United States, as I have before had occasion to assure your lordship, demand no exclusive privileges in these passages, but will always exert their influence to secure their free and unrestricted benefits, both in peace and war, to the commerce of the world.

Mr. Blaine said to Mr. Lowell in 1881, directing Mr. Lowell to propose to Great Britain the modification of the Clayton-Bulwer treaty:

The United States recognizes a proper guaranty of neutrality as essential to the construction and successful operation of any highway across the Isthmus of Panama, and in the last generation every step was taken by this Government that is deemed requisite in the premises. The necessity was foreseen and abundantly provided for long in advance of any possible call for the actual exercise of power * * *. Nor in time of peace does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panama Railway under the exclusive control of an American corporation. The extent of the privileges of American citizens and ships is measurable under the treaty of 1846 by those of Colombian citizens and ships. It would be our earnest desire and expectation to see the world's peaceful commerce enjoy the same just, liberal, and rational treatment.

Much of the language of Secretary Blaine might be quoted to the same effect; particularly his reference to the duty of the United States to Colombia under the treaty of 1846. Mr. Blaine assured Great Britain that:

There has never been the slightest doubt on the part of the United States as to the purpose or extent of the obligation then assumed, by which it became surety alike for the free transit of the world's commerce over whatever landway or waterway might be opened from sea to sea, and for the protection of the territorial rights of Colombia from aggression or interference of any kind. Nor has there ever been room to question the full extent of the advantages and benefits, naturally due to its geographical position and political relations on the Western Continent, which the United States obtained from the owner of the isthmian territory in exchange for that far-reaching and responsible guaranty.

Again it is argued that the Panama strip is not our territory except in trust, and that the treaty with Panama further provides in article 18:

The canal when constructed, and the entrances thereto, shall be neutral in perpetuity and shall be opened upon the terms provided for by section 1 of article 3, of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

And it can well be argued that we have taken the Canal Zone as a great trust for the maintenance of a canal and have recognized that it should be carried on in accordance with the Hay-Pauncefote treaty.

Other arguments can be advanced. I have tried briefly to summarize the leading ones.

ARGUMENTS IN FAVOR OF THE AMERICAN THEORY OF THE TREATY.

Many arguments can be presented on the other side of this controversy; among others—

That the canal has been built by the United States at an expense of $400,000,000 and a loss of many lives. It must be maintained by the United States; no other nation has any obligation either as to its maintenance or as to preserving the neutrality thereof. There is great expense attached to its maintenance. It is therefore unjust to expect England to have an equal voice or any voice in the administration of the affairs of the canal; that it is unfair for England to have equal benefits and not equal responsibilities.

That the United States is a sovereignty and has sovereign rights in the canal. Any nation seeking to impose a burden on its sovereignty assumes the burden of proof to make a clear case. Sovereignty carries with it the right to do as we please with our own.

Further, that the canal is the same as the Mississippi River—is a part of our great inland waterways.

Again, to the contrary, that it is an artificial channel, and being an artificial channel, according to the principles of international law, we may attach any conditions to it we please. In Moore's International Law, volume 3, page 268, it is written:

> While a natural thoroughfare, although wholly within the dominion of a Government, may be passed by commercial ships of right, yet the nation which constructs an artificial channel may attach such conditions to its use as it pleases.

That the Clayton-Bulwer treaty is no part of the Hay-Pauncefote treaty.

Also, attention is called to the two Hay-Pauncefote treaties. Article 1 of the treaty of 1901 provides:

> The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

That this article marks the end of the Clayton-Bulwer treaty.

The general principle of neutralization referred to in the preamble, it can well be argued, is the principle as set forth in extenso in article 3 of the Hay-Pauncefote treaty. Hence the advocates of the American theory strongly contend that we have nothing whatever to do with the Clayton-Bulwer treaty in this discussion. The differences in the first Hay-Pauncefote treaty, as submitted to the Senate, and the Hay-Pauncefote treaty, as adopted, can be studied with interest and profit. The first Hay-Pauncefote treaty, article 2, provided:

> The high contracting parties desiring to preserve and maintain the general principle of neutralization established in article 8 of the Clayton-Bulwer convention.

The second Hay-Pauncefote treaty, or the one adopted, provides:

> The United States adopts.

The first Hay-Pauncefote treaty provided:

> The canal shall be free and open in time of war as in time of peace.

That is stricken from the second treaty. Great Britain suggested with reference to the first treaty the following provision:

> The canal shall be free and open to the vessels of commerce and war of all nations which shall agree to observe these rules on terms of entire equality, so that there shall be no discrimination against any nation so agreeing.

The United States would not accept this proposition, so that in the final treaty the provision was changed to read:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules.

And so forth.

If the suggestion of Great Britain had been adopted, we would have been under a contract obligation with all nations that might agree to observe these rules. This we were not willing to do.

That the term "all nations" does not mean the United States; that the treaty is merely an instrument by which the proprietor of a canal fixes and states the terms of use to its customers; that the United States does not regard itself as one of its customers; that five out of the six treaty rules for the use of the canal do not apply to the United States, and consequently it is a reasonable conclusion that the sixth also was not meant so to apply; that the reference to the basis of neutralization as embodied in the convention of Constantinople is not in point, because by that convention the rules apply to vessels using the Suez Canal in times of war or in times of peace without distinction of flag. Further, the rights of Turkey as a territorial power are reserved; and, further, attention is called to the reservation of Great Britain when it signed the convention providing for the free use of the Suez Canal, which reservation was as follows:

> The British delegates, in presenting this draft of a treaty as the definitive regulation intended to guarantee the free use of the Suez Canal, think it their duty to formulate a general reservation as to the application of these provisions in so far as they may not be compatible with the transitory and exceptional condition of things actually existing in Egypt, and may limit the freedom of action of their Government during the period of the occupation of Egypt by the forces of Her Britannic Majesty.

Under this reservation it would seem that Great Britain could use the Suez Canal for warlike operations, could blockade it in time of war, could disembark troops, munitions or materials of war therein.

It is further argued that when the United States was expecting to be merely one of the users of the canal it insisted upon certain equality of treatment and charges and did not concern itself about the rights of the canal owner; that when it became owner an entirely different situation was presented; that if rule 1 of article 3 is to receive the construction contended, then vessels of war must be treated the same as vessels of commerce; that we could not in case of war with Japan prevent a Japanese war vessel from passing through the canal, but must escort it through on its way to bombard New York or New Orleans; that this country could not embark or disembark troops or munitions of war in the canal; that any of our own vessels of war could not remain there over 24 hours and could not depart within 24 hours after the departure of the vessel of war of a belligerent nation. And all of this when we were keeping up the canal as an American institution. Of course, Mr. President, if we have agreed to place ourselves in this position we should abide by it, but we, acting as trustees of the people's rights, should be solemnly convinced of this before we abandon the point.

Again, that in our treaty with Panama we provided for the passage of the Panaman boats through the canal free and that this was not seriously objected to by England for nine years.

Again, in the Hay-Herran treaty, negotiated by Mr. Hay, it was provided:

> The canal when constructed, and the entrance thereto, shall be neutral in perpetuity, and shall be open upon the terms provided for by section 1 of article 3, in conformity with all the stipulations of the Hay-Pauncefote treaty.

The next article provided that the Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times without paying charges of any kind. It would be hard to understand how Mr. Hay wrote this portion of the treaty if he did not believe the United States had greater rights in the canal than England, although the provision may perhaps be accounted for on the "favored-nation doctrine."

The insistence of the United States upon striking the prohibition against fortifications from the Hay-Pauncefote treaty and its insistence on the right to fortify was, as is set forth so clearly by Senator LODGE in his address on this subject, an assertion on the part of the United States of its absolute control of the canal in time of war.

That the Clayton-Bulwer treaty was considered obsolete in this country previous to the adoption of the Hay-Pauncefote treaty. In this connection it is important to note that the Committee on Foreign Relations of the Fifty-first Congress presented a review of the history of the Clayton-Bulwer treaty and reported to the Senate its conclusion that it had become obsolete, and—

> that the United States is at present under no obligations, measured either by the terms of the convention, the principles of public law, or good morals, to refrain from promoting in any way it may deem best for its own interests the construction of this canal without regard to anything contained in the convention of 1850.

Every member of the committee signed this report, including Messrs. Evarts and Sherman, who have held the office of Secretary of State in this country.

Further, that the British Government has never claimed that we have not the right to exempt our coastwise trade from the payment of tolls; that there is absolutely no discrimination against Great Britain, because Great Britain has no right to engage in our coastwise trade. There can be no discrimination in the exercise of a right as against a nation which does not enjoy that right, and our Supreme Court, in the case of Olsen *v.* Smith, has settled this question. I quote from the opinion (Olsen *v.* Smith, 195 U. S., 332, p. 344). It is said by the court:

> Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations

apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

That Great Britain has not interpreted her treaties in the way she seeks to compel the United States to interpret the Hay-Pauncefote treaty. In the treaty of 1815 it was provided:

No higher or other duties or charges shall be imposed in the ports of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Under that provision it has always been held by Great Britain that she could do as she pleased with her coastwise trade, and she has favored such vessels. On the other hand, the United States has held that "vessels of a nation," as used in treaties, do not embrace vessels engaged in the coastwise trade. For instance, the treaty between the United States and Denmark of 1826 had a provision in it as follows:

Nor shall higher or other charges of any kind be imposed in the ports of one party upon vessels of the other than are or shall be payable in the same ports by native vessels.

The United States has never hesitated under this to except its coastwise trade.

There may be summoned also to this controversy the words of many of our wisest men—ex-President Roosevelt, ex-President Taft, Secretary Knox, Richard Olney, and others who are on record as to the right of the Nation under the treaty to exempt coastwise vessels.

That the British representative, Mr. Innes, conceded in his note that bona fide coastwise vessels could pass through the canal free of toll without the same constituting a breach of the treaty, said note being as follows:

Chargé d'Affaires Innes to the Secretary of State.

BRITISH EMBASSY,
Kineo, Me., July 8, 1912.

SIR: The attention of His Majesty's Government has been called to the various proposals that have from time to time been made for the purpose of relieving American shipping from the burden of the tolls to be levied on vessels passing through the Panama Canal, and these proposals, together with the arguments that have been used to support them, have been carefully considered with a view to the bearing on them of the provisions of the treaty between the United States and Great Britain of November 18, 1901.

The proposals may be summed up as follows:

(1) To exempt all American shipping from the tolls.

(2) To refund to all American ships the tolls which they may have paid.

(3) To exempt American ships engaged in the coastwise trade.

(4) To repay the tolls to American ships engaged in the coastwise trade.

The proposal to exempt all American shipping from the payment of the tolls would, in the opinion of His Majesty's Government, involve an infraction of the treaty, nor is there in their opinion any difference in principle between charging tolls only to refund them and remitting tolls altogether. The result is the same in either case, and the adoption of the alternative method of refunding the tolls in preference to that of remitting them, while perhaps complying with the letter of the treaty, would still contravene its spirit.

It has been argued that a refund of the tolls would merely be equivalent to a subsidy and that there is nothing in the Hay-Pauncefote treaty which limits the right of the United States to subsidize its shipping. It is true that there is nothing in that treaty to prevent the United States from subsidizing its shipping, and if it granted a subsidy His Majesty's Government could not be in a position to complain. But there is a great distinction between a general subsidy, either to shipping at large or to shipping engaged in any given trade, and a subsidy calculated particularly with reference to the amount of user of the canal by the subsidized lines or vessels. If such a subsidy were granted it would not, in the opinion of His Majesty's Government, be in accordance with the obligations of the treaty.

As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption it may be that no objection could be taken. But it appears to my Government that it would be impossible to frame regulations which would prevent the exemption from resulting, in fact, in a preference to United States shipping and consequently in an infraction of the treaty.

I have, etc.,

A. MITCHELL INNES.

Weight must be given to the statements of Senator LODGE and ex-Senator Foraker, that they were members of the Foreign Relations Committee, and that it never was otherwise contended but that the United States should have the right to pass the coastwise vessels through free of tolls.

ANOTHER ARGUMENT ALONG A SLIGHTLY DIFFERENT LINE MAY WELL BE MADE.

That the explicit language of the Clayton-Bulwer convention in respect to equality of treatment was not employed in the Hay-Pauncefote treaty; that the Clayton-Bulwer treaty applied only to the Nicaraguan route; that while article 8 of the treaty obligated the parties to extend their protection by treaty stipulation to the Panama route or the Tehuantepec route, no such treaty stipulations were ever made.

That under the treaty obligations with New Granada the United States guaranteed the neutrality of the Isthmus of Panama so that at the time of the Clayton-Bulwer treaty and the Hay-Pauncefote treaty the United States was exercising a protectorate over the Isthmus of Panama and had certain well-defined rights growing out of its treaty with New Granada. That without material modification of the treaty with New Granada the Clayton-Bulwer convention could not have applied to Panama; and no such stipulations for the extension of the Clayton-Bulwer convention to the Panama route ever being effective, the Clayton-Bulwer convention had nothing whatever to do with the Panama route.

That the right held by the United States under the New Granada treaty was equivalent to an easement over the Isthmus of Panama, and that this easement ripened into a fee simple title when the treaty of Panama was made. That the United States has had rights in the Isthmus superior to those of England since 1846, by virtue of its treaty with New Granada; that even if Great Britain did surrender certain rights when she consented to the abrogation of the Clayton-Bulwer convention she was relieved of the joint obligation to promote the building of the canal and relieved from any obligation to assist in maintaining its neutrality.

That at the time of the adoption of the Hay-Pauncefote treaty public sentiment was such in the United States that in response thereto the Clayton-Bulwer treaty undoubtedly would have been abrogated.

That Great Britain will receive more benefit from the canal than any other nation on account of her great tonnage and her possessions in Asia and Australia; that she will likewise receive great benefit because it will enable her to have a naval basis in British America upon both oceans, practically doubling the efficiency of her navy.

That it is fair to assume that Great Britain took these matters into consideration in giving up whatever rights she may have had under the Clayton-Bulwer treaty.

That Great Britain has conceded the right of the United States to exercise belligerent rights for the protection of the canal in the noted protest of November 14, 1912, which says:

Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

That the language of the Washington treaty is not the same as the Hay-Pauncefote treaty, and that no help can be gathered therefrom, article 27 of said treaty providing that:

Great Britain will engage to urge upon the Canadian Government to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals on terms of equality with the inhabitants of the Dominion—

and the United States engaging that the subjects of Great Britain—

shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.

Quite different language. If such language had been employed in the Hay-Pauncefote treaty the present troubles would not have arisen.

That Lord Lansdowne's communication of October 23, 1901, to Lord Pauncefote tends quite strongly to show that England's desire was merely to obtain equality of treatment with other nations.

I have endeavored briefly to marshal some of the points in favor of the English contention and in favor of the contention of the United States. There is sufficient to show that it is a debatable proposition.

NEUTRALIZATION.

There is another point that appeals to a lawyer. It may be technical, but I am sure if any lawyer were presenting this matter to a court he would feel compelled in duty to urge it. It would have additional weight if we should adopt the rule Lord Clarendon applied against the United States in construing the Clayton-Bulwer treaty with relation to the Mosquito Indians when he said:

The true construction of a treaty must be deduced from the literal meaning of the words employed in the framing.

If this is to be done there is force, I think, in the argument that the neutralization referred to in the Hay-Pauncefote treaty relates only to times of war. Neutrality or neutralization is a war term. There can be no such thing as neutrality unless there are belligerents. We can only be neutral as between others. The United States made this canal neutral as between contending belligerent nations. Neutrality in peace is unheard of. The term "neutralization" is not employed by international law writers—save one—to apply to peace.

Article 3 of the Hay-Pauncefote treaty was for the purpose of laying down a set of rules to preserve the neutralization of a canal in times of war. Every rule, it is conceded, except rule 1, refers to war. The words in the first Hay-Pauncefote treaty in section 1, article 2, "in time of war as in time of peace," were stricken out, showing that there was a feeling then that neutrality related only to war.

Why can it not well be argued that the purpose of rule 1, article 3, was to have the canal free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality during times of war; that such conditions and charges of traffic shall be just and equitable during times of war? Article 2 gives the right to the United States to enjoy all the privileges incident to construction as well as the exclusive right of providing for the regulation and management of the canal; that is the provision that governs in times of peace and enables the United States to do as it pleases with its own commerce.

The general principle of neutralization that is spoken of in the preamble of the Hay-Pauncefote treaty relates back to article 8 of the Clayton-Bulwer treaty and does provide for equal terms to the citizens and subjects of the United States and Great Britain as to the canal which might be constructed or the railway. No complaint has been made as to discrimination on the railway in favor of the United States.

Of course, if the term "neutralization" is to mean impartial treatment in times of peace, as some contend, then the argument I am trying to make as to neutralization is destroyed. It is, however, a perverted use of the term and is absolutely without authority. I desire to cite some authorities on the proposition.

SOME AUTHORITIES ON THE PROPOSITION OF NEUTRALITY.

Speaking of the characteristics of international law, Phillimore says:

It is a matter for rejoicing that it has escaped the Procrustean treatment of positive legislation and has been allowed to grow to its fair proportions under the influence of that science which works out of conscience, reason, and experience the great problem of law or civil justice.

Dr. Oppenheim, in his work on international law, says:

Such States as do not take part in a war between other States are neutrals. The term "neutrality" derives from the Latin neuter. Neutrality may be defined as the attitude of impartiality toward belligerents adopted by third States and recognized by belligerents, such attitude creating rights and duties between the impartial States and the belligerents.

Again:

Neutrals must prevent belligerents from making use of their neutral territory and of their resources for military and naval purposes during the war.

Again:

Neutrality is a condition during a condition of war only; rights and duties deriving from neutrality do not exist before the outbreak of war.

Neutralization is defined in Murray's Dictionary (London, 1908) as "the action of making neutral in time of war."

Neutrality is considered by Westlake in his International Law, and, among other things, he says:

Neutrality enjoins abstinence from taking part in any operation of war and from interfering with any operation of war which is legitimate as between the belligerents, but not abstinence from anything merely because it strengthens a belligerent.

A neutral State must not permit either its subjects or a belligerent to make any such use of its territory as amounts to taking part in an operation of war.

Again, he says:

A State is neutral when there is a war and it is not in a state of war with either belligerent.

Again:

Neutrality is not morally justifiable unless intervention in the war is unlikely to promote justice or could do so only at a ruinous cost to the neutral.

Neutrals avoid acts of war because they decline to enter into war. From Vattel down to the present time I think it is safe to say that no authority holds that neutrality relates to anything other than war.

Jefferson wrote, in June, 1793:

It is the right of every nation to prohibit acts of sovereignty from being exercised from any other within its limit and the duty of a neutral nation to prohibit such as would injure one of the warring powers.

The United States has been one of the leaders in maintaining the principle of neutrality; it has thereby excited the commendation of other nations.

Mr. Canning, when secretary of state for foreign affairs, in urging upon his countrymen the example of the United States in a memorable speech in the House of Commons, April 16, 1823, used the following language:

I do not now pretend to argue in favor of a system of neutrality, but it being declared (by proclamation) that we intend to remain neutral. I call upon the House to abide by that declaration so long as it shall remain unaltered. * * * We have spent much time in teaching other powers the nature of a strict neutrality, and, generally speaking, we have found them most reluctant scholars. All I now call upon the House to do is to adopt the same course which it has recommended to neutral powers upon former occasions. If I wished for a guide in a system of neutrality, I should take that laid down by America in the days of the Presidency of Washington and the Secretaryship of Jefferson.

After giving a brief historical summary of that system and practice, he then added:

Here, sir, I contend, is the principle of neutrality upon which we ought to act. (Hansard, Parl. Deb., vol. viii, 1056.)

From these authorities it may well be argued with great force that the rules with relation to the neutralization of the canal have no reference whatever to times of peace.

CHANGE OF CONDITIONS GIVES RIGHT TO ABROGATE TREATY.

At the time of the adoption of the Hay-Pauncefote treaty it was not contemplated that the United States would own the land where the canal was to be constructed. It is true there was a provision with relation to change of sovereignty, but that evidently applied to unsettled conditions in the Central American States. Therefore, as conditions have changed by purchase of the land and the ownership thereof, whether in fee or in trust, passing to the United States, as a matter of international law the Hay-Pauncefote treaty is voidable and could be concluded and either party would have the right to notify the other that it regarded the treaty as abrogated. And that principle is sustained by authority, from Vattel's Law of Nations down to Hall on International Law. Dr. Oppenheim, in his work on international law, has said with reference to this subject:

It is an almost universally recognized fact that vital changes of circumstances may be of such a kind as to justify a party in notifying an unnotifiable treaty. The vast majority of publicists, as well as all the Governments of the members of the family of nations, agree that all treaties are concluded under the tacit condition rebus sic stantibus.

As eminent authority as Mr. Hannis Taylor has also advanced this view, as follows, in his treatise on international law:

So unstable are the conditions of international existence, and so difficult is it to enforce a contract between States after the state of facts upon which it was founded has substantially changed, that all such agreements are necessarily made subject to the general understanding that they shall cease to be obligatory so soon as the conditions upon which they were executed are essentially altered.

Sir Edward Grey, in his communication to Ambassador Bryce, November 14, 1912, stated:

At the date of the signature of the Hay-Pauncefote treaty the territory on which the Isthmian Canal was to be constructed did not belong to the United States, consequently there was no need to insert in the draft treaty provisions corresponding to those in articles 10 and 13 of the Suez Canal convention, which preserve the sovereign rights of Turkey and of Egypt, and stipulate that articles 4 and 5 shall not affect the right of Turkey, as the local sovereign, and of Egypt.

Seeming to imply that if it had been known or intended that the canal was to be built on American soil there would have been other provisions added to this treaty.

Further, it can be claimed with the voice of authority that if the act of Congress granting free tolls was a violation of the treaty it acted as an abrogation of said treaty.

If this case was one presented to a court of a number of members there would most certainly be a disagreement among the court. The best legal minds in the country have differed, honestly differed; men in this Chamber differ, honestly differ. Each one has tried to solve the question according to his ability and judgment. Were I compelled, in determining how my vote shall be cast, to determine it upon the treaty question, I should resolve the doubt I might have in favor of what may be termed the "American construction"; the great weight of the argument is on that side. The burden of proof is on Great Britain to make a clear case. The argument seems to me unanswerable—that there can be no discrimination in the coastwise trade as against Great Britain for the very clear reason that Great Britain is not entitled to engage in our coastwise trade.

The very fact that this is a debatable question, however, it seems to me calls upon us to submit the same to arbitration. We have a treaty now of arbitration which expressly covers disputes concerning a treaty.

I had placed in the RECORD some time ago a letter from Theodore Roosevelt to Dr. Lyman Abbott, of date January 7, 1913, in which he said:

I believe it to be the bounden duty of this Nation to arbitrate the question of the canal tolls under the provision of our arbitration treaty.

In the address of Hon. Richard Olney before the American Society of International Law, after sustaining by his argument the American side of the controversy, he said:

But to the English contention that the controversy should be referred to arbitration there seems to be no sufficient answer; both countries are firmly committed to arbitration as the best method for the settlement of international disputes.

If we believe in the principle of arbitration, we are now put to the test, and this Nation could advance the cause of universal peace in no surer way than to submit this question to a commission of arbitration, which need not be The Hague, but may be a commission composed of justices of our Supreme Court and of the high court of England. No one ought to object to such

a course, and I have been rather amazed that there is objection to it.

What do our arbitration treaties amount to if we are not ready to submit a question of tolls on a canal, if we take the position that this is a question of vital interest and a question of national honor? If it is, there is no question that could arise but what we could take the same position. Rather arrogant for one party to a contract to assume the right to decide what it means.

I have been earnestly for the amendment of the Senator from Nebraska and shall give it my hearty support. I am ready to arbitrate nearly any question. The amendment offered by the distinguished Senator from Mississippi [Mr. VARDAMAN] has great force and good common sense behind it.

Few would contend that we should arbitrate a question that went to the very life of the Nation, or an act against our national honor, or intended insult to our flag. I would not be one to favor arbitration in such case. But for the little disputes which arise between nations the same as disputes between individuals, it is equally as silly to go out with armies and navies and shoot and kill men and destroy cities as it is for individuals so to do when they are unable to agree. The misery, the sorrow, the desolation of war, outside of the great burden of taxation that it places upon the backs of the people, ought to be an unanswerable argument for arbitration.

My conviction as to arbitration was deepened a few days ago when I saw some of the fruits of war. The fruit of war is death. The glitter and pomp turn to ashes. As a member of a committee appointed by the Vice President, I attended at New York a week ago the exercises commemorative of the boys who lost their lives at Vera Cruz. The good ship *Montana* bore them home. A million people stood with bowed heads and tear-dimmed eyes as the sorrowful procession passed from the Battery up through the streets of New York, stopping at City Hall for a tribute from the mayor, and across the bridge to the Brooklyn Navy Yard. The President of the United States honored the dead heroes with his presence. The boxes inclosing the caskets were covered with the Old Flag and with beautiful flowers. Comrades in life acted as escorts for the dead. The chaplains prayed, the President of the United States with trembling voice spoke, the band played "Nearer My God to Thee," but the cold forms of somebody's boys in the caskets, sleeping the sleep that knows no waking, knew not of the great tribute a Nation was pouring out to their memory. As I looked at those 17 boxes lying side by side before the speaker's stand, I thought of other scenes, that somewhere there were 17 saddened homes; somewhere there were breaking mothers' hearts; somewhere sweethearts' sorrows, sisters' tears; somewhere a father with support of old age gone. And why all this? Why war? Why shoot down men made in the image of their God? Why bloody, mangled faces looking up from battlefields, dying in agony, to settle disputes in a Christian world? How can men want war? Why do they hesitate to do those things that may stop future wars? Why not lift from the backs of the people the great burden of war taxation; why not let vigorous youth live out their lives?

Mr. President, the day of universal peace must come; it must be true that some day "swords shall be beaten into plowshares, spears into pruning hooks." It may not be in your life time or in mine, but in God's good time it must be true that the principles of Him who, watching over Israel, slumbereth not nor sleeps, shall usher in that brighter day of Scotland's Bobby Burns:

Man to man the whole world o'er shall brothers be for a' that.

It shall not be many years until peace will come to her own. This would be a good time to set an example to the world, that the great Republic of the West is strong enough, and mighty enough, and fair enough to submit a question to arbitration, even if the majority of the nations of the world felt that the contention of the Republic was unsound. We would show the world that we were pursuing the things "which make for peace." To arbitrate is quite different from surrendering.

I desire to put in, as part of my remarks, a little article by Bert Morehouse on the subject of "Blessed are the peacemakers." It is short.

The matter referred to is as follows:

"BLESSED ARE THE PEACEMAKERS."

By Bert Morehouse.

The coming of another peace day, May 18, should serve to remind us that war is the greatest crime of the late centuries against home and Nation.

War murders multitudes of heroic men and squanders millions of dollars.

Since 1793 the total loss of life through war is more than 5,000,000 men; and war has placed the nations in debt for more than $23,000,000,000.

War and the preparation of war is the heaviest burden of the great nations of this modern day.

Our Civil War cost nearly half a million of lives and $5,000,000,000.

We sacrificed 20,000 lives and spent over $1,000,000,000 in our war with Spain.

Up to 1899 good will between nations was conspicuous by its absence. In that year the first Hague conference was held and adopted measures tending toward arbitration. In 1907 the Hague conference convened again and further advanced the cause of peace, finally resulting in 41 nations forming what is known as The Hague Tribunal.

The object of The Hague Tribunal is to arbitrate all matters of differences that may arise between these nations. It consists of a panel of 130 jurists appointed by the different countries, and has already heard and decided many important cases.

To-day, peace is coming into her own, and her advocates are many. There are peace organizations in all parts of the world.

Let us, then, think peace, talk peace, and act peace not only toward each other, but toward our fellow brothers and sisters in all the countries of the world.

"Blessed are the peacemakers, for they shall be called the children of God."

If this question can not go to arbitration then we are called upon to exercise our best judgment and I criticize no man for the vote he may cast on this very debatable and troublesome proposition, nor do I join in the criticism of the President over the fact that he has changed his mind. Consistency has been said to be the hobgoblin of small minds; if men never changed their minds we would have but little progress. There may be proper criticism directed at a party repudiating a plank of its platform after election.

I do not hesitate to change my vote upon any question where, upon study, I have reached a different conclusion or concluded that my former vote was wrong. I voted before for the exemption from toll of the coastwise vessels through the canal, as the same was provided for in the general Panama Canal act; nearly everyone in the Senate did. I did not consider as seriously as I have now the question of subsidy. In fact that question was little considered or discussed.

This canal has been built at an enormous expense; the carrying charges will be large. Prof. Johnson has estimated that it will require $19,250,000 to make the canal commercially self-supporting. This is made up as follows: $3,500,000 for operating and maintenance expense; $500,000 for sanitation and Zone government; $250,000, which is the annuity payable to Panama under the treaty of 1913; $11,250,000 to pay 3 per cent on the $375,000,000 invested in the canal; and $3,750,000 for an amortization fund of 1 per cent per annum upon cost of the canal. Why should not boats passing through this canal, engaged in the coastwise trade and deriving an immediate benefit from the canal, pay some part of the expense that is made necessary by their very passage? The canal will be of great benefit to them even then. Their route is shortened some 6,000 miles; the unloading on the Atlantic side, the reloading on the Pacific side, the railroad expense of transportation across the Isthmus, are all eliminated. Is there any good reason why they should not pay tolls? If not pay tolls, then why pay freight charges now across the Isthmus? The canal will be just as much benefit to mankind if it pays expenses.

This Nation has contributed the $400,000,000 expended in its construction to the welfare of the world that will never be repaid. It is doubtful if returns will pay expenses even if all boats pay tolls. We certainly can not be accused as a Nation of lacking in generosity in our attempts to benefit mankind. In fixing the tolls the President took into account the coastwise vessels that might pass through the canal. Great Britain was assured that there was no discrimination against her on tolls because she is not compelled to pay any more than would be paid by her if every coastwise vessel passing through the canal paid toll. Then, if the foreign vessels passing through are not carrying this burden, who is? Evidently the Treasury of the United States; those who pay taxes to support the Government carry this burden. Is there any good reason why they should? I have not been able to discern any. Call this what we will, it is the voting of a special privilege to those engaged in a certain line of business, namely, the coastwise shipping, who now enjoy a monopoly in that business under our law, in that foreign nations can not engage therein.

It is difficult to draw the line at just what can be considered a subsidy. It has been argued here that appropriations for farm-demonstration work, hog-cholera cure, etc., are all in the nature of subsidy; that the appropriations to improve our harbors and rivers are in the nature of subsidy; there are locks and dams in many of our inland rivers, boats pass through without any expense to them; boats pass through the Soo without any expense to them; large sums are voted for highways in this country, and there is no thought of charging the farmer toll for the use of the highway in bringing his produce to market. It is argued that very much of the general appropriations of the Government go to what may be termed subsidy.

I think there is a difference, however, between the Panama situation and these suggested. Appropriations for agriculture go to the general prosperity; likewise the highways. We can not have a Nation without highways; they are the means of communication, they enter into the very existence and life of the people, are the national arteries. Internal rivers are a part, likewise, of our national existence. The Panama Canal is different; we could get along without it—we have during all the years of our history; there are a thousand miles of foreign seacoast between our country and the canal; it is an extraordinary, unusual, and artificial thing—a connection between the great oceans of the world. I am strongly inclined to the belief that where we have locks and dams on our inland waterways where boats pass through, necessitating an expense, they should pay some part of the upkeep; I can see no reason why they should not. If the passing of the coastwise vessels through the Panama Canal without toll resulted in a general prosperity for the Nation, the free tolls could be justified. I can not bring myself to believe that the passing of these few boats free of toll through the canal will have any influence upon the question of general prosperity. The only effect I have heard argued is the effect on railroad rates. It is claimed that the policy of free tolls will be productive of great public welfare in that it will be a regulator of railroad rates, that it will reduce transcontinental rates, and that this reduction will be reflected in a general prosperity.

We have an Interstate Commerce Commission, which commands the full respect of the people; if transcontinental rates are exorbitant they have the power to regulate them and fix fair and reasonable rates.

If transcontinental rates are reduced, the railroads, having the right to reasonable returns, would have to look elsewhere than to the transcontinental rates for such returns. And while I do not want to take a narrow view or a sectional view of this question, I fear that the freight rates in the Middle West might be increased to make up for the loss in transcontinental rates. I fail to see how that would be of any benefit to the people of the great Middle West.

The situation is difficult for one who is against subsidy and believes that free tolls are subsidy, but who likewise is against what may be considered any surrender of our right of sovereignty in the canal. If no amendments were offered whatever to the bill, I should vote for it, placing in the record, as I now do, the statement that my vote is cast solely on the economic question, that I reserve the right to meet the treaty question when it may properly arise, and that my vote for repeal is not a precedent as to any future action by me as a Senator in voting on the proposition of the construction of the treaty, I now maintaining that the United States has the right, if it desires to do so, to exempt from toll coastwise vessels passing through this canal.

If amendments are offered to the bill setting forth the proposition that we do not surrender any part of our sovereignty or any right in the control of this canal by the repeal of the clause relating to coastwise traffic, I shall support them and, if they are adopted, shall vote for the bill as amended.

If such amendments are voted down and a vote for repeal—in the parliamentary situation then confronting us—must be construed as a vote in favor of the English theory of the treaty construction, then I shall be compelled to vote against the repeal. I trust such situation may not arise. I earnestly hope the Simmons amendment or the Norris or Works amendment may be adopted. My preference is rather for the Works amendment, viz:

Strike out the amendment reported by the committee and insert in lieu thereof the following: "*Provided*, That neither the passage of this act nor the imposition upon or collection of tolls from the ships of this country or its citizens for passing through the Panama Canal shall deprive the United States of the right as owner of said canal to exempt from the payment of such tolls any and all ships of the Government and its citizens at any future time, nor shall this act be construed as a waiver of such right or as an acceptance of or consent to such a construction of any treaty with a foreign country as will deny or abridge the same."

That is a clear-cut statement. Anyone in the future can understand what it means. Let us not have future generations quarreling and debating over what we mean when we repeal this clause in the law. If we are to repeal it because it is a violation of the treaty, let us say so; if it is to be repealed because we believe it a mistaken economic policy, let us say so. Let not the language of diplomacy that has made so much trouble in the Hay-Pauncefote treaty enter into the outcome of our present deliberations. We are victims now, as to this treaty, of too much diplomacy and too little common sense.

It is unfortunate, I think, that the President in his message made his strongest point in asking for repeal that the present law was a violation of the treaty. If he had placed it squarely on the economic ground, I believe it would have passed overwhelmingly.

I shall vote for repeal of the exemption clause in the Panama Canal act if the parliamentary situation when the vote is taken is such that said vote will not be a vote in favor of the English theory of construing the Hay-Pauncefote treaty. Such vote will be cast solely on the economic ground, viz: That the passage of coastwise vessels through the Panama Canal without toll is a special privilege to a favored class and is in the nature of a subsidy. However, if that vote shall help the President in the foreign policy of his administration, and shall assist him in dealing "with other matters of even greater delicacy and nearer consequence," it will be a matter not of regret to me but of very sincere gratification.

Mr. WILLIAMS. Mr. President, I have listened with a great deal of attention and profit, as we all did, to the speech just made by the junior Senator from Iowa [Mr. KENYON]. He is making, however, one very grave mistake, which runs throughout his entire argument. A vote to repeal this exemption is not a surrender of any position at anybody's temporary behest. It is not a surrender at all; it is merely a waiver for the time being.

If the Senator and I had a quarrel about a right of way which I contended that I had over his land, and if he came to me and said, "I deny your right of way through my place; I intend to contest it; I intend to litigate it; I intend to carry it to an impartial tribunal," and if I replied to a statement of that sort of thing by saying, "Very well, old fellow, there may be some doubt about it; at any rate, you are as fair a judge of the difference between us as I am; I will waive the exercise of what I contend to be my right until the right has been determined by an impartial tribunal," that would not be a surrender. It would be a waiver; it would be the ordinary, gentlemanly course of neighborly intercourse, which I contend ought to be pursued between nations as well as between individuals.

I can not too strongly emphasize, Mr. President, as far as I am concerned, my position and what I intend my vote to mean, and I recommend this to the Senator from Iowa, who has deserved and ought to have the applause of the Senate, and their congratulations, for many things which he has just said. What I intend to reflect by my vote is simply this: As long as this question is in dispute between the two high contracting parties, each one with an equal right to judge for itself, and neither with a complete right to judge for itself, I shall, by my vote, say that until some competent tribunal has decided the question of disputed interpretation I shall waive the enforcement of mine.

Now, it has been said that my attempt to enforce mine, or the attempt of the United States to enforce theirs, which is the real question, would not result in a war—in a great war; war with Great Britain—and that therefore we ought to go ahead and enforce it. Mr. President, that is a coward's plea. Everybody knows that the wise Government of Great Britain has written a law of international intercourse almost as invariable as the laws of the Medes and Persians, and that is that under no circumstances must Great Britain have war with the United States. Tory ministry, Liberal ministry, Conservative ministry, Whig ministry, all have followed that beaten path. It is as invariable a rule of international intercourse upon the part of whatsoever government exists in Great Britain as is the unwritten law of Russia to keep on toward Constantinople until they get there.

Now, men appeal to me and appeal to Senators to insist upon a certain course because the Government of Great Britain during recent years at any rate the most persistent friend this country has had internationally, whatever her former sins may have been, will not make war upon us in the enforcement of what she considers a treaty right, and therefore we should not make it the subject of negotiation, but go ahead and violate it and assert the right under the treaty, which we say we have the power to do and which we say, in a cowardly spirit, that we can all the more do because it will not be resisted.

I want to be distinctly understood in the vote which I am casting. I have made no speech upon this subject, and I do not intend to do so; but I want to be distinctly understood in saying that I am surrendering no right not only not at the behest of Great Britain, but not even at the behest of the President, not even at the behest of my own judgment. I am merely waiving pendente lite a right until that right has been determined, and determined by a competent tribunal, which must be a court of arbitration; and I shall gladly vote for any amendment properly worded which calls upon the President of the United States to enter into a treaty of arbitration with Great Britain for the submission to an impartial international tribunal of

the question of their interpretation and the alleged interpretation of the American people of this treaty.

Now, Mr. President, while I am on my feet there are a few more things that I want to refer to. Senators have argued this case all the way through as if the United States had gotten absolutely nothing out of the Panama Canal. If the United States have no right to exempt themselves, mark you, but American shipowners, from tolls, the exemption of American shipowners will not put a dollar in the Treasury. The ships passing toll free or taxed do not belong to the United States Government. The United States Government is not, as the Senator from Utah [Mr. SUTHERLAND] argued the other day, idly charging itself. It is charging John Smith and John Williams and Bill Jones, who own ships passing through the canal, just as it is charging Jean Valjean in France and Hermann Leftwitch in Germany, or somebody else, and there is no more identity of ownership with the United States Government of the ship in the one case than in the other.

Of course, the United States, as the owner of the canal, will not charge tolls to those ships which the United States Government owns—warships. It will, however, if it is wise, keep books on the subject. It will charge the Navy Department so much every time a ship passes through and will credit the canal operation with the same amount. But, of course, it would be thoroughly impossible for the owner of the canal to charge itself except by a process of bookkeeping.

The other day the Senator from Utah went on and made a long and a very able speech founded altogether upon the obvious double middle of regarding the United States in one case as the owner of the canal and in the other case as the owner of ships. As a Government, it does own the canal. As a Government, it has sovereignty over the American ships, but it does not own them.

But gentlemen would seem to think that we get nothing out of this. When we went into it we thought we were going to get a profit. I believe the first wise engineer's estimate was one hundred and sixty-odd million dollars, and we expected to get dividends by the operation of tolls that would constitute a very reasonable interest upon that amount, at much more than 2½ per cent, at which rate we as a Nation can borrow money.

Not only that, Mr. President, but the time will come when we can make a profit out of it. The first decade probably we will make none—there may be an annual deficit; I do not know—but the time will come, undoubtedly, when we will make a profit, and in consonance with the Hay-Pauncefote treaty we shall have all the profit and nobody else have any.

So much for that. It is a very small matter. I would not care much if the entire thing were charged up to profit and loss to-morrow and the whole commerce through the canal were opened and free of tolls to the entire world, in accordance with the amendment which has been offered by the Senator from Colorado [Mr. THOMAS]. In a large and broad sense it is very frequently wise for a great people to charge a great enterprise up to profit and loss and then go ahead and charge only what is necessary for the annual upkeep, or else, going still further, charge nothing.

Gentlemen must not forget that whatsoever profit there may be in it, whatsoever collection of tolls there may be in it, that collection of tolls goes to our Treasury.

Now, Mr. President, I am not altogether of the President's view regarding this matter. I have made that clear before and I shall not enter into it again. I am inclined to the belief that, considering the mere letter of the treaty independent of the res gestæ—the contemporaneous negotiations and the letters accompanying it, wording the opinions expressed by those who acted as our agents—if we are to take merely the letter of the treaty as it is now written independently of its spirit, we have a right to exempt coastwise ships upon the line of reasoning exhibited by the Supreme Court in the case of Smith versus Olsen. But the very fact that we are debating the point is proof positive of the fact that any interpretation of the instrument is ambiguous and doubtful, and the moment you admit that the interpretation is doubtful and the language of the instrument is ambiguous that moment you have lost all as a right to judge by your own case. You have regard to the comity of nations if you dare to say that we will be the sole judge in a case wherein we are one of the parties. And you have done worse than that if you go further and say the reason for it is that you know you will not have war then, and you have added cowardice to tyranny or to dogmatism, whichever you may call it.

I am not altogether of the President's view, but just at this moment I want to impress upon the Senate the President's view with the idea of defending him from certain charges that have been made by Democrats to Democrats in connection with the Democratic platform. The President is of the personal opinion that exempting coastwise ships from tolls is a violation of the treaty, and yet we hear Democrats on this floor criticizing the President because he is not keeping a plank in a partisan American platform. Will any man arise and so offend the moral sense of the American people as to say that a plank in a party platform in the United States is superior in obligation upon me as a Democrat or upon the President as a Democrat to that greatest of all obligations resting upon a nation, to wit, the obligation of observing inviolate the sanctity of solemn treaties?

I heard a Senator here the other day argue for three-quarters of an hour that this was a violation of the treaty, and then with lame impotence conclude his argument by saying that, "notwithstanding that fact, he felt bound and obligated by the plank in the Democratic platform."

I am a Bourbon Democrat, Mr. President. I belong to the class of Democrats who forget nothing Democratic and learn nothing un-Democratic, if I know it. But Bourbon Democrat as I am, there is something in this world a lot more sacred to me than a plank in a platform, and that is the Nation's faith, the Nation's honor, the Nation's word, which is the outward and visible sign of the inward grace of its owners. How the belief of the President of the United States that this is a violation of a solemn treaty can for one moment be criticized by any Democrat as violating a party plank in order to arrive at the observance of national faith is something which I can not understand. It is true I do not agree with the President that the exemption is a violation at all of the treaty; but if I did, I do not see how anyone could expect me to pay any attention to a plank in a party partisan platform purely touching the course of the nation as a nation and not prepared with any view of violating any treaty. It must be presumed that the men who adopted that platform thought that it did not violate a treaty, or else they would not have adopted it, or if they had known it and did consciously violate a treaty and adopted it anyhow, then the Democratic Party ought to be sent to the very narrowmost depth to which human contempt could precipitate it.

Mr. President, I have not intended to take up the time of the Senate. I got up mainly to have read an answer to some of the points made by the junior Senator from New York [Mr. O'GORMAN] the other day. As far as I am concerned, I am tired of this debate. You are tired of it, and, if you do not know it, I can tell you the country is tired of it. Men, women, and children are beginning to laugh at us. You are keeping it up a little bit too long. Day after day you are running over the same ground on one side and then on the other. There is, I take it, not one new thing to be said except that little thing about the profits of the canal, which at this moment has been stated. Each one of you knows how he is going to vote. You are just consuming the time of 90,000,000 people of the United States, and I am helping you to do it.

Mr. President, I ask that the Secretary read this from the desk. If not, I will read it myself; but it is an argument by Crammond Kennedy, who is, from what I gather, a lawyer here. It cites authorities to disprove various dicta which the Senator from New York made the other day—for example, that the word "commerce" relates only to international commerce, notwithstanding the clause of the Constitution which includes it all in one phrase, "commerce with foreign nations and between the States," and that "vessels" always mean vessels of the deep sea and never any other sort of vessels, and some other things and minor things hardly worth answering, yet well enough to be replied to, in order that the ears of the groundlings may be tickled while the minds of the judicious are made to grieve.

Mr. STONE. I wish to say to the Senator from Mississippi that yesterday or the day before, I forget which, I had that paper inserted in the RECORD.

Mr. WILLIAMS. Let me see if it is the one. There is another. There is another letter written some time ago. If it has been inserted in the RECORD, I will not have it inserted now.

Mr. STONE (after examining). It is the same article.

Mr. WILLIAMS. The Senator from Missouri has already had the article inserted in the RECORD, and I shall therefore not ask that it be again read.

Mr. O'GORMAN. I ask that the canal-tolls bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it will be so ordered.

AGRICULTURAL APPROPRIATION BILL.

Mr. GORE. I ask that the Agricultural appropriation bill be now laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679)

making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. JAMES. Is there an amendment pending before the Senate now?

The PRESIDING OFFICER. There is. The pending question is on the amendment submitted by the Senator from Iowa [Mr. KENYON].

Mr. JAMES. I submitted an amendment several days ago, which is on the Secretary's desk. I should like to have it read after the pending amendment is disposed of.

The PRESIDING OFFICER. The Secretary will read the pending amendment.

Mr. JAMES. I see that the Senator from Iowa has just entered the Chamber. I was going to suggest the absence of a quorum.

The SECRETARY. On page 20, lines 18 and 19, strike out the words and figures "and for farm demonstration work, $400,000," and insert "$250,000."

On page 20, line 22, after the word "stock," insert:

For farm demonstration work outside of the cotton belt, $400,000.

Mr. JONES. Mr. President, I think we should have a quorum when the Senate proceeds to discuss this amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Page	Sterling
Borah	Hollis	Perkins	Stone
Brady	James	Pittman	Sutherland
Bristow	Johnson	Pomerene	Swanson
Bryan	Jones	Ransdell	Thompson
Burleigh	Kenyon	Reed	Thornton
Burton	Kern	Robinson	Tillman
Catron	Lane	Saulsbury	Townsend
Chamberlain	Lodge	Shafroth	Vardaman
Chilton	McCumber	Sheppard	Walsh
Clark, Wyo.	Martin, Va.	Shields	Warren
Colt	Martine, N. J.	Shively	West
Cummins	Nelson	Smith, Ariz.	Williams
Dillingham	Norris	Smith, Mich.	Works
Fall	O'Gorman	Smith, S. C.	
Gore	Overman	Smoot	

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. There is a quorum present. The question is on the amendment proposed by the Senator from Iowa [Mr. KENYON].

Mr. KENYON. Mr. President, I want to take just a moment or two in explaining this amendment. I rather think there will be little opposition to it when it is understood. This clause on page 20 seeks to provide for farm demonstration work in the North and in the South. On page 20 of the bill the provision with respect to what is termed by the chairman of the committee "work in the Northern States" is as follows:

To investigate and encourage the adoption of improved methods of farm management and farm practice, and for farm demonstration work, $400,000.

The chairman of the committee, as I understand and as it is generally understood, states that sum to be for farm demonstration work in the North. I am not now going into the question of the merits or the demerits of the farm demonstration work. I think it is agreed by all to be a splendid thing. The next clause provides:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, $628,240.

That is for farm demonstration work in the South, and it is so used and so regarded. I think there is no voice of discord on that.

Mr. President, I am not objecting to that large appropriation for the South. I think they ought to have more for this work than we in the North, because I think they possibly need it more than we need it; but as the bill is drawn the $400,000 which is to be used for the North and which my amendment contemplates shall be so used, as it now is in the bill is not used for the farm demonstration work in the North; that is, the entire amount is not so used.

I call the attention of the chairman of the committee to the hearings before the House committee. Of the $400,000 which the bill provides, the estimate for 1915 shows that out of that is to be used for administration, $23,935; for farm economics, $53,137; for special farm-management studies, $42,122; for farm management and field studies, $98,696; for utilization of cacti and other dry-land plants, $9,000. So out of the $400,000 there is to be used about $250,000, speaking not exactly accurately, in work that is not farm-demonstration work, and that applies equally to the South as well as to the North. I am sure that if that statement is true, the chairman of the committee would not feel that the balance of the appropriation—the estimate is made by Assistant Secretary Galloway—for farm-management demonstration, $138,430, is sufficient for this work in the North. I therefore in my amendment propose to strike out the $400,000 and the wording "for farm-demonstration work," and make it $250,000. That would cover the improved methods of farm management, farm practice, and the administration work, if it be determined that it should not come out of the demonstration money for the North, and then insert "$400,000 to be used in this demonstration work outside of the cotton-belt States."

Mr. President, this farm-demonstration work, I think it is agreed by everybody, is not a waste of money. Anything that helps to raise larger crops, to bring about prosperity of the agricultural classes, enters into the problem that we are all studying, the high cost of living, and redounds to the general prosperity of the Nation.

The Secretary of Agriculture sent out, in reply to inquiries, bulletins as to farm demonstration work and also sent out demonstrators to different counties. The expense of that work is borne partially by the counties and partially by the General Government. The best men, I think, receive about $2,400 a year, of which $100 a month is contributed by the county and $100 a month by the Government.

I have here a map, which I have had prepared, which shows the demands that are made from the various counties throughout the United States for these demonstrators. I can not put it into the RECORD, though I wish I might. In green here are indicated counties that have applied and can not have a demonstrator because of lack of funds, and in red the counties that have now a demonstrator. I find that in the State of Alabama, for instance, there is only one county in green. That means that there is only one county in the State of Alabama that does not have a farm demonstrator paid in part by the Government. The State of South Carolina—and I am sorry my distinguished agricultural friend from that State [Mr. SMITH] is not here—has one county in green; that is, only one county in that State has not a demonstrator paid in part by the Government. So the 15 Southern States have been very well taken care of in that respect, and I am glad of it; I am not raising any question about it at all. In the North anyone who will glance at this map will find that county after county in the various States in the North has applied for these farm demonstrators and have not been able to get them because there were no funds available for the purpose. I have letters here in my desk from various counties in my State, written to the Department of Agriculture, where they have organized their county associations, their rural clubs, their boys' and girls' clubs in the county, and yet have not been able to get a demonstrator.

In the 33 Northern and Western States there have been applications from 294 counties offering to contribute at the rate of $100 a month for a demonstrator, which would require $352,800. In the 33 Northern States there are now 125 demonstrators taken care of by this joint process between the county and the State and the United States Government. The amount necessary to carry on that work is $147,600.

Then there are a number of counties where the county organization is carrying on the work and the Government furnishing one dollar, so that the man may have the badge of governmental employment. To carry on the work in those 56 counties would require $67,200, making a total needed to carry on this work, which is now asked in the Northern States, of $537,600. I am not asking for that much, Mr. President, but am asking for $400,000.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do.

Mr. POMERENE. Can the Senator inform us as to the number of farms in the Southern States that are now under the supervision of public demonstrators?

Mr. KENYON. I did not catch the Senator's question.

Mr. POMERENE. Can the Senator inform us as to the number of farms that are now under Federal supervision?

Mr. KENYON. I can not. I do not think they manage it by farms.

Mr. POMERENE. About two years ago, in a conversation I had with the former Secretary of Agriculture, he stated to me that at that time his department had in charge 60,000 farms in the South. There were at that time no farms, as I understand, in Ohio under the control of the Federal Agricultural Department.

Mr. KENYON. That may be true.

Mr. JONES. Will the Senator from Iowa permit me to interrupt him merely for a moment?

Mr. KENYON. Certainly.

Mr. JONES. I understood the Senator to say that it would require some five hundred and odd thousand dollars to carry on the work that has been applied for. That, as I understand, is aside from the money that would be necessary to be contributed by local authorities.

Mr. KENYON. Yes.

Mr. JONES. That would be the amount to be put up by the National Government?

Mr. KENYON. That would be the amount that the Government would contribute to this work.

Mr. JONES. Yes.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I do.

Mr. STONE. The Senator from Iowa speaks of 33 Northern States. In what group of States does he place Missouri?

Mr. KENYON. As one of the Northern States. I was not accurate perhaps in saying "Northern States"; I should have said the 15 Southern States that are taken are all under this particular appropriation. Then the balance of the country, the 33 States, includes New Mexico and Arizona, which would not be Northern States.

Mr. STONE. Missouri lies somewhat in the twilight zone between the North and the South, while we produce on our farms substantially the same character of crops as are produced in Iowa, Kansas, and other States of the North.

Mr. KENYON. Yes; but not so much of them.

Mr. STONE. Well, not so much of some of the crops. We do not produce as much corn, for example, as is produced in the Senator's State of Iowa, but we produce quite a good deal of cotton in my State. I do not know just where Missouri would be placed.

Mr. KENYON. The 15 States where this appropriation is now expended are the States of Maryland, West Virginia, Kentucky, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Florida, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas. The balance are what I term "the Northern States." I want to say to the Senator from Missouri that there are applications on file from 13 counties in Missouri for such a demonstrator, and you have in Missouri 10 counties now that are supplied.

Mr. WEST. Mr. President, before the Senator proceeds, I should like to ask this question: In a great many of the States is it not possible that the counties do not have these demonstrators because of the fact that they are not willing to furnish their part of the money?

Mr. KENYON. I think not, Mr. President. The counties, so far as my observation goes, are all anxious to furnish the money. They are, I know, in my State.

Mr. JAMES. Mr. President, if the Senator from Iowa will yield to me, that is not the situation in Kentucky. While the Senator states that the 15 Southern States are very well taken care of so far as farm demonstration work is concerned in this appropriation of six hundred and forty-odd thousand dollars, that is not true as to Kentucky. There are more than 20 counties in Kentucky now that have the amount required and desire a demonstration agent, but the Government has not sufficient funds for the purpose. Assistant Secretary Galloway informed me that he thought this appropriation ought to be increased, so that Kentucky, Maryland, and West Virginia could have an additional amount, and I have an amendment here to increase the amount $50,000.

Mr. KENYON. I want to say to the Senator from Kentucky it is certainly true that Kentucky, West Virginia, and Maryland have fared very illy as compared with the remainder of the Southern States.

Mr. JAMES. There is no question about that. Kentucky has only a $20,000 appropriation, while some of the other States have an appropriation of forty or fifty thousand dollars.

Mr. WEST. Mr. President, the State of Georgia is not much more than half covered, is it?

Mr. KENYON. The State of Georgia has fared fairly well. It is just about half covered, I should judge.

Mr. JAMES. The State of Georgia now receives $49,000 under this appropriation while the State of Kentucky receives only $22,000, the State of West Virginia only $17,000, and the State of Maryland only $18,000.

Mr. OVERMAN. What has North Carolina?

Mr. JAMES. North Carolina has $38,000. I will say that I am not criticizing the amendment. I intend to support the amendment offered by the Senator from Iowa.

Mr. KENYON. I want the Senator to understand that my remarks are not in any spirit of criticism toward the appropriation for the South; the South ought to have it.

Mr. JAMES. I understand that.

Mr. KENYON. I want to put into the RECORD some figures at the present time. The State of Nebraska has applications on file from 32 counties for a farm-demonstration agent, which would require $38,400, at the rate of $100 per county per month. No funds are available.

The State of Indiana has applications from counties that would require an outlay of $22,800, and there are no funds available for that purpose; the State of Illinois has applications from counties, and it would require $44,400 to take care of their wants; the State of Missouri has applications from counties that would require $16,800.

Mr. KERN. Mr. President, I want to inquire——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. KENYON. Yes.

Mr. KERN. I want to inquire whether this calculation implies that the appropriation of $100 a month is to continue throughout the 12 months of the year?

Mr. KENYON. Yes.

Mr. KERN. Is demonstration work done in the wintertime? I am only asking for information; I know nothing about the matter myself.

Mr. KENYON. Yes; the appropriation is made to carry on the work for such time as the Department of Agriculture may deem necessary. I think it is fixed on an average.

Mr. KERN. I wondered whether the Senator's estimate was not a little extravagant in that it seemed to contemplate a continuous service throughout the year at $100 a month.

Mr. KENYON. They do carry on a continuous service throughout the year in very many instances. Certainly some work can be done in winter as well as in summer, although that is not true as to all classes of work.

The State of Colorado has applications that would require $10,800; Kansas, $21,600; Iowa, $28,800; Michigan, $48,000; Pennsylvania, $27,600; New York, $22,800; Connecticut, $7,200.

Mr. BURTON. What has Ohio?

Mr. KENYON. Ohio has applications pending that would require $8,400.

Now, Mr. President, I have the amount available for the 15 Southern States tabulated here. The tabulation is in error only as relating to the amendment adopted a few days ago reducing the amount to $50,000 instead of $100,000, but that would give us funds available for demonstration work in the 15 Southern States of $928,240, less the $50,000, by which the appropriation was reduced, which would be an average per State of $61,883; while for the demonstration work of the 33 Northern States the estimate submitted by the Secretary of Agriculture is $138,430, which the House increased by $34,480; for demonstration on reclamation projects, $50,000; funds available through Smith-Lever bill $330,000, making $552,910, or an average per State of $16,754.85.

I ask to have this tabulation made a part of my remarks without fully going into it.

The PRESIDING OFFICER. In the absence of objection, permission to do so is granted.

The table referred to is as follows:

Funds available for demonstration work in the United States Department of Agriculture for the fiscal year 1915.

FOR 15 SOUTHERN STATES.

(Maryland, Virginia, West Virginia, Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Oklahoma, and Texas.)

Farmers' cooperative demonstration work and a study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil. (See H. R. 13679, introduced in the Senate of the United States Mar. 16, 1914, p. 20, lines 23, 24, 25)	$628,240.00
For live-stock demonstration work in areas freed of the southern cattle tick. (See H. R. 13679, p. 12, lines 8–21)	50,000.00
For experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States. (See H. R. 13679, p. 70, lines 7–25; p. 71, lines 1–9)	100,000.00
Funds available through the Smith-Lever cooperative extension bill, 15 States, $10,000 each	150,000.00
Total for 15 States	928,240.00
Average per State	61,883.00

FOR DEMONSTRATION WORK IN 33 NORTHERN AND WESTERN STATES.

Estimates submitted by the Secretary of Agriculture. (See hearings before the Agricultural Committee, House of Representatives, p. 179)	$138,430.00
Increase given by the House of Representatives. (See report Agricultural Committee, House of Representatives, p. 21, end of first paragraph)	34,480.00

For demonstration on reclamation projects. (See H. R. 13679, as reported in Senate, p. 68, lines 16–23)	50,000.00
Funds available through the Smith-Lever cooperative extension bill, 33 States, at $10,000 per State	330,000.00
Total for 33 States	552,910.00
Average per State	16,754.85

Mr. McCUMBER. Mr. President, will the Senator from Iowa again explain what the green markings on his map indicate?

Mr. KENYON. The green markings on the map which I have at my desk are the counties which have made application to the Department of Agriculture for a farm demonstrator. The red markings with a "1" drawn in them are the counties where $1 is paid by the Government. The counties entirely in red are where the Government furnishes one-half or a substantial amount of the sum expended.

Mr. McCUMBER. What does the Senator say with reference to $1 being paid by the Government?

Mr. KENYON. I say that in many instances the Government, not having sufficient funds to pay one-half of the expense, contributes $1. There are, I think, 56 counties in the 33 Northern States where $1 is contributed by the Government.

Mr. McCUMBER. How is that indicated on the map?

Mr. KENYON. In red with a black line drawn through it.

Mr. WARREN. For what purpose do they contribute the $1?

Mr. KENYON. In the State of the Senator from North Dakota there are eight counties where the Government pays $1 and the county organization pays the balance. There are certain benefits that come to them from that payment.

Mr. McCUMBER. In other words, out of this appropriation my entire State gets $8, does it?

Mr. KENYON. The Senator's State gets $8 plus.

Mr. McCUMBER. Plus what?

Mr. KENYON. Plus nine counties where the Government pays $100 per month.

Mr. McCUMBER. That is, then, $908. And how much does Alabama receive?

Mr. KENYON. Every county except one receives such aid there.

Mr. McCUMBER. How much does it amount to in appropriations?

Mr. KENYON. I can not count all of those counties, unless the Senator will wait.

Mr. McCUMBER. I thought the Senator had the figures there.

Mr. KENYON. These are only the figures for the Northern States. Every county in Alabama except one has a county agent some substantial part of whose salary is paid by the Government, although not in every instance $100 a month.

Mr. McCUMBER. I could not help but note, Mr. President, as I looked over the map, the special coloring to indicate that while, as stated by the Senator, the State of North Dakota, which is agricultural throughout and has more acres of agricultural land, perhaps four times over, than any one of those Southern States, gets $908, while the Southern States get from fifty to sixty thousand dollars. It is along the same line as the vote that was given the other day upon a matter that was very interesting to the people of my State.

Mr. KENYON. The Senator is a trifle in error. I dislike to spoil his argument, but the $908 would be per month, so the Senator will have to multiply that by 12, making $10,896.

Mr. McCUMBER. I think he would have to multiply it by 3 and not by 12.

Mr. JAMES. Mr. President, it ought also to be stated that the amount used by the Southern States is used not only for farm demonstration work but for the purpose of destroying the boll weevil in the cotton fields.

Mr. KENYON. I should like to ask the Senator from Kentucky, because I have tried to get at that heretofore, is any part of that appropriation used for the eradication of the boll weevil? In the discussion in the House it seems to have been accepted that none of it was used as to the boll weevil, but that the entire appropriation was to be used in farm demonstration work. The demonstrator teaches the farmer to raise more potatoes, more cotton, more of everything that comes from the soil, and does not in any way devote himself to combating the boll weevil. That is as I understand it. I do not know as to that; I have been trying to find out.

Mr. OVERMAN. Mr. President, I will ask the Senator if most of the money so used in the Southern States does not come from what is known as the southern educational board?

Mr. KENYON. Two hundred and fifty thousand dollars does come from that board; but an amendment has been adopted here to prevent that.

Mr. OVERMAN. That is what I understand.

Mr. KENYON. And the appropriation has been increased $250,000.

Mr. OVERMAN. For that purpose; to take the place of that heretofore received from the southern educational board.

Mr. KENYON. Yes.

Mr. OVERMAN. The Senator from North Dakota was complaining that there was more money spent in the States of the South than was spent in his State. That money has been derived principally from the fund supplied by the southern educational board, as I understand.

Mr. KENYON. Yes; that money has come from the Rockefeller interests and some of the trusts in an attempt to untaint their money.

Mr. McCUMBER. I desire to correct the Senator from North Carolina. I was not complaining at all; I have become used to that treatment, and have no complaint to make.

Mr. JAMES. The provision in the bill states that this fund is to be used, among other things, for the purpose of demonstrating "the best methods of meeting the ravages of the cotton-boll weevil." My understanding is that it has been used to a great extent for that purpose.

Mr. KENYON. I think the Senator will find that a very small part of it has been so used.

Mr. JAMES. I personally know nothing about it; I merely give my information.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do.

Mr. POMERENE. The Senator has indicated that many applications have been made for demonstration work which have not been honored because of lack of funds.

Mr. KENYON. Yes.

Mr. POMERENE. Now, I ask the Senator what rule is adopted by the Agricultural Department for the distribution of this fund when it is not sufficient to meet the requirements of all the applicants?

Mr. KENYON. As I understand, it rests entirely in the good judgment and wise discretion of the Secretary of Agriculture. My State has only been able to have six demonstrators, not including one to whom the Government pays $1.

Mr. POMERENE. By what principle is the department controlled in distributing this fund?

Mr. KENYON. I can not tell the Senator.

Mr. STONE. It is complimentary to the States of Iowa and Ohio that they are so well advanced that they do not so much need instruction.

Mr. KENYON. We have not applied for so much as Missouri; that is true.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. KENYON. I do.

Mr. KERN. There is undoubtedly much truth in what has been suggested by the Senator from Missouri [Mr. STONE]. I observe from the map referred to by the Senator from Iowa that my native county in Indiana, which is up to date and abreast of the times in all agricultural movements, has not made application and has received nothing. I understand why that is. It has soil that is naturally rich and inexhaustible, the farmers are up to date, and do not need any farm demonstration. By and by, when their lands become impoverished and the young generation has forgotten the principles of agriculture, they may apply for aid. I think that is true of the State of North Dakota and the new States. With their inexhaustible virgin soil they do not need farm demonstration as much as the older States, where the soil is worn out.

Mr. KENYON. I entirely agree with the Senator; but even in those States there is a great work being done along the line proposed. I wish to read a portion of a letter I received a few days ago from the State of Iowa with reference to this matter. I will ask the Senator from Indiana to listen to this letter; it is really a good letter, and I think the Senator will enjoy it. It has reference to this work and to what they are doing in the new States, as he terms them. I will not read it all, but will read a part of it, as follows:

Our county agent, Prof. Wise—

He was paid by the county; there were no funds from the Government—

Our county agent, Prof. L. O. Wise, has accomplished a great deal in the county during the year, far more than we had expected. He is in a position now, because of his acquaintance with the farmers and with the needs of the community, and because of the work done, and because of the work to be done, to put the work on a permanent basis and demonstrate the value of organized effort in the matter of bettering

farm-life conditions and the making for better country homes, in the development of a rural social life that will permit of intelligent interest and community growth.

* * * * * * *

Through this department a keener interest has been aroused in better farming, better rural organization, better country schools, better live stock and grain, better roads, and better country churches. Much work has been done along the lines of increasing the use and growth of alfalfa and clover. Extended efforts have been put forth in beautifying the farm home and properly environing the child life of the rural communities.

This department vaccinated over 6,000 hogs, gave material assistance to several veterinarians, thus saving large numbers of hogs to the farmers of the county and giving actual demonstration of the benefits of the serum treatment.

Mr. Wise, through our association, conducted a series of farmers' short courses, in which was given careful and thoughtful instruction in the principles underlying successful farm practices and home making. About 900 men and boys received this instruction, and about 200 women. Four good working rural-life clubs were organized during these short courses in addition to those that were already organized. An interest in rural community life has been aroused, the influence of which will have a wholesome effect upon the lives of the people in the community.

So the Senator can see that this farm-demonstration work, even in the newer States, goes to the question of better homes and better schools and better churches and better citizenship, and is a splendid work for the Government to help on.

Mr. KERN. Mr. President, I wish to add that I was only trying to suggest a reason why applications have not been made from certain quarters.

Mr. KENYON. I agree with the Senator.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BRADY. I wish to ask the Senator to name the counties shown in different colors on the map, and let us know why they are colored differently, and what their position is relative to this work. The Senator can just hold up the map so that other Senators can see it, if he will.

Mr. KENYON. I can not put the map in the RECORD; but if my distinguished friend from North Carolina [Mr. OVERMAN] will hold one end of the map, I shall endeavor to explain it.

Mr. OVERMAN. I shall be glad to do so.

Mr. KENYON. The unit is a county. The green areas are the counties where application has been made for a county demonstrator.

Mr. STONE. But not granted.

Mr. KENYON. But where there are no funds to pay one and the application has not been granted. The red areas with the black lines through them are the counties where applications have been made and the agent has been sent to these counties, but is paid $1 by the Government and the balance by the county organization. The counties in red are where the agent is sent by the Government upon application, and the cost of that is divided between the Government and the county in some ratio which the Secretary of Agriculture may determine, not always the same. Is that clear to the Senator?

Mr. BRADY. The explanation is entirely satisfactory; but I notice the coloring on the State of Indiana. Does that indicate that counties of that State have made application, or that they are using funds now?

Mr. KENYON. Indiana, I think, is about evenly divided. The green area indicates the counties where they have applied for this agent, but there are no funds; while the red area, with the black line through it, indicates that a large number of counties in Indiana have a Government agent paid $1 by the Government and the balance by the county organization. In fact, Indiana has no agent to which the Government contributes any substantial part of his salary.

Mr. WEST. And the white area is where no application has been made?

Mr. KENYON. Where no application has been made.

Mr. BRADY. The counties in green are those where the Government pays $1 and the counties have made application, as I understand, for this fund?

Mr. KENYON. The Senator is right.

Mr. WEST. Mr. President, why is it that Alabama and South Carolina have had such abundant use of this fund over almost every other State?

Mr. KENYON. Because they were just a little more alert, I think, than Georgia. I know of no other reason.

Mr. JAMES. Because they have had good members on the Agricultural Committee.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa further yield to the Senator from Indiana?

Mr. KENYON. I do.

Mr. KERN. I should like to see if we can get a clear understanding of the purpose of the Senator's amendment. I understand that because $628,240 is appropriated for the study and demonstration of the best methods of meeting the ravages of the boll weevil, therefore the use of the $400,000 that is provided to investigate and encourage the adoption of improved methods of farm management, and so forth, should be confined to the States outside the cotton belt?

Mr. KENYON. If the Senator will permit me, the $628,240 is money that is used for farm demonstration work in the boll-weevil States. It is not used to exterminate the boll weevil. In the Senator will read the hearings in the House, he will discover that that is true. That amount of $628,240 is to be used for farm demonstration work in these 15 States, and that is according to the policy of the department.

Mr. KERN. I call the Senator's attention, however, to the difference in the language. The language referring to the 15 States is:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, $628,240.

The language of the other section, which applies to the Northern States, is:

To investigate and encourage the adoption of improved methods of farm management and farm practice, and for farm demonstration work, $400,000.

I call the Senator's attention to the fact that no provision is made, in the appropriation for the cotton States, for the investigation and encouragement of improved methods of farm management and farm practice.

Mr. KENYON. Why, no. That comes out of the $400,000 just as much for the Southern States as for the Northern States. That is the exact point I was trying to make.

Mr. KERN. How is that provided? What is the language of the Senator's amendment?

Mr. KENYON. I strike out, by my amendment, in lines 18 and 19, "and for farm demonstration work, $400,000" and insert "$250,000." Then, at the close of the paragraph, at the end of line 22, I insert "for farm demonstration work outside of the cotton-belt States, $400,000."

Mr. GORE. Mr President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. KENYON. I do, if the Senator from Indiana is through.

Mr. GORE. I wish to say, in that connection, that only $32,000 of this $400,000 appropriation is expended in the Southern States. The rest goes to other States. I thought that statement ought to go into the RECORD at this time.

Mr. KENYON. The Senator is correct in part. In the hearings before the House committee the $33,000 of which he speaks was shown as spent in the Southern States; but $23,935 of that $400,000 goes for administration. Now, what is that for? It is spent here in Washington, but it is spent for the South as well as for the North. For farm economics, $53,000 is expended; for special farm studies, $42,000; for farm-management field studies, $98,000. That is spent in the South just as much as it is in the North.

Mr. GORE. Of course the South would be chargeable with its ratable share of the administration expenses, something like between two and three thousand dollars.

Mr. KENYON. The point I am making—and I do not think the Senator and I disagree about it—is that in the estimate of Dr. Galloway, which was submitted for farm-management demonstration, out of this $400,000 he estimates $138,430, and that is all there is to use for farm demonstration work in the North, in the 33 States.

Mr. GORE, Mr. WORKS, and Mr. JAMES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield, and to whom?

Mr. KENYON. I yield first to the Senator from Oklahoma.

Mr. GORE. I should like to complete the statement at that juncture. The House added $34,000 to that.

Mr. KENYON. Yes; that is correct.

Mr. GORE. Raising it to $170,000.

Mr. KENYON. That is correct. I omitted to say that.

I now yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator from Iowa how much is being expended or is authorized now for farm demonstration work by existing statutes, independent of the appropriation bills?

Mr. KENYON. The allotment for 1914 in the Northern States, which included a number of things I have suggested that are not used for farm demonstration work, is $375,000. In the South, as I understand, it was approximately $378,000, carried by the Agricultural appropriation bill. I am not absolutely certain of that, however.

Mr. WORKS. The Senator is now referring to previous appropriation bills. I was referring to independent statutes.

Mr. WARREN. If the Senator will permit me, there are no permanent statutes that carry anything for demonstration as understood there. The permanent appropriations provided by statutes, such as the Morrill and Hatch bills, go in certain amounts to each State and are for experimental colleges and work; but that money is not expended like this. This money is expended in conjunction with the county authorities in each county, and it is only provided for from time to time in each appropriation bill.

Mr. WORKS. I was not asking how it was expended. I was trying to get at the amount of money that the Government is expending now for this purpose. I remember that not very long ago a bill passed the Senate, which, I think, had already passed the House, authorizing the expenditure of some $3,000,000 a year for farm demonstration work.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. KENYON. I do.

Mr. GORE. That was not identical with this appropriation, nor was it devoted entirely to the same purpose. It was to be used in connection with the agricultural and mechanical colleges of the several States. Of course none of that money has been utilized as yet. That is the farm extension work in connection with the agricultural colleges. I think, however, it will soon supersede the work provided for under this appropriation.

Mr. WORKS. I think if this bill is examined it will be found that there are about four different appropriations in the bill, in different forms, for farm demonstration work, and we have independent statutes here providing for the same thing. It does not make very much difference how it is expended, whether it is under the direction of colleges or in some other way; it is all being expended for the same purpose.

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kentucky?

Mr. KENYON. I do.

Mr. JAMES. I notice that the Senator's amendment reads:

For farm-demonstration work outside of the cotton belt, $400,000.

What does the Senator mean by "the cotton belt"?

Mr. KENYON. I am leaving that to the Secretary of Agriculture. I assume that he will have no trouble in knowing what we mean. My own thought is that that covers the States outside of those in which the appropriation is used for the extermination of the boll weevil.

Mr. JAMES. Cotton is grown in Kentucky in the southwestern part of the State.

Mr. KENYON. I think Kentucky would be in the cotton belt. The 15 States that are now considered by the Secretary in expending the appropriation for farm-demonstration work that is made especially for exterminating the boll weevil are the States that would be included in the cotton belt. I am content, however, to leave that to the Secretary of Agriculture.

Mr. STONE. We grow as much cotton in Missouri as they do in some other States.

Mr. KENYON. Oh, there is everything in Missouri.

Mr. OVERMAN. The State of Missouri raises 1,000 bales, and we raise 1,000,000.

Mr. WEST. Mr. President, I wish to state, for the information of the Senator——

Mr. STONE. If the Senator will pardon me a moment before I take my seat, would that place Missouri in the cotton belt?

Mr. KENYON. No; it would place Missouri in the 33 States that will use this appropriation.

Mr. WEST. I wish to state to the Senator from Iowa that, according to the last statistics, that I noticed Missouri, in proportion to acreage, raised more cotton than any other State in the Union.

Mr. JAMES. That was not true according to the other census, because Kentucky did that. We have very fertile land down there on the Mississippi River.

Mr. WEST. I am simply citing the last statistics I know of.

Mr. OVERMAN. The last statistics show that North Carolina raises more cotton to the acre than any other State of the Union.

Mr. GORE. I would suggest Missouri, North Carolina, and Kentucky.

Mr. JAMES. Let us include Oklahoma.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I do.

Mr. WORKS. I wish to remind the Senate that the State of California is growing the best cotton that is raised at the present time, and more of it to the acre than any other State in the Union.

Mr. KENYON. Mr. President, I just want to place a couple of matters in the RECORD, and then I will cease. I have tried to make myself clear. I do not know that I have.

Mr. STONE. Mr. President, if the Senator will allow me a moment, the matter is not clear to me. I am speaking now in the utmost seriousness. I understand an appropriation is provided in this bill of six hundred and odd thousand dollars to be used for the eradication of the boll weevil.

Mr. KENYON. For farm demonstration work and the eradication of the boll weevil, and that fund is used for farm-demonstration work in the boll weevil territory, the method of exterminating the boll weevil being considered a part of the farm-demonstration work.

Mr. STONE. Six hundred and odd thousand dollars, then, is assigned to the cotton States?

Mr. KENYON. To 15 States.

Mr. STONE. Fifteen States for farm-demonstration work, which embraces the boll-weevil inquiry?

Mr. KENYON. That is correct.

Mr. STONE. In addition to that, according to the Senator's amendment, he would set apart $250,000 for farm-demonstration work?

Mr. KENYON. No; the Senator is in error there; not for farm-demonstration work.

Mr. STONE. What for?

Mr. KENYON. For the same things that now are taken out of the $400,000, which are these: Administration—that is, the expenses of the work here in Washington—farm economics, special farm studies, study of farm management, field studies, and utilization of cacti and other dry-land plants.

That is all taken out of the original $400,000. I want to have enough money to cover that and have it separate and distinct from the farm demonstration. That is where we get confused. The $250,000 covers all that. That is used North and South alike. Then the $400,000 is to be used in the 33 States of the Union outside of the 15 States where the $628,000 is used.

Is it clear to the Senator now?

Mr. STONE. I think I understand it.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. KENYON. I do.

Mr. THOMPSON. The Senator's amendment does not contemplate disturbing the $628,000?

Mr. KENYON. Not at all.

Mr. JAMES. I have an amendment to increase it.

Mr. KENYON. I do not want to be understood as saying a word against that appropriation.

Mr. THOMPSON. In short, then, it simply embraces an increase of $250,000?

Mr. KENYON. Two hundred and fifty thousand dollars.

Mr. THOMPSON. For the special work which the Senator has in mind for the Northern States?

Mr. KENYON. Yes; it gives to these 33 States the use of $400,000 for farm-demonstration work and gives $250.000 to the department, which will be used in all this other work, and $628.000 to these 15 Southern States for their farm-demonstration work and the boll-weevil work.

I ask to place in the RECORD a summary, which I send to the desk, and also a plan of farm-demonstration work in the Northern and Western States, which was prepared by the Department of Agriculture and which I think may be of interest to those who will read the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENYON. That is all I have to say.

The matter referred to is as follows:

Character of investigations conducted under the authorization contained in the Agricultural bill in the following language (see p. 20, lines 17 and 18, of H. R. 13679, as presented to Senate, 1914): "To investigate and encourage the adoption of improved methods of farm management and farm practice."

1. Investigations on the cost of production of all classes of farm products.

2. Investigation of the profits from farming in the various agricultural sections of the country and from the various types of farming and on farms of different sizes.

3. The working out of systems of farm organization that will result in increased production and increased profits in farming.

4. Determining the factors that affect the yield of crops.

5. Determining the various sections of the country in which economic conditions are most favorable to the production of the various crops and types of live stock.

6. Determining the best types of farms for every section of the country and working out the most efficient organization for each of these types of farming for farms of different sizes.

7. Determining the character and cost of adequate equipment on farms of different types.

8. Determining the amount of labor required in the management of properly organized farms and farm households.

PLAN OF DEMONSTRATION WORK IN THE NORTHERN AND WESTERN STATES.

The demonstration work as carried on by the Office of Farm Management in the Northern and Western States is carried on (1) with adults and (2) with boys and girls through club work.

In the adult work men thoroughly trained in both the science and practice of agriculture are located permanently in areas the size of a county, where they cooperate with the farmers of the county in the study of the agricultural problems and their solution. These men are known as county agricultural agents. The agent brings to the farmer on his own farm the results of scientific investigations in agriculture and the experiences of successful farmers, and helps the farmer put them into practice. His prime mission is to secure to the farmers a greater net income at the end of the year, while at the same time maintaining the integrity of the soil, the proper standard of living, and the consequent betterment of the social life of the county.

The thought uppermost in the demonstration work is to get as many farmers as possible to undertake some line of agricultural improvement on their own farms, and thus learn better agriculture by actually doing it.

LOCAL STUDIES.

In taking up work in a county the agent familiarizes himself with the kinds of soil and types of farming that are being carried on in each section of the county, the income that farmers are getting, and the crops, stock, and farm organization that seem to be best adapted to the various sections of the county. The agent first finds out what the agriculture of the county really is and what the farmers need before he undertakes any extensive demonstration work for the improvement of agricultural conditions.

With such studies as these for a basis the agent is fortified to take up advisory and demonstration work with the farmers along the lines that promise greatest helpfulness.

AGENT COORDINATES LOCAL AGRICULTURAL AGENCIES.

In nearly every county the agent finds a number of agricultural agencies, such as the grange, cow-testing association, good-roads associations, farmers' clubs, cooperative purchasing and selling organizations, and the like, already organized. If possible, these various forces are coordinated so that all may work unitedly and progressively for the betterment of the agriculture of the county. Furthermore, the agent helps to organize such additional clubs, associations, and the like as may be required to meet specific agricultural needs of the county here and there. The aim is to have every farmer in the county working with others in groups for the upbuilding of the agriculture of the county. Individuals within these organizations are solicited to undertake definite lines of agricultural improvement on their own farms.

AGENT DEVELOPS LOCAL LEADERSHIP.

One of the largest functions of the county agent is to develop local leadership. The task of improving the agriculture of an entire county is so great that the agent has a very large function to perform as an executive or administrator. It is his duty to inspire leadership and accept the help of voluntary assistants in the work. Only in this way can he hope effectively to reach the farmers of the entire county.

TAKES FARM PROBLEMS TO SCIENTISTS.

The agent also acts as the connecting link between the scientific or research work of the State and Nation and the farmer, not only presenting the results of investigations in such a way that they may be useful to the farmers, but calling the attention of research institutions to the local agricultural problems of the county and soliciting the assistance of scientists in helping solve the local problems. The agent has an important function to perform in suggesting and helping make efficient any research work that may be undertaken by the State or Nation in the county.

COMMON CARRIER OF IDEAS.

The agent, through his visits to farmers throughout the county, soon learns the most successful practices of the county and spreads the knowledge of these to all farmers. He is sometimes referred to as a common carrier of ideas.

AGENT ACTS AS ADVISER.

The agent's previous training, together with his local studies, enables him to advise with farmers helpfully along the lines of spraying, seed treatment, fertilizers, control of insect pests, cultural and stock practices, and other miscellaneous matters, and it is along these lines that he is usually first called upon for assistance in the county. But his primary value to the county follows as a result of his analytical studies of the farming of the county, his coordinating and organizing ability, his inspiration, development of local leadership, and his advocacy of lines of agriculture which local study shows are sound for the county.

In getting the results of the agent's studies and conclusions before the agricultural interests of the county, free use is made of the local press, lectures, institutes, circulars, short courses of instruction, and personal interviews.

BOYS' AND GIRLS' CLUB WORK.

The boys' and girls' club work is carried on in cooperation with the schools of the county, with the assistance of the State and county superintendents and the principals and teachers in public schools. The aim in this work is to teach the boys and girls the best known practices in agriculture on a limited area of ground, with the idea of interesting them in farm and home opportunities and achievements. The boys and girls are taught to do a concrete piece of constructive work throughout an entire season and keep a correct financial record of the cost and returns. Emphasis in the girls' garden and canning club work is placed on the utilization of the waste products of the farm by means of preserving and canning by modern processes, and thus contributing directly to the welfare of the household and the pocket money of the boys and girls who undertake it.

Mr. BRADY. Mr. President, I desire to offer an amendment to the amendment, which I hope the Senator from Iowa will accept. On line 5 of the amendment, after the words "for farm demonstration work," I move to insert "and for conducting boys' and girls' clubs." This will enable the department, if they so desire, to use part of this money for boys' and girls' clubs. In many places the work is conducted by the men who do the demonstration work.

In this connection I wish to have printed in the RECORD the annual report for the fiscal year beginning July 1, 1912, and ending June 30, 1913, for the Northern, Central, and Western States. It is a report made by the superintendent in charge. This report contains valuable information, which I think will be beneficial to Senators.

As an illustration, in the State of Idaho we had no clubs whatever in 1911, and to-day there are 15,000 members in the boys' and girls' clubs of Idaho. The report shows the splendid work that is being done in this department.

The PRESIDING OFFICER. In the absence of objection, the matter submitted by the Senator from Idaho will be printed in the RECORD.

The matter referred to is as follows:

BOYS' AND GIRLS' CLUB WORK.

(Annual report for the fiscal year beginning July 1, 1912, and ending June 30, 1913, for the Northern, Central, and Western States.)

SECTION OF FIELD STUDIES AND DEMONSTRATIONS, OFFICE OF FARM MANAGEMENT.

During the past year we have employed six State cooperative agents in charge of club work and have had the assistance of five collaborators in the conduct of the club work. Owing to the lack of funds to meet the demand for the boys' and girls' club work, it has been necessary to seek both direct and indirect cooperation through the public-school teachers, county superintendents, State superintendents of public instruction, federated women's clubs, chambers of commerce, granges, and other kindred organizations for the purpose of getting the boys and girls organized and locally supervised during the year.

At the present time six additional States have made application for financial aid in order that they might put into the field a State cooperative agent in charge of club work. The greatest need of the boys' and girls' club work is definite leadership and some one to do the "follow-up" work in each State. Success in club work depends almost entirely upon a carefully planned system of printed "follow-up" instruction and personal leadership, field meetings, visitations, etc.

The State, district, and county agents in the demonstration work have given considerable cooperation and valuable help in this work, but so little of the territory is properly equipped with these State, district, and local leaders we must depend almost entirely upon the unpaid leadership through the schools.

At the close of the cropping season of 1912 we had a total enrollment of 22,000 boys and girls in our territory. At the close of the fiscal year ending June 30, 1913, we had a total enrollment of 60,000. About 25,000 of these are handled directly from the Office of Farm Management. The remainder are handled through the State leaders and through the extension departments of the colleges of agriculture. We furnish from the Office of Farm Management on the average eight pieces of specially prepared "follow-up" instructions to each club member enrolled during the season, thus making a total of approximately 640,000 sheet circulars or bulletins of instruction furnished in a year's time to the club membership.

The following club activities have been systematically organized and promoted during the fiscal year: Boys' corn clubs on the acre basis; girls' garden and canning clubs, based upon one-tenth of an acre of tomatoes and the canning of the surplus products; potato clubs, requiring the growing of one-eighth acre of potatoes, selecting seed potatoes from the hill, grading and crating seed potatoes, grading and crating market potatoes, and reducing the culls to potato starch; vacation canning and marketing clubs, which have to do especially with the elimination of the wastes of garden, orchard, and field by means of the little portable home canners, and teaching the club members how to find a market for their surplus products, both fresh and canned (in this arrangements are now under way to cooperate with the Bureau of Markets in the furnishing of suitable instructions on marketing); sugar-beet clubs, based upon the growing of an acre of sugar beets as applied especially to the irrigated lands of the West. Poultry clubs, vegetable-garden clubs, good-road clubs, etc., are being conducted in cooperation with the office and State departments whose special function it is to promote these activities.

Wherever the garden and canning-club interests were promoted an effort was made to always interest the mother with the daughter in the canning activities. At one school of instruction in Colorado in the interest of canning through the garden and canning-club work 380 women were present to take the instruction with the girls.

The agriculturist in charge of club work has delivered 126 public addresses, 21 canning demonstrations, and 14 field meetings in the States during the year. All canning demonstrations were conducted for the direct benefit of the club members, but a general invitation was extended to the public; the "cold pack" method of canning by use of the five distinct types of home portable canners was used to demonstrate the use of all types of containers in the canning of corn, greens, fruits, and vegetables; time and labor saving as well as efficiency were important factors in the work.

In all States where cooperative arrangements have been perfected for the promotion and conduct of the club work the cooperating agency furnishes one-half of salary and expenses and the Bureau of Plant Industry, through the Office of Farm Management, furnishes the other half.

The spirit of cooperation as well as the real understanding of teamwork between the State officials and institutions is growing daily. When the work was first started in the North every one of the cooperating institutions objected to suggestions, instructions, helps, etc., from this office. None of them cared to make reports or furnish our office with club enrollments. At the present time their attitude has been completely changed, and all are making reports, not only asking for help and instructions but urging us to come into the States to assist them in doing the "job." During the fiscal year we have only been able to fill about 10 per cent of the requests for help and instructions which have come in from the States.

The need for a broad, constructive club work in the Northern, Central, and Western States is certainly urgent and the opportunity fully as large as it has been in the cotton States of the South.

The total amount expended by the Office of Farm Management for club work in the 33 Northern States during the fiscal year was $12,000, and a smaller amount is available for the new fiscal year. Eight new States have made application for financial cooperation in the conduct of club work, and have already met all requirements, financial and otherwise, but lack of funds prevents this office from giving them the necessary assistance. No branch of agricultural work is in greater need of definite leadership in the States. Lack of leadership means defeat to the work and no definite results. We would recommend that a State agent in charge of club work, with a lady assistant, be provided for in cooperation with the State organization as soon as possible.

Fifty-two circulars, outlines, and special sheets of instruction were prepared and sent out to the club enrollment from time to time as a system of follow-up instruction, bearing directly upon the conduct and management of crops in their club work. The instructions were prepared in cooperation with the various departments, offices, and State institutions in charge of and interested in the special subjects under consideration.

All money expended for the encouragement of the boys' and girls' club work by way of prizes, premiums, and awards are furnished by the local people, and in no case does the Office of Farm Management furnish the funds for this purpose.

With proper encouragement the boys' and girls' clubs of the Northern, Central, and Western States will at least double their enrollment during the year 1914.

Mr. BRADY. This report demonstrates what has been done; and with this added appropriation there is no question but that the club memberships in the Northern, Central, and Western States can be doubled during the year 1914.

I hope the Senator from Iowa will not object to this amendment, giving the boys and girls' clubs the advantage of this appropriation. It means much to the Northern, Central, and Western States.

Mr. KENYON. I have no objection to the amendment. I think that is work that is embraced within the general farm-demonstration work.

Mr. BRADY. But it should be specified here also, for the reason that in this way the boys and girls' clubs can use this money if the department desires to have them do so.

Mr. KENYON. I have no objection to that. I accept the amendment as an amendment to the one offered by me.

There is just one thing more I should like to put in the RECORD, and that is a statement showing the different counties and States which have applied for aid, and what they have received, and the general amounts that will be necessary to grant what they desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

	1		2			3
	Number counties in green.	Funds applied for; appropriation exhausted.	Number counties in red.	Amount paid by Government as per agreement.	Number counties in red 1.	Amount received annually allowing aid from department.	This amount needed to take care of department's share appropriation.
Washington	7	$8,400	1	$1,200	5	$5	$6,000
Oregon	3	3,600	2	2,400	1	1	1,200
California	2	2,400			1	1	1,200
Idaho	3	3,600	1	1,200	1	1	1,200
Montana	2	2,400					
Utah			6	7,200			
Arizona	1	1,200					
Wyoming	2	2,400	2	2,400			
Colorado	9	10,800	7	8,400			
New Mexico	1	1,200					
Kansas	18	21,600	5	6,000			
Nebraska	32	38,400	3	3,600	1	1	1,200
South Dakota	6	7,200	2	2,400	1	1	1,200
North Dakota			9	10,800	8	8	9,600
Minnesota	8	9,600	22	26,400	1	1	1,200
Iowa	24	28,800	6	7,200	1	1	1,200
Missouri	14	16,800	10	12,000			
Illinois	37	44,400	6	7,200			
Wisconsin	5	6,000	4	4,800	1	1	1,200
Michigan	40	48,000	10	12,000	2	2	2,400
Indiana	19	22,800	1	1,200	21	21	25,200
Ohio	7	8,400	1	1,200	1	1	1,200
Pennsylvania	23	27,600	7	8,400	2	2	2,400
New York	19	22,800	11	13,200	7	7	8,400
New Jersey	2	2,400	2	2,400			
Connecticut	6	7,200					
Massachusetts	1	1,200			1	1	1,200
Vermont	2	2,400	5	6,000			
New Hampshire	1	1,200			1	1	1,200
Total	294	352,800	123	147,600	56	56	67,200

Column 1 shows the number of counties in the different 33 Northern States having made application for funds and complied with the regulations laid down by the department, but the department has no funds available to take care of these requests. Amount necessary for these counties at the rate of $100 per month $352,800

Column 2 shows the number of counties in the 33 Northern States that are now being taken care of by the Department of Agriculture. Amount necessary to carry on this work 147,600

Column 3 shows the number of counties in the 33 Northern States that are now furnished $1 per year. These counties made application in the regular way for $100 per month, but there were no funds available for this purpose. Amount needed to take care of this work 67,200

Total amount now needed to take care of counties having made application for funds and who have complied with the regulations laid down by the department 567,600

Mr. GORE. Mr. President, I am sure the Senator did not intend that his remarks should be viewed in any sectional light and that he did not intend to give any sectional cast to the different appropriations contained in the bill. I am a little afraid, however, that the language used by some Senators might possibly be liable to that misconstruction. Therefore I feel that I ought to say a few words in regard to the history of this farm demonstration.

It originated some 12 or 14 years ago as a result of the invasion and ravages of the Mexican boll weevil. It came into the State of Texas from the Republic of Mexico, and in many counties, covering large sections, the production of cotton was reduced some 75 or 80 per cent. It gave rise to an exigency in the agricultural situation in that section. In order to meet that emergency a modest appropriation was made by Congress to enable the department to study the habits, history, and ravages of the boll weevil, and, if possible, to devise ways and means to counteract its ravages.

I think the first appropriation for the purpose was something like $75,000 or $100,000. Cultural methods were employed, and proved remarkably successful. The methods were so advantageous that it was decided to extend them to other States in anticipation of the coming of the boll weevil, to enable the farmers to adopt cultural methods by which they could meet and counteract the ravages of the boll weevil when he should make his advent, in case he should do so.

The system was extended throughout the entire cotton belt. It has proven of the most advantageous service not only in counteracting the boll weevil where he actually exists but in stimulating improved agriculture in the other Southern States where the boll weevil to this day has not come. The work proved so beneficial that it was afterwards decided to extend it to Northern States, although the crisis did not exist in the North and there was no acute emergency. Notwithstanding improved agriculture was practiced on a much more extended scale throughout the Northern States, it was hoped that these methods might nevertheless prove serviceable to that section.

During the last three or four years this work has been extended into the Northern States and other States than those situated in the cotton belt. It has been a matter of slow growth, a matter of evolution. It has not been the result of any disposition on the part of anyone to discriminate as between the different sections. I think that statement will be abundantly justified by simply recollecting the fact that this entire policy originated under a former administration—if I may say so, under a Republican administration. The first appropriations for the extermination of the boll weevil in the Southern States were generously made by a Congress that was Republican in both branches. The policy was introduced and extended by Secretary of Agriculture Wilson, from the State of the Senator from Iowa, and it is now being gradually extended throughout the entire Union. I regard it as a most valuable service. Indeed, I think it is one of the greatest services that the General Government renders to the private citizen.

This bill as it passed the House carried an appropriation of $400,000 for these different services in the North and West less $32,000, or, in other words, it carried an appropriation of $378,000 for demonstration and other work in the North, East, and West. The bill as it passed the House carried $378,000 for demonstration work in the Southern States. The appropriations were approximately the same. The Senate decided to divorce the General Government from the General Education Board. This required an additional appropriation in the Senate of $250,000.

It is largely the misfortune of the South that this appropriation was needed in that section. As the need was greater there the appropriation was greater there, just as we recently appropriated half a million dollars to counteract the ravages of hog cholera in the State of Ohio and the State of Iowa. Half a million dollars was appropriated owing to the misfortunes, the calamities, of those States, and not because of any disposition on anyone's part to show favoritism toward the State of Ohio or the State of Iowa.

I may say that $256,000 is carried by the pending bill for the extermination of many pests in New England; $246,000 is carried by it for the study of diseases and insects affecting cereals, largely grain, in the North and in the West.

When all these appropriations are considered it will be obvious to anyone that there has not only been no disposition to discriminate between different parts of the country, but there has actually been no discrimination practiced by the bill.

I felt that I ought to say this in justification of the committee and in vindication of the bill itself.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa as modified.

The amendment was agreed to.

Mr. JAMES. I call up the amendment I introduced, on page 20.

The PRESIDING OFFICER. The Senator from Kentucky moves to reconsider the vote by which the committee amendment, on line 25, page 20, was agreed to.

Mr. JAMES. It is to increase the appropriation $50,000 for the 15 Southern States. I do that for the reason that Kentucky, West Virginia, and Maryland have apportioned to them only the following sums: Eighteen thousand dollars to Maryland, $17,000 to West Virginia, and $22,000 to Kentucky, whereas Virginia has $38,000; North Carolina, $38,000; Georgia, $49,000; and Mississippi, $45,000.

Mr. SMOOT. Mr. President, would it not be better to have the Secretary of Agriculture reapportion the amounts?

Mr. JAMES. I was just going to refer to that. I talked with the Assistant Secretary of Agriculture, Dr. Galloway, who handles this fund, and he stated that this amount allotted to the Southern States was absolutely needed, but there was need for this additional sum, which, if allowed, would be allotted to these States. I know that in my own State of Kentucky, instead of six counties, as is shown by the map there, I was informed by the secretary of agriculture of our State, who came in to see me, that more than 20 counties now had raised the required amount of money to pay their half in connection with the half allotted by the Federal Government for the purpose of having a demonstration agent. Our State has now 15,000 boys and 1,000 girls in these canning clubs, and yet the State gets less than any other State in the South.

Dr. Galloway says this amount is needed, and I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. By unanimous consent, the vote whereby the committee amendment was agreed to will be reconsidered.

Mr. SMOOT. Would it not be just as well, then, to have an amendment increasing whatever amount they want for Kentucky, and to state specifically just what it is for?

Mr. JAMES. I just raise the amount $50,000, and of course I rely upon their good judgment and what they have already stated should be done, and that is that this is to be allotted to these three States. It is not the custom to allot by the bill itself money to the various States. For that reason I did not propose it. Of course that would be preferable, but that is not the custom and I have not asked that it be done. By my amendment I make a lump increase of $50,000, and feel sure that out of this sum Kentucky will be given a sufficient amount to carry on this work—in fact, Dr. Galloway assured me of this—and as no appropriation for farm demonstration work particularizes any State, I have not done so here.

Mr. McCUMBER. Mr. President, I want to ask some Senator who is acquainted with this work of what this demonstration consists?

Mr. GORE. Mr. President, it consists in an effort to take to the farmers the results and benefits of scientific agriculture. I may say the Senator from Ohio [Mr. POMERENE] stated a few minutes ago he had seen a statement two or three years ago to the effect that there were some 60,000 farms in the South in the charge of the Government. The Senator was not accurate in his language. There are no farms in charge of the Government. In my own State we have one general superintendent of this farm demonstration work throughout the State. In some 40 or 50 counties out of the 77 counties they have selected a practical farmer who uses his own farm for demonstration purposes. They have this year succeeded in securing some 3,000 farmers to cultivate their entire farms according to methods prescribed by the department, or, in other words, upon the principles of improved agriculture, and some 12,000 other practical farmers have agreed to cultivate more or less of their farms in accordance with those principles. It is an effort to introduce upon the farms the information and the application of those principles which have been known in the department and in the colleges for a number of years. It is the one link necessary to complete the circuit in order to make scientific agriculture an actual fact and not a mere figure of speech in this country.

Mr. McCUMBER. Mr. President, of all the sops that were ever dished out for the American farmer, this demonstration sop is practically the worst. There is little or no benefit whatever to be derived from it. It is a waste of the money, the greater portion of which is paid by the farmers themselves.

I do not think there is an application from my State to have a demonstrator sent out there. I am glad to note it, because in all this Agricultural appropriation bill you are treating the American farmer as though he did not have as much sense as a 6-year-old child, and that you must have a demonstrator standing over him telling him how he is to plow his land, how he is to hitch his horses to the plow, how he is to stand behind the handles, how deep he is to plow, how he is to harrow, and how he is to cultivate it and thrash it.

If there is anything gained in the matter of scientific farming at all, it is in every one of our agricultural schools in our States. The Government is sending out an immense amount of literature upon the cultivation of every kind of plant and shrub known, describing how it should be cultivated, how it should be cared for in this State and in that State, in the dry country and in the arid and in the semiarid country. All the information any demonstrator could possibly give to any farmer is conveyed to him through these farmers' bulletins. There is not a farmer in my State who can not read and write, and there is not one who is not able to apply that knowledge, and if he has not the sense and the capacity to apply it, he will never have the sense and the capacity to follow the directions that are given him by any demonstrator.

I am not a bit surprised, Mr. President, that under the circumstances we should apply ourselves to seek the many devious ways by which we can spend money to benefit the farmer to offset the injury that we are doing him year in and year out without any attempt to give him any benefit whatever. The thing that is most interesting to the farmer is not how I can raise a crop, but what I can get for it after I have raised it; and when you open the floodgates of all the products of the entire world and turn them freely into the United States you are doing more damage to the American farmer than you would accomplish in good in ten thousand years with any such methods as you are here seeking to benefit him.

You had here before you testimony taken by volumes showing the losses the farmers are sustaining in the grades to their grain by reason of the inefficient and the unjust system by which the grain is handled. The farmers in my State alone will lose by their grades in a single year from three to four million dollars. Yet when they appeal to you for some practical benefit you are in your rooms outside of the Senate Chamber and refuse to listen to a single word; and then you come in finally, when you are called in upon a call of the Senate for a quorum, and you proceed to vote, giving him no benefit whatever, and then you turn over to him this thin sop to compensate him for the injury that you are committing against him.

I want to protest in the name of the western farmers, the intelligent farmers of the United States, that they are not blind to this action. They may not be able to see their remedy. Being unorganized and scattered promiscuously over the entire country and not addicted to writing letters or acting through an organized society, it may take them some time before they will be able to understand fully the cause of their discomfiture at your hands, but I believe, as sure as the God of truth reigns, that they will come to understand it fully some day and you will right the wrongs that you are committing against the American farmer.

Mr. President, there will be practically no benefit obtained out of these demonstrations. Send a little pamphlet out to any farmer in my State telling him the results of the experiments of the Agricultural Department of the United States and of the several agricultural colleges in the States as to the character of soils and the cultivation of this and that species of cereals and he does not need your demonstrator. The chances are 10 to 1 that he knows more about how to raise those crops and get the very best there is out of his soil than the demonstrator whom you send to him.

I know what this demonstration means. It means a great deal of human labor applied to the cultivation and the handling of the grain they are attempting to demonstrate. The Government has any amount of funds back of it, and it can hoe and plow and harrow as many times as it sees fit, but the average farmer, at the rate he has to pay for labor up in the Northwest, can not get the labor to do the work. If he could obtain labor at wages that he could afford to pay, dependent upon the price he would get for his products, he would ask nothing at your hands. You can subserve his interest in a hundred differ-

ent ways that will be valuable to him. You are doing nothing practical for his benefit in these half a hundred little appropriations, such as one to send out some one to teach children how to plant onions.

Mr. GORE. Mr. President, I wish to congratulate not only the Senator, but his State and the farmers of his State, upon the high degree of agricultural education which prevails there. I might say there are a good many farmers in the South who make no pretentions to the same degree of education or efficiency as the average North Dakota farmer. I refer to the colored race in the South.

But I may say to the Senator that he is mistaken, even as to his own State. The Agricultural Department expends a little over $5,000 a year in the State of North Dakota toward demonstration work, and the farmers of his State contribute $60,000 a year to cooperate with the farm demonstrators representing the Government of the United States. Each county in the State contributes $3,800 a year in the promotion of this work.

I say to the Senator that while this expenditure on the part of the North Dakota farmer may be unnecessary it is not unnecessary in many portions of the South. In many parts of the South, including Texas, Mississippi, and Louisiana, it has practically revolutionized agriculture. The suggestion was made last season that the demonstration work be discontinued in Oklahoma, and it raised a very storm of protest. No service rendered by the General Government in States, counties, and communities is more highly appreciated or is more serviceable than this farm-demonstration work. I should regard it as a calamity to see it discontinued.

I may add as a mark of credit to the State of North Dakota that its contribution exceeds that of any other State in the Union to this service.

Mr. VARDAMAN. Mr. President, I share the feeling expressed by the Senator from Oklahoma [Mr. GORE] when he congratulates the Senator from North Dakota upon the excellent condition of the farmers of his State. Fortunate, indeed, is that country whose farmers are prosperous.

I do not think that any public measure has met with such universal approval among the farmers of my State as the law which puts these agencies at work for the betterment of the condition of the agriculturists of the entire country.

When the proposition was made to limit the work to be done to the appropriation carried in this section of the bill a perfect cyclone of protests came to me from the State of Mississippi. As I said upon the floor of this Chamber several days ago, not 20 per cent of the money expended in this demonstration work was paid by the General Government. Not only the farmers contributed to it, but the merchant, the lawyer, the doctor, the manufacturer, every class and condition of our citizenship contributed to it for the very good reason that upon the products of the farm all enduring prosperity rests. Their contributions to this great work was but the expression of that spirit of altruistic selfishness which underlies all intelligent cooperation. Everything we eat and wear originates with the soil. Propitious seasons and intelligent cultivation bring abundant yield. When the farmer prospers the looms run full time, the rolling stock of the railroads is kept moving, the factories find a market for their fabrics, the mechanic gets his wages for six days in the week, the children of the toiler enjoy the advantages of the school, the credit man collects his accounts, the lawyer's clients are able to pay his fees, the doctor gets his toll, and the preacher is properly clothed and fed, receiving his earthly reward for labors done in the vineyard of the Lord, the smile of joy is upon the happy face of the patient housewife, the merry laughter of children fills the home with light, hope springs eternal in the human breast, and plenty is scattered over a smiling land. But let the farmer fail, let misfortune attend his efforts, let the fates withhold from him propitious seasons, let the blight fall upon his crop, and the chilling winds of adversity will sweep over the land like the withering simoon of the desert. Hope, the propelling force of success in all the walks of life, will leave the heart, the rose of health will fade from the cheek, pallor, the shadow of want, will becloud the countenance, sorrow dim the eye, and despair will freeze the genial current of the soul. In other words, all that is sweet in life, all that works for the uplift of humanity, all that promises good from which hope for the future welfare of the race springs will pass away and the entire superstructure of commerce will crumble and fall.

No, Mr. President, this money is not imprudently or injudiciously invested. The United States Government and the governments of the States have not in the past devoted as much money as they should have done to the development and to the improvement of agriculture. The farmer is now being taught the constituent elements of the soil. He is taught by the demonstrator the proper fertilizer that is necessary to produce the largest and best crops. He is taught as to how his crop should be cultivated, and he is also taught how best it should be harvested. A great work is being done, monumental achievements wrought. Progress is being promoted. The whole country is benefited.

I do not believe a dollar could be appropriated by Congress, I do not believe the United States Government could make an investment that would bring as large a return to all the people as a dollar judiciously invested in the improvement of the system of agriculture in this country.

It is not a question of section; it is not class legislation. All the States and all the people without regard to vocation are interested. The people in the State of my friend the Senator from North Dakota are more fortunate, I judge from his statement, than in some other States of the Union. They have made greater progress; they may not need this assistance; but I dare say if he will go to the farmers who have conferred with these men skilled and learned in the art of intensive farming, men who are familiar with the growth of plants, men who are familiar with the character of the soil, men who understand all the economies of the farm, he will find that this money is not being squandered nor is it a sop thrown to the farmer. The farmers are about the only class of people, Mr. President, in the United States who have not some special agent here looking after their interest.

I wish we could double the appropriation for this work. I wish we could multiply the men who are doing this particular service to humanity.

Mr. McCUMBER. Mr. President, I appreciate many of the things that the Senator from Mississippi [Mr. VARDAMAN] has just said, and especially do I appreciate the misfortune of an unpropitious season as affecting the prosperity of the farmer. But there is a worse thing than an unpropitious season, and that is an unpropitious administration. That can do him more harm in a single year than the eccentricities of the season may do in 10 or 15 years.

We are suffering to-day not so much because of a lack of ability to produce enough farm products, but we are suffering because we can not get prices for what we do produce sufficient to pay the cost of labor that is producing it. When Senators will understand that condition and look at farm conditions as they are, we will get rid of a great many of these fancy thrills, and we will be able to introduce and pass legislation that will be for the real benefit of the American farmer.

Now, I have not objected in the slightest degree to these demonstration farmers both by the Agriculture Department and by the several agricultural colleges in the States. They are doing a great deal of good in experimenting, because the farmer can not individually spend money in making experimentations like the Government can. But I want to tell the Senator from Mississippi, and I say it with all sincerity and candor, there is not a single one of your farm demonstrators or experts who could go out to-day and buy a farm and apply his processes and make a living. He would have to have the Government back of him to pay the expenses and the deficiency at the end of the year.

Mr. VARDAMAN. Mr. President, if the Senator will just yield for a moment.

Mr. McCUMBER. Certainly, Mr. President.

Mr. VARDAMAN. I will say to the Senator that I have personal acquaintance with a number of young men who went to the Agricultural and Mechanical College of the State of Mississippi, who worked their way through the college, who learned the lessons taught there and have gone upon farms which they themselves bought, and by applying the lessons that they learned in that college have succeeded and are now prosperous farmers. I know those men. The influence of their lives has acted as a very great benefaction to everybody living in the community in which their excellent work has been done; and I can say to the Senator, speaking from personal knowledge, that greater progress has been made in my State in that regard in the last 10 or 15 years than was made for a half century prior thereto; and the good work has scarcely begun. Really that which has been accomplished is but an earnest of the much greater things that shall be done in the near future.

There is no question before the American people to-day in which the farmers are more interested, about which they are more enthusiastic, than they are in this question of improved agriculture; and when the Senator from North Dakota throws anything in the way or puts any sort of a damper on the ardor and the enthusiasm of those people, he is not only injuring the individual man, but he is injuring the citizens of the entire Republic, because, as I said a moment ago, the whole superstructure of commerce rests upon the production of the farm.

Mr. McCUMBER. Mr. President, I was brought up on a farm; I have farmed all my life; I think I know something about farming; and I want to tell the Senator from Mississippi that if he wants to make the farmer enthusiastic the way to do so is to give him a good price for the things he produces.

Mr. VARDAMAN. I am entirely in favor of that.

Mr. McCUMBER. There is the fundamental of all the enthusiasm we shall get on the farm.

Mr. VARDAMAN. I am entirely in accord with the Senator from North Dakota on that proposition. I am in favor of any plan, scheme, or measure that will improve agriculture and promote the legitimate interests of the farmer, because I realize that when I help the farmer I contribute to the prosperity of the world.

Mr. McCUMBER. I am glad to know that, Mr. President.

Mr. STONE. Let us have a vote.

Mr. McCUMBER. Yes; we will have it. The only way, however, that you can give the farmer the price is to do just the same as you do as to other lines of business in the United States—give him the market which belongs to him, a market that he has builded up by his labor, by his toil, by his sacrifices, and by his willingness to pay considerably better prices for the things that he buys, in order that he may make your cities populous, in order that he may give work to your laborers, in order that he may make all of the manufacturing cities of the United States smile with the element of prosperity. The farmer feels that beyond that he is entitled to some consideration on his own part, and that consideration is not being given to him. You protect everything else. In order that you might get a foreign market for the meat product of the packers some years ago you provided for the expenditure of $3,000,000 a year out of the Treasury of the United States to inspect their meats, so that Germany would be satisfied to buy them upon a national inspection. You did that for merely a few hundred packers.

When something similar is requested for the benefit of the producer in the Northwest, to protect him against fraud and imposition, so that he may be allowed even to pay for his own inspection, but that it may be done under Federal auspices and upon a Federal standard, we are unable to get any consideration whatever from you. That would be a benefit. We could estimate our losses with a great degree of accuracy—and they amount to millions of dollars in a single State—but we could get no consideration for that which would be of real benefit to the farmer.

I know there are good boys who go to the agricultural colleges. They come back to the farm and they do accomplish something. There is no question but that the education they get there does them some good. As I was saying, the demonstrations by agricultural colleges and the demonstrations by the Agricultural Department itself have been very beneficial. After all, however, those boys, of whom the Senator from Mississippi speaks, who are making a success of farming—if the Senator will follow them down in their everyday life, he will find that the basis of their success is in their industry and in their economy. Practicing that policy down to bedrock they are able to make a reasonable success in some instances. That is the way the farmers are living to-day.

Those of us who are operating farms, as I myself am doing, pay our losses out of our income from some other source, although every one of us is following the latest fads in the matter of agriculture. I do not know of any one of these agriculturists who is making expenses out of his farm.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. Certainly.

Mr. VARDAMAN. To follow the Senator's argument to its logical conclusion, he is of the opinion that it is an unwarranted prodigality of cash, then, to maintain these agricultural colleges.

Mr. McCUMBER. Oh, no, Mr. President; I have not said to the Senator anything that would indicate that.

Mr. VARDAMAN. But that is the inference that one would naturally draw from what the Senator did say.

I want the Senator from North Dakota to understand that I would not, for any consideration, throw anything in the way of teaching people how to sell their products or to devise suitable means to enable them to get what their products were worth. There may be a difference of opinion, however, amongst Senators and farmers and other men as to the best remedy for the trouble. We all admit the existence of the disease, but there may be a difference of opinion as to the remedy for the evil. I do not, however, want the Senator to understand that I would throw anything in the way of the consummation of the splendid Utopian scheme he has in mind. I have never said anything against it. I wish him Godspeed in his efforts to secure for the farmer every dollar that he is entitled to from the product of his honest toil.

Mr. McCUMBER. Mr. President, I am seeking the accomplishment of no Utopian project at all. I know enough about farming conditions in this country to know that farmers may never expect anything of that kind. I am simply hoping, and have been laboring here at all times, to benefit that class whose earning capacity is less than that of any other class of American citizens; who live more carefully, who live more economically, and who have to live that way in order to eke out an existence at all, and I have been laboring to secure for them such legislation as would enhance the value of their products.

It is the enhancement of the value of the product rather than in instruction how to raise more of the products for which the farmer can scarcely get prices enough now to pay the expenses of raising them to which I am trying to direct the attention of the Senate, and to point out how there may be provided by legislation some real benefit to the American farmer.

Mr. President, some little good may come from this work; I have no doubt that some little good will accrue to the farming class; but when there is such great good that can be given to the American farmer it seems almost sacrilegious to throw out this crumb to him when we could throw out loaves.

The PRESIDING OFFICER. Without objection, the motion to reconsider offered by the Senator from Kentucky [Mr. JAMES] will be considered as adopted, and the question is on agreeing to the amendment proposed by the Senator from Kentucky, which the Secretary will state.

The SECRETARY. On page 20, line 25, it is proposed to strike out "$628,240" and insert "$678,240."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kentucky to the amendment of the committee.

Mr. REED. Mr. President, the Senator from North Dakota utters a wail over the fact that the farmers do not get reasonable prices, and states that what the farmer needs is good prices. One would draw the conclusion from his remarks that the farmer's products are being sold at beggarly prices. I am not going to reply to those remarks any further than to read the market quotations of to-day:

Chicago—Hogs, receipts, 10,000; steady. Bulk of sales, $8.50 to $8.60; light, $8.35 to $8.60. Cattle, receipts, 25,000; steady. Beeves, $7.50 to $9.30; steers, $7.10 to $8.20; stockers and feeders, $6.40 to $8.55.

Cincinnati—Hogs, receipts, 1,500; market steady; common to choice, $6 to $8. Cattle, receipts, 200; market steady; heifers, $5.75 to $8.50; calves active, $6.50 to $11. Sheep, receipts, 1,400; market steady; lambs steady.

The prices are not given for sheep. Just one other illustration.

Kansas City, Mo.—Hogs, receipts, 15,000; steady. Bulk, $8.30 to $8.50; heavy, $8.45 to $8.50; packers and butchers, $8.35 to $8.50. Cattle, receipts, 7,000, including 100 southerns; steady. Prime fed steers, $8.50 to $9.05; dressed beef steers, $7.50 to $8.40; western steers, $7.25 to $8.65—

The figures given are the prices per hundred, of course. The quotations for cotton are as follows:

Middling upland, 13⅛ cents.
Middling gulf, 13⅜ cents.

On May 18 last year middling upland was 12 cents and middling gulf was 12¼ cents.

Wheat prices—

I read from the New York Herald of to-day—

Wheat prices at new high record—

I am reading the headline—

Many reports received of damage in winter belt by Hessian fly—Trading active.

July wheat opened at 96⅞, ran to 97⅛, and its low price was 96⅝.

May closed at $1.04½.

In the local cash market No. 2 hard winter wheat was quoted at $1.06 c. i. f. New York; No. 2 red, $1.07¼; * * * No. 1 northern, Duluth, $1.05¼; * * * No. 1 northern, Manitoba, $1.05.

Mr. President, in view of those prices and in view of the fact that they are greatly in advance of the prices of a few years ago, the wail from Jericho is a little out of place.

Mr. McCUMBER. Mr. President, the Senator has presented to us one side of the ledger, but he does not show us the balance. I want to see what it costs to raise the steer. The Senator speaks of a steer the price of which will range from $7 to $7.50. We will suppose that it is a thousand-pound steer, 4 years old. Its value, then, would be $75. Very well. What did it cost to raise that steer? First, the farmer had to buy his land, and, as is shown by the statistics, he gave a mortgage on three-fourths of his natural life before that farm became his. That is the first proposition. Then he had to plow the land; he had to seed it; he had to raise his corn or grain and his hay; he had to

build a barn; he and his children had to wait on that steer for four years; they had to water it; they had to feed it; they had to care for it and shelter it; and after those four years of labor at the highest price he could get, his family realized $75 from that steer.

We have a report from the Agricultural Department which shows that last year the average earning capacity of the farmer, his wife, and adult children throughout the United States amounted to 20 cents a day. That is what the farmer got for his labor; and that is what that steer netted that farmer—an average return for 16 hours of labor of 20 cents a day. That is what his prosperity means.

I could take all the other things of which the Senator speaks in the same way. It is true that those are better prices than we have had in some years; but does the Senator know that it now costs four times as much to buy a farm as it did 20 years ago, and that the labor costs from two to two and a half times as much as it did 20 years ago?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield.

Mr. REED. The Senator's statement is a complete demolition of his argument. When he says that American farms are worth four times as much as they were a few years ago, it is absolute proof that the farmer does not work for 20 cents a day; for if that were all the profit he obtained, his land would not be worth four times as much as it was a few years ago, but would be worth one-fourth as much as it was a few years ago.

The Senator may make these startling statements here in the Senate, but the farmers of the United States know that they make more than 20 cents a day, and a great deal more than 20 cents a day, and that they are in a reasonably prosperous condition.

Mr. McCUMBER. Yes, Mr. President; I have had some occasion to look over the mortgages on their farms, and I know something about their prosperity. Of course, I never would attempt to convince the Senator from Missouri of anything. I simply take my statement from the report of the Secretary of Agriculture. He is supposed to have been a reasonably good Secretary and to make a fair estimate. The estimate which I gave was that made by the Secretary of Agriculture, and he shows exactly how he arrived at it. Now, he may be in error. I do not think he is in error, however.

The farmer, of course, can live pretty cheaply on his farm. He has no rent to pay, and he and his children do not get an opportunity to spend their money in theaters or anywhere else. They save, possibly, everything they make. There is no waste, and they get along; but those are the figures that were given me by the Department of Agriculture, published about a year ago.

Mr. REED. I challenge the Senator from North Dakota to produce any report of the Agricultural Department which states that the farmers of the United States, on the average, make only 20 cents a day.

Mr. McCUMBER. I gave it in an address some time ago. I am not going back to look over the address and give it to the Senator again, challenge or no challenge.

Mr. REED. There is no such report.

Mr. McCUMBER. If the Senator knows anything about the price of land in the United States, owing to its scarcity since the public lands have all been taken up, he knows that he can go out into Montana or Idaho or any of these States and find land that you could have bought 20 years ago for a dollar and a half an acre that you can not buy now for $20 an acre, and similar changes have taken place to a great extent all over the country. It is not that the land is more valuable, not that it will produce more, but people have to live somewhere, and there are a great many people who were brought up as farmers who still would cling to the farm even though they could make five times as much in the city.

Mr. MARTINE of New Jersey. Mr. President, will the Senator yield to me for a question?

Mr. McCUMBER. I yield.

Mr. MARTINE of New Jersey. Did I understand the Senator from North Dakota to say that the farmer had to wait on the steer 16 hours out of the 24? Did he say that? If so, I am a little interested to know just what breed of steer it is that demands that amount of waiting on. The steers in my part of the world are quite self-helpful, and generally wait upon themselves for the greater part of the year.

I ask the question seriously. I should like to know what class or breed of steer it is that you raise in North Dakota? They must be tenderfeet, indeed.

Mr. McCUMBER. They are not Jersey steers, of course.

Mr. MARTINE of New Jersey. That is their misfortune. They are not only not Jersey steers, but they have not Jerseymen's help. If they had, they would have been more prosperous.

Our farmers do not get rich; but, including the fact that they have their homes and the comfortable and almost luxurious living which the average farmer has, I think it amounts to more than 20 cents a day. I think the Senator could not have intended to convey the idea that it meant only 20 cents a day. He did not calculate the thousand and one comforts that come to a farmer. There are many comforts that come to a farmer beyond the matter of mere money.

Mr. McCUMBER. Oh, Mr. President, I think the Senator will not follow that line of argument to any great extent. I take my statements, as I said, from the Agricultural Department reports. I know something about farming conditions in my country. If the Senator raises down in his State steers that take care of themselves the year around, take themselves to slaughter and convert themselves into meat without any labor on the part of the farmer, he can get whatever he can out of that kind of an argument.

Mr. MARTINE of New Jersey. Oh, I never made any suggestion or proposition of that kind. I did feel, however, that the Senator's statement was a little extravagant; and in the interests of better agriculture I thought I should like to know the breed and class of steer to which the Senator referred.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. JAMES] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. JAMES. There is a proviso there in regard to the use of the money. It provides that no part of the fund appropriated shall be used in connection with any appropriations from the Rockefeller fund. That amount ought to be corrected so as to read "$678,240" instead of "$623,240."

Mr. GORE. I ask that the correction be made to conform to the amount appropriated.

Mr. JAMES. Just so as to make it conform to the amendment.

The PRESIDING OFFICER. Without objection, the proviso will be amended so as to conform to the amendment that has been adopted.

Mr. GORE. Mr. President, I am directed by the Committee on Agriculture and Forestry to propose the amendment which I send to the desk. I present the amendment on behalf of the committee.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 70, line 14, it is proposed to strike out "$50,000" and insert "$100,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KENYON. Let us know what it is, Mr. President.

Mr. RANSDELL. I will make the explanation. It is the item in regard to experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States.

Mr. KENYON. Was not that voted out?

Mr. RANSDELL. The House gave $50,000 for that work, and the Senate added $50,000 more, making a total of $100,000. A point of order was made against the item because it contained what was considered new legislation. It is on page 70 of the bill, if the Senator would like to find it. It went out on a point of order.

Mr. KENYON. How does it get in now?

Mr. RANSDELL. The Senator from Oklahoma, by instruction of the committee, changes the item, strikes out the proviso that was obnoxious to the rule, and simply asks to increase the amount to $100,000. It is clearly needed. The objectionable part is stricken out.

Mr. SMOOT. Mr. President, I did not hear what the Senator had to say in relation to the amendment. I will ask that the amendment be stated.

The SECRETARY. On page 70, line 14, it is proposed to strike out "$50,000" and insert in lieu thereof "$100,000."

Mr. RANSDELL. I will say to the Senator that the clauses to which he objected the other day are not included. They are stricken out. The amount is simply raised, so that it will not be subject to a point of order.

Mr. SMOOT. Of course, that is subject to the same point of order that the other part of the amendment was, on the ground that it increases an item in an appropriation bill without an estimate being made for it by the department.

Mr. RANSDELL. I hope the Senator will not raise the point of order. The House put in an appropriation for $50,000 in

accordance with the recommendation of the Secretary of Agriculture. The Senate raised that to $100,000. In testifying before the Senate committee the Secretary of Agriculture said that this additional amount was necessary, and the increase is made in accordance with the recommendation of the Senate Committee on Agriculture. It seems to me it comes clearly within the rule, and I hope it will be agreed to.

Mr. SMOOT. I should like to ask the Senator if this is a committee amendment.

Mr. RANSDELL. Yes, sir.

Mr. SMOOT. The Senator offers it as a committee amendment?

Mr. RANSDELL. It is submitted as a committee amendment by the chairman of the committee, by instruction of the committee.

Mr. SMOOT. I do not understand that this item has been estimated for.

The PRESIDING OFFICER. The Chair understands that is not necessary where it is a committee amendment.

Mr. RANSDELL. I did not understand what the Senator said.

Mr. SMOOT. I said I did not understand that it had been estimated for by the Treasury Department.

Mr. RANSDELL. I can not say that it was officially estimated for in advance. It was estimated for while the bill was being prepared. I do not consider that it is necessary when it is introduced as a committee amendment. It was moved by a standing committee of the Senate, and it was estimated for by the head of the department. It is in strict accordance with the rule.

Mr. McCUMBER. What has been done with the amendment of the committee following line 16?

The PRESIDING OFFICER. It went out on a point of order.

Mr. RANSDELL. It went out on a point of order, and I am willing to leave it out.

Mr. McCUMBER. Will the Senator explain to me why we have still got to have another $100,000 to be expended, not generally, but in just one State?

Mr. RANSDELL. If the Senator would like to have me repeat the speech I made several days ago, I shall be very glad to tell him that it is because of the situation the people are in now in the sugar section of Louisiana. They find it impossible to make sugar profitably. They find it necessary to engage in some other kind of agriculture. They have been making sugar there for over a hundred years. They are not familiar with stock raising, the raising of hogs, cattle, and things of that kind. It was thought by friends of the State and by the Agricultural Department that if a live-stock farm were established down there those people might be taught by practical demonstration to engage in the successful raising of live stock, particularly cattle and hogs. That is the purpose of it.

I may say that the people there have suffered very heavy losses. A gentleman was here three days ago, Mr. Matthews, who told me that three years ago he was offered $1,000,000 for his plantation, and now he could not sell it for $200,000.

The losses that have occurred to the people down there are almost incalculable. They are really in a desperate situation. The purpose of this amendment is to try to help them to help themselves, to do something with those lands.

I shall be glad to answer any further questions that may be asked.

Mr. McCUMBER. I want to suggest that a great many years, on account of hot winds in the Northwest, whole States, nearly, areas equivalent to the entire State of Louisiana, will lose their entire crop, so that they get no benefit whatever from it. Would the Senator in those cases provide an appropriation of $100,000 for each one of those States to teach them how to develop live stock?

Mr. RANSDELL. I should be delighted to appropriate whatever the Agricultural Department says is needed for the development of live stock or any other industry in States which are stricken as hard as the case stated by the Senator from North Dakota.

Mr. McCUMBER. Would there not be a much easier and a better method of taking care of the cane industry down there in some other way, so that the cane industry may be profitable?

Mr. RANSDELL. If the Senator can suggest any practical method, I shall be very glad to have him do so. He will thereby confer a wonderful boon on those people.

Mr. McCUMBER. All right: I will suggest one. I suggest a tariff of a dollar and a half a hundred on sugar.

Mr. RANSDELL. I will ask the Senator if that is a practical suggestion at this time?

Mr. McCUMBER. I do not know. That depends on the other side of the Chamber.

Mr. SMITH of Michigan. It looks more favorable all the time.

Mr. RANSDELL. If the Senator wishes to offer that as an amendment to this bill, I for one shall not make a point of order against it. I will assure him of that.

Mr. McCUMBER. I am afraid some of the Senator's colleagues would. I want to ask the Senator again, however, because of the language of this particular provision, "for the development of live-stock production in the cane-sugar and cotton districts of the United States," whether it requires a different kind of demonstration to produce live stock in the cane-sugar and in the cotton districts of the United States than in other districts?

Mr. RANSDELL. I do not know that it requires any different kind, but we do need it down there very badly. If the Senator needs it very badly up in his State and will demonstrate it to us, he can get my vote for it, and I believe he can get the votes of the majority.

Mr. McCUMBER. I think the beet industry will suffer quite a little, as well as the cane industry. Would the Senator have any objection to inserting the word "beet-sugar" there, so as to read "cane-sugar, beet-sugar, and cotton districts of the United States"?

Mr. RANSDELL. I will say to the Senator that there is another provision here appropriating, if I mistake not, about $41,000 for the beet-sugar section of the country. I will say furthermore, that when this measure was before the House and before the Senate no complaints were made in behalf of the beet-sugar section. We were not asked there to give anything to afford them special relief. Complaints were made with regard to the sugar section of Louisiana; evidence was introduced to show the desperate condition of those people and their great need.

I want to say to the Senator that every agricultural need presented to the Senate Committee on Agriculture and Forestry was provided for. I will ask the Senator now if he appeared before the Agricultural Committee and made any request for an appropriation to develop the live-stock industry in the beet-sugar sections of the United States, or if anyone else did, so far as he knows?

Mr. McCUMBER. No; but I appeared before the Agricultural Committee, and got the Agricultural Committee to report unanimously a bill for the relief of the industry in my State, and the Senator promptly voted against it, as did the majority of the Senators on that side, so I would have very little encouragement if I were to go before that committee on any other matter. I do not think it would amount to a great deal, because in that instance I had the unanimous report of the Committee on Agriculture and Forestry, and I had almost the unanimous vote of the Senators on that side against the provision reported unanimously by their committee. There does not seem to be much relation between the report of the committee and the action of the Senate on the report, unless, of course, they see fit to follow it.

Mr. RANSDELL. May I ask if that was an item on the agricultural appropriation bill or a separate and distinct measure?

Mr. McCUMBER. That was a separate and distinct bill. I assumed, however, that the principle would be about the same.

Mr. RANSDELL. I think the committee has stood religiously by the appropriations carried in the bill.

Mr. McCUMBER. The Senator has considerable facility, and, as I notice, all have upon the other side. One reading this would think that the whole bill was intended for the cotton industry in some way. If the Senator will bear with me, he will find that this is for development of live-stock production in the cane-sugar sections—that is, in the Senator's section, where the cane-sugar industry has been destroyed by a late law passed by his colleagues. But it proceeds to state also "and the cotton districts of the United States." Now, what has happened to cotton that it is necessary to teach people how to develop live stock in the cotton section? Has that been destroyed, too? When taking care of the boll weevil, the only enemy to cotton, by an appropriation of about a million dollars, why is it necessary that we should proceed now to appropriate $100,000 for demonstrations in connection with the development of live-stock production in the cotton districts of the United States? Why should we differentiate the cotton districts from the rest of the United States in the matter of information concerning stock raising?

Mr. RANSDELL. The Senator has indulged in a good deal of good-natured scolding of the Members of the Senate, especially those on this side of the Chamber, for not staying here and listening to speeches by himself and others on different bills that have been up lately. I say to him if he had been here

during the debate on this item several days ago he would not have asked that question. It was very clearly brought out then that the purpose of this amendment is to furnish money to develop by demonstration work the live-stock industry in the sugar sections of the United States. But it is not confined to Louisiana. There is a considerable amount of cane sugar raised in Texas. It was plainly shown at that time——

Mr. McCUMBER. The Senator assumed that I was not here, and I wish to correct him.

Mr. RANSDELL. I will ask the Senator if he was satisfied with the explanation. I hope I am not one of those who wish to repeat.

Mr. McCUMBER. I want to get down to cotton. I will not say that I am satisfied, but I understand——

Mr. RANSDELL. As was stated several days ago, there is considerable area in the State of Louisiana which was formerly in cotton. When the boll weevil came and drove cotton from the lower portion of the belt into the northern portion of the State, and also did very great damage not only there but in other States, the sugar industry moved northward and a considerable area was planted in cane within the last seven or eight years that formerly had been planted in cotton. The weevil drove out the cotton and the tariff has driven out the cane, and those people are between the devil and the deep blue sea. They have got to do something. They are asking the National Government to help them to go into the live-stock business. It is that portion of the cotton belt of the South, and only that portion, I may say, where this demonstration farm work is to be carried on.

Mr. BORAH. The Senator says they are between the devil and the deep blue sea. I suppose the Senator means that they are between the weevil and the tariff.

Mr. RANSDELL. Well, that is a very good way of putting it, and I accept the amendment.

Mr. McCUMBER. Yet, Mr. President, I confess I can not understand why it is necessary to get an expert and to spend $100,000 to inform people how to develop live stock. Live stock is a matter of breeding. Any farmer who has a Jersey cow knows how to raise a Jersey, and he knows how to raise Chester pigs, and he knows how to raise different breeds of horses. For the life of me, I can not see why it is necessary to throw $100,000 into that State for the purpose of teaching farmers how to develop a stock industry, which development, of course, means raising stock. I assume the farmer knows how to feed them; I assume he knows how to breed them. If he wants them, I can not see why he can not own them and produce them the same as is done in other sections of the United States, and doubly, if there is anything at all in it, I can not see why we should make a Mason and Dixon's line out of this matter. In three-fourths of these appropriations we are trying to crowd everything into the cotton-raising belt. Why could not the Senators send down copies of the book on diseases of the horse, and the publication on the different breeds of horses, and so forth, gotten up by the Agricultural Department, and say to the farmers, "Go to this; here is your information"?

Mr. RANSDELL. Mr. President, I believe a good many hogs are raised out in the Senator's State. I hope so. We had recently before the Senate a bill appropriating half a million dollars for the eradication and prevention and cure of hog cholera. I did everything I could for the immediate passage of that law. I think it a wise law. I believe I reported the bill. It was not for my part of the country. Unfortunately, we have very few hogs down there. We are trying to persuade the people of Louisiana to go into the hog business. We are trying to persuade them to go into the cattle business. We are trying to persuade them to adopt the wise system of diversified farming indulged in in the State of the Senator from North Dakota, and indulged in by the farmers in most of the Northern and Western States. You have not followed a system of one crop alone, as they have done in Louisiana, unfortunately, to their great sorrow at this time.

Mr. McCUMBER. May I ask the Senator——

Mr. RANSDELL. Let me answer the question, if you please.

Mr. McCUMBER. Certainly.

Mr. RANSDELL. We are trying now to get this instruction to people who know nothing but sugar, who do not understand how to breed cattle and to feed cattle and to breed hogs and to raise hogs, because they have never done it. You can not teach a man a new business in a few weeks or a few months. Where they have been in the habit of raising cattle and hogs and sheep and horses and mules it can be done successfully; but in that section of the South where there are large plantations occupied in many instances by several hundred and in some places by thousands of laborers and employees, where they do not raise cattle at all, where their entire attention has for a century or more been given to raising cane to be converted into sugar, you can understand, it seems to me, that to go into this industry is something new, something entirely strange to them, something that they must be taught to do and encouraged to do and shown to do. This demonstration farm can bring in some varieties of cattle and different varieties of hogs and show those people how to raise corn and oats and hay and all the proper varieties to feed hogs and cattle. It can help them and encourage them; and that is the idea of it.

I will say to the Senator that I am sorry they do not know how to do it as well as his people, but they are not as intelligent as the people of his State. I admit that they are ignorant on this subject and need help. I hope the Senator will be generous enough to vote for this provision without any further discussion of it. I assure him that I will support any measure that he can produce looking to the relief of his section if his section needs it and he can show that it is needed.

Mr. McCUMBER. I got fooled on that once, and I do not think I will take another chance.

Mr. RANSDELL. I will say to the Senator in response to his taunt that they were not at all agreed in his own section of country on his bill. If the people of the North and the Northwest, the grain sections, had been at all agreed, we would have voted for your measure; but many of the very best men of the grain section disagreed with the Senator, and that is why his bill did not pass.

Mr. McCUMBER. Yes; the Senator found one man. I am waiting for the Senator to complete his remarks.

Mr. RANSDELL. I have completed my remarks, unless the Senator wants to ask me a question.

Mr. McCUMBER. I may be in error, but I am certainly sincere in the belief that although the farmers in the Senator's State have been in the habit of raising cane, nevertheless they will know how to raise a mule, and we do not need to appropriate $100,000 to tell them how to develop a mule or how to feed a mule or how to take care of a mule.

The Senator spoke of the appropriations that were made for the hog cholera. You did not divide up that appropriation by States and say this appropriation is to be used, for example, in the States of Ohio and Indiana. It is general legislation covering the entire country. But here you say this appropriation is to be used in the cotton belt, although you have provided half a hundred other items where the money is to be used in the cotton belt.

Although we do not raise many hogs in our State, I did not object to the provision that was thought necessary to check the hog cholera; but what I do object to is that part of the Union getting the hog end of everything in this bill, as is clearly evident in every line and every sentence of it. Appropriations are made that to me seem to be absolutely ridiculous, based upon the assumption that the farmers do not know how to feed stock or to raise stock or to do anything. I admit that the farmers in the Senator's State are just as intelligent as they are in mine; I made no invidious distinction; but I would think it was hunting for an excuse to appropriate the money of the Government.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield the floor, Mr. President.

Mr. WILLIAMS. I wish to suggest to the Senator from Louisiana that he yield to me for the purpose of moving an executive session.

Mr. RANSDELL. I would yield to the Senator, but in just one moment we can vote. I think the debate is now through.

Mr. WILLIAMS. It is now 10 minutes after 5 o'clock.

Mr. RANSDELL. I hope the Senator will not press that motion. The matter has been here two or three times, and we can vote on it now, I believe, without any more discussion. I ask the Senator to defer the motion.

Mr. WILLIAMS. We can not vote on it without further discussion.

Mr. RANSDELL. I do not believe there will be further discussion. Let us see, at any rate, whether we can vote on it or not.

Mr. GORE. I will say to the Senator from Mississippi that I hope to finish the bill in a few minutes. There is only one other amendment.

Mr. WILLIAMS. The Senator could not possibly finish the bill in a few minutes.

Mr. GORE. I ask the Senator to let us try it out.

Mr. WILLIAMS. I will wait five minutes, Mr. President, before I make the motion.

Mr. RANSDELL. I ask that a vote be taken.

The PRESIDING OFFICER. The question is on the amendment offered by the committee.

Mr. SMOOT. Mr. President, I wish to say to the Senator that before the bill goes into the Senate I shall reserve the right to offer at least three amendments in the Senate.

I ask attention in relation to the point of order to Rule XVI, paragraph 2:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations—

And so forth.

Of course, this was not referred to the Committee on Appropriations. It was offered as an amendment upon the floor of the Senate. It was not offered by the Senator as an amendment. It was never printed. It was never referred to the Committee on Appropriations. It never has been reported from that committee. I, of course, think that a point of order should lie against the amendment. But I want to say to the Senator from Louisiana that that same question was overruled, notwithstanding that was the position taken by the Chair the other day, and I am not going to invoke that rule against his amendment at this time

Of course, Mr. President, I am still of the same opinion that I was when I spoke on this subject the other day. I do not believe this appropriation is going to do the good people of Louisiana any good whatever, with the single exception that there will be that much Government money to spend within the borders of the State; and to me, Mr. President, that is a very poor sop to offer to that great State for the destruction of its principal industry.

I said to the Senator the other day that I was not going to make an objection to it, but seeing all the other items that have gone in, every sort of an appropriation, for everything that could be imagined, I must say that I have been in the Senate some 11 years and I have watched appropriation bills pretty closely, and there never has been an appropriation bill reported to the Senate in that time filled with so many items that never should appear in an appropriation bill.

Mr. KERN. Mr. President, I wish to make a motion about the hour of meeting to-morrow, if the Senator will yield to me for that purpose.

Mr. SMOOT. Certainly; I yield to the Senator.

Mr. KERN. I move that when the Senate adjourns to-day it be to meet to-morrow morning at 11 o'clock.

The motion was agreed to.

Mr. RANSDELL. If there is to be no further debate, I ask for a vote on the amendment.

The PRESIDING OFFICER. Does the Senator from Utah yield the floor?

Mr. RANSDELL. I thought the Senator was through.

Mr. SMOOT. Yes; I have finished what I have to say now.

Mr. RANSDELL. If there is to be no further debate, I ask for a vote.

Mr. McCUMBER. Mr. President, I make the point of order that the amendment adds new items of appropriation, and that it was not, at least one day before it was considered, referred to the Committee on Appropriations as an amendment.

The PRESIDING OFFICER. The Chair has held that the expression "Committee on Appropriations" refers in this case to the Committee on Agriculture and Forestry, which is the Committee on Appropriations for the pending bill.

Mr. McCUMBER. The Chair may have the information, and I may be in error; but I ask the Chair whether this was an amendment which was submitted and referred to the Committee on Agriculture and Forestry?

Mr. RANSDELL. It was introduced and submitted to the Committee on Agriculture for the appropriation of $100,000, as set forth in the proviso. The particular amendment just introduced was prepared to-day and introduced here by instructions of the committee, but the amendment appropriating $100,000 was prepared and introduced in the Senate and submitted to the Committee on Agriculture when the bill was before that committee.

Mr. SMOOT. I think the Senator is mistaken. I do not believe the Senator introduced that amendment in the Senate and had it referred to the Committee on Agriculture in one day.

Mr. RANSDELL. I said emphatically to the Senator that I did not introduce it to-day; that the amendment was introduced some time ago, when the bill was before the Committee on Agriculture, and it was the specific item of $100,000.

Mr. SMOOT. I say, Mr. President, that the amendment before the Senate to-day to increase the appropriation of $50,000 to $100,000 has not been offered to the Senate nor has it been referred by the Senate to any committee.

The PRESIDING OFFICER. The Chair will state the case as it stands at this time. The present occupant of the chair ruled on the point of order made by the Senator from Utah that the amendment presented by the Committee on Agriculture was out of order. The committee has since that time reframed the amendment, retaining the same appropriation, and, in the opinion of the Chair, that complies with the spirit of the rule which requires an amendment to be printed and referred to the committee.

Mr. SMOOT. I do not so understand it.

The PRESIDING OFFICER. The pending amendment is substantially the same as the amendment heretofore printed, except that the portions which rendered it obnoxious to the point of order have been omitted.

Mr. SMOOT. Then, I misunderstand what the amendment is. I understood the Senator's amendment to be to simply strike out "$50,000" and to insert "$100,000." Am I correct?

Mr. RANSDELL. The Senator certainly is correct.

The PRESIDING OFFICER. The Senator is correct, in substance.

Mr. RANSDELL. And it was for the purpose set forth in the original House bill. The others were simply clauses enlarging it.

Mr. SMOOT. Then, if I am correct, there is not any question that paragraph 2 of Rule XVI applies to this amendment. This is not the same amendment that was offered heretofore. I wish also to say that the original amendment was never presented to this body and referred to the committee. It was reported from the committee, as stated by the Senator here the other day, but it was never referred to the committee by the Senate.

Mr. RANSDELL. The Senator is mistaken. The amendment was referred to the Agricultural Committee.

EXECUTIVE SESSION.

Mr. WILLIAMS. Mr. President, it is nearly half past 5 o'clock, and I think it is impossible to finish the consideration of the bill to-night. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 36 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 21, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 20, 1914.

UNITED STATES ATTORNEY.

Edward C. Knotts to be United States attorney for the southern district of Illinois.

POSTMASTERS.

MAINE.

Edward C. Bridges, York Village.
F. S. Doyle, Caribou.
Clinton S. Eastman, Westbrook.
George S. Pitts, Harrison.

MASSACHUSETTS.

Merton Z. Woodward, Shelburne Falls.

TENNESSEE.

W. B. Hale, Rogersville.
John E. Helms, Morristown.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 20, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful Father, in whose sacred presence we dwell and under whose providence we have been brought through prosperity and adversity, sunshine, and storms to the present hour, and hast placed us foremost among the great nations of the earth. Thou hast taught us by Thy revealed word and through the experiences of the past "that righteousness exalteth a nation, but sin is a reproach to any people." Help us therefore, we beseech Thee, to do justly, to love mercy, and walk humbly with Thee our God; that the genius of our Republic may more and more obtain that we may become a beacon light leading on to peace and righteousness in all the earth. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE CONGRESSIONAL CLUB.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that I may have a note read at the Clerk's desk, with an explanation that is of interest to the Members of the House.

The SPEAKER. The gentleman from Alabama asks unanimous consent to have a note read at the Clerk's desk. Is there objection?

There was no objection.

Mr. UNDERWOOD. The note which I send to the desk, Mr. Speaker, was sent to me by the secretary of the Congressional Club, the club to which our wives belong, extending an invitation, and I ask that the Clerk read the note.

The Clerk read as follows:

The Congressional Club requests the honor of the presence of the Members of the House of Representatives at the ceremonies incident to the laying of the corner stone of the new clubhouse on Thursday morning, May 21, at half past 10 o'clock, New Hampshire Avenue and U Street NW.

The SPEAKER. The Chair will state to the House for its information in connection with the note that he had agreed to make a speech [applause] at 10.30, and so notified the club in answer to a letter yesterday morning. But after that the House passed an order changing the time of meeting to 11 o'clock. It was impossible for the Chair to be here and there too, and so the Chair notified them they would have to get some one else. Then they changed the time of meeting to 12 o'clock. So if Members go they will go at 12 o'clock instead of half past 10.

EXPLANATION OF A VOTE.

Mr. GUERNSEY. Mr. Speaker, for some time I have maintained a pair with the gentleman from North Carolina, Mr. GUDGER, and on yesterday, on the second roll call, I asked the pair clerks if they would transfer him and protect him, in order that I might vote. The pair clerks said they would make the transfer, so I voted. I find that he was not transferred, was not protected, and it seems to me that the RECORD should be corrected and I allowed to withdraw my vote and be recorded "present," as I want to keep faith with the gentleman.

The SPEAKER. The correction will be made so as to show that the gentleman from Maine voted "present." Without objection, the correction will be made in the RECORD and the Journal.

There was no objection.

CIVIL SERVICE.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD by printing a letter which I wrote to the Civil Service Commission, their reply, and a letter I have received from the Postmaster General.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by printing some correspondence between himself and the Civil Service Commission.

Mr. BORLAND. Reserving the right to object, what does this relate to?

Mr. HUMPHREY of Washington. To the civil service. The letter I received from the Post Office Department says that they appoint the highest man for rural carrier; that is, the one that received the highest grade. The letter I have received from the Civil Service Department shows that the rule has not yet reached Indiana. In that State in every instance a Democrat has been appointed, and in two-thirds of the instances the second or third man on the list has been appointed.

Mr. BORLAND. The gentleman has not any interest in the matter except a little politics?

Mr. HUMPHREY of Washington. Yes; I have an interest in seeing that the Democratic Party carries out its promises.

Mr. BORLAND. If the gentleman thinks it is important enough to cumber the RECORD with, I will not object.

The SPEAKER. Is there objection?

Mr. BARKLEY. I object, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky objects.

CALENDAR WEDNESDAY.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that Calendar Wednesday may be dispensed with to-day.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to dispense with Calendar Wednesday as far as to-day is concerned.

Mr. MANN. I object.

REVISION OF THE LAWS—JUDICIAL TITLE.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 15578. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Missouri [Mr. RUSSELL] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RUSSELL in the chair.

Mr. WATKINS. Mr. Chairman, on last Wednesday we passed over section 67 for the purpose of considering an amendment as a substitute for that section. I ask unanimous consent that we return to section 67, and as this amendment and the substitute relates to sections 67, 68, and 69, all being considered together, I ask that we go back to those three sections, and when we do so I will move to strike out the three sections and the amendments will be withdrawn, if it is agreeable to the committee, and other sections offered in lieu thereof.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to return to sections 67, 68, and 69. Is there objection? [After a pause.] The Chair hears none. Now the gentleman from Louisiana asks unanimous consent to withdraw the amendment offered to those sections.

Mr. TOWNER. Mr. Chairman, the gentleman from Louisiana asks unanimous consent to withdraw his amendment, and I ask unanimous consent to withdraw mine.

The CHAIRMAN. Is there objection to the request made by the gentleman from Louisiana? [After a pause.] The Chair hears none. The gentleman from Iowa asks unanimous consent to withdraw the amendment offered by him. Is there objection? [After a pause.] The Chair hears none. The Chair understands that it is the purpose of the gentleman from Louisiana to move to strike out the three sections. Is that correct?

Mr. WATKINS. Yes.

Mr. TOWNER. To strike out and insert.

Mr. WATKINS. It is my purpose to offer each one separately. I shall move to strike out all three of them. My purpose is to move to strike them out and insert other material in the place of them.

The CHAIRMAN. The question, then, will be, first, on the motion to strike out the sections.

Mr. WATKINS. Mr. Chairman, if we strike out—and I do not move to insert—then the sections lose their place in the bill, so I desire to strike out, first, section 67 and insert a new section in lieu thereof.

The CHAIRMAN. The gentleman will send his amendment to the desk.

The Clerk read as follows:

Page 35, line 23, strike out the section and insert in lieu thereof the following:

"SEC. 67. That all fees and emoluments authorized by law to be paid to clerks of United States district courts shall be charged as heretofore, and shall be collected by said clerks and covered into the Treasury of the United States; that it shall be the duty of all clerks of United States district courts to require payment in advance for services to be rendered by them otherwise than for the United States, except where the person requiring the services is relieved by law from prepayment of fees and costs; and that, subject to this limitation, the clerk shall account quarterly for all fees and emoluments earned within the quarter last preceding such accounting, and for all fees and emoluments received within the quarter which had been earned prior thereto: *Provided*, That the portion of the fees which the naturalization law allows clerks of the United States district courts to retain shall be accounted for to the United States, and be included in the quarterly accounting for naturalization fees required by law to be made, except that upon the approval of the Secretary of Labor a clerk of any United States court collecting naturalization fees in excess of $6,000 in the fiscal year 1914, or in any fiscal year thereafter, may retain so much of $3,000 of naturalization fees in the following fiscal year as may be necessary to pay for the clerical assistants, for naturalization purposes only, which clerks of courts are required to employ by section 13 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596); and said clerks shall be paid for their official services salaries and compensation hereinafter provided, and not otherwise: *Provided further*, That this section shall not be construed to require or authorize fees to be charged against or collected from the United States, except in case of mileage allowance and per diem compensation when clerks are attending court at places other than their official residence, as provided in section 66 of this act."

Mr. MADDEN. Mr. Chairman, in what particular does this change the present law?

Mr. WATKINS. Mr. Chairman, it changes the present law in a good many material respects. The principal change is this: Under the present law the clerks of the court receive a salary up to $3,500, provided the fees of the office taken in amount to $3,500, and under the recommendation of the commission which was authorized to codify the laws the item was inserted in this bill which we are now considering at $5,000; but the present amendment, instead of fixing it uniformly all over the United States at $5,000, regulates it in conformity with a bill to which my attention has been called, which was reported favorably from the Committee on the Judiciary, regulating and fixing the fees in conformity with the amount of work which is being done or has been done or will probably be done hereafter in the various districts throughout the United States.

Mr. MADDEN. Fixing the salaries on a graduated scale?

Mr. WATKINS. Yes; according to the work that is performed.

Mr. MADDEN. What is the minimum rate of compensation to be paid under this amendment?

Mr. WATKINS. Two thousand five hundred dollars is the lowest amount allowed for any.

Mr. MADDEN. And $6,000 is the highest?

Mr. WATKINS. No; I believe $4,500 is the highest. It is regulated in this way: If the $5,000 remained in the bill, which was recommended by the commission, the fees, when they accumulated to the amount of $5,000, would go indirectly to the clerks; and in making an investigation before the Department of Justice, and in making inquiries of the other departments, the Department of Labor included, it was ascertained that the fees would approximately amount to the figures which are now stated in this amendment in many instances, according to the different reports which we have received from the Committee on the Judiciary.

Mr. MADDEN. Does this amendment make an increase or a decrease in the average compensation of the clerk?

Mr. WATKINS. It will make in the average compensation an increase, for this reason, because heretofore, until the act of March 3, 1911, was enacted into law, the clerks of the district courts did their work and the clerks of the circuit courts did their work. The clerks of the circuit courts being abolished, it puts this additional work upon the clerks of the district courts. It virtually does not amount to an increase, while literally the figures show that it is an increase.

Mr. MADDEN. It gives the district clerks more compensation than now?

Mr. TOWNER. I think not.

Mr. WATKINS. It gives them more than they got before the circuit courts were abolished?

Mr. TOWNER. Not more than they get now.

Mr. MADDEN. More than they were receiving while the circuit and district courts were being run separately.

Mr. TOWNER. I will say that I will make a full statement, as this is an amendment that I offered.

Mr. WATKINS. I will state that the gentleman from Iowa having offered the amendment originally last Wednesday, and having taken it carefully under consideration from that time until now, I agree fully with the position he takes with reference to the matter; and we want to have the bill in such shape when it is finished that it will be as near perfect as we can possibly make it, and for that reason I would like to hear an explanation from the gentleman from Iowa, who has made careful study of this question.

Mr. MADDEN. My interest in this matter is to see that all the clerks are treated justly.

Mr. WATKINS. That is what we are trying to do.

Mr. MADDEN. And nothing is taken away from them to which they are entitled?

Mr. WATKINS. There were quite lengthy reports issued from the Judiciary Committee, and hearings had before that committee, and reports made from the various departments of the Government on this fee bill and on this salary proposition of the clerks, and I think, after careful examination, we have got it down just as near correctly as we can, and on as near a basis of uniformity and justice as, perhaps, it can be gotten.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. I would like to suggest to the chairman of the committee that, perhaps, the committee ought to have before it the entire three sections so that they might be considered together.

Mr. WATKINS. I do not object at all to having them read. If there is no objection, let them be read at this time.

Mr. MANN. Mr. Chairman, I notice that this amendment provides in the case of naturalization fees that the clerk may retain one-half of the amount collected on naturalization for clerical assistance up to $3,000.

Mr. WATKINS. Yes, sir.

Mr. MANN. So that the clerk in no court could receive under this more than $3,000 for additional clerks in naturalization cases?

Mr. WATKINS. Yes, sir.

Mr. MANN. Well, that practice in New York and Chicago will prevent naturalization being carried out.

Mr. WATKINS. We tried to make it as nearly in conformity with the recommendations from the Department of Labor as we could.

Mr. MANN. I hold in my hand a letter from the clerk of the superior court in Chicago, a Democratic official and, I believe, a very efficient one, and he says he is now turning in $20,000 a year in naturalization fees and is absolutely without the power to take care of all the naturalization cases that come to that court because they have not the clerks with which to do the work.

Mr. STAFFORD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STAFFORD. Why is not provision made by the State authorities to provide additional clerks which has been made in the State of Wisconsin and other States?

Mr. MANN. Why should the State provide additional clerks for naturalization cases in order to turn the fees of those cases into the General Government?

Mr. STAFFORD. Because under the general law, which this does not attempt to affect, one-half of the fees may be retained by the local State authorities.

Mr. MANN. That is where the gentleman is mistaken.

Mr. STAFFORD. I do not think I am.

Mr. MANN. Well, the gentleman is mistaken in both particulars. That is not the law, and this does affect it, because this amendment specifically provides that they could only retain one-half the fees up to $3,000.

Mr. STAFFORD. The gentleman is in error.

Mr. MANN. I have just read the amendment.

Mr. STAFFORD. I have also just read it. The gentleman makes a different interpretation of it.

Mr. MANN. The gentleman from Louisiana bears out my interpretation.

Mr. STAFFORD. I do not believe he does.

Mr. WATKINS. Yes; that is correct.

Mr. MANN. He has just said so.

Mr. WATKINS. If the gentleman from Illinois will permit me, I will ask an extension of his time. I would like to get the Clerk to read this letter from the Chief of the Bureau of Naturalization so that we may have the matter fully in mind and in hand.

Mr. MANN. Well, now, would not the gentleman do this: Here is an amendment which is read in the committee, which gentlemen have not had an opportunity to consider, the other amendment being withdrawn. Would not the gentleman let this and these other amendments that are proposed to be offered be offered to these three sections and let them be passed over?

Mr. WATKINS. I think that would be fair if that meets the approval of the gentleman from Iowa.

Mr. STAFFORD. Will the gentleman permit me? I read from the amendment offered by the gentleman from Louisiana, which says:

Provided, That the portion of the fees which the naturalization law allows clerks of the United States courts to retain shall be accounted for to the United States.

There is nothing in the pending amendment that refers to fees retained by clerks of State courts.

Mr. MANN. The gentleman is correct, I think.

Mr. STAFFORD. Thank you.

Mr. MANN. But this would apply to the Federal court.

Mr. STAFFORD. There is no question about that.

Mr. MANN. Where there is a very similar situation.

Mr. STAFFORD. There is no question about that, and I believe the matter should go over so that the Members of the House will have time to give it thorough consideration.

Mr. CALDER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CALDER. The United States district court for the southern district of New York will collect this year in fees for naturalization $20,000, and the eastern district court about $16,000. The practice has been to allow these clerks one-half of all of the fees collected.

Mr. MANN. Up to a certain amount?

Mr. CALDER. No; one-half of all the fees.

Mr. MANN. Well, that is a matter of appropriation, I will say to the gentleman.

Mr. CALDER. They have allowed the clerks one-half of the first $6,000, and then allowed them one-half of all the additional fees for the employment of clerks, subject to the approval of the Secretary of Labor. Now, they have not allowed them this additional money unless they use a large proportion of the one-half of the first $6,000 to employ clerical help. If this amendment allows them only $3,000, it simply means the discharge of some very necessary clerks, and that is true in Chicago, New York, Brooklyn, Boston, New Orleans, and other large cities of the country where United States district courts are located.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the chairman of the committee may be allowed to have printed in the RECORD a letter received by him from the department, so that it will be before the Members for consideration. I will ask the gentleman from Illinois [Mr. MANN] if he will not have

printed in that connection the letter, or the substance of it, which he has, so that we may have it before the House?

Mr. MANN. Well, I will have it printed. I had turned this over to the Committee on Appropriations, but I could turn over the printed copy to them.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent that the gentleman from Louisiana and the gentleman from Illinois have printed certain letters that they have received from the department. To what letters does the gentleman refer?

Mr. TOWNER. The letter received from the Department of Labor by the chairman of the committee, and the letter received from——

Mr. MANN. I have several letters here on the subject, all relating to each other.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent that this section be passed——

Mr. MANN. And that leave be given to print these letters.

The CHAIRMAN. And leave be granted to print these letters in the RECORD. Is there objection?

Mr. STAFFORD. And, further, Mr. Chairman——

Mr. MANN. One thing at a time.

The CHAIRMAN. Does that cover the request?

Mr. WATKINS. For the present; yes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Following are the letters referred to:

DEPARTMENT OF LABOR, OFFICE OF THE SECRETARY,
Washington, May 18, 1914.

Hon. J. T. WATKINS,
Chairman Committee on Revision of the Laws,
House of Representatives, Washington, D. C.

DEAR SIR: Receipt is acknowledged of your letter of the 18th instant, addressed to the Commissioner of Naturalization, offering to consider any suggestions the department might have to make in relation to section 67 of the act of codification, pending in the House, and your substitute for said section.

You understand, of course, that the Department of Justice has no authority in relation to the question of the retention of naturalization fees under section 13 of the act of June 29, 1906.

Some years ago, when the House Committee on the Judiciary had under consideration a fee bill for the clerks of courts, a representative from the former Department of Commerce and Labor, the Chief of the Division (as it was then) of Naturalization, appeared before the committee, and after presenting the views of the department in relation to the subject, those views were embodied in the act just as they now appear in the substitute offered by Representative TOWNER to section 67 above referred to and to your substitute therefor, except that the words "Secretary of Commerce" should be "Secretary of Labor."

The bill under consideration by the Judiciary Committee was designed, of course, to place clerks of courts on a salary rather than on a fee basis. That portion of the said bill relating to fees in naturalization proceedings was so arranged as to enable the department to prevent delay to applicants for naturalization in Federal courts because of insufficiency in clerical force, and to make such allowance as might be necessary to prevent such deficiency. You will see the importance to good administration of adopting the terms of the judiciary bill above referred to, since it enables the department to make suitable provision to obviate the delays to those seeking citizenship heretofore experienced in a number of courts by reason of insufficiency of clerical force in said courts.

Very truly, yours,

J. B. DENSMORE,
Acting Secretary.

—

SUPERIOR COURT OF COOK COUNTY,
Chicago, May 12, 1914.

Hon. JAMES R. MANN,
Washington, D. C.

MY DEAR CONGRESSMAN: I am herewith inclosing you copy of a letter addressed to the Department of Labor, Bureau of Naturalization, in which the clerk of this court requests an appropriation of $8,100 in addition to the $3,000 allowed by law for his naturalization department; also copy of a letter from the bureau in reply thereto.

The material increase in naturalization business of this office has been largely due to the courteous treatment extended to the public by Mr. Morris Marx, who has been in charge of this department for the past seven years.

I would appreciate it if you would use your best endeavors in securing the same.

Yours, very truly,

CHARLES M. FOELL.

—

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF NATURALIZATION,
Washington, May 8, 1914.

CLERK OF THE SUPERIOR COURT,
Chicago, Ill.

DEAR SIR: Receipt is acknowledged of your letter of the 6th instant, in which you set forth the needs of your office for the next fiscal year in the way of assistants in naturalization matters.

At the present time it is not possible to indicate whether there can be any additional allowance made to you, inasmuch as the appropriation requested by the department of Congress has not been made, and, furthermore, the Appropriations Committee has not reported out the bill to Congress in which this item is usually carried.

Your request, however, will be considered at such time as it is possible to make allowances, and everything will be done that is possible to afford you sufficient relief in the matter.

Very truly, yours,

RICHARD K. CAMPBELL,
Commissioner of Naturalization.

MAY 6, 1914.

BUREAU OF NATURALIZATION,
Washington, D. C.

DEAR SIR: To satisfactorily carry out the duties imposed upon my naturalization department for the coming fiscal year commencing July 1, 1914, it will be necessary that your honorable branch of the Government allot me the help herein requested:

I am taking the liberty of applying for my needs early enough so that my allotment may be given due consideration. The volume of naturalization business ending the fiscal year June 30, 1914, will amount to between twenty five to twenty-seven thousand dollars. You can readily see that the revenue in excess of the amount allowed by law—$3,000—and the extra clerks allotted me—$2,650, total $5,650—I am turning into the United States Treasury approximately $20,000.

The coming year will impose heavier duties upon this department on account of the coming elections—congressional, State, city, and county, etc. I have already been informed by the Polish societies of this city that they expect to file about 5,000 petitions before the next spring elections. Another fraternal organization, such as the Young Men's Christian Association, the Building Trades' Council, the Brewery Workers' Union have informed me that they will keep me busy for the coming elections.

You can readily see that I am going to be kept busy. Cook County during the last three years has issued about 40,000 declarations of intention, of which 25,000 will be ready by next September for final petitions.

My chief naturalization clerk, Mr. Morris Marx, who has been in charge of the work of this department for the last seven years, has been working overtime two nights each week for the last nine months to facilitate the work. No extra compensation is allowed him for his time. To properly carry out the law of naturalization he has examined each and every petition, attended all court hearings, verified each and every certificate issued out of this court and all other matters pertaining to the duties of his office. I think you will agree with me that my naturalization department has been a credit to the service, and in checking up the work done you will find fewer errors for the column of business done than any other naturalization department in the country.

I am two years behind in indexing my petitions, and it is very necessary that it be kept up to date. The courtesy extended to the public by this department has made it very popular with the labor and fraternal organizations of the city.

In conclusion, I am asking for $8,100 in addition to the $3,000 allowed by law, making a total of $11,100. There is employed now and paid out of the revenue of $3,000 the following clerks:

1 chief naturalization clerk	$1,800
1 senior naturalization clerk	1,500
1 junior naturalization clerk	1,200
	4,500

of which the county pays $1,500 in addition to the $3,000 allowed by law. No allowances for salaries of judges is included in the above or postage, printing, etc.

The $8,100 I would like to distribute in the following manner:

2 senior naturalization clerks, $1,500 each	$3,000
1 stenographer	1,500
3 junior clerks, $1,200 each	3,600
	8,100

Hoping that due consideration be given my requests, I beg to remain,

Yours, very truly,

RICHARD J. MCGRATH, *Clerk.*

P. S.—Total receipts for the fiscal year up to April 30, 1914, $22,373.

Mr. WATKINS. Mr. Chairman, I move to strike out section 68 and insert in lieu thereof this amendment.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana be permitted to offer amendments to all three sections before disposing of them.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Louisiana be permitted to offer amendments to all three of these sections before disposing of any of them. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

Mr. MANN. Now, if they are to be passed over, I wish the gentleman would ask unanimous consent that they may be printed in the RECORD without reading at this time and then pass the sections.

Mr. WATKINS. All right.

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] asks unanimous consent that these amendments offered to sections 68 and 69, and other amendments, be printed in the RECORD, the last two without reading. Is there objection? [After a pause.] The Chair hears none.

The following are the amendments:

1. Amendment offered by Mr. WATKINS:

Page 35, line 8, strike out the section, and insert in lieu thereof the following:

"SEC. 68. That the clerk of the United States district court for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per cents, and other compensations now allowed by law, an annual salary, as follows:

"For the northern district of the State of Alabama, $4,500.
"For the southern district of the State of Alabama, $3,500.
"For the middle district of the State of Alabama, $3,500.
"For the district of the State of Arizona, $3,000.
"For the eastern district of the State of Arkansas, $4,000.
"For the western district of the State of Arkansas, $3,000.
"For the northern district of the State of California, $4,500.
"For the southern district of the State of California, $4,500.
"For the district of the State of Colorado, $4,500.
"For the district of the State of Connecticut, $3,000.
"For the district of the State of Delaware, $2,500.

"For the northern district of the State of Florida, $3,000.
"For the southern district of the State of Florida, $4,000.
"For the northern district of the State of Georgia, $4,500.
"For the southern district of the State of Georgia, $4,000.
"For the district of the State of Idaho, $3,000.
"For the northern district of the State of Illinois, $4,500.
"For the southern district of the State of Illinois, $4,000.
"For the eastern district of the State of Illinois, $4,000.
"For the district of the State of Indiana, $4,500.
"For the northern district of the State of Iowa, $3,000.
"For the southern district of the State of Iowa, $4,500.
"For the district of the State of Kansas, $4,500.
"For the eastern district of the State of Kentucky, $4,500.
"For the western district of the State of Kentucky, $4,500.
"For the eastern district of the State of Louisiana, $4,500.
"For the western district of the State of Louisiana, $4,000.
"For the district of the State of Maine, $4,500.
"For the district of the State of Maryland, $3,500.
"For the district of the State of Massachusetts, $4,500.
"For the eastern district of the State of Michigan, $3,500.
"For the western district of the State of Michigan, $3,500.
"For the district of the State of Minnesota, $4,500.
"For the northern district of the State of Mississippi, $3,500.
"For the southern district of the State of Mississippi, $4,000.
"For the eastern district of the State of Missouri, $4,500.
"For the western district of the State of Missouri, $4,500.
"For the district of the State of Montana, $3,500.
"For the district of the State of Nebraska, $4,500.
"For the district of the State of Nevada, $2,500.
"For the district of the State of New Hampshire, $2,500.
"For the district of the State of New Jersey, $4,500.
"For the district of the State of New Mexico, $3,000.
"For the northern district of the State of New York, $4,500.
"For the southern district of the State of New York, $4,500.
"For the eastern district of the State of New York, $4,500.
"For the western district of the State of New York, $4,500.
"For the eastern district of the State of North Carolina, $3,500.
"For the western district of the State of North Carolina, $4,500.
"For the district of the State of North Dakota, $3,000.
"For the northern district of the State of Ohio, $4,500.
"For the southern district of the State of Ohio, $4,500.
"For the eastern district of the State of Oklahoma, $3,500.
"For the western district of the State of Oklahoma, $4,000.
"For the district of the State of Oregon, $4,500.
"For the eastern district of the State of Pennsylvania, $4,500.
"For the middle district of the State of Pennsylvania, $4,000.
"For the western district of the State of Pennsylvania, $4,500.
"For the district of the State of Rhode Island, $2,500.
"For the district of the State of South Carolina, $4,000.
"For the district of the State of South Dakota, $4,000.
"For the eastern district of the State of Tennessee, $3,500.
"For the middle district of the State of Tennessee, $3,500.
"For the western district of the State of Tennessee, $3,500.
"For the northern district of the State of Texas, $4,000.
"For the southern district of the State of Texas, $3,500.
"For the eastern district of the State of Texas, $3,500.
"For the western district of the State of Texas, $3,500.
"For the district of the State of Utah, $3,000.
"For the district of the State of Vermont, $2,500.
"For the eastern district of the State of Virginia, $4,500.
"For the western district of the State of Virginia, $4,500.
"For the eastern district of the State of Washington, $3,000.
"For the western district of the State of Washington, $4,500.
"For the northern district of the State of West Virginia, $4,500.
"For the southern district of the State of West Virginia, $4,500.
"For the eastern district of the State of Wisconsin, $3,500.
"For the western district of the State of Wisconsin, $3,500.
"For the district of the State of Wyoming, $3,000."

3. Amendment offered by Mr. WATKINS:

Page 36, line 12, strike out the section, and insert in lieu thereof the following:

"SEC. 69. That the necessary office expenses of the clerks of the United States district courts shall be allowed when authorized by the Attorney General. And when in the opinion of the Attorney General the public interest requires it, he may, on the recommendation of the clerk, which recommendation shall state the facts as distinguished from conclusions showing necessity for the same, allow the clerk to employ necessary deputies and clerical assistants, upon salaries to be fixed by the Attorney General from time to time and paid as hereinafter provided. When any such deputy or clerical assistant is necessarily absent from the place of his regular employment on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day. And he shall make and render accounts thereof quarterly, in accordance with such rules and regulations as may be prescribed by the Attorney General, and shall be verified on oath before any officer authorized to administer oaths: *Provided*, That said accounts for expenses shall have attached thereto the certificate of the clerk that the expenses charged were incurred by the deputy or clerical assistant when necessarily absent from the place of his regular employment on official business. The expense accounts of the deputies or clerical assistants, when made out and certified in accordance with this act, shall be paid by the marshal, who shall make such return thereof as may be prescribed by the Attorney General."

Mr. WATKINS. The Chair understands that this request covers the fact that they are to be inserted in the RECORD. Does the gentleman from Illinois [Mr. MANN] request that they be read at this time?

The CHAIRMAN. The gentleman from Illinois asked unanimous consent that they be printed without reading, and that the sections be passed.

Mr. WINGO. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. Do I understand that there have been several amendments under that agreement proposed, and that they will be inserted in the RECORD without being read or acted on at this time?

The CHAIRMAN. They asked unanimous consent to do that, and it was granted, and that they be not acted on at this time.

Mr. WINGO. My understanding of the unanimous-consent proposition, and I watched it very closely, was that they were to be offered to the three paragraphs at once.

Mr. MADDEN. There has been another request since that.

The CHAIRMAN. The Chair understood the gentleman from Illinois [Mr. MANN] to ask unanimous consent that they be printed in the RECORD without reading.

Mr. MANN. I suggested to the gentleman from Louisiana [Mr. WATKINS] that he ask unanimous consent that they be printed without reading and passed over.

Mr. WATKINS. That was included in the request and was granted by unanimous consent.

Mr. WINGO. Now, what is the parliamentary status, Mr. Chairman, of those paragraphs?

The CHAIRMAN. They will be printed in the RECORD and hereafter taken up for action.

Mr. WINGO. What is the parliamentary status of the sections to which the amendments are offered? Are they passed over for the time being?

The CHAIRMAN. They are passed over by unanimous consent. The Clerk will read.

The Clerk read as follows:

SEC. 88. The salaries provided by sections 20, 59, 61, and 72 of this chapter shall be paid monthly by the Department of Justice.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. To what section?

Mr. STAFFORD. Section 88.

Mr. WATKINS. Mr. Chairman, if I can be recognized without interrupting the gentleman——

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] has asked unanimous consent to strike out the last word of section 88.

Mr. WATKINS. I understand that is simply a pro forma amendment.

Mr. STAFFORD. I yield the floor to the gentleman from Louisiana.

Mr. WATKINS. Mr. Chairman, I want to offer an amendment, to be pending in connection with these other amendments.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 2, after the word "sixty-one," insert "sixty-eight."

Mr. WATKINS. The object of the amendment is to act in concert with the other amendments which have been deferred, and for that reason I will ask that this amendment be deferred for action, the same as the amendments to sections 67, 68, and 69.

The CHAIRMAN. The gentleman asks to pass that section over?

Mr. WATKINS. Yes, sir.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that this section 88 be passed over, to be considered in connection with sections 67, 68, and 69. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DENT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4377) to provide for the construction of four revenue cutters, had insisted upon its amendment to the amendment of the House No. 3, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BANKHEAD, Mr. RANSDELL, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 4096. An act to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes; and

S. 4632. An act for the relief of settlers on the Fort Berthold Indian Reservation, in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations, in the States of South Dakota and North Dakota.

The message also announced that the President had approved and signed bills of the following titles:

On May 14, 1914:

S. 540. An act for the relief of Joseph Hodges.

On May 15, 1914:

S. 4158. An act to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md.

REVISION OF THE LAWS—JUDICIARY TITLE.

The committee resumed its session.

The Clerk read as follows:

SEC. 89. Nothing in this *chapter* shall be so construed as to prevent or affect the amount or taxation of costs against the unsuccessful party in civil proceedings or against defendants convicted of crimes or misdemeanors.

Mr. TOWNER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The Clerk read as follows:

Page 54, line 4, after the word "this," strike out "chapter" and insert the word "act."

Mr. WATKINS. There is no objection to the amendment.

Mr. TOWNER. Mr. Chairman, there is no objection to it. It is just a perfection of the language.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 90. Any officer whose compensation is fixed by *this chapter* who shall directly or indirectly demand, receive, or accept any fee or compensation for the performance of any official service other than as herein provided, or shall willfully fail or neglect to account for or pay over to the proper officer or person any fee received or collected by him shall be fined not less than $50, nor more than $500, or imprisoned not more than five years, or both.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. WATKINS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] offers a committee amendment which the Clerk will report.

The Clerk read as follows:

Page 54, line 13, after the word "shall," insert a comma and the words "upon conviction thereof."

Mr. STAFFORD. Mr. Chairman, may we have that reported again?

The CHAIRMAN. Without objection, the Clerk will report it again.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. I do so for the purpose of asking the gentleman from Iowa [Mr. TOWNER] whether he is sure the amendment that he offered to section 89 was correct. The language in the bill is that "nothing in this chapter shall be so construed as to prevent or affect the amount or taxation of costs against the unsuccessful party in civil proceedings or against defendants convicted of crimes or misdemeanors." That has been changed from "chapter" to "act," so that it stands, "nothing in this act shall be so construed as to prevent or affect the amount or taxation of costs against the unsuccessful party in civil proceedings or against defendants convicted of crimes or misdemeanors." Is that correct?

Mr. TOWNER. I think so, I will say to the gentleman from Illinois, for this reason: Of course, this act will only be a part of the chapter.

Mr. MANN. No; the chapter is part of the act. The act is the whole thing. This bill, which is referred to when you refer to it as an act, is divided into chapters. There are a number of chapters in the act. We are now proceeding with chapter 1. It may be correct. I do not say that it is not.

Mr. TOWNER. It can be changed if it is not.

Mr. MANN. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

All witness fees and costs of every nature in cases of extradition, including the fees of the commissioner, shall be certified by the judge or commissioner before whom the hearing shall take place to the *Attorney General* of the United States, who is hereby authorized to allow the payment thereof out of the appropriation to defray the expenses of the judiciary; *and the Attorney General shall thereupon certify to the Secretary of State the amount of such fees and costs so allowed*, and the Secretary of State shall cause the same to be reimbursed to the Government of the United States by the foreign Government by whom the proceedings for extradition may have been instituted. *Each* commissioner shall keep a complete record of all proceedings before him in criminal cases, in a well-bound book, which record book shall be delivered to and preserved by the clerk of the district court for such district on the death, resignation, removal, or expiration of term of the commissioner, for which record the commissioner shall receive no compensation. *Commissioners shall not be entitled to any fees not enumerated in this section, except as provided in section twenty-nine hundred and thirty-four.*

Mr. WATKINS. Mr. Chairman, I offer an amendment to correct the number there.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Amend, page 59, line 6, after the word "section" by striking out the words "twenty-nine hundred and thirty-four" and inserting "twenty-two hundred and ninety-four of the Revised Statutes."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. The section which has just been read carries an enumeration of many fees for commissioners of the United States courts. I wish to inquire of the chairman of the committee whether in this codification—and I assume there is not—there is any provision made for fees to referees in bankruptcy? There has been recently called to my attention the fact that referees in bankruptcy are receiving larger salaries in some instances than the judges of the United States district courts.

I recognize that it is not the province of the committee to introduce substantive legislation on subject matter that is not incorporated in the present law. I assume that the committee has not taken jurisdiction of that subject. That should be given some consideration by the Committee on the Judiciary of the House.

Mr. WATKINS. I will state to the gentleman that it will probably be some time before that feature of the law is reached in regular order in the codification. There is nothing in this codification about it.

Mr. STAFFORD. There is nothing in this bill referring to the fees to which referees in bankruptcy are entitled?

Mr. WATKINS. No. We have not reached that stage yet.

Mr. STAFFORD. In what bill would that be incorporated?

Mr. WATKINS. It would probably have a separate and distinct chapter on the question of bankruptcy alone. A number of features relating to bankruptcy would properly take up an entire chapter. But we have not reached that yet.

Mr. STAFFORD. Will the gentleman inform the committee what other topics are not covered in this bill that relate to the judiciary? I was under the impression that this concluded all matters relating to the judiciary, taken in connection with the bill passed three years ago.

Mr. WATKINS. Well, so far as the question of procedure goes, the gentleman is correct—judicial procedure. But we did not take up all the different propositions of law, like the Army and Navy, and so on.

Mr. STAFFORD. Of course the gentleman will recognize that fees with reference to bankruptcy are as intimately correlated to this judiciary subject as are the fees of the United States court commissioners and fees of marshals and the like. Referees in bankruptcy are as much an adjunct in the administration of judicial procedure as commissioners and marshals, and the like. Why should that subject not be incorporated in this bill and not in a separate bill?

Mr. WATKINS. Whether it should be or should not be we have not undertaken it; but if the gentleman will prepare and introduce a bill along that line of thought and have it referred to the Committee on the Revision of the Laws we can assure him that we will give it careful consideration, and if we can properly do it we will incorporate it in this bill.

Mr. STAFFORD. If I should do so, I think it would not be referred properly to the Committee on the Revision of the Laws, but to the Committee on the Judiciary. I think the subject should be considered in connection with this bill if we are going to incorporate everything concerning procedure in this measure.

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

STENOGRAPHERS' FEES.

SEC. 93. Stenographers of the district court shall receive such salaries as the Attorney General shall from time to time determine, which

shall be payable monthly upon the certificate of the judge that they have performed the duties of their said office during the month for which such salary is claimed. The salary shall be full compensation for all services performed on behalf of the United States and the judge of said court. They may also collect and receive from any party requiring a transcript of the testimony and proceedings, or any part thereof, upon a trial or hearing, the sum of 10 cents per folio for the same.

Mr. CALDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. CALDER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 59, line 13, after the word "salaries," insert the words "or compensation"; on line 16, after the word "salary," insert the words "or compensation"; on line 17, after the word "salary," insert the words "or compensation."

Mr. CALDER. Mr. Chairman, it is very often the case in the district courts that the regular stenographer is absent. We have provided under section 55 of this bill a provision that at such times an additional temporary stenographer shall be employed. This simply provides that the Attorney General shall fix the compensation of the temporary stenographer. Under section 55 the temporary stenographer is paid at the same rate as the regular stenographer. This language that I have offered, it seems to me, would permit fixing the amount more easily than if it were not in this section of the bill.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. CALDER. I will.

Mr. MANN. The gentleman wants to make provision for the payment of a temporary salary.

Mr. CALDER. Yes.

Mr. MANN. But this provision is for the payment of stenographers by the month.

Mr. CALDER. Yes.

Mr. MANN. As a salary?

Mr. CALDER. Yes. The temporary stenographer may work for a month or he may work for a week.

Mr. MANN. It is to be payable monthly, though. It plainly refers to annual salaries.

Mr. SCOTT. Stenographers of the district courts, referring to the official stenographers. If the gentleman wants to cover what he has indicated, it really ought to be in a separate amendment.

Mr. MANN. However, that would not settle the difficulty, if the gentleman's amendment should be inserted.

Mr. CALDER. Mr. Chairman, I only want to add this, that it might be covered in another way; but it would seem to me by inserting these words, which would cover the matter, it would enable the Attorney General to pay these men. There is no other provision in the bill that I have seen which would enable them to be paid.

Mr. STAFFORD. Will the gentleman yield?

Mr. CALDER. Yes.

Mr. STAFFORD. If the gentleman will return to section 55, which he refers to——

Mr. CALDER. I have looked at that.

Mr. STAFFORD. He will find that the stenographers pro tempore are to receive the same compensation during the time of their employment as the regular stenographer.

Mr. CALDER. Yes.

Mr. STAFFORD. The stenographer pro tempore would be paid pro rata, according to the number of days he served, which amount would be deducted from the salary of the regular stenographer.

Mr. CALDER. Does the gentleman think that under the language of the amendment as reported from the committee the matter is fully covered?

Mr. STAFFORD. I am of the opinion that the suggestion of the gentleman would be an improvement rather than a detriment to the present phraseology.

Mr. MANN. Mr. Chairman, I think the gentleman from New York has in mind a case where the official stenographer does not happen to be present, and they call in another stenographer. But that case is not provided for in this bill at all.

Mr. WATKINS. Begging the gentleman's pardon, if he will turn back to section 55——

Mr. MANN. I have that section right before me, and am going to read it:

The stenographer—

That is, the official stenographer—

shall attend to the duties of his office in person, except when excused for good and sufficient reason by order of the court, which order must be entered upon the minutes of the court.

Now that is not a mere temporary absence of the stenographer. There must be reasons presented to the court for employing another stenographer in his place, and if that case arises the temporary stenographer receives the compensation or the salary which has been fixed for the official stenographer, and the official stenographer gets nothing during that time. But how are you going to fix a salary for a stenographer of the district court, where he may be engaged all the time, with a force of assistants taking and transcribing the testimony and the other proceedings of the court? We provide in the House here a number of official stenographers. We provide, in addition, pay for their helpers who transcribe their notes, and while in some respects it may be harder to take the proceedings of the House during five or six hours a day than it is to take the testimony, arguments, and other proceedings of a hotly contested lawsuit, sometimes during longer hours, yet in some respects it is no harder.

One stenographer in such a case, so reported and transcribed, might begin, but he would be followed by others. Now, how are you going to provide in Chicago a salary of $30,000 or $40,000 or $50,000 a year for the stenographers of one of the district courts? Undoubtedly that amount is now paid to the stenographers who take and transcribe the testimony if they are all included. But you can not provide a salary of that kind. I do not see how you are going to get it done. Fortunately we inserted in this bill the other day a provision leaving it optional with the judge to appoint a stenographer; but the gentleman knows very well that it takes a number of stenographers and a number of typewriting assistants, in addition, to take and transcribe daily the testimony day after day in a lawsuit in a court that is sitting all the time.

Mr. CALDER. If the gentleman will pardon me. I know he follows these things more closely than I do, but I offered this amendment at the suggestion of one of our district judges in New York, and that judge says:

Under section 55 a temporary stenographer may be appointed, and the necessary absence of the official stenographer would be sufficient cause. But where one or two temporary stenographers should be busy their payment and even that of the official stenographer might have to be fixed by some other rate than yearly salaries divided into 12 parts.

Mr. MANN. Yes; but the gentleman's amendment does not do that. The gentleman's amendment only provides in effect for yearly salaries; salary or compensation, what is the difference? It is to be something fixed by the Attorney General, payable monthly, and would not take care of these emergency cases, except where the official stenographer, by order of the court, was set to one side and a temporary stenographer appointed in his place.

Mr. WILLIS. Does the gentleman think the Attorney General is the appropriate authority to fix these salaries? Why should the Attorney General be given that power?

Mr. MANN. The head of the Department of Justice is given the power, and I think properly, to name the salaries all the way through in the Department of Justice. It is done upon representations that may be made, probably in this case by the court.

Mr. WILLIS. Would it not be safer to grant that power to the court?

Mr. MANN. I think not. I do not think it is safe to grant to any local authority the power to fix salaries, because they would not have any conception of the relative proportion of salaries in different places for the same work.

Mr. WILLIS. Does not the gentleman think it would be practicable to work out a graduated scheme of fees so that we can provide what the salary shall be? I do not like the idea of granting to anybody, particularly the head of a department, authority to fix salaries.

Mr. MANN. We do that everywhere.

Mr. WILLIS. I know we do; but we ought not to do it any more than is absolutely necessary.

Mr. MANN. A legislative body can not undertake to do these things; it is too great an undertaking.

Mr. TOWNER. Mr. Chairman, I think the amendment offered by the gentleman from New York ought to be adopted. It might be that the courts would fix the compensation for the temporary stenographer, and it may be that it would be included under the head of salary in the interpretation that the courts would put upon it. But it is safer, I think, that the amendment offered by the gentleman from New York should be adopted.

Section 93 provides that a stenographer shall be appointed and his salary shall be fixed. Section 55 provides that temporary stenographers shall be appointed in case the regular stenographer is not present, and that his compensation shall be the same during the time he works as that which is given or fixed by the Attorney General for the regular stenographer. Now, the word "salary," used in section 93, refers only to the compensation paid to the regular stenographer. The word "compensation" added would cover the temporary appointee and make the statute in conformity with what really is intended, and in harmony with section 55. I hope the amendment of the gentleman from New York will be adopted.

Mr. WILLIS. Mr. Chairman, I desire to make some brief observations on the amendment offered by the gentleman from New York. If this section is to stand in substantially this form, the amendment proposed ought to be adopted.

But I want to call the attention of the committee to what seems to me to be a questionable thing to do. This same matter was up two weeks ago when this section was referred to. It does not seem to me that it is the best way to settle this question. Here we are proposing to give to the head of a department, to the Attorney General, the authority to fix salaries. I have no amendment prepared, but it seems to me that an amendment could and ought to be drafted that would deal with this subject in some other way than the one here proposed.

For example, the gentleman from Illinois [Mr. MANN] has referred to the very efficient stenographers of the House. My understanding is that their compensation is fixed by law. I do not believe that it would be wise to say that the compensation of the House stenographers should be fixed even by the Speaker or by some other officer of the House, although we have perfect confidence in all the officers of the House and in the stenographers. I do not think it is good public policy. It seems to me that there ought to be some plan worked out whereby there should be a scale of fees, so that we could avoid as far as possible vesting in the head of a department authority to fix the salaries of employees in that department.

The gentleman from Illinois has very properly called attention to the fact that we do that all the time. We do, of course, to some extent, and necessarily so. There are some cases where we can not handle the question satisfactorily in any other way. We have to trust the head of a department to fix compensation in a few instances. But it seems to me in this sort of a case, where the employment is not incidental, or even occasional, that it would be entirely feasible to work out a system of fixed compensation so that we would not be placed in the embarrassing position of saying to the head of a department: In addition to your administrative and quasi-judicial duties you are required to do a thing that Congress ought to do—fix the salaries—a legislative and not an administrative function. I believe, wherever it is possible to do so, the law itself ought to provide what the salaries of governmental employees shall be. I wonder whether the gentleman from Louisiana [Mr. WATKINS] would be willing to pass over the section for the present. I have no amendment prepared, and I do not know whether I can prepare one, but somebody can. Would the gentleman be willing to pass this section over without prejudice and let some one work out an amendment along the lines I have indicated?

Mr. WATKINS. I will state to the gentleman that we have already regulated that. It was discussed in the House and amendments were offered, and we have passed over that particular section. I think it is too late in this bill to go into a consideration of that section. I recognize the force of the remarks of the gentleman from Ohio and would have felt glad if we had had the opportunity to insert some new features in the bill, but we did not feel authorized under the restricted powers of the committee to do so.

Mr. WILLIS. If the gentleman feels that way about it, there would be no difficulty in going back to the section. I do not think anyone would object. If the gentleman feels, as I understand him to say, that the committee ought to have worked out something along this line, if the committee felt that it had not the authority to make some provision governing salary along this line, does not the gentleman think it would be very much better to let the section be passed over without prejudice and then ask unanimous consent to return to the other sections involved in this one and allow the whole thing to be worked out? I do not want to be offensive, but it seems to me the system provided in the bill is unfair and unreasonable and in some respects entirely unworkable and almost absurd. It is not clear, and nobody can tell what the effect will be. I hope the gentleman will do that, and out of his extended experience and careful investigation of this subject I am sure he and the members of his distinguished committee would be able to work out something which I understand him to admit ought to be worked out. Here in Committee of the Whole House no question of jurisdiction could be raised.

Mr. MANN. Mr. Chairman, I do not believe that it is possible for this committee or this Congress, with the knowledge that it has, to fix the salaries of stenographers of courts. Of course, we fix the salaries of the clerks of the courts, or try to, in this bill specifically. We also fix the salaries of the marshals and the judges. But there we have acquired some knowledge, and I should take it that it is very likely, if these salaries were to be fixed salaries, in the end Congress would fix them. In the first instance, however, I doubt whether the Attorney General would be able to fix a salary which he would not in many cases change within a month, and necessarily so. I will ask the gentleman from Louisiana a question. This provision makes the Attorney General fix the salary—call it an annual salary—for the stenographer. It says that that salary shall be full compensation for all services performed on behalf of the United States and the judge of said court. Will not that cover the stenographer's services complete in all cases in which the United States is a party?

Mr. WATKINS. I would think so, but I think there is an erroneous idea with reference to the whole provision concerning stenographers. My idea is not that one man will have to do all of the work.

Mr. MANN. I understand. Of course we know that one man could not do all of the work, but suppose the Attorney General fixed a salary in Chicago, in New York, in Minneapolis, or in New Orleans, or one of the other cities where we have antitrust prosecutions, and a great many criminal cases, and there should be a long case in which the United States is a party, will the official stenographer and his assistants, he being paid a salary fixed by the Attorney General, do all of the stenographic work, transcribe those notes, furnish a copy to the district attorney or to the Attorney General, for his official salary?

Mr. WATKINS. Mr. Chairman, I infer that the Attorney General in fixing the compensation—and I do not have any objection at all to the word "compensation" being inserted—should take into consideration the stenographic work to be done for that court and fix the salary in conformity with that.

Mr. MANN. I am assuming that he does that, but what I am asking is whether the gentleman's understanding is that when that has been fixed it will cover all of the work done by the stenographer and his assistants in behalf of the United States.

Mr. WATKINS. I think so.

Mr. MANN. In Chicago there are two district courts. One of them may be engaged this month in trying criminal cases where the United States is a party. Those cases may run in that court for two or three months before that judge. They may be switched over to another judge at any time. How can the Attorney General tell how to fix the salary of the stenographers in these respective courts? These salaries must be fixed in advance. We will have to make an appropriation with which to pay them.

Mr. WATKINS. He would certainly be as well qualified with the knowledge he has of the work of the courts as Members are.

Mr. MANN. Oh, I quite agree with the gentleman. I think it would be almost impossible for us to do it, but ought there not to be in this bill some provision by which, after a stenographer's salary is fixed, he shall be allowed a fixed compensation in addition, according to the work performed, especially where he is performing work for the United States?

Mr. WATKINS. I think that the authority of the Attorney General would cover the case; that it would be his duty to fix the compensation at such a sum as would cover the necessary work to be done in that court.

Mr. MANN. Does the gentleman think this word "compensation" means a fee compensation?

Mr. WATKINS. No; not in the light of a fee. I think it is intended to be a salary, but at the same time the compensation is to be fixed at such an amount as would cover the necessary expenses incurrred—the work to be done in court.

Mr. MANN. But let us say that there is a trust case which lasts for three months.

Mr. WATKINS. This does not say whether the compensation shall be monthly or annual.

Mr. MANN. Here is a trust case which runs for three months, we will say, where the stenographer has to perform services for the United States. He must transcribe the testimony for the United States, but he receives no compensation for that other than his annual salary fixed in advance before anyone knew or could know that he would be required to do that work for three months—not merely the man himself, but he must have a corps of assistants.

Mr. WATKINS. I do not object to any provision being inserted in the bill that will cover contingencies of that kind; but, in my opinion, the language already used, particularly with the additional expression "compensation," would cover the case so as to safeguard it in every possible way. That is my opinion about it.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the pending amendment. I think there is an erroneous conception entertained by both the gentleman from Illinois [Mr. MANN] and the gentleman from Louisiana [Mr. WATKINS] in believing that one stenographer will not be able to perform the work arising in the district courts. Those courts can not be any more hard pressed with trial work than are the usual State trial

courts, and we all know that there is but one official stenographer who is detailed for that work, and in my own State the salary is limited to $2,400. Those stenographers work 10 months in the year, usually taking a recess only when the court takes a recess, during the summer months.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. Do not those stenographers all get paid fees for transcribing all of the testimony where they do that?

Mr. STAFFORD. We provide also in this bill that for transcription of testimony a fee of 10 cents a folio may be collected.

Mr. MANN. Not where it is done for the United States.

Mr. STAFFORD. In my State they receive but 5 cents per folio for a transcription, and here we provide 10 cents a folio. The gentleman knows that these offices are sought after by many not only on account of the salary but because of the fees that are connected with them.

Mr. MANN. The gentleman knows the case he cited does not cover this, because these stenographers are not required to perform a great deal of service for nothing, whereas this bill requires the stenographers to do the work which they do for the Government without additional charge.

Mr. STAFFORD. And yet I believe one stenographer can perform all the work that is necessary for taking stenographic notes of the proceedings of a trial court. Now, in our State courts the court reporters have an assistant whom they pay out of their salary or out of the fees they receive. Now, at the present time there are no official stenographers to United States courts. Through the grace of the judges there have been appointed certain stenographers, who have charged certain fees. Here we are attempting to regulate that and put them on a salary basis, and in addition a fee of 10 cents a folio is provided by this bill. I think this is too high; I think 5 cents per folio is sufficient to be charged for all supplemental work. Now, in answer to the argument made by my friend from Ohio [Mr. WILLIS] that we ought at this time to restrict the salaries, it might be well to put a limit on or that they could in any instance receive, but the gentleman recognizes that we could not determine the salaries for these various stenographers, as we have no information, and can not get information, except general information, as to the practice in State courts. He protests against the practice, yet I wish to call attention to the fact that in the case of the rural carriers, who have a political organization of a most potent force, we do not determine the salaries, but fix the salary only for the standard route, and we have done so ever since the service was established; so also with the salaries of the Assistant Attorneys General, we leave their determination to the Attorney General, and certainly in providing a salary for these stenographers we must leave it to the Attorney General to determine the basis before we can legislate as to any fixed salary for these respective officials.

Mr. SCOTT. Mr. Chairman, I would like to ask the chairman what consideration was urged upon the committee for providing a different method of compensation to stenographers for the transcripts made for the United States and those made for private parties?

Mr. WATKINS. The only thing that appeared from the outside was that there be a decrease in the pay. Heretofore they have been paid more than we provide in this bill, because we considered to do the work of the court was not worth as much as had been paid heretofore. Outside of that, no particular pressure was brought to bear on the question of compensation.

Mr. SCOTT. It is quite evident some one must make up what is a reasonable compensation for these stenographers. I can conceive of no reason why the United States should not pay for the transcript as well as the private individual; and in that connection it seems to me this section 93 is in a measure ambiguous, because it does not differentiate between the ordinary work of taking notes and the making of the transcript; and the question occurs to me as to whether, during the time the stenographer is writing up the notes—as the gentleman from Illinois has suggested, it might take two or three weeks or a month—whether or not during that time he will draw his court per diem?

Mr. WATKINS. Oh, he would not have any per diem at all; he would be getting a salary all the time.

Mr. SCOTT. Then, in the case of work for the United States, he would be writing up the notes upon a salary?

Mr. WATKINS. Yes, sir.

Mr. SCOTT. Then of course he would draw that compensation, but of course we all know that court stenographers make a great deal more during the time they are writing up the transcript than they do while they are taking the notes. It occurs to me it might be a good thing to strike out "United States" from that second sentence and only include in the category the judge of the court and let the United States pay for the transcript the same as anybody else.

Mr. WATKINS. Why, the United States is not in the habit of paying extra to various officials of the Government, like marshals, United States attorneys, clerks, stenographers, who do work on salaries. They are getting their pay by salary from the Government. If they should charge up to the Government and put that in their account and it should be verified afterwards by any of the officials required to do that, it would simply be tautology, because no fees are paid by the Government for those services. There are fees charged individuals and corporations for having work done in the courts, but when the Government has to pay there is no use in making an accounting at all.

Mr. SCOTT. Of course the individual pays for the transcript, and he pays for it on account of the work which is done during the time the stenographer is drawing his salary from the Government. If a stenographer utilizes one month of his time getting out transcript for me, he collects his salary during that month from the Government just the same——

Mr. WATKINS. Yes; that fee is paid into the Government Treasury, and he does not get anything except his salary.

Mr. SCOTT. Oh, he certainly does. This section says they may also collect and receive from any party requiring a transcript of the testimony and proceedings, or any part thereof, upon a trial or hearing, the sum of 10 cents per folio for the same.

Mr. WATKINS. I stand corrected on that proposition. I had in view the clerks' salaries at the time I answered that question.

Mr. SCOTT. In the last analysis, Mr. Chairman, it simply amounts to this: That private litigants have to make up the deficit out of their pockets to pay for transcripts made for the Government.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 22, strike out the period and insert a comma and add the following: "And for each additional copy, the sum of 5 cents per folio."

Mr. SCOTT. Mr. Chairman, this simply is intended to cover the well-understood use of carbon copies. Frequently, in ordering a transcript, when numerous counsel represent one side of the case, two or three and even four or five copies are called for, depending upon the importance of the matter, and when a number of copies are used the expense becomes quite burdensome upon the litigants; and it also awards an unusual and very large compensation for the stenographer. It seems to me that 5 cents for the additional copies would be equitable and just.

Mr. STAFFORD. Will the gentleman yield?

Mr. SCOTT. I will.

Mr. STAFFORD. I was under the impression that the gentleman was going to offer an amendment to reduce the price per folio from 10 cents, as provided in the bill, to 5 cents. Can the gentleman inform the committee what the rate is in his State in the courts where stenographers are employed? In my State it is 5 cents. Now, we should try at least to reduce the cost to litigants in these cases and permit appeals more readily, so that the cost and expense will not be great. I would like to have the gentleman's opinion as to the rate in his State, because I thought the practice there was to reduce those charges.

Mr. SCOTT. In my State the practice has resolved itself to 20 cents per page for the transcript, and the page usually includes just about 200 words.

Mr. STAFFORD. Is that a matter of statute fee, or merely a matter of practice?

Mr. SCOTT. That is a matter of practice. And where additional copies are ordered we generally get them at half price. In fact, I arrived at my conclusion in preparing these amendments from the practice prevailing in my State, and I think it prevails very largely over the country, except in the large cities. I know that when we go to Chicago we have to pay for every copy and pay a very large fee. I presume that custom also prevails in other large cities, and I think that this amendment would tend to be more equitable and just.

Mr. STAFFORD. Will the gentleman yield?

Mr. SCOTT. Certainly.

Mr. STAFFORD. Would the gentleman be willing to support an amendment providing for a cost per folio of 5 cents per copy?

Mr. SCOTT. All through?

Mr. STAFFORD. Yes.

Mr. SCOTT. No; I do not believe that would meet the situation hardly. I think that would be rather small.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WATKINS. Mr. Chairman, I wish to state that, so far as the committee is concerned, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SCOTT].

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. STAFFORD. I move to strike out the word "ten" in line 21, page 59, and insert "five."

The Clerk read as follows:

Page 59, line 21, strike out the word "ten" and insert in lieu thereof the word "five."

Mr. STAFFORD. Mr. Chairman, I have already directed the attention of the committee to the purpose of this amendment in the remarks that I made in questioning the gentleman from Iowa [Mr. SCOTT]. I think it should be our policy to relieve litigants of the expense attendant in cases of appeal. In our State we have positively found that the cost of 10 cents per folio was rather high. The court reporters were making exorbitant fees, and upon thorough investigation we passed a statute, which I have before me, making the price per folio 5 cents per copy.

Now, we are leaving it to the discretion of the Attorney General to fix the salaries of these stenographers. We can rest assured that those salaries will be compensatory for their services, and, in addition thereto, we are granting to these stenographers the right to charge a certain fee for the transcript of their notes—10 cents per folio. Now, I respectfully appeal to the chairman of the committee that we should not try to make this rate so high that it will be a burden upon litigants. It certainly should be our policy to have the Federal Government bear the expense of the stenographers' salaries, which we leave by this section to the discretion of the Attorney General, and lift the burden from the litigants. For, if these fees are large—and it is admitted that 10 cents is high—they will be borne by the litigants and not by the National Government.

Mr. LLOYD. Certainly it can not be said that 10 cents is a large fee, Mr. Chairman. Ten cents is a small fee, as is shown by examination of all the courts of the country. The work of stenographers in this city and in New York and in other places will show you that 10 cents a folio is not unreasonable. And right here in the House of Representatives we are paying 15 cents, and until very recently we paid a good deal more than that.

Mr. STAFFORD. In the cases before the House and the House committees there is not the demand from outside, or rarely is there a demand, for additional copies.

Mr. LLOYD. I beg the gentleman's pardon. There is a good deal of demand from the outside.

Mr. STAFFORD. There are certain instances where there is demand. For instance, in connection with the House lobby investigating committee.

Mr. LLOYD. We provide, as was provided by the amendment just enacted, for 5 cents a folio when there is more than one copy. That is certainly a reasonable proposition; that provides 10 cents per folio for the first copy and 5 cents for each additional copy, and that is the proposition as it now stands in the proposed law.

Mr. STAFFORD. Does not the gentleman recognize that the burden of maintaining the court should be borne by the taxpayers and not by the litigants? When you are charging them 10 cents a folio you are putting upon them an expense that should be borne by the Government itself.

Mr. LLOYD. There is no reason at all why the stenographer should not have a reasonable compensation.

Mr. STAFFORD. We provide in this bill that they should have a salary determined by the Attorney General, and in addition to that you are going to give them an additional fee, which I claim, from my standpoint, as found in our practice in Wisconsin, is rather high.

Mr. LLOYD. Whenever they render outside work they ought to have outside pay. There is no question about that, and you do not dispute it.

Mr. STAFFORD. That is merely a perquisite. And in the trial of cases in the United States courts there are many instances where there is more than one transcript required. It is different from the practice in the House committees. We found upon investigation that 10 cents was too large. Does the gentleman think that the salary as prescribed by the Attorney General will be less than $2,400? That is the statutory salary in Wisconsin, and now I am only trying to apply the same rule. We found that to relieve the burden on litigants in cases of appeal, both in criminal and civil cases, the fee should be but 5 cents. Now we leave it to the Attorney General to fix their salary. Why should you not, then, grant to litigants as low a cost as is compatible with the practices of the office?

The CHAIRMAN. The time of the gentleman has expired.

Mr. POWERS. Mr. Chairman, down in Kentucky they pay the stenographers, as provided by law, 25 cents a folio.

Mr. STAFFORD. If the gentleman will permit me——

Mr. MANN. Not 25 cents a folio of 100 words?

Mr. POWERS. Twenty-five cents a page.

Mr. MANN. Yes; that is different. This is by the folio, and 100 words make a folio. That is different from a page.

Mr. POWERS. It is 25 cents a page in Kentucky. I do not know what it takes to make a page.

Mr. SCOTT. Mr Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Iowa?

Mr. POWERS. Yes.

Mr. SCOTT. I will say to the gentleman that not long ago I paid 25 cents a folio for a transcript here in Washington.

Mr. STAFFORD. There is no law applying to these cases in Washington.

Mr. POWERS. I believe, Mr. Chairman, that the Attorney General ought not to have the power to fix these salaries, because that is properly left to the local conditions; and it seems to me to be wiser that the matter should be fixed by law.

I would like, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky [Mr. POWERS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WATKINS. Mr. Chairman, we have made as careful an investigation as we possibly could with the light before us, and on investigation we ascertained that it is customary to pay anywhere from 15 to 20 cents in the District of Columbia and other places in the United States courts where the transcripts are made out at so much per folio.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Louisiana yield to the gentleman from Wisconsin?

Mr. WATKINS. Yes.

Mr. STAFFORD. Was not that predicated upon the idea that the stenographers got no salary at all? Now, we are providing that the Attorney General shall provide them with a fixed salary. In addition to that, you are proposing to allow them 10 cents a folio. In places where this plan has been tried 5 cents has been found to be adequate, and you should not put that burden upon litigants.

Mr. WATKINS. That was the compensation that was paid for work that was done. Fifteen cents is the amount that is customary to be paid, and from that on up to 20 cents a folio. We have placed the amount at about one-half of what is paid in the courts. We feel that 10 cents is the proper amount to be fixed in the bill. I think the amendment should be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. WATKINS. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 13, noes 18.

So the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I do not like to make the point of no quorum, but a majority of that vote was out of the Chamber when the merits of this amendment were discussed.

Mr. GARNER. But we got them in. [Laughter.]

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. We just had an interesting discussion in the committee on a matter of considerable importance. There was no one on the Democratic side—not many—to speak of during the discussion, although it was ably represented by the gentleman from Louisiana [Mr. WATKINS], and we had a vote. The

gentlemen who listened to the discussion, according to the Chair—and the Chair was right when he declared that the ayes had it—voted in favor of the amendment, but out of the vaults, the rooms, and the underground passages, the smoking rooms, and off the lounges came half-awakened, still sleepy gentlemen who, not having heard the discussion and knowing nothing whatever about the pending matter, voted on the Democratic side. That is the way people who do not know anything about a thing usually vote. [Laughter.]

Mr. HUMPHREY of Washington. Do you suppose they would have voted differently if they had been in here and heard the discussion?

Mr. MANN. Certainly. Some of the Democrats voted favorably on that proposition. I will not say they voted with this side of the House; but some of them voted for it. But the sleepy ones, who were awakened and pulled off the lounges and brought into the Chamber, voted "no." That is the way a Democratic House legislates. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

WITNESS'S FEES.

SEC. 95. For each day's attendance in court or before any officer, pursuant to law, $1.50, and 5 cents a mile for going from his place of residence to the place of trial or hearing, and 5 cents a mile for returning: *Provided*, That witnesses in the United States courts in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, Utah, New Mexico, and Arizona shall be entitled to and receive $3 per day for actual attendance at any court and for the time necessarily occupied in going to and returning from the same, and 15 cents for each mile necessarily traveled over any stage line or by private conveyance, and 5 cents for each mile over any railway in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court and triable at the same term thereof. When a witness is subpœnaed in more than one case between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance. Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of. When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of $1 a day.

Mr. MADDEN. Mr. Chairman, when the paragraph relating to criers and bailiffs was read I was not paying very much attention to it, and I would like to ask unanimous consent to go back to that paragraph for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent to return to section 94 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I move to amend, in line 25, page 59, by striking out the word "three" and inserting the word "four." That would make it read "$4 a day" instead of "$3 a day."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The Clerk read as follows:

Page 59, line 25, strike out the word "three" and insert in lieu thereof the word "four."

Mr. MADDEN. Mr. Chairman, my purpose in offering this amendment is to call attention to what I think is a glaring injustice to the men who are employed as bailiffs, but who are in reality doing the work of United States marshals.

In cities like New York and Chicago we have a number of men appointed by the marshal, but who are really classed as bailiffs, while in effect they are United States marshals, and do all the work that devolves upon the marshal, and have all the responsibility and are required to give the same kind of a bond, and are constantly at work, not only during the day but frequently at night in business districts like the northern district of Illinois and the southern district of New York, and other great districts of the country——

Mr. CALDER. And the eastern district of New York.

Mr. MADDEN. Yes; and in the eastern district of New York and districts in Massachusetts and districts in Louisiana and districts in all great centers of population throughout the United States. These men are paid only $70 per month. This $3 a day in effect amounts to $70 a month; at any rate, $70 a month is the compensation which these men are paid. It is not fair, it is not decent, to ask men to occupy these responsible places at any such compensation. It is not enough to enable them to keep their families, to educate their children, to live like men who are obliged to clothe themselves as they are obliged to clothe or to live.

In the local courts of the States we pay the bailiffs in no case less than $105 a month, and we pay deputy sheriffs, which would be equivalent to a marshal, from $150 to $200 per month. But in great centers like Chicago, where these men are doing not only the work of the bailiff but are serving all the papers and making all the arrests and are responsible for the work of the courts usually imposed upon marshals, these men are getting the beggarly compensation of $70 a month. I have had this matter called to my attention for a long time, and while serving on the Appropriations Committee of the House some years ago I tried to remedy the difficulty, but was unable to do it through that committee. This is the first opportunity which has presented itself where the evil can be remedied, and it ought to be remedied, as every man will agree who has given any consideration whatever to the question. We ought not to employ men in these responsible places at the beggarly compensation of $70 a month, and require them to give a bond, and require them to take their lives in their hands frequently in making arrests of desperate men, also serving writs in important cases, and remaining out to all hours of the night after being on duty all day. I think every man in this House will agree that that is not just to these men and it is not fair to the Government. It is rather restricting the efficiency of the force that is employed when we say to men of this class that they are to be paid only $70 a month. I grant you that in some cases the work of the crier or bailiff is not continuous. Whether that be true or not I am unable to say, but in great centers of population, where these men are employed in large numbers, there are no hours. There is no limitation of the day's work. The day's work consists of every hour of the twenty-four when they are called upon or needed, and I submit to the Members who are here that the compensation they now receive is not fair to them.

Mr. LLOYD. Does the gentleman understand that these men only get pay for the days they work?

Mr. MADDEN. I do not know whether they get paid only for just the days they work or not.

Mr. MANN. That is all.

Mr. MADDEN. I know they do not get enough compensation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LLOYD. The gentleman said they got $70 a month.

Mr. MADDEN. That is what they get.

Mr. LLOYD. I think the gentleman must be mistaken about that. They only get $3 a day for the days they actually serve. Now, possibly the gentleman has reference to his State courts and not to Federal courts.

Mr. MADDEN. No; I have reference to the district courts of the United States, and to the men employed under the marshal.

Mr. LLOYD. Under this statute they receive $3 per day for the days they actually serve.

Mr. MADDEN. I understand that is what it says.

Mr. LLOYD. If they work 26 days in the month they get $78, and if they only work 15 days they get only $45.

Mr. MADDEN. In Chicago they work every day in the month, and the amount they actually get for the work they do is $70 a month. How they divide it up I do not know.

Mr. LLOYD. I do not see how they can make it exactly $70 a month and work an even number of days.

Mr. MADDEN. I do not know on what basis they make it, but they do make it.

Mr. LLOYD. That would be twenty-three and one-third days.

Mr. MADDEN. Yes; and they work every day—Sunday, Monday, and every other day. They have no holidays, and they not only work every day, but they work nights, if necessary.

Mr. MANN. If my colleague will permit, during the vacation of the court they are laid off. They do not get paid as court criers or bailiffs.

Mr. MADDEN. But they are acting as deputy marshals.

Mr. MANN. They may be paid as deputy marshals, and that may be used as a subterfuge to get around the law, because of the onerousness of the provision, and that is a reason why the present law should be changed.

Mr. MADDEN. I think it ought to be changed, so that reasonable, decent compensation may be paid to men of this class, and I hope the Committee on Revision of the Laws will see the necessity and justice of changing the present provision.

Mr. DILLON. While the gentleman is discussing the proposition of the bailiffs serving papers and acting as deputy marshals, I will ask him if they do not get paid in the form of fees for that service?

Mr. MADDEN. No.

Mr. DILLON. For performing service as deputy marshals.

Mr. MADDEN. No, sir. They get no fees of any kind, name, or nature for the services they render. They only get one kind of pay, and that is the pay they get per month. They do get mileage if they go away from home. If they take a prisoner to Fort Leavenworth from Chicago, they are allowed $2 a day, and that is all.

Mr. DILLON. As a matter of fact, does not every deputy marshal who serves a paper get paid for the service of that paper?

Mr. MADDEN. No; in a place like Chicago or New York they do not. They do in some country places where the marshals are paid altogether by fees.

Mr. PAYNE. Oh, no; Congress put an end to the fee system some years ago because of the great abuses that there were under that system.

Mr. MADDEN. These men get no fees. They only get their pay, as I have stated.

Mr. PAYNE. We abolished the fee system because deputy marshals would make complaints in order to get the fees.

Mr. CALDER. I should like to advise the gentleman and the committee that in the city of New York the criers in our State courts are paid $1,600 and $1,800 a year. They are civil-service employees under the State; but right across the street in the Federal building men doing exactly the same kind of work are paid, as the gentleman says, in the neighborhood of $70 a month.

Mr. MADDEN. Why, it is outrageous.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. DONOVAN. Mr. Chairman, I understood the gentleman to be talking about bailiffs. What are the duties of these people?

Mr. MADDEN. They have the same duties as the marshal performs.

Mr. DONOVAN. No; they do not; their duties are fixed.

Mr. MADDEN. The marshal's duties are imposed on the men I am describing.

Mr. DONOVAN. Is it not true that the bailiffs are only ornaments, they do not have to do any thinking? I ask the gentleman if that is not the fact.

Mr. MADDEN. The gentleman from Connecticut would not make that statement if he knew what he was talking about.

Mr. DONOVAN. I am trying to find out from the gentleman from Illinois.

Mr. MADDEN. These men not only act as bailiffs, but they perform the duties of marshals.

Mr. DONOVAN. The bailiff or the crier does not have to do anything; they do not have to do any thinking, is not that true?

Mr. MADDEN. No; it is not true.

Mr. DONOVAN. What duty does a bailiff perform that requires intellect?

Mr. MADDEN. If the gentleman will sit down, I will tell him. [Laughter.] In the first place, the bailiff in the court that I am describing——

Mr. DONOVAN. Mr. Chairman——

Mr. MADDEN. I do not yield, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. DONOVAN. I have not asked him to yield. I did not know but I would raise the point of order.

Mr. MADDEN. I want to say for the information of the gentleman from Connecticut that the men I have described are men of intelligence, men of education, men of experience, men who must have knowledge of how to meet men and how to serve papers and how to make returns—how to do all the things that a wise, clean, forceful business man would require of the best man he has in his office. They are not only men who cry "The court is open" and "The court is closed," but wait in attendance on the judge, serve writs, make arrests, take prisoners to the penitentiary, and do everything that can be done by a man who is charged with responsibility in performing the duties devolving upon a United States marshal. They ought to be paid a decent compensation not only for the work they do but for the responsibility they assume.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. An amendment is pending.

Mr. DONOVAN. I think the gentleman from Illinois is imposing upon us. He undertakes to tell us that a petty official of a court has all the duties of a marshal to perform and, so fixed by statute, the duty that a marshal and a sheriff may have to perform. I feel sorry for the gentleman to take that advantage of us. The statute does not provide any such duties for a bailiff; it does not provide any such duty for a crier. I am willing to agree that $3 a day is a small sum for anybody to live on in these times, especially the condition that the Republicans left the country in. Three dollars will not go a great way; but for the gentleman from Illinois to tell us that it requires a graduate of a university—that it requires some intellect—to handle the business of a bailiff or crier is imposing on the good nature of his associates. I think perhaps he is trifling with them.

Mr. MADDEN. I was appealing to the intelligence of the gentleman from Connecticut; I am sorry that he has not got the intelligence that I assumed he had.

Mr. DONOVAN. If I was from Chicago, I might have as much intelligence as the gentleman from Illinois. He can not find in the statutes or any act of Congress anything fixing such duties for the crier or bailiff. Therefore I say he is attempting to impose on us. Now, if the gentleman can quote from any statute a line showing that a bailiff is charged with those duties, I will cheerfully vote with him. But there is not a line in the book from one end to the other that fixes any such duties.

We have officials around here, and what do they do from the time they come in in the morning until they go out at night? They warm chair seats. [Laughter.] They stand on the floor and look us over for a few moments, then go to the side room and occupy another space with a chair. That is practically the duty of the officials you speak of. They are chair warmers without doubt.

Mr. WATKINS. Mr. Chairman, it is the policy of the committee that reported this bill to as far as possible observe the rules of economy, and in pursuance of that the committee, in conformity with their duty as they understood it, have not entered upon a program of increasing fees or salaries. The fees of jurors are fixed at $3 a day. The juror's service is just as onerous and requires as great intelligence as that of the crier or bailiff. The duty of a crier or bailiff of a court is very limited. The committee does not feel that it would be proper to begin to increase the fees for the various officials, and we find this statute of many years' standing, and so far as we know there has never been any complaint raised at all. I understand that the gentleman has had some complaints in reference to the matter; but as a Member of the House of Representatives, having had experience with the court for a number of years before I came here, and being a member of the committee reporting this bill, keeping in touch as well as I could with the various committees of the House, including the Judiciary Committee, which is in direct touch with the Department of Justice at all times, I have never heard any request to have the per diem of these bailiffs raised until this morning. I feel that we ought to let it remain as it is in the statute. Let me say that the salary of the bailiffs was raised only a few years back from $2.50 to $3.

Mr. MANN. Mr. Chairman, I do not know very much about the duties of a bailiff or a crier except what we all know about them. It has been a good while since I have been in court very much. I notice that the lawyers of the committee in the main have expressed no opinion as to the degree of intelligence or lack of intelligence required on the part of bailiffs and criers. In other words, the gentlemen whose business it is to be in court seem to hesitate, while my distinguished friend from Connecticut [Mr. DONOVAN], who I believe is not a lawyer—I am willing to stand corrected if he is—seems to know more about the criers and bailiffs of these courts than all the rest of us put together. I do not know whether the gentleman has been a student of bailiffs and criers. I have had my attention attracted to the matter by the fact that we have passed several private bills through this House in behalf of bailiffs under certain conditions. I think the salary of bailiffs was increased, as suggested by the gentleman from Louisiana [Mr. WATKINS], some time ago, from $2 to $3 a day. I think there is some prohibition in the statute against a bailiff or a crier serving in any other capacity. We provide here $3 a day for the time of actual attendance. We have been trying to provide salaries in place of the fee system.

If bailiffs were paid by the year in those courts where the courts require the same person as a bailiff, it would be quite fair to fix a daily compensation, but where the bailiff is the bailiff or crier for the court in one of the places where the court may sit once or twice a year for two or three days at a time, of course you should not pay a yearly salary to the bailiff. But here we come to the great cities, where the courts are in session most of the time, though all of them, I think, take an adjournment in the summer time for vacation. These bailiffs can not drop off and go into some other business during that time. If the court is not in session for a day, they can not find something else to do. We ought to pay a reasonable salary if

we are paying by the day. Four dollars a day for a man who is not employed all the time is no longer considered an exorbitant salary.

I was over in the Supreme Court the other day, as I drop in once in a while, and I heard the crier announce the opening of the court. It just crossed my mind whether there was anybody in the House of Representatives with a sufficient degree of knowledge, intelligence, ability, and gall to make the announcement which the crier does over there. I know of only one who has the latter qualification, and he is the gentleman from Connecticut [Mr. DONOVAN].

Mr. DONOVAN. Mr. Chairman, the Member from Illinois [Mr. MANN] always illuminates any subject that he talks about, but if he had picked up the statutes of his country and quoted one line showing what the duties of bailiffs and criers are it would have helped us more than all the sarcasm and sharp-tongued wit that he has used—just the plain, common, ordinary language as it is written in the books; but there is not a word there for him to quote from, and no one knows it better than does the gentleman from Illinois. It is ethical with a member of the legal profession to retort after the manner of the gentleman from Illinois. There is no other answer to any position that a layman may take except sarcasm, sharpness of the tongue. They do it in the petty courts and they do it on the floors of Congress; they do it wherever they are. It can not be helped. Mr. Chairman, it is bred in the bone.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. WILLIS. Mr. Chairman, I understand that section 95 is the one under consideration, it having been read?

The CHAIRMAN. That is correct.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. Section 95 is the one that purports to prescribe the witness fees. It provides, among other things, that for each day's attendance in court or before any officer, pursuant to law, a fee of $1.50 shall be paid, and also 5 cents a mile for going from the place of residence of the witness to the place of trial or hearing and 5 cents a mile returning. That is the general rule, $1.50 a day and a mileage of 5 cents. Then, following that, there is a proviso that in the States of Wyoming, Montana, Washington, and others named, the fee shall be $3 a day and the mileage 15 cents per mile. I desire to ask the gentleman from Louisiana if he does not think it appropriate that that proviso be stricken out? That was, no doubt, placed in the law at a time when conditions of travel in those States were quite different from what they were in other States.

Mr. WATKINS. Mr. Chairman, in answering the gentleman's question I will state that the Committee on the Revision of the Laws in preparing this bill was of the opinion that in all probability these extra compensations allowed for mileage and per diem to the witnesses in those particular States might be at this particular time excessive. There is a considerable scope of country where the parties can not reach their destination, the courthouse, wholly by rail. When that law was passed in 1892 the opportunities of reaching the courthouses in those sections of the country were limited, and the Congress at that time thought it was proper to allow that extra compensation—liberal compensation, in other words, as to per diem. I am not prepared to say at this time, with the very limited knowledge I have of the facilities of transportation, what are the opportunities of getting to and from a courthouse, and whether the amount allowed is excessive, whether it should be reduced or placed on the same level as the others; but with the limited knowledge I have of the facilities now of travel everywhere I would not oppose striking out the proviso, if the gentleman makes a motion to that effect.

Mr. WILLIS. Mr. Chairman, I am just about to make that motion I move to strike out the proviso on page 60, from lines 12 to 21.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 12: Strike out the proviso beginning on line 12, down to and including the words "courts," in line 21, as follows:

"*Provided*, That witnesses in the United States courts in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, Utah, New Mexico, and Arizona shall be entitled to and receive $3 per day for actual attendance at any court and for the time necessarily occupied in going to and returning from the same, and 15 cents for each mile necessarily traveled over any stage line or by private conveyance, and 5 cents for each mile over any railway in going to and returning from said courts.

Mr. WILLIS. Mr. Chairman, at a time when these various States were not populated with an intelligent, opulent, and pulchritudinous people it might have been appropriate to provide that the witnesses should have double fees, but no one can suggest that Wyoming is any longer a wilderness, that travel in the confines of that State is dangerous. That surely could not be for a moment asserted.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes.

Mr. MOORE. Was Wyoming ever better represented in this House than it is now?

Mr. WILLIS. Certainly it never was and it is very doubtful if it ever could be.

Mr. MOORE. Does the gentleman think the present Representative, whom everybody regards so highly, was responsible for this enactment?

Mr. WILLIS. Undoubtedly.

Mr. MONDELL. He was.

Mr. WILLIS. This was enacted under the wise leadership of the gentleman from Wyoming, who is always alertly looking after the interests of his constituents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Mr. Chairman, I ask that the gentleman may have an extension of five minutes.

Mr. WILLIS. I desire five minutes more in order to explain this amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Does not the gentleman from Ohio think the people of Wyoming would display very great wisdom if they should continue their present Representative in Congress as long as he desires to remain?

Mr. WILLIS. Undoubtedly they would act with great wisdom in so doing, but I certainly would not like to go into that, because I am informed that the people of Wyoming have, wisely and properly, a still higher office in store for him. Now, on this question of witness fees——

Mr. MANN. There is no higher office.

Mr. WILLIS. Speaking seriously for a moment——

Mr. PAYNE. What might that be?

Mr. MADDEN. What has that got to do with this question of fees?

Mr. WILLIS. Here, for example, in the State of California it is provided by the bill that witnesses shall receive $3 per day for attendance and mileage at 15 cents per mile, while in other States the fee is fixed at $1.50. I understand there may have been a time when there was reason for these excessive charges, but I do not believe that there is any existing now. I think this proviso ought to be stricken out, or if it is to be allowed to stand there ought to be some other places included. If this is to be regarded as a statement of the desert, dangerous, practically uninhabited regions of the country, there ought to be some other places included.

Mr. PAYNE. Ohio, for instance?

Mr. WILLIS. It ought to include at least a portion of the State of Texas; I do not see the gentleman from Texas [Mr. GARNER] here, but it ought to include a portion of his State, because I have no doubt that in western Texas the conditions of travel are just as difficult as they are in some of the States mentioned. I do not believe for a moment that there is any reason why this proviso should remain on the statute books. There are other places in the country where travel is just as difficult as it is in California, or Oregon, or Washington, or Colorado, or New Mexico, or any of these States. In other words, I think that the witness fees and mileage for witnesses ought to be put on the same basis all over the country, and I therefore hope my amendment will be adopted and that this proviso will be stricken out.

Mr. MANN. Will the gentleman yield for a question?

Mr. WILLIS. Certainly.

Mr. MANN. In the first place, does not the gentleman think witnesses now ought to be paid more than $1.50?

Mr. WILLIS. I should not be surprised if that were true. I rather think they probably should be paid more; but whatever they are paid they should be paid the same in the various States of the Union, but I doubt whether they ought to be paid as much as $3 per day.

Mr. MANN. Does the gentleman from Ohio happen to recall, I do not at this moment, there was a provision of law giving double compensation to officials in those States? Some provisions, I think, have been changed, or a proposition has been made to change them.

Mr. WILLIS. I do not now recall those provisions.

Mr. MANN. I am not sure but what the clerks were that way.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. WILLIS. I do.

Mr. HUMPHREY of Washington. There are some changes in regard to compensation of clerks, I am sure.

Mr. MANN. I think clerks out there were paid double compensation. The gentleman from Ohio, I take it, would not

desire to strike out of the bill the provision allowing 15 cents per mile travel where the travel has to be by stage instead of 5 cents where it is by rail?

Mr. WILLIS. I think it ought to be the same in all the States. There are other places in the United States, a great many of them, where it is necessary for witnesses to travel by stage, but as this law stands here these States mentioned are the only places where witnesses would get additional mileage for stage travel.

Mr. MANN. There probably are no other places in the United States outside of those States where the Federal courts are such wide distances apart where the people would be required to travel by other than rail to reach the courts.

Mr. WILLIS. Probably that would be true; I rather suspect it would.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. WILLIS. If I have any more time.

Mr. HUMPHREY of Washington. I just want to suggest to the gentleman that even since the tariff has been revised it is impossible for any man to live for $1.50 a day in my section of the country.

Mr. WILLIS. I was not saying anything about that; I was talking about the $3 proposition.

Mr. MANN. Did the gentleman notice in this morning's paper that the price of meat and various other things have gone up in the last week——

Mr. HUMPHREY of Washington. I noticed it.

Mr. MANN. And since we have permitted meat to come in free from Argentina the people have to pay a higher price for poor meat than they did in Republican days for good meat?

Mr. MONDELL. And we are paying more for the Army ration, I will remind the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. And buying some of it from foreign countries, and buying even the bunting for our flags from foreign countries.

Mr. MONDELL. Mr. Chairman, in his closing remarks the gentleman from Ohio said, "Now, speaking seriously."

Mr. WILLIS. I had been complimenting the gentleman's State before that time. [Applause.]

Mr. MANN. And the gentleman.

Mr. MONDELL. Prior to the time the gentleman complimented my State and myself it is practically admitted the gentleman was not speaking seriously. I am glad to take seriously the compliment he paid me and my State, but it can not be possible that a man on this side of the House would propose seriously a reduction in a reasonable compensation for a public service, and therefore the part of the gentleman's statement that there should be a reduction of witnesses' per diem I do not take seriously.

I am not at all surprised that the gentleman in charge of the bill, whose duty it is to preserve and protect it, because it is not a piece of new legislation but a codification, jumps at the chance to reduce wages. And, while it is his duty in charge of the bill to defend it against any change, immediately there is a suggestion of reducing by half the pay of an American citizen for performing a public service he says, "Why, certainly; we accept it; we are glad to make it. It is really in the line with Democratic policy. Reduce incomes and salaries wherever you can, no matter what they may be at this time."

But the gentleman from Ohio [Mr. WILLIS] was not speaking seriously when he advocated the reduction of the $3 a day pay in certain States to $1.50. I think what the gentleman from Ohio desired to emphasize was the fact that the dollar-and-a-half rate in other States was too low—altogether too low. No citizen called from his employment or his business to serve as a witness ought to be compelled to do it at so great a sacrifice as to serve for $1.50 a day. I grant you that in these Democratic times there are, no doubt, people who would be glad to get $1.50 a day, but we do not expect these Democratic times to continue for any considerable length of time. And in view of that fact—that on this side of the House we believe in fair compensation—I trust there will be an amendment to the amendment offered by the gentleman from Ohio [Mr. WILLIS] increasing the compensation in other States for witnesses from $1.50 to $3, the same amount now received in the States mentioned.

Mr. WILLIS. The gentleman does not want the proviso in there if it is to be all the same. The gentleman intends to vote for my amendment, I take it.

Mr. MONDELL. I know that it will be necessary to vote down the gentleman's amendment in order to offer the amendment which I have in mind. And that is, I hope, what the committee will do, and that is what the chairman of the committee ought to insist on having done.

Let me suggest to the chairman of the committee that if less than a baker's dozen on that side of the House are to pass upon this codification, and with but little larger membership on this side, with the chairman agreeing to any kind of an amendment that may be offered, some one is likely to suggest that it would be well not to continue this farce without having a quorum present while the farce is going on.

Mr. WATKINS. As for a quorum being here during the consideration of this bill, I have never yet raised any objection. I have always wanted everything to be considered by as many Members of the House as we could get together for the purpose of considering the propositions involved in the bill, and I think that a full House and a careful consideration would demonstrate the fact that when we have finished the bill it is a desirable piece of legislation. I admit now, as I have before, that there are features of the bill which deserve to be amended, and we have been operating all the way through in the consideration of this bill with a view of getting the bill in the most satisfactory shape possible at its termination. I hope that the Members will bear in mind that we have no feeling of opposition toward any deserving amendment. This amendment which is offered at this time by the gentleman from Ohio [Mr. WILLIS] simply has for its object the putting of all the witnesses on the same level in all the States of the Union, and I can see no possible objection that there could be to it at this time, with the facilities of travel which the gentleman says he is informed the have in those sections, about which I was not entirely informed until this discussion had arisen, and I hear no criticism or objection or refutation of the statements made by the gentleman that we have the same facilities of travel in those sections of the country that made them exceptions to other sections of the country, and with that view in mind I see no reason at all why the citizens in that section of the country should not be placed on the same level as the citizens in other parts of the United States.

As to the proposition of giving adequate compensation to witnesses who are summoned in cases, I will make this answer: This question of payment of witnesses operates whether a man is a millionaire and is doing millions of dollars worth of business a year, whether he is on a compensation of so many dollars a day, or whether he is a poor man and not able to earn more than a dollar or a dollar and a half a day. It is not intended by this provision of $1.50 or $3 a day to pay adequate compensation or to pay the amount which a man could earn in other avocations, but is simply for the purpose of paying him that remuneration which will probably compensate him in a meager way for his attendance upon his duties which he is called upon to perform as a patriotic citizen accorded the rights and privileges of citizenship, and it is compensate him in a meager manner and help bear the expenses of his attendance at court.

I think the amendment offered by the gentleman from Ohio [Mr. WILLIS] is a good amendment and it should be adopted. And if the membership of the House later on should desire to increase the compensation of other witnesses, then will be the time after this amendment is passed upon. But this is simply and purely for the purpose of putting them on the same level throughout the whole country.

Mr. KAHN. Mr. Chairman——

Mr. TOWNER. Will the gentleman from Louisiana yield for a question?

Mr. WATKINS. Certainly.

Mr. TOWNER. I was going to ask the chairman of the committee if this compensation of $1.50 a day was not practically the same as it has been for the last quarter of a century?

Mr. WATKINS. I do not think there has been a change in the law for many years.

Mr. TOWNER. I do not think there has been a change for a number of years. Does not the gentleman think it would be exceedingly unwise for us to keep it at $1.50 a day?

Mr. WATKINS. If it was intended to remunerate the parties for services rendered, we might say to a gentleman receiving $20 a day that he ought to have the same per diem which he is already drawing by following his avocation. We could put it on that basis. We could say that because he is receiving a certain amount in the avocation he is following that should be the remuneration he should receive as a witness. I think that it should remain as it is. The proposition now is whether we shall put all the States on an equal footing or whether we shall continue the discrimination in favor of those States in which there were such poor facilities for passage to and from the courthouse at the time the law was passed, in 1892, and when this provision was incorporated in the statute.

The CHAIRMAN. The time of the gentleman has expired, and the gentleman from California [Mr. KAHN] is recognized.

Mr. TOWNER. Mr. Chairman, I would like to have the gentleman from Louisiana allowed one more minute if the gentleman from California [Mr. KAHN] will permit.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. I wanted to suggest to the chairman of the committee if he does not think, and is not the idea of the committee that it does not conduce to a satisfactory or a proper administration of justice, that any witness who is called to testify in the United States courts ought to be adequately paid? Is it not an impairment of the efficiency of the courts and does it not impair the administration of justice when they are inadequately paid? Do not witnesses try to escape service from the fact that they can not attend as a witness in the United States courts without a sacrifice to themselves?

Mr. WATKINS. As regards a witness serving, if he is a patriot he has love of country and a regard for the laws of the country in his heart, and he should be willing to serve without being paid that remuneration which he would expect to receive in any employment in which he is engaged.

It is my idea that the very lowest possible amount that will afford anything like adequate compensation for the expense which he incurs in becoming a witness is the amount that should be fixed as the witness fee. Bear in mind that a witness does not spend a whole day, as a rule, in attendance on the court. The courts usually have certain times fixed for certain cases, and the witnesses know the time to be there, and they come and go when they have finished their testimony.

Mr. KAHN. Mr. Chairman, I hope that the amendment offered by the gentleman from Ohio [Mr. WILLIS] will not prevail. The gentleman has no conception of the conditions in the Western States. We have hundreds of miles of railroads there, but there are many sections of California and the far West that are far remote from the railroad lines, and one must travel on stages if one is to travel at all. There are sections in California where, in order to go to a Federal court in California, you must travel into Nevada and then come back into California by reason of the impossibility of crossing the high Sierras.

Mr. Chairman, this matter of mileage and compensation for witnesses has been up before the House heretofore by way of special bills on a number of occasions.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Georgia?

Mr. KAHN. Yes.

Mr. BARTLETT. Why should witnesses in Los Angeles and San Francisco and those large cities get $3 a day, while a man in New York or in Atlanta gets only $1.50 a day?

Mr. KAHN. Well, Mr. Chairman, it is a very difficult thing to regulate questions of that kind. Some men in official positions are paid salaries of $5,000 or $6,000 per annum. There are a great many men who occupy positions of that kind who come from small communities who could get along on $2,000, and to whom a salary of $6,000 is a small-sized fortune. But the law treats them all alike, and gives them all $6,000. It is the same in the matter of this mileage. All the witnesses are treated alike, because it is difficult to equalize matters of that kind.

If anyone were to travel through the mountainous regions of California or Oregon or Washington or Wyoming, he would realize that it is absolutely impossible to travel for 5 cents a mile. The stages charge considerably more than that; there is frequently a very long stage ride before you get to the railroad station, and the cost for railroad transportation is more there than it is here in the East.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Texas?

Mr. KAHN. I do.

Mr. STEPHENS of Texas. Can the gentleman inform us how much his State pays witnesses for attendance on court?

Mr. KAHN. I believe it pays them as much as this. I am not quite sure of it, but I am satisfied they pay as much as this.

Mr. STEPHENS of Texas. Is it not $2 a day?

Mr. KAHN. I think we pay $3 a day.

Mr. STEPHENS of Texas. It is $2 a day in our State.

Mr. KAHN. I think we pay $3. Some years ago I heard a Member of the House from the gentleman's State say that we ought to pay the Justices of the Supreme Court of the United States no more than $3,000 a year. That would not bind me on the subject, however.

Mr. STEPHENS of Texas. What has that to do with this case? Can the gentleman inform us?

Mr. KAHN. I made that remark because the gentleman says that because they pay $2 in his State they should not pay more in mine. They generally pay higher salaries and higher wages in California than they do in Texas. The minimum wage on public works in California is $3 per day.

Mr. STEPHENS of Texas. Is not every Federal court in your State located upon some railroad or in some considerable town?

Mr. KAHN. Yes; but the witnesses are not all located on a railroad or in some considerable town.

Mr. STEPHENS of Texas. Is not the gentleman aware of the fact our State is much larger than his?

Mr. KAHN. Yes; but it has not the mountain ranges that we have.

Mr. STEPHENS of Texas. The gentleman has never seen the El Paso country, has he?

Mr. KAHN. Yes; I have been in El Paso, and have passed through that country time and time again.

Mr. STEPHENS of Texas. Can the gentleman tell us any reason, save the one that the State of Texas has always been Democratic, why we were not put in this at first?

Mr. KAHN. I do not know; but if the industrious gentleman from Texas had been a Member from Texas at that time, I have no doubt Texas would have been included. But because Texas was not included is no reason why California and Oregon and Nevada and Washington should be cut out.

There have been a number of bills introduced in this House to pay witnesses in certain cases increased traveling allowances and increased per diem. I have in mind the land-fraud cases that were tried here in the city of Washington a few years ago. The gentleman from Louisiana [Mr. WATKINS] says that a man, as a matter of patriotism, ought to be willing to serve as a witness for $1.50 a day. I think a man who can afford to serve for $1.50 a day ought to serve, and, if need be, he ought to serve for nothing.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Chairman, I ask for another five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. KAHN. Take the case of a man who has a family to support, say, with four or five children. He is taken away from his work and can not earn a dollar while he is away. Is it fair that he should be cut off with $1.50, and is he to be charged with a lack of patriotism because he receives $3 a day?

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Ohio?

Mr. KAHN. I yield.

Mr. WILLIS. But why should the gentleman's argument in behalf of this poor man with a family apply to the citizen of California and not to the citizen of Texas or Kansas?

Mr. KAHN. Well, the citizen of Kansas—has the gentleman ever been in Kansas?

Mr. WILLIS. It makes no difference. Let the gentleman answer my question.

Mr. KAHN. Has the gentleman ever been in Kansas?

Mr. WILLIS. I have.

Mr. KAHN. Has the gentleman ever been in California?

Mr. WILLIS. I regret I have not.

Mr. KAHN. Well, then, the gentleman has much to see and much to learn.

Mr. WILLIS. I admit that.

Mr. KAHN. Let me tell the gentleman that the entire State of Ohio could be lost in one of the congressional districts of California. [Laughter.]

Mr. WILLIS. That does not answer my question—why a poor man in California, with four or five children, should have $3 a day and the man in Texas or Kansas should have only $1.50 a day.

Mr. KAHN. The man that this applies to in California is frequently a man who lives remote from the court.

Mr. WILLIS. Why?

Mr. KAHN. It was evidently intended to affect his case.

Mr. WILLIS. It affects all of them.

Mr. KAHN. As I said to the gentleman from Georgia [Mr. BARTLETT] awhile ago, it is a difficult thing to regulate every case. Some men in the State of Ohio could go to the Federal courts on 2 cents a mile, and they would not be out of pocket a cent, because your eastern railroads do not generally charge more than 2 cents a mile. Our railroads charge considerably more than 2 cents a mile in the far West.

Much of the travel in the Western States still is done in stage coaches, and the charge is not alone 15 cents a mile, but some-

times much more than that, depending on the locality and where the stage line runs. This matter is a difficult one to equalize. There is a bill pending before this House now, approved by the Attorney General of the United States, recommended by him, to pay additional compensation and traveling expenses for a large number of witnesses that were brought from California a few months ago to appear in the city of New York. The inadequacy of the compensation was so apparent to the Department of Justice that its officials sent a letter recommending that these witnesses be properly paid so that they might not be out of pocket.

Mr. COX. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. COX. Under the law now if a witness makes oath that he is a poor person and unable to pay, the Government pays it.

Mr. KAHN. I think the Government pays the traveling expenses and he does not have to make any oath.

Mr. BARTLETT. I think the gentleman from Indiana has in mind the statute in the criminal cases where if he is too poor to pay the Government makes the payment.

Mr. KAHN. I imagine that that is the section to which the gentleman from Indiana refers. There should be no injustice done to these people who, having been subpœnaed, must go to court as witnesses whether they find it convenient to do so or not, and who, unless proper compensation is given them, will be money out of pocket. There may be, and probably are, some cases where men receive more than would pay their proper costs; but there are also many cases where, if the amount were cut down, the witnesses who could least afford it would be the ones who would be out of pocket.

Mr. CALDER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. CALDER. Does not the gentleman believe that the witness in the city of New York, where living is so high, ought to have $3 a day?

Mr. KAHN. I do; and I shall be pleased to vote for an amendment to increase their fees; and I hope the gentleman from New York will find it but right and fair to vote against this amendment to reduce the mileage and per diem in the West.

Mr. BARTLETT. The gentleman must bear in mind that the witnesses referred to in this section are not only the witnesses which the Government has to pay, but which any party to a suit in a civil case has to pay. So that in fixing the fees of a witness in attendance on the court you do not fix it merely for criminal cases, but for what everybody has to pay for in civil cases.

Mr. KAHN. I recognize that fact; but I want to call the attention of the committee to the fact that the Government has recognized the inadequacy of the present compensation and has recommended to the House that Congress pay additional compensation.

Mr. MANN. Mr. Chairman, the proposition pending before the committee is whether in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, Utah, and New Mexico we shall reduce the witness fees from $3 a day to $1.50 a day, and mileage where the travel is by stage from 15 cents a mile to 5 cents a mile. I notice that in this body, which has a two-thirds Democratic majority, there is represented upon the floor now the State of Wyoming with a Republican Member of the House. I look in vain for any of the Democratic Representatives from Montana looking after the interests of their State. I notice that the State of Washington has a Member on the floor, but I look in vain for the distinguished gentleman from Washington, Mr. FALCONER, to look after his State.

Mr. BRYAN. Will the gentleman yield?

Mr. MANN. No; I do not yield. The gentleman only wants to get his name in the RECORD, and I will say that he is present. He has now put on his hat and gone out. [Laughter.] I notice that the gentleman from Oregon, Mr. LAFFERTY, is not here. I notice the distinguished gentleman from California, Mr. RAKER, who is usually present on all occasions, is at this time caught napping. I am glad to see my distinguished friend from Colorado, Mr. SELDOMRIDGE, has recently come in, and I will tell him what the question is so that he can protect his State, but I do not see anybody from New Mexico. Now, the gentleman from Texas a moment ago suggested that Texas was left out of this legislation because it was a Democratic State.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. No.

Mr. STEPHENS of Texas. Can the gentleman give any other reason except that?

Mr. MANN. No; because I am going to demolish that. The legislation as to mileage was enacted in 1892 by a Democratic House of Representatives. Even the Democratic House would not discriminate against a Democratic State unless it happened to be represented by the gentleman himself from Texas.

Now, Mr. Chairman, as far as I am concerned, I would much prefer to increase the witness fees in other States from $1.50 to $3, than to decrease the witness fees in these States from $3 to $1.50. The truth is, as we all know, that the value of money in making purchases is not as great as it was when the pay of jurors and witness fees were fixed years ago. A man summoned to go into court is required to go. He has no volition in regard to it. We, who had volition, increased our salaries since we have increased the salaries of witnesses. We do not have to come, but the law takes the man with its strong arm and brings him into court. A dollar and a half a day will not pay his subsistence anywhere. If we order one of our officials in the Washington Post Office Department out on the road, we pay him $3 a day for subsistence, and in other departments, in the main, we pay $4 a day for subsistence. And yet it is proposed here not even to allow subsistence to the extent of $3 a day to witnesses dragged out of their home, away from their business, and required to go into court against their will.

Mr. SCOTT. Does not the gentleman from Illinois know that the cost of living has recently been reduced?

Mr. MANN. I will say this, that I am paying the same board bills myself that I did some time ago, and that recently, when we were considering going to housekeeping again, we concluded that the cost of living now for keeping house would be considerably more than it was two years ago. I read in the morning paper how the price of things is soaring, and the Army appropriation in the deficiency bill just coming before the House will show how that is the case all over the country. Oh, Democratic economy and Democratic simplicity caught the country once, but not again—not again.

Mr. BRYAN. Mr. Chairman, will the gentleman from Illinois [Mr. MANN] mind stating whether he is about to leave the Chamber? [Laughter.]

Mr. MANN. Mr. Chairman, since the gentleman from Washington [Mr. BRYAN] has come into the Chamber just now for the first time, not having been here before during the discussion of this bill, I feel that the liberties of the country will be properly protected if I can get him to stay here, and I am now going to the ball game. [Laughter.]

Mr. BRYAN. The gentleman is correct, except in his statement that previously in the discussion of this bill I was not here. I was here less than two hours ago, and have not been absent to amount to anything at any time when this bill has been considered on prior days.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to discuss just for a moment the amendment offered by the gentleman from Ohio [Mr. WILLIS]. I have heard several statements here that it costs a good deal more than a dollar and a half a day in many other parts of the country besides the places named in the bill. That is true, and I think that the fee ought to be increased. I agree with the gentleman from New York [Mr. CALDER] that it costs more than that to enable a witness to live in the city of New York, and I trust that those who find that in other parts of the country it costs more than a dollar and a half a day will not for that reason be inclined to allow us any more. I do know as a matter of experience that it costs more to live on the Pacific coast than in any other portion of the country, with the possible exception of New York City, and I know that no witness can live in Seattle or Tacoma on a dollar and a half a day. I call the attention of the House to the fact that during one of the noted trials in Alaska it was found that a good many of the witnesses who had been summoned were poor, without means, and one of the parties advanced money in order that those witnesses might live. For that action the parties have been criticized and denounced for so doing ever since. That is the situation you are going to meet in my portion of the country. You compel some poor man to attend court and stay there, and he does not have a sufficient amount on which to live. That is not justice to the man, nor does it tend to promote justice in our courts, and when it comes to talking about Kansas and Ohio and these other States in respect to travel, there is no comparison, and if my distinguished friend from Ohio would go out to the Pacific coast as I wish he may some time soon, he would discover the difference between travel through Kansas and Ohio and through the mountains of the Pacific coast.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. WILLIS. But why, if this proviso stays in the law, should a man receive 15 cents per mile for stage travel in Oregon or California and only 5 cents in Ohio or Indiana or any other State wherein they have occasion so to travel?

Mr. HUMPHREY of Washington. Then the amendment the gentleman should offer should be that wherever they travel by stage they should be paid 15 cents a mile, and not to take from the man who now receives only what he should receive.

Mr. KAHN. And is it not more likely that the cost of travel on stages in Ohio is infinitely less than the cost of travel on stages in the West?

Mr. HUMPHREY of Washington. That is a strong probability, because I know they have no mountains in Ohio to travel over, and I doubt if there is a stage coach in the State of Indiana.

Mr. WILLIS. Oh, that is the method of travel in Indiana.

Mr. HUMPHREY of Washington. But even where they do travel by stage coach, the rate of fare is not as high as it is in the West; but, in any event, I hope the gentleman will change his amendment and do justice to everybody instead of taking the position that because those people in other States are unjustly treated therefore those on the Pacific coast should also be unjustly treated.

Mr. MONDELL. Mr. Chairman, I was about to say when interrupted by the gentleman from Louisiana [Mr. WATKINS] in charge of the bill, that we all realize that the gentleman from Ohio [Mr. WILLIS] did not intend to press his amendment. He offered it, I assume, simply to point out the inadequacy of witness fees in States other than those mentioned in the proviso, and of course at the proper time he will withdraw his amendment and vote with us to increase the pay of witnesses elsewhere. I believe that the pay of witnesses ought to be increased all over the country. I think it is not fair to ask men to leave their business, their occupation, their employment, to serve the public at the ridiculous rate of $1.50 a day. Taking a man away from his business and his employment is a great enough loss, even though he should be paid a reasonable sum.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I can not yield; I am sorry. I have only five minutes. Of course, there have been reasons for the higher rate in the mountain country and in the West than in the East. To a certain extent those reasons still exist. It is true that Wyoming is no longer savage, as was suggested by the gentleman from Ohio. In fact, it never was. It is, however, a mountain State, with comparatively few railroads, considering its vast area. Our people travel very largely by private conveyance or stages, and it costs about 15 cents a mile for that kind of travel. Furthermore, the average daily rate of pay is higher in those mountain and Western States than it is generally in the East and in the Mississippi Valley. It is for these reasons that the rate was made higher in those States. This is also true in the West and in the thinly settled regions; in fact, that applies to all agricultural States as compared with the larger Eastern States. In cities like New York or Chicago and elsewhere the witness in the United States courts is not ordinarily required to leave home. He is at or near home, and he is not at as great expense as a witness in one of the Western States, who generally travels great distances to attend the sessions of court, and has to travel and be at a very considerable expense. There are still very excellent reasons for a higher rate in these Western States than in the Eastern States, though these reasons are not so compelling that they should be argued against an increase of the rate in the Eastern States. The gentleman from Ohio [Mr. WILLIS] does not want, I hope, to reduce the fair compensation now paid in these Western States. What he really meant and really intended to do, and he has done that very effectively, is to call attention to the fact that the fees are totally inadequate and ought to be increased. At the proper time, when he withdraws his amendment, I hope he will offer an amendment to increase the rate elsewhere. If he does not, it is my intention to so do if the opportunity offers.

Mr. TOWNER. Mr. Chairman, I desire to emphasize one proposition that I think ought to be in the minds of the committee in determining the question with regard to raising the amount allowed to witnesses. You have heard this afternoon an instance cited in which the Department of Justice came here asking for money to cover the expenses of witnesses actually in attendance in certain cases. That, gentlemen, is a serious handicap to the Department of Justice in the prosecution of cases. Gentlemen will understand that it is necessary in the prosecution of some of these cases, especially in the prosecution of fraud cases, to call witnesses clear across the country from remote States. An inadequate compensation makes it very difficult for the Government to procure the attendance of witnesses that they really need. Witnesses can very easily avoid subpœnas if they desire to do so. It is not at all difficult, and it is not at all an unusual occurrence that witnesses escape service of the process—have evaded the subpœna, and this really impedes the administration of justice. The very fact that under the present schedule they can not get enough even to pay the ordinary expenses in attendance on court, much less anything in the nature of compensation, has come to be really an impediment and obstruction to the Department of Justice in the prosecution of cases for offenses against the Government.

Mr. CULLOP. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Indiana.

Mr. CULLOP. If you increase the cost per diem to witnesses and the mileage, would not you put a hindrance on litigation? You would put the cost of litigation so high that people with meritorious claims would be unable to go into court for a settlement of them, because, if they lost the case, the cost falling upon them would be so heavy that they would not undertake the litigation in many instances where they had meritorious claims.

Mr. TOWNER. Oh, I will say to the gentleman that the fees paid in the United States courts are less than those allowed in most of the States in the Union; and I will say further to the gentleman, who I know has had experience in trying cases in United States courts, that it is not the witness fees that are the principal items of cost in United States courts, as the gentleman well knows. It is the compensation allowed for things that really do not inhere in the trial that ought to be cut off or at least lessened. It is not those fees, the necessary fees that ought to be allowed for witnesses and for jurors that ought to be cut down. The Attorney General would be very glad, indeed, if he were trying a case in the United States court that his witnesses might know at least they would receive enough to pay them for their expenses in attendance on court.

Another thing it leads to. It leads to the parties litigant paying the witnesses themselves to come, and that, as every gentleman knows, really leads to an impairment, to say the least, of the administration of justice. Parties having cases in court ought not to pay their witnesses for coming under any circumstances, and that is a very common practice, because the fees allowed now are so small that they do not cover their expenses. The party litigant who is a wealthy man can afford to make these payments to his witnesses, and this gives him a great advantage over the poor litigant who can not pay them. The first can say to his witnesses, "You shall not suffer any inconvenience because you will be paid whatever your expenses are, and you can make your expenses whatever you desire to make them." However this may be considered, Mr. Chairman, and from whatever standpoint, such practice is not conducive to a proper administration of justice. These men should all of them be paid adequately, not extravagantly, but a fair compensation so that they will not be tempted to avoid process, and so that they can receive enough to pay at least their necessary expenses while in attendance as witnesses in court.

Mr. DONOVAN. I move to strike out the last one or two words.

The CHAIRMAN. There is an amendment pending; the gentleman can speak to that.

Mr. DONOVAN. Mr. Chairman, I had supposed that some of the legal brethren here would have given us some information that would lead us to some proper conclusion. By increasing this amount of fee you increase the receipts of the professional witness. You have professional witnesses, Mr. Chairman, in the court who often appear in a number of cases all set for the same day. That is true. Now, on this proposition, I take it, Mr. Chairman, it is whether we shall have a law for one State and not for another; whether we shall have this law for the whole Nation or a law for only one State. Now, that is a ridiculous proposition, to have laws in regard to fees in one State and not the same law in another State. That should not prevail. The witness fees should be the same all over the country. Now, the cost to litigants in this country at the present time is a great sum of money and the cost of cases is increasing from year to year; and the cost for witnesses, notwithstanding the law written on your statute books at the present time, runs into hundreds of thousands of dollars in some cases, and amongst the professional witnesses, if they can get their names on 15 or 20 subpœnas and you increase the fee from $1.50 to $3, you are increasing their fees in that proportion.

Mr. KAHN. I will ask the gentleman if they have professional witnesses in Connecticut?

Mr. DONOVAN. They have professional witnesses in California, and some of them are in the prison there. They send them to San Quentin, or whatever you call it, and I suppose the most notorious cases in this country were from the gentleman's own city. One of them went by the Sunday name of Ikeuf. He was the most industrious character that has been known in this

country for filching money from the treasury for his own purposes.

Mr. KAHN. As a professional witness?

Mr. DONOVAN. Sometimes he got it without earning it.

As to a professional witness, a United States officer will do this in addition to his own fee, namely, have his name inserted in the subpœna, and he will draw the witness fee as a witness, and he will draw his fee as fixed by the statute as an official. For instance, a collector of internal revenue will appear in a tobacco case where an arrest has been made for mutilating the stamps on a cigar box. He draws his fee as collector of internal revenue and he draws his fee as a witness in the prosecution of that particular case. Now, he may go into a town and may find 20 cases there. He will have 20 fees as a witness, and if the fee is a dollar and a half a day it will be twenty times a dollar and a half a day if you make the per diem to that rate. That is what you are doing to these people. Now, the class of people you have such concern about is in a small percentage, possibly not one out of a hundred appearing in court. The witnesses you have to provide for——

Mr. BARTLETT. May I interrupt the gentleman?

Mr. DONOVAN. Yes; with pleasure.

Mr. BARTLETT. The gentleman does not mean to say that he knows of any case where any officer of the United States has collected a witness fee for himself in the case?

Mr. DONOVAN. I know of a collector of internal revenue who has a fixed salary of $3,500 a year, and yet his name has appeared in a subpœna at least twenty times, and he drew the fee, and it was passed upon before the commissioner as an item of cost.

Mr. BARTLETT. The gentleman ought to report that to the prosecuting attorney.

Mr. DONOVAN. If you reported such cases to the prosecuting attorney, you would have them all there.

Mr. KAHN. That gentleman was an internal-revenue collector?

Mr. DONOVAN. He was a United States official.

Mr. KAHN. Was he in Connecticut?

Mr. GOOD. Mr. Chairman, I desire to amend the amendment offered by the gentleman from Ohio by the following substitute.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] offers a substitute to the amendment offered by the gentleman from Ohio.

Mr. BARTLETT. Mr. Chairman, a point of order.

The CHAIRMAN (Mr. RUBEY). The gentleman will state it.

Mr. BARTLETT. The amendment of the gentleman from Ohio is to strike out a certain part, and the gentleman from Iowa can not amend that. He can amend the paragraph before the motion to strike out is put.

Mr. GOOD. I think the gentleman will see that the amendment is in order. I desire to offer an amendment, as follows: Strike out all of line 9, after the word "law" down to and including the word "receive," in line 15, so that the paragraph will read:

For each day's attendance in court or before any officer, pursuant to law, $3 per day for actual attendance at any court and for the time necessarily occupied in going to and returning from the same—

And so forth.

Mr. STAFFORD. May we have the amendment reported, Mr. Chairman?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 60, by striking out all of line 9 after the word "law" down to and including the word "receive," in line 15.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order. The gentleman from Iowa [Mr. GOOD] is recognized.

Mr. GOOD. Mr. Chairman, I have listened to this discussion with considerable interest, and I am convinced that the difficulty lies not in the fact that the witnesses from a few States are receiving more than they ought to receive, but in the fact that the witnesses in a great number of the States do not receive what they should receive. As a matter of fact, in the rural communities throughout the country the witnesses are compelled to go to those places where court is held; in most cases this is far removed from their place of residence. They must pay their board while they are away from home, and the small allowance of $1.50 a day it seems to me is ridiculous.

Mr. BARTLETT. I did not catch the gentleman's amendment. What mileage does he desire?

Mr. GOOD. Five cents a mile except when they travel by stage, in which case it is 15 cents, and which, I think, is not too much.

Mr. BARTLETT. I was trying to catch how the gentleman's amendment read.

Mr. GOOD. It leaves the mileage the same as is provided by law, but it gives witnesses in every Federal court $3 a day, and the gentleman will not say that that is too much. The gentleman will not say that $3 a day is more than our witnesses should receive.

I listened with interest to the remarks of the gentleman from Connecticut [Mr. DONOVAN]. It is true we find once in a great while professional witnesses, but the great majority of persons who appear in our Federal courts as witnesses are honest men. They ought to have pay enough to pay for a night's lodging and for decent meals when they are away from home, and when you give them $3 a day you do not pay them much, if any, more than their actual expenses when they are away from home attending court. We ought to do this in the interest of justice. Would you not have fairer witnesses, and would there not be less opportunity to tamper with witnesses if we paid them at least their actual expenses when they are away attending court?

Mr. PLATT. It appears that this provides for mileage of 15 cents in case a man travels by stage line and private conveyance and 5 cents a mile if he travels in a railway train. Suppose he goes in a steamboat, does he get any mileage at all? This seems to discriminate against water transportation.

Mr. BARTLETT. That is the same as railroad transportation.

Mr. PLATT. The gentleman from Georgia says that is the same as railway transportation, and I suppose it is.

Mr. BARTLETT. He might walk. There would not be any provision about that. Some of them do walk.

Mr. PLATT. If the gentleman had not stricken out the language of line 11, which simply says "5 cents a mile for returning," it would be all right, but what it leaves is 15 cents a mile by stagecoach and 5 cents by railway. There is nothing about any other mode of travel.

Mr. MOORE. Is not that covered in the general application, anyhow?

Mr. GOOD. I think it is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATKINS. Mr. Chairman, I feel constrained to oppose the passage of this substitute in place of the amendment offered by the gentleman from Ohio [Mr. WILLIS].

It is not the idea that witnesses who are summoned into court are to be compensated adequately for the service which they render. In other words, they are not to be paid for the services which they render. It is not to be presumed that the witnesses in testifying are being paid for testifying. They are being paid for that part of the expenses which will barely enable them to perform the service and defray their actual expenses; that is, a witness will not be out entirely the amount of his time and the expense incurred in attending a case in court.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. Yes.

Mr. KAHN. Does the gentleman think that the witness should be out at all on his personal expenses while attending court as a witness—I mean for his board and lodging?

Mr. WATKINS. There are cases, Mr. Chairman, in which it is necessary for witnesses to lose some small amount. The large majority of witnesses who attend court are not like the jurors or others who serve about the court, but in a large majority of cases the witnesses know the hour of the day and the day of the month in which the case is to be tried, and they are summoned there, and they go into court and give their testimony, and go back to their homes in a very short time.

Mr. GOOD. Mr. Chairman, will the gentleman yield there?

Mr. WATKINS. Yes.

Mr. GOOD. Of course that would not make any difference, if a person were called 25 or 30 miles from his home, whether he went into court at 10 o'clock or at 1 o'clock. Such a person could not attend to his regular duties or regular profession.

Mr. WATKINS. He gets mileage when he goes there.

Mr. GOOD. If he goes away from home, he can not attend to the duties of his calling.

Mr. KAHN. Sometimes in the far West he travels 300 miles and over.

Mr. WATKINS. Mr. Chairman, if this amount is doubled, it will not only encourage persons who have cases in court in many instances to summon witnesses who otherwise would not be summoned, but it will encourage the witnesses themselves who hang around the courthouses to volunteer the information which they claim to have and to flock into the courthouses for the purpose of giving their testimony.

Now, there are a number of cases in which the witnesses receive no compensation at all in a State court. In Louisiana, for example, in criminal cases, when the witnesses are over six

in number, they receive no compensation unless they make proper showing, and under the order of the court additional witnesses are ordered to be paid. It is a duty of citizenship to serve as a witness.

Mr. KAHN. The State courts that the gentleman speaks of are generally in the parishes, comparatively near the parties litigant, but Federal courts are frequently held three or four hundred miles away from where the parties and the witnesses live.

Mr. WATKINS. That is a good reason why the compensation should not be so large. It is provided there that the compensation shall be paid during the time they are going to and coming from the courthouse and the place of trial, and provision is also made for the mileage which they receive; and it is going to almost bankrupt the poor people who want to go into court to defend themselves or assert their claims in court.

Mr. STAFFORD. Mr. Chairman, when the gentleman rose I had no intention of addressing the House on this question, but there is just one thought that comes to my mind which I think should be brought to the attention of the House, and it is supplementary to the argument made by the chairman of the committee. A few minutes ago I tried to get his approval to an amendment which I offered which sought to cut down the expenses of litigation. That side of the House, with one or two exceptions, outvoted this side. If you put the rate at $3 a day for witness fees, you are going to add to the cost of litigation.

Mr. BARTLETT. You are going to double it.

Mr. STAFFORD. You are going to make it an incentive to litigants to have witnesses remain at the trial of cases, which will cause costs to mount up to such an exorbitant price as to discourage litigation rather than make it as light a burden as should be our aim. It is the policy of the Government always to reduce the cost of litigation to a minimum; and I hope that this amendment, which seeks to place a double burden upon litigants, will be defeated.

Mr. WILLIS. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the substitute?

Mr. WILLIS. Yes; I desire to be heard.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] is recognized.

Mr. WILLIS. Mr. Chairman, I do not desire to take up much time of the committee, but since a number of gentlemen have undertaken to indicate to the House what my purpose was in introducing this amendment, I am rather inclined to believe that I ought to state what my purpose is. It is this, which is now admitted by everybody in this discussion, to call attention to the injustice of providing one scale of witness fees and mileage for certain States in the Union and an entirely different scale of fees and mileage for other States in the Union.

At the beginning of this discussion it was insisted by various gentlemen that there ought to be a difference, but now that an amendment has been offered, so that those in other States are going to get an increase of 100 per cent, they talk in an altogether different way, and now it is admitted witnesses are entitled to the same amount per day in all the States.

I introduced this amendment not to raise the question as to the adequacy or inadequacy of the present provision but to call attention to an anachronism in the statute which ought not to be there. I am calling attention now to the fact that if you vote for this substitute you have complicated the question and have allowed those who desire to increase the cost of litigation to write into the law such a provision under the guise of securing uniformity. I think these things ought to be settled by themselves. I think the substitute offered by the gentleman from Iowa [Mr. GOOD] ought to be voted down. Then we would come directly to a vote on the amendment which I offered, which seeks to provide that the proviso, from lines 12 to 21, inclusive, shall be stricken out. Then if you want to take up the question of increasing witness fees you can do so. But let us get these questions settled one at a time. Vote down the amendment offered by the gentleman from Iowa and then we can have a vote on the amendment which I offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD] as a substitute for the amendment offered by the gentleman from Ohio [Mr. WILLIS].

Mr. DONOVAN. Mr. Chairman, I call attention to the point of order made by the gentleman from Wisconsin.

Mr. STAFFORD. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Ohio [Mr. WILLIS].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. WILLIS. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were 32 ayes and 8 noes.

So the amendment was agreed to.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I ask unanimous consent to print in the RECORD an article from the St. Louis Republic showing that we need 20,000 laborers in Oklahoma to do the work that has been created by Democratic prosperity.

The CHAIRMAN. The gentleman from Oklahoma asks permission to extend his remarks in the RECORD.

Mr. STAFFORD. What is the article that the gentleman wants to publish?

Mr. THOMPSON of Oklahoma. An article showing that we need 20,000 laborers to do the work in the State of Oklahoma since the Democrats have come into power.

Mr. STAFFORD. I trust that Oklahoma will receive all the surplus unemployed labor in the country.

Mr. MOORE. Mr. Chairman, let me suggest that Henry Ford, the automobile maker, is about to lay off 7,000 men from his employment, and they might find employment in Oklahoma.

Mr. BARTLETT. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is, Is there objection to the request of the gentleman from Oklahoma?

Mr. CALDER. Reserving the right to object——

Mr. BARTLETT. The regular order.

Mr. HUMPHREY of Washington. Unless I know what it is, I shall object.

Mr. FOSTER. I ask that the gentleman from Oklahoma be allowed to read the article.

Mr. HUMPHREY of Washington. I did not hear what the article was, and I am not going to consent unless I know what it is.

Mr. THOMPSON of Oklahoma. I stated that it was an article showing that we need 20,000 laborers in Oklahoma to do the work brought on by Democratic prosperity.

Mr. HUMPHREY of Washington. Up in the Pennsylvania steel mills the gentleman will find 100,000 idle men, and he can take them down there.

Mr. CALDER. We have 30,000 idle men in New York.

Mr. CARTER. Why should not they want to go to a great and good State?

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 60, line 9, after the word "law," strike out "$1.50" and insert "$2.50."

Mr. STAFFORD. Why does not the gentleman strike out the word "one" and insert "two"?

Mr. MOORE. Because I want to raise it a dollar.

Mr. STAFFORD. If the gentleman strikes out "one" and inserts "two," he raises it a dollar.

Mr. MOORE. Then we would have to strike out the "dollar" and insert "dollars."

Mr. STAFFORD. But you would not have to strike out the "50 cents."

Mr. MOORE. I am not discussing 50 cents; I am trying to get $2.50. Mr. Chairman, throughout the whole discussion of the Willis amendment there appeared to be a disposition to increase the amount paid witnesses who are put to expense to serve the country in the courts. I refrained from discussing the matter until I learned through the gentleman from Texas [Mr. STEPHENS] that apparently the excepted States had been inserted not because the Republicans wanted to keep Texas out, but because the Democrats who framed the law evidently wanted to exclude Pennsylvania. [Laughter.] Until then I did not believe there was any politics in this matter at all.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. STEPHENS of Texas. Does not the gentleman know that this was in 1892, when there was a Democratic House but a Republican Senate?

Mr. MOORE. If the gentleman from Illinois [Mr. MANN] was correct—and he directed his remarks to the gentleman from Texas—then the provision was inserted by Democratic authority.

Mr. STEPHENS of Texas. But the gentleman from Illinois refused to yield, and so did the gentleman from Wyoming.

Mr. MOORE. The gentleman from Illinois made a statement and the gentleman from Texas was silent, so far as I observed.

Mr. BARTLETT. Will the gentleman permit an interruption?

Mr. MOORE. Yes.

Mr. BARTLETT. The date was August 3, 1892.

Mr. MOORE. Why did not the gentleman from Georgia arise when the gentleman from Illinois made the statement?

Mr. BARTLETT. Oh, it is not always well to answer all the unauthorized and unsubstantiated statements of the gentleman from Illinois.

Mr. STAFFORD. I think it is unfair to make that statement when the gentleman from Georgia knows that the gentleman from Illinois is absent.

Mr. MOORE. I am glad the gentleman from Wisconsin has gallantly arisen to resent the cruel aspersion cast upon the gentleman from Illinois who is not now in the House.

Mr. BARTLETT. The gentleman from Illinois would know and the gentleman from Pennsylvania ought to know in what spirit the statement was made. I had not noticed that the gentleman from Illinois was absent. I will except the gentleman from Illinois and let it apply to all those on that side of the House. [Laughter.]

Mr. MOORE. I was greatly surprised that when our champion was on the floor and made the statement the gentleman from Georgia did not arise in his place and correct the gentleman from Illinois. He lost his day in court.

Mr. BARTLETT. The gentleman from Illinois has gone to the ball game and deserted his post.

Mr. MOORE. The gentleman from Illinois was frank enough and daring enough in the presence of a small Democratic minority now undertaking to do business to say that he was going to the ball game. He mentioned it openly, which many of the gentlemen on the other side have not been able to do, although they also are at the ball game. The game is largely attended by the Democratic majority this afternoon. We are doing business without a quorum—a paucity of Democrats undertaking to codify the laws of the country.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks that his time be extended five minutes. Is there objection?

Mr. BARTLETT. I object.

Mr. MOORE. I ask the gentleman to withdraw his objection.

Mr. BARTLETT. I object.

Mr. MOORE. I yielded to the gentleman three or four times, and the gentleman from Georgia took two and a half minutes of my time.

Mr. BARTLETT. I do not think I took as much time as that, but I withdraw the objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, if I spoke as frequently on the floor as the distinguished gentleman from Georgia, I would occasionally make amends to the House. I do not know anyone who so persistently expounds constitutional law as the gentleman from Georgia, and the Lord knows I never undertake a job like that. [Laughter.]

I am not going to laud any further the gentleman from Georgia, because he will speak for himself in due course of time, and amply, too. What I was going to say was that the Democratic Party, represented by a very few of its members this afternoon, can not afford to cut down witness fees. More especially, it can not afford to take a laboring man away from his work in Texas or Louisiana or in California or in Pennsylvania, where he is earning from $2.50 to $6 a day, and put him at the mercy of courts and lawyers in continuing cases where he will receive only $1.50 a day.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. MOORE. If the gentleman from Georgia [Mr. BARTLETT] will not object to an extension of time.

Mr. CARTER. I can not guarantee that.

Mr. BARTLETT. I will not do it. I know the House wants to hear the gentleman.

Mr. MOORE. I am pleased to observe the appreciation in which the House holds anything I have the honor to say to it.

Mr. CARTER. Might it not be possible to get some of those hundreds of thousands of men in the gentleman's district who are out of a job on the jury in the court?

Mr. MOORE. Down in Oklahoma? I do not think they would go down there. [Laughter.]

Mr. CARTER. Oh, they are all at work in Oklahoma, and the only thing that keeps them from being at work in Pennsylvania is that the gentleman himself is not in Oklahoma.

Mr. MOORE. I might be able to tolerate it, but I question whether any of the others could.

Mr. THOMPSON of Oklahoma. Mr. Chairman, do I understand the gentleman to say that they are receiving six and seven dollars a day?

Mr. MOORE. Yes; a good bricklayer in Philadelphia will make from five to six dollars a day. Suppose a bricklayer to be cognizant of the passing of a counterfeit 5-cent piece, and suppose that he be called into court, does the gentleman think it fair to give him a dollar and a half as a witness while taking him away from his job where he is earning five or six dollars a day? What becomes of the difference between that and the dollar and a half a day.

Mr. CARTER. Are they at work in Pennsylvania? I thought everybody was out of work.

Mr. MOORE. A very large proportion of them are not at work just now. The building trades have suffered along with the industries cut by the tariff.

Mr. CARTER. We might call on them for jury service.

Mr. MOORE. If they had nothing better to do, they might serve on a jury for a dollar and a half a day, but to take them away from their work, as is constantly done in the Federal courts, put them on the witness stand at a dollar and a half a day, is a very unfair proposition to the wives and children who are dependent upon them. It seems to me that the House itself indicated a little while ago, though very few of us were present, that we ought to raise this witness fee above a dollar and a half a day. It gave expression to its opinion in the passage of the Willis amendment that we ought not to differentiate between the States, that we ought not to classify and make favorites of one set of States as against another, but there was no difference of opinion apparently as to the propriety of paying the witness a fair price for the services he rendered his country, as you are pleased to call it. Therefore I ask that the rate generally all over the country be raised from $1.50 a day to $2.50 a day. It seems to me to be a fair proposition, especially in these days when the cost of living is mounting higher and higher and higher day after day, in spite of all the professed economy that was to be effected through this administration, and in spite of the tariff changes that promised so much and fulfilled so little.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE) there were—ayes 20, noes 22.

So the amendment was rejected.

Mr. KAHN. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 60, line 11, after the word "returning," insert "and 15 cents for each mile necessarily traveled over any stage line or by private conveyance."

Mr. KAHN. Mr. Chairman, there are many places in the United States where the only method of getting to the railroads which would carry one to the city where the court holds its sessions is by way of a stage line or by a private conveyance. The cost of travel over those lines is considerably more than 5 cents a mile. There are many sections of the West in particular where it costs as high as 25 cents a mile to travel over the rough mountainous roads. Gentlemen in speaking on this matter this afternoon have taken exception to the fact that the present law made a special allowance to the Western States with their great expanse of territory, their mountainous character, and the difficulties of travel. You never hear a man from the West object to necessary expenses in other sections of this country. We of the West constantly vote large appropriations to help the people of the South, to help the people of the East, and we do it without question, because we believe that conditions in those sections require those appropriations. We of the West, however, know the conditions of travel in the West. There are two places in California where the Federal courts hold their sessions regularly—San Francisco and Los Angeles. The State of California is 800 miles long. There are sections in the eastern part of the State where a man has to expend almost two days in practically constant travel in going to the place where the court is held. A similar situation prevails in other sections of the West. The witness who is called to attend a trial should not be out of pocket, and litigants should not be out of pocket by reason of the cost of bringing him to the place where the trial is held.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WINGO. How many miles do those witnesses have to travel that they take two days to come to the court?

Mr. KAHN. Oh, between three and four hundred miles.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly, in a moment; but I should say to the gentleman from Arkansas [Mr. WINGO] that that is not, of

course, all in a stage. They have in some cases to travel over into Nevada by stage, and then in Nevada by stage for a considerable distance, until they get to the line of the railroad. Then they travel on the railroad to San Francisco or Los Angeles or Sacramento, as the case may be.

Mr. WINGO. Of course the gentleman did not intend any reflection upon the State of Nevada. Does the gentleman think crossing an imaginary line like a State line adds a burden on a witness so that he should have additional compensation?

Mr. KAHN. I did not intend anything of that kind. I simply wanted to point out to the gentleman that by reason of the high mountains and the rough country through which the stages travel that instead of being able to go right across the mountains they have to follow the canyons and travel by stage into the adjoining State before the witnesses can reach the railroad so as to attend the place of trial of court. I state that as an instance of travel in the West.

Mr. LLOYD. What is the purpose of putting in the words "private conveyance"?

Mr. KAHN. Well, frequently——

Mr. LLOYD. Well, as I understand it, if a man lives 10 miles from a town, and he wants to go there, and he goes in a private conveyance, under the provisions of this amendment he would be entitled to 15 cents a mile each way.

Mr. KAHN. Well, I am not positive on the subject, but I think that has been construed to apply in a case of this kind: Where a man is compelled to go as a witness and be present in court on a certain day, and he lives in a region where the stage may run only three days in the week, he would have to hire a private conveyance in order to get to the place where he could get on board a railroad train or where he could get a stage line that would run regularly.

Mr. LLOYD. I can readily understand some such case might arise, but I think the language ought to be the language that is found in existing law.

Mr. KAHN. I have copied the language of the existing law.

Mr. LLOYD. The existing law has words preceding it which were to the effect that it was the necessary method of travel.

Mr. KAHN. I used the word "necessarily" in the amendment I have proposed.

Mr. LLOYD. I do not so understand it.

Mr. KAHN. I copied the exact language of the provision of the present law in my amendment.

Mr. STAFFORD. I beg the gentleman's pardon. I have just been reading the amendment since this colloquy took place, and the gentleman did not incorporate the language referred to by the gentleman from Missouri.

Mr. LLOYD. That is what I wanted to call attention to, and I think it ought to be incorporated in the amendment.

Mr. KAHN. What does the gentleman suggest?

Mr. WILLIS. Let the amendment be again reported.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 60, line 11, after the word "returning," insert "and 15 cents for each mile necessarily traveled over any stage line or by private conveyance."

Mr. KAHN. "Necessarily traveled."

Mr. WILLIS. That is the exact language of the present law.

Mr. STAFFORD. But the gentleman from Missouri directed attention to the preceding clause, "and for the time necessarily occupied in going and returning from the same." That is not incorporated in the amendment.

Mr. KAHN. I do not think that adds anything to the amendment.

Mr. LLOYD. I think what the gentleman is seeking to do has some merit. I am not saying I will support his amendment at all, but there is some merit in the proposition that when a witness has to travel by stage coach in a mountain region that he ought to be entitled to additional compensation; but I do not believe he ought to present an amendment which would authorize an individual to travel by private conveyance and get 15 cents a mile. In these days a man with an automobile may be 40 miles away from a place, and he may go and come in an automobile and get 15 cents a mile.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask unanimous consent that I may have five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. I understand the gentleman's purpose, and I thank him for his kindness, but I think the word "necessarily" in the amendment, "and necessarily traveled over any stage line or by private conveyance——"

Mr. LLOYD. I think the best way would be to leave out the words "or by private conveyance."

Mr. KAHN. I will modify the amendment to that extent. I will ask that the words "or by private conveyance" may be stricken out.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

Mr. KAHN. I now yield to the gentleman from South Carolina.

Mr. RAGSDALE. Does not the gentleman think it would be a matter of economy and a matter of wisdom and convenience to the people of California if other places for holding their courts could be established in that State, in order to prevent bringing these witnesses such long distances?

Mr. KAHN. I want to say to my friend Congress has already passed laws for the holding of courts at other places, but the number of cases that are tried in those other places are very few. They prefer to try all the cases or practically all the cases in San Francisco and Los Angeles. I presume the accommodations are better there and the attorneys prefer to try them there, but even the other places that have been fixed by law for holding terms of court are not so far away from those places. Take Sacramento, for instance. Sacramento is only 91 miles away from San Francisco, and if the witnesses reside in the mountain regions of California, it is as easy to get to San Francisco as to Sacramento because the railroad runs from Sacramento to San Francisco. The same thing is equally true with regard to cases in the southern part of the State. Fresno is on the line of the railroad, and people who live in Inyo County and over in the eastern counties of California would have to travel a great distance by stage in order to get to Fresno.

Mr. SELDOMRIDGE and Mr. STAFFORD rose.

The CHAIRMAN. To whom does the gentleman from California yield?

Mr. KAHN. I yield to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. The gentleman's amendment, I fear, will accomplish a purpose that he does not intend. I assume that the gentleman does not intend to allow a witness, in addition to the 15 cents he receives while traveling by stagecoach, the other allowance of 5 cents a mile, which is incorporated in the paragraph as it now stands. As the gentleman's amendment is proposed, it would be supplementary to the 5-cent allowance, to which all witnesses are entitled.

Mr. CULLOP. And the mileage then would be 20 cents a mile each way.

Mr. STAFFORD. It would be 20 cents a mile, so far as that distance covered by stagecoach is concerned. He would get the 5 cents accorded to all witnesses going and coming, and if he traveled by stage he would get 15 cents additional.

Mr. KAHN. That was the old law in the Western States.

Mr. STAFFORD. I beg the gentleman's pardon. It was not the old law.

Mr. KAHN. It says:

Fifteen cents for each mile necessarily traveled over any stage line or by private conveyance, and 5 cents for each mile over any railway in going to and returning from said courts.

Mr. STAFFORD. What have we before the House to-day? We have here the first paragraph in section 95, which provides for a witness fee of 5 cents a mile for going from his place of residence to the place of trial or hearing, and 5 cents a mile for returning. And then comes your amendment, as to 15 cents a mile necessary to be traveled over any stage line, and it would mean 15 cents additional to that allowed in the first provision. The gentleman does not intend that.

Mr. KAHN. I do not think the amendment does so state. It should be 5 cents a mile for any railroad.

Mr. STAFFORD. There is no provision of that kind.

Mr. GOOD. The second proviso absolutely prohibits anything of that kind.

Mr. KAHN. The second proviso, to which the gentleman from Iowa calls attention, prohibits that.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from California [Mr. KAHN].

The amendment was agreed to.

Mr. MOORE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 60, line 9, after the word "law," strike out "$1.50" and insert "$2."

Mr. MOORE. Now, Mr. Chairman, a little while ago, by a vote of 22 to 20, an amendment to increase the witness fee from $1.50 to $2.50 was defeated. I observed a number of our friends on the other side of the House voted to increase the fee, and I think they did it out of a conscientious desire to properly repay those who serve in the courts as witnesses. All the votes were not upon the Republican side, although I think all of the Republicans voted "aye," but there were some Democrats who voted "aye." Now, the question is simply this: In these times of an increased cost of living are you going to take workmen or others away from their daily toil, keep them around the court room waiting until cases are called, for $1.50 a day, or are you going to advance it to $2 a day and give them a chance to get something out of their service and in return for the expense to which they are subjected?

Mr. SELDOMRIDGE. Does not the gentleman realize also that the character of accommodations sometimes offered witnesses in towns where court is held are of very ordinary character at the low price of $1.50 a day? You can hardly secure a room at that price.

Mr. MOORE. The gentleman is right. Only within the last two weeks in a neighboring State I observed a man leaving his daily work for the county seat. I asked him where he was going. He said he was going to court. I asked him how long he had been going there, and he replied that he had been going for three or four days, paying his expenses back and forth. Here was a workman, with a small shop, who had to get some one to come in to take care of it and see that the business went on. He was losing trade while he was away. That man probably could make three or four dollars a day out of his employment. He was taken away for the kind of service we here expect him to perform at $1.50 a day. It is not unfair to raise it to $2.50 a day, but I am asking now as a compromise between $1.50 and $2.50 a day that you give him $2 a day. This puts us in a position of at least being fair with these men who have to lay down their work in order to attend to the public business. It is a compromise which I earnestly hope will pass.

Mr. SIMS. Mr. Chairman, I sympathize as much as does the gentleman from Pennsylvania with witnesses being paid less than their expenses. I understand that this bill applies to civil as well as criminal cases in Federal courts. It seems to me the best way would be to give the State courts jurisdiction of cases up to $10,000. Then, trials could be had of civil suits in the neighborhoods where the parties live, the same as suits in State courts. The idea of taking a witness 100 or 200 miles in a civil lawsuit—I mean a civil case in a Federal court—and tax the costs against the unsuccessful party, unless that party is a man of considerable means it seems to me the very fact of having to pay all these witness fees and mileage makes a suit in the Federal court almost prohibitive. I can not see why the learned judges of the great States of New York and Pennsylvania, or any other State in this country, are not learned enough in the law to try all these civil suits regardless of the amounts involved. Originally, in order to remove a suit from a State to a Federal court on account of diverse citizenship the amount involved must be as much as $500, exclusive of costs, and it must be $3,000 before they can get into a Federal court from a State court.

Mr. SELDOMRIDGE. Does not the gentleman know that there are large corporations now within a State that are endeavoring to secure incorporation outside of the boundaries of the State in order to place them under a Federal jurisdiction just for the very purpose the gentleman has named?

Mr. SIMS. The corporations prefer to go to the Federal court and litigate because they are able to go to the Federal court, and the people with whom they litigate usually are not able, and consequently the corporations, by this course, are able to drive hard bargains and compromises. I sympathize with what the gentleman says about these low witness fees, but if he and the rest of this House would go to work and raise the jurisdiction of the State courts to $10,000 before removal is permited it would accomplish the purpose.

Mr. MOORE. The gentleman is discussing another matter apart from the amendment. I presume there is something in what the gentleman says. But has the gentleman ever heard of a situation, where a corporation was involved in litigation in a Federal court, with its own employees as witnesses, where they were called out from the service of the corporation and given what was practically a holiday for them, while the defendant or the plaintiff on the other side was a man standing alone, having only his day's wage to rely upon? Could not the poorer litigant thus be held up from day to day at the pleasure of the corporation, or at the pleasure of the corporation's attorneys, until the case went to trial? Can you conceive the very great disadvantage under which a litigant labors who has to contend against a corporation whose witnesses are its own employees?

Mr. SIMS. I can readily conceive it, but I can not see why paying witnesses $2 a day will remedy the situation of which the gentleman complains. If you will increase the jurisdiction of the State courts so that the corporation or its employees may attend trials in their own town, they will not have to board in hotels, nor will it make a suit prohibitive against the poor man contending with a corporation, as it is at present.

Mr. MOORE. But the poor man's case depends upon witnesses who must be paid by somebody, and he can not always pay them; they will not remain. The corporation's witnesses are kept at a first-class hotel and under constant pay. Can not the gentleman see that we ought to give a chance to the poor litigant to hold his witnesses together? The law's delays are constantly postponing the suit at the instance of the other side.

Mr. SIMS. The poor man might lose the suit and have to pay the costs also. Why not let him have his day in court in his own town instead of rushing him off to a Federal court, where he has to go sometimes 200 or 300 miles?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. My time has expired, Mr. Chairman, but my speech was made almost entirely by the gentleman from Pennsylvania [Mr. MOORE].

Mr. CULLOP. Mr. Chairman, I fear that the gentleman from Pennsylvania [Mr. MOORE], while he is making provision, as he says, to compensate the poor witnesses, or the poor man, is digging a pitfall for the poor litigant that will keep him out of court altogether.

In the very cases he has mentioned, doubtless nine times out of ten one of the opposing litigants in the case is a poor man. Where is he going to get the money to advance big witness fees and big mileage? In the Federal courts he must advance the fees every day. He must advance the mileage before the witness is subpœnaed and before the marshal will serve the subpœna. He is, by such process, in increasing the witness fees and mileage, shutting the doors against every man who has a right to bring a suit in the Federal courts of this country. Where is he going to get the money to advance $3 a day for witness fees? Where is he going to get the money to advance 15 cents a mile each way for his witnesses to attend court? He must put up the money before the witnesses are subpœnaed. He must give it to the marshal when he hands his subpœnas to him to serve upon his witnesses. And while he is getting a high fee, as is claimed, for the witness who may attend court, he is driving the poor litigant out of court and shutting the door against him. He is making the corporation that he pictures much more powerful by the process now proposed by him than it is at the present time.

Mr. CALDER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New York?

Mr. CULLOP. Certainly.

Mr. CALDER. Is not the great difficulty with the poor litigant the fact that he has to pay the lawyers in most cases an exorbitant fee rather than the witnesses?

Mr. CULLOP. In many instances he has not the money to pay a stipulated fee, and he must employ his lawyer upon a contingent basis. Then add to it high costs, and what has been done for the poor litigant? However meritorious his case may be, he has not the money to pay to try his case and put his case on record and bring his witnesses to court and have a trial of the case.

Now, Mr. Chairman, while we are discussing this subject, one thing seems to me very clear in this matter, and that is there ought to be terms of Federal courts fixed in certain defined jurisdictions. Take the illustration that the gentleman from California [Mr. KAHN] has presented. Two Federal courts are located in a State 800 miles long. That matter could be remedied by law. You can define the localities where the courts are to sit around over a State, and cases arising in those localities by law ought to be required to be tried in those localities.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from California?

Mr. CULLOP. Certainly.

Mr. KAHN. Does not the gentleman recognize the fact that in order to hold court in other localities, or in various localities, you must have the Federal courthouses for them to meet in?

Mr. CULLOP. No. I do not recognize that fact, that you must have Federal courthouses. In every county, doubtless, in your State they have a court building or a Federal building. In

every given territory one locality would be fixed for the Federal courts provided by law, naming the counties that should have their cases tried in that locality; and even if there was no post-office building or Federal courtroom there they could for a given period of each year have the use of the local courtroom and try the cases there.

I know the tendency is as the gentleman from California has stated, that your Federal judge lives at the capital or in some big city in a State. There are places designated throughout the State where the Federal court is to be held. They, as a rule, open court and hold it about one day, and then transfer the docket up to the capital of their State or to the city where they live; and then the witnesses and the litigants are put to a great deal of inconvenience and expense to meet the pleasure of the judge.

That practice ought to be broken up. It puts a price upon the administration of justice, and it ought to be stopped by law. Take my own State, for example. The law provides that court shall be held at some five different places in the State. In reality it is only held in one place. Cases arise in other localities where the judge opens court, holds it a day or two, and then the docket is transferred to Indianapolis, and the judge returns, because it is more convenient for him, and the convenience of the litigants is lost sight of. The very convenience that ought to be consulted is entirely ignored and their rights entirely lost sight of. Now, by law such localities ought to have a jurisdiction fixed, and cases arising in such jurisdiction ought to be tried in those localities. There ought to be a provision of law requiring it. This method would reduce expenses of litigants and serve their convenience and aid in the speedy administration of justice. I hope this remedy will be had through appropriate legislation.

Mr. BRYAN. Mr. Chairman, the gentleman, in suggesting that it was the poor litigant that could not pay a witness fee, of course states the fact, but the general rule is that the poor litigant's friends, with his attorney, will lay their plans for a trial; their witnesses will go and do not expect to get any witness fee unless the litigant prevails in the action.

Mr. CULLOP. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. CULLOP. I know of no place where that is practiced. The poor witness has no money, and how can you expect to make an arrangement for him to go unless you pay his fees?

Mr. BRYAN. There is no poor litigant who has not friends, and those friends will go with him to court, and when they get there if they win they ought to have a legitimate compensation. Out in our State we have a woman's minimum wage for women workers, and that wage is fixed at $10 a week as a minimum. The municipalities have a minimum wage of $2.50 and $2.75 for men for common labor. Does this Congress think it is right to permit a corporation or a poor litigant to summon a lot of people and give them $1.50 a day, take them away from their home where expenses are multiplied by three or four, and give them a compensation which is less than their regular compensation? I think we ought to consider that feature of it.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. DOOLITTLE. When a corporation summons its employees as witnesses to appear in court and testify, is it not a fact that the corporation requires these witnesses to assign to it their witness fees?

Mr. BRYAN. I do not doubt that that is a fact—that they pay the wages and they take the fees. Of course that has nothing to do directly with this proposition as to whether a person can live on $1.50 a day away from home. It is not an adequate compensation and it is not right. We have talked about the confiscation of earnings and the confiscation of property; why should we go and confiscate the amount of a man's wages without any consideration?

Mr. CARAWAY. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. CARAWAY. I believe the gentleman referred to the common practice—and I presume he referred to his own State—for litigants and witnesses to agree to try a lawsuit, and if the plaintiff won they would all get something out of it, but if the plaintiff lost they would all lose.

Mr. BRYAN. I said many times that was the case, that witnesses would go and testify without expecting pay if the litigant failed.

Mr. CARAWAY. Now, the gentleman wants to make the compensation large enough so that they could get together in a conspiracy and speculate in lawsuits.

Mr. BRYAN. If the gentleman from Arkansas got the idea that I want to increase the compensation of witnesses so that they may enter into a conspiracy, I think he drew on his imagination. I maintain that $1.50 a day is not enough to pay hotel bills or the bills at a decent restaurant to enable anybody to keep soul and body together.

Mr. MONDELL. Mr. Chairman, this is Calendar Wednesday. This is the day dedicated by the House for the consideration of important measures that under the ordinary rules and procedure of the House could not otherwise be considered. Upon the calendars of the House are a number of very important bills. Some of them are of immediate and pressing importance and urgency. Some of these bills would in the ordinary course of business on Calendar Wednesday be now up for consideration.

One of these is an important bill which proposes to extend the period of payment by settlers on reclamation projects. There are some 27 of these projects in the country. The settlers on these projects are many of them finding it difficult to meet the payments on the present basis and under the present arrangement. The committees having charge of these matters have carefully considered the questions involved and have brought in legislation.

The bill has passed the Senate, been reported by the House committee, is on the calendar, and but for the consideration of this bill would now be before the House. Everyone realizes that this bill now being considered can not become a law this session. What we are doing here is to uselessly consume the time of the House. Gentlemen on the Democratic side have very properly characterized the consideration of this bill as a pussy-footed filibuster of Calendar Wednesday. That is bad enough if that was all there was to it. But that is not all. This is a bill for the revision of the laws under the Judiciary title. It is a codification. In the main it contains no important changes of law. It is intended simply as a codification to arrange in proper form the laws relating to the judiciary and judicial procedure. It is ordinarily understood when a bill of this kind is under consideration that those in charge of the bill will oppose any important amendment in the nature of a change of law. It is their duty to do that. We are considering this measure practically by unanimous consent. There have been times to-day when there was not a score of Members present. There have been times when there was not to exceed seven men in their seats on the Democratic side by actual count. There have been times when there were not many more on this side.

Now, an amendment was offered a short time ago changing the law in an important particular affecting many States of the Union.

Mr. FRANCIS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FRANCIS. The gentleman speaks of there being but a few Members present this afternoon. Has not that been true on every general bill practically brought before the House?

Mr. MONDELL. Well, it is true to a degree that is regrettable oftentimes, but it is very seldom true to the degree that it has been true in the consideration of this measure.

The reason for it is that no one has any notion that what is done here will have any permanent effect. Everyone appreciates, all Members understand, that this is just a procedure for consuming the time of the House on Calendar Wednesday—a buffer, some gentleman has suggested, against needed and necessary legislation.

Mr. FRANCIS. Is that the reason the gentleman is consuming this time—to filibuster against the bill?

Mr. MONDELL. Not at all. I have consumed no considerable time on this bill. I am making this speech to call attention to the situation that exists, discreditable, in my opinion, to the entire membership of the House, and particularly to the gentlemen on the other side, who are responsible for the procedure here.

Mr. FRANCIS. We have understood that ever since the bill has been up; and is there any more important bill before the House than this one to revise the laws relative to the judiciary, and to codify them, which has been a crying need for 20 years?

Mr. MONDELL. Oh, there are many bills more important at the present time.

Mr. FRANCIS. What are they?

Mr. MONDELL. I just referred to one. There are a score of them; the workman's compensation act, for instance, is infinitely more important.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Then there is the water-power bill, and the Alaskan coal bill; there are four or five conservation bills, and the calendars are full of important bills. There is the amendment to the Constitution to enfranchise women, and the prohibition amendment—no end of important measures which might be enacted into law; this bill can not.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LLOYD. Mr. Chairman, the lecture that we have just listened to is the kind of lecture that we have been listening to on Calendar Wednesday, in a little different shape, since this bill has been before the House. This bill is here in good faith. No man on the floor of the House—I care not who he is—has given more painstaking attention to the consideration of his bill than has the chairman of this committee. [Applause.] This bill is properly here, and if it had not been for the repeated attempts that have been made by individuals to consume time and prevent the passage of this bill we would now have been nearly through with its consideration.

Mr. CULLOP. Mr. Chairman, will the gentleman yield for an interruption there?

Mr. LLOYD. Yes.

Mr. CULLOP. Have not years of time and a very large sum of money been expended by the party on that side of the aisle to make this revision and codification of the laws, and is there a more important bill than this? Did not the party on the other side of the aisle create a commission and pay that commission tens of thousands of dollars to do this work, which it failed to do?

Mr. LLOYD. What I am impressing upon the House is this: That the man who undertakes now by any kind of speech to criticize this House, to criticize this chairman, or Calendar Wednesday, is standing up in defiance of the rules of the House and undertaking to prevent that which we ought to do, and that is to go ahead with the consideration of this important bill. There is no reason why this bill may not be passed by this House and become a law if the Members of the House will do their duty in trying to secure its passage; but every little amendment that can be offered is discussed from time to time, for hours at a time, and why? Everyone understands that the real purpose is to bring Calendar Wednesday into disrepute and to make this what the gentleman from Wyoming [Mr. MONDELL] considers a buffer bill. But this bill is here in good faith. It is here after hard work; it is here after the most painstaking and careful consideration, and everyone who has observed the chairman of this committee in the consideration of this bill knows that he is practically familiar with every item in it and can give the reason for everything that he undertakes to do. [Applause.]

Mr. AUSTIN. Mr. Chairman, I move to strike out the last two words. I have no criticisms to make of my colleagues, and certainly no criticism of the efficient and worthy chairman of this committee [Mr. WATSON]; but the proceeding of this House in connection with this bill, I hope, will make an impression on the membership as to the absolute necessity of an amendment to our rules which will prevent, as far as the future is concerned, the unnecessary consumption of public time in the consideration of one of these long bills, and thus prevent the Members of this House from reaching bills on the Private and other calendars. I had entertained a hope that the gentleman in charge of this measure would find a way by which we could relieve the situation, in appealing to the Committee on Rules, for instance, to set aside a day for the consideration of this bill, to limit debate upon it, and have an end to its consideration and its early passage. I find on examination of the calendar that there are 193 private bills reported favorably, 107 on the House Calendar, and 194 bills on the Union Calendar, making a total of 494 bills. We have consumed, I believe, five Calendar Wednesdays in the consideration of the pending bill. In that time we have passed over 61 of the 198 pages of the bill, leaving 137 pages that have not been considered. At this rate of speed every Calendar Wednesday during the balance of this session, even if we remain here until the 1st of August, will be consumed in the consideration of this bill, perhaps in the end without a final vote, and in the meantime we will have prevented the consideration of any of the 494 bills that have all been considered by the various committees of the House and are upon the calendars with favorable reports. Many of these bills are of a general character, of importance to the people of America, and there is a large number of great importance to individuals affected by them, and if we do not find a means of disposing of these bills during this long session of Congress, when we return here for the winter session, with less than 90 days for the consideration of the appropriation bills, we will be unable to reach any of these bills.

Mr. DONOVAN. Mr. Chairman, I want to offer a suggestion to the gentleman that he cease and let the Clerk commence the reading of the bill and try to suggest to his associates to make no interruptions, to offer no amendments, and in the matter of an hour or two the bill will be read and passed.

Mr. AUSTIN. I did not occupy the floor for the purpose of receiving suggestions, but simply to submit my plain, commonsense view of the legislative situation for the consideration of those in charge of and responsible for the legislation here.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five minutes. Is there objection?

Mr. WATKINS. Mr. Chairman, reserving the right to object, I would like to know whether the gentleman is going to discuss the amendment which is offered allowing witnesses $2 a day. If he is going to discuss that, there is no objection; but if he is going to discuss some political question, it is hardly fair to the majority Members of the House, who have not been making or offering amendments and detaining the House here in discussion for hours at a time, like gentlemen on that side of the House have done, and I will have to object if he is going to resort to tactics like that.

Mr. HUMPHREY of Washington. I do not think the gentleman ought to object. I think we have been pretty considerate on this side of the House. We have not had a quorum here at any time since I have been here, and I have been here all day.

Mr. WATKINS. If the gentleman will proceed in order I have no objection.

Mr. HUMPHREY of Washington. If the gentleman is going to object, I am going to insist on having a quorum present.

Mr. WATKINS. Well, at the end of the five minutes——

Mr. FOSTER. Mr. Chairman, reserving the right to object, I do not think that the gentleman, after we have spent a good deal of time here, ought to go on subjects outside of this bill. I think the Chairman has been very liberal to all the Members here. I am not charging anybody, but I think they ought not to do that.

Mr. STAFFORD. The Chairman of the committee has been liberal, but gentlemen on the other side—the gentleman from Oklahoma—consumed time on a political matter——

The CHAIRMAN. Is there objection to the request?

Mr. HUMPHREY of Washington. The gentleman from Missouri took up five minutes a while ago.

Mr. WATKINS. With the understanding I will call for the limit of time after the gentleman has concluded, I will not make objection to his speaking for five minutes, but after the lapse of five minutes I shall ask that all debate on this section and all amendments thereto be closed.

The CHAIRMAN. Is there objection?

Mr. FOSTER. Mr. Chairman, reserving the right to object, the only thing is that the gentleman from Washington may open up some other subject, and it would be unfair not to let some gentleman reply; so if the Chairman is going to insist on cutting everything off after the gentleman from Washington gets through I should think that it is hardly fair.

Mr. HUMPHREY of Washington. If the gentleman will permit, here a few minutes ago in this committee, when there were not more than 20 Members present, as now, they voted an amendment to this bill that is very important to my portion of the country. I said then that I was inclined to make the point of no quorum present, which would have taken 30 or 40 minutes. Now, I am not going to make any complaint, but if there is any filibuster on this bill it is not on this side of the House. I remember last Wednesday that five roll calls were demanded by gentlemen on that side of the House. I remember the reading of this bill was demanded by a distinguished gentleman on that side of the House, the gentleman from Georgia. All of last Wednesday was practically consumed by that side of the House.

Mr. DONOVAN. Mr. Chairman, the regular order.

The CHAIRMAN. The regular order is whether there is objection to the request of the gentleman from Washington for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, this administration, from the President down, have had a great deal to say through the newspapers about observing the civil-service rules. I hold in my hand a letter that was written to me by the Fourth Assistant Postmaster General, in which he stated:

> In no case is a second or third eligible to be selected, unless the appointment of the eligible, or eligibles, standing higher has been shown to be inadvisable from the standpoint of the greatest efficiency in the Postal Service.

That referred to the appointment of rural carriers. The Postmaster General has several times declared that this is the policy of the department. After receiving the letter I remembered that the State of Indiana was at this time not represented in either branch of Congress by a Republican, so I wrote

the Civil Service Commission a letter and asked them to give me the last cases where certification had been made for appointment of rural carriers in that State. They sent me what had occurred since the 1st day of last January. As I remember, 18 different times names were certified for appointment for rural carriers in the State of Indiana, three names, of course, being certified in each instance.

Out of those 18 certifications, only four times was the highest man appointed. It is fair to say that in two other cases the lowest man was appointed because the highest man did not take the place, or the civil-service rules were violated absolutely 12 times out of the 18—a fair average for this Democratic administration in doing what it promises. In all the others the second or third man was appointed to the position. I took occasion to write letters to those who had not been appointed. Not a single one of them knew why they were rejected. None of them knew it if any objections had been filed against them. In every case where an appointment was made of other than the highest man the appointment went to a Democrat. What a remarkable coincidence. I undertake to say on the floor of this House now that according to the very best information that I can obtain there has not been a single appointment made in the State of Indiana under this administration of a rural carrier except he was a Democrat. Strange they can not find a Democrat in Indiana that can stand first in the civil-service examination.

I am not now especially speaking in favor of the civil service. I am simply showing the infernal, cheap hypocrisy of the Post Office Department that all the time prates about observing the civil-service rules and then in practice violates them. No pretense is made by the Fourth Assistant of obeying the civil-service law.

I sent a letter to the Post Office Department, transmitting this list of names where the rule was violated, as mentioned in the letter from the Civil Service Commission, and I asked the Fourth Assistant to explain to me why it was that these appointments had been made and to give me the objections that had been filed to the appointment of the high man and to tell me whether any Member of Congress had been down to see him about the matter and whether these appointments in Indiana were made on the recommendation of the Congressmen. He answered that such information was confidential and refused to give it.

Mr. DONOVAN. Mr. Chairman, will the gentleman permit an interruption?

Mr. HUMPHREY of Washington. No.

Mr. DONOVAN. Do you not like to tell the truth?

Mr. HUMPHREY of Washington. I will not yield.

Mr. DONOVAN. Do you not like to have the truth?

Mr. HUMPHREY of Washington. If I did, that would be one reason why I would not yield to the gentleman. I would look to a different source always.

Now, I wanted to call attention to the fact that one of these cases in Indiana was that of an old soldier. He was refused appointment in the face of the statutes and a Democrat appointed in his place. This was the case of Ross G. Miller, of Mooreland, Ind. In this case the department violated both its own rules and the law. Now, I do not care how many Democrats you appoint in Indiana, but why do you not be honest about it? But I do object to this violation of the law and this refusal to appoint soldiers. The Democratic Party is to be condemned for this action. A protest is going up from all over the country at the treatment the old soldier is receiving from this administration, and especially from the Post Office Department. What is the use of the Post Office Department pretending they are observing the civil service when they are violating it every day openly? If these appointments are not made upon the recommendation of the Congressmen from Indiana, let them stand up now and say so. If these appointments for rural carriers in the State of Indiana are not all Democrats and made upon the recommendation of the Democratic Congressman from that district, let him stand up and say so, and if he says it is not true, then I will withdraw any implication that may be contained in the statement.

Now, I want to put in the RECORD this entire correspondence between the Post Office Department and myself and the Civil Service Commission, in order that the people of this country may know to just what extent the Post Office Department is sincere when it comes out with its interviews every few days and says that they are making appointments only upon merit. Upon my desk I have a clipping from the Star, only two or three days old, in which the Postmaster General repeats that statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, does the gentleman intend to put in the RECORD this fact, that the displacing of these officials he speaks of has been done the same as the Republicans have been doing for 16 years, and that now he has become virtuous and does not like that way of doing? Is that what he intends to put in the RECORD? [Applause on the Democratic side.]

Mr. HUMPHREY of Washington. I want to put in the RECORD what the Democratic administration is doing. If the gentleman wishes to plead the wrong of the Republican Party in justification, he can do that.

Mr. DONOVAN. And will the gentleman say it has been done that way by the Republicans the last 16 years, and that now he objects to that way of doing it? Is not that what he intends to say?

Mr. HUMPHREY of Washington. I will say that it has not been done by the Republicans in that way in my State.

The only defense made by this virtuous Democratic administration for violating the civil-service law is that it was violated by the Republicans. Yet every few days we are entertained by a publicity story sent out from the White House or from one of the departments telling how this administration is upholding the civil-service law and how all the offices go to those who stand first on the eligible list.

Mr. BRYAN. I hope that both of the gentlemen will permit that to go in as a record of both of the old parties. They both operate just alike. It takes the Progressive Party to do things correctly.

Mr. HUMPHREY of Washington. The Progressive Party has no record. When it does it will be time to place it in the record. So far its only record is made with the mouth, and it is at least long.

The Indianapolis News had a few days ago an editorial praising this administration for observing the civil-service law. Yet everyone except the News knew that civil service since this administration went into power, in Indiana at least, is a farce, an admitted farce. More than that, most of the Democrats of that State publicly and privately boast of this fact. The offices in Indiana to-day are filled not according to civil-service law, but according to the request of Senators and Representatives from that State, so far as the Post Office Department is concerned. The Indiana delegation has already been notified by the department that they can practically name the postmasters in that State after the form of a civil-service examination has been held. It is strange how all these facts are known to all except the News. I trust that splendid paper will study the exhibits I am going to place in the RECORD and then write another virtuous editorial of praise of this administration for observing the civil-service law.

I insert, first, the letter sent me by the Fourth Assistant on April 2, 1914. Here we see the high resolve that merit alone must prevail. "In no case is a second or third eligible to be selected" unless for "the good of the service." No politics, no favorites. Charges must be made or "the highest-rated eligible" will in every case be appointed. This is the same stuff that the Postmaster General gave to the world with loud acclaim in a statement as far back as November 17, 1913. The letter is as follows:

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, April 2, 1914.

Hon. WILLIAM E. HUMPHREY,
House of Representatives.

MY DEAR MR. HUMPHREY: Referring to your letters of February 7 and March 27 in behalf of the appointment of Mr. John J. Preece as rural carrier at Kirkland, Wash., I beg to state that, under the instructions of the Postmaster General, in filling vacancies in the rural-carrier force the person with the highest rating is selected unless good and valid reasons are submitted to the department showing that such action would not be in the best interests of the service. "In no case is a second or third eligible to be selected unless the appointment of the eligible, or eligibles, standing higher has been shown to be inadvisable from the standpoint of the greatest efficiency in the Postal Service."

In the absence of any charges of unfitness against Albert Bouin, of Kirkland, the highest-rated eligible, his appointment to fill the vacancy at that place has been ordered, effective May 1, 1914.

Sincerely, yours,

JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

Here is the first paragraph of the Postmaster General's statement referred to:

THE POSTMASTER GENERAL ISSUED THE FOLLOWING STATEMENT ON NOVEMBER 17, 1913.

In answering an inquiry recently as to what influence political affiliations would have in fourth-class postmaster and rural-carrier appointments, Postmaster General Burleson stated that he desired it distinctly understood that it is his purpose to carry out the intent of President Wilson's order that these positions be filled in accordance

with both the spirit and letter of the civil-service law. The Postmaster General added that he does not delegate the power of appointment, nor in any case is selection made simply upon or because of a recommendation of a Member of Congress. He stated further that he has a duty to perform in making selections under the civil-service rules; that it is his desire to select in every case the most efficient man obtainable; and that in furtherance of such desire he is using, and intends to continue to use, every available means of ascertaining the best of the men certified to him by the Civil Service Commission.

Now, keeping in mind those highly commendable statements, I ask you to read my letter to the Civil Service Commission and their reply:

APRIL 9, 1914.

SECRETARY CIVIL SERVICE COMMISSION,
Washington, D. C.

DEAR SIR: It is my understanding that the Post Office Department has adopted the rule that in making the appointment of rural carriers that the person having the highest grade of the three certified is appointed unless good and valid reasons are submitted to the department showing that such action would not be in the best interests of the service, meaning, I presume, that if there were some objection against the person having the highest grade. I wish you would give me a list of the last 20 cases in the State of Indiana where the person having the highest grade was not appointed as rural carrier and also the name of the person appointed in each instance, together with the address of the person appointed and the other persons certified. If 20 cases of this kind have not occurred in the State of Indiana since March 4, 1913, then give me the number of cases that have occurred.

I hope I have made myself clear as to what I want, and that is that I want the list of names and the addresses of the three persons certified for rural carriers in Indiana in each instance where the highest man has not been selected by the department.

Yours, truly,

W. E. HUMPHREY.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., April 17, 1914.

Hon. W. E. HUMPHREY,
House of Representatives.

SIR: The commission has the honor to acknowledge receipt of your letter of April 9, stating that it is your understanding that the Post Office Department has adopted the rule of selecting for appointment to the position of rural carrier the person having the highest grade of the three certified unless good and valid reasons are submitted to the department showing that such action would not be in the best interests of the service, and requesting a list of the last 20 cases in the State of Indiana, where the person having the highest grade was not appointed as rural carrier, with the names of the person appointed in each case and the other persons certified with their addresses. If 20 cases of this kind have not occurred in the State of Indiana since March 4, 1913, you request to be given the information for the cases which have occurred.

The commission incloses a statement covering 20 certificates issued in 1914, which are all that have been reported upon to date. It is hoped that this information will serve your purpose.

The commission is physically unable on account of its limited force to comply with all the requests it receives for information of various kinds. The commission's work has been very heavy for the past year. The number of applicants for examination for appointment as railway mail clerks, clerks and carriers in post offices, and other clerical and subclerical positions has greatly increased, and the commission is putting forth every effort to complete the holding of examinations under the President's order of May 7, 1913, for fourth-class post offices at which the incumbents were not appointed under civil-service regulations. The commission has also held and is still holding examinations to obtain employees needed in connection with the physical valuation of railroads which is being undertaken by the Interstate Commerce Commission. If the commission were to undertake to comply fully with the many requests it receives for information, the establishment of registers urgently needed by the departments would be delayed and the public business seriously embarrassed.

There is inclosed copy of instructions to applicants for the rural carrier examination. The regulation governing certification is found in paragraph 24. Paragraph 25 contains the President's order regarding selections for appointment. There is also inclosed copy of the statement of the Postmaster General issued on November 17, 1913, with reference to the selection of eligibles for the positions of rural carrier and fourth-class postmaster.

Under the civil-service rules the department may select any one of three eligibles certified, and the commission can not interfere so long as the requirements as to selection are observed. The department is not required to report to the commission its reasons for the selection or failure to select any eligible for appointment.

By direction of the commission.

Very respectfully, J. A. MCILHENNY,
President.

(Inclosures.)

MARCH 20, 1914.

Norman Station, Jackson County, Ind.:
- Benjamin H. Wineinger, Norman Station 86.25
- John L. Gossman,[1] Brownstown 87.85
- James M. Pruden, Cortland 86.25

MARCH 12, 1914.

Greenwood, Johnson County, Ind.:
- Clarence E. Murray,[1] Greenwood 83.60
- Alvah L. Richardson, Greenwood 82.90
- William O. Beard, jr., Franklin 81.85

MARCH 10, 1914.

Greensburg, Decatur County, Ind.:
- Ralston D. Gray,[2] Greensburg 89.95
- Closs D. Samuels,[1] Westport 88.35
- Walter C. Bailey, St. Paul 87.65

MARCH 2, 1914.

Frankfort, Clinton County, Ind.:
- Joseph M. Finnegan, Frankfort 89.10
- Ralph W. Reed,[2] Cyclone 86.55
- Truman M. Stowers, Kirklin 85.20

MARCH 3, 1914.

Evansville, Vanderburg County, Ind.:
- Albert Guenther, Evansville 86.75
- Fred H. Jourdan, Evansville 84.60
- Roy D. Pifer,[1] Evansville 83.15

FEBRUARY 17, 1914.

Amboy, Miami County, Ind.:
- Elbert G. Thomas, Amboy 87.20
- Grover A. Bargerhuff, Loree 85.80
- Ira S. Mast,[1] Amboy 85.05

FEBRUARY 17, 1914.

Dillsboro, Dearborn County, Ind.:
- Willard J. Stalder, Dillsboro 85.30
- Ray Walker, Moores Hill 88.75
- Alfred E. Pate,[1] Dillsboro 84.35

FEBRUARY 19, 1914.

Sullivan, Sullivan County, Ind. (3 vacancies):
- Reavill L. Hadden,[1] Sullivan 88.90
- Donald Jewell,[1] Sullivan 86.80
- Benjamin F. Lance,[1] Sullivan 84.95
- Harris L. Karns, Sullivan 83.95
- Marion Shade, Sullivan 83.45

FEBRUARY 17, 1914.

Zionsville, Boone County, Ind.:
- William E. Klingler,[1] Zionsville 83.05
- Elmer Vanarsdall, Lebanon 88.50
- Herby W. Purdy, Terhune 86.80

FEBRUARY 17, 1914.

Newcastle, Henry County, Ind.:
- Dan C. Griffin,[1] Newcastle 89.70
- Ross G. Miller,[2] Mooreland 85.85
- Walter C. Farrell, Middletown 89.65

FEBRUARY 17, 1914.

Larwill, Whitley County, Ind.:
- Levi F. Barney,[1] Larwill 89.15
- Homer A. Shinbeckle, Columbia City 89.80
- Russell B. Clapham, Columbia City 89.45

FEBRUARY 17, 1914.

Liberty, Union County, Ind.:
- Guy B. Howren, Liberty 88.50
- Frank S. McCarty,[1] Liberty 88.15
- John R. Moss, Kitchel 88.00

FEBRUARY 4, 1914.

Winchester, Randolph County, Ind.:
- Edgar H. Baily, Winchester 84.70
- Troy C. Kabel, Modoc 86.20
- Glenn E. Gearhart,[1] Winchester 84.25

JANUARY 29, 1914.

Evansville, Vanderburg County, Ind.:
- Albert Guenther, Evansville 86.75
- Albert H. Holtz,[1] Evansville 86.20
- Fred H. Jourdan, Evansville 84.60

JANUARY 26, 1914.

Brookville, Franklin County, Ind.:
- Albert N. Logan,[2] Brookville 88.45
- Walter O. Wilson,[2] Brookville 87.40
- James E. McCarty,[1] Laurel 86.65

JANUARY 21, 1914.

Vincennes, Knox County, Ind.:
- Escoe L. Soden, Vincennes 81.15
- Herschel E. Green, Freelandville 88.35
- Frank Collins,[1] Bruceville 87.45

JANUARY 5, 1914.

Muncie, Delaware County, Ind.:
- Webster K. Smith, Muncie 87.15
- Walter N. Bickford,[1] Muncie 86.85
- Alfred G. Sherry, Eaton 86.65

JANUARY 2, 1914.

Freelandville, Knox County, Ind.:
- Herschel E. Green,[1] Freelandville 88.35
- Raymond Soden, Monroe City 81.45
- Escoe L. Soden, Vincennes 81.15

Now, I ask you to read the letter I wrote to the Fourth Assistant and his reply:

MAY 7, 1914.

Hon. JAMES I. BLAKSLEE,
Fourth Assistant Postmaster General,
Washington, D. C.

MY DEAR MR. BLAKSLEE: On April 2, 1914, I received a letter from you in regard to the appointment of Mr. John J. Preece as rural carrier at Kirkland, Wash. In that letter you use the following language:

"In no case is a second or third eligible to be selected unless the appointment of the eligible or eligibles standing higher has been shown to be inadvisable from the standpoint of the greatest efficiency in the Postal Service."

I am also in receipt of a copy of a statement issued by the Postmaster General, under date of November 17, 1913, in which he says, among other things:

"In answering an inquiry recently as to what influence political affiliations would have in fourth-class postmaster and rural-carrier appointments, Postmaster General Burleson stated that he desired it distinctly understood that it is his purpose to carry out the intent of President Wilson's order that these positions be filled in accordance with both the spirit and letter of the civil-service law. The Postmaster General added that he does not delegate the power of appointment nor in any case is selection made simply upon or because of a recommendation of a Member of Congress."

[1] Selected for appointment.
[2] Declined appointment.
[3] Preferred soldier, per section 1754, Revised Statutes.

Following are his directions to the First Assistant Postmaster General:

"In selecting persons from the eligible registers furnished by the Civil Service Commission for appointment as fourth-class postmasters, it is my desire that the person with the highest rating be chosen, unless good and valid reasons are submitted to the department showing that this would not be in the best interest of the service. If reasons are submitted sufficient to make the selection of the first eligible inadvisable, then it is my desire that the person with the next highest rating be chosen, unless good and valid reasons are submitted to show the inadvisability of his appointment. In such case the third eligible may be selected. In no case should the second or third eligible be chosen unless the appointment of one of the higher standing eligibles has been shown to be inadvisable from the standpoint of the greatest efficiency in the Postal Service."

In view of the statement made in your letter and in view of the statements quoted from the letter of the Postmaster General, I ask you for information in regard to the following appointments. I have received a communication from the Civil Service Commission, from which I will quote the names of those who were certified and the names of those who were appointed in certain instances in Indiana. These quotations from the letter of the Civil Service Commission are as follows:

MARCH 3, 1914.

Evansville, Vanderburg County, Ind.:
- Albert Guenther, Evansville—86.75
- Fred H. Jourdan, Evansville—84.60
- Roy D. Pifer,[2] Evansville—83.15

FEBRUARY 17, 1914.

Amboy, Miami County, Ind.:
- Elbert G. Thomas, Amboy—87.20
- Grover A Bargerhuff, Lorce—85.80
- Ira S. Mast,[2] Amboy—85.05

Dillsboro, Dearborn County, Ind.:
- Willard J. Stalder, Dillsboro—85.30
- Ray Walker, Moores Hill—88.75
- Alfred E. Pate,[2] Dillsboro—84.35

Zionsville, Boone County, Ind.:
- William E. Klingler,[1] Zionsville—83.05
- Elmer Vanarsdall, Lebanon—88.50
- Herby W. Purdy, Terhune—86.80

Larwill, Whitley County, Ind.:
- Levi F. Barney,[2] Larwill—89.15
- Homer A. Shinbeckle, Columbia City—89.90
- Russell B. Clapham, Columbia City—89.45

Liberty, Union County, Ind.:
- Guy B. Hovren, Liberty—88.50
- Frank S. McCarty,[2] Liberty—88.15
- John R. Moss, Kitchel—88

FEBRUARY 4, 1914.

Winchester, Randolph County, Ind.:
- Edgar H. Bailey, Winchester—84.70
- Troy C. Kabel, Modoc—86.30
- Glenn E. Gearheart,[2] Winchester—84.25

JANUARY 29, 1914.

Evansville, Vanderburg County, Ind.:
- Albert Guenther, Evansville—86.75
- Albert H. Holtz,[2] Evansville—86.20
- Fred H. Jourdan, Evansville—84.60

JANUARY 5, 1914.

Muncie, Delaware County, Ind.:
- Webster K. Smith, Muncie—87.15
- Walter N. Bickford,[2] Muncie—86.85
- Alfred G Sherry, Eaton—86.65

Now, in each of the above cases it will be noted that the man having the highest grade was not appointed. Please give me the reason for refusal to appoint in each of these cases. At whose instance and request was the appointment of the highest man refused? What protests, if any, have you on file in each case against appointing the highest man? What part, if any, did the Congressmen from Indiana take in these protests? Please give me the name of each man who stood highest on the list against whom a protest was filed by a Member of Congress, and give a copy of the protest filed, if it was in writing.

In other words, to make my proposition clear, I want the reason given by you for the refusal to recommend the appointment of the men having the highest grade in each of the cases above mentioned and the evidence upon which you based your action. Kindly give me an immediate reply.

Yours, truly, W. E. HUMPHREY.

P. S.—I omitted two cases given to me by the Civil Service Commission:

MARCH 3, 1914.

Frankfort, Clinton County, Ind.:
- Joseph M. Finnegan, Frankfort—89.10
- Ralph W. Reed,[2] Cyclone—86.55
- Truman M. Stowers, Kirklin—85.20

FEBRUARY 17, 1914.

Newcastle, Henry County, Ind.:
- Dan C. Griffin,[2] Newcastle—89.70
- Ross G. Miller,[1] Mooreland—85.85
- Walter C. Farrell, Middletown—89.65

W. E. H.

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, May 11, 1914.

Hon. W. E. HUMPHREY,
House of Representatives.

MY DEAR MR. HUMPHREY: In reply to your letter of the 7th instant, inquiring as to the reasons that influenced the department in making appointments to the position of rural carrier at certain post offices in Indiana, I beg to state that in the cases mentioned by you good and valid reasons were presented to the department why the appointment of certain eligibles was inadvisable from the standpoint of the greatest efficiency in the Postal Service. Such reasons are on file with the individual cases and constitute records of the department that are considered confidential.

Sincerely, yours, JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

[1] Preferred soldier, per section 1754, Revised Statutes.
[2] Selected for appointment.

How is that reply for an administration pledged to "pitiless publicity"? They have kept that pledge about as well as they did their pledge in regard to the Panama Canal.

In every case where the highest man was not appointed he was condemned in secret. He had no chance to answer any attacks made upon his integrity or ability. Of course, charges were filed against each of them, for the Fourth Assistant so asserts. The reputation of American citizens is assassinated in secret under this administration, whose high sense of duty to mankind has driven it to make war upon an individual in Mexico rather than that he should be ruler without the consent honestly and constitutionally expressed by the majority of the people of Mexico. Let us hope for another pæan of praise from the Indianapolis News.

Mr. WATKINS. Mr. Chairman, I ask unanimous consent that all discussion of this amendment be closed in five minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent——

Mr. DIXON. Mr. Chairman, I would like to ask unanimous consent for five minutes' time.

The CHAIRMAN. Is there objection to the request that the debate on this section and amendments thereto close in five minutes?

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. DIXON] may have five minutes.

Mr. WATKINS. Then, Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. MOORE. Mr. Chairman, reserving the right to object, does that include the gentleman from Indiana [Mr. DIXON]?

The CHAIRMAN. It gives the gentleman from Iowa [Mr. GOOD] five minutes and the gentleman from Indiana [Mr. DIXON] five minutes. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Chairman——

Mr. HUMPHREY of Washington. I hope the gentleman will not object.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. DIXON] is recognized.

Mr. DIXON. Mr. Chairman, the criticism that has just been made by the gentleman from the State of Washington [Mr. HUMPHREY] is the highest encomium that could be given concerning the management of the Post Office Department under this administration. [Applause on the Democratic side.]

What is that criticism? That a number of rural carriers have recently been appointed in Indiana; that said appointees were not the highest of the three eligibles certified to the Post Office Department; that the appointees had all been Democrats; that the promise of the Postmaster General that efficiency alone would control in these appointments had not been fulfilled; and that the civil-service law was disregarded.

If the gentleman knew anything about the administration of the civil-service law in the State of Indiana under Republican administrations even he would not find fault with the Post Office Department for appointing a few Democrats there. Under Republican administrations the civil-service law has been administered with such skill that Republicans only have been appointed under its provisions, and under such manipulations its administration has merited and received the contempt and ridicule of the people of all political parties of that State.

Without reference to the grades of Democratic candidates, without reference to the character and standing of Democratic candidates who have taken these examination in the past, it has practically been an impossibility for a Democrat in our State to be appointed as rural mail carrier. With a population that has in the past been about equally divided between the two great political parties in this country, not over 5 per cent of the rural mail carriers in our State have been Democrats, and this per cent has not been very much increased under the present administration. The objections by the gentleman from the State of Washington to the appointment of the 18 Democrats in the State of Indiana that might slightly increase the present per cent of Democratic carriers is not a reflection upon the Post Office Department, but is, in fact, a compliment to that department.

If the President of the United States would set aside the civil-service law as to rural carriers, his action would receive, I believe, the sanction of the people of my State, because they know how it has been administered under the Republican administration, as the civil-service law was practically a dead letter as far as accomplishing the real purposes of its enactment. At least the people would approve a similar rule as to the rural mail carriers as provided in the President's order as to fourth-class post offices—that is, to put all the present carriers and all applicants for said positions upon an examination, and let real merit control in the selection of the men who are to hold the positions of rural mail carriers in our State.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Washington?

Mr. DIXON. I will not yield, because the gentleman would not yield.

Mr. HUMPHREY of Washington. The gentleman did not ask me to yield.

Mr. DIXON. I will yield in a few moments.

Now, what are the facts as to the basis of the gentleman's criticism. First, that a number of rural mail carriers have been appointed in Indiana. The number, unfortunately, has been small, and they have been limited to cases where the carriers have died, resigned, or been removed on account of incompetency and gross neglect of duty, and in most cases the charges have been examined by Republican post-office inspectors and removed only when recommended by these inspectors, and it is not hard to understand why the number has been so small. Then, the gentleman says that in 14 of the 18 appointments mentioned by him the highest eligible certified was not appointed, and in many of the cases the third man certified received the appointment. Formerly when a vacancy occurred an examination was held for the purpose of filling that one vacancy, and those living in that immediate neighborhood where the vacancy occurred were the ones who took the examination, with a result that the carriers selected were residents and patrons of the office where the vacancy occurred.

Under the present rule where a vacancy occurs an examination is held not only to fill that vacancy, but to fill all vacancies that may occur within the county during the year, and the examination is usually held at the county seat, and the natural result is that a large list of candidates from all parts of the county take the examination and indicate that they are willing to accept any vacancy that may occur within the county. Now, when there is a vacancy on any route within the county the names of the two receiving the highest grades, together with the name of the one who resides at the place where the vacancy occurs and receives the highest grade of those residing at that place, is placed upon the list and these three names are certified to the Post Office Department by the Civil Service Commission, and from these three names the appointment must be made. Now, what is the natural result? When a vacancy exists upon a particular route the two men having the highest grades may live 15 to 20 miles from the place where the vacancy exists and be entirely unacquainted with the people in the community and especially the patrons he would serve on the route. The people prefer to have some man from their own neighborhood as their mail carrier, and the result is that they file objections and protests against these nonresident applicants and the local man is preferred, and this is frequently one of the reasons why the highest man is not selected, and the final objection of the gentleman is that those appointed were Democrats. I have no doubt the other Members from Indiana follow the same course as I do, and that is to secure the selection of a Democrat wherever it is possible to do so, but it can not be done under the present system unless the Democrat is the highest upon the list or there are good and valid reasons why those above him should not be appointed. I do not know what letters and documents the gentleman refers to and that he will print in the RECORD, but I have understood that one of the cases that he has correspondence concerning is in my district, and that the third man on the list of eligibles was appointed.

The first name on the eligible list was that of a man who was teaching school in a distant State, but whose parents reside in the district, but at a great distance from the place where the vacancy occurred, and the Republican postmaster would not recommend his selection, but did recommend the selection of the second man, whose political affiliations were the same as the postmaster but against whom objections were made, and after examination and consideration of the same it was determined that the former experience of the third eligible in the mail service and his record for efficiency and his residence at the place where the vacancy occurred entitled him to the appointment for the good of the Postal Service, and the appointment met with the hearty approval of practically every patron of the route, and I am very glad, indeed, to say that this efficient, experienced, and qualified applicant was a Democrat. [Applause of the Democratic side.] The gentleman's statements that all the appointees to Rural Mail Service in Indiana since the 1st of January have been Democrats is not true, and I regret that it is not true; as a matter of fact, there have been quite a number of Republican carriers appointed in Indiana, but if I could control the appointments made by the Post Office Department they would all have been Democrats. [Applause on the Democratic side.] These Republican appointments were made by the present administration, and, to be frank upon the subject, over the protest of the Democratic Congressmen. If the civil-service law had been administered in our State with any regard to the spirit of that law, there would be a different feeling upon the subject, but with the facts as they are and the treatment that Democratic applicants have been subjected to in the past, it is but natural that we should rejoice when we can get even a Democratic carrier. I have known of examinations in my district where Democratic school-teachers and boys recently graduated from high schools have taken these examinations, and Republican candidates with lower grades and not as well qualified for the position have been repeatedly appointed as carriers. In the district that I have the honor to represent there are 11 counties and 205 rural carriers, and upon the 1st of January this year there were but 21 Democrats and 184 Republican rural-mail carriers. No one acquainted with the people in that district would say but that in every respect the Democrats could pass as successful examinations as the Republicans, and they have passed those examinations in the past, and the result is shown in these figures.

I can cite one case where a young man was a graduate from the high school, served his country in the Spanish War, and his name was placed upon the eligible list; but the man appointed was a Republican politician who had completed but the seventh grade in the public schools. I know of another case where a Democratic boy graduated from the high school and from one of the State colleges and was the highest upon the list, yet the man who was appointed was a son of a local politician, who was also an employee of the Government; and innumerable other instances could be cited to show how efficient and capable Democrats were turned down without reference to their efficiency as shown by their grades. The reasons for such appointments are well understood by the people of Indiana. In three of the counties in my district, with an aggregate number of 64 rural carriers, there was not a single Democrat among them on the 1st of last January, and there is not a man, woman, or child in those counties that does not know that those carriers were selected because they were Republicans and not on account of efficiency, and that many of them were appointed over Democratic candidates with greater efficiency, as shown by the records of the Civil Service Commission; and can you expect our people to have much respect for such administration of the civil-service law? Within the last few months there have been examinations in three counties in my district for rural carriers, and the result is that upon the eligible list in one county there are 23 Democrats and 5 Republicans, in the second county 38 Democrats and 14 Republicans, and in the third county 31 Democrats, 3 Republicans, and 1 Bull Mooser. Democrats head the list in each county. In these three counties there are 87 rural carriers, and of those carriers there were but 8 Democrats; and in one of the counties not a single Democratic carrier. These examinations demonstrate that the Democrats are able to pass the examinations and to get their names upon the eligible lists, but if the Republicans were still administering the civil-service law there would be no Democrats appointed to any vacancies that might occur in those counties. The civil-service law, as administered by the Republicans, has been but a sham and a fraud, and now for the gentleman from the State of Washington to reflect upon the administration of the Post Office Department because a few Democrats in the State of Indiana have been appointed as rural carriers in strict conformity to the rules of the civil-service law shows to what extent he is willing to go in order to find something to criticize in a Democratic administration. By the people of our State his criticism will be regarded as an evidence of merit of the Democratic administration and the Post Office Department, and we only regret that there are not more vacancies, in order that we could secure more Democratic appointees. [Applause on the Democratic side.]

Mr. GOOD. Mr. Chairman, I am very much interested in the amendment offered by the gentleman from Pennsylvania [Mr. MOORE]. I understand that this provision of the law giving witnesses in the Federal courts $1.50 per day was enacted about

1870. Since that time there is scarcely a State in the Union but has increased the allowance for witnesses in the State courts.

I was impressed with the remarks of the gentleman from Tennessee [Mr. SIMS], that on matters of this kind the fees ought to be the same in the Federal courts, or at least as much, as they are paid to witnesses in the State courts.

Mr. BARTLETT. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. BARTLETT. May I say to the gentleman that I think the law was passed in 1853?

Mr. GOOD. I thank the gentleman for the information. I made inquiry and was told that it was passed in 1870; but, be that as it may, at least we have come to a time now when we ought in justice to these persons who are subpœnaed and called to attend court and testify in civil cases to make an allowance that is fair. The least that can be said is that $2 per day is not too much to allow a witness in a civil case in the Federal court.

A good deal has been said in regard to the poor litigant. As a rule the poor litigant is the person who brings the suit, because nobody is going to sue a person that has nothing with which to respond in damages. When a man brings a case into the Federal court and travels 15 or 20 miles with witnesses, he obviously must pay them more than $1.50 a day.

Mr. CULLOP rose.

Mr. GOOD. I can not yield now. If he recovers, he can only recover $1.50 a day for the attendance of each witness. He, of course, was obliged to pay more than that, and so the rich litigant is the person who reaps the benefit by reason of our paying a smaller amount than the litigant must pay.

Now, Mr. Chairman, I do think that this committee ought not to insist that this amendment should be defeated. I believe that it is a meritorious amendment. I believe the gentlemen on that side must admit that $2 a day is too little to pay the witnesses in the Federal court and $1.50 is simply ridiculous. I hope the amendment will prevail. I yield the balance of my time to the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for one minute.

Mr. BARTLETT. Mr. Chairman, the gentleman can not yield time.

Mr. GOOD. I yield a minute.

Mr. BARTLETT. But the gentleman can not yield the time.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania for one minute.

Mr. MOORE. Mr. Chairman, referring to the remarks of the distinguished gentleman from Indiana [Mr. CULLOP], who seemed to think that the poor man would be prejudiced if the fees for witnesses were increased, I want to say that in such experience as I have had as a reporter for the courts the man who could group the witnesses and hold them together had the advantage of the poor man who could not afford to bring them back. The poor man must always suffer where a continuance of the case is asked for. I refer particularly to trials in city districts, and I wish to say it is just as difficult to hold the witnesses together for the poor litigant there as the gentleman from Iowa [Mr. GOOD] indicates it is with witnesses coming from a long distance in the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken; and on a division (demanded by Mr. MOORE) there were 21 ayes and 5 noes.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 96. No officer of the United States courts in any State or Territory or the District of Columbia shall be entitled to witness fees for attending before any court or commissioner where he is officiating.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The gentleman from Missouri did not seem to approve of some statements I made a few moments ago about the procedure we are engaged in. He suggested that this was an important bill. Of course a codification is important.

Mr. FOSTER. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the gentleman is not speaking to the amendment. Of course the gentleman from Wyoming understands that if the point of order is made he must confine himself to the amendment before the House.

Mr. MONDELL. Of course if the gentleman from Illinois is insistent that nothing shall be discussed except the word which I propose to strike out, he can compel me to confine myself to that word; but I want to suggest to him that up to a few moments ago I had consumed no time whatever during the consideration of this matter before the committee.

Mr. FOSTER. I ask the gentleman in all fairness if he does not think I am right. I have no objection to the gentleman speaking, but the gentleman from Wyoming made a speech and so did the gentleman from Missouri. Now, after having both got through, it seemed to me that it is time to proceed with the bill.

Mr. MONDELL. But the gentleman from Wyoming had not got through.

Mr. FOSTER. Well, if the gentleman will get through in five minutes, I withdraw the point of order.

Mr. MONDELL. Mr. Chairman, I had intended to speak on the bill, and had intended to call attention to the situation which confronts us. Here is this bill. It is important in its way. A codification is important, but a codification can wait. It does not change law, it simply codifies; it puts the law in such shape that attorneys can refer to it more readily, speedily, and advantageously, but it is not supposed to contain important changes of law.

Mr. FRANCIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FRANCIS. Was it necessary when the Republican Party a few years ago appointed a commission for this same purpose?

Mr. MONDELL. I said that a codification was important; but this bill is not so important as some others it displaces, and it is simply a buffer at this time.

Mr. FRANCIS. And when that party had a bill on the calendar for a whole session?

Mr. MONDELL. Oh, everything in this world is relative. I am speaking of the relative importance of matters.

Mr. FRANCIS. Relative to what?

Mr. MONDELL. If the gentleman is going to make my speech for me I will give him the floor.

Mr. FRANCIS. I believe I could do it, but I do not want to.

The CHAIRMAN. The gentleman refuses to yield further.

Mr. MONDELL. A codification is important, but a codification is not so important as many other measures at this time, particularly a codification which can not become a law.

Mr. FRANCIS. Why not? Because the gentleman is going to prevent it? Is that the reason?

Mr. MONDELL. Mr. Chairman, the gentleman knows that even if the House passes this bill the Senate will not consider it.

Mr. FRANCIS. How does the gentleman know that? Is he speaking for the Senate?

Mr. MONDELL. Oh, I am not speaking for the Senate.

Mr. FRANCIS. Then why does the gentleman undertake to do it?

Mr. MONDELL. Mr. Chairman, I am willing to have the gentleman's question stand as an indication of his information and his intelligence with regard to the procedure of Congress. There is not a man in the House but knows, unless the gentleman who has just spoken is the exception, that the Senate under no possibility will take this bill up at this session. If the gentleman does not know that fact and is not acquainted with it, I am sorry for him.

Mr. FRANCIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I will not.

Mr. FRANCIS. There is another session of this Congress.

The CHAIRMAN. The gentleman refuses to yield.

Mr. MONDELL. In the meantime there is the suffrage amendment and the prohibition amendment, neither of which gentlemen on that side of the House want to vote upon, and there are conservation bills and the workmen's compensation bill, which can not be considered because of the pussy-footed filibuster which is being carried on—and I am using the words of a gentleman on that side in regard to that matter. What I particularly object to is this: If this pussy-footed filibuster, this useless expenditure of time, keeping out other important legislation which could become law, and preventing the consideration of such legislation, if it must go on, it should go on in an orderly way. When we are considering a bill of this character the chairman of the committee at least should protect and defend his bill. That is what he is here for, and there are some of us who will insist that a quorum shall pass upon any real, substantial amendments to this bill. Members have been assuming that what the gentleman from Louisiana in charge of the bill desires is the consideration and passage of this bill as introduced by the committee, and that the chairman is going to defend the work of his committee, a work which the gentleman from Missouri says he is largely responsible for and entitled to much credit for. If the gentleman is not going to defend his bill, but is going to accept without protest or proper consideration important amendments as offered, it may be that some of us will insist that there shall be more than a handful of Mem-

bers present. We shall be inclined to insist that if this farce is to go on, the farce shall consume the time of others besides a few of us who feel it our duty to be here under any and all circumstances and conditions.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I do.

Mr. WATKINS. Mr. Chairman, will the gentleman admit that all of these amendments that have been offered and which have been agreed to by the chairman of the committee have been amendments offered by the membership on the Republican side of the House?

Mr. MONDELL. Oh, I do not admit anything of the kind; but if that were the case it would not change the principle involved. Of course ordinarily an amendment offered from this side of the House is much more likely to be a good amendment than if it came from the other side of the House. That is true, but at the same time if the gentleman is so proud of his bill and is entitled to as much credit as the gentleman from Missouri [Mr. LLOYD] has given him for it, then it is the duty of the gentleman to protect the bill and defend it against all substantial controverted amendments.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I desire to direct the attention of the chairman of the committee to the amendment of the gentleman from California [Mr. KAHN] previously adopted to the preceding paragraph. I make this statement so that gentlemen can consider it between now and the following Wednesday. I said when the amendment was under consideration that this amendment would add 15 cents a mile in addition to the 5 cents a mile to which he would be entitled under the first clause of the paragraph, section 95. Some gentleman stated that the last proviso at the bottom of page 60 provided—

that no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court, and triable at the same term thereof.

It was stated that that would prevent that double mileage. The gentleman will see that that does not refer to that case at all; but in the form of the amendment that has been incorporated in the bill, it will permit these witnesses who have to travel by stage coaches not only 15 cents allowance, but they will also be entitled to the 5 cents allowance provided for in the first paragraph. That was not intended by the gentleman from California; that was not the purpose he had in mind; and I hope the gentleman from Louisiana will give consideration to that amendment between now and next Wednesday so as to revise the amendment and carry out the purpose intended by the gentleman from California. The gentleman from California certainly did not intend to pay those who have to travel in stage coaches 20 cents a mile.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

JURORS' FEES.

SEC. 100. For actual attendance at any court or courts, and for the time necessarily occupied in going to and returning from the same, $3 a day. For the distance necessarily traveled in going from their residence to and returning from said court by the shortest practicable route, 5 cents a mile: *Provided*, That jurors in the United States courts in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, Utah, New Mexico, and Arizona shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance, and 5 cents for each mile over any railway in going to and returning from said courts: *Provided further*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror.

Mr. CALDER. Mr. Chairman, I desire to submit the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 63, line 1, after the word "traveled," insert the words "when coming from the place of residence outside the city or village where the court is held."

Mr. CALDER. Mr. Chairman, the effect of this amendment will be that no juror attending court in any city, village, or town where court is held will be entitled to mileage if he is a resident thereof. I do not know just what the practice is now, but I know in the New York State courts we do not allow jurors mileage if they are attending court in the city where they reside. For instance, we might have a case in the city of New York or the city of Chicago, where the jurors would have to come 15 miles from the suburbs of the city. The juror could ride the 15 miles for 5 cents, and return for 5 cents, and yet he would be allowed 75 cents each way, or $1.50 mileage, if the amendment just submitted is not agreed to.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I desire to place in the RECORD a telegram that would have been in better order a few days ago, from Oklahoma City, Okla. It is as follows:

OKLAHOMA CITY, OKLA., *May 15, 1914*.

Hon. R. P. HOBSON,
United States Congress, Washington, D. C.:

The General Conference of the Methodist Episcopal Church South, assembled in Oklahoma City, representing 2,000,000 members, passes this resolution, without opposition:

"*Resolved*, That this general conference indorses the Hobson amendment now pending before our National Congress, and petitions our national legislators to speedily give us the legislation sought therein. Our people are long since wearied of the monster evil—the liquor traffic—and are now praying for its expatriation."

A. F. WATKINS, *Secretary*.

Also the following telegram:

WINKELMAN, ARIZ., *May 15, 1914*.

Hon. RICHMOND P. HOBSON,
Washington, D. C.:

More than a score of names on the protest against your prohibition bill sent from this place May 13 were obtained by fraud. Letter, with names and explanations, will follow.

MRS. DELIA C. HALSEY.

Mr. TOWNER. Will the gentleman yield?

Mr. HOBSON. Does the gentleman refer to me?

Mr. TOWNER. Yes.

Mr. HOBSON. Certainly.

Mr. TOWNER. I will ask the gentleman whether he is asking for action upon his amendment at this session of Congress?

Mr. HOBSON. I am very glad to answer the gentleman by stating that the proposed amendment, as shown by the resolution reported from the Judiciary Committee, is not in the final form that it is desired to be by its friends. The Judiciary Committee of the House was requested to insert certain amendments bearing upon State rights in particular, and the committee did not insert them, evidently, because it took no action at all. If we had known that the committee was to send in the resolution as originally drawn, we would have introduced a new resolution, and our plan is when the Senate committee takes action to have that committee report the resolution in the final form agreeable to all its friends, which we believe will remove all objections from the standpoint of State rights.

And then when it is on the calendar of the Senate we can in due time and in due order take it up more intelligently in the House. For that reason we are not urging the vote at this time—not asking for a rule.

Mr. TOWNER. I thank the gentleman for the statement. I think it ought to be made publicly and in the form the gentleman has made it, because there is a misapprehension regarding the matter, some contending that the gentleman will ask for action at this session of Congress and others that he will not. As I understand it now the gentleman will not ask for action upon the resolution as presented by the committee to Congress?

Mr. HOBSON. Not at the present time. There is no intention at the present time of the friends of the measure to ask for its present consideration.

Mr. PETERSON. The gentleman says that a request for an amendment was presented to the Judiciary Committee. I would like to ask him to state in what form and when such a request was made to that committee.

Mr. HOBSON. The form was worked out by joint suggestion from members of the Judiciary Committee and officials representing the temperance associations, which was acceptable to the friends of the resolution. On the same day that the hearing was held I was authorized by these officials to write a letter to the chairman of the committee and officially request on the part of the friends of the resolution that such an amendment be incorporated in the report of the committee.

Mr. PETERSON. Let me ask the gentleman a further question. Did you write such a letter and was it ever presented to the committee?

Mr. HOBSON. I wrote it the day of the hearing, and it was officially sent to the chairman and received by him.

Mr. PETERSON. Have you an acknowledgment of that?

Mr. HOBSON. Yes.

Mr. PETERSON. Will you state that it was ever presented to the committee?

Mr. HOBSON. Oh, I can not state what happened in the committee, of course.

Mr. PETERSON. I will say that no such request was ever presented to the Judiciary Committee.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HOBSON. Certainly.

Mr. BARTLETT. I am in receipt of letters from a number of my constituents urging me not only to support the resolution but also to urge its early consideration at this session. I understand from the gentleman's statement to the gentleman

from Iowa [Mr. TOWNER] that those of us who are receiving those communications can reply to our constituents that it is not the purpose or wish of the author of the resolution and of the friends of the resolution in the House that that resolution should be pressed for consideration in the House at this present time or session?

Mr. HOBSON. At this present time. The gentleman can say that. But I am not in a position to state, after the Senate takes action——

Mr. BARTLETT. I understand. Then I can put it in this way: "Until the Senate does act"?

Mr. HOBSON. Until the Senate committee acts.

Mr. BARTLETT. Then, until the Senate committee reports the bill out to the Senate and it places it on the calendar, it is not the desire of yourself or the friends of the resolution that action should be had or pressed in the House?

Mr. HOBSON. That is substantially it. Provided the Senate committee does act, in a reasonable time——

Mr. ANDERSON. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman from Alabama [Mr. HOBSON] has expired.

Mr. ANDERSON. I ask unanimous consent that the gentleman's time be extended one minute.

The CHAIRMAN. Is there objection?

Mr. MONDELL. I ask that he may have two minutes. I would like to ask him a question.

The CHAIRMAN. Unanimous consent is asked for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. I merely wanted to ask the gentleman if the amended resolution, or the resolution with the amendment he suggests, has been introduced?

Mr. HOBSON. No. I will say to the gentleman that it probably will be introduced at an early date.

Mr. ANDERSON. Does not the gentleman think that the Members of the House are entitled to know what is going to be done with this resolution and in what form the friends of the resolution propose to urge it?

Mr. HOBSON. I think the gentleman is entitled to such information, and it is our hope within a few days to have a statement made on the floor of the House and possibly on the floor of the Senate. We hope the final form will be the form reported out by the Senate committee. We are simply waiting for action by that committee, or, at least, the subcommittee.

Mr. ANDERSON. All of us are getting a large number of letters and telegrams with respect to this resolution. The replies we make will necessarily be dependent on the form in which the resolution comes to the House.

Mr. HOBSON. The gentleman is correct.

Mr. ANDERSON. It seems to me, whether the gentleman intends to press the resolution or not, he ought to put it in such form as that Members may readily understand it.

Mr. HOBSON. The gentleman is right. That request will be complied with at a very early date.

Mr. PETERSON. Mr. Chairman, I want to ask the gentleman a question.

Mr. HOBSON. The gentleman from Wyoming [Mr. MONDELL] is the next one who wanted to ask a question.

Mr. MONDELL. Do I understand the gentleman from Alabama to say it is not his expectation to press for a vote on the prohibition amendment? It is the intention of the friends of the equal-suffrage amendment to press for a rule and a vote, and we would be glad to have the opportunity to vote on both amendments.

Mr. HOBSON. I am not prepared to say that the friends of this prohibition resolution do not wish to have a vote taken at this session, but I am prepared to say that for the present and until a report is made by the Senate subcommittee we do not intend to urge it.

Mr. BRYAN. Mr. Chairman, will the gentleman yield to me?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Washington?

Mr. HOBSON. Yes.

Mr. BRYAN. The only reason why the gentleman is hesitating about urging it is because he is convinced for some reason or other that it can not pass. Would he not urge it if he thought it could pass?

Mr. HOBSON. I will say that there are many Members, particularly from the Southern States, who are for prohibition and who are with us and will end by voting with us who have been frightened by the second section of that resolution on the question of State rights, and widespread misrepresentation has been going on, particularly in the Southern States, with regard to the question of State rights. When that question is straightened out, as we are sure it will be by the final form of the resolution, we will consider the question of coming to a vote.

The CHAIRMAN. The time of the gentleman from Alabama has expired. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. CALDER].

The question was taken, and the amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa [Mr. SCOTT] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amend, page 62, line 26, by striking out the word "three" and inserting in lieu thereof the word "five."

Mr. SCOTT. Mr. Chairman, the amendment, as is evident, raises the pay of jurors in Federal courts from $3 a day to $5 per day. I think it is a matter of common knowledge that $3 a day not only fails to pay jurors in Federal courts any compensation but, in fact, falls short of covering the actual expenses of jurors when so serving.

We all know that the Federal courts are held in cities of considerable size. We all know that the expense attendant upon sojourning in a city at this time is very much larger than it was when this statute was adopted. The old American-plan hotel is a thing of the past. A juror called to attendance upon a Federal court now must pay not only a hotel bill equal to what he used to pay when he got his three meals but he must buy his three meals in addition thereto.

The class of men drawn upon juries in Federal courts are men of business; they are men whose time is valuable; they are men who are expected to stay, and who do stay, in respectable hotels. As was suggested some little time ago by my colleague, Judge TOWNER, it is highly important, and one of the material considerations in the transaction of judicial business, that all men connected with the tribunals of justice, all of the officials of courts, shall have at least sufficient compensation to cover their expenses. Jurors are called from all parts of a judicial district; in my State, covering half of the State, and in many of the States covering the entire State. It is not the rule even to confine the limits of the call for jurors to the division in which the court sits, but it reaches out over the entire district, and the expense is considerable.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. SCOTT. I do.

Mr. LLOYD. Is it not true that in the gentleman's State the railroad mileage is only 2 cents, so that an individual, when he travels by rail, would have 3 cents a mile to apply to his expense account?

Mr. SCOTT. That is true; but the 3 cents per mile, assuming that the witness was called 100 or 150 miles, would go but a little way in covering the expenses of a juror. He might be detained some two or three weeks, or sometimes a month, in attendance upon a term of court. The result of this is that practically every juror called in attendance upon a Federal court, if he is such a juror as ought to be there, goes about, as the first thing he does after he arrives in the city, to see if he can not get excused, to get home, to be rid of the expense, and to attend to his business affairs.

Now, I am not going to say that this would make any great difference, but at the same time it is bad policy and bad business to call for men to serve for any considerable length of time in the Federal courts and not pay them sufficient to cover their actual expenses. If this was a matter of compensation for time, it would be different, but we all know that jurors are obliged to pay out more than they receive if they have to attend for any considerable time on the court. It is well known that only one mileage is allowed. If a juror is called to go a considerable distance and held for three or four weeks, he returns home once a week at least to attend to his business.

Mr. WATKINS. Mr. Chairman, I hope the amendment will be voted down. We are getting into the curve, along the line of extravagance, and if we do not check it somewhere I do not know where it will end. To add $2 to the pay of jurors—nearly doubling it—is out of all question. We can not think of that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. LLOYD. Mr. Chairman, I offer the following committee amendment: Line 8, page 63, strike out the words "or by private conveyance." That corresponds with the amendment offered as affecting witnesses.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 63, line 8, strike out the words "or by private conveyance."

The amendment was agreed to.

The Clerk read as follows:

SEC. 103. In cases where the United States are parties, the marshal shall, on the order of the court, to be entered on its minutes, pay to the jurors and witnesses all fees to which they appear by such order to be entitled, which sum shall be allowed him at the Treasury in his accounts.

Mr. WATKINS. Mr. Chairman, on page 64, line 7, section 103, after the words "United States," I move to strike out the words "are parties" and insert "is a party."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 64, line 7, strike out the words "are parties" and insert the words "is a party."

The amendment was agreed to.

The Clerk read as follows:

SEC. 104. The fees of clerks and commissioners, in cases where the United States are liable to pay the same, shall be paid on settling their accounts at the Treasury.

Mr. CULLOP. Mr. Chairman, I offer an amendment, which I presume the chairman overlooked. I move to strike out the word "are" and insert the word "is," in line 13, after the word "States."

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. In the existing law we find that this paragraph includes district attorneys and marshals. I wish to direct the attention of the chairman, in view of the fact that we intend to provide a salary for the clerks of the United States courts, whether the provision should include clerks or whether that should be eliminated.

Mr. WATKINS. I do not believe there would be much difference, in view of the fact that they simply account for the fees, and their salary would not be affected.

Mr. STAFFORD. If they are not going to have any fees after they are put on a salary——

Mr. WATKINS. They do not get the fees, but they have to account for them. They are collected just the same.

Mr. STAFFORD. Perhaps it might be better to retain the word, and I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 105. The fees and compensation of the officers and persons hereinbefore mentioned, except those which are directed to be paid out of the Treasury, shall be recovered in like manner as the fees of the officers of the States, respectively, for like services are recovered.

Mr. DIXON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WATKINS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SELDOMRIDGE, for four days, on account of important business.

To Mr. FERGUSSON, for four days, on account of illness.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1243. An act directing the issuance of patent to John Russell.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Interstate Trade Commission.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the Interstate Trade Commission. Is there objection?

Mr. STAFFORD. The gentleman has the right to extend his remarks under the rule.

There was no objection.

ADJOURNMENT.

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Pending the motion, the Chair wishes to state that under the rule it appears as if there would be a session to-night, but the regular rules of the House provide that a recess can not be taken on Calendar Wednesday, and the Chair construes it in that way.

The motion of Mr. WATKINS was agreed to; accordingly the House (at 5 o'clock and 32 minutes p. m.) adjourned until to-morrow, Thursday, May 21, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of St. Marys and St. Joe Rivers, Idaho (H. Doc. No. 990); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of the Apoon mouth of the Yukon River, Alaska, from the improvement now under way to deep water (H. Doc. No. 991); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Little Wabash River, Ill. (H. Doc. No. 992); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FOSTER, from the Committee on Mines and Mining, to which was referred the bill (H. R. 15869) to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in mining, quarrying, metallurgical, and other mineral industries, and for other purposes, reported the same without amendment, accompanied by a report (No. 694), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 15361) authorizing the Secretary of the Interior to lease to the occupants thereof certain unpatented lands on which oil or gas has been discovered, reported the same with amendment, accompanied by a report (No. 695), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 15534) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest, reported the same with amendment, accompanied by a report (No. 690), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL, from the Committee on Industrial Arts and Expositions, to which was referred the bill (H. R. 15732) to provide for the participation of the United States in the Panama-California Exposition, reported the same with amendment, accompanied by a report (No. 691), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of California, from the Committee on Naval Affairs, to which was referred the bill (S. 494) to establish a branch hydrographic office at Los Angeles, Cal., reported the same without amendment, accompanied by a report (No. 693), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CANTOR, from the Committee on the Public Lands, to which was referred the bill (H. R. 14404) for the relief of E. F. Anderson, reported the same without amendment, accompanied by a report (No. 688), which said bill and report were referred to the Private Calendar.

Also, from the Committee on the Public Lands, to which was referred the bill (H. R. 14405) for the relief of C. F. Jackson,

reported the same with amendment, accompanied by a report (No. 689), which said bill and report were referred to the Private Calendar.

Mr. DILLON, from the Committee on Claims, to which was referred the bill (H. R. 9362) for the relief of R. B. Whitacre, & Co., reported the same without amendment, accompanied by a report (No. 692), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 16630) granting a pension to Harry L. Frizzell, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CANTOR: A bill (H. R. 16705) to provide for the acquisition of a site for a Federal courthouse in the Borough of Manhattan, city of New York; to the Committee on Public Buildings and Grounds.

By Mr. MURRAY of Oklahoma: A bill (H. R. 16706) to amend H. R. 15613, to create an interstate trade commission, to define its powers and duties, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWDLE: A bill (H. R. 16707) authorizing the Secretary of War, in his discretion, to deliver to the city of Norwood, Hamilton County, Ohio, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. AIKEN: A bill (H. R. 16708) to prescribe a maximum rate of 2 cents per mile for passenger fare by any form of ticket or mileage book on railroads engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 16709) for the relief of certain persons who made entry under the provisions of section 6, act of May 29, 1908; to the Committee on the Public Lands.

Also, a bill (H. R. 16710) to amend the Federal reserve act by repealing the prohibition against deposit of the postal-savings funds in any bank not belonging to the system established by said act; to the Committee on Banking and Currency.

By Mr. MURRAY of Oklahoma: A bill (H. R. 16711) to provide for amendments to House bill 14866; to the Committee on Insular Affairs.

By Mr. HAWLEY: Joint resolution (H. J. Res. 268) construing the act of March 4, 1911; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKMON: A bill (H. R. 16712) for the relief of James Keith, jr., administrator; to the Committee on War Claims.

By Mr. BULKLEY: A bill (H. R. 16713) for the relief of Samson Davis; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 16714) granting an increase of pension to Annie Hutson; to the Committee on Pensions.

Also, a bill (H. R. 16715) for the relief of the estate of Josiah E. Johnson; to the Committee on War Claims.

By Mr. CONRY: A bill (H. R. 16716) granting an increase of pension to Henry Reens; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 16717) authorizing and directing the Secretary of the Treasury to pay certain moneys to the officers and crew of the steamer *Hancock* or their legal representatives; to the Committee on Claims.

By Mr. HARRIS: A bill (H. R. 16718) granting an increase of pension to Josephus Shackelford; to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 16719) to remove the charge of desertion from the record of Philip E. Ryan; to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 16720) granting an increase of pension to William McCabe; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 16721) granting a pension to Louis C. Hoce; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 16722) granting a pension to Laura E. Beshore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16723) granting a pension to James T. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16724) granting an increase of pension to John Fitzsimmons; to the Committee on Pensions.

Also, a bill (H. R. 16725) granting an increase of pension to Herbert B. Holloway; to the Committee on Pensions.

Also, a bill (H. R. 16726) granting an increase of pension to Jacob Malott; to the Committee on Pensions.

Also, a bill (H. R. 16727) granting an increase of pension to Stephen Murphy; to the Committee on Pensions.

Also, a bill (H. R. 16728) granting an increase of pension to Thomas H. O'Neal; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 16729) for the relief of the legal representatives of John Irvin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 16730) for the relief of J. W. Young, administrator of B. J. Young, deceased; to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 16731) granting a pension to John Benson; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16732) granting an increase of pension to Mary E. Foster; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 16733) granting a pension to George Hofius; to the Committee on Pensions.

Also, a bill (H. R. 16734) granting an increase of pension to Harrison Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16735) granting an increase of pension to Mary Anna Yohum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16736) for the relief of Charles W. Tappan; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Waukesha, Wis.; Sparland, Ill.; Reedsburg, Wis.; Millersburg, Ohio; Shrewsbury, N. J.; Biggsville, Ill.; Winnebago, Ill.; Cincinnati, Ohio; St. Louis, Mo.; Ashmore, Ill.; Kansas, Ill.; McCoysville, Pa.; Marietta, Ga.; Emmitsburg, Md.; Brookings, S. Dak.; McKees Rocks, Pa.; Villisca, Iowa; Redding, Iowa; Charlton, Iowa; Richmond, Kans.; Winterset, Iowa; Kansas City, Mo.; Minneapolis, Minn.; St. Paul, Minn.; Collingswood, N. J.; Harmarville, Pa.; Wildwood, Pa.; and Lismore, Minn., against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of Local No. 1344, United Mine Workers of America, relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also (by request), petition of citizens of Missouri, against national prohibition; to the Committee on Rules.

Also (by request), petition from certain citizens of Missouri, favoring the passage of the Hobson-Sheppard resolution providing for national prohibition; to the Committee on Rules.

Also, petition of citizens of Missouri, favoring national prohibition; to the Committee on Rules.

By Mr. ALLEN: Petition of Retail Grocers and Butchers' Association of Norwood, Ohio, favoring price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

By Mr. AUSTIN: Petition of merchants of Harriman, Rockwood, Knoxville, and Oliver Springs, all in the State of Tennessee, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BAKER: Petitions of Aurora Singing Society, of Egg Harbor, N. J., and citizens of New Jersey, against national prohibition; to the Committee on Rules.

Also, petitions of citizens of Riverside and Wrightstown, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petitions of sundry citizens of Harts Grove and Huntsburg, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BROUSSARD: Papers to accompany H. R. 16683, for relief of heirs of Joseph Hernandez; to the Committee on War Claims.

By Mr. BROWNING: Petitions of churches representing 225 citizens of Haddon Heights, N. J., and 35 citizens of Thorofare, N. J., favoring national prohibition; to the Committee on Rules.

Also, petition of 52 citizens of Franklinville, N. J., against national prohibition; to the Committee on Rules.

By Mr. BRYAN: Petitions of sundry citizens of the State of Washington, against national prohibition; to the Committee on Rules.

Also, petition of Alaska Fishermen's Union, against charging poll tax of fishermen temporarily in Alaska; to the Committee on the Territories.

By Mr. BURKE of South Dakota: Petitions of sundry citizens of South Dakota, favoring H. R. 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. COVINGTON: Petitions of churches representing 325 citizens of Trappe, 97 citizens of Bozman, 60 citizens of Easton, 150 citizens of Sherwood, 100 citizens of Royal Oak, 30 citizens of Crisfield, and 150 citizens of Cordova, all in the State of Maryland, favoring national prohibiton; to the Committee on Rules.

By Mr. CURRY: Petitions of 158 citizens of the third congressional district of California, against national prohibition; to the Committee on Rules.

Also, petition by Rev. Joseph B. Travis, for the First Baptist Church of California and the Young People's Society connected therewith, of Stockton, Cal., praying for the passage of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

By Mr. DALE: Petition of United Liquor Dealers' Association of Kings County, N. Y., and citizens of Brooklyn, N. Y., against national prohibition; to the Committee on Rules.

Also, petition of Forty-second Street Association, New York, against House bill 14895, for Federal censorship of moving pictures; to the Committee on Education.

By Mr. DANFORTH: Petitions of John Zunner and 20 others, Gilbert T. Amsden, B. M. Maas, Fred M. Swarts, Matthews & Servis Co., Martin Scully, H. L. Klink, John G. Carroll, Henry F. Stallman, Thomas Loughlin and 25 others, F. E. Collins, John L. Lang, Christian Hetzel, Louis H. Daus, James Campbell, Leo J. Barry and 7 others, Bernhard Felock, and Edward J. Topham, all of Rochester; W. H. Stewart, of Batavia; William Bromley, John Englert, John C. Bohan, P. E. Growney, James Tighe, E. H. Brayton, W. J. McMurray, C. L. McNamara, Jesse W. Smith, William Scanlan, of Avon, members of Eastern New York State Hotel Clerks' Association of Rochester; Louis N. Hammerling, Francis O. de Luze & Co., and Roessler & Hasslacher Chemical Co., of New York City, all in the State of New York, against national prohibition; to the Committee on Rules.

Also, petition of Miss Mary I. Greene and 28 others, of Castile, N. Y., favoring peaceful settlement of difficulties with Mexico; to the Committee on Foreign Affairs.

Also, petitions of Miss Ethie E. Croach and 35 others, of Medina; Miss Helen Parker and 12 others, of Medina; Rev. James V. Chalmers, of New City, all in the State of New York; also of Rev. Albert H. Plumb and Jesse Allen, of Oakham, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of Connecticut State Association of Letter Carriers, relative to Sunday closing of post offices bill; to the Committee on the Post Office and Post Roads.

Also, petition of Connecticut State Association of Letter Carriers, favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. DYER: Petitions of Thomas J. Manahan; Ferd. Messmer; the Boeckeler Lumber Co.; L. Linderman; G. Gierer; the Blanke Manufacturing & Supply Co.; the Materne Manufacturing Co.; the Colcord-Wright Machinery & Supply Co.; the M. W. Warren Coke Co.; the Beacon Paper Co.; the Roberts & Heineman E. & P. Co.; the Urbauer Atwood Manufacturing Co.; Ira S. Lefler; F. M. Fitzgibbons; Alvin Gaction; W. Z. Brown; A. J. Brown; A. M. Thomson; the Envelope Manufacturing Co.; the A. Leschen & Sons Rope Co.; the Oriel Glass Co.; Hon. Henry W. Kiel; H. O. Wilkening; A. W. Quinn; the J. Kennard & Sons Carpet Co.; John Kipp; A. C. F. Meyer; the Cremoline Manufacturing Co.; the Champ Spring Co.; A. C. Einstein; George Lambert; L. J. Haenni; Abraham Rosenthal; Wernse & Dieckman; St. Louis Photo-Engraving Co.; the Geller, Ward & Hasner Hardware Co.; G. F. Grauer; the Charles A. Drach Electrotype Co.; Judson S. Bemis; H. Ridel; James Williams; C. F. Cook, jr.; Gustave J. Meyer, sr.; E. Ewell; the Laclede Trust Co.; the Coopers' International Union of North America; the F. B. Fink Instrument Co.; Edward Buder; E. W. Beims; director Lafayette Bank; the Great Western Smelting Co.; O. H. Rassfield; Ben W. Gauer; John A. Jones; William F. Wiley; Henry J. Barth; G. B. Beckmeyer; Val W. Frank; George Harmann; Sam Hoffman; J. G. Goldstein; William A. Friedeck; William J. Sulibark; H. F. Hunter; Louis Burmeister; J. Widdicomb; W. H. Babcock; A. B. Young; J. F. Kelly; George M. Elliott; H. H. Allen; E. S. Pitzman; G. M. Simmons; R. H. Miller; W. A. Mahoney; Joseph Fessner; C. M. Zellers; Max Rotter; the Gray-Adams Engraving Co.; the Hughes Printing Co.; Charles Ette; L. C. Nordmeyer; J. Laichinger; R. H. Tait; A. Godfrey; A. J. Hecker; L. Dieckmeyer; John J. Roth, James A. McGuire; J. A. Reheis; A. H. Spink; R. T. Deacon; Henry J. Jacobsmeyer; J. S. Carr; George Koertel; H. B. Krenning; Morris A. Heiman; George W. Luehrmann; Richard Salzgeber; R. C. Day; Daniel G. Taylor; M. L. Chase; Henry Schurk; H. W. Friedewald; C. L. Lyle; Louis F. Abel; W. E. Newman; W. S. Malkemus; Walker Hill; Bruno Schroeter, jr.; Henry Heil; J. G. T. Spink; W. H. Lee; South Side Bank; Leo J. Bayer; William H. Karges; W. D. O'Neill; Ben E. W. Ruler; Thomas K. Peters; E. C. A. Koken; Ben Altheimer; Thomas J. Fisele; Adam Fisele; F. W. H. Krenning, jr.; the Krenning Westermann China Co.; the Morton Salt Co.; the Acme Specialty Manufacturing Co.; R. D. Hatton, vice president Laclede-Christy Clay Products Co.; F. H. Starr; William E. Hess; J. C. Crecelius; A. A. Graf; J. C. Van Riper; Otto L. Tiechmann; Otto Kallmeyer; Vincent S. Rapp; John F. Gerst; J. G. Ganahl; C. A. Wuerker; F. A. Hugo; Joseph Freund; H. W. Kroeger; the P-K Engineers; Joseph M. Cody; the St. Louis Roofing Co.; August Borgmeyer; G. Thomas; A. Melissaropulos; E. S. Lewis; the Union Biscuit Co.; Nicholas Dolis; W. M. Spellmann; the O. M. Polster Supply Co.; Charles Anfrichtig; William J. Lepper; John Lange; Joseph Lyttle; Joseph A. Kanne; Otto Giesecke; John Kauffmann; Henry Simon; the St. Louis Sampling & Testing Works; 32 employees of the Schurk Iron Works; J. C. Atwood; William Wildbeger; John B. Schmidt; R. C. Bremer; Robert Jacob; G. Schoenberg; R. B. Bowman; the Theo. Hiertz Metal Co.; Cigar Makers' Union No. 44; J. B. Chambers; H. F. Danbendiek; Adolph Schlesinger; Anton A. Thomann; William J. Schulte; M. Mitkos; J. H. Schroll; Steve Beall; Henry E. Studt; Charles Boitano; the A. Moll Grocer Co.; G. H. Wiffermnann; I. H. Keefer; Widmann & Walsh; H. F. Bruning; Teauscher & Co.; R. E. Barnes; Joseph H. Wilsmann; J. & S. Goddman; F. S. Blair; C. T. Payton; F. F. Hocken; P. J. Ryan; the Harmonie Saengerbund; the Wayne Manufacturing Co.; Steve Daniels; the Little & Hays Investment Co.; Ed Payer; James Londvelth; J. Evers; Oscar Mertz; George Ziegfried; Joe Wrablick; John Hummel; John Trom; George T. Hiabladt; E. M. Rey; Frank Wachtel; F. J. Kenke, jr.; William Meinke; Louis Bauer; Henry Walther; Tom W. Farrell; Edward Leitner; Oliver C. Muckerman; Frank I. Ives; E. J. Schlichting; Peter Green; Henry S. Wilkins; T. F. Moran; Harry Vogler; George Young; John B. Beysmann; Irvin McCarthy; Charles Mueller; Philip Heagy; George J. Fritz; Charles Neuman; C. T. A. Vogel; Joseph Stocker; Y. J. Reed; George Fernsler; and Andrew Thomas, all from St. Louis, Mo.; also of Godfrey A. Jones and J. H. Bagnall, of Kansas City, Mo.; Louis N. Hammerling, of New York; the Francis Perot's Sons Malting Co., of Philadelphia, Pa.; G. J. Zimmerman, of Milwaukee, Wis.; and the Catholic Union of Missouri, of Jefferson City, Mo., against national prohibition; to the Committee on Rules.

Also, petitions of Minnie Dresser and Anna Drerking, of Kansas City, Mo., and the Tuxedo Christian Church, of St. Louis, Mo., favoring national prohibition; to the Committee on Rules.

Also, petitions of Local No. 503, of Pawtucket, R. I., and Blackstone Valley Folders' Protective Association, of Central Falls, R. I., favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

By Mr. ESCH: Papers to accompany H. R. 16648, granting a pension to Nellie P. Swetland; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of 277 citizens of the seventh New York congressional district, against national prohibition; to the Committee on Rules.

By Mr. GOEKE: Petition of Noah Baker and 12 other citizens of Darke County, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GOOD: Petition of the Sinclair Memorial Presbyterian Church, of Cedar Rapids, Iowa, against polygamy in the United States; to the Committee on the Judiciary.

By Mr. GRAY: Petitions of sundry citizens of Connersville, Richmond, Liberty, Greenfield, and Shelbyville, all in the State of Indiana, protesting against constitutional amendment for prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Richmond, Ind., favoring an amendment to the Federal Constitution for prohibition; to the Committee on Rules.

By Mr. GRIEST: Petition of Consistory of St. Paul's Reformed Church, of Manheim, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. HOUSTON: Papers to accompany H. R. 16227, for relief of W. C. Jacobs; to the Committee on War Claims.

Also, papers to accompany H. R. 16226, for relief of J. W. Jacobs; to the Committee on War Claims.

By Mr. HUMPHREY of Washington: Petitions of citizens of Seattle, Wash., and King County, Wash., against national prohibition; to the Committee on Rules.

Also, petition of churches and organizations representing 436 citizens of Snohomish, 240 citizens of Pleasant Ridge, 70 citizens of Everett, and 156 citizens of Mount Vernon, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petition of M. J. Halpin, of Terryville, Conn., against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of the First Presbyterian Church of Mount Pleasant, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petition of citizens of Burlington, Iowa, against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of Local No. 166, United Brewery Workmen of America, of Providence, R. I., against national prohibition; to the Committee on Rules.

Also, petition of Jacob Haller, of Erie, Pa., favoring H. R. 15986, relative to transmission of false statements through the mails; to the Committee on the Post Office and Post Roads.

By Mr. J. R. KNOWLAND: Resolutions passed by the Board of Trade of San Francisco, Cal., favoring the passage of H. R. 12743, authorizing the Secretary of the Treasury to cause to be erected a suitable building or buildings for marine-hospital purposes on the present marine-hospital site at San Francisco, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. LANGHAM: Petition of citizens of Lickingville, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of G. M. Allison and citizens of Indiana, Pa., against section 6 of H. R. 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Petitions of citizens of St. Cloud, Minn., protesting against the enactment of the prohibition amendment; to the Committee on Rules.

Also, petition of citizens of Pierz, Minn., against national prohibition; to the Committee on Rules.

Also, protest of citizens of Staples, Minn., against prohibition amendment; to the Committee on Rules.

By Mr. LONERGAN: Petition of the Connecticut State Association of Letter Carriers, Norwich, Conn., favoring the passage of the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the Connecticut State Association of Letter Carriers, Norwich, Conn., opposing passage of the so-called Sunday closing bill; to the Committee on the District of Columbia.

Also, petition of S. B. Robinson, of Wilson, Conn., and of various citizens of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. McGILLICUDDY: Petitions of Willow Grange, No. 366, of Jefferson, Me., and the Woman's Christian Temperance Union of Thomaston, Me., favoring national prohibition; to the Committee on Rules.

By Mr. MOTT: Petitions of the Central Federated Union, of New York; the International Union of United Brewery Workmen, of New York; the Manufacturers and Dealers' League, and the Hotel Association, of New York City, against national prohibition; to the Committee on Rules.

Also, petition of citizens of Sandy Creek, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of Lowville (N. Y.) Grange, No. 71, Patrons of Husbandry, favoring Government ownership of public utilities; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petitions of citizens of Providence, R. I., favoring the woman suffrage amendment to the Constitution; to the Committee on the Judiciary.

Also, petitions of citizens of Rhode Island, against national prohibition; to the Committee on Rules.

Also, petition of churches and citizens of Providence and Middletown, R. I., favoring national prohibition; to the Committee on Rules.

Also, petitions of J. R. Lorah & Co., of Newport, R. I., and Blanding & Blanding, of Providence, R. I., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of citizens of East Stroudsburg, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. POU: Petition of 94 citizens of Franklinton, N. C., favoring national prohibition; to the Committee on Rules.

By Mr. SLOAN: Petitions of citizens of Nebraska, against national prohibition; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of citizens of Walled Lake, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Petition of Good Fellowship Club of Minneapolis, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. TAYLOR of Arkansas (by request): Protest of 28 citizens of Garland County, Ark., against House joint resolution 168 and Senate joint resolutions 88 and 50, as to national prohibition; to the Committee on Rules.

By Mr. THOMAS: Petition of citizens of Franklin, Ky., favoring national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petition of Americus Association, of Elizabeth, N. J., indorsing President Wilson's policy toward Mexico; to the Committee on Foreign Affairs.

Also, petitions of citizens of Plainfield and Dover, N. J., favoring national prohibition; to the Committee on Rules.

Also, petitions of citizens of Elizabeth, N. J., againts national prohibition; to the Committee on Rules.

Also, petition of citizens assembled in a meeting held in the Third Presbyterian Church, Newark, N. J., favoring woman suffrage amendment to the Constitution; to the Committee on the Judiciary.

By Mr. VOLLMER: Petitions signed by John F. Sohn and 165 other citizens of Iowa, protesting against House joint resolution 168, Senate joint resolutions 38 and 50, and all prohibition measures introduced in Congress; to the Committee on Rules.

By Mr. WILSON of New York: Petition of G. J. Duerr, of Brooklyn, N. Y., favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of North Dakota: Petition of Ellendale Local, No. 26, of the Socialist Party, of North Dakota, relative to strike conditions in Colorado; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 21, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee that Thou hast given to all Thy creatures a high sense of moral obligation. Thy law stands guard over all the rights of men. We recognize the great truth that might does not make right. If we dare to act upon that falsehood, we do it at the expense of our happiness and our peace. We thank Thee for the voice within us that answers to the divine law, and that Thou hast given to us power to make moral distinctions. Grant to Thy servants in this great body the power to commend themselves to every man's conscience in the sight of God and the wisdom which will lead them in the discharge of their duties for the happiness of mankind. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
Washington, May 21, 1914.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day.

The Journal of yesterday's proceedings was read and approved.

Mr. WALSH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martin, Va.	Smith, Ga.
Brady	Fall	Nelson	Smith, S. C.
Brandegee	Gallinger	O'Gorman	Smoot
Bristow	Gronna	Oliver	Sterling
Bryan	Hitchcock	Overman	Stone
Burleigh	James	Page	Sutherland
Burton	Johnson	Perkins	Thornton
Catron	Jones	Pomerene	Tillman
Chamberlain	Kenyon	Robinson	Vardaman
Clark, Wyo.	Kern	Root	Walsh
Crawford	La Follette	Shafroth	Warren
Culberson	Lane	Sheppard	West
Cummins	Lippitt	Smith, Ariz.	Williams

Mr. ROBINSON. I was requested to announce the absence from the Senate on business of the Senate of the Senator from Nevada [Mr. PITTMAN], the Senator from Nebraska [Mr. NORRIS], and the Senator from California [Mr. WORKS].

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is detained at home on account of sickness.

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] and to state that he has a general pair with the senior Senator from New York [Mr. ROOT].

Mr. SMOOT. I wish to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY] and the junior Senator from Wisconsin [Mr. STEPHENSON].

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present.

PANAMA CANAL TOLLS.

Mr. OLIVER. Mr. President, I wish to give notice that on Thursday next, the 28th instant, following the routine morning business, I shall address the Senate on the Panama Canal tolls bill.

Mr. WEST. I do not know how long the address of the Senator from Pennsylvania will take.

Mr. OLIVER. I do not think it will exceed an hour.

Mr. WEST. Then I desire to give notice that on next Thursday, immediately following the address of the Senator from Pennsylvania, I shall submit some remarks on the Panama Canal tolls bill.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Anderson, Ind., and of Washington, D. C., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Chariton, Villisca, Redding, and Winterset, in the State of Iowa; of Richmond and Cherryvale, in the State of Kansas; of Harmarville, McKees Rocks, Wildwood, Mount Varnum, and Mexico, in the State of Pennsylvania; of Byers and Denver, in the State of Colorado; of Biggsville, Newman, and Albion, in the State of Illinois; of Union and Collingswood, in the State of New Jersey; of Syracuse, N. Y.; of Kansas City, Mo.; of Brookings, S. Dak.; of Oxford, Miss.; of Catonsville, Md.; of Scotia, Nebr.; of Lapeer, Mich.; of Dalton, Ohio; of Athens, Tex.; and of Wheeling, W. Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation to supplement existing laws against unlawful restraints, monopolies, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a petition of the Socialist Party of Connellsville, Pa., praying for an investigation into the conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a petition of Local Grange No. 140, Patrons of Husbandry, of Plainfield, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BRISTOW. I have here a telegram from Pretty Prairie, Kans., which reads as follows:

> Undersigned petition Congress to establish Federal censorship of motion pictures in interstate commerce.

The telegram is signed by a number of very worthy and estimable citizens of that city. I desire to have it filed.

The PRESIDING OFFICER. The telegram will be referred to the Committee on Education and Labor.

Mr. NELSON presented memorials of sundry citizens of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. STERLING presented a petition of sundry citizens of Mount Vernon, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURTON presented memorials of sundry citizens of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented a petition of New Port Lodge, No. 344, International Brotherhood of Maintenance of Way Employees, of Waterville, Me., praying for the enactment of legislation to promote the safety of employees and passengers on railroads engaged in interstate and foreign commerce, which was referred to the Committee on Interstate Commerce.

Mr. SMITH of Georgia presented a memorial of the Woman's Christian Temperance Union of Macon, Ga., remonstrating against "equal suffrage," which was ordered to lie on the table.

He also presented memorials of sundry citizens of the fifth and tenth congressional districts of Georgia, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Taylor County, of the congregation of the First Baptist Church of Cartersville, and of the congregation of the Sam P. Jones Memorial Methodist Church, of Cartersville, all in the State of Georgia, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE. For my colleague [Mr. WEEKS] I present a telegram in the nature of a petition from the directors of the Chamber of Commerce of Boston, Mass., which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the telegram was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

[Telegram.]

BOSTON, MASS., *May 20, 1914.*

Hon. J. W. WEEKS,
United States Senate, Washington, D. C.:

Chamber of commerce directors yesterday adopted resolutions urging postponement of all antibusiness legislation till next session. Meeting of entire chamber is called for Tuesday afternoon to ratify action.

L. A. COOLIDGE.

Mr. LODGE (for Mr. WEEKS) presented memorials of sundry citizens of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also (for Mr. WEEKS) presented sundry papers to accompany the bill (S. 5581) granting a pension to George L. Johnson, which were referred to the Committee on Pensions.

Mr. SMITH of Michigan presented memorials of sundry citizens of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented petitions of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of the Woman's Christian Temperance Union of Thomaston, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SMITH of Arizona presented a memorial of sundry citizens of Chloride, Ariz., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented a petition of sundry citizens of Hancock, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Ben Love, R. C. Douglas, Dave Jones, and 103 other residents of Vigo County, and of Fred Schilling, Charles Foster, Mathias A. Mertz, and 250 other citizens of Indianapolis, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented memorials of sundry citizens of Wilmington, Del., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. COLT presented a petition of sundry citizens of Foster, R. I., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Grand Rapids, Calumet, Detroit, and Delta County, all in the

State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a telegram in the nature of a petition from L. E. Burdick, secretary of Wilbur Chapter, Methodist Brotherhood, of the First Methodist Episcopal Church of Portland, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. JOHNSON, from the Committee on Claims, to which was referred the bill (S. 3525) for the relief of Pay Inspector F. T. Arms, United States Navy, reported it without amendment and submitted a report (No. 538) thereon.

Mr. NORRIS, from the Committee on Claims, to which was referred the bill (H. R. 9421) for the relief of John T. Glynn, reported it without amendment and submitted a report (No. 539) thereon.

INTERNATIONAL CONGRESS OF MUSICAL SCIENCE.

Mr. STONE. By direction of the Committee on Foreign Relations I report a joint resolution, and I ask unanimous consent for its immediate consideration. It is proposed to have the joint resolution passed in response to a request from the French Government asking that the United States Government appoint delegates to represent it at the international congress respecting the history of scientific music. Coming, as it does, an invitation from a foreign government to this Government, the committee has thought proper to report a joint resolution. It provides, I will say, in terms that no expense shall be incurred by this Government in the way of paying the expenses of delegates or for anything else. I ask to have the joint resolution read.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 149) authorizing the President to accept an invitation of the French Republic to participate in an International Congress of Musical Science and History, to be held at Paris, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and he is hereby, authorized to accept an invitation extended by the Republic of France to the Government of the United States to be represented by delegates in an International Congress of Musical Science and History, to be held at Paris from June 1 to 10, 1914: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said commission.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDRESS BY EX-GOV. M'CORKLE (S. DOC. NO. 484).

Mr. CHILTON. On the 8th instant I presented a copy of an address by ex-Gov. W. A. MacCorkle, delivered before the West Virginia Coal Mining Institute at Charleston, W. Va., on the relation of West Virginia coals to the Panama Canal, and it was referred to the Committee on Printing for consideration. I am directed by the Committee on Printing to report a resolution providing for the printing of the address as a Senate document, and I ask unanimous consent for its present consideration.

There being no objection, the resolution (S. Res. 368) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the pamphlet submitted by Mr. Chilton on May 8, 1914, entitled "An Address of ex-Gov. W. A. MacCorkle Before the West Virginia Coal Mining Institute at Charleston, W. Va., December 8, 1913, on the Relation of West Virginia Coals to the Panama Canal," be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULBERSON:

A bill (S. 5630) for the erection of a public building at Dallas, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. LANE:

A bill (S. 5631) granting a pension to Theodore Hansen (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5632) granting a pension to Anna S. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5633) granting an increase of pension to Margaret A. Pepper; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5634) authorizing the Secretary of War to donate to the Osawatomie Post, No. 322, Grand Army of the Republic, at Osawatomie, Kans., two cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 5635) for the relief of A. M. and R. A. Darling; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 5636) granting a pension to Jacob M. Smith (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMOOT submitted an amendment proposing to appropriate $14,000 for the completion of the post-office building under the present limit at Park City, Utah, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OLIVER (for Mr. PENROSE) submitted an amendment relative to employees in the Postal Service, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

MABLE PETERS AND LORETTA PETERS.

Mr. JAMES submitted the following resolution (S. Res. 369), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate to Mable Peters and Loretta Peters, sisters of George Peters, late a messenger to the Committee on Patents, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ADDRESS BY HON. GEORGE TURNER.

Mr. O'GORMAN. I have a copy of a speech by Hon. George Turner, ex-United States Senator from the State of Washington, delivered before the Seattle Bar Association at Seattle, April 29, 1914, on the Panama Canal tolls as affected by treaty obligations. I do not ask to have the speech read, but I would like to have it printed in the RECORD.

The PRESIDING OFFICER. Without objection, the request of the Senator from New York will be complied with.

The matter referred to is as follows:

[Speech delivered by Hon. George Turner, ex-United States Senator, before the Seattle Bar Association, at Seattle, April 29, 1914.]

THE PANAMA CANAL TOLLS AS AFFECTED BY TREATY OBLIGATIONS.

The repeal of the act of Congress exempting American coastwise shipping from the payment of tolls in passing through the Panama Canal is urged upon two grounds—first, that the exemption is a violation of the Hay-Pauncefote treaty entered into with Great Britain, and, second, that it is to be condemned from an economic standpoint. The first is a question of power—that is, power in the sense of legal right—and the second a question of policy. I propose to discuss the first question only, as the second question enters to some extent into the domain of politics, and for that reason might not be considered appropriate for an occasion of this kind. But we all want to know what our treaty obligations are with other nations, and we all want to live up to them, honorably and to the fullest extent, no matter how onerous their provisions, and no subject could be more appropriate for the consideration of gentlemen of the bar. However much others may decry them, I know the lawyers of the Nation to be honorable and upright, possessed of a keen sense of justice, inflexible in the desire to see justice done, and still to-day, as they have ever been, the safest counselors of the people where the question is one between national honor and national interest. The tolls question has been put up to us so broadly and squarely in that guise that the learning of the Nation, trained to the construction of laws and treaties and contracts, can not, consistently with patriotic duty, shirk the task of considering it and passing upon it.

The provision of the Hay-Pauncefote treaty which it is insisted binds the hands of the United States in the preference it may give to its own vessels in its own canal is the first of the rules adopted by the United States as the basis of the neutralization of the canal and found in article 3 of that treaty. That provision is as follows:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nations, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The proponents of the repeal of tolls exemptions insist that the words "all nations" employed in this provision includes the United States, and therefore that it can make no discrimination in favor of itself or its citizens in respect of the conditions or charges of traffic or otherwise imposed by it for the use of the canal. But there are six of these rules adopted by the United States for the neutralization of the canal, and the remaining rules read as follows:

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respect subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

If the United States is bound by the first of the rules adopted, it is equally bound by the others. The last five rules regulate the use of the canal and the conduct of belligerent nations toward it in time of war. The United States built the canal as a national enterprise, as an adjunct to its war power, wholly with its own money, and at a cost of more than $400,000,000. It was cognizant, of course, of the benefit it was conferring on the commerce of the world, but that any nation thought it was moved to the tremendous burden it was imposing on its own people wholly by that altruistic purpose is beyond rational belief. Great Britain least of all had reason to harbor such an idea. The first Hay-Pauncefote treaty failed by reason of amendments engrafted on it in the Senate of the United States. These amendments rejected the participation of any other nation in the protection of the neutrality of the canal and asserted specifically that nothing in the treaty should be construed as preventing any "measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order." The Senate also struck out from the declaration that the "canal shall be free and open, in time of war as in time of peace, to the vessels of war and of commerce of all nations" the words "in time of war as in time of peace." When Great Britain came to negotiate the second Hay-Pauncefote treaty she knew, therefore, that the United States proposed to construct the canal in aid of its war power, and that it rejected assistance from any quarter in building the canal or in protecting it after it was built. The new treaty accordingly omitted Great Britain as one of the two parties laying down the rules of neutralization, and the United States alone adopted and promulgated those rules; and the new treaty also omitted that clause of the former abortive treaty which provided for bringing the treaty to the notice of other powers and inviting them to adhere to it. The new treaty also omitted the provision of the former treaty that "no fortifications shall be erected commanding the canal or the waters adjacent." The new treaty also omitted the significant words "in time of war as in time of peace."

Now, in view of all this, is it possible to believe that the United States intended to bind itself to exercise no right of war in the canal when engaged in war with another nation—to not revictual and take in stores in the canal; to effect the transit of its war vessels through the canal without delay when perhaps the safety of its vessels required the asylum of Lake Gatun and the protection of the fortifications at either end; to not embark or disembark troops, munitions of war, and warlike materials in the canal except in case of accidental hindrance of transit; to limit the stay of its war vessels in the adjacent waters at either end of the canal and within the protection of the fortifications to a period no longer than 24 hours, and to permit, subject to these regulations, the war vessels of any other nation with which it may be at war to use and employ the canal equally with itself for the purpose of making war against it? Yet that is exactly what the United States has bound itself to do if, in promulgating its rules for the neutralization of the canal, it intended that it itself should be bound by those rules. The rules promulgated stand or fall together. If rule 1 includes the United States as one of the nations bound by its limitations, then so do rules 2, 3, 4, 5, and 6. If the latter rules do not include the United States, then manifestly rule 1 does not do so. Common sense and common knowledge alike forbid Great Britain to put forward the untenable proposition that the United States has disabled itself in the use that it may make of its own canal for its own purpose in time of war; but, considered from the standpoint of grammatical construction, the treaty disables the United States as much in time of war as in time of peace; and since it must be conceded that the language relied on does not disable it in time of war, the conclusion is inevitable that it does not disable it in time of peace. The true light in which to look at these rules is that the United States is making a grant to all nations of the free use of the canal on terms of entire equality, spoken as a grantor. It was not included in the term "all nations" for that reason. It was not making a grant to itself. The grant, moreover, was to "all nations observing these rules." Can it have intended that the United States was to hold an inquest on itself, find, perchance, that it had broken the rules, and then by its own decree forfeit its right to use and employ its own canal? Such a contention would, of course, be an absurdity, yet it is one to which the argument of those who question the power of the United States necessarily leads.

The language employed by the United States in declaring the rules of neutralization throw some light on their meaning. That language was:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th day of October, 1888, for the free navigation of the Suez Canal; that is to say—

Then follow the six rules adopted. By recurring to the Constantinople convention we find that while it declared that the Suez Canal should always be free and open to vessels of war and of commerce without distinction of flag, there was no provision for equality of charges on traffic, the articles prescribing the manner of the use of the canal by belligerents in time of war was not to interfere with measures which the Sultan, or the Khedive in his name, might find it necessary to take for securing by their own forces the defense of Egypt or the defense of other possessions of the Sultan on the eastern coast of the Red Sea, and the treaty declared the sovereign rights of the Sultan and the rights and immunities of the Khedive in no way affected by its provisions. If, then, the neutralization of the Panama Canal was to be substantially that adopted by the convention of Constantinople for the Suez Canal, the United States did not limit itself either in war or peace in the use which it might make of the Panama Canal for its own purposes. It limited itself only in the matter of discrimination as between other nations.

The reference to the treaty of Constantinople does not, it must be admitted, incorporate the terms of that treaty into the Hay-Pauncefote treaty, and perhaps the reference to the former treaty in the later treaty does not furnish a conclusive guide to the meaning of specific provisions of the later treaty. But the reference must have been for some purpose, and that purpose was evidently to establish a principle, in the light of which the provisions of the Hay-Pauncefote treaty might be construed. In view of that fact the sedulous care with which the Constantinople convention guarded the sovereign rights of Turkey and Egypt, and the liberty it left to them in dealing with the Suez Canal, must be very persuasive when considering the provisions of the Hay-Pauncefote treaty, which it is contended impair the sovereignty of the United States and limit it in the free use it may make of the Panama Canal, both in war and in peace.

The strongest and most conclusive argument against the proposition that the term "all nations" used in rule 1 of article 3 of the Hay-Pauncefote treaty includes the United States is found in the language of the rule itself, and the inadmissible consequences to which it would lead if the United States were held to be included in and bound by its provisions.

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects—

And so forth.

Now, if by virtue of this provision the United States is powerless to exempt its merchant vessels from the payment of tolls, but must charge them to the same extent that it charges tolls to merchant vessels of other nations, then it is powerless to

exempt its war vessels, and must charge them to the same extent as the war vessels of other nations. Vessels of commerce and of war are coupled together by the conjunction, and are each subject to the same identical regulations, and the equality of treatment required for both is to the end that there shall be no discrimination against "any such nation or its citizens or subjects." Any such result as that suggested arising from the language of rule 1 is, as I say, inadmissible. It leads to an absurdity. It is so much an absurdity that Great Britain has not pushed her claim to that extent and will not do so.

The United States must have contemplated some advantage over other nations as compensation for the great outlay of money, the risk of the enterprise, and the responsibility of safeguarding and defending the integrity of the work through all the coming ages. That compensation was the augmentation of its war power in the free use of the canal for war purposes. It must have been intended that there should be no limitation on that free use, and consequently that the United States was at liberty to pass its war vessels to and fro through the canal, freely and at pleasure, and without regard to the use of the canal by the war vessels of other nations. Yet the language of rule 1 of the treaty, unless limited by construction, has the effect of denying that right. Vessels of commerce and of war of all nations are inseparably connected in the language of the rule, and what is there designed to apply to one was designed to apply to the other. The necessary result is that the words "all nations" must be construed to mean all nations other than the United States. Reenforcing this result is the rule, before adverted to, that the United States, as the grantor, was not included in limitations imposed on its grantees, and in its true essence the rule 1 of article 3 of the Hay-Pauncefote treaty was a grant by the United States to all the nations of the world. All nations observing the rules of neutralization were granted equality in the use of the canal.

Again, what was the equality granted? It was equality in the "conditions of charges of traffic." Conditions of traffic refer to the service rendered, its promptness and efficiency, and the impartiality of its rendition as between vessels of different nations seeking canal service. There is left to be considered only equity of charges. Since the United States can not charge itself for the passage through the canal of its own war vessels, because to do so would be to pay with one hand and receive with the other, the only equality in charges of traffic it could give to the war vessels of other nations would be to likewise pass them through the canal free. It is said, however, that the United States could accomplish the same result by charging against the annual upkeep of the canal and the interest charges a fair sum for the use of the canal by its own vessels, and thereby decrease the tonnage charges to be exacted from the vessels of foreign nations. But it did not agree to do anything of that kind. It promised only equality of charges. Those who insist on any such roundabout way of equalizing charges are guilty of the offense they charge against the advocates of the United States in endeavoring to bring about by construction a result not provided for by the treaty, and one evidently not contemplated by its makers, or it would have been provided for.

Those who would limit the United States by rule 1, article 3, of the treaty attempt to avoid the effect of the inclusion in that rule of equality of charges for war vessels by recurring to article 2 of the treaty, where it is provided that—

> Subject to the provisions of the present treaty, the said Government—the United States—shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Whatever this provision may mean it is expressly made subject to the other provisions of the treaty, including the provisions of rule 1, and we are not advanced in any degree in the ascertainment of the meaning of rule 1 by a reference to it. But if it means what is contended for it, namely, that the United States is to have and enjoy all the rights incident to its construction and ownership of the canal, and may therefore pass its warships through the canal free of tolls, then it proves too much.

If because it is the owner it may pass its war vessels free, then as owner it may for the same reason pass its merchant vessels free. It may, as owner, do what it pleases with the canal in the matter of the use that it may put it to for its own purposes. In this connection it should be remembered that in international law a nation is as much the owner of its vessels of commerce as of its vessels of war, and as the sovereign owner has the same claim to indulgence for them. So that if the provisions I am now considering has any effect at all, or, rather, if it has the effect, as claimed, of enabling the United States to employ the canal for its war vessels free of tolls and free of consideration in determining the amount to be realized annually for upkeeping, it is because that hypothesis is reached by a process of reasoning equally applicable to merchant vessels of the United States.

In considering the language of the Hay-Pauncefote treaty there is an important rule of international law to be remembered. In matters involving their sovereign or property rights States are held bound by treaty stipulations to the exent only that they are clear and explicit. If the terms are vague and of doubtful import, the presumption is against the intention of the State to part with its sovereign or property rights. Hence, as the words "all nations" may be taken to mean all nations without exception or all nations other than the nation employing the words, the words "all nations" as employed in the Hay-Pauncefote treaty must be construed as meaning all nations other than the United States. When this rule of construction is fortified by the many other considerations to which I have adverted, the conclusion seems established beyond question that the United States did not, in and by the Hay-Pauncefote treaty, part with any part of its sovereign rights to use and employ the Panama Canal as it pleased for its own purpose, both in peace and in war.

Great Britain's one strong argument is that the words "all nations" means all nations, and necessarily includes the United States. To this she brings the support of the Clayton-Bulwer treaty negotiated in 1850. That treaty has been much discussed in the United States. Our statesmen—and some of them very eminent statesmen—have taken the position that Great Britain abrogated it by violating it very soon after it was entered into. But for the purposes of the Hay-Pauncefote treaty it was assumed by both Governments to be still in force, and that it stood in the way of the construction of an Isthmian Canal by the United States alone, and the purpose of the Hay-Pauncefote treaty was to rid the United States of its limiting force.

Much is made of this by those who advocate the British construction of the later treaty. Undoubtedly Great Britain gave up whatever advantage she might have derived from her contention that the Clayton-Bulwer treaty was still in force and that it tied the hands of the United States, and to the extent that she stipulated for compensating advantages in the Hay-Pauncefote treaty she is now entitled to them. She now argues, and her advocates in this country argue, that article 8 of the Clayton-Bulwer treaty was practically continued in force by the preamble of the Hay-Pauncefote treaty, which reads:

> The two Governments being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principles" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries.

The Clayton-Bulwer treaty, article 8 of which is here referred to, was entered into at a time when the activities of Great Britain in Central America were disquieting to the United States. Our statesmen, not then prepared to go to war with her in defense of the Monroe doctrine, were glad to limit her activities by treaty, and to that end to enter into reciprocal stipulations with her concerning the building of a canal to connect the two oceans and concerning the attempt of either to colonize or assume dominion over any part of Central America. The Clayton-Bulwer treaty provided, accordingly, that neither Government would ever obtain or maintain exclusive control over the canal then contemplated by the Nicaragua route, would not erect or maintain fortifications commanding the same, and would not occupy, fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America. The treaty then provided for extending the aid and encouragement of the two Governments to the building of the canal by such persons or company as might offer to construct the same, provided for extending the protection of the two Governments to the canal when built if conducted on terms of equality as between them, and made many provisions for securing the complete neutralization of the canal in time of war. None of these provisions bear on the present controversy. They all relate to a specific canal then in contemplation to be built by the Nicaragua route. But article 8 of the Clayton-Bulwer treaty declared that the two Governments, desirous of establishing a general principle, would extend their protection to any other practicable canal or railway across the Isthmus, and concluded:

> In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic

thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

It is this last provision that is referred to in the preamble to the Hay-Pauncefote treaty, and which has been treated as if it was thereby incorporated in that treaty. But manifestly that reference can have no such effect. The two Governments were stipulating in the earlier treaty about a canal or railway to be built by a third party, to which they were each to extend protection on condition of equality of treatment between them, and on condition of like equality of treatment to be extended to all other nations which might be willing to grant to the canal or railway such protection as the United States and Great Britain had engaged to afford. After the adoption of the Hay-Pauncefote treaty there was no condition left to which these stipulations could apply. The building of a canal by some third party was gone. The joint regulation of traffic charges by the two Governments was gone. Great Britain was eliminated from any control in the canal or any responsibility for its defense. The provision for extending the use of the canal on equal terms to other nations willing to grant such protection to the canal as the United States and Great Britain had engaged to afford was likewise gone, because the United States did not ask and would not permit any other nation than itself to have any part in the protection of the canal. Nothing was left of article 8 of the Clayton-Bulwer treaty except an intangible general principle, and hence it is wholly inadmissible to attempt to measure the rights and obligations of the United States by the language of that article. Nor does the Hay-Pauncefote treaty attempt to do so. It merely preserves the "general principle of neutralization established in article 8 of that convention." What was that general principle? Merely that the canal should be a world canal, from which no nation might be debarred by the interest or caprice of the owner, and, generally, that the use to be accorded the nations should be on terms of equality. The reference to the general principle of article 8 of the Clayton-Bulwer treaty was for the purpose of carrying that idea forward into the new treaty in order that the stipulations of the latter might be interpreted in the light which it afforded. Suppose a canal had been built by Nicaragua while the Clayton-Bulwer treaty was in force. Could it have been contended that Nicaragua would have been bound and limited by that treaty in the use it might have made of the canal for its own purposes? Manifestly not.

The extent, then, to which the United States as the sole owner might enjoy the advantages of ownership was no more touched by the reference to article 8 of the Clayton-Bulwer treaty than Nicaragua would have been touched by the substantive provisions of that article itself if it had constructed the canal while that article was still in force. The general principle of neutralization established by that article was equal treatment of all nations by the owner, not equal treatment of all nations with the owner. To that extent, and to that extent alone, was the principle of neutralization continued in force by the Hay-Pauncefote treaty. There can be no objection to the stipulations made by the United States in the Hay-Pauncefote treaty being considered in the light of that general principle. But that principle throws no adverse light on the contention of the United States that its rights as the owner of the canal are separate and apart from the rights which it has stipulated other nations might have and enjoy in the canal.

One other argument is to be noticed, and I shall do it very briefly. The Bard amendment to the treaty, affirming the right of the United States to give preference to its coastwise shipping, was voted down in the Senate, and that is held up as a construction of the treaty by the United States Senate contrary to the claim of power now put forward for the United States by those who oppose repeal or tolls exemption. It has now been established beyond cavil or question by the testimony of Senators who participated in the ratification of the Hay-Pauncefote treaty that the Bard amendment was voted down because of the conviction of Senators that the treaty needed no amendment to effectuate the purpose intended, and because the Foreign Relations Committee, taking that view, urged Senators to not burden the treaty with useless amendments.

There is much in the diplomatic correspondence accompanying the formulation of the two Hay-Pauncefote treaties which throws light on the meaning of the treaty as finally ratified, and it all makes for the interpretation of the treaty which I have endeavored to indicate. But I have not thought it best to enter on a discussion of that feature because of the length to which this paper has already grown. Moreover, our training in the common law is in the direction of confining our explorations into the meaning of written contracts to the four corners of the instrument construed, with some slight liberty to look at the history of the transaction as an aid in construction. That method, with which we are all familiar, leaves little room, in my judgment, for doubt as to the meaning of the Hay-Pauncefote treaty. That treaty leaves the United States, as the owner of the Panama Canal, complete liberty in the use to which it may see fit to put the canal for its own purposes, subject, of course, and always, to the equality of treatment of other nations as between themselves, to which the treaty pledges the United States.

FORT M'HENRY MILITARY RESERVATION.

Mr. CHAMBERLAIN. Mr. President, I renew the request I made on yesterday and ask for unanimous consent for the immediate consideration of House bill 12806. I stated my reasons at that time for making the request. It is to grant to the city of Baltimore the use of old Fort McHenry and the grounds of the reservation connected with it. The authorities there are anxious to have the matter acted upon speedily, if it is going to be acted upon at all, because they intend to celebrate the occasion of the writing of the Star-Spangled Banner and the battle that was fought there; that celebration is to be had in a short time, and they want to expend whatever money is necessary to put the grounds in order. The reservation is now owned by the Government, and the title will remain in the Government. This bill is simply to allow the use of the reservation for the purpose of keeping it up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside, which had been reported from the Committee on Military Affairs with amendments. The first amendment was in section 1, page 2, line 1, after the word "in," to strike out "sections" and insert "section"; and in line 2, after the word "three," to strike out "and four"; and in the same line, after the word "hereof," to insert "and that part now in use by the Department of Commerce for a light and fog-signal station under revocable license from the War Department, with the maintenance of the electric lines thereto," so as to make the section read:

That the Secretary of War be, and he is hereby, authorized and directed to grant permission to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, to occupy and use the military reservation of Fort McHenry, Md., except that part mentioned in section 3 hereof and that part now in use by the Department of Commerce for a light and fog-signal station under revocable license from the War Department, with the maintenance of the electric lines thereto, as a public park upon the agreement of said corporation to repair, maintain, and protect the reservation and the public property thereof during the continuance of its occupancy at its own expense: *Provided*, That the said permission shall be subject to such conditions, restrictions, rules, and regulations as the Secretary of War may from time to time prescribe: *Provided further*, That the Secretary of War may terminate the said permission to use said grounds whenever and at such time as he may deem it expedient to do so.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to strike out section 4, as follows:

SEC. 4. That permission is hereby granted the Secretary of Commerce to use a portion of said military reservation not less than 20 feet square for maintaining a light and fog signal to mark the Fort McHenry Channel, and to maintain poles as may be necessary for carrying wires to transmit electric current to operate the fog signal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PANAMA CANAL TOLLS.

Mr. WEST. Mr. President, after talking the matter over with Senators, I desire to change the notice I have given as to the time at which I shall address the Senate on the Panama Canal tolls bill from Thursday next to Wednesday next, immediately after the remarks of the Senator from South Dakota [Mr. STERLING].

Mr. KERN. Mr. President, I think it but fair that I should give notice to Senators who desire to speak on the Panama Canal tolls bill that, immediately upon the conclusion of the speeches that are to be made on the 27th of May, a vote will be asked, and that from that time forward there will be a vote requested at any time when Senators are not addressing the

Senate on that subject. I might repeat what I said on yesterday, that we are prepared to hold night sessions, and there is a desire on the part of Members on both sides that we hold night sessions, if necessary, to the end that all Senators who desire to speak may be heard between now and the 27th of May.

The PRESIDING OFFICER. The Chair suggests to the Senator from Indiana that the Senator from Pennsylvania [Mr. OLIVER] has given notice of his intention to speak on the bill on May 28.

Mr. KERN. I do not understand, Mr. President, that any Senator by giving notice of his intention to speak on the 4th of July can bind the Senate to wait on him. Of course, these notices should be respected within bounds. I did not know the Senator from Pennsylvania had given notice to speak on the 28th of May. I hope he may be able——

Mr. BRANDEGEE. Regular order!

Mr. KERN. To set his time forward a little.

Mr. SUTHERLAND. Regular order, Mr. President.

Mr. KERN. But if not, then we shall ask, of course, to take the vote at the conclusion of his remarks.

Mr. OLIVER. Mr. President, referring to the remarks of the Senator from Indiana [Mr. KERN], I will state that, while I have given notice of my desire to speak on May 28, if there is any evidence prior to that time that this debate can be brought to an earlier conclusion, my notice shall not stand in the way. I will make my remarks before the bill is disposed of.

Mr. O'GORMAN. I ask that the Panama Canal tolls bill may be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. ROOT. Mr. President, some time ago I taxed the patience of the Senate by rather extended remarks upon the duty of the United States in regard to tolls upon the Panama Canal; and what I have to say now upon that subject is rather in the way of reply to arguments which have been made, views which have been expressed, and opinions which have been made manifest by various Senators in the course of the long debate which has intervened.

I wish, before proceeding, to express my very great satisfaction with the character of the debate in this Chamber upon this subject. The excitement and fervor of a false patriotism, the insolence and rancor which ill befit the consideration of a serious international subject by a great people, but which have been injected into the popular discussion of this question in some quarters, have found but little response among the Members of the Senate of the United States. The question which is before us has been debated with a sense of responsibility and dignity. Senators have argued the question as lawyers and legislators upon its merits. I address myself to a reply to some of the arguments which have been made with a sense of serene satisfaction in dealing with a question which rests in the minds of my colleagues upon considerations of right reason and just regard for national obligations and national rights.

Let me try, sir, to state the question; and to state the question I must state the situation as it is presented. The bill which is before the Senate proposes to repeal certain clauses of the Panama Canal act passed August 24, 1912. That act was designed to provide for the opening, maintenance, protection, and operation of the canal, and it conferred authority upon the President in respect of establishing tolls for the use of the canal and imposed certain limitations upon him. Section 5 of the act authorized the President to prescribe and from time to time change the tolls; it provided "that no tolls, when prescribed as above, shall be changed" without six months' notice; it provided that no tolls shall be levied upon vessels engaged in the coastwise trade of the United States. Further, the act provided:

> When based upon net registered tonnage for ships of commerce, the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal.

Then it goes on to say:

> Nor be less than the equivalent of 75 cents per net registered ton.

So that the President is authorized to impose tolls not exceeding $1.25 per net registered ton, except for vessels of the United States and its citizens, and not less than 75 cents per net registered ton, and is prohibited from imposing any tolls upon vessels engaged in the coastwise trade of the United States. He is required to impose tolls of at least 75 cents per net registered ton upon all foreign vessels. He is authorized to impose no tolls upon any American vessel, and is required to impose no tolls upon American vessels engaged in the coastwise trade.

The President has issued a proclamation imposing tolls of $1.20 per net registered ton upon vessels loaded, a smaller amount upon vessels in ballast, and no tolls upon vessels engaged in American coastwise trade. A question has been raised by Great Britain as to the conformity of that action with a treaty made between the United States and Great Britain in 1901, known as the Hay-Pauncefote treaty. It is claimed that that treaty requires that there shall be no discrimination between the tolls imposed upon foreign vessels and the tolls imposed upon vessels owned by citizens of the United States.

The first thing which we naturally do when such a question is presented is to inquire: What is our title? What are the rights that we have?

Until very recently the Isthmus of Panama was not the property of the United States, and we had no rights there except certain rights derived from an old treaty with New Granada, made in 1846, by which New Granada gave to the United States certain privileges in any lines of communication which might be constructed, either railroad or canal, but gave the United States no right to construct a canal and no property rights whatever.

How did we get the canal upon which we are proposing to exact tolls? It was under a treaty made with the Republic of Panama, sometimes called the Hay-Bunau-Varilla treaty. It was signed at Washington on the 18th of November, 1903. Under that treaty with Panama, the owner of the Isthmus, by article 2—

> granted to the United States in perpetuity the use, occupation, and control of a zone of land and land under water, for the construction, maintenance, operation, sanitation, and protection of said canal, of the width of 10 miles—

And so forth.

By article 3 it granted to the United States all the rights, power, and authority which the United States would possess and exercise if it were the sovereign of the territory, to the exclusion of Panama.

In article 18 it provided that—

> The canal, when constructed, and the entrances thereto, shall be neutral in perpetuity and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

That treaty with Panama is the basis of our rights. That treaty lies at the foundation of any question that can be raised as to what we do with the canal which we are constructing, because it is by that treaty, and by that treaty alone, that we get our title. By that treaty the grant of property and jurisdiction upon which we have proceeded, upon which we hold the canal, is subject to the provision that the canal, when constructed, and the entrances thereto, shall be neutral in perpetuity, and shall be opened upon the terms provided for by the treaty between the United States and Great Britain of November 18, 1901.

So the treaty with Great Britain which is referred to here is carried into our title as a limitation upon it.

Let us turn to the treaty with Great Britain which is referred to by Panama in this grant. That treaty was signed at Washington November 18, 1901. It recites that a convention was considered expedient by the United States and Great Britain—

> to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty * * * without impairing the "general principle" of neutralization established in article 8 of that convention.

It proceeds to say:

> The canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

It then proceeds with article 3:

> The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:
>
> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Rule 1, which I have just read, is the section 1 of article 3 of the treaty with Great Britain which is specified in the eighteenth article of our grant of title from Panama as being especially and peculiarly and signally incumbent upon us to observe. "The canal," says the treaty with Panama, "when

constructed, and the entrances thereto, shall be neutral in perpetuity and shall be opened upon the terms provided for by section 1 of article 3" of the treaty with Great Britain.

I have now read section 1 of article 3. There follows, then, in article 3, a series of provisions relating specifically to the kind of neutrality which shall be imposed. They are in substance these:

First. There shall be no blockade of the canal or act of war in it or in its terminal waters.

Second. There shall be no delay in transit in time of war by a belligerent.

Third. No troops or supplies in time of war shall be landed or taken on by vessels in the canal.

Fourth. Belligerent ships shall remain but 24 hours in the terminal waters.

Fifth. A war vessel of one belligerent shall not leave the canal within 24 hours after the vessel of another belligerent has left.

All of those are covered by the general provision of the article in the treaty with Panama in these words:

And in conformity with all the stipulations of the treaty entered into by the Governments of the United States and Great Britain.

Under these provisions, first, of the Panama Treaty, and, second, of the treaty with Great Britain, which is incorporated into the grant of title to us, one question, and one question only, is raised. That is, What is the measure of the tolls that we are at liberty to charge a ship belonging to a British or German or French citizen passing through the canal?

It is quite natural to say that this is a question of the exemption of our ships. It is not a question of the exemption of our ships. No one doubts our right to pass our ships through the canal free, or for any tolls that we choose to impose and that they are able and willing to pay. The question is whether we are bound to take our treatment of the ships belonging to American citizens as the measure of the treatment that we accord to ships belonging to the citizens of other countries.

We have the canal at the Sault, through which pass a greater tonnage and a greater traffic than we can anticipate for the Panama Canal for generations. We charge no tolls to American vessels—that is to say, vessels owned by American citizens—passing through the canal at the Sault, and by treaty we grant to the citizens of Great Britain and Canada the same treatment we accord to our own citizens and their vessels. We have agreed that the measure that we mete to our own citizens shall be the measure we mete to the citizens of Canada. There is no question there about our rights with our own, and there is no question here about our rights with our own.

Nor, Mr. President, is there any question here about the absolute and complete control of the canal by the United States. There is no question, there can be no question, about it. Political control, military control, administrative control, all are ours. The only question is, What standard are we bound to apply in making a charge to the citizens of another country for the use of the canal for passing the ships through? The treaty itself is quite clear. It says:

Subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

We occupy a variety of relations to that business. We are the practical sovereign of the territory, and we have all the rights of sovereignty in respect of the territory. We are the owner of the canal just as a canal company would be the owner if it had constructed it under a charter, just as the Panama Railroad Co. owns the Panama Railroad. We will be the owner of many ships that pass through the canal. We owe protection to many citizens of the United States who will own ships that pass through the canal.

Those four different relations of the United States to this business stand each by itself, and the rights and obligations of each may be clearly ascertained and stated. Sometimes a dual quality will effect an extinguishment of rights and obligations, as, for instance, if the United States as the owner of a ship sends its ship through a canal and is also the owner of the canal, the obligation as owner of the ship to the owner of the canal will be offset; but for any clear conception of what the rights and obligations are, we must consider each character in which the United States stands by itself.

It would be impossible to state more distinctly the precise relation that we have in regard to the control of the canal than Mr. Choate stated it in his letter of October 2, 1901, to Mr. Hay, when the treaty was agreed upon. He said:

I am sure that in this whole matter, since the receipt by him of your new draft, Lord Lansdowne has been most considerate and more than generous. He has shown an earnest desire to bring to an amicable settlement, honorable alike to both parties, this long and important controversy between the two nations. In substance, he abrogates the Clayton-Bulwer treaty, gives us an American canal—ours to build as and where we like, to own, control, and govern—on the sole condition of its being always neutral and free for the passage of the ships of all nations on equal terms, except that if we get into a war with any nation we can shut its ships out and take care of ourselves.

Nor is there any question here about ships owned by the United States. There is much confusion in discussing this subject arising from the use of the term "ships of the United States" or "American ships." The Senator from Mississippi [Mr. WILLIAMS] called attention to that the other day very pointedly. There are ships owned by the United States. When the United States acquires the other character of owner of the canal, of course there can be no question about tolls on those ships, but ships owned by citizens of the United States are quite a different thing. Citizens of the United States are not the United States. They are separate and distinct entities. We tax them, we regulate them, we fine them, we impose charges upon them. If they acquire property from the United States, they pay for it, and if the United States acquires property from them, it pays for it. They are entirely separate and distinct individuals from the United States. The question here is about charges that shall be made by the United States to two different classes of separate and distinct individuals, both classes being the owners of ships, one class being citizens of the United States and the other class being citizens of some other country.

The words of this Hay-Pauncefote treaty, Mr. President, are framed to cover both a canal company and the United States. Observe that article 2 of the Hay-Pauncefote treaty says:

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy—

And so forth.

Now, there is a variety of contingencies to which the words of this treaty are addressed, and you must construe the words as they would apply to a canal company in which the Government of the United States had become a stockholder, as it is of the Panama Railroad Co. to-day, or the bonds of which the United States has guaranteed, as it guaranteed the bonds of the Pacific railroad companies. The fact that the United States has stepped in and itself taken the character of a canal company makes no difference whatever in the meaning and force and interpretation and application of these words. The treaty remains the same, the meaning of it the same. The acquisition of additional and different rights by the United States may arise merely to modify the effect of the application of the treaty.

Nor, Mr. President, is there any question here about the right of the United States to subsidize its own ships. That is as clear and as unquestionable as its right to appropriate money to put up a public building in the city of Washington. It does not rest upon our assertion, for Sir Edward Grey, the secretary of state for foreign affairs of Great Britain, in his memorandum handed to our Secretary of State on the 9th of December, 1912, says, commenting upon President Taft's memorandum accompanying the signature to the bill—

The President argues upon the assumption that it is the intention of His Majesty's Government to place upon the Hay-Pauncefote treaty an interpretation which would prevent the United States from granting subsidies to their own shipping passing through the canal, and which would place them at a disadvantage as compared with other nations. This is not the case. His Majesty's Government regard equality of all nations as the fundamental principle underlying the treaty of 1901 in the same way that it was the basis of the Suez Canal convention of 1888, and they do not seek to deprive the United States of any liberty which is open either to themselves or to any other nation; nor do they find either in the letter or in the spirit of the Hay-Pauncefote treaty any surrender by either of the contracting powers of the right to encourage its shipping or its commerce by such subsidies as it may deem expedient.

I take the line to be at the point where title to the money vests in the United States. If the construction which I feel forced to give to this treaty is a sound one, we are not at liberty to produce the result of a subsidy to American ships by relieving them of tolls which we impose upon other ships. We are not at liberty to produce the effect of a subsidy in that way; but the instant that the money paid for tolls becomes the property of the United States, becomes a part of the general fund of the United States, the United States has absolute and uncontrollable authority in the disposition of that money. All lawyers are familiar with the distinction between accomplishing an unlawful object in a lawful way and accomplishing a lawful object in an unlawful way. To subsidize American ships is lawful. However we may differ about the policy, we have the power; we have the right; but if the construction I give to this treaty is the correct one, we have excluded ourselves by solemn covenant from accomplishing that lawful result in this particular way; and if it be true that we have excluded our-

selves from doing it in this particular way, it is no answer to say the same result could be accomplished in another way. In my view it is no concern of ours why Great Britain chooses to insist upon our keeping the covenant and not to produce the effect of a subsidy in that particular way. If this construction of the treaty is right, she has a right to say, "You shall not do that thing in that way"; and if we made the covenant, it is none of our affairs why she chooses to say it.

Now, upon what conflict of reasons rests the decision of the question whether we are bound to regulate the tolls upon foreign shipping by the tolls on American shipping? The underlying question has been stated quite frequently as being whether the words "all nations" in rule 1 of article 3 include the United States or not. Rule 1 reads:

The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality.

I say that very often the subject has been discussed upon the assumption that the answer to the practical question raised depends upon whether the term "all nations" includes the United States or not. That does not get quite to the foundation upon which the reasoning should rest. The fundamental question is, What kind of equality did the makers of this treaty intend? Says the treaty:

The canal shall be free and open to all vessels of commerce and war of all nations observing these rules on terms of entire equality.

When a French or a German ship sails into that canal and has imposed upon it a toll, and says "this toll is unequal because the vessel that passed here immediately before me was allowed to go with a lower rate of toll," can that be said, if the vessel before was an American ship——

Mr. WILLIAMS. The ship of an American citizen.

Mr. ROOT. The ship of an American citizen; or can it be said only if it was the ship of some foreign power? What is the "entire equality" contemplated by rule 1 of article 3 of this treaty? Is it entire so that it assures equality in comparison with all ships engaged in the same trade similarly situated, the same kind of trade, or is it partial, so as to be equality in comparison only with certain ships engaged in the same kind of trade and not applying to other ships engaged in the same kind of trade, to wit, not applying to ships which are owned by American citizens? The rule proceeds:

So that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

Is the kind of equality that is assured such that there will be no discrimination or that there will be no discrimination except against the ships of other nations and in favor of ships belonging to American citizens?

Now, let us examine the question in the light of the circumstances which surrounded the making of this treaty and the conditions under which it was made. Treaties can not be usefully interpreted with the microscope and the dissecting knife as if they were criminal indictments. Treaties are steps in the life and the development of great nations. Public policies enter into them; public policies certified by public documents and authentic expressions of public officers. Long contests between the representatives of nations enter into the choice and arrangement of the words of a treaty. If you would be sure of what a treaty means, if there be any doubt, if there are two interpretations suggested, learn out of what conflicting public policies the words of the treaty had their birth; what arguments were made for one side or the other, what concessions were yielded in the making of a treaty. Always, with rare exceptions, the birth and development of every important clause may be traced by the authentic records of the negotiators and of the countries which are reconciling their differences. So it is the universal rule in all diplomatic correspondence regarding international rights, in all courts of arbitration, that far more weight is given to records of negotiations, to the expressions of the negotiators, to the history of the provisions than is customary in regard to private contracts or criminal indictments.

This question as to the kind of equality that the makers of this treaty intended to give divides itself very clearly and distinctly into a question between two perfectly well-known expedients of treaty making; one is the favored-nation provision, with which we are all very familiar in commercial treaties, and the other is the provision according to citizens of another country rights measured by the rights of the nationals or citizens of the contracting country. The most-favored-nation provision has its most common expression in the provision regarding tariff duties, a provision that no higher duties shall be charged upon goods imported from one foreign country than upon goods imported from other foreign countries. That is the common "most-favored-nation clause."

The other has its probably most common provision in the laws relating to the treatment of vessels in the ports of a contracting country, assuring to them that no higher tolls or charges, harbor dues or light dues, or dues of that description shall be charged against them than against the vessels of the country in which the port is situated.

This question here is between those two. I can not better illustrate the two kinds I have mentioned than by referring to the treaty with the Argentine Republic in 1853, a typical treaty of friendship, commerce, and navigation. Before I read from it I will state what is an almost universal custom among civilized nations in regard to the use of these two standards of comparison for the purpose of assuring one or another kind of equality. It is the practically universal custom, where the citizens of another country bear the same relation to a particular anticipated transaction or course of business that the citizens of the contracting country bear, in treaties of peace and friendship and amity, to accord to citizens of the other country equality measured by the treatment of the citizens of the contracting country; and, in general, it is only when the citizens of the other country bear a different relation to the anticipated transaction or course of business that recourse is had to the favored-nation clause, as where the people of one country are exporting goods and the people of the contracting country are importing goods. Plainly you can not give to the exporter the same treatment you give to the importer; they are two different classes.

Now, let me illustrate that by referring to the Argentine treaty:

ART. 2. There shall be between all the territories of the United States and all the territories of the Argentine Confederation a reciprocal freedom of commerce. The citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports, and rivers in the territories of either, to which other foreigners, or the ships or cargoes of any other foreign nation or State, are, or may be, permitted to come.

* * * * * * *

ART. 3. The two high contracting parties agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce and navigation, which either of them has actually granted, or may hereafter grant, to the citizens or subjects of any other government, nation, or state, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party.

* * * * * * *

ART. 4. No higher or other duties shall be imposed on the importation into the territories of either of the two contracting parties of any article of the growth, produce, or manufacture of the territories of the other contracting party than are, or shall be, payable on the like article of any other foreign country.

Those are favored-nation clauses. Article 5 provides:

No other or higher duties or charges, on account of tonnage, light, or harbor dues, pilotage, salvage in case of average or shipwreck, or any other local charges, shall be imposed in the ports of the two contracting parties on the vessels of the other than those payable in the same ports on its own vessels.

There is the higher type of equality, because the ships coming into an American port have the same relation to that port whether they belong to an Argentine citizen or to an American.

ARTICLE 6.

The same duties shall be paid, and the same drawbacks and bounties allowed, upon the importation or exportation of any article into or from the territories of the United States or into or from the territories of the Argentine Confederation whether such importation or exportation be made in vessels of the United States or in vessels of the Argentine Confederation.

ARTICLE 8.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty in all the territories of the Argentine Confederation to manage their own affairs themselves or to commit them to the management of whomsoever they please as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by citizens of the Argentine Confederation. * * *

ARTICLE 9.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods and effects, and to the acquiring and disposing of property of every sort and denomination, either by sale, donation, exchange, testament, or in any other manner whatsoever, as also to the administration of justice, the citizens of the two contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens.

And so on through a great number of other provisions. In brief, a careful examination shows this to be a fact: That it is the universal rule, with rare exceptions, that wherever the rights of the citizens of a contracting country can be made the standard of equality for the citizens of another country they are made so, and that recourse is not had to the most-favored-nation clause, except where that higher degree of equality is impossible because the citizens of the two countries occupy different relations to the business that is contemplated.

So we have the question between these two kinds of equality clearly drawn and resting upon long experience of nations, a

subject fully understood by the negotiators of this treaty upon both sides.

We know now that the negotiators of this treaty, the men who made it, all understood that the larger equality was intended by its terms. Of course, what the negotiator of a treaty says can not be effective to overthrow a treaty; but I think we must all start, in considering this question, with the assumption that the words are capable of two constructions. I think no one can deny that, in view of the differences of opinion which have been expressed here regarding their meaning. So here are words capable of two constructions, a broad construction and a narrow construction, but the fact that all the makers of the treaty intended that the words they used should have the larger effect is certainly very persuasive toward the conclusion that those words should receive the larger effect. Not only the American negotiators but the British negotiators as well so understood it. Whenever we seek to impose upon these words a narrower construction for our own interests than the makers of the treaty understood them to have, we should remember the fundamental rule of morals that a promisor is bound to keep a promise in the sense in which he had reason to believe the promisee understood it was made.

Let us look at the understanding of the negotiators. Mr. Choate writes this in a letter to Hon. Henry White, dated April 14, 1914:

As I telegraphed to you last night, on receipt of your telegram of yesterday I wrote to the chairman of the committee, Senator O'GORMAN, inclosing to him, by the express permission of the Secretary of State, a copy of my letters to Secretary Hay between August 3, and October 12, 1901, the same that you have. To my mind they establish beyond question the intent of the parties engaged in the negotiation, that the treaty should mean exactly what it says, and excludes the possibility of any exemption of any kind of vessels of the United States. Equality between Great Britain and the United States is the constant theme, and especially in my last letter of October 2, 1901, where I speak of Lord Lansdowne's part in the matter, and say "He has shown an earnest desire to bring to an amicable settlement, honorable alike to both parties, this long and important controversy between the two nations. In substance, he abrogates the Clayton-Bulwer treaty, gives us an American canal, ours to build as and where we like, to own, control, and govern, on the sole condition of its being always neutral and free for the passage of the ships of all nations on equal terms, except that if we get into a war with any nation we can shut its ships out and take care of ourselves."

This was the summing up of our whole two months' negotiation.

Mr. Henry White's understanding of it is shown in the testimony before the Committee on Interoceanic Canals of April 14, 1914. He says:

During the entire period of those negotiations and in all of my conversations with Lord Salisbury or with anyone else on either side of the Atlantic I never heard the subject of our coastwise traffic mentioned. It was always assumed by those carrying on the negotiations—it certainly was by me in my interview with Lord Salisbury—that he meant that our ships should be considered, or rather that the United States should be considered, as included in the term "all nations."

Senator SIMMONS. And our coastwise ships?

Mr. WHITE. All ships.

The CHAIRMAN. You are stating now what your understanding is, not what the language was?

Mr. WHITE. No; my understanding. The language was "ships of all nations on equal terms." That was the language used by Lord Salisbury, which I cabled the same day to Mr. Hay. Mr. Hay had asked Lord Salisbury to remove such obstacles in the Clayton-Bulwer treaty as stood in the way of our building the canal, and his reply was that he had no doubt these obstacles would eventually be removed, provided the ships of all nations should go through the canal on equal terms.

Senator SIMMONS. Do I understand you to say you had suggestions from any direction that our coastwise ships were to be treated differently?

Mr. WHITE. Never from beginning to end.

We know from many sources what Mr. Hay's views were. The Senator from Connecticut [Mr. MCLEAN] has read to you a statement of them, authentic, made about the time of the treaty, at the time the treaty with Panama was under consideration. Here is what Mr. Hay says:

"All means all. The treaty was not so long that we could not have made room for the word 'other' if we had understood that it belonged there. 'All nations' means all nations, and the United States is certainly a nation."

"That was the understanding between yourself and Lord Pauncefote when you and he made the treaty?" I pursued.

"It certainly was," he replied. "It was the understanding of both Governments, and I have no doubt that the Senate realized that in ratifying the second treaty without such an amendment it was committing us to the principle of giving all friendly nations equal privileges in the canal with ourselves. That is our golden rule."

I can not pass from this subject without also calling attention to the language used by President Roosevelt in his message to the Senate upon which the Panama treaty was ratified. President Roosevelt said in this message of January 4, 1904, laying before Congress the Panama treaty:

The proper position for the United States to assume in reference to this canal, and therefore to the Governments of the Isthmus, had been clearly set forth by Secretary Cass in 1858. In my annual message I have already quoted what Secretary Cass said; but I repeat the quotation here, because the principle it states is fundamental:

"While the rights of sovereignty of the States occupying this region (Central America) should always be respected, we shall expect that these rights be exercised in a spirit befitting the occasion and the wants and circumstances that have arisen. Sovereignty has its duties as well as its rights, and none of these local Governments, even if administered with more regard to the just demands of other nations than they have been, would be permitted in a spirit of eastern isolation to close the gates of intercourse on the great highways of the world and justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them, or, what is almost equivalent, to encumber them with such unjust relations as would prevent their general use."

The principle thus enunciated by Secretary Cass was sound then and it is sound now. The United States has taken the position that no other Government is to build the canal. In 1889, when France proposed to come to the aid of the French Panama Co. by guaranteeing their bonds, the Senate of the United States in executive session, with only some three votes dissenting, passed a resolution, as follows:

"That the Government of the United States will look with serious concern and disapproval upon any connection of any European Government with the construction or control of any ship canal across the Isthmus of Darien or across Central America, and must regard any such connection or control as injurious to the just rights and interests of the United States and as a menace to their welfare."

Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumed the position of guarantor of the canal and of its peaceful use by all the world.

Who were these men? Certainly, anyone who finds in this treaty now a meaning different from that which they thought their words carried should consider many times the steps by which he reaches his conclusion.

Mr. Choate, the head of the American bar, clear, able, with penetrating intelligence, with vast experience in the use of words and the construction of treaties, of statutes, of contracts, unquestionable in the virile strength and loyalty of his Americanism. When he thought that the words he used had a particular meaning, we may well think twice before we say that they have not that meaning.

Henry White, one of the few diplomats trained from their youth up in the American service.

John Hay, the pride of our generation in American diplomacy. John Hay, that sensitive soul that could produce the American types of the Pike County ballads, and the charm, the felicity of whose phrases makes them jewels in the history of American literature. John Hay, who received the spirit, the motive, the characteristics of his Americanism as the young secretary and the confidential and intimate friend of Lincoln.

Theodore Roosevelt, with his swift, incisive mind and his high courage.

All these—the chargé d'affaires who opened the negotiations with Lord Salisbury, the ambassador who carried on the negotiations, the Secretary of State who supervised and authorized the negotiations, the President who authorized, as one of the first acts of his Presidency, the signature to the treaty and laid it before the Senate—all these understood that they were making a treaty with the largest equality, and with no trifling, narrow, "favored nation" provision.

Indeed, sir, the "favored-nation" clause is of but little value. If the standard of equality be not the standard of the treatment of ships owned by American citizens, and be nothing but the "favored-nation" standard—that is, equality as between foreigners—it is of but very little value. That equality would be practically compelled by the usages of civilization without any treaty at all. No nation could ever maintain a practice of charging for the use of a canal connecting two oceans a different rate of tolls as against Germans or French or English or Italians. It never has been done anywhere in the world. It never will be done unless civilization goes back from the level which it has now reached. But the other, the larger, equality is of value; for the treatment of the citizens of the country which owns the canal, the treatment they will submit to, the treatment that it is safe to accord to them before election, is a safe and a sound, substantial guaranty of the treatment the citizens of other nations will receive; so that is of value.

Mr. President, of course what these negotiators all thought they were doing by the use of these words is not conclusive. It is persuasive, but not conclusive. Let us ascertain why they thought so, if we can.

The first reason why it seems to me they could not possibly have meant anything else than they say they meant is that for three-quarters of a century the United States had been declaring to the world that she sought to procure the making of the canal across the Isthmus as a public-service work, a public calling, a public utility, with all the nations the public to be served. I say, for three-quarters of a century the United States had been making that declaration as to its relation to this work; yes, always without one varying note, until we got the title and control of the canal; and then for the first time is heard the demand that American owners of ships shall receive better treatment in tolls than the ships of other owners.

Now, let me call attention to some of the declarations. You have read them all; they are not new in this debate; but I

beg you to consider them as a whole and consider the position in which we stand with reference to them as a series unbroken and unvarying. In 1826 Henry Clay, Secretary of State, said:

If a canal across the Isthmus be opened so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.

A resolution of the Senate in 1835:

The construction of a ship canal across the Isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations—

Is recommended as the subject of negotiation, "free and equal right to all such nations."

Resolution of the House in 1839:

For the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal to all nations—

Is recommended.

In the overtures by the United States to Great Britain which resulted in the making of the Clayton-Bulwer treaty Mr. Rives to Lord Palmerston in 1849 said:

That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practical, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.

That the United States would not if they could obtain any exclusive right or privilege in a great highway which naturally belongs to all mankind.

In the Clayton-Bulwer treaty of 1859, article 6:

And the contracting parties—

The United States and Great Britain—

likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same.

In 1858 Secretary Cass, in the utterance which I have just read from the January 4, 1904, message of President Roosevelt.

In 1881 Secretary Blaine. Mr. President, this utterance is of special significance, because it was the first serious overture to Great Britain to bring about that abrogation of the Clayton-Bulwer treaty and the substitution of a canal under the sole auspices of the United States, which has been realized in the Hay-Pauncefote treaty. Mr. Blaine on the 24th of June, 1881, writes to the American minister to open negotiations with Great Britain for obviating the objections in the Clayton-Bulwer treaty. He says:

There has never been the slightest doubt on the part of the United States as to the purpose or extent of the obligation then assumed—

That is, in the Colombian treaty of 1846—

by which it became surety alike for the free transit of the world's commerce over whatever land way or waterway might be opened from sea to sea, and for the protection of the territorial rights of Colombia from aggression or interference of any kind.

He then proceeds to say that the President deems it due to frankness to suggest a new arrangement with Great Britain. He says:

Nor, in time of peace, does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panama Railway, under the exclusive control of an American corporation. The extent of the privileges of American citizens and ships is measurable under the treaty of 1846 by those of Colombian citizens and ships. It would be our earnest desire and expectation to see the world's peaceful commerce enjoy the same just, liberal, and rational treatment.

In the following letter of November 19, 1881, he lays down the policy of the United States almost exactly as it was worked out by the negotiators in the Hay-Pauncefote treaty now in existence. He lays it down to Great Britain, and this utterance of Secretary Blaine was the main expression of American policy which Mr. Hay, Mr. White, Mr. Choate, and Mr. Roosevelt found before them to follow in making this treaty. Let me read it:

In assuming as a necessity the political control of whatever canal or canals may be constructed across the Isthmus, the United States will act in entire harmony with the Governments within whose territory the canals shall be located. Between the United States and the other American Republics there can be no hostility, no jealousy, no rivalry, no distrust. This Government entertains no design in connection with this project for its own advantage which is not also for the equal or greater advantage of the country to be directly and immediately affected. Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees and will by public proclamation declare at the proper time, in conjunction with the Republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal, shall apply with absolute impartiality to the merchant marine of every nation on the globe. And equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations. In time of war, aside from the defensive use to be made of it by the country in which it is constructed and by the United States, the canal shall be impartially closed against the war vessels of all belligerents.

It is the desire and determination of the United States that the canal shall be used only for the development and increase of peaceful commerce among all the nations, and shall not be considered a strategic point in warfare which may tempt the aggression of belligerents or be seized under the compulsions of military necessity by any of the great powers that may have contests in which the United States has no stake and will take no part.

Mr. Blaine went out of office; other interests arose—the Venezuelan controversy with Great Britain, the progress of construction by the De Lesseps Co., which seemed for a time to bid fair to produce a canal across the Isthmus of Panama, the Spanish War, all intervened, and these negotiations languished and were intermitted until Mr. Hay, in 1898, reopened the subject with this declaration of Mr. Blaine, still standing, declaring what the United States would do if England would give to her the same sole control which she did give in the Hay-Pauncefote treaty. How could the negotiators intend anything else in the words they used than that same large equality which the United States had thus already offered formally and solemnly?

In 1885, in his message of December 8, Mr. Cleveland says to Congress:

Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition.

In 1898 Mr. Hay, in reopening the negotiations which Mr. Blaine had begun, instructs Mr. White to say:

The President thinks it is more judicious to approach the British Government in a frank and friendly spirit of mutual accommodation, and to ask whether it may not be possible to secure such modification of the provisions of the Clayton-Bulwer treaty as to admit such action by the Government of the United States as may render possible the accomplishment of a work which will be for the benefit of the entire civilized world. The President hopes he may take it for granted that the British Government not only have no wish to prevent the accomplishment of this great work, but that they feel a lively interest in it and appreciate the fact that the benefits of its successful achievement will be to the advantage not only of England and America but of all commercial nations.

We know that the answer to that by Lord Salisbury was that he would be favorable to such a modification of the treaty relations provided that the vessels of all nations could use the canal on terms of equality.

In the year 1900, when the first Hay-Pauncefote treaty came before the Senate, the report of the Committee on Foreign Relations, commonly spoken of as the Davis report, a very able, very thorough, very careful consideration of the whole subject, says:

It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of a canal through those States on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888.

Referring to the Suez Canal convention—

or if we could compel them to give us such advantages over other nations it would not be creditable to our country to accept them.

That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost, we are not called on to divide the profits with other nations. If it is worth less and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view, it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

The Suez Canal makes no discrimination in its tolls in favor of its stockholders; and, taking its profits or the half of them as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment.

In 1904, in the message of President Roosevelt, from which I have already read, submitting the Hay-Pauncefote treaty to the Senate, is the last authoritative and unmistakable declaration of the public service for all the world which the United States undertook in building the Panama Canal.

Now, Mr. President, the common law of England and America, the public policy especially of America at the very time this treaty was being negotiated, enforced with unsparing rigor the duty of equal charges and equal service by all public utilities to all the public which they were to serve, and in the face of this long series of public declarations by the Government of the United States committing itself to that relation, the relation of the builder and operator of a public utility for all the world, the makers of this treaty could not honorably have used words with any other meaning than the meaning of the large equality which they say they meant these words should have.

There is another reason. The kind of equality which the negotiators intended—that is, an equality in which the treatment of American citizens is made the standard for the treatment of foreign citizens—had during all the history of the Isthmian Canal efforts been the standard sought for in negoti-

ations and treaties. That kind of equality was the standard adopted by the public policy of the United States for al. similar enterprises. It was customary; it was uniform; it was natural for negotiators of a treaty relating to a canal. Let me illustrate that by referring to the initial treaty on this subject, the treaty of New Granada of 1846. When the American negotiators making that treaty dealt with the subject of a railroad and canal, what kind of equality did they stipulate for? Why, this:

The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States of their said merchandise thus passing over any road or canal that may be made by the Government of New Granada or by the authority of the same than is, under like circumstances, levied upon and collected from the Granadian citizens.

The message of President Polk transmitting this New Granada treaty of 1846 to Congress dwells especially upon the assurance to citizens of the United States of equal charges and equal f ilities in the use of railroad and canal with citizens of New Granada.

I go back again to the Clayton-Bulwer treaty of 1850. There is no doubt about the kind of equality which the negotiators considered it to be valuable to get, useful to get, natural to get.

Article 1 of that treaty provides that neither Government shall undertake any control or make any fortifications, make any effort "for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantage in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other."

Article 5 provides that protection may be withdrawn if the company which builds the canal shall make "unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other."

Article 6 uses as interchangeable terms the expression "on equal terms to all," and these provisions for measuring the rights of the citizens of one country by the rights accorded to the citizens of the other. They are used interchangeably.

Article 8 provides that—

It is always understood by the United States and Great Britain that the parties constructing or owning the canal shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable, and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State.

You will perceive, sir, that the terms on which citizens of other countries were to be allowed to come in were not terms of the most-favored nations as among themselves. They were on like terms with those which existed between Great Britain and the United States; that is to say, each other country which came in and adhered to this Clayton-Bulwer treaty was to have the rights of its citizens measured by the rights accorded to the citizens of the United States and to the citizens of Great Britain.

In our treaty with Great Britain in 1854, the reciprocity treaty of 1854—

It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the River St. Lawrence, and the canals in Canada used as the means of communicating between the Great Lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of Her Britannic Majesty, subject only to the same tolls and other assessments as now are, or may hereafter be, exacted of Her Majesty's said subjects.

* * * * * * *

It is further agreed that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts so long as the privilege of navigating the River St. Lawrence, secured to American citizens by the above clause of the present article, shall continue; and the Government of the United States further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals on terms of equality with the inhabitants of the United States.

We made a treaty with Nicaragua in 1867, under which, then expecting the canal to be through Nicaraguan territory, it was provided that—

The Republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific Oceans through the territory of that Republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both Republics and their respective citizens.

That treaty further provided:

And no higher or other charges or tolls shalls be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States, or of any other country, across the said routes of communication, than are or may be imposed on the persons and property of citizens of Nicaragua.

In 1868 Mr. Seward made a treaty with Colombia, which was never ratified, in which the provision originally proposed by the United States was:

That the tariff of tolls and freights shall be on the basis of perfect equality for both nations and for all other nations who shall be at peace both with the United States of America and the United States of Colombia.

Colombia wished that provision to apply to both times of war and of peace; and accordingly it was modified and came into the completed treaty, which was submitted to the Senate in this form:

The Government of the United States of America shall establish a tariff of tolls and freights for the said canal on a basis of perfect equality for all nations, whether in time of peace or war.

In 1870 another treaty was made with Colombia, in which the provision was that the United States was to establish, just as it does here in the Hay-Pauncefote treaty, a tariff of charges on merchant vessels and vessels of war upon the basis of perfect equality at all times among all nations, with no other distinctions than are contained in the preceding article.

In the preceding article the distinction is that the parties to the treaty—that is, Colombia and the United States—reserve to themselves the right of passing ships of war, troops, and munitions of war through the canal at all times free of charge of any description.

In 1871, in the great treaty of Washington of that year, we enlarged the stipulation regarding the use of American and Canadian canals, and the United States stipulated definitely that—

The subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.

We have heard much discussion here of the controversy which arose between the United States and Great Britain over the application of that paragraph of the treaty of Washington giving equality to citizens of the two countries in the use both of American and Canadian canals. Several times the discussion has run into an attack upon the Canadian treatment of the subject, into a declaration that Canada did not yield gracefully or easily; that Canada did not yield until measures of retaliation were proposed. That is quite irrelevant to the bearing of this treaty and the discussion upon the question that is before us and upon the treatment of this subject by the makers of this treaty.

What position did we take? What was the attitude of the United States toward the subject of equality between the United States and Canada under this treaty stipulating for equality? That is the important question—not whether Great Britain was right or wrong; not whether Canada did right or wrong; not whether they were willing or unwilling; but what did the United States say and what position could the United States take consistently upon this subject of the equal use of the canals?

We are not left entirely to the treatment of canals for a guide as to the public policy of the United States. When this treaty was negotiated it had long been the general public policy of the United States to accord to all other nations in all ports and waters of the United States rights in respect of service and of charges, measured by the service and the charges to American citizens. The act of Congress of June 26, 1884, as amended June 19, 1886, reads:

Provided, That the President of the United States shall suspend the collection of so much of the duty herein imposed on vessels entered from any foreign port as may be in excess of the tonnage and light-house dues or other equivalent tax or taxes imposed in said port on American vessels by the Government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter, as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate, by proclamation, the ports to which such suspension shall apply, and the rate or rates of tonnage duty, if any, to be collected under such suspension: *Provided further*, That such proclamation shall exclude from the benefits of the suspension herein authorized the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States or the import or export duties on their cargoes are in excess of the fees, dues, or duties imposed on the vessels of the country in which such port is situated, or on the cargoes of such vessels.

I say that was the public policy of the United States regarding all ports and waters of the United States, and it was a policy toward all the world. A controversy arose about it. Canada claimed that we imposed excessive charges upon her vessels, and we claimed that she imposed excessive charges upon ours. A correspondence ensued, and on the 18th of February, 1896, Mr. Olney, then Secretary of State, wrote to Sir Julian Pauncefote as follows:

The understanding of the Government of the United States in the matter of the uniform treatment of foreign and domestic vessels is that charges on foreign vessels in the ports of the United States should be no higher than those imposed on vessels of the United States in the ports of this country, and that the charges imposed on American ves-

ships in foreign ports should be no higher than the charges imposed on the vessels native to those ports. This is the practice of this Government, and it is in accord with nearly all of its treaties of commerce and navigation with foreign powers.

The fact cited in the Canadian minute that the charges of this Government on lake ports are larger than those imposed by the Dominion authorities will, upon more mature reflection, I am confident, be regarded as irrelevant, since those charges are imposed equally on American and foreign vessels.

On the 9th of June of the same year Sir Julian Pauncefote replied to Mr. Olney as follows:

SIR: With reference to my note of the 21st February last, and to previous correspondence respecting the alleged discrimination against United States vessels in Canadian ports on the Great Lakes, I have the honor to inform you that the Governor General of Canada has approved a minute of his privy council, recommending the revocation of the regulations complained of and the abolition of all fees hitherto exacted from vessels navigating inland waters when entering or clearing above Montreal.

That Sir Julian Pauncefote was the Lord Pauncefote who, with Mr. Hay and Mr. White, negotiated the Hay-Pauncefote treaty. We are asked to believe that starting with the Clayton-Bulwer convention, which gave to Great Britain unquestioned assurance of the larger and more valuable equality of her vessels with the vessels of American citizens, in a negotiation with a country which in all its history had insisted regarding all canals that the measure of equality should be the measure of service and of charges to its national citizens, in negotiating with a country which had just compelled him to yield that equality of treatment as a measure of general public policy, he abandoned the vantage ground of the Clayton-Bulwer treaty and gave up that basis of equality without one word in the negotiation, without discussion, without its being asked, without its being mentioned, without his knowing it, without the other negotiators knowing it. But that is not all.

It was not merely the immemorial policy of the United States and Great Britain regarding all canals; it was not merely the general public policy of the United States and Great Britain regarding all ports and waters, but it was the policy of the United States regarding trade the world over, and the champion and protagonist of that policy was John Hay. At the very time that he was negotiating the Hay-Pauncefote treaty he was appealing to the justice of all the nations of the world for the "open door" in China; he was appealing to them in the interest of the world's commerce, in the interest of civilization to accord in all their possessions in China, what? Favored-nation treatment? Oh, no; the same treatment that they accorded to their own citizens. Let me ask you to attend for a moment to things that John Hay wrote regarding this great design, the accomplishment of which will ever stand in the history of diplomacy as one of the proudest contributions of America to the progress of civilization. On September 6, 1899, he wrote to Mr. Choate in London:

The Government of Her Britannic Majesty has declared that its policy and its very traditions precluded it from using any privileges which might be granted it in China as a weapon for excluding commercial rivals, and that freedom of trade for Great Britain in that Empire meant freedom of trade for all the world alike. While conceding by formal agreements, first with Germany and then with Russia, the possession of "spheres of influence or interest" in China, in which they are to enjoy special rights and privileges, more especially in respect of railroads and mining enterprises, Her Britannic Majesty's Government has therefore sought to maintain at the same time what is called the "open-door policy" to insure to the commerce of the world in China equality of treatment within said "spheres" for commerce and navigation.

He wrote to Ambassador White in Germany September 6, the same date:

Earnestly desirous to remove any cause of irritation and to insure at the same time to the commerce of all nations in China the undoubted benefits which should accrue from a formal recognition by the various powers claiming "spheres of interest" that they shall enjoy perfect equality of treatment for their commerce and navigation within such "spheres" the Government of the United States would be pleased to see His German Majesty's Government give formal assurances and lend its cooperation in securing like assurances from the other interested powers that each within its respective sphere of whatever influence. * * *

Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.

So he wrote all of the great nations of the world an appeal for equal treatment, an appeal for a specific stipulation to secure the equal treatment that no higher charges should be imposed upon the citizens of any other country in the ports and waters possessed by those great powers in China or for freight or passage over the railroads built and controlled by them than were imposed upon their own citizens. To that appeal all the great powers of the world responded in affirmance; and on the 20th of March, 1900, Mr. Hay was able to issue his circular of instructions to all the ambassadors and ministers of the United States announcing the universal assent of the world to that great principle of equality—equality measured by the rights of the citizens of the nation granting it in all the Empire of China; yet we are asked to believe that John Hay denied, abjured, repudiated that policy of civilization in regard to the Panama Canal at the very moment that, through the same agents, he was enforcing the policy upon the same countries; and that he did it without knowing it, as the Senator from Mississippi [Mr. WILLIAMS] suggests.

But, Mr. President, we are not left to inferences which must be drawn from the circumstances that I have mentioned or from declarations of public policy or from the uniform course and custom of treaty making regarding canals and regarding public waters and transportation. There is positive, and it appears to me conclusive, affirmative evidence that the negotiators did effectively proceed in making this treaty in accordance with the honorable obligation of their country as the builder and maintainer of a public utility, as the champion of equal commercial rights the world over.

We begin the consideration of the express provisions leading to the conclusion that the larger equality was intended with the communication of the Hay-Pauncefote treaty to the Senate. Of course, we are all familiar with the terms of the preamble preserving the general principle of article 8 of the Clayton-Bulwer treaty. Let me read them again, however, for convenience of reference:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British dominions beyond the seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries.

Now we are told that the language of a treaty or of a contract or of a statute can not be changed by the preamble; but what is the purpose of a preamble? The purpose is to afford a guide to the interpretation of the terms of the treaty or of the statute. When you start with the third article of the Hay-Pauncefote treaty and have a debate as to its interpretation you turn to the preamble and you find there a guide intended by the makers of the treaty to enable you to reach the right interpretation upon the terms of the third article. But, still further than that, the idea of not impairing the general principle of neutralization is carried into the treaty itself, for in article 4—

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

That is, repeating in the fourth article as being a part of the treaty itself the words of the preamble that the obstacles of the Clayton-Bulwer treaty are to be removed without impairing the general principle of neutralization established in article 8 of that convention.

This preamble, sir, which refers to the general principle of neutralization in the Clayton-Bulwer treaty and which manifestly is designed to preserve in the Hay-Pauncefote treaty something of the Clayton-Bulwer treaty, has been treated in discussion as being a matter of not very much importance. Not so the view of the negotiators of the treaty. Not so the view of anybody connected with our Government at the time the treaty was made, for you will perceive, in the first place, that in the letters of transmittal of the treaty special pains are taken to have it understood that this treaty preserves unimpaired something which is called the general principle of neutralization.

Mr. Hay, in transmitting the Hay-Pauncefote treaty to the President, writes:

I submit for your consideration * * * a convention * * * to remove any objection which may arise out of the * * * Clayton-Bulwer treaty * * * without impairing the "general principle" of neutralization established in article 8 of that convention.

President Roosevelt, in transmitting the treaty to the Senate, says:

I transmit, for the advice and consent of the Senate to its ratification, a convention signed November 18, 1901, * * * to remove any objection which may arise out of the convention of April 19, 1850, * * * to the construction of such canal under the auspices of the Government of the United States without impairing the "general principle" of neutralization established in article 8 of that convention.

That feature of the Hay-Pauncefote treaty is dwelt upon and made extraordinarily prominent, and there is a manifest feeling that the Senate ought not to lose sight of it in considering whether it shall advise the ratification of the treaty.

We are not left to that, however. When the treaty negotiations were nearly completed Mr. Hay wrote to Lord Pauncefote September 2, 1901, regarding the last treaty as compared with the first Hay-Pauncefote treaty, which failed of ratification. He said:

I considered the adoption by the Senate without change of the preamble of our former treaty—

That is, the first Hay-Pauncefote treaty—

by which it was declared that the general principle of neutralization established in article 8 of the Clayton-Bulwer convention was not impaired thereby, a fortunate circumstance, as it enabled us in passing a new draft to retain the important utterance in the preamble in the same form to which the Senate had already given its assent.

Not only did Mr. Hay regard that as important, but the British negotiators regarded it as highly important. On the 25th of September, 1901, Mr. Choate wrote to Mr. Hay as follows:

On Monday, the 23d, I had an interview with Lord Pauncefote and tried, as I had before, to persuade him that it was neither wise nor necessary to mar your article 4 by the addition proposed in my cable to you. But he thought, as he did before, and more strongly than he did before, that with the addition Parliament and the British press and public could be made to accept the treaty, but that without it they could not.

Referring to article 4 as it now appears in the print—

He thought it very necessary that they should be able to say very emphatically that although they had abrogated the Clayton-Bulwer treaty they had preserved the principle of it.

What was that principle? We have to turn to the Clayton-Bulwer treaty again. The principle of neutralization in the eighth article of the Clayton-Bulwer treaty is to be preserved unimpaired, according to the Hay-Pauncefote treaty; and it is regarded by the negotiators upon both sides as a matter of great importance. Special attention is called to it when the treaty is submitted to the Senate. Now, let me go over again the provisions of the Clayton-Bulwer treaty.

In the first article there is an agreement not to take advantage of any alliance or any connection of either Government on the Isthmus—

for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

No discriminations are to be made in favor of the commerce of the one against the commerce of the other. The great design of the convention is said to be, in article 6—

That of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same.

In the eighth article it is provided:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

What is the principle of neutralization contained in that article? The negotiators understood that there was such a principle in that article, for they say:

Without impairing the "general principle" of neutralization established in article 8 of that convention.

The only two things in article 8 are the equality of service and of charge between the vessels of the United States and those of Great Britain and the extension of that to other countries that come in and the obligation of protection. The great object of the negotiation of the Hay-Pauncefote treaty was to take over to the United States alone the duty and the right of protection. That was the difference between the Hay-Pauncefote treaty and the Clayton-Bulwer treaty—that Great Britain was to surrender the right of protection, to be relieved from the duty of protection, and no other countries were to be permitted to come in and exercise the right of protection. The United States was to put itself on the platform that Blaine laid down in 1881, as the sole protector of the canal. What, then, was there to be preserved unimpaired in the eighth article of the Clayton-Bulwer treaty? Nothing except the basis of equality; equality between the United States and Great Britain, equality measured by the treatment of the nationals of one country for the nationals of the other. Nothing else was left to be preserved unimpaired.

Observe that the term used by the preamble and by the fourth article of the Hay-Pauncefote treaty is not "neutrality," but "neutralization." They are both well-understood and well-defined terms. By all writers upon international law, in all the literature of international law, the distinction is well understood. Neutralization is the contractual arrangement which produces neutrality. The end to be attained is neutrality. The means by which it is obtained is neutralization.

Now, let us go back to the Clayton-Bulwer treaty. The only thing in the eighth article that was not expressly and intentionally destroyed was the equality stipulated in the eighth article, stipulated in the fifth article and the sixth article and the first article, and carried into the eighth article by reference. That equality was the principle upon which this canal was to be made neutral. There is no other meaning that you can find for it, and that is what was to be preserved unimpaired.

There is no need of speculating about it. Fortunately, we are told by the negotiators themselves what they meant. I read from a letter of Mr. Choate to Mr. Hay, dated August 20, 1901, when this negotiation had far progressed and this second treaty was in form, and there was nothing at all left to be discussed which affected the subject. When I read these words I want you to remember that you must construe the equality provision of the Hay-Pauncefote treaty as being the very equality established in the eighth article of the Clayton-Bulwer treaty, unless you can find some other meaning in the minds of the makers of this treaty.

Now let me read what Mr. Choate said:

As article 8 stands in the C.-B. treaty—

The Clayton-Bulwer treaty—

it undoubtedly contemplates further treaty stipulations—not "these" treaty stipulations, in case any other interoceanic route, either by land or by water, should "prove to be practicable," and it proceeds to state what the general principle to be applied is to be, viz, no other charges or conditions of traffic thereon "than are just and equitable," and that said "canals or railways" being open to the subjects and citizens of Great Britain and the United States on equal terms shall also be open on like terms to the subjects and citizens of other States, which I believe to be the real general principle of neutralization (if you choose to call it so) intended to be asserted by this eighth article of the C.-B. treaty.

That is from Mr. Choate to Mr. Hay. That is from the man who put those words into the Hay-Pauncefote treaty for us to the man who authorized the signing of the Hay-Pauncefote treaty for us, and that is what he meant. That is what he said over his official signature he meant by preserving unimpaired in the Hay-Pauncefote treaty the general principle of neutralization established in the eighth article of the Clayton-Bulwer treaty, and no power of reasoning or of sophistry can justify the American Government in putting upon the Hay-Pauncefote treaty any other meaning than the meaning there declared.

The negotiators on the other side thought the same thing about it. Mr. Choate, on September 21, reports to Mr. Hay a conversation he had had with Lord Pauncefote. He says:

He again insisted, as Lord Lansdowne had insisted, that they must have something to satisfy Parliament and the British public that in giving up the Clayton-Bulwer treaty they had retained and reasserted the "general principle" of it, that the canal should be technically neutral and should be free to all nations on terms of equality, and especially that in the contingency supposed, of the territory on both sides of the canal becoming ours, the canal, its neutrality, its being free and open to all nations on equal terms should not be thereby affected.

There you perceive that Lord Pauncefote's paraphrase of the terms of the eighth section of the Clayton-Bulwer treaty is—

Should be free to all nations on terms of equality.

It is the provision for equality in the Clayton-Bulwer treaty which he regarded as the general principle established in the eighth article.

Let me read it again:

They must have something to satisfy Parliament and the British public that in giving up the Clayton-Bulwer treaty they had retained and reasserted the "general principle" of it, that the canal should be technically neutral and should be free to all nations on terms of equality.

What that equality was, you find in the eighth article of the Clayton-Bulwer treaty.

Mr. Hay, in his letter to Senator Cullom at the time the treaty was under consideration by the Senate, says:

He (the President) not only was willing but earnestly desired that the "general principle" of neutralization referred to in the preamble of this treaty and in the eighth article of the Clayton-Bulwer treaty should be perpetually applied to this canal. This, in fact, had always been insisted upon by the United States.

There was no change in policy.

He recognized the entire justice and propriety of the demand of Great Britain that if she was asked to surrender the material interest secured by the first article of that treaty, which might result at some indefinite future time in a change of sovereignty in the territory traversed by the canal, the "general principle" of neutralization as applied to the canal should be absolutely secured.

Whatever else the Hay-Pauncefote treaty means, it means to secure absolutely the general principle of neutralization contained in the eighth article of the Clayton-Bulwer treaty, which was, according to the understanding of the makers of the Hay-Pauncefote treaty, the absolute equality of the ships, the citizens and the subjects of all nations with the ships and the citizens of the United States and of Great Britain; and we are not at liberty to spell out any different meaning of the Hay-Pauncefote treaty.

In the face of these declarations we are asked to find a meaning of this treaty which ascribes to Great Britain the intent to abandon everything there was in the eighth article of the Clayton-Bulwer treaty. We are asked, in the face of Mr. Choate's declarations to Mr. Hay, and Mr. Hay's to the President and to the Senate, to ascribe to this treaty an intention to take away from Great Britain everything there was left of equality in the eighth article of the Clayton-Bulwer treaty; and we are asked to suppose that that was done without its being mentioned in the negotiations, without one word, without our asking it of Great Britain or Great Britain offering it to us, without its being discussed, without its being proposed or broached in any way.

As the Senator from North Dakota [Mr. MCCUMBER] suggests to me, Great Britain could have surrendered much more easily. All she need have done was to say: "We consent to the abrogation of the Clayton-Bulwer treaty."

That, however, is not the only thing. The third article of the Hay-Pauncefote treaty provides:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal; that is to say—

Rules 1 to 6 are then enumerated:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

That is declared by the treaty to be substantially as embodied in the convention of Constantinople regarding the Suez Canal. Turn to the convention of Constantinople, and see what guide you find there to determine what was the scope and character of the equality provided in this first rule, which is said to be substantially as provided in the treaty of Constantinople.

The treaty of Constantinople was made, not before title to the canal was obtained, as in the case of our Hay-Pauncefote treaty, but after the title was obtained. The company that built the Suez Canal had already gotten their grant from the territorial sovereign when this convention was made. Our Hay-Pauncefote treaty was made before the grant was obtained from the territorial sovereign.

Mr. WILLIAMS. As a matter of information, was that after Disraeli had bought a majority of the stock in the Suez Canal?

Mr. ROOT. I am not certain.

Mr. WILLIAMS. It was bought prior to that, was it not?

Mr. ROOT. I am not positive.

Mr. WILLIAMS. The date of the treaty was 1888?

Mr. ROOT. October 29, 1888.

Mr. WILLIAMS. That was after Disraeli bought the stock.

Mr. ROOT. It must have been afterwards. This convention provides that Great Britain, Austria-Hungary, Spain, and so forth—

Wishing to establish by a conventional act a definite system destined to guarantee at all times and for all the powers the free use of the Suez Maritime Canal, and thus to complete the system under which the navigation of this canal has been placed by the firman of His Imperial Majesty the Sultan, dated the 22d of February, 1866 (2 Zilkadé, 1282), and sanctioning the concessions of His Highness the Khedive, have named as their plenipotentiaries; that is to say—

The firman of the Sultan sanctioning the concession of the Khedive under date of the 22d of February, 1866, referred to in this paragraph, provides for a great variety of circumstances and conditions relating to the construction and operation of the canal, and in article 17 it provides:

The dues are to be levied without exception or favor upon all vessels under like conditions.

So that was a fundamental basis under which the Suez Canal was to be operated and to which this convention was to apply. The convention then proceeds:

The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

Article 12:

The high contracting parties, by application of the principle of equality as regards the free use of the canal, a principle which forms one of the bases of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial power are reserved.

There, sir, you have the Suez Canal convention declaring the principle of equality as one of the bases of its convention, a convention made to regulate the operation of the canal under a concession by the Khedive and a firman by the Sultan which prescribes that equal tolls shall be exacted of all vessels under like conditions.

Mr. WILLIAMS. And after Great Britain had become the owner.

Mr. ROOT. This convention which makes that declaration of absolute and universal equality of tolls a basis of its agreement was made, as the Senator from Mississippi suggests, after Great Britain had become the chief owner and arbiter of the canal. Now, I come back to the Hay-Pauncefote treaty. Article 3:

The United States adopts, as the basis—

They use the very term of the twelfth article of the Suez convention, which makes equality one of the bases of its convention. They use the very words of the twelfth article.

The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, etc.:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

An "entire equality" substantially as embodied in the Suez convention. You are bound to say that the equality was substantially the same. When these negotiators at that very instant were appealing to the Suez convention and declaring the treaty they were making was substantially the same in the rule of equality which it prescribed, when they were declaring that what they were doing was substantially like what the Suez convention did—you are not at liberty to say that at that very instant they meant something entirely different. If you do that, you say they were dishonest, they were disingenuous, they were deceiving Great Britain.

Ah, Mr. President, the worst thing about it is that our Government has said from generation to generation it was going to treat all the world alike in whatever it did about this canal; that the makers of our treaty declared that they were preserving unimpaired the equality established in the eighth article of the Clayton-Bulwer treaty; that the makers of our treaty declared that the provision for equality was substantially the same as that in the Suez treaty; that that was the uniform, the unvarying attitude of the United States in every step which we took to acquire title to the Canal Zone and to get the unrestricted right to own and operate the canal; and not until after we got it, not until after we were secure, did any American ever broach the idea that we were to use the canal for selfish advantage commercially; that to the political control, to the military control, to the power of ownership and regulation and management we were to add a discrimination against all the rest of the world for the purpose of enabling our merchant ships to outdo them in competition.

Mr. WILLIAMS. Will the Senator pardon me for a suggestion?

Mr. ROOT. Certainly.

Mr. WILLIAMS. We not only waited until after we acquired title but we waited until after we concluded that possibly the operation of the canal would be unprofitable before we made this claim.

Mr. ROOT. I am obliged to the Senator for his suggestion.

Now, what are the arguments for the narrower construction? It is said that in this first rule the words "observing these rules" limit the words "all nations," so that they can not be held to include the United States. You can not give that construction to those words, if there is any construction that can be given to them consistent with the declarations that I have been recounting here. Is it a necessary construction? Certainly not. In the first place, when you look at the history of the words "observing these rules" you see that they were put into the clause for an entirely different purpose. They were not put there for the purpose of excluding the United States. The reason why they were put there appears in full, and with great distinctness and beyond any doubt, in the correspondence and the record of the negotiations.

The original Hay-Pauncefote treaty contained a clause providing that other nations should be invited to adhere, to come in and become parties to the contract. Our negotiators insisted in negotiating the second treaty that that should go out. Indeed, the Senate had stricken it out in its amendment of the first treaty. When Great Britain assented to that she said that that done by itself, leaving the provision that the canal should be free and open to the vessels of all nations upon terms of entire equality, would operate against her in time of war, be-

cause the rules from 2 to 5 in the third article of the treaty, which described the conditions and requirements of neutrality of the canal, would be binding upon her, since she was a party to the treaty, and they would not be binding upon any other country; and so other countries, being entirely free from all the limitations of these neutrality provisions, would have an advantage over her and she would be subject to a burden. Accordingly she put into this first clause "all nations agreeing to observe these rules." But Mr. Choate and Mr. Hay said no; we will have no nations agreeing at all; that would let them into a contract relation with the United States regarding the canal, and that we will not have. Strike out "agreeing" and put it "all nations observing these rules," because then any country which does not wish to observe the neutrality provisions and rules 2 to 5 or 2 to 6 will be excluded from the use of the canal and Great Britain will not be placed at a disadvantage in time of war. That was the sole reason for putting in those words, and it appears, I say, in full.

Now, we are asked to give an entirely different meaning and effect to the introduction of those words, a meaning and effect which the negotiations show never entered the minds of the negotiators upon either side.

It appears very clearly, by the enumeration of the changes in the treaty when it was sent to the Senate, that the introduction of the words "observing these rules" was not understood by the makers of the treaty as producing any change whatever in the meaning of the first article except the limitation that I have referred to, for Mr. Hay, in the memorandum which came with the treaty, states the changes from the first form of the Hay-Pauncefote treaty, which did not contain the words "observing these rules," but was for all nations, not limited to nations observing these rules. He says they were as follows:

First. In the new draft of treaty the provision superseding the Clayton-Bulwer treaty as a whole.

Second. By a change in the first line of article 3, instead of the United States and Great Britain jointly adopting as the basis of the neutralization of the canal, the rules of neutrality prescribed for its use as was provided by the former treaty, the United States now alone adopts them.

Third. The omission of the words "in time of war as in time of peace" from clause 1 of article 3.

Fourth. The striking out of the provision by which other powers were to be invited to come in and adhere to the treaty.

Fifth. The change from the former treaty in the omission of the provision in clause 7 of article 3, which prohibited the fortification of the canal, and the transfer to clause 2 of the remaining provision of clause 7, that the United States shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Sixth. The omission of the words "in time of war as in time of peace," and dispensing with the necessity of the Davis amendment, giving express authority to the United States to protect itself in time of war.

That is the enumeration of the changes that were made, and you will find no place there for any change made by the introduction of the words "observing these rules." It appears affirmatively otherwise that the negotiators did not consider that they were making any change, for Mr. Choate says in his final account of the second treaty, which I have already read to you, for a different purpose—

It gives us an American canal, the sole condition of its being always neutral and free for the passage of the ships of all nations on equal terms.

Now, that is his statement of what this treaty meant. The clause which provided that the treaty was to be for all nations observing these rules on terms of entire equality Mr. Choate translates as being on the sole condition of its being always neutral and free for the ships of all the nations on equal terms; and Mr. Hay, in his account to the Senate of the terms of this final treaty written to Mr. Cullom, says:

While omitting to invite other nations to adhere to the treaty when ratified, and so to acquire contract rights in the canal, it was thought that the provision that the canal should be free and open to all nations on terms of entire equality would practically meet the objection

He says, further, that Lord Pauncefote was requested "to reach a conclusion which should be satisfactory to the United States, if this could be done without departing from the great principle of neutrality, including the use of the canal by all nations on equal terms."

And he says it was believed that the declaration that it should be free and open to all nations of the world on terms of entire equality would practically meet the force of the objection which had been made.

I refer you again to the message of President Roosevelt, transmitting this treaty to the Senate, in which he describes it as a treaty which assures the right to the free passage of the canal to all the nations of the world on equal terms.

Mr. SUTHERLAND. Does the Senator from New York think that President Roosevelt intended by that language to exclude the United States from the power to exempt its own coastwise ships?

Mr. ROOT. No; I do not think he had that in mind at all. I think that he had in mind then the subject which I am now discussing. It has nothing to do with the coastwise ships. The subject which I am now discussing is the question, What was the rule of equality declared in the third article of the Hay-Pauncefote treaty? The question whether coastwise vessels furnished an exception to that rule is an entirely different question, which I shall come to presently.

I am certain there is no other conclusion that can be reached, and that President Roosevelt in that message intended to declare that this treaty established the broad rule of equality for all nations. He did not stumble over the words "observing these rules." He said:

Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms.

That is what he understood the treaty meant.

But it is said that the broad construction can not be given, because the United States is not to observe these rules. Nothing could be further from the truth.

I turn again to the words of the Hay-Pauncefote treaty. Under article 3 there are six rules prescribed. The first is that—

The canal shall be free and open * * * on terms of entire equality.

We are told that that is not a rule, because it does not relate to neutrality, and that the second, third, fourth, fifth, and sixth paragraphs of article 3 are rules. Well, Mr. President, the treaty says it is a rule. I do not know that any of us should assume to know better than the treaty makers or assume to know better than the treaty itself. The treaty says:

The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople.

That is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules.

And I ask whether the United States was not to observe this rule?

Mr. SUTHERLAND. How would Great Britain observe that first paragraph?

Mr. ROOT. Perhaps she could not. The rules are to be observed by the countries as they are applicable to those countries. The code of rules may none of them ever have to be observed by any country except the United States, because there may be no country ever under such circumstances as to call one of them into application, but it is quite clear that the first paragraph under the preamble in article 3 is a rule, because the treaty says it is, and that the nation which is primarily charged with the observance of that is the United States, so that the United States must be considered as coming within the description of nations observing these rules. But let us pass to the others:

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal.

They evidently thought the United States had something to do with that rule or they would not have expressly provided for what they apparently considered an exception to it.

3. Vessels of war of a belligerent shall not revictual nor take any stores.

4. No belligerent shall embark or disembark troops.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end, but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

Mr. President, all those rules of neutrality, the product of the direct application of the principle of neutralization preserved from the eighth article of the Clayton-Bulwer treaty, are primarily for the observance of the United States. We are not dealing with an unknown subject here; we are dealing with a subject which has enlisted the attention of publicists and rulers and diplomatists since international law began.

We undertook in the treaty of Washington to formulate certain rules, and we did formulate certain rules of neutrality, to the observance of which Great Britain and the United States pledged themselves, and for the nonobservance of those rules in the past, through the Geneva arbitration, we compelled Great Britain to pay us $15,000,000.

There are two kinds of neutrality—the result of neutralization by a general convention, in which a great number of countries declare certain territory to be neutral and all accept the burden of maintaining the neutrality and observing it; that is one. The other is the neutrality which a territorial sovereign declares in respect of its territory. The leader of the world in neutrality of that description is the United States. It com-

menced its wise and beneficent treatment of the subject by Washingon's neutrality proclamation. When any country declares the neutrality of its territory as between any two or more belligerents, that country assumes the duty of observing the rules which the law of nations has established for the regulation of neutrality. A part of those rules were codified in the treaty of Washington in 1871. In that treaty Great Britain and the United States in express terms declare that the high contracting parties agree to observe those rules, there were codified in that treaty. The most enlightened and advanced rules regulating the neutrality of a country under the powers of a single sovereignty were codified here in this Hay-Pauncefote treaty and imposed upon the United States, because the change from the first Hay-Pauncefote treaty to the second treaty changed the character of the neutrality from a neutrality by universal agreement, to a neutrality by the fiat of the sovereign of the territory, the controller of the territory. Those rules have been codified again in the neutrality treaty of the second Hague conference of 1907; and in that codification there are express provisions declaring in detail the obligations of the sovereign guaranteeing the neutrality. There is not a rule here, from the second to the fifth, that does not impose duties upon the United States. Where the rule says the canal shall not be blockaded, the duty of observance rests upon Great Britain as a contracting party; it rests upon all other countries that use the canal, because they avail themselves of the privilege; it rests upon the United States, because she has contracted that the canal shall be open; and it will be her duty to stop a blockade if she has the physical power, and if she has not it will be her duty to exact reparation from any party who violates the rule by blockading the canal.

If ships of war, in time of war, shall loiter in the canal, it is her duty to urge them forward. If a ship stays to the limit of 24 hours, it is her duty to give notice and to require it to leave. If a ship undertakes to disembark or to embark men and munitions in time of war, it is the duty of the United States to prevent it. We have time and again in our diplomatic history acknowledged the duty of observance both by the power that guarantees the neutrality of the territory and the duty of the powers that avail themselves of the privilege of using the neutralized territory. We have made amends for violating the territory of a neutral; we have exacted amends of others that have violated our neutral territory; and every rule which is contained in the second article of the Hay-Pauncefote treaty in regard to neutrality is a rule the observance of which is incumbent upon the United States.

We are told that the United States can not be supposed to have been laying down rules for herself as a customer; that this article of the Hay-Pauncefote treaty prescribes rules for the customers of the canal, and that we can not suppose that the United States expected to be its own customer. Well, that involves confusion of ideas between the vessels of citizens of the United States and vessels of the United States itself, to which I have already adverted. The customers of the canal are not nations in their political capacity. If this canal had been built by a company, as was within the contemplation of the treaty and the words of the treaty, the United States politically would not have been a customer of the canal; but the ships of the citizens of the United States and the owners of those ships would have been customers, the ships of the United States would have been customers, and the ships of all other countries would have been customers. American citizens owning American registered and enrolled ships will be customers of the canal just as much as will be the subjects of other countries.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. ROOT. I will ask Senators not to interrupt me further. I have taken a very long time, and I am becoming weary and am very anxious to finish.

We are also told that all presumptions are against grants in derogation of sovereignty. There are two things to be said about that: In the first place, when we made this treaty we had no sovereignty. We made no grant in derogation of sovereignty; we made no grant affecting any sovereignty that we had. The observance of this provision is a reservation in favor of the sovereignty of Panama in her grant to us, and the observance of that reservation is one of the stipulations under which we acquired the right to build the canal.

Another thing to be said about that argument is that no stipulation about the amount of tolls can be in derogation of sovereignty under any circumstances. Fixing tolls is a business transaction. When the United States goes into business as the owner of a railroad or of a canal, the fixing of a charge is not an act of sovereignty; it is an act of business.

Did we derogate from sovereignty when we made our treaty in 1854, our treaty in 1871, and our still more recent treaty of 1909, in which we agreed that the tolls charged upon Canadian or British vessels in all our canals along the boundary should be measured by the tolls charged to American citizens? Have we lost our sovereignty over the Sault Canal? Do we derogate our sovereignty when we agree that we shall charge the same rates in our ports to citizens of other countries that we charge to citizens of our own country? Have we thereby lost our sovereignty over the port of New York or of Boston or of Philadelphia or of Buffalo?

The argument is made that this treaty is no longer binding because there has been a change of sovereignty. There has been much argument made upon the express provision of this treaty, the fourth article, under which it was expressly provided that no change of sovereignty should affect the rights and duties of the parties to the treaty; but the correspondence shows that that fourth article of the treaty was put in for the express purpose of preventing any such argument as has been made here from prevailing. Here is Mr. Choate writing to Mr. Hay about this fourth article. That was proposed by Great Britain. Form was given to it by Mr. Hay. Let me read it again:

> It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Mr. Choate writes:

> The idea "change of sovereignty," of course, relates to the report of an intention on the part of the United States to acquire a strip of territory on each side of the canal, and "other change of circumstances" is aimed at the argument in some future epoch against the continuance of this treaty that has often been directed against the continued binding force of the C.-B. treaty that "change of circumstance" since 1850 has put an end to it.

And Mr. Hay's letter to Senator Cullom, referring to the Lansdowne treatment of the negotiation, says:

> In this connection he referred to the fact that the new treaty contained no stipulation against the acquisition of sovereignty over the territory through which the canal should pass.
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> * * * * * * *
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> It was claimed that if Great Britain were now to be called upon to surrender the interests and the principle thus secured by what remained of the Clayton-Bulwer treaty, there should be, in view of the character of the treaty now to be concluded and of the "general principle" of neutralization thus reaffirmed in the preamble, some clause inserted agreeing that no change of sovereignty or other change of circumstances in the territory through which the canal is intended to pass shall affect such "general principle" or release the parties, or either of them, from their obligations under this treaty.

Mr. COLT. May I ask the Senator a question for instruction merely? Were any rights of sovereignty reserved to the United States under the Hay-Pauncefote treaty such as were reserved to Turkey under the Suez convention?

Mr. ROOT. I think I would answer that question in the negative. At the time the Hay-Pauncefote treaty was made neither party had sovereignty, and there could be no reservation of any rights of sovereignty. The convention manifestly contemplated that the United States should, either for itself or for a company to be patronized by it, acquire certain rights for the construction of a canal on the Isthmus, either by the way of Nicaragua or of Panama. All questions of sovereignty would necessarily have to be dealt with in the instrument which conferred those rights. In the treaty with Nicaragua, to which I have already referred, the United States acquired rights very far short of sovereignty; in the Hay-Herran treaty, which was negotiated with Colombia immediately after the Hay-Pauncefote treaty, and which Colombia refused to ratify, the United States received rights very far short of sovereignty. But in the Panama treaty, for the first time, there was a grant to the United States of what amounted to substantial sovereignty over the Canal Zone, Panama, however, making certain reservations and imposing certain stipulations, among them a stipulation that the canal should always be free and open to ships of all nations upon the terms of the third article and all the terms of the Hay-Pauncefote treaty.

Mr. COLT. I do not desire to interrupt the Senator. I simply want to suggest that, as it lay in my mind, the provision as to change of sovereignty being inserted in the second Hay-Pauncefote treaty and our negotiators failing in the conclusion of that treaty to reserve to the United States the same rights of sovereignty of the territorial sovereign which were reserved to Turkey, the territorial sovereign of the Suez Canal, under, I think, the tenth and thirteenth articles of the Suez convention, whether it was not an omission on their part not to reserve to the United States the same sovereign rights reserved in the Suez convention.

Mr. ROOT. Mr. President, it may be that it would have been advisable to put into the Hay-Pauncefote treaty some clause of that kind, but manifestly the controlling provision must be the

provision of the treaty with Panama, because only the sovereign can effectively reserve such rights.

Mr. President, when we are talking about the infringement of sovereignty, and especially when we hear heated denunciations of what is called the surrender of American sovereignty, assertions that we have built the canal on our own territory, with our own money, and can do what we please with it I can not forget that four years ago at this time I was representing our country before a great tribunal at The Hague, urging upon that court the rights of the United States to have observed in good faith by Great Britain the stipulations which she had made in the treaty of 1818 regarding the treatment of our fishermen upon the coasts and in the bays and harbors of Newfoundland. I was urging then that under the treaty of 1818, which provided that American fishermen should have in common with the subjects of His Brittanic Majesty the liberty to take fish upon that coast, Great Britain was bound to treat our fishermen in letter and in spirit by the rule of equality and of justice, although it was in her waters, in the unquestioned territory of her oldest colony, that we were claiming to exercise our rights. The result of that arbitration was that, pursuant to the provisions of the award and the agreement between the countries adjusting and giving effect to it if any law be passed now which the fishermen of the United States regard as unjust and unequal toward them in the exercise of their calling in those British waters, upon the objection of the United States it is suspended in operation and submitted to the arbitration of an impartial international tribunal to determine whether it shall take effect. Ah, Mr. President, conformity to the obligations of treaties is the highest exercise of sovereignty and not the infringement of sovereignty.

It seems to me, sir, that I have now reached a point where I am justified in leaving the main question, which I have discussed with a feeling that I have, in a poor and halting way, but by the presentation of substantial matter, established the general rule prescribed in the third article of the Hay-Pauncefote treaty as a rule of real entire equality, of real absence of discrimination, applicable to all the nations of the world, to all ships, to all subjects, and to all citizens.

The question to which we now must pass is the question whether the statute which is sought to be repealed is in conformity with that rule of equality.

It is said that coastwise traffic may be exempted from that rule, and that is claimed on the authority of the case of Olsen against Smith in One hundred and ninety-fifth Supreme Court Reports. In that case the court say:

> Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore, there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply, without discrimination, to all vessels engaged in such foreign trade, whether domestic or foreign.

It will be perceived that that utterance of the Supreme Court lays down the rule of equality as to trade of the same kind. Now, sir, I do not doubt that coastwise trade, real coastwise trade, is a special kind of trade, standing by itself, quite unlike the great over-seas trade. All countries, as a rule, treat their coastwise trade with special favor; they charge reduced rates for the privileges it has in their ports; and if any such real coastwise trade, any of the trade that has been known to the laws and treaties and navigators and traders time out of mind as coastwise trade, or cabotage, were to pass through the Panama Canal, I should not question the right to treat that in a different way from the great over-seas trade that goes through that canal. But, Mr. President, the real gist of this discrimination is not the discrimination between coastwise trade, properly so called, and other trade. No real coastwise trade will go through that canal. It is a thousand miles and more away from our coast. The trade that goes through it will be real over-seas trade, carried on by great ships, making long voyages—in its mature the exact antithesis to real coastwise trade.

The trouble with this discrimination is the kind of trade which is included in this statute. The great over-seas trade, the trade from New York to San Francisco; from Portland, Me., to Seattle; from Philadelphia to Hawaii; from Baltimore to Alaska, in great ships plowing two oceans, great over-seas trade, although beginning and ending in American ports, is included by our statute under the term "coastwise" and has the benefit of this discrimination; and other countries have the same kind of trade and will send the same kind of trade through the Suez Canal. The decision of the Supreme Court of the United States was based upon the absence of discrimination between the same kind of trade. Here this discrimination is solely between the same kind of trade. It is a discrimination between a kind of trade carried on in American ships and the same kind of trade carried on in other ships.

Great Britain—Canada—will have the same kind of trade between Halifax and Vancouver. Mexico will have the same kind of trade between Tampico, some time Vera Cruz, and Acapulco Honduras, Nicaragua, Costa Rica, Colombia; Germany between her ports and the Caroline Islands will have just the same kind of trade that we have between our Atlantic ports and Hawaii; England from London to Hongkong; Russia from her Baltic ports to her Siberian ports. There is no basis of this discrimination in the kind of trade. The basis of the discrimination is nothing but the flag; and I can not resist the conclusion, sir, that such discrimination is not in conformity with the rule of equality.

But we are told, sir, that we must not repeal this statute "at the behest of Great Britain." The behest of Great Britain!

What has Great Britain said to us? Let us see. She has said that she considered this statute to be a violation of the contract; and she said, in Mr. Mitchell Innes's note of August 27:

> I am instructed to add at the same time that should there eventually be a difference between the two countries as to the correct interpretation of the Hay-Pauncefote treaty which can not be settled by other means, His Majesty's Government would then ask that it should be referred to arbitration in accordance with the provisions of the existing arbitration treaty concluded in 1908.

The same thing was said to Mr. Phillips, who was our chargé in London; and he reports that Sir Edward Grey announced in Parliament that—

> Should there eventually be a difference between the two countries respecting the interpretation of the Hay-Pauncefote treaty that could not be settled by other means, His Majesty's Government would ask that it be referred to arbitration in accordance with the provisions of the existing arbitration treaty concluded with the United States in 1908.

In the formal note of Sir Edward Grey to our State Department, he concludes:

> His Majesty's Government feel no doubt as to the correctness of their interpretation of the treaties of 1850 and 1901 and as to the validity of the rights they claim under them for British shipping; nor does there seem to them to be any room for doubt that the provisions of the Panama Canal act as to tolls conflict with the rights secured to their shipping by the treaty. But they recognize that many persons of note in the United States, whose opinions are entitled to great weight, hold that the provisions of the act do not infringe the conventional obligations by which the United States is bound, and under these circumstances they desire to state their perfect readiness to submit the question to arbitration if the Government of the United States would prefer to take this course.

Does that sound like a behest? Is there anything arrogant or insolent about that?

Let me recall to your minds, without going over the long history, what the United States has said and done in respect of arbitration. Let me recall to your minds the resolutions passed by the Senate and by the House calling for the negotiation of treaties of arbitration; the messages of Presidents, in long succession, declaring to Congress the unalterable devotion of the Government of the United States to the principle of arbitration; the multitude of treaties negotiated at the instance and by the request and urgency of the United States pursuant to these resolutions of Congress, and providing for arbitration.

Are we to regard it as arrogant and insolent that a nation with which we have made a treaty regarding the price of a service to be rendered differs from our interpretation of the treaty and proposes arbitration?

Let me recall to you also the *Alabama* claims, and the time when we called for arbitration to enforce our demands against Great Britain, and got it, and got judgment for $15,000,000. Let me recall when we called for arbitration of our northwestern boundary, and obtained for ourselves the disputed sovereignty to the island of San Juan, in the Strait of Fuca. Let me recall the time when we wanted arbitration for the rights of our helpless fishermen upon the Newfoundland and the Canadian coasts, and got it, and got protection for them. Let me recall the time when the miners of two countries were standing on either side of the disputed boundary line in Alaska, and in the interest of peace and civilization the two countries arbitrated the Alaska boundary, and we got the territory we claimed. Let me recall to you the Venezuela boundary controversy, when we demanded that Great Britain arbitrate. Let me read to you the language of Secretary Olney to England:

OLNEY TO BAYARD.

JULY 20, 1895.

> You are instructed, therefore, to present the foregoing views to Lord Salisbury by reading to him this communication (leaving with him a copy, should he so desire), and to reenforce them by such pertinent considerations as will doubtless occur to you. They call for a definite

decision upon the point whether Great Britain will consent or will decline to submit the Venezuelan boundary question in its entirety to impartial arbitration.

Those are peremptory words, evincing no doubt of the moral right to demand arbitration.

It is the earnest hope of the President that the conclusion will be on the side of *arbitration*, and that Great Britain will add one more to the conspicuous precedents she has already furnished in favor of that wise and just mode of adjusting international disputes. If he is to be disappointed in that hope, however—a result not to be anticipated and, in his judgment, calculated to greatly embarrass the future relations between this country and Great Britain—it is his wish to be made acquainted with the fact at such early date as will enable him to lay the whole subject before Congress in his next annual message.

He laid it before Congress. You all remember that it was a war message. All the world understood it. He got his arbitration.

Oh, arbitration when we want it, yes; but when another country wants it, "Never, never furl the American flag at the behest of a foreign nation."

Mr. President, the subject that I am now discussing raises sharply the question how the American people want their affairs to be conducted. They have a multitude of relations with other countries. They are doing a business of over four thousand million dollars with other countries. They are traveling all over the world in hundreds of thousands. They are receiving in this country hundreds of thousands of the citizens of other countries. Vast interests of property and of liberty and of life are regulated by the great body of treaties and conventions that we have with other countries. We think ourselves, and rightly think ourselves, leaders in civilization. We are for the amelioration of manners and of conduct which tends to substitute kindly feelings and considerate treatment for the rule of hatred, of strife, and of war.

Do the American people wish their representatives to treat all the other nations that are in conventional relations with us; that are brought in contact with us by travel, by trade, by all the multitudinous intercourse of modern life, upon the theory that any question of right by them is an insult, that any *according of* a right to them by us is a surrender? Do they want us to conduct our foreign affairs on the principle of the thoughtless youth who flings up his hat and shouts for the flag or as just and considerate men transact their own business with each other, as neighbors in a town treat each other, as business men treat their customers and the persons from whom they buy? Do they want us to be ugly and revengeful and insolent and brutal and boasting, or do they want us to be dignified and calm and considerate and reasonable in our relations with foreign countries?

I say that the argument that we are called upon to "surrender at the behest of Great Britain" raises the question which I have just described, and which I will not stop to answer, for there can be but one answer and that finds itself in the immediate response of every Senator.

But, Mr. President, why are we here discussing repeal? Great Britain asked for arbitration. Why are we here discussing repeal?

Mr. President, Mr. Taft, who was President of the United States when this controversy arose, was in favor of arbitration. He declared for arbitration in a public speech made early in January, 1913. I have not that speech here, but I know that it was before I spoke in the Senate on the 21st of January, 1913, on this subject. Mr. Taft substantially repeated what he then said in a speech at Ottawa on January 31 of this year, in which he said:

Now, we shall doubtless have to arbitrate the matter, unless Congress reverses itself. There are some hot heads that talk in absurd tones about the right of the United States to manage her own canal and her own property as she likes, no matter what she has agreed to; but that is all froth. Those are the "explosivistas."

President Roosevelt, with all his courageous and combative nature, is in favor of arbitration. President Wilson is devoted to arbitration. Senator LODGE is in favor of arbitration. Senator SUTHERLAND is in favor of arbitration. I refer to them because they have announced it upon the floor in this debate. Why am I discussing the subject here? I am in favor of arbitration.

Will you pardon me if I go back to the first thing that I ever said on this subject? When the Panama Canal bill was up in this body on the 15th of July, 1912, I said:

It appears quite certain to me, sir, that if we enact the provision which is now before us, making the discrimination against which Great Britain protests, as the other party to this international agreement, the question raised will be one for arbitration under our existing treaty with Great Britain. It will present the simplest, most unquestionable case for the submission to an impartial tribunal of the contending claims of the two parties to the contract. We could not refuse to arbitrate the question. Great Britain could not refuse to arbitrate it. It is the kind of question which our treaty of arbitration expressly requires to be arbitrated, and it is a question which ought to be arbitrated.

Instead of arguing the question, I shall content myself with suggesting to the Senate that any legislation which may be enacted ought to be framed with a view to the fact that this is a matter about which we can not finally decide. If the judgment of the Senate shall be in favor of the policy of discrimination—and mine is not; I think it is wholly unjustifiable and unnecessary—nevertheless we should exercise our power of legislation with a view to the fact that the question of our right to legislate in such a way as to discriminate is one which may be decided against us by the international tribunal to which we are bound to submit it.

After President Taft had made his public speech in favor of arbitration, I made a speech in the Senate on the 21st of June, 1913, in favor of arbitration. It was an arbitration speech, but I already knew that the obstacles to arbitration which were arising might be insurmountable, and I put the alternative that we must arbitrate or we must withdraw from the position that we refused to arbitrate.

Now, let me answer the question why we are here. I will answer by reading part of the debate in the CONGRESSIONAL RECORD of April 9. The Senator from Iowa [Mr. KENYON] had just put into the RECORD the letter of President Roosevelt saying that he considered that the coastwise exemption was permissible under the treaty, but that it was a subject that ought to be arbitrated. He had wound up his letter by this:

But when we have deliberately and solemnly made a promise, then I most emphatically believe that this Nation should keep that promise just as an honorable man would do as regards a private promise of the same type. Therefore I believe it to be the bounden duty of this Nation to arbitrate the question of the canal tolls under the provisions of our arbitration treaty.

The Senator from Mississippi [Mr. WILLIAMS] said:

Mr. President, I agree with the utterances of ex-President Roosevelt to the effect that this is a question which might be very well and ought to be submitted to arbitration; but I wish to ask the question now, Do the followers of ex-President Roosevelt upon this floor believe it?

If it had been thought that this question could be submitted to arbitration, that the Senate would submit it to arbitration, the question never would have been here in its present form. When we were discussing this matter when the Panama Canal act was passed, the senior Senator from Iowa [Mr. CUMMINS], the colleague of the Senator who has just had this article read, in his place upon the floor of the Senate said that this was not an arbitrable question. He differed from the ex-President. He thought it was a matter that affected the independence and the vital interests and the honor of the United States. We found, or thought we found, that a good many more than a third of the Senate entertained that idea, and they were not willing to submit the question to arbitration.

I am not one of those who say that the exemption of coastwise shipping from the payment of tolls was a violation of the treaty with Great Britain; but I am one of those who say that the position which the Senate or its Members have undoubtedly taken, that they will not submit this question to arbitration, is a violation of another treaty which we have made with about eight or nine powers; a treaty which says that all questions of the interpretation of treaties shall be submitted to arbitration.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. WILLIAMS. I yield.

Mr. GALLINGER. I have been a pretty constant attendant upon the sessions of the Senate for a long time, and I do not recall that this question ever was presented to the Senate.

Mr. WILLIAMS. Oh, I did not say it was. There are more ways of finding out what Senators think than by presenting a question to the Senate. Will the Senator say that he believes two-thirds of the Senate would submit this question to arbitration, or will he, on the contrary, frankly tell me that he does not believe it?

Mr. GALLINGER. I am always frank when I am dealing with the Senator from Mississippi. He knows that. I will say that I do not think two-thirds of the Senate would.

Mr. WILLIAMS. No; I know they would not.

There we are. That is why we are here—all of us who are in favor of arbitration, we who from the beginning declared that this question ought to be determined by an impartial court of arbitration, we who have argued for it. We are here now supporting this repeal bill because, in the judgment of the old and wise and experienced Senators best qualified to judge, it was impossible and is impossible to get a vote of two-thirds of the Senate to send the question to arbitration.

There were other evidences, but I will not detain you to give them. I could read from the records of the Committee on Interoceanic Canals matter to sustain the same conclusion. A majority of 32 of the Members of the Senate would be necessary to send this case to arbitration. We are for this repeal first and chiefly because we can not arbitrate it, and to refuse to arbitrate it would be discredit and dishonor for our country.

Right or wrong, whatever rules or whatever exceptions may justify it, if we decide this in our favor and refuse to arbitrate we are discredited, we are dishonored, we have repudiated our principles.

Now, let any man who votes against this repeal take to himself the responsibility of leading his country into that position. I for one shall not. If every constituent I have were looking with hope for lower freight rates, I would not. If my convictions were so blinded that I saw only the lurid light of red flame when a railroad is mentioned, I would not lead my country into such a position. If I had away back in my childhood learned

a tradition of hatred against any other country, I would not lead my own country into such a position as that. I will vote for this repeal because it is the surest and, I believe, the only way to save our country from that most discreditable result.

Mr. President, there is one argument which I have omitted to notice against this repeal. It is the argument that Great Britain alone has protested; that no other country has protested or remonstrated. That is true, so far as I know; but let me call your attention to something that happened in the course of the negotiations. You remember that the Clayton-Bulwer treaty provided for all other countries coming in and agreeing to share in protection. You remember that the first Hay-Pauncefote treaty provided that all other countries should be asked to adhere; that is to say, to become parties to the treaty. The Senate struck it out, and in the negotiation of the second Hay-Pauncefote treaty it was omitted. You remember that Lord Lansdowne wished to have inserted in the treaty a provision limiting the benefits of freedom and equality of the canal to those nations which should agree to observe these rules, and Mr. Hay objected to having the agreement. Here is what Mr. Choate said about it. He is giving an account of an interview with Lord Lansdowne. He says:

> Secondly, I told him that I thought his amendment of the first clause of the third article, insisting upon bringing in other nations as parties to the agreement after the Senate had struck out of the Hay-Pauncefote treaty the article inviting them to come in, would seem counter to the very strong conviction in the Senate, sustained, as I believe, by an equally strong and general popular conviction, that we ought not to accord to other nations any contract rights whatever in the canal which we were to build and own; that none of them, though invited, ever came in or offered to come in under the Clayton-Bulwer treaty; that at present they had no rights; that they must be content to rely on our national honor to keep the canal open to them, as declared in this treaty with Great Britain.

Mr. Hay reports to the Senate:

> This was represented to His Majesty's Government, and it was also insisted on the part of the United States that there was a strong national feeling among the peoples of the United States against giving to foreign powers a contract right to intervene.
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> * * * * * * *
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> That they must rely upon the good faith of the United States in its declaration to Great Britain in the treaty that it adopts the rules and principles of neutralization therein set forth, and that it was not quite correct to speak of the nations other than the United States as being bound by the rules of neutralization set forth in the treaty.

No contract rights are given to these other powers. Our Senate will not permit it; our people will not permit it. France, Germany, Austria-Hungary, Italy, Russia, and all the rest are to have no contract right, but they are to rely on the honor of the United States. They are to have only the good faith of the United States that we will observe the declarations of the treaty. They have made no representation or protest. Oh, no; they can not. They have no contract rights. They have nothing but our honor; nothing but the good faith of America.

Mr. WILLIAMS. Which can be carried out by no one except ourselves.

Mr. ROOT. Yes. Mr. President, who is the guardian of a nation's honor but her own sons? Do we commit its keeping to England? Oh, no; not to England nor to any other power on earth do we commit the duty of remonstrance against our breach of honor. Our conscience must be our monitor. America must make the demand upon America that her honor and her good faith be kept without stain.

It is no petty question with England about tolls. This is a question whether the United States, put on its honor with the world, is going to make good the public declarations that reach back beyond our lives, whether the honor and good faith of the United States is as good as its bond, whether acute and subtle reasoning is to be applied to the terms of a treaty with England to destroy the just expectations of the world upon more than half a century of American professions, upon which we give no contract right, and there is no security but honor and good faith.

Sir, in the weak and inadequate arguments and appeals that I have made upon this subject I speak not for England. I do not present England's case. I do not care about her case. But I knew something about this treaty. I knew what John Hay thought. I sat next him in the Cabinet of President McKinley while it was negotiated, and of President Roosevelt when it was signed. I was called in with Senator Spooner to help in the framing of the Panama treaty which makes obedience to this Hay-Pauncefote treaty a part of the stipulations under which we get our title. I negotiated the treaty with Colombia for the settlement and the removal of the cloud upon the title to the Isthmus of Panama and carried on the negotiations with England under which she gave her assent to the privileges that were given to Colombia in that treaty. I have had to have a full conception of what this treaty meant for now nearly 13 years. I know what Mr. Hay felt and what he thought, and, Mr. President, I speak for all the forebears that went before me in America and for all that shall come after me, for the honor and credit of our country, and for that alone. If we do not guard it, who shall?

A settlement? We are told that the speech I made in January, 1913, prevented a settlement. If I could believe that, I would tell it to my children, that they might rejoice after I am gone at that one service rendered to their country. Settle? Compromise? Compromise the honorable obligations of our country? Never. If Great Britain should be so false to the duty she assumed in imposing upon us stipulations as a condition of our having the right to build the canal, if she should be so false to the duty toward mankind which she assumed then, as to commute the obligations that we took upon us for any advantage to herself, I would not consent to give one copper farthing to have her withdraw her demand.

We are right or we are wrong. If the rule of equality which we have prescribed for all the world is infringed by this statute, no negotiations with Great Britain can relieve us of our obligations to arbitrate or withdraw the statute, our obligations to the rest of the world to arbitrate or withdraw the statute, our obligations to ourselves, to our own consciences, our own sense of right and honor.

There is even more than the higher interests of an ordinary nation involved in this question.

It is now some 80 years since De Tocqueville, in his great book Democracy in America, which presented to the world so just and favoring an estimate of our country, wrote these words:

> It is therefore very difficult to ascertain at present what degree of sagacity the American democracy will display in the conduct of the foreign policy of the country, and upon this point its adversaries, as well as its advocates, must suspend their judgment. As for myself, I have no hesitation in avowing my conviction that it is most especially in the conduct of foreign relations that democratic governments appear to me to be decidedly inferior to governments carried on upon different principles.

Mr. President, I have not believed that to be true. I do not believe it to be true. I could not believe it and not despair of the future of our civilization, for more and more the control of all foreign as well as domestic affairs is coming into the hands of democracy. More and more the judgment of the great body of the people determines the actions of Secretaries of State and ministers of foreign affairs and foreign ambassadors and ministers. If democracy is incompetent to deal with foreign affairs more and more, the world will return to the chaos of international strife and war.

Our country has taught the world the most valuable lesson of modern history, if not of all history, that a democracy is competent to maintain within its own territory peace and order with justice. Our democracy has set at naught all the dismal forebodings of its enemies and compelled an unwilling assent from the Governments of the world to its entire competency to rule itself. I have believed and I do believe that the power of a developing democracy is competent to the maintenance of international peace and justice, to substitute kindly consideration, the mutual courtesy and forgiveness of international brotherhood for the hatred and strife of monarchical and dynastic rule.

Our democracy has assumed a great duty and asserts a mighty power. I have hoped that all diplomacy would be made better, purer, nobler, placed on a higher plane because America was a democracy. I believe it has been; I believe that during all our history the right-thinking, the peace-loving, the justice-loving people of America have sweetened and ennobled and elevated the intercourse of nations with each other; and I believe that now is a great opportunity for another step forward in that beneficent and noble purpose for civilization that goes far beyond and rises far above the mere question of tolls or a mere question with England. It is the conduct of our Nation in conformity with the highest principles of ethics and the highest dictates of that religion which aims to make the men of all the races of the earth brothers in the end.

Mr. President, the noble American who negotiated this treaty as Secretary of State did his share in his time toward accomplishing the beneficent work of ennobling diplomacy and the relations of states. He did it with purest patriotism and the most unswerving devotion to the interests of his own country; and I can not but feel that in preventing our country from repudiating the obligation into which he entered to make possible the great work of the canal we are rendering a service to his memory that must be grateful to his friends. I recall something that he said that is worth remembering when we are

dealing with his work and thinking of the spirit in which he wrought. I ask you to listen to it:

There are many crosses and trials in the life of one who is endeavoring to serve the Commonwealth, but there are also two permanent sources of comfort. One is the support and sympathy of honest and reasonable *people*. The other is the conviction dwelling forever, like a well of living water, in the hearts of all of us who have faith in the country, that all we do, in the fear of God and the love of the land, will somehow be overruled to the public good; and that even our errors and failures can not greatly check the irresistible onward march of this mighty Republic, the consummate evolution of countless ages, called by divine voices to a destiny grander and brighter than we can conceive, and moving always, consciously or unconsciously, along lines of beneficent achievement whose constant aims and ultimate ends are peace and righteousness.

I invoke for the consideration of this obligation of honor and good faith, which he assumed in our behalf and in the name of our country, that nobility and largeness of spirit which he exhibited and illustrated in his life. [Applause in the galleries.]

The PRESIDING OFFICER. The rules of the Senate prohibit applause or demonstrations of any kind by the occupants of the galleries.

Mr. THORNTON. If no other Senator desires to address the Senate at this time on the subject of the unfinished business, I ask that it be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it will be so ordered.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask that the Agricultural appropriation bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment reported by the committee, on page 70, line 14, to strike out "$50,000" and to insert "$100,000."

The PRESIDING OFFICER. The Senator from North Dakota [Mr. MCCUMBER] makes the point of order that the pending amendment was not introduced and after one day referred to the Committee on Agriculture and Forestry. The Senator from Louisiana [Mr. RANSDELL] has stated that he introduced the amendment and had it referred to the Committee on Agriculture and Forestry in the manner required by the rules. Under these circumstances the Chair——

Mr. MCCUMBER. Before the Chair rules upon that I wish to say that yesterday I tried to ascertain what that amendment was, and whether there was any record of it. When an amendment is offered and referred the amendment is printed, showing it to have been referred. Of course, if the amendment was printed and referred, my point is without force, and I withdraw it. The Senator from Louisiana has just handed me what I assume to be the amendment to which I refer.

Mr. RANSDELL. I will state, Mr. President, that what I have handed the Senator was the original amendment introduced by me in the Senate and referred to the Committee on Agriculture and Forestry some time ago. As I stated yesterday, and as I think the Chair correctly ruled, the amendment yesterday offered by the chairman of the committee at the instance of the committee was substantially the same as the original amendment embodied in the bill.

Mr. MCCUMBER. May I call the attention of the Chair to what this amendment is, unless he has examined it himself, and then the Chair, of course, will have to pass upon the question whether or not it is the amendment that is now proposed? The amendment is quite lengthy, and reads:

On page 65, line 3, strike out the words beginning at "$50,000," in line 3, to and inclusive of the word "purposes," in line 5, and insert the following: "including the erection of such temporary farm buildings as may be found necessary, and for the employment of persons and means necessary in the city of Washington and elsewhere, $100,000, and the Secretary of Agriculture is authorized to sell in the open market or to exchange for other live stock or farm products to the best advantage, without the usual condemnation proceedings and public auction, such live stock or farm products as cease to be needed: *Provided*, That all moneys received from the sale of such live stock or farm products, or as a bonus in the exchange of the same, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That in any State in which this work is undertaken sufficient suitable land for the necessary experiments shall be made available to the Secretary of Agriculture for the required period of time without cost to the Department of Agriculture, and that the State live-stock sanitary laws shall be enforced by the State in such manner as to justify the Secretary of Agriculture in the expenditure of money for the purpose of encouraging live-stock production."

That is the amendment which the Senator from Louisiana says was referred to the Committee on Agriculture. The record would be made complete if the Secretary would now read the amendment which comes from the Committee on Agriculture, to see whether or not they are substantially the same; and I ask that that be done.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 70, line 14, it is proposed to strike out "$50,000" and insert "$100,000."

The PRESIDING OFFICER. On that the ruling of the Chair is that the greater includes the less, and that the amendment which the Senator from North Dakota has just read includes, as the essential part, the appropriation of $100,000. The present occupant of the Chair has ruled that the previous amendment was obnoxious to a point of order; but the committee having removed the objectionable part, the Chair now holds that the amendment is in order, and overrules the point of order.

Mr. MCCUMBER. This is an amendment offered by the Senator from Louisiana, and the amendment taken as a whole——

Mr. RANSDELL. Mr. President, I should like to correct the Senator. It was offered by the chairman of the Committee on Agriculture and Forestry.

Mr. MCCUMBER. It was the amendment introduced, as I understand, by the Senator from Louisiana.

Mr. RANSDELL. Originally; yes.

Mr. MCCUMBER. If there is any particular distinction between the two, of course I will withdraw the statement. The amendment relates to the cotton belt and to the boll weevil.

Mr. GORE. Mr. President, I should like to ask the Chair to state the parliamentary status. I did not quite understand the ruling of the Chair.

The PRESIDING OFFICER. The amendment has been ruled in order, and the Senator from North Dakota is now speaking to the amendment.

Mr. GORE. Was the ruling of the Chair on the amendment reported by the committee on the substitute offered by the Senator from North Dakota? I did not quite understand.

The PRESIDING OFFICER. The Senator from North Dakota has offered no substitute. The Chair ruled that the amendment reported by the committee was in order.

Mr. GORE. Very well.

Mr. MCCUMBER. Mr. President, I was discussing the amendment, and I paused a moment until the Senator from Louisiana should return to his seat, because I think the information I desire can be given by him. I have before me an article written by J. W. Vogler. It is entitled "The death knell to the boll weevil," and the residence of Mr. Vogler is given as Alexandria, La. I know nothing about this gentleman. He assumes in his writing, however, to know practically everything about the boll weevil and the method of its extinction. One can not always judge of an individual simply by reading what he has written nor determine the accuracy of his statements, and especially is it difficult for one who is wholly unacquainted either with the cotton production or with the boll weevil to pass an opinion upon an article dealing with those matters; but he has given a great number of tables; he has criticized severely—and I am not going to repeat his criticisms, of course—the methods adopted by the Agricultural Department in the attempt to check the ravages of the boll weevil; he takes issue with the recommendation of the department as to early planting as a method of extinction and practically declares, if I understand his article aright, that if the cotton is planted as late as May 15 it will mature beyond the time when the boll weevil does its work, and therefore that no great damage, if any damage at all, will accrue by following such a system of planting. He is very earnest in his position; he elucidates his argument by a number of photographs which he has taken; and he also gives tables showing that he has examined carefully into the propagation of the weevil and setting forth the increase in cotton that is planted as late as May 15 and the increase where it is planted in the earlier stages, beginning with March 1. As the writer is from his own State, I want to ask the Senator from Louisiana if his attention has been called to that article and whether he considers that there is nothing whatever in the very strong arguments, illustrations, and statements of Mr. Vogler?

Mr. RANSDELL. May I ask the Senator to repeat the name? I did not catch the name.

Mr. MCCUMBER. Mr. J. W. Vogler, of Alexandria, La.

Mr. RANSDELL. Mr. President, I have had some communications myself from that gentleman. I know nothing about the correctness of his theory. I have no confidence whatsoever in its correctness.

I have had a little personal experience in this line. My plantation was badly overflowed in 1912. The waters receded quite late, and I planted cotton. The weevil came on in time practically to destroy that crop. I think I must have complied practically with Mr. Vogler's methods that year. I know I planted very late, and I know that my neighbors planted late, and I know that the weevil came and ate up the cotton.

I know that the common impression of the people of the cotton belt who have been fighting the weevil for a number of years is that the only way they can do it successfully is to follow the methods advocated by the United States Department of Agriculture, and so persistently and ably advocated by the Bureau of Farmers' Cooperative Demonstration Work, of which Dr. S. A. Knapp for a number of years was the head.

Those methods, in brief, are to prepare the land very thoroughly, plowing it in the fall, if possible, or, if not, in the early winter, pulverizing it just as much as possible, making it like a garden plat, planting very, very early and forcing the growth of the cotton as fast as possible, using early maturing varieties of seed, so that the cotton will mature rapidly, and in a general way making the cotton before the weevils have accumulated in sufficient number to destroy it.

Those are the methods, in brief—I could go more into detail if it were necessary—which have been rather successfully carried out. Along with them goes general diversification. The farmers have been trying to raise on the farm everything needed for home consumption. They used to raise cotton, and with the proceeds of the cotton buy everything else.

Mr. Vogler's ideas may be correct, but I think he is one of these theorists who have never proved their theories.

Mr. McCUMBER. I do not know whether he has proved his theory or not. It is said that the lens of the camera will not lie, and he has given here a number of photographs of different fields of cotton in the same vicinity that have been planted at different periods. Some show an entire destruction by the boll weevil or some other cause, and some show a very prolific growth and development. Of course I do not know whether that is a fair test or not, but I thought, at least, that it was worthy of consideration.

Mr. RANSDELL. Mr. President, if the Senator will yield, I should like to add that my colleague [Mr. THORNTON] lives in Alexandria, and he tells me that he does not think Mr. Vogler ever planted a stalk of cotton in his life. He has been there 10 or 12 years, and, I believe, he is engaged in the oil business. He is not a cotton man.

Mr. THORNTON. Mr. President, I should like to add, further, that all of us there have been conversant with Mr. Vogler, as I have known him for several years; and the State department of agriculture and the Government demonstration tests have proven absolutely that his opinions are purely theoretical, not practical, and that they are of no benefit at all to the cotton raiser. That is what both of those departments declare.

Mr. McCUMBER. I wish to call attention, for instance, to a little heading:

"THE SOLUTION OF THE BOLL-WEEVIL PROBLEM IS MORE AN ARITHMETICAL THAN AN AGRICULTURAL PROPOSITION."

That statement was based on the scientific researches into the life habits of the weevil as published by all entomologists of the United States. In accordance with their researches, I have prepared a table, which shows the proportionate damage to cotton from the weevil to be approximately as follows:

With May 15 planting	1
With May 1 planting	300
With April 15 planting	5,300
With April 1 planting	15,500
With March 15 planting	388,500
With March 1 planting	992,200

In addition to that, and so as to save time, because I think it is as well to refer to these figures, he gives another table showing the time of planting, the weevils that will be kept alive, the propagation of the weevils, and the produce and damage during certain periods. It is found upon page 21 of this pamphlet, and without reading I will ask that it may be inserted in the RECORD.

Mr. RANSDELL. There is no objection upon my part.

The PRESIDING OFFICER. Without objection, it will be so ordered. The matter referred to is as follows:

In the course of years the life habits, emergence, and longevity of the boll weevil became so well known that most any man who took enough interest in this matter could establish the fact that the planting of cotton at certain dates in the spring will feed and keep alive an almost certain number of weevils and also destroy an almost certain number of squares up to a certain date in the fall, the total number being correct in their proportion to each other and the various planting dates and varying only in accordance with the original number that survived hibernation and with subsequent weather conditions. Based on these natural laws, ascertained and published by our experts for years, I have prepared another table, which probably contrasts the comparative results from early and late planting better than those I have published before. It again shows:

Time of planting.	Keeps alive weevils.	Propagates weevils to Sept. 15.	Produces damage to cotton.
March 1	1,334	43,506,558,144	$13,632,057.01
March 15	1,042	17,025,381,707	5,384,621.21
April 1	659	679,518,404	212,961.10
April 15	263	231,984,638	72,690.20
May 1	44	12,855,277	4,041.74
May 15	4	43,834	13.73

Mr. McCUMBER. I also ask to insert, without reading, the portion which I have marked upon page 22, which is a table, with a little explanation of the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

For the purpose of facilitating a proper comparison, and in order that everybody, even the experts, can see at a glance the comparative results from early and late planting, expressed in the number of weevils kept alive and propagated to September 15, and the damage to cotton expressed in the most simple proportion and in dollar and cents, I offer below my latest table:

Time of planting.	Weevils kept alive.	Weevils propagated to Sept. 15.	Damage to cotton.	
			Value.	Proportion.
May 15	4	43,834	$13.73	1
March 1	1,334	43,506,558,144	13,632,057.01	992,866

Showing conclusively that May 15 planting will produce a damage to cotton of one, while March 1 planting is bound to produce a damage of approximately one million.

Mr. McCUMBER. Now I will read his conclusion. It reads in this way. This is a letter to the department:

If there ever was an endless chain, your department furnishes the proof for one of them:

More money, more experts.
More experts, more weevils.
More weevils, more money, etc., and thus it has been in the past and thus it will probably be also in the future, unless the unexpected happens, that either your department will advocate "uniformly and universally late planting from May 1 to 15," or that Congress will stop to appropriate money to help your department in its efforts to raise boll weevils.

It seems to me that that endless chain has been adopted in this bill in dealing with the boll-weevil situation, and especially in the rapid increase of the money that is appropriated for that purpose.

There is also a very short table on page 42, under the heading "The farmer and his boll weevils," which I ask may also be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

THE FARMER AND HIS BOLL WEEVILS.

In my last pamphlet, "The Solution of the Boll-Weevil Problem," I made the statement that in accordance with the most exhaustive experiment on boll-weevil hibernation, emergence, and longevity on record the proportion of weevils surviving hibernation with cotton planted on May 15, puts on squares, is 4; with cotton planted on May 1, puts on squares, is 44; with cotton planted on April 15, puts on squares, is 263; with cotton planted on April 1, puts on squares, is 659; with cotton planted on March 15, puts on squares, is 1,042; with cotton planted on March 1, puts on squares, is 1,334.

These figures represent the proportionate number of weevils that under ordinary circumstances survive hibernation on the cotton planted at the different dates named.

Mr. McCUMBER. Finally, I find this heading:

An appeal to every loyal citizen of Louisiana who would like to see "king cotton" put back on his royal throne, from which he was so unceremoniously, so insidiously, and so maliciously ousted by the boll weevil, with the assistance of the Department of Agriculture of the United States.

I judge from that heading that the conclusion of the writer has been that, notwithstanding all of the efforts of the United States Government, there has been no check whatever in the ravages of the boll weevil, but that the weevil is yearly increasing under the systems which have been adopted and will give us for all time to come an opportunity to add greater appropriations to what is known in this bill as the cotton belt.

Mr. THORNTON. Mr. President, the conclusion is utterly unwarranted, because, as a matter of fact, the production of cotton in the State of Louisiana, which fell from 750,000 bales to 250,000 bales, has increased within the last year to about 400,000 bales through the following by the cotton farmers of Louisiana of the methods devised by the Department of Agri-

culture and the Government demonstration work. Those figures speak a great deal louder than words.

As far as Mr. Vogler is concerned, he is a personal friend of mine, and has been for years, and is thoroughly conscientious; but I have no hesitation in saying that his theories are not accepted among the practical, progressive farmers of Louisiana. They have been tested, and the farmers declare that they are an utter failure. There is not one in one thousand of the cotton planters in Louisiana who has any belief in the theories advanced by Mr. Vogler on this subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. [Putting the question.]

Mr. McCUMBER. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. McCUMBER. I ask for a division, then.

There were, on a division—ayes 16, noes 8.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	McCumber	Sheppard
Bankhead	Fall	Martin, Va.	Sherman
Brady	Gallinger	Martine, N. J.	Shively
Brandegee	Gore	Nelson	Smith, S. C.
Bristow	Gronna	Norris	Smoot
Bryan	Hitchcock	Overman	Swanson
Burleigh	Hughes	Page	Thompson
Burton	Johnson	Pittman	Thornton
Catron	Jones	Pomerene	Tillman
Chamberlain	Kenyon	Ransdell	Townsend
Chilton	Kern	Reed	Vardaman
Crawford	Lea, Tenn.	Robinson	Warren
Cummins	Lee, Md.	Shafroth	West

Mr. THORNTON. I wish to announce the necessary absence from the Chamber of the junior Senator from New York [Mr. O'GORMAN].

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is detained on account of sickness.

Mr. KERN. I am requested to announce the unavoidable absence of the junior Senator from New Hampshire [Mr. HOLLIS].

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present.

Mr. GALLINGER. Mr. President, I desire to call brief attention to the result of the call that has just been made.

This morning the Senator from Indiana [Mr. KERN] admonished us that we must be prepared for long sessions, and very likely night sessions, in the near future. I am one of those who are very anxious to get the business of the session completed as speedily as possible, hoping, however, that the program may be made by the legislative branch and not by some other branch of the Government.

The roll has been called. On the first roll call there were 24 of the majority present, and 5 other Senators on the Democratic side subsequently answered, making 29. That was the number of Democratic Senators present on the roll call.

I would merely suggest to my good friend the Senator from Indiana that if the present session is to be completed at some reasonable time, I think I ought to be granted the privilege of saying that I think the Senator ought to see that the majority Senators are more regular in attendance than they seem to be. The Republican side, in the minority, furnished almost as many votes on the roll call as the Democratic side.

I am not in the habit of scolding, and I am not going to do it. I could not do anything about it if I tried; but I am one of those, as I said a moment ago, who are really very anxious to complete the work of the present session at the earliest practicable and proper moment.

Mr. KERN. I call the Senator's attention to the fact that the roll call he refers to occurred very late in the day. Notwithstanding that fact I regret as much as he does the lack of interest and attention on the part of Members upon this side. I hope that that trouble will be remedied, and I have no doubt it will be remedied.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. McCUMBER. There was not a quorum present, as was evident when the request was made for yeas and nays. Therefore, I renew the request for yeas and nays upon this question.

The yeas and nays were ordered.

Mr. GALLINGER. Mr. President, having been detained a considerable part of the time during the last two days in attendance upon a conference committee, I ask that the amendment may be stated. It can be done in a few words.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 70, line 14, strike out "$50,000" and insert "$100,000."

Mr. SHIVELY. Do I understand that that is a committee amendment?

The PRESIDING OFFICER. It is a committee amendment.

Mr. SHIVELY. The House fixed the amount at $50,000, and the committee has increased it to $100,000?

The PRESIDING OFFICER. That is the amendment. The clause will be read as it would stand if amended.

The SECRETARY. The paragraph would read if amended:

To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, $100,000: *Provided*, That no part of this appropriation shall be used in the purchase of animals for breeding purposes.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber, I withhold my vote.

Mr. GALLINGER (when his name was called). I have a standing pair with the junior Senator from New York [Mr. O'GORMAN], but I am privileged to vote on any matters connected with this bill, and I vote "nay."

Mr. KERN (when his name was called). I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. CLARKE]. I transfer that pair to the Senator from California [Mr. WORKS] and vote "nay."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. STEPHENSON]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted.

The PRESIDING OFFICER. He has not voted.

Mr. WALSH. I am paired with that Senator and therefore withhold my vote.

Mr. WARREN (when his name was called). I announce my pair with the Senator from Florida [Mr. FLETCHER].

The roll call was concluded.

Mr. MARTIN of Virginia. I desire to announce that the senior Senator from Maryland [Mr. SMITH] is unavoidably absent, and that he is paired with the Senator from Vermont [Mr. DILLINGHAM].

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY], who has a general pair with the junior Senator from Indiana [Mr. KERN], and also the junior Senator from Wisconsin [Mr. STEPHENSON], who has a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I wish also to announce that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Illinois [Mr. LEWIS]; that the Senator from Minnesota [Mr. CLAPP] is paired with the Senator from North Carolina [Mr. SIMMONS]; that the Senator from Wyoming [Mr. CLARK] is paired with the Senator from Missouri [Mr. STONE]; that the Senator from Rhode Island [Mr. COLT] is paired with the Senator from Delaware [Mr. SAULSBURY]; that the Senator from Connecticut [Mr. MCLEAN] is paired with the Senator from Montana [Mr. MYERS]; that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS]; that the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED]; and the Senator from Massachusetts [Mr. WEEKS] is paired with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 35, nays 18, as follows:

YEAS—35.

Ashurst	Gore	Page	Smith, Ga.
Bankhead	Johnson	Pittman	Smith, S. C.
Brady	Kern	Poindexter	Swanson
Bryan	La Follette	Ransdell	Thompson
Burleigh	Lea, Tenn.	Reed	Thornton
Catron	Lee, Md.	Robinson	Tillman
Chamberlain	Martin, Va.	Shafroth	Vardaman
Chilton	Nelson	Sheppard	West
Fall	Overman	Smith, Ariz.	

NAYS—18.

Brandegee	Hitchcock	McCumber	Smoot
Bristow	Jones	Martine, N. J.	Sutherland
Crawford	Kenyon	Oliver	Townsend
Cummins	Lane	Pomerene	
Gallinger	Lodge	Shively	

NOT VOTING—42.

Borah	Goff	O'Gorman	Stephenson
Bradley	Gronna	Owen	Sterling
Burton	Hollis	Penrose	Stone
Clapp	Hughes	Perkins	Thomas
Clark, Wyo.	James	Root	Walsh
Clarke, Ark.	Lewis	Saulsbury	Warren
Colt	Lippitt	Sherman	Weeks
Culberson	McLean	Shields	Williams
Dillingham	Myers	Simmons	Works
du Pont	Newlands	Smith, Md.	
Fletcher	Norris	Smith, Mich.	

So the amendment of the committee was agreed to.

Mr. PITTMAN. I wish to offer an amendment to the bill by striking out line 25 on page 30.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out line 25, on page 30, in the following words:

Chugach National Forest, Alaska, $16,330.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the junior Senator from Nevada [Mr. PITTMAN].

[Mr. PITTMAN addressed the Senate. See Appendix.]

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. PITTMAN. I do.

Mr. GALLINGER. Mr. President, we have been here almost seven hours to-day in this superheated atmosphere. I will ask the Senator from Indiana, inasmuch as this matter can not be completed to-night, if he will not move to adjourn.

Mr. KERN. I will make a motion at this time, with the permission of the Senator from Nevada, that when the Senate adjourns to-day it adjourn until 11 o'clock to-morrow.

Mr. GALLINGER. Mr. President, I suggest to the Senator that he make his motion that the hour of meeting shall be 11 o'clock until further ordered, and let it be so understood. I missed an hour the other day, supposing that we were to meet at 12 o'clock, and I think it would be better to fix the hour at 11 o'clock.

Mr. KERN. It requires a resolution, I think.

Mr. GALLINGER. No; I think not.

Mr. KERN. I move, then, that until otherwise ordered by the Senate the daily hour of meeting shall be fixed at 11 o'clock.

The motion was agreed to.

Mr. GALLINGER. Now will the Senator move to adjourn?

Mr. KERN. Will the Senator from Nevada yield for the purpose of enabling me to make a motion to adjourn?

Mr. PITTMAN. I will.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 22, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 21, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who openest Thine hand and satisfiest the desire of every living thing, without whom nothing is strong, nothing enduring. "The Lord is righteous in all His ways, and holy in all his works. The Lord is nigh unto all them that call upon Him, to all that call upon him in truth." Open Thou our minds and hearts that we may be susceptible to the heavenly influence, that our work may be well pleasing in Thy sight and a perpetual memorial to our trust and confidence in Thee. For Thine is the kingdom and the power and the glory forever.

The Journal of the proceedings of yesterday was read and approved.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16508, the urgent deficiency appropriation bill. Pending that motion I ask unanimous consent that general debate be limited to one hour, one-half to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and one-half by myself.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency appropriation bill, and pending the motion he asks unanimous consent that general debate be limited to one hour, 30 minutes to be controlled by himself and 30 minutes by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection?

Mr. MANN. I object.

Mr. FITZGERALD. How much time does the gentleman want? Nobody wants to talk on this side.

Mr. MANN. That is the reason. I was afraid that they would use the hour. I do not know whether anybody wants to talk or not. There is nobody here in the House, and I am going to make the point of no quorum.

Mr. MURDOCK. No one here wants any time.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. MANN. We can tell better when somebody is here. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Is the vote upon the motion of the gentleman from New York to go into the Committee of the Whole?

The SPEAKER. Yes.

Mr. MANN. But, Mr. Speaker, what became of the point of no quorum?

Mr. FITZGERALD. This is an automatic call on the motion to go into the Committee of the Whole.

Mr. MANN. Oh, I made the point of order before there was any roll call.

The SPEAKER. That is true. The gentleman made the point of order that there was no quorum present. There is no question about that.

Mr. MANN. The Speaker just stated the question as to going into the Committee of the Whole. I think the motion would be to have a call of the House.

The SPEAKER. The Chair was explaining to the Members that when the roll was called those who desired to go into the Committee of the Whole House on the state of the Union would vote "aye" and those opposed would vote "nay."

Mr. MANN. Yes; but, Mr. Speaker, there has been no vote taken upon that question.

The SPEAKER. That is true. It takes a call of the House. There is no automatic call on this motion.

Mr. FITZGERALD. The question had not been taken, and I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, and the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Cramton	Hamill	Lenroot
Ainey	Crisp	Hamilton, N. Y.	Lesher
Ansberry	Dale	Hammond	Lever
Barchfeld	Davenport	Hardwick	Levy
Barkley	Dershem	Hart	Lewis, Md.
Bartholdt	Difenderfer	Hayes	Lewis, Pa.
Bell, Ga.	Dooling	Heflin	Lindquist
Borchers	Driscoll	Hinds	Linthicum
Brodbeck	Dunn	Hobson	Lloyd
Brown, W. Va.	Eagan	Howell	Lonergan
Browne, Wis.	Eagle	Hoxworth	McClellan
Browning	Edmonds	Hughes, W. Va.	McGuire, Okla.
Bruckner	Edwards	Humphrey, Wash.	McKellar
Brumbaugh	Elder	Humphreys, Miss.	Mahan
Bryan	Estopinal	Jones	Manahan
Burke, Pa.	Faison	Keating	Martin
Butler	Farr	Kelley, Mich.	Merritt
Byrnes, S. C.	Ferris	Kennedy, Conn.	Metz
Callaway	Finley	Kettner	Miller
Campbell	Flood	Key, Ohio	Morin
Cantrill	Gard	Kinkaid, Nebr.	Moss, Ind.
Carlin	Gardner	Kirkpatrick	Moss, W. Va.
Carter	George	Konop	Mott
Casey	Gilmore	Korbly	Nelson
Chandler, N. Y.	Gittins	Kreider	Norton
Clark, Fla.	Godwin	Lafferty	O'Brien
Clayton	Goldfogle	La Follette	O'Hair
Coady	Goulden	Langham	Padgett
Connolly, Iowa	Griffin	Langley	Paige, Mass.
Conry	Gudger	Lee, Pa.	Palmer
Copley	Guernsey	L'Engle	Parker

Patten, N. Y.	Rucker	Slemp	Thomas
Patton, Pa.	Rupley	Smith, N. Y.	Townsend
Payne	Sabath	Smith, Tex.	Underwood
Peterson	Saunders	Stanley	Wallin
Phelan	Scully	Steenerson	Walsh
Porter	Seldomridge	Stephens, Miss.	Watkins
Post	Sells	Stevens, Minn.	White
Reilly, Conn.	Shackleford	Stringer	Wilson, N. Y.
Riordan	Sherley	Sutherland	Winslow
Rogers	Shreve	Taylor, Ala.	
Rothermel	Slayden	Taylor, Colo.	

The SPEAKER. On this vote 271 Members have answered to their names, a quorum, and the Doorkeeper will open the doors.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from New York moves to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, pending the motion to go into the Committee of the Whole House on the state of the Union I ask the gentleman from Massachusetts [Mr. GILLETT] if we can not make some agreement as to general debate?

Mr. GILLETT. I think I can get along with 50 minutes on this side.

FURTHER URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I ask that the general debate on the deficiency bill be limited to 1 hour and 40 minuted, 50 minutes to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and 50 minutes by myself.

Mr. GILLETT. I will consent to that.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union the gentleman from New York asks that general debate be limited to 1 hour and 40 minutes, one half of that time to be controlled by himself and the other half by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16508, the further urgent deficiency bill, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, this bill carries $6,770,632.24. This amount is to supply money for matters of immediate necessity in connection with the several departments of the Government. Of this sum $6,368,932.24 is for the War Department; $29,500 is to make some additional alterations in the old Bureau of Engraving and Printing for occupancy by some of the offices of the Treasury Department by the 1st of July; $100,000 is to supply deficiencies in the epidemic fund of the Public Health Service; $25,000 is to equip an old naval vessel for use as a quarantine station at Providence, R. I.; $35,000 is for the Department of Commerce—it has been customary to make certain appropriations for the Alaska service immediately available in the sundry civil bill. Part of that appropriation has been transferred to this bill so that the money will be available by the 1st of June; $4,200 is carried to provide the special paper on which the certificates of naturalization are printed; $52,000 is to meet the requirements of the contingent fund of the House; and $6,000 is for the folding of speeches for Members.

Mr. MURDOCK. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MURDOCK. I would like to ask the gentleman about the item for the Interstate Commerce Commission for continuing the work of the valuation of property.

Mr. FITZGERALD. And $100,000 for the work of valuation by the Interstate Commerce Commission. The Interstate Commerce Commission, as the gentleman will recall, last year asked for a million and a half dollars and there was appropriated $400,000 with the understanding that if additional money was required it would be furnished in the urgent deficiency bill. It was estimated that the $400,000 would carry the commission up to the 1st of February; that was their estimate, but the committee believed it would carry them further. Now, it appears that $100,000 is needed to carry the commission through the month of June. That is all they ask at this time.

Mr. MURDOCK. That makes a total expenditure of $500,000?

Mr. FITZGERALD. About a half a million dollars. In addition, in their estimates for the next fiscal year they ask for $2,000,000, and ask that $100,000 be made immediately available, so as to take care of the month of June. The sundry civil bill will not become a law before the end of June, and so as to avoid a stoppage of the work of valuation $100,000 is carried in this bill.

Mr. MURDOCK. Will the gentleman explain what stage this work has reached? What has the commission done? The organization is now complete, of course?

Mr. FITZGERALD. It has perfected its organization and has several field parties out, but because of the delay and difficulty in obtaining men through the Civil Service Commission it was not able to organize as rapidly as the commission had anticipated.

Mr. MURDOCK. Well, the actual work of valuation has then begun?

Mr. FITZGERALD. Hardly the actual work of valuation, but some of the field forces have been started to obtain the data upon which the valuation will be made. Mr. Chairman, unless some one wishes to inquire about some particular item in the bill, I shall reserve the balance of my time.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. In reference to the contingent expense item of the House of $52,000, what is the occasion for that?

Mr. FITZGERALD. The Chief Clerk of the House pointed out that certain expenditures resulting from investigations by special committees which continued practically the entire year because of the prolonged session of Congress had made very great inroads upon the contingent fund. There is about $30,000 due for telegrams; about $3,500 a month paid as compensation to various employees, who are charged to the contingent fund of the House; some money was expended out of the fund for the folding of speeches; and special stenographers to various committees costing between $1,000 and $2,000. The Committee on the Judiciary has been holding very extensive hearings. The Committee on Mines and Mining has been investigating the two strikes, one in Michigan and one in Colorado, and the Committee on the District of Columbia in its investigations has spent about $750 a month.

Mr. MURDOCK. Will the gentleman explain what was the bill of the committee, for instance, that went to Michigan? How large a bill is that?

Mr. FITZGERALD. The bills of the two committees have not been segregated—that is, the two subcommittees—but they have spent, I think, about $10,000.

Mr. MURDOCK. Now, in the case of the Committee on the Judiciary, this item, I take it, relates to special and select committees; but, of course, the Committee on the Judiciary is a standing committee. Does it draw out of the contingent fund?

Mr. FITZGERALD. Where hearings are being held by various committees and the committee stenographers are working, so that they can not attend to all the committees, they then call in additional stenographers, and they are paid out of the contingent fund.

Mr. MURDOCK. Now, printing does not come out of this item at all?

Mr. FITZGERALD. For instance, the Committee on the Judiciary investigated a Federal judge in the South, and in matters of that character the expense is charged against these funds.

Mr. MURDOCK. The Committee on the Judiciary, of course, has been very busy, and has had a great amount of printing done. That comes out of another item?

Mr. FITZGERALD. There is no deficiency asked for that at this time.

Mr. STAFFORD. Will the gentleman state how much was required for telegrams sent by Members of the House?

Mr. FITZGERALD. There are about $30,000 due now, I think.

Mr. STAFFORD. Is that the average expenditure for telegrams of Members?

Mr. FITZGERALD. I think the annual expenditure is about as high as that—$40,000 or $50,000 a year.

Mr. STAFFORD. And this is only for a portion of it?

Mr. FITZGERALD. This is for some accumulated bills that have not been paid. Of course the fact that the Congress has been almost continuously in session, and Members sent many more telegrams on that account, increases very greatly that expense.

Mr. STAFFORD. It is almost an average of $100 a year for each Member.

Mr. FITZGERALD. I have never averaged it that way.

Mr. STAFFORD. It seems to me it is a very large amount per Member for telegraphic service.

Mr. FITZGERALD. It would be a very large amount for myself. It is not, perhaps, a large amount for other Members. It depends largely upon the part of the country that a Member is from.

Mr. STAFFORD. I would say that for the majority of this House the average is not over $5 or $10 a year, and if the average, according to the expenditure, is $100 a Member, there must be some Members who are using the telegraphic service very freely.

Mr. FITZGERALD. Mr. Chairman, I think it was two or three years ago that the Committee on Appropriations, when the deficiency resulting on this account was called to its attention, went into the matter quite exhaustively and recommended that thereafter no telegrams be paid for by the House, and that if Members wished to send messages upon public business by telegraph they should pay for them. But the overwhelming sentiment of the House, as indicated by the vote on that provision, was such that the committee has acquiesced in the sentiment as then expressed that the House desired to have this service, and has not attempted to trespass upon the time of the House by further recommendation.

Mr. STAFFORD. Will the gentleman further yield?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. There is pending before the House a bill seeking to restrict the extravagant expenditure of money for printing. Does not the gentleman think there should be some limit, just as in the case of stationery allowance, to the Members for telegraphic services? There must be some Members who are using the telegraphic service to the extent of hundreds of dollars.

Mr. FITZGERALD. It was incorporated in the recommendation to which I referred a moment ago, and in view of the attitude of the House I do not think my opinion was considered very valuable on the question. I think there have been some abuses in connection with it—how much, I do not know. The Committee on Accounts is charged with the duty of checking up these accounts and of passing upon the question of whether telegraphic messages sent by Members, indorsed "official business," so as to be paid for by the House, come within that category. I am not sufficiently familiar with the character of the messages from any investigation that I have made to be able to express any opinion upon the matter.

Mr. STAFFORD. Who passes upon the auditing of these accounts?

Mr. FITZGERALD. They are audited by the Committee on Accounts.

Mr. WOODRUFF. Will the gentleman yield to me?

Mr. FITZGERALD. I will.

Mr. WOODRUFF. As a member of the Committee on Accounts, I will say that some Members of this House, men who have run up these large accounts for telegraphing, have, to my mind, charged telegrams to the Government account that should not have been charged to that account. I think they should have been paid for out of the Member's personal funds.

Mr. FITZGERALD. If the gentleman will disallow the account and compel the Member to pay for such telegrams it would stop that practice.

Mr. MURDOCK. Will the gentleman yield to me?

Mr. WOODRUFF. I will.

Mr. MURDOCK. How does the gentleman determine that?

Mr. WOODRUFF. By examination of the telegrams.

Mr. MURDOCK. Has he made those examinations?

Mr. WOODRUFF. I have. I will say this, further, that I think it is the disposition of some members of the Committee on Accounts to recommend to this House that a certain definite sum be allowed each Member—something like $40. I think that is the average expended by all the Members of the House. Some Members spend less than $5 during the quarter; some other Members spend more than $200; and the average being about $40, the Accounts Committee, I believe, is prepared to recommend to the House that no Member of this House be allowed more than $40 a year for telegraphic expenses.

Mr. WILLIS. Does the gentleman say that some Members spend more than $100 per quarter out of the public funds?

Mr. WOODRUFF. I think there is one Member of this House that has spent about $400 per year.

Mr. WILLIS. In a year?

Mr. WOODRUFF. Yes.

Mr. WILLIS. That is an amazing bit of information.

Mr. HOWARD. Will the gentleman from New York permit me to ask the gentleman from Michigan [Mr. WOODRUFF] a question?

Mr. FITZGERALD. I yield to the gentleman if it is in that connection.

Mr. HOWARD. Upon the question of recommending a stipulated amount of $40 a year, for instance, you are willing to admit that some Members of this House have occasion to spend more than $40 upon absolutely legitimate business connected with their duties, on account of the commercial interests in their districts?

Mr. WOODRUFF. Certainly.

Mr. HOWARD. While others have strictly agricultural districts and would have no necessity to spend hardly any sum?

Mr. WOODRUFF. Certainly.

Mr. HOWARD. Do you not think it has come to a pretty pass in the American House of Representatives when a Member of Congress, elected by his constituents and sworn in here to serve as a Representative, can not be trusted to send a message by wire in connection with official business?

Mr. WOODRUFF. I do not; and I will say to the gentleman from Georgia [Mr. HOWARD] if he would take the time to examine some of the messages that have been sent at Government expense, he would agree with me.

Now, I will say further that if the Committee on Accounts make these recommendations and they are adopted by the House, it does not necessarily imply that every man will be supposed to use his $40 allowance. This is a fact, that many telegrams are sent by Members of this House when telegrams are not necessary under the circumstances. I think the membership of the House is given to resorting to the use of the telegraph when the Postal Service would answer just as well.

Mr. HOWARD. I will just state to the gentleman that if he brings in a recommendation here limiting the amount to $40, or any other sum, that I for one will fight against it, as it will do an injustice to some of the western Members of the House, who have necessarily to do some of their business by wire.

Mr. WOODRUFF. Mr. Chairman, I have no doubt that many Members of the House would vote against such a recommendation as that.

Mr. HOWARD. People are straining at a gnat and swallowing a camel about this little old telegram business. It does not amount to a row of pins.

Mr. WOODRUFF. The gentleman would not say that if he had examined some of the telegrams that have been sent out at Government expense and some of the bills that have been turned in to the House.

Mr. McLAUGHLIN. Mr. Chairman, what is the practice of the committee——

Mr. FITZGERALD. Mr. Chairman, how much time have I used?

The CHAIRMAN. Sixteen minutes.

Mr. McLAUGHLIN. Is it to find out whether or not the matter treated in the telegrams is public business?

Mr. FITZGERALD. I do not care, Mr. Chairman, to have that discussed further at this time, if the gentleman will permit me.

Mr. MANN. Will not the gentleman yield a little further on this telegram business?

Mr. FITZGERALD. Yes.

Mr. MANN. I hope the gentleman will yield to me for a moment, to make a little statement.

Mr. FITZGERALD. I will yield.

Mr. MANN. We can not get it out of the time we have on this side.

Mr. FITZGERALD. All right.

Mr. MANN. Of course, Mr. Chairman, it is not permissible in this body to make any reference to the Senate, and I shall not do so. But in another distinguished body than this [laughter] there was recently proposed that Members of that body should not be permitted to send telegrams at an expense other than their own in excess of $60 a year, as I recall it. There was considerable discussion of the subject, and the matter finally came to the point of a vote, and one of the distinguished Members of that body offered a substitute resolution that no telegrams should be sent at the expense of anybody other than the persons who sent them. A roll call was had upon that, and nearly every Member of the body voted for the substitute resolution. But in parliamentary bodies, after you have amended a resolution by inserting a substitute, the question recurs on the resolution as amended; and the distinguished Members of the other body having gone on record some months ago in favor of no telegrams being sent except at their own expense, it has not been possible yet to get a vote upon the resolution as amended [laughter], although it has been strenu-

ously insisted upon. But every time the proposition has come up there has been either a lack of a quorum or other very important business that must be immediately attended to; and I would not be surprised if the same thing would occur in this body if we got up to that point. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York reserves the balance of his time.

Mr. GILLETT rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GILLETT. Mr. Chairman, some of the appropriations of this bill are made necessary by war or preparation for imminent war. For 12 months we were assured by the President and Secretary of State that the purpose of their policy was to maintain peace with Mexico, and at intervals soothing assurances of success were given out. Some of us months ago criticized that policy on the ground that though it ostensibly aimed at peace, it fundamentally and inevitably tended to war. Now we have the result. You may call it reprisal or intervention, or what you please, but when the armed forces of one nation invade the soil of another nation, attack, and drive away its army and hold its forts, ordinary people not versed in the artificial distinctions in which diplomacy revels call it war.

I regret extremely that our predictions were fulfilled. The President made intervention and war probable if not inevitable when he took the untenable position that he had a right to say to Mexico that there was one Mexican citizen, and that her most prominent one, whom she could never have as ruler, however much she might desire it, and threw all the weight of this Government on the side of his opponents. That was an infringement of the sovereign rights of a neighboring State, an unjustifiable assumption of power on our part which excited the uneasiness and suspicion of other American nations, and gave the Mexicans a righteous ground for distrust and hostility. Because of this original mistake the administration has found itself in a false position, and its only apparent Mexican policy has been to drive Huerta from power.

And so we have gone on acquiescing in the murder of Americans and the destruction of their property, encouraging bandits and revolution, furnishing arms and ammunition to rebels who devastated whole sections and maintained themselves only by extortion and robbery, and giving our moral support to leaders who ignored the laws of civilization and humanity—leaders who carry on their so-called warfare entirely in contravention of the laws of humanity and civilization, of which the newspaper dispatches this morning from Paredon give us a new and graphic illustration. And then, not succeeding in defeating Huerta by encouraging his enemies, we finally made an issue over the manner of firing a salute, and began war because dissatisfied with the form of an apology.

I have all along believed that whether or not the purpose of the administration was war that was the logical result of its policy, and I regret that it has finally come on such a trivial and technical issue. I venture to say that the records of the State and War Departments during the past nine months will show many more serious and justifiable grounds for intervention.

But the war has come and its prosecution requires the appropriations provided in this bill, and no matter how much I may disapprove the policy which brought it on or how much I may deprecate the pretext on which it was based I recognize that we are committed to it, and I am disposed henceforth to forget my disapproval, to abandon my criticism, and to aid in every way I can to make the war short, decisive, and successful. A successful war, of course, brings prestige and power and popularity to the administration and party which conducts it, but that is no reason why the minority should antagonize it and I pledge my loyal support.

Fortunately, however, for the country our predicament has excited the sympathy of the South American States, and they have suggested mediation. To me that is a most auspicious and encouraging event. It is not simply that it may relieve us of a war expensive in blood and treasure and from which we could gain nothing in glory or reputation or material reward. Beyond that, and as important, it recognizes in a most practical, effective, and pregnant way the sisterhood of the nations on this hemisphere and that peace is for the interest of all. Most wars would be prevented if time could elapse and blood cool before a fancied affront to honor should be avenged by the appeal to brute force. Now that both parties have taken time to reflect it is unthinkable that two nations should insist that slight or individual offenses are sufficient cause for the death of brave men. I welcome most heartily this entrance of the South American Republics as envoys and advocates of peace. I am almost envious that it is they and not we who have taken this epoch-making step toward a pacific reconciliation, and I hope it is a harbinger of a general spirit of mutual interest and friendliness and responsibility throughout this hemisphere. It is a fresh and wholesome innovation, it recognizes our community of interest, and it can not fail to give a broader meaning and potency to that Pan American spirit which for years we have endeavored to nurture and stimulate, and it may go far to bring about a better understanding and a warmer sympathy with the Republics south of us. Surely we, as the most powerful member of the family, can go farthest in search of peace and accommodation without our courage being questioned.

And yet, although this mediation ought not to fail, I recognize that possibility. I agree that it is prudent to be prepared for war, and so I vote for these warlike appropriations. The administration shall have my hearty support in prosecuting the war if it continues, no matter how unnecessary and regrettable I may consider it. [Applause.]

Now, Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. KAHN].

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized for 20 minutes.

Mr. GILLETT. How much time did I use, Mr. Chairman?

The CHAIRMAN. The gentleman used 7 minutes. The gentleman from California is recognized for 20 minutes.

Mr. KAHN. Mr. Chairman, I fully agree with the gentleman from Massachusetts [Mr. GILLETT] in the opinion that under existing circumstances it is absolutely necessary to vote the appropriations contained in this bill for the Military Establishment. But when one peruses the large deficiency in the item of subsistence for the Army it must become more apparent that the Baltimore platform of the Democratic Party is just plain "molasses to catch flies" despite the positive preelection assurances to the contrary that were made by the present Chief Executive of this country.

We upon the Republican side of this Chamber have heard that platitudinous document, framed largely for vote-catching purposes, repeatedly repudiated and denounced by its own progenitors. For instance, we have been told by some of the prominent Democrats on this floor that the tolls-exemption plank for American ships engaged in the coastwise trade passing through the Panama Canal was "sneaked in" rather surreptitiously, somehow, while the distinguished secretary of the committee which drafted that provision of the platform, speaking in another body at the other end of this Capitol, positively asserts that not alone did all the members of that committee approve it consciously and with their eyes open, but that no less a personage than the uncrowned but universally acknowledged "boss" of that convention, the present distinguished Secretary of State, not only gave it his unqualified approval, but that the latter even suggested that it be strengthened and made more effective by the addition of a provision favoring the positive exclusion of railroad-owned ships from the Isthmian waterway.

"Molasses to catch flies!" Mr. Chairman, the Democratic platform is covered with it, and a mighty cheap grade of molasses it is at that. [Laughter on the Republican side.] Just listen to this gem. I read from page 4 of the Democratic Textbook, 1912:

HIGH COST OF LIVING.

The high cost of living is a serious problem in every American home. The Republican Party, in its platform, attempts to escape from responsibility for present conditions by denying that they are due to a protective tariff. We take issue with them on this subject and charge that excessive prices result in a large measure from the high tariff laws enacted and maintained by the Republican Party and from trusts and commercial conspiracies fostered and encouraged by such laws, and we assert that no substantial relief can be secured for the people until import duties on the necessaries of life are materially reduced and these criminal conspiracies broken up.

Talk about "talking for buncombe." Here you have it illustrated in all its pristine splendor, in all its resplendent glory. Here you have a sample of pure, unadulterated, unmistakable Democratic campaign bunk [laughter on the Republican side]—a veritable sea of "molasses"—that fooled so many voters at the last presidential election. But you will never fool them again. The American voters feel like that Indian, who, having once been deceived by a paleface, bluntly grunted:

White man fool Indian first time, shame on him. White man fool Indian second time, shame on Indian.

[Laughter.]

Mr. Chairman, the pending bill making appropriations to supply further urgent deficiencies in appropriations for the

fiscal year 1914, and for other purposes, carries an item on page 3, which reads:

Subsistence: For subsistence of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $1,255,538.90.

In explaining that deficiency the Quartermaster General of the United States Army appeared before the Committee on Appropriations and testified before that committee. He explained the deficiency by saying that it was due to three principal causes.

I read from the hearings, on page 10:

Gen. ALESHIRE. The deficiency in the subsistence appropriation is due to three principal causes—one is the increase in the number of enlisted men, another is the increase in the cost of the ration, and the third is the purchase of some supplies under emergency in the early part of the fiscal year to be sent to Honolulu. * * *

The CHAIRMAN. How much of this is due to the first cause—that is, to the increased number of men?

Gen. ALESHIRE. The number of men of the line estimated for for the fiscal year 1914 was 72,673, and the estimated cost of the ration was 24.09 cents. The amount of the estimate for the fiscal year 1914 for these men was $6,390,027.88. The average number of men to whom we furnished rations for the first six months was 71,926 enlisted men, and the average cost of the ration for the first six months was 24.63 cents.

Mr. GILLETT. How much did you estimate?

Gen. ALESHIRE. We estimated 24.09 cents, a difference of 0.54 of a cent in the ration. The amount required for the first six months on that basis was $3,233,055.71. That left the amount available for the second six months $3,099,721.92. The enlisted strength during the second six months was 80,676, and the cost of the ration was 24.63 cents. The amount required for the second six months was $3,626,366.03, showing a deficiency for the men of the line on account of the increased number of men and the increased cost of the ration of $606,794.46.

Here, Mr. Chairman, we have the testimony of one of the ablest, most efficient officers of the United States Government, before one of the greatest committees of the House, to the effect that the Underwood tariff law, during its first six months of operation, has not reduced the cost of living a fraction of a cent in the United States. According to the party platform, of course, the cost of living was to be reduced as soon as the reduction of the tariff was to be made. But facts are more convincing than theories. The doctrinaires and the theorists who wrote the plank of the Democratic platform on the high cost of living have lived to see their theories proved to be entirely unreliable and utterly false.

Bear in mind that Uncle Sam is probably the biggest single purchaser of food products in the markets of this country. Bear in mind that he probably purchases those products for a less cost than anyone else, because he buys under contracts, and the competition to secure these contracts is exceedingly keen. And yet he, buying enormous quantities of food products that enter into the rations for his soldiers, has not been able to secure a reduction in the cost of living of his soldiers, notwithstanding the platitudes and theories contained in the Democratic platform to the effect that the protective tariff is responsible for the present high cost of living.

Gentlemen of the Democratic side of the House, why do you not acknowledge that your theories are wrong? You knew that the tariff had nothing to do with the high cost of living when you wrote that "high-cost-of-living" plank in your party platform. You knew that plank was simply "molasses to catch flies." The true principle was stated in the Republican platform. The increase of the cost of living is a matter of world-wide experience.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Ohio?

Mr. KAHN. I yield to the gentleman.

Mr. GORDON. If the tariff does not raise prices, how does it protect anybody?

Mr. KAHN. It has absolutely nothing to do with the high cost of living, because the complaint that the cost of living is going up rapidly is just as pronounced in free-trade England as in the United States.

Mr. GORDON. Yes; but that, of course, does not answer the question. The question was, If the tariff does not raise prices, how does it protect anybody?

Mr. KAHN. That has been shown so frequently——

Mr. GORDON. Show it again.

Mr. KAHN. The gentleman undoubtedly knows it is elementary that the law of supply and demand fixes prices. The tariff has absolutely nothing to do with fixing them. The tariff can keep out the products of a cheap manufacturing country, but it does not necessarily fix the price of the imported article in this country. That fact has been demonstrated over and over again. A protective tariff simply aims to and is intended to keep out of the country the goods, wares, and merchandise manufactured by cheap labor in a foreign country that would be thrown into competition with the goods, wares, and merchandise produced by the higher-paid labor of this country.

Mr. FOWLER. Will the gentleman yield for a question only?

Mr. KAHN. For a question only.

Mr. FOWLER. Is it a fact that the cost of living has increased in America for the last 10 years at a greater ratio than in any other country in the world with the exception of Canada?

Mr. KAHN. I am not prepared to admit that that is a fact. I know it is a fact that the cost of living has increased in every country in the world, whether that country be a free-trade country or a protective-tariff country.

Mr. FORDNEY. Will the gentleman yield?

Mr. KAHN. I yield to the gentleman from Michigan.

Mr. FORDNEY. Let me say to the gentleman that the consular reports show that the necessaries of life have advanced more in every other country in the world in the last 10 years than in the United States. The gentleman can not pick out a single consular report which shows the contrary.

Mr. FOWLER. The gentleman is mistaken.

Mr. KAHN. I decline to yield further.

The CHAIRMAN (Mr. FERRIS). The gentleman from California declines to yield further.

Mr. KAHN. I know the gentleman from Michigan [Mr. FORDNEY] has made a study of the subject, and I thank him for his contribution to this colloquy.

Mr. Chairman, the original estimates for subsistence for the Army in the Army appropriation act for the fiscal year 1914 were based on a ration costing 24.09 cents. During the last six months of the fiscal year 1914, with the Underwood tariff in full force and effect, the cost of the ration is 24.63 cents, an increase of fifty-four hundredths of a cent per ration. And when you remember there are 85,000 enlisted men in the line of the Army, exclusive of the Military Academy, the enlisted men of the Hospital Corps, the Quartermaster Corps, and the Philippine Scouts, you can readily see that this increase of 5.4 mills per ration, though trifling in the case of the single individual, in the aggregate runs up to nearly $200,000 per annum, which the taxpayers of the United States are compelled to pay, the promise of the Democrats that their tariff law would lower the cost of living notwithstanding.

Mr. Chairman, one of the other causes for the large deficiency in the item for subsistence of the Army is due to the increase of the enlisted strength of the Army. I believe that the administration was justified in increasing the enlisted strength. It was undoubtedly a wise precaution. But I do believe that when increases of this kind are made the members of the Committee on Military Affairs, and especially the chairman of that committee, ought to be taken into the confidence of the administration and advised about the necessity for the increase, all the more so because the House of Representatives must, in the final analysis, furnish the pay, subsistence, and other allowances for the increased number of men. That has not been done in this instance. I hope that in the future, if additional men are called for, the administration will at least take into its confidence the distinguished chairman of the Committee on Military Affairs of this House [Mr. HAY]. Congress is a coordinate branch of this Government. Its responsibilities are as great as those of the Executive department. It has a right to know, and ought to know, the reasons for the increase of the Army, with all the attendant additional expense to the taxpayers of the United States. I have served on the Committee on Military Affairs of this House for nearly 10 years. During that period a number of occasions arose when it became necessary for the officials of the executive branches of this Government to convey confidential information to the membership of that committee. I do not believe that the confidence so reposed in the committee was ever betrayed. But the fact that the information had been given to the committee made it much easier to secure the necessary legislation. Politics have rarely entered into the deliberations of that committee. In the present emergency I am satisfied that every member thereof will be ready to vote every dollar and furnish every instrumentality that may be necessary to carry out the plans of the administration in dealing with the situation on our southern border.

Mr. Chairman, reference was made by the gentleman from Massachusetts [Mr. GILLETT] to the situation in Mexico. It is an unfortunate condition that confronts us there. It is a condition that the great majority of the Members of this House undoubtedly did not desire to see brought into existence. But we are there, whether we like it or not. And yet I was greatly surprised this morning to see an article in the Saturday Evening Post of May 23, 1914, which appears on the front page of that journal, and which purports to be a statement by the President of the United States. It appears under the caption—

Mexico. The record of a conversation with President Wilson. By Samuel G. Blythe.

During that conversation the President is reported as having said this:

Did you see that dispatch we gave out, from Consul General Hanna, which detailed his experiences with the army at Torreon? It was a sort of a diary of his adventures and a record of what he saw. We gave it all out; but the latter part of it was not widely printed, for the first part of it was full of bloody details of the battle. I suppose (and he smiled whimsically again)—I suppose the editors felt there was no particular interest in the peaceful and gratifying information that was in the latter portion of the dispatch.

Well, if you read that dispatch you learned that Mr. Hanna was most agreeably surprised and greatly gratified by the treatment Villa's men gave their prisoners; how they endeavor to live up to the rules of civilized warfare; how they were constantly on the lookout for new information that would relieve them of the stigma of being barbarians. This merely shows that these people, if they get the chance, are capable of learning and are anxious to learn.

"Praise from Sir Hubert is praise indeed." Now, take a look at the picture of Villa and his followers, as printed in the Washington Post of this morning. Listen to this:

VILLA KILLS GEN. OZORNO AND STAFF—OFFICIAL REPORT BOASTS OF EXECUTIONS—REBELS MARK LEADING SPANIARDS OF MEXICO CITY FOR DEATH—THIRTY-THREE OFFICERS WHO SURRENDERED AT ZERTUCHE, NEAR PAREDON, "IMMEDIATELY" SLAIN, DECLARES MESSAGE FROM THE FRONT—MORE THAN 700 SOLDIER PRISONERS, AND 9 CANNON AND MUCH AMMUNITION CAPTURED—VILLA INCENSED AGAINST SPANIARDS BECAUSE OF ACTIVITY OF TORREON EXILES IN EL PASO.

JUAREZ, MEXICO, *May 20.*

Vengeance and the lust for blood are the dominating factors in the battle which "Pancho" Villa is waging against the federals at Saltillo. Apparently, too, the rebel general is willing that the world shall hear of his bloody methods.

From Villa's private secretary, Luis A. Benavides, to-day was received a dispatch stating that Gen. Ozorno, of the federal army, and his entire staff of 32 officers were captured by Villa at Zertuche, 15 miles from Saltillo, and that all were immediately put to death.

CAPTURED AT ZERTUCHE.

Their capture and execution followed a battle at Zertuche yesterday afternoon, in which the federal army, endeavoring to reach Saltillo after its defeat at Paredon, ran into Villa's army, and was defeated with severe losses.

Expecting to be treated as prisoners of war under civilized rules of warfare, the federal commander, it is said, surrendered with his staff. He and his officers were killed on the field as soon as they had been made prisoners.

REPORTS TELL OF MURDERS.

The official report says:

"It is known that Gens. Miguel Alvarez and Ignacio Munoz fell in the combat. Gen. Ozorno and a good number of federal officials were executed."

Regarding the fight at Zertuche, another official report says, in part: "There was captured also a general and 32 officials who composed his staff. All were executed immediately."

DEATH FOR SPANIARDS.

All Spaniards in Mexico City are to be expelled from the city and from Mexico as Pancho Villa takes the capital, and those who have been active in aiding Huerta are to be put to death. This was stated here to-day by friends of Villa, who say the rebel general has a list of all Spaniards in Mexico City who have been active in assisting Huerta, and each is marked for death.

BRANDS SPANIARDS AS FOES.

Villa's anger has been aroused, it is claimed, by the activities of the Spanish junta in El Paso, composed of leaders of the Torreon colony, who had been driven from the country by Villa. This junta, rebels claim, is working in conjunction with Spaniards in Mexico City and is giving financial aid and information to the federals in their fight against the rebels. This, the rebels say, causes Villa to consider the Spaniards enemies to the rebel cause, and he will show them no mercy when they fall into his hands.

The 700 or more men of the federal army who surrendered at Zertuche were sent to Torreon, and rebels say they will be released or taken into the rebel army.

I wonder if our countrymen, after having read that record of wanton butchery and savage slaughter, will be "greatly gratified by the treatment Villa's men gave their prisoners"?

Mr. Chairman, it is unnecessary to pursue the matter further at this time. The attitude of the administration in its Mexican policy is being scrutinized and discussed in every section of the United States. The tariff policy, the repeal of tolls-exemption policy, the trust-regulation policy, the currency-reform policy, and all the other policies of the administration and the Democratic Party will come in for their share of criticism or defense. You on the Democratic side will be called upon to give an account of your stewardship.

The reduction in the cost of living, which you so glibly promised, has not materialized. The good times that were to flow as the result of the enactment of your economic doctrines have failed to make themselves manifest. Everywhere there is dullness in trade. Everywhere there is idleness among the toilers and workers of this country. You have been weighed in the balance and found wanting. And the voters will show their resentment in no unmistakable language when they go to the polls on the first Tuesday after the first Monday of next November.

Mr. GILLETT. Mr. Chairman, I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, this further urgent deficiency appropriation bill carries $6,770,000, of which $6,308,000 is for military purposes. These increased expenditures for military purposes are not in the main made necessary by the present active operations about Vera Cruz, although some of them, such as the rent of transports, are made necessary by those operations. They are in the main made necessary by reason of the increase of the enlisted force which was made some time ago, and very properly, in view of the Mexican situation.

In my opinion, the Secretary of War, acting, I assume, on the advice of the President, did the proper thing in increasing the enlisted force in view of the general unsettled conditions on our southern border. This additional appropriation is made necessary very largely by reason of that increase in the enlisted force.

The gentleman from California [Mr. KAHN] has already called attention to the fact that the increase is partly made necessary by reason of the rather curious fact, in view of the promises and predictions of our Democratic friends in their platform and in their campaign, that the cost of living has advanced. The Army ration now costs us 0.54 of a cent more than it did when the Democrats attacked the Republican Party and its policies on account of the high cost of living. In other words, there has been an advance in the cost of living in the staples that constitutes the Army ration of approximately 2 per cent. We all know that the increase of the cost of living in many other lines, not staples, has been very much greater.

This general advance in the cost of living is notorious, known to all of us; but here is a striking illustration of it in the purchases of the Government in a very large way. These appropriations are, as I have said, necessary on account of the conditions in Mexico. We all hope that those conditions will grow better. We trust that the mediators now in session at Niagara Falls will be able to bring about a settlement that will bring peace. We pray that they may, even in the midst of our fears that they will not.

The gentleman from Texas [Mr. DIES] some days ago addressed the House relative to the administration's policy toward Mexico. Unfortunately I did not have the pleasure of listening to that entertaining speech. I know nothing of it except from extracts I read in the papers, and I can not secure any better or more complete information by reason of the fact that the gentleman from Texas has not as yet inserted his speech in the RECORD.

In that speech it was reported that he said "We are following the President; we do not know just where he is leading us to or what he proposes to do, but we are following him." I think he expressed some doubt about the wisdom of some things that had been done. But it was far from the gentleman from Texas to assert his opinion with regard to these matters as against the opinion and acts of the Chief Executive. He was simply following; but he has not followed far enough to enlighten us through the RECORD as to just how far he proposes to follow the administration's policy.

Mr. BELL of California. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BELL of California. Will the gentleman inform the House as to what he thinks of this policy, whether it is pursuing war by peaceful methods or whether it is pursuing a peaceful situation by warlike methods? [Laughter.]

Mr. MONDELL. Both, I think. A long time ago, some months ago, I expressed my disapproval of the administration's Mexican policy. I did not do it as a jingo but as a lover of peace. I then said that, in my opinion, the attitude which the administration had taken of declining to recognize the government which had been established in Mexico and of allying itself with the so-called constitutionalists, the attitude of indirect intervention, was one that must inevitably lead to war. It has steadily led in that direction, and we stand to-day hanging on the verge of what may be a bloody and a costly war, though we hope not.

I want to make a few observations with regard to some things the struggles down there have developed. The Department of State or the Department of War, one or both, are, I understand, compiling a biography of a gentleman notorious in those bloody encounters by the name of Villa. The Senator from New York some days ago made a most valuable contribution to that biography. I want to add to that delightful character sketch just one little item, taken from a letter received by a Member of this House from the State of Pennsylvania, Mr. EDMONDS, from a friend and a former partner of his in Chihuahua. In the letter, referring to occurrences down in that country, he reminded Mr. EDMONDS of their former mutual acquaintance with this gentlemanly murderer, rapist, and bandit. He said, among other things:

You will remember, too, that Villa is the same honorable party who murdered our foreman, Villalobos, at Cata Tica mine in 1909.

I am informed that this constitutionalist patriot, friend of the administration, whom our official representatives are reported as fondly embracing—this gentleman on the occasion in question took the life of a fellow Mexican by sneaking up on him through the chaparral as he rode by on his way to his home with his month's wages. He shot him, killed and robbed him, and threw his body in a neighboring arroyo. Of course this is but a relatively unimportant incident in the life of this patriotic constitutionalist, whom the administration is depending on to establish orderly, constitutional government in Mexico. It is just one small incident in his life of crime and pillage, murder and rape. This morning the papers bring us the news we had expected, that this savage bandit had returned to his former and favorite practice of shooting his enemies, disarmed enemies—honorable, brave, generous patriot that he is! Oh what a figure he is to select as the instrument of constitutional government under law! One of our best and ablest consuls, it is reported in a recent paper, thinks of resigning, the reason given being that he, at least, is still enough of an American that he can not stomach the performances of some of our representatives down there in their fond embraces and their constant aid and encouragement of Villa and his kind.

The gentleman from Texas [Mr. DIES] wants to follow the administration. I wonder if he, gallant and brave gentleman that I know him to be, desires to be understood as following the administration in what occurred at Tampico. Tampico was attacked by the rebels, and several hundred Americans were gathered in a hotel and felt reasonably safe because in the neighboring river, but a short distance away, lay three American gunboats, with their guns shotted, their decks lined with sand bags, and the marines with quick-firing guns alert behind them. Our forces had just taken Vera Cruz, and the news had been flashed to Tampico that the invader had landed; that he was shooting Mexicans. Meanwhile the rebel forces were thundering at the gates, and so the cry went round, "They have invaded our land at Vera Cruz and shot down our people; they have furnished the guns with which the rebels are pounding at our doors," and out of this grew an anti-American demonstration. The mobs gathered around the hotel where these Americans—men, women, and little children—were gathered, depending upon marines and gunboats for protection. And then what happened? While the mobs howled and battered at the doors, while every horrid and vile threat that those savage and angry Mexicans could conjure up were being shouted at these imprisoned refugees and strong men stormed in their impotent wrath and women—American women—and children cowed in terror, those American gunboats, on command of the Secretary of the Navy, three times repeated over the protest of the American admiral, weighed anchor and steamed out to sea, leaving 2,000 Americans—men, women, and children—defenseless in the face of that howling mob, inflamed to madness because we were attacking their countrymen at Vera Cruz and had allowed the shipment of arms to the rebels who were attacking them and threatening their lives and property. Fortunately, there was a German gunboat and German commander at hand, and when our own brave men had been ordered away the German commander ordered the mob dispersed, which was done. This German commander then sent his men to escort the American men, women, and children to his boat. Fortunately, there was an English ship and an English officer at hand to assist in the rescue of our people. And so when these Americans had been deserted by their people they were defended and protected by the flags of Germany and of Great Britain. When our citizens 2,000 of them, were rescued by German and English officers and sailors and taken out to sea in German and English boats they found 17 American dreadnaughts lying at anchor—2,000 Americans, stalwart men, fair women, little children, in danger of death, torture, and dishonor—17 of the finest ships afloat, 10 miles away, 3 gunboats, manned and shotted, weighing anchor and sailing out to sea, leaving them to their fate. Does the gentleman from Texas follow the administration in that incident?

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. What is the significance of the incident when 500 of the refugees reached New Orleans and passing an English vessel flying the British flag frantically cheered the English flag?

Mr. MONDELL. They did. They properly acknowledged their debt of gratitude to those who had rescued them. When we hear the bands play the Star-Spangled Banner we uncover, and if we are true and loyal Americans our pulse is quickened and our emotions are profoundly stirred; but how, think you, will the playing of this national anthem in the future affect the 2,000 Americans who, at Tampico, in the face of a howling mob, saw the anchors weighed and the flag sail away? Gentlemen may smile. Gentlemen may think it does not amount to anything, but I want to suggest that if our people are to continue to be patriotic, if we are going to resent insults to the flag, if we are going to spend our money and our boys are going to give their lives in the defense of the flag, it is going to be because the flag stands always, as it has in the past, for justice, righteousness, and the protection of American citizens. [Applause.]

Can we hope for continued devotion to the flag from people whom the flag has deserted? Can we expect a continuation of honest pride in American citizenship from those to whom the flag has failed to furnish protection? Shall we readily efface from the memory of these Tampico refugees, these men, women, and children abandoned to the mob, the recollection of that incident, the mortal terror of the situation, the amazement at their abandonment, the crushing blow to their national pride?

It may be that the arrest and detention for a short period of an officer and a few marines who, while the defenders of Tampico were battling against the onslaughts of their enemies, landed at a wharf where landing was prohibited, constitutes an insult to the flag warranting acts of war costing the lives of a score of brave young Americans and of hundreds of Mexicans, but I have my doubts about it. If that arrest and detention under those circumstances, duly apologized for, cast discredit on the flag and the uniform, what shall we say of orders that called brave men from their posts of defense, that withdrew our flag and our guns from the protection of our citizens and their families in the hour of their mortal peril?

Above all things I am thankful, and from the information I have I am satisfied, that no man wearing the American uniform was responsible for that desertion. Three different times, so I am told, the officer in command protested the orders sent him, and only obeyed when those orders were made final and imperative from Washington. How he must have felt, how the brave men under him must have felt, as they sailed away can be readily imagined. This Tampico incident is so astounding, so utterly contrary to all American traditions, that some of our people have found it difficult to credit it, much less to understand it. But when one views it in the light of the policy which the administration has steadily pursued toward the Mexican situation, it is simple enough.

The one end and aim and only purpose of the administration's policy has evidently been the downfall and elimination of Huerta. The taking of Vera Cruz had so inflamed the Mexican mind, military and civilian, constitutionalist and federal, that there was a strong probability that the contending forces at Tampico might join against the common enemy; that the rebels might cease their assault upon Tampico and thereby disarrange the administration's policy of playing one force against the other as a means to the elimination of Huerta. Forgotten or ignored was the duty of protecting the lives and the honor of our people in the consuming desire to carry out the administration plan. And so the flags were dipped, the anchors weighed, and while the mobs howled, hurled their insults, and battered at the doors, our people were abandoned to their fate. If there is any other explanation than this of the Tampico incident, let some one give it. If this was not a cold-blooded abandonment in carrying out the policy of the administration to bring about the downfall of the Federal Government in Mexico without regard to loss of life or property, I should like to know what excuse there was for it.

I shall insert in the RECORD as part of my remarks a statement handed me by John I. Newell, a stalwart, honest American citizen, who was at Tamipco at the time the incidents I have referred to occurred. The statement is as follows:

STATEMENT OF JOHN I. NEWELL, OF TAMPICO, MEXICO, CONCERNING THE PROTECTION ACCORDED TO AMERICANS AT TAMPICO.

In the fore part of the year 1912 President Taft, personally or through his representatives, gave instructions to the Consular Service throughout Mexico, advising all Americans who could leave Mexico to do so, turning over their properties to the American consul in each district. This notice was addressed to those who considered themselves to be in danger. At Tampico at this time no danger existed in the minds of Americans and no one left. As a result of this notice placards were posted throughout the Mexican Republic by Mexicans in Spanish, which read, in effect, "See the cowardly Americans run."

During the summer of 1912 rifles, such as were formerly used in the United States Army, were sent in large numbers to consuls throughout Mexico with the consent of the Mexican Government, to be sold to American residents in Mexico for 18 pesos apiece, including 240 rounds of ammunition. These were issued to those who considered that they needed the protection of these guns. There was still no trouble at Tampico, but many availed themselves of the opportunity to secure arms.

In October or November, 1913, the Americans were called into conference, at which the United States Government seemed to be represented and arrangements were made for the protection of American lives in Tampico in case they might be endangered by rebel attacks, which were at that time anticipated. Buildings were chosen which

would be used for the concentration of the defenders; arms were arranged for, and a number of American men were asked to volunteer to perform certain services, and they responded unanimously.

On the 10th or 11th of December, 1913, the city of Tampico was attacked by rebel forces in strong numbers. These forces captured the suburban towns of Dona Cecelia and Arbol Grande, which are situated within 2 miles of Tampico and are regarded as a part of the city. Admiral Fletcher, then in command of the United States fleet which was at Tampico undertook to form a neutral zone, and published throughout the consulate the boundaries of such zone, which included several city blocks, and to which Americans were requested to retire. The federal commander of the Mexican forces refused to honor Admiral Fletcher's demand for such a zone, and the demand was withdrawn or at least not enforced. On the evening of December 12 Admiral Fletcher wrote a letter to the consul, stating that there seemed to be a mistake on the part of Americans; that they seemed to think that they might defend themselves, but the letter went on to state that their only protection was on the United States gunboats, which lay in the Panuco River within a few hundred feet of the customhouse at Tampico, with guns covering the town, and all those who desired protection were invited to go on the gunboats. Many hundred American women and children availed themselves of the privilege and were taken into the Gulf and transferred to the large battleships there. Admiral Fletcher sent a flag lieutenant ashore to emphasize the letter, and this gentleman stated in effect that Americans had no right to protect themselves, even though their homes were entered by the mob of either of the contending forces. I heard this statement myself in the lobby of the Southern Hotel.

Tampico was again attacked by the rebels during the fore part of April, and the attack continued for seven days. When matters seemed crucial again Admiral Mayo, then in charge, invited Americans aboard the gunboats, and they were transferred to the battleships in the Gulf. At this time three gunboats, namely, the *Dolphin*, the *Chester*, and the *Des Moines*, were in the river within a few hundred feet of Tampico. Under this invitation over a thousand passes were issued by the consulate to Americans, who took refuge on these boats. During this attack occurred the famous flag incident.

The tension was great in Tampico, the federals being very bitter toward all Americans, believing them to be rebel sympathizers, and stating openly that the rebel forces were armed with arms secured in the United States. Many Americans were arrested daily for no reason and were suspected of being rebel spies. The consul was kept busy securing their release from prison. In two or three days the people taken on the battleships were landed again, it being thought the trouble was over. A day or two later a notice was sent to the consulate, about 3 o'clock in the afternoon, telling all Americans to repair to the gunboats by 4 o'clock. It was no more than posted before it was ordered torn down by the naval authorities. No one in Tampico understood why this notice was posted or why it was withdrawn, although it was stated that the gunboats were about to leave the river. On Monday, April 20, in the evening, Admiral Mayo received instructions to withdraw all gunboats from the river and proceed with them to Vera Cruz, leaving the Des Moines, however, in the gulf outside Tampico. The three gunboats in the river had been stripped for action, with guns shotted and bags of sand placed around them for protection. The marines were ready for instant landing, and this condition had prevailed for about one week, causing an increased hatred on the part of Mexicans, who believed that this was done as a threat to them, and who also believed that the Americans in Tampico were thoroughly protected as long as the gunboats remained. Admiral Mayo protested against the removal of the gunboats at least three times, and I have every reason to believe he stated that his withdrawing the boats would subject hundreds and thousands of Americans to extreme danger. I know that the American consul sent a long message of protest and also stating the extreme danger that would arise to all Americans there. These messages did not avail, and at 9.30 o'clock, the morning of April 31, the last of the gunboats left the river. The Americans immediately felt themselves to be in extreme danger, and hurried notices were sent throughout the oil fields and farming districts ordering all the oil operators and farmers to drop everything and come into Tampico. At 4 o'clock in the afternoon the Americans for the first time became aware of the taking of Vera Cruz. They learned this through posters put out by the Mexican authorities saying that the American invader had come and had landed at Vera Cruz, and calling on all patriotic Mexicans to rally for the defense of the city. Arms and ammunition were given freely to all volunteers.

The American consul had not been notified of the taking of Vera Cruz and was not in communication with our battleships which were now located 9 miles away in the Gulf. At 4.30 mobs began to form, incited by speeches made by leading Mexican lawyers and doctors. They were incited to kill all Americans and to tear down the American flags. These mobs kept increasing in size, and three different attacks were made on some buildings occupied by Americans. A hundred and fifty American men, women, and children were guarded at the Southern Hotel. Determined efforts were made to batter down the doors of the hotel. It was shot into. Windows were broken, and no relief was given until the German commander of the German gunboat *Dresden* sent word to Gen. Zaragosa, of the federal forces, ordering him to disperse the mob, and if it was not done he would land German marines himself. This German commander then sent two of his officers to the Southern Hotel and to other places to take the American women and children to his boats. This was about 2 o'clock in the morning of April 22. This was done voluntarily on the part of the German commander without any communication whatever from the American fleet. Earlier in the evening the consulate tried to get into communication with Admiral Mayo by wireless from the English boat, but the English commander refused the request, stating that Mexico and the United States were at war and England was neutral. Afterwards Mayo and the English commander did communicate at a time when Mayo expected to land marines to protect the Americans in town, but the English commander protested, saying that it would endanger the English who were ashore, and that he would join with the German commander in protecting Americans. During April 22 and 23 over 2,500 Americans were taken out of Tampico by boats flying the German and English flags and in charge of German and English officers. It was the only way that they could get to safety. The English officer on one of the boats stated to the Americans in a speech that it was not his duty to do this, but that he did so inasmuch as our own country had deserted us and humanity demanded that he should take care of us. Flags were torn down and spit upon, women were insulted with every conceivable term of insult, and so were the men during the movement to the boats.

The feeling of every American coming from Tampico is that he was deserted by his country. He knows that he was in no danger as long as the quarrel was between the Mexicans, but after the United States took note of the flag incident and landed at Vera Cruz the hatred of the federals against all Americans became intense, and the protection was removed from us at a time when it was at its height without any notice to us and without any invitation to seek the protection which had been extended to us before.

I made this statement gladly and freely, believing it is proper for parties to whom it is given to know these facts.

JOHN I. NEWELL.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I do.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Speaker, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TREASURY DEPARTMENT.

PUBLIC BUILDINGS.

Washington, D. C., old building, Bureau of Engraving and Printing: For new floors, suspended ceilings, repairs, painting, reinforcing floors, vault equipment, partitions, plumbing, conduit and wiring, and other necessary repairs, to adapt the old building of the Bureau of Engraving and Printing for the accommodation of various Treasury offices, to continue available during the fiscal year 1915, $29,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I will ask the gentleman from New York what is the intention in reference to the old Bureau of Engraving and Printing and what offices are to go in there in addition to those already provided for?

Mr. FITZGERALD. All of the offices of the Treasury Department now occupying rented buildings will in the future occupy the old Bureau of Engraving and Printing.

Mr. MANN. And no other offices?

Mr. FITZGERALD. I think not.

Mr. MANN. I thought in addition to those that the Federal Reserve Board was to have a portion?

Mr. FITZGERALD. The Federal Reserve Board is to be accommodated in the Treasury Building, and they are moving certain offices out of the Treasury Building into the old Bureau of Engraving and Printing.

Mr. MANN. Then there are others than those now in rented buildings?

Mr. FITZGERALD. Yes; the Stamp Division and the Internal-Revenue Bureau. I think are being moved out.

Mr. MANN. Is it likely that this building is going to be now permanently occupied? I had some hopes that at some time the Government might tear that down. It is an eyesore there.

Mr. FITZGERALD. Oh, so did all of the other iconoclasts under the Commission of Fine Arts, but those who believe that a building which cost in the neighborhood of a million dollars should be utilized have not such reckless disregard of these things.

Mr. MANN. We have the Washington Monument on the one side, the Potomac Park on the other, and in between we have this old building and some nursery grounds and greenhouses, strawberry beds, for the use of the Executive Department.

Mr. FITZGERALD. The gentleman has overlooked the Department of Agriculture.

Mr. MANN. Oh, no; that is not between the Washington Monument Grounds and the Potomac Park.

Mr. FITZGERALD. That is a very attractive building to anybody who has an artistic, esthetic taste. Of course the gentleman, who was brought up in Chicago——

Mr. MANN. Of course I was brought up in the wild and wooly West and have no esthetic taste.

Mr. FITZGERALD. And those who have no notion of art wish to destroy public property quite unnecessarily.

Mr. MANN. Why, the whole thing is an eyesore—these greenhouses, these strawberry beds, and so forth.

Mr. FITZGERALD. Oh, the gentleman should not potter around such places and his eyes would not get sore. [Laughter.]

Mr. MANN. Well, this gentleman is fortunate enough occasionally to have some one who possesses a machine to take him out in that locality, and then once in a while he walks himself and pries around these nursery grounds.

Mr. FITZGERALD. The old bureau building is not offensive from any standpoint. There may be some of the surroundings that perhaps should be cleaned up, but that is a delightful and satisfactory building.

Mr. MANN. I supposed when we built the new building it was because we wanted to get rid of the old building.

Mr. FITZGERALD. No; it was to accommodate the employees, who were crowded there so greatly as to make it undesirable.

Mr. MANN. Then we could have built the new building one-half the size, and continued to use that building which we already have.

Mr. FITZGERALD. We could never do anything like that with the Government.

Mr. MANN. Well——

The CHAIRMAN. The gentleman withdraws his pro forma amendment, and the Clerk will read.

The Clerk read as follows:

PUBLIC HEALTH SERVICE.

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, or trachoma, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, to continue available during the fiscal year 1915, $100,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is this Public Health Service item, to prevent epidemics, in the language of the existing law?

Mr. FITZGERALD. It is the language of the existing provision.

Mr. MANN. I meant the language of the existing appropriation.

Mr. FITZGERALD. Yes.

Mr. MOORE. Mr. Chairman, I move to strike out the last two words. Would any part of this appropriation be available for investigation of the mosquito as related to epidemics?

Mr. FITZGERALD. I think not; it is to be utilized to provide the necessary field force required in the case of epidemics.

Mr. MOORE. It is possible an epidemic might start through the mosquito carrying fever from one person to another, as we are told it did in Panama. On several occasions, when this question has arisen during the consideration of the Agricultural bill, we have been told the proper place for an inquiry as to the effect of the mosquito bite would be the Health Service.

Mr. FITZGERALD. The Public Health Service has an appropriation of $250,000 for investigating the diseases of man.

Mr. MOORE. But the gentleman can not say whether any portion of this $100,000 will be devoted to an inquiry of the kind I have suggested.

Mr. FITZGERALD. It would not. This money is required to supply additional services, due to the fact that at some places in Mexico from which refugees are coming there have been indications of yellow fever, and a few cases of plague have been found in Havana during the past six months, and it is to provide additional precautions in the quarantine service as a result of these conditions.

Mr. MOORE. The chairman of the Committee on Agriculture told us when his bill was before the House that some money was being spent in a few sections of the United States—some in South Carolina, I think, in one county—in an undertaking to suppress the mosquito, and I think some money may have been spent for that same purpose under the Department of Agriculture in Louisiana. I am not sure as to that, but the chairman indicated, if the question arose again, he would undertake to see that no appropriation was made through the Department of Agriculture for that purpose; that the mosquito problem was purely a human problem, and the question was one to be considered by the Bureau of Health.

Mr. FITZGERALD. I think the Government of the United States is not going into the business of trying to exterminate the mosquitoes of the country. It has done enough things it should not do.

Mr. MOORE. The United States expends a good deal of money undertaking to prevent epidemics among cattle; it expends money for the boll weevil, the cattle tick, the Mediterranean fly, the hog cholera, and things of that kind which affect the health of animals; but there is no provision, so far as I can find, for protecting the life of individuals—human beings—as against this greatest of human pests, the mosquito. Surely the mosquito is as much an evil as the boll weevil or the tick or any one of these strange moths that seem to affect agriculture in some way or other——

Mr. FITZGERALD. Some day or other we will have a Federal investigator for every flea and mosquito in the United States.

Mr. MURDOCK. And do not forget the house fly.

Mr. FITZGERALD. And the house fly.

Mr. MOORE. Well, in the State of New Jersey they have spent money in the——

Mr. FITZGERALD. Yes; they spent it.

Mr. MOORE (continuing). They spent it and are spending it investigating and trying to suppress the mosquito. The mosquito is not indigenous to New Jersey, Delaware, or any other State. It is bound to get over the State border, hence it is properly a subject of governmental inquiry. We may raise that question some day, whether the gentleman considers it proper for his committee or not, but I want to find out whether the Health Bureau, in the opinion of the gentleman, is the proper place to locate this matter?

Mr. FITZGERALD. Well, it can not use this money to kill mosquitoes.

Mr. MANN. Mr. Chairman, the statements are so often made that Congress appropriates money in order to prevent diseases among animals and will not and does not appropriate money to prevent diseases in human beings that the matter is worthy of some consideration. I understood my friend from Pennsylvania [Mr. MOORE] to say that mosquitoes were not indigenous to New Jersey, but certainly when he made that statement he made it with humor. I think mosquitoes are indigenous to all parts of the United States.

Mr. MOORE. I am willing to withdraw the word "indigenous" and make it "special" to New Jersey.

Mr. MANN. Now, we do appropriate money in reference to insects or diseases of animals which are not imported. I do not recall now any special disease of animals which is indigenous to the territory where we appropriate money even for combating them.

We appropriate money for the gypsy moth. Why? To keep it from spreading. We appropriate money in reference to the boll weevil. Why? To keep it from spreading. It is not indigenous to our soil. We would appropriate money in reference to insects or pests which would bring disease upon man, where we can keep those diseases from spreading, as we do in reference to small pox, yellow fever, and various other diseases. And I do not recall now where we do appropriate money in any direction for the purpose directly of combating the disease which is indigenous to the soil or which comes from insect pests which are indigenous to the soil in this country. And it makes quite a distinction. We may appropriate money to help fight a disease, and it is possible we may some time appropriate money to endeavor to kill off all the flies—house, stable, horse, and otherwise—and all the mosquitoes near Philadelphia. I think there is very good reason for that when we go to Atlantic City. But there is this distinction, and we do not, in my judgment, give a preference, as is so frequently stated, to the farm animal over the farmer himself.

Mr. MOORE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MOORE. We did appropriate money in one form or another for the suppression of the mosquito on the Panama Canal Zone, as the gentleman is well aware, and we made a world's record in the suppression of the mosquito at that point.

Mr. MANN. Well, the last time I was down on the Panama Canal, which was not so very long ago, in company with some other gentlemen from this House, in the car of the chief engineer of the canal, over at the Gatun Dam, I met more mosquitoes in five minutes than I ever saw anywhere else in the world in the same length of time.

Mr. MOORE. I am afraid the gentleman is taking some of the laurels from Col. Gorgas.

Mr. MANN. Oh, no. I am stating some facts which are not popular to state by gentlemen who are connected with the Panama Canal work.

Mr. MOORE. Does the gentleman think it unfair that some day this question of educating the public to the manner in which the mosquito can be suppressed should be taken up by the Government? The mosquito is not confined to any one State.

Mr. MANN. I think we are educating the public on the subject now. It takes a large amount of money. The question is whether the General Government itself will undertake the prevention of mosquitoes.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Signal Service: For the repair and replacement of equipment and material lost and damaged by fire in the Signal Corps laboratory, Washington, D. C., March 18, 1914, $7,500.

Mr. MANN. Mr. Chairman, is that a new paragraph?

Mr. FITZGERALD. A new paragraph.

Mr. MANN. Mr. Chairman, I would like to make a little inquiry about this signal service item, or not so much about the item as about the signal service. We passed in the House the other day a bill providing for an aviation corps in the Army. The gentleman knows there have been a number of propositions made at different times in reference to organizing a commission and having an aeronautical laboratory connected with, possibly, the Smithsonian or other institution under the Government. The other propositions have not eventuated in any legislation, and we have a number of bills for purchase of fields for flying, and so forth—aviation. Is the gentleman prepared to make any suggestion in reference to the possibility of giving to this new aviation corps, if this bill passes the Senate, some money with which they can make experiments in flying, or whether it would be preferable, if that should be done, to have it done under a commission not exclusively controlled by the Army?

Mr. FITZGERALD. The Smithsonian Institution, of which the gentleman from Illinois is a distinguished regent——

Mr. MANN. Was; not is.

Mr. FITZGERALD. Was.

Mr. MANN. And I am not so distinguished.

Mr. FITZGERALD. That institution has submitted an estimate of $50,000 for the establishment of an aeronautical laboratory. The suggestion of the Secretary of the Smithsonian Institution is that in this laboratory there shall be done research work in connection with aviation for both the Army and Navy, and that the work done in the laboratory be strictly of a research character, while any practical development be conducted by the Navy or the Army in their respective services. The suggestion is that the laboratory should be established in that part of the Potomac Park east of the railroad embankment. The plan for the utilization of Potomac Park now provides that it should be a great public playground. The matter is before the Committee on Appropriations, but no conclusion has been reached as to the desirability of action of any character. Whatever may be the desirability of establishing an aeronautical laboratory, personally I believe it should not be put in Potomac Park. That will eventually be the most accessible and desirable park and recreation grounds in the District. I believe it will not enhance its utility for such purpose by developing there an establishment in which experimental work must necessarily be conducted.

My recollection is that the War Department had an establishment at College Park, Md.; but since the troops have been on the border I understand they have had two fields, one at San Antonio and one at San Diego, where they have been experimenting. My own impression is that if the bill which passed through the House the other day upon the motion of the gentleman from Virginia [Mr. HAY] is enacted into law, it will probably be necessary eventually to provide some facilities for original research work in connection with the development of the apparatus to be utilized by that corps. I am not prepared to say whether it is desirable to place that in the War Department or in the Navy Department or into some joint control or under the control of an institution such as the Smithsonian.

Mr. MANN. Mr. Chairman, I am very glad to hear the gentleman honestly say what he does about any utilization of any part of the Potomac Park as an aeronautical field. I am opposed myself to putting any kind of a building or anything else in a park that is not connected with park work, whether it be for this aeronautical work or anything else. And while the Committee on Appropriations has under advisement, and I have the opportunity of expressing an opinion to members of the committee and also to the chairman of the Committee on Military Affairs, at the same time I would like to make this little statement.

I have been interested in the aviation business from the start. In my judgment, the time will come, and very speedily, when flying machines will have control of war, and if they have battles in the future, in the main they will be in the air. I do not know whether anyone will want to go into battle or not. Now, if we create this aviation corps in the Army, which I am satisfied will be done, it seems to me that that corps, which started out with 60 officers, ought to be the corps that has control of the research and experimental work, so that they will have men who are in the field, who learn by actual experience, and who can bring that experience to bear on the research investigation work. If we did not have this corps in the Army, I would be in favor of letting the Smithsonian or some one else take charge of it; but it is perfectly manifest, as it seems to me, that the use of flying machines in war will in the main be by the Army rather than the Navy. The Navy could make some use of them, but in the main it will be by the Army, and the Army and the Navy both have been very successful in investigation and research work in connection with the arms which they use in time of war.

I have no doubt that this service can do that same thing. I think that as soon as it is organized we ought to give them some appropriations which they can use in experimental work, and not confine them, as I think under the existing appropriation probably they are practically confined, to the purchase of flying machines.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 4, after line 19, insert the following:

"Medical and Hospital Department: For the purchase of medical and hospital supplies, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $50,000."

Mr. FITZGERALD. Mr. Chairman, this estimate came in after the committee had reported the bill, and the necessity for it is the same as for the other provisions for the Army.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF COMMERCE.

BUREAU OF FISHERIES.

Alaska Service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, purchase, hire, maintenance of, and crews for vessels, and including not exceeding $2,500 for installation of water supply on St. Paul Island, and for all expenses necessary to carry out the provisions of the act approved April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes," and for the protection of the fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses, to continue available during the fiscal year 1915, $35,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 5, line 12, strike out the sum "$35,000" and insert the sum "$50,000."

Mr. MANN. Mr. Chairman, I would like to make an inquiry about this item. I think it was a year ago when we tried on this side of the House to insert in the regular appropriation bill an item for taking care of these people, including employees, up on the Pribilof Islands. My recollection is that the gentleman from New York [Mr. FITZGERALD] was very strenuous in his opposition to it.

Mr. FITZGERALD. The gentleman is mistaken. The item was reported.

Mr. MANN. And the result was that the men who were employed by the Government up there for years were discharged. It was stated at the time on the floor that that was one of the purposes—to discharge men who were up there and knew the business and then after a while to come in here with a deficiency appropriation for the purpose of hiring some men who did not know anything about it.

Mr. FITZGERALD. The gentleman is mistaken. They had four agents supposed to be working on this Alaskan business, and they had a very delightful arrangement by which two of them spent half their time in Washington and then would go up to Alaska, and the other two would come back from Alaska and spend half of their time here. The appropriation for this particular work is carried in the sundry civil appropriation bill. The supplies are sent up in the first week of June, and it has been customary to make enough of the appropriation available before the end of the fiscal year to enable the supplies to be purchased and the vessels to be chartered. It is very apparent that the sundry civil bill will not become a law before the 1st of June, and this sum is transferred out of the amount that would be carried in the sundry civil bill and placed herein.

Through a misunderstanding, the committee was under the impression that $35,000 was the amount required to charter the boat and furnish the supplies, but the chartering of the boat amounts to $9,000 and the supplies in the neighborhood of $40,000 or $41,000. The boat is held under option, and the supplies have been ordered, subject to the appropriation being made. But this is not the item which the gentleman from Illinois has in mind.

Mr. MANN. Is this to take the place of an item that otherwise would be in the sundry civil bill, or will the sundry civil bill carry an item also?

Mr. FITZGERALD. It is the part that is needed before the 1st of June.

Mr. MANN. How many Eskimos are there on these islands now?

Mr. FITZGERALD. I do not recall. But I think there are several hundred on the Pribilof Islands.

Mr. MANN. What is the total cost of feeding them? Is it $100,000 a year?

Mr. FITZGERALD. It is $100,000 for the schools and other things.

Mr. MANN. They are at liberty to fish. They get all the fish they want, and they are at liberty to catch seals and take all the seals they want, and until we went up there that is all they lived on—fish and seals.

Mr. FITZGERALD. Civilization has gone in there, and they can not live on those things now.

Mr. MANN. I think a man would be very foolish to take the trouble to earn a living if he was furnished freely with all the things that he needed.

Mr. FITZGERALD. They will not eat seal blubber if we furnish them with good food.

Mr. MANN. Why should a man incur the perils of the sea and go out in boats if the Government will furnish him, instead of fish, with roast beef, ham, coffee, tea, sugar, salt, and fruits of all kinds, canned and dried?

Mr. FOSTER. Does not the gentleman think civilization ought to give them a little more than blubber to live on?

Mr. MANN. I am blubbering because we give them too much. [Laughter.]

Mr. HARRISON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Mississippi?

Mr. FITZGERALD. Yes.

Mr. HARRISON. Has the gentleman any facts there about how many seals there are now on the Pribilof Islands? Some two years ago, I think it was, we stopped the killing of seals. As a matter of information I would like to know whether or not there has been much of an increase in the seal herds?

Mr. FITZGERALD. I do not know. I did not inquire.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield to me for a question?

Mr. FITZGERALD. Yes.

Mr. LINTHICUM. I would like to ask the gentleman whether he has any figures as to how much we pay for the hire of boats up there in the fisheries? I notice that in this bill it says "hire of boats." I was wondering whether it would not be cheaper to own a boat.

Mr. FITZGERALD. This is carried in the language of the appropriation for the current year. The amount carried in this item is to charter a boat to go up from Seattle to the Pribilof Islands. The statement has been made that an arrangement had been entered into to charter that boat for $9,000, and $41,000 is to buy the supplies.

Mr. LINTHICUM. I was wondering whether it would not be better to own a boat up there, which could be used at the same time for the protection of the fisheries.

Mr. FITZGERALD. The Secretary of Commerce has recommended that the limit of cost of the lighthouse tender, which was authorized at a cost of $250,000——

Mr. MANN. At $325,000——

Mr. FITZGERALD. Should be increased to $325,000, so that it would be a suitable vessel to carry the supplies to Alaska and also work at times when it is now claimed that a smaller boat could not work. Of course, unless Congress fixes the limit of cost of that vessel at $325,000 the Committee on Appropriations has no authority to appropriate in excess of the limit fixed. What the gentleman has in mind, however, probably is an estimate by the Department of Commerce for an appropriation of $100,000 to purchase 9 or 10 boats for use in Alaska.

Mr. LINTHICUM. Yes.

Mr. FITZGERALD. It is stated that in the inspection of the fish canneries in Alaska there is no means of going to them except by notifying the persons who operate them that the inspectors desire to go there and by having the canneries send a vessel to take the agents of the department to visit the cannery; it is claimed that the result is that the agents can never make a real inspection, because the people in charge of the canneries are always prepared for their visits when they arrive. That estimate is pending, but there is no authority for the purchase or construction of those vessels, and it is not submitted as an estimate for a deficiency.

Mr. LINTHICUM. This does not cover that.

Mr. FITZGERALD. No; it has nothing at all to do with that. This is merely for the charter and the supplies that are to be sent up to feed these natives and the American employees in the Pribilof Islands.

Mr. LINTHICUM. I brought up the question because I was interested in the proper protection of the fish. I do not believe it can be done properly in the way things are now going on.

Mr. FITZGERALD. I think the fish probably are properly protected, but perhaps the method in which they are put up for our use might be very greatly improved upon.

Mr. LINTHICUM. They are not properly protected when they turn some millions of herring into fertilizer up there. That is not proper protection, certainly.

Mr. FITZGERALD. Well, I do not know.

Mr. MANN. Mr. Chairman, I understand that the vessel that is to take the supplies up there is chartered at a cost of $9,000, and the people who furnish the vessel also operate it.

Mr. FITZGERALD. This is a charter party.

Mr. MANN. The suggestion has been made that we build a vessel which can be operated to go up there. I would be inclined to think that the cost of operation would amount to as much as the freight we pay, and perhaps more, when we charter a vessel going up to the Pribilof Islands.

Mr. FITZGERALD. Heretofore the cost has been from $18,000 to $20,000 a year. For four years it has cost $80,000. The statement is made that this very favorable present rate is obtained because of a desire to send the vessel up a little earlier than usual, perhaps.

Mr. MANN. These other vessels that were referred to by the gentleman from New York in response to the gentleman from Maryland [Mr. LINTHICUM]——

Mr. FITZGERALD. They are vessels to be stationed up in Alaska.

Mr. MANN. They would not be available to go up to the Pribilof Islands.

Mr. FITZGERALD. No.

Mr. MANN. As I understand, the department have recommended that they have a new navy in the Department of Commerce. They have one now connected with the Lighthouse Service and another connected with the Coast and Geodetic Survey. They want an additional new navy now to skirt along the coast of Alaska in order to give very many pleasure trips, and undoubtedly useful trips, to inspectors employed in that department.

Mr. BARTLETT. They have not got that.

Mr. MANN. It would be very convenient to have one in Chicago in the summer time, though I have never favored it.

Mr. FITZGERALD. It would be more useful in New York.

Mr. MANN. I can not see any other use for it.

Mr. FITZGERALD. Let us have a vote.

The amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF LABOR.

Bureau of Naturalization: For the purchase of safety paper for certificates of naturalization, $4,200.

Mr. J. R. KNOWLAND. Mr. Chairman, in view of the fact that we are now considering an appropriation for one of the departments of the Government, I take this opportunity to ask the gentleman from New York what information he has relative to the reports which have been generally published of late in the newspapers to the effect that some of the departments are turning out many of the old Grand Army veterans. Too vigorous a protest can not be made against this reported action. I notice that the Post Office Department, for instance, has let out about 14, and demoted about 25 more, recently. Of course, they may advance some good reason for this, but many of the cases are indeed pathetic, and it seems to me we ought either in this Congress to enact some character of retirement legislation to provide for these dependent employees of the Government or else they should not in their declining years be thrown out upon the world, and contrary to section 4 of the act of August 23, 1912, which states:

Provided, That in the event of reductions being made in the force in any of the executive departments, no honorably discharged soldier whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

The commander of the Department of the Potomac, Dr. J. K. Gleeson, in a recent interview concerning these dismissals, said:

Many of these men present pathetic cases. With no prospect of a pension bill at this session they are literally thrown out, with little prospect of obtaining other work. Their age precludes that; but in the majority of cases their age does not impair their efficiency in the work they have been performing right along.

It also was found that the average age of those forced to resign was 73 years. Among these, one man who had served 37 years was 74 years old, another with 32 years of service was 70, an 81-year-old man had spent 24 years in the service, and two men, each 77 years of age, had been 20 and 15 years, respectively, in the post office. The youngest of the four men removed was 69 years, a second was 71, and the other two were 77.

With the demotions the Grand Army of the Republic has not a word of complaint—

Said Commander Gleeson—

But where we do draw the line is at the throwing out on the streets of men with families who have fought for their country, and who have spent their best years in her service. It is bad enough for a private concern to do that, but when a Government shows so little consideration for men who risked death, and who offered their lives to her, it is time for a protest.

It seems to me it is up to Congress to try to meet this very serious situation. I will inquire of the chairman of the committee whether he knows anything of these dismissals.

Mr. FITZGERALD. I have no information except what I read in the papers. Of course I always make allowances for anything I see and for a good many of the things I hear. I think the cases referred to by the gentleman are in the city post office, which is provided for out of the moneys carried in the Post Office appropriation bill and would not naturally come to the attention of the Committee on Appropriations.

Mr. BARTLETT. Not in the Department of Labor, anyhow.

Mr. J. R. KNOWLAND. Has the gentleman any information, as one of the Democratic leaders of the House, as to whether anything is going to be done in the way of reporting legislation to provide a retirement plan to meet these cases?

Mr. FITZGERALD. The gentleman's eyesight is failing. I am not one of the leaders of the House, and so I can not furnish the information.

Mr. J. R. KNOWLAND. The gentleman is too modest. Certainly we all regard him as one of the leaders of his party.

Mr. FITZGERALD. I am not one of those who formulate programs. Like the gentleman from California, I am simply a private in the ranks, and there are things which I can not help.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

LEGISLATIVE.

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $52,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Can the gentleman from New York from his data give us the amount that we have appropriated for the contingent fund for the last two or three years?

Mr. FITZGERALD. For the current year we appropriated $75,000 and a deficiency of $30,000, which makes $105,000.

Mr. MANN. For the current year?

Mr. FITZGERALD. For the current year.

Mr. MANN. The gentleman has not included this item?

Mr. FITZGERALD. Plus this item of $52,000.

Mr. MANN. And then there will be another item in the general deficiency bill?

Mr. FITZGERALD. No; this is expected to take us to the end of the year, unless the House authorizes some additional expenditure.

For 1913 the appropriation was $210,000, but there was an unexpended balance of $30,000 which was reappropriated, and is a part of the amount I have already stated for the current year. In 1912 the appropriations were $190,000; in 1911, $107,000; in 1910, $115,000; 1909, $115,000; 1908, $170,000.

Mr. MANN. Has the gentleman any data which shows how much these expenditures have been for special committees and regular committees of the House?

Mr. FITZGERALD. We have not that information at this time. When the previous urgent deficiency bill containing a reappropriation of $30,000 of the amount previously appropriated was before the House I had that information.

Mr. MANN. Has the gentleman any data which shows how much the committees of the House in making investigations have cost in the way of printing?

Mr. FITZGERALD. No; they would not get that before the committee, because all of that printing is paid for out of the congressional allotment.

Mr. MANN. I understand; but I thought perhaps that information had been secured from the Public Printer in connection with the congressional allotment.

Mr. FITZGERALD. No; I have not obtained the information.

Mr. MANN. I am told, although I do not vouch for the statement, that there has been some abuse in the way of printing by some of the committees of the House, which would, I think, attract attention if brought specifically before the House, which I have no desire to do. It is said that very large amounts of matter have been printed solely for the purpose of sending into certain districts.

Mr. FITZGERALD. I have no information as to that. These committees are authorized to have printing done. In the Committee on Appropriations the practice is, from the experience that has been had there, to have printed such a number of copies of the hearings on different bills as experience shows there will be a demand for. After a session or two passes there are usually no copies of hearings of the Committee on Appropriations other than the official files. At times, when some particular subject is investigated for which there will probably be a greater demand than usual, that committee prints separately the testimony taken on that particular subject, so that the additional copies of that testimony may be printed without going to the expense of printing a large volume. What the practice is with other committees I do not know, but I think by the exercise of care a considerable saving can be effcted and eliminate the cost of unnecessary copies of hearings. If the printing bill now before the two Houses becomes a law——

Mr. MANN. Which it will not.

Mr. FITZGERALD (continuing). The hearings of all committees will become public documents, to be indexed and distributed, and there will not be very much saved in the cost of printing.

Mr. MANN. I said it would not become a law, but that does not mean that I am opposed to it. I say it will not become a law because the Democratic Members of the House have got the public business tied up so that no bill of any length will become a law, and not many without length will ever have a chance to become a law, except by unanimous consent.

Mr. FITZGERALD. We will try to find time to pass all legislation that is really essential for the prosperity and welfare of the people.

Mr. MANN. I understand that is the position of the leaders, and we shall say that where you did not pass legislation you did not consider it good for the prosperity and welfare of the people.

Mr. FITZGERALD. I do not speak for the leaders; I am speaking for the rank and file.

Mr. MANN. Oh, but the gentleman is a leader; he is speaking for himself. [Laughter.]

The Clerk read as follows:

For folding speeches, to continue available during the fiscal year 1915, $6,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 5, after line 22, insert: "There is authorized to be expended out of appropriations made in joint resolution approved October 24, 1913, for furnishing the additional rooms in the House Office Building, $1,600 for additional awnings for windows in said building."

Mr. FITZGERALD. Out of the money appropriated to furnish the additional story, awnings have been purchased, but awnings on the balance of the building are in very bad shape. On an average they cost $4 apiece, and this is to provide awnings for the comfort and convenience of Members.

Mr. TOWNSEND. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. TOWNSEND. Does this provide any fund for dividing and partitioning off the rooms opposite the offices on the fifth floor?

Mr. FITZGERALD. No; it was estimated a few years ago that that would cost $84,000. This is for awnings for outside windows.

Mr. TOWNSEND. I am referring to the dormer space opposite the offices on the fifth floor. That space has not been partitioned off.

Mr. FITZGERALD. I think that will be taken care of later.

Mr. MANN. The gentleman means the wire partitions?

Mr. TOWNSEND. No; that does not answer the purpose of Members. That space should be partitioned off so that it can be used by Members for typewriting and extra folding and addressing envelopes, and so forth.

Mr. MANN. That would not be practicable; it would be hotter than hades in the summer time, and I do not know but that in the wintertime.

Mr. TOWNSEND. It can only be used as a storage space. If the space were partitioned even roughly, so that it could be used for the purpose of Members who have extra help addressing envelopes and speeches, it would be convenient.

Mr. FITZGERALD. It would be very inconvenient and very hot.

Mr. LINTHICUM. Is there any proposition before the committee about dividing the offices so as to form a private office?

Mr. FITZGERALD. A few years ago an estimate was made that it would cost $84,000 to divide the offices in the House Office Building.

Mr. MANN. If the gentleman wanted an office divided up, why did not he take an office on the fifth floor when he had the opportunity?

Mr. LINTHICUM. Because some like to be on the ground floor, and I am one of them.

Mr. MANN. The gentleman had an opportunity to take an office divided and he ought not to complain because they are not all alike.

Mr. LINTHICUM. The gentleman will realize that we have plenty of space, but we want it divided so as to get a private office.

Mr. MANN. Where does the gentleman mean there is plenty of space?

Mr. LINTHICUM. I have a room that has plenty of floor space; but if it were divided up so that a man might do work on bills and such things as that, it would be a very great advantage. At present everybody is coming in and interrupting, and we do not have an opportunity to do the work unless we take the work home.

Mr. TOWNSEND. The gentlemen, it must be understood, who are on their feet have two or three offices each.

Mr. MANN. Oh, I have only one room and an alcove, the door of which is never closed. A good many Members did not want these offices divided up the way they were, and an opportunity was offered for any former Member of the House to take one of the rooms that was divided up. We had to order some of the partitions out at the request of Members who were going to get rooms who did not wish those partitions.

Mr. LINTHICUM. Mr. Chairman, I would rather stay in the office where I started. If I moved out, I might break my luck.

Mr. MANN. Wise man.

Mr. ALLEN. Mr. Chairman, it would be an economy of time and save much more than $84,000 to the Government if there were partitions put in those offices, so that a Member might have a private office where he could concentrate his mind on his work and not be distracted by the pounding on the typewriter and ringing of the telephone and other confusion of a general office, requiring him, whenever he wants to do any consecutive work, to take his books and papers home and work there until 11 o'clock in the morning.

Mr. MANN. A Member of Congress ought to work in the daytime, and then he ought to take his work home at night.

Mr. ALLEN. And, of course, we do.

Mr. MANN. I exhibit myself as a healthy specimen of the man who can do that.

Mr. ALLEN. But in the morning a Member should be in his office, so that those who call from his district will find him there and not have to be told that he is working at home, for lack of accommodations in the Office Building.

Mr. MANN. Members of Congress are in their offices too much. They ought to be more in the Chamber.

Mr. ALLEN. I said "in the morning."

Mr. FOSTER. Mr. Chairman, if we had more conveniences over there, they would not be here at all.

Mr. MANN. We ought to have sharp tacks on all of the chairs over there.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. MOORE. Mr. Chairman, I wish the chairman of the Appropriations Committee would state whether there is any provision in this item for the restoration of the desks of Members in the House Chamber?

Mr. FITZGERALD. No; and there never will be if I can prevent it.

Mr. MANN. There would have been a point of order made upon it long ago if there had been any such provision.

Mr. MOORE. Having a minute or two, I would like to comment upon that subject.

Mr. FITZGERALD. I think the gentleman is the only Member I have ever heard complain of the lack of desks in the Chamber.

Mr. HUMPHREY of Washington. No; the gentleman is mistaken.

Mr. MOORE. I have a large number of letters in my possession, which I will produce at the proper time, from Members of the House, saying that they are very much inconvenienced by the present arrangement, which is somewhat Anglomaniac. The House now is made to conform very much to the British custom, which I understand in some respects would be offensive to the gentleman from New York [Mr. FITZGERALD], but nevertheless it apes the British Parliament, and it is not for the convenience of American Members of Congress.

The gentleman from Illinois [Mr. FOSTER] a moment ago said that if the offices were a little more convenient in the House Office Building it would be very difficult to get Members into this Chamber at all. I wish to say that very many Members of the House are of the opinion that because they can not do any work in the House Chamber it does not pay to remain here always to hear a very few gentlemen comment upon public business. There are no conveniences for the average Member in this House.

The gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations, has a desk over there to himself, and the gentleman from Illinois [Mr. MANN], our very distinguished leader on this side, has a corner of a desk here, which he constantly uses. There are very few others who have any such facilities. They may go outside, but if they do they sometimes lose the opportunity to be heard or the chance to offer amendments which might greatly improve legislation that is brought in by committees. We have no copy of the rules and digest at our command in this House, unless we send for them and wait two or three minutes. We have no facilities for keeping papers together, and must carry them in our pockets. It is easy for the gentleman from New York, with his splendid grasp of public affairs, having an office right here at the corner of the House Chamber to which he may go at his convenience at any time and get anything he desires, but those of us who have to go over to the House Office Building from time to time to get papers pertaining to matters that come up suddenly find it very inconvenient. Sometimes we lose the opportunity of being checked up on a roll call when going for books or papers that may be necessary to sustain ourselves in disputes, possibly, with the gentleman from New York. I think the question of these conveniences will rise here before the gentleman from New York thinks it will. We ought to have the desks restored or lockers or writing arrangements of some kind, in order that copies of the rules of the House, the Congressional Directory, and other necessary reference books and papers may be kept at hand. The individual Members are entitled to this.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. I am very sorry I can not proceed further, but I have brought the matter to the attention of the House.

Mr. HUMPHREY of Washington. Mr. Chairman, I would like to ask the gentleman from New York [Mr. FITZGERALD] a question. Is it necessary to wait for this appropriation before we get awnings on the fifth floor of the House Office Building?

Mr. FITZGERALD. I do not know. The money for the awnings on the fifth floor is provided.

Mr. HUMPHREY of Washington. Already provided?

Mr. FITZGERALD. Yes.

Mr. HUMPHREY of Washington. I just wanted to say that I know from personal experience that there is great necessity for them, because of all the hot places that I have ever been in, that is the worst.

Mr. FITZGERALD. I will inquire about it. My attention has only just been called to the fact. I supposed the awnings were there. I have just been informed that they were ordered, but have not yet been delivered. Of course, delays in deliveries happen.

Mr. HUMPHREY of Washington. They ought to be put up. While I am on my feet, being one of the Members who have one of these offices on the fifth floor, I would like to say there are reasons, notwithstanding the statement made by my distinguished friend from Illinois [Mr. MANN], why some of those offices below ought to be divided, as was suggested. The reason is this: These offices upon the fifth floor are so infernally hot that it is going to be impossible to live in them, and all the statements that you have been hearing from different parties and from those who helped construct the building that these offices upon the fifth floor were going to be comfortable and were not going to be hotter than the other parts of the building is all a mistake, as any man will know if he walks into one of those offices to-day. There have been several days already when it was almost impossible for me to stay in my office——

Mr. GARDNER. How will it be in July?

Mr. HUMPHREY of Washington. I would not want to use the only word that comes to my mind as describing the conditions which I think will exist in those offices in July.

Mr. MONTAGUE. If the gentleman will permit, will the gentleman tell me who is responsible for the present structure, this remarkable structure that is called the House Office Building?

Mr. FITZGERALD. One of the most distinguished architects in the country—Mr. Carrere, of the firm of Carrere & Hastings.

Mr. HUMPHREY of Washington. I think myself that building as an office building is an architectural monstrosity, and every time I walked into that building I felt ashamed that I was one of the Members who voted to appropriate the great sum to construct it. It is absolutely unfit for office purposes. One-third of the money expended in its construction would have given every man in this House a fine suite of offices.

Mr. MONTAGUE. I would not call the exterior of the building an architectural monstrosity, but I was referring to the arrangement of the interior.

Mr. FITZGERALD. I am not responsible——

Mr. MONTAGUE. Of course the gentleman from New York is not responsible; I am not criticizing; I am merely seeking information.

Mr. FITZGERALD. A commission was created which was under the supervision of the Superintendent of the Capitol, and Mr. Carrere, of the firm of Carrere & Hastings, since deceased, who was one of the most eminent architects in the country, was consulting architect. The building was constructed so as to fit in with the architectural features of the Capitol and Library. Now, as regards the criticism of the arrangement of the interior of the building——

Mr. MONTAGUE. There is no arrangement in the interior of the building; just a lot of halls.

Mr. FITZGERALD. I had nothing to do with that. I was very glad to be furnished with an office when that building was constructed, after having served eight years without any facilities whatever. Perhaps those of us who then got offices were not so critical as to whether we had our offices just as we desired them or not. I was so thankful to be given an office and not be compelled to hunt all over town for our work and our employees.

Mr. LINTHICUM. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. I will yield the gentleman the balance of my time.

Mr. LINTHICUM. Mr. Chairman, I want to ask the gentleman from New York a question.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. The time of the gentleman from Washington has expired. I yield to the gentleman from Maryland.

Mr. LINTHICUM. I would like to ask the gentleman whether there has been any consideration given to the question of selling the desks which were formerly in the House? I do not think there is any likelihood of them being put back; I am sure I would not vote to put them back.

Mr. FITZGERALD. I think that is wholly in control either of the Clerk of the House or the Superintendent of the Capitol Building and Grounds. They are stored away. At one time it was thought perhaps Members might not be satisfied and those desks might be restored, but my experience has been that this House has had better order in the transaction of its business since the desks were taken out than it could ever possibly have had when the desks were here, and that in the consideration of important legislation the Members have been much better satisfied with the arrangement and conduct of the discussion on those measures.

Mr. LINTHICUM. I want to say to the gentleman I think this is a very much better arrangement. I had a talk with the superintendent, and he told me that the desks might be sold after they found out how this new arrangement worked, and I am frank to say I would like to secure the old desk which I occupied, and lots of the other Members would like to have their old desks. I was told they could be secured. Now, if they could be sold, it would be quite a revenue to the Government, instead of letting them stay in storage, occupying space and losing in value all the time. They are made of splendid wood, nice desks, and lots of Members would like to have them if they can be procured.

Mr. MANN. Mr. Chairman, I think the gentleman from Maryland is slightly in error in reference to these old desks. Now, I possess one of those old desks and chairs, and put them away somewhere in the garret at home. At that time, having sat at that desk for one or more terms of Congress, and having a higher opinion of the responsibilities of Members of Congress then perhaps than I do now, I seized the opportunity to buy that desk and chair for, I think, the modest sum of $5, at which they were sold; but those were individual desks. I wish now I had the $5 instead of the desk. [Laughter.] But those were individual desks. The desks which were last in the House were not individual desks. While each Member had a desk to himself, they were not partitioned as between themselves, and it would not be possible to divide those desks up between Members without sawing in two a half an inch or so of board and putting a leg on it, because there is only one leg on the desk; and while some one-legged Members might get through very well, a desk will not stand up with one leg unless widely separated at the bottom and it comes in the center of the desk. I do not believe they are available.

Mr. LINTHICUM. I want to say to the gentleman that I understood from the superintendent they could be separated, and that with little expense another leg could be put on.

Mr. MANN. We went over that matter with the superintendent a little while ago, and it is not feasible, in my judgment, notwithstanding what the superintendent has said to the gentleman. We discussed the matter with the superintendent in front of the desks.

Mr. GARNER. Evidently these desks ought to be disposed of, if they are not going to be brought back, at whatever price can be gotten for them.

Mr. MANN. Yes. Some gentlemen are now insisting that we ought to place the desks back in the House. I think those desks have been retained with the idea that possibly a portion of them might be put back in the House, or possibly they might be fixed up in some way so that Members could take them. Those desks can not be put back in the House, all of them, and there still remain room for the membership of the House. There is no way by which this House with its present-sized Chamber can furnish an individual desk to each Member of the House, and thus supply desks for all the membership of the present House. We have increased the number of Members by 35 or 40 since the desks went out, and there is not room in the the House for the desks. Now, you could supply a sort of desk to the House, and what I rose for was to say on the floor what I have said to many Members individually without it seeming to have an effect upon them at all—those Members who complain of lack of room in which to put papers—that in each of these four desks here now there are on the side toward the Speaker three drawers. Some of those drawers are kept locked and a portion of them are kept unlocked. Keys to the drawers which are locked are in the hands of the respective party men on the two sides of the House, and Members could get these drawers opened and put papers in them and have them locked while the House is not in session and get the papers when they come in again without any trouble. I think I have told that to a large number of gentlemen on my side of the House who complain of a lack of opportunity or any place in which to put their papers, and I am sure that not one of them has ever put a single paper in one of those drawers. So I have doubted whether there was that great lack of opportunity. Yet I do not know that people want to keep papers in them.

Mr. HUMPHREY of Washington. I have put papers in them.

Mr. MANN. The gentleman from Washington has put papers in the drawer to which I have the key and to which nobody else has a key, and I am always glad of the opportunity to do that, but if I were not here he could not get into the drawer.

Mr. HUMPHREY of Washington. I could put them into one of the other two.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill and amendments with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore (Mr. HAY) having resumed the chair, Mr. FERRIS, Chairman of th Committee of the Whole House on the state f the Union, reported that that committee had had under consideration the bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes, and had directed him to report the same ' the House with certain amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill to its final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill as amended was agreed to was laid on the table.

INTERSTATE TRADE COMMISSION.

Mr. ADAMSON. Mr. Speaker, I ask for the regular order under the rules.

The SPEAKER pro tempore. The regular order is the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, and the gentleman from Tennessee [Mr. HULL] will take the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, and for the consideration of other bills mentioned in the special order of the House.

Mr. ADAMSON. Mr. Chairman, I do not see the gentleman from Minnesota [Mr. STEVENS] here, but I know he intended to yield 30 minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MANN. A parliamentary inquiry, Mr. Chairman. How much time remains for debate on the two sides?

Mr. ADAMSON. Sixty-six minutes and fifty-five minutes.

The CHAIRMAN. The gentleman from Kansas [Mr. MURDOCK] is recognized for 30 minutes.

Mr. MURDOCK. Mr. Chairman, the paramount national necessity is trust legislation that will at once reassure honest business and wipe out monopoly.

No blind, groping, random, timid attack upon the legal forms used by big business can either reassure honest business or destroy monopoly.

Only a clearly constructive, comprehensive, direct remedy, applied boldly, not to the form but to the substance of the evil, will reassure honest business and crush monopoly.

The pending bills, containing, it is true, many commendable features, are, taken in their entirety, blind and random and timid. With our 24 years of trust-law experimentation to judge by, there is a strong and harrowing prospect that they will merely thicken the legal fog in which honest business is lost and in which monopoly hides while it fattens.

The Progressive Party trust bills, which are direct and constructive, which do not confound big business and monopoly, and which do attack not the form but the substance of monopoly, which boldly recognize that there are monopolies that have grown from natural causes, as well as monopolies that have grown from unnatural and illegal practices, and which eliminate both kinds of monopolies, would give honest business full information as to just what it can and what it can not legally and properly do. And they would destroy monopoly.

The Democratic measures mean further delay in the solution of the trust problem. The Progressive measures mean dispatch.

The pending Democratic measures, save for a mere rudimentary and purely investigative trade commission, which is to go hunting in the trust jungles—with a camera—leave all the work to the lingering, laborious, inexpert adjustments of the overcrowded courts.

The Progressive plan creates a powerful trade commission, with the right to develop whether a monopoly exists, upon what basis it exists, and to take away its monopolistic power.

MONOPOLY'S PLAY FOR DELAY.

The millstone around the neck of the honest business of the Nation, waiting for solution, and offered now these random Democratic measures, is delay.

The crying necessity of the hour, the need of decent trade, the demand of honest competition, the rights of labor, the exigency of the people, is, in this matter of remedial legislation, expedition.

For delay is the darling device of our money overlords. They have gorged upon it for 40 years and grown fat. Upon this meat each day they have added to their insolence, their brutality, their insatiable hunger for more and irresponsible power. They have bribed, stolen, perjured, debauched for delay. They have, in cynical contempt for the law, in scorn of the public weal, plundered the public estate, fed upon the substance of labor, taxed the people, polluted the public service, by means of delay. They have tightened their control of various corporation practices; they have perverted the benefactions of the principle of cooperation; they have distorted the advantages of steam, electricity, and of invention; they have preyed upon human life itself—all by the simple instrumentality of delay. They have played the rights of the States against the Nation, the Nation against the State, the decree of the court against the edict of the legislature, the legislature against the court, for delay.

Their creed is the divine right of vested property, their quest possession and its superior rights in the law, and their weapon delay.

For half a century they have fenced with the common law, with statutory prohibition, with executive attack, with judicial definition, always for delay; the delay which is fastening on society the technical rights of ill-gotten property against the day of society's helplessness and despair.

That is why there can not be between this Government and private monopoly conciliation; that is why there must be war, remorseless and unrelenting and exterminating war, upon monopoly.

THE DEVASTATION OF COMMERCIAL BRIGANDAGE.

For here, at the end of a struggle lasting nearly a quarter of a century and after a drawn battle, we are to move once more on the enemy of the Republic. Every consideration calls for courage from Congress. Every factor involved is a challenge to our earnestness of purpose. The evil forces we face are, to all of us, matters of daily observation. There is no man here who can not point, in his own district, to the victims of the system. In every State, in every city, in almost every town there is evidence of its cruel brigandage—the crumbling ruins of abandoned mills, absorbed and closed by the trust; the tragedy of the little merchant struggling awhile against his monstrous enemy, to sink at last with the damning brand of commercial failure upon him; the great, sad, shifting, homeless army of unemployed, which is forever groping from the job that has disappeared out into the darkness of industrial uncertainty and despair.

There is no man here who is unaware that the great natural resources of the country, its timber, its coal, its phosphates, are concentrating into the hands of the few; that the commodities of daily universal use, its sugar, its oil, its food, its raiment, the material of its shelter, are gravitating to a narrower and narrower control.

There is no man here who does not impeach, in his moments of deeper deliberation, an economic spectacle which shows 5,000,000 farms, annually teeming with grain, swollen in volume an hundredfold by the beneficence of machinery, and side by side with these bursting bins of plenty hunger and want; which shows hundreds of thousands of pastures dotted with flocks and millions of acres white with cotton, and side by side with them the rags of penury; which shows the greatest developed and undeveloped coal measures of the earth, and side by side with them the city's poor, carrying the family fuel for a winter's day home in a bushel basket.

This is the condition which challenges the consideration of Congress. For this we begin again the battle against monopoly. We ought to attack with certainty, with definiteness, and with courage. We ought to mean business. It is a betrayal of the Democracy to enter this fight with a white flag convenient and equipped only with blank cartridges.

THE PATIENCE OF THE PEOPLE.

It is nearly 50 years since Vanderbilt epitomized the economic attitude of monopoly in the exclamation, "The public be damned!" The attitude of his class has never changed. It may have permanently omitted the early and vigorous expression of scornful condemnation from its vocabulary, but it has not changed its view or, as is shamelessly evidenced in the New Haven piracy, its practices.

The public, resenting the insult, has sought for 50 years to meet the challenge through this governmental agency and that. It has maintained through long and discouraging periods of official futility cheerful and impartial reliance upon State and national law; it has exercised marvelous patience while the executives, the legislatures, and the courts in turn attacked, in its behalf, and returned worsted from the fray; through good times and bad, through this policy and that, through seasons of golden partisan promise and pinchbeck performance the public has not repined.

Yet every defeat of the public has added to the infamy of the insult, every delay has increased the difficulty of the problem of monopoly, and every compromising postponement of adequate remedy has brought the disease nearer the stage of malignancy.

Fifty years ago the Nation had not differentiated between the transportation monopoly and the industrial monopoly. But 30 years ago the difference began to be apparent. In 1885 the

oil and sugar monopolies were identifiable. Other industrial monopolies followed fast upon their heels. Under the lash of public apprehension Congress passed its prohibition against private industrial monopoly. Relief did not follow. There was after a waiting period an outcry against the inaction of the administration of the law. After another long period there was vigorous prosecution of the trusts. But the attitude of the monopolists did not change and mere prosecution, as it often is, was not in this instance a corrective. At last there came in a celebrated test case the decision of the court of last resort, upholding the act of Congress, confirming the contentions of the prosecution, and entering the imperial mandate of final authority—the judicial decree of dissolution of the Standard Oil Co. The decree proved impotent.

SHALL WE TRAVEL THE CIRCLE OVER AGAIN?

Most of us have in our lifetime seen the Standard Oil Co. operate as a pool, as a trust, and as a holding company, and under a community of interests, but always as a monopoly. We have seen every successive form of the company succumb before the governmental processes brought against it, and the substance of its monopoly remain inviolate and intact.

It has been a long, hard, disheartening circle for the people of the United States to travel, and they have ended where they started. Shall we ask them to travel the circle again, or shall we strike out in the new direction to which ripened experience, economic knowledge of the facts, and good judgment and public welfare points?

Shall we continue to attack monopoly as before with rigid legislative prohibitions, applied selectively and sporadically by the prosecution attorney, and enforced by the courts in decrees that are neither effectual upon the defendant at bar nor corrective of like malefactors not at bar?

Or shall we attack monopoly by placing in the hands of a strong administrative commission the business of directly determining (1) the existence of monopoly; (2) the basis of that monopoly; and (3) the manner of ending that monopolistic power?

Shall we continue, as proposed by the Democrats here, the policy of passing on to the courts for definition specific inhibitions directed against the forms of monopoly instead of its substance?

Or shall we adopt the policy proposed by the Progressive Party of giving to honest business free play for the highest degree of commercial and industrial efficiency and of putting a speedy end to dishonest business and to monopoly?

Shall we inaugurate a feeble investigative trade commission, as the Democratic leaders propose, and trust to the virtues of an optional publicity which an existing Bureau of Corporations has invoked for years in vain?

Or shall we have an interstate trade commission upon the progressive lines, armed not only to find facts but with power, when they have discovered facts, to act upon them?

It must be apparent that antecedent to an effectual application of an adequate solution of the problems of big and efficient business which is not monopoly and the elimination of big business which is monopoly is an interstate trade commission with administrative power.

THE COMMISSION POWERLESS—THE PROBLEM LEFT TO THE COURTS.

The Covington commission proposed by the Democratic leaders has no administrative powers. It is purely investigative. It will not enforce the prohibitions against combinations provided in the other Democratic measure, the Clayton bill.

The prohibitive provisions in the Clayton bill will be enforced only by the long, difficult, delaying processes of the courts.

The prohibitions of unfair trade practices in the Clayton bill intended to supplement existing law against unlawful restraints and monopolies, such as the prohibition of selling discrimination, are valuable; but they would be infinitely more valuable in the hands of a powerful commission than in the hands of the court. The same thing is true of the provision in the bill which makes it unlawful for the owner of a mine arbitrarily to refuse to sell the product of the mine to any applying purchaser. Again, the provisions of the Clayton bill which prohibits a tying contract between the manufacturer and the dealer wherein the dealer agrees not to patronize a competitor of the manufacturer would be more potential in the hands of a commission acting promptly than in the hands of the court, ill adapted to its very processes, for speedy action upon the various forms of infractions of this prohibition.

The soundness of this view is further emphasized by the provision in the Clayton bill against interlocking directorates. So far as the general prohibition against interlocking directorates in interstate railroad corporations and corporations engaged in selling railroad supplies and the prohibition against interlocking directorates in banks are concerned, they are meritorious, but they belong to other fields than that in which the problem of the industrial monopoly is involved. There is, however, a specific prohibition against interlocking directorates in industrial corporations which is worthy of special attention. This provision could be readily enforced by a commission. It is absolutely certain to be evaded and circumvented for long periods, highly profitable to malefactors, when its administration is left to the courts.

THE ATTEMPT TO ELIMINATE HOLDING COMPANIES.

The Clayton bill also attacks the form of monopoly, not its substance, in its attempt to eliminate "holding companies." When in time the courts reach with banning decrees this provision the offenders will change the form of monopoly and escape with the substance of monopoly as before.

In a word, the Clayton bill pursues the old, futile line of action. This course necessarily followed the creation of a weak investigative trade commission in the Covington bill. There are provisions in the Clayton bill which would be virile if administered by a commission. They will not be effectual in the courts.

There are other provisions in the Clayton bill, such as the provision of the individual's right to sue under the Sherman Act and the provision making a decree against a corporation admissible in other suits as conclusive evidence of the same facts and same questions of law which belong to the courts properly and the courts alone. But the measure as a whole, meritorious as many of its provisions are, is not part of a harmonious, effectual plan for the solution of the great industrial problems. It turns to that source from which prompt relief has not come and can not come—the courts; and it turns there with new problems which in delay, intricacy, and confusion may equal the old.

That it is not based on an analysis of the whole problem is best shown in its halfway, frightened tender to organized labor. Labor is not a commodity. It is the individual's power to work. It has asked and is entitled to exemption from the provisions of the Sherman law. Yet the Clayton measure, fearful of giving that, makes a milk-and-water offering to organized labor by providing that nothing in the antitrust laws shall be construed as forbidding labor organizations. It makes the same timid tender to associations of farmers, who in the highly individualized condition of agricultural production are not a menace to society and are not part of the problem of monopoly.

THE ATTITUDE OF THE THREE POLITICAL PARTIES.

The alternative proposals here are fairly representative of the political parties making them. The Democrats, grounded in an inherent conservatism which they seek to disguise by offering new legislation, are persisting in a pursuit of the old policy of leaving the problem to the courts. All the argument which points out incontrovertibly that the courts must continue to touch the problem only within the bounds of settlement possible in private litigation is passed by without answer. All the mountain of evidence that in the business world there are a thousand delicate problems, each of which presents a different and distinct difficulty which a chance suit in court can not reach of necessity, is ignored. The Democrats believe that the old way is the best way.

And that is the position of the Republican leadership, with this difference, that the Republican leadership would do nothing in the way of tender of additional legislation in aid of the courts. They believe that the old way is not only the best way, but that it should not be disturbed. They stand for the solution of the problem in the court and without supplementing the Sherman law with new definitions. Their position is frankly avowed in the minority views from the Committee on the Judiciary signed by three Republican Representatives, GEORGE S. GRAHAM, HENRY G. DANFORTH, and L. C. DYER. They say:

> The antitrust laws on the statute book at this time have been carefully considered by the Supreme Court and judicially interpreted through a period of 24 years, and if properly enforced are believed by us to strip corporations and trusts of any power to injure or oppress.
>
> No possible good can come from constant interference with business. It is our belief that business should have a rest from further legislation and be given an opportunity to adjust itself to the environment created by the existing antitrust laws as the same have been interpreted and are now being administered.
>
> The proposed legislation contains many new phrases and sets up new standards, all of which would require a period of years of interpretation by the courts before their full meaning can be definitely known by the business world.
>
> It is very undesirable to bring about such a period of uncertainty and doubt to worry and harass the business of the country.

A DIVISION AMONG THE REPUBLICANS.

This is the view of the conservative Republican leadership, set forth with the complete courage of the reactionary. It is interesting to note that this view meets at once a challenge

from that portion of the Republican Party which, while in complete political alliance with the conservative leadership of the party, can not bring itself into harmonious relation with the same leadership on policies—a situation which has caused Republican ineffectuality through compromise when the party was in power, and will continue to increase its impotency as a minority when out of power.

For Representatives JOHN M. NELSON and A. J. VOLSTEAD, Republicans, do not join Representatives GRAHAM, DANFORTH, and DYER in their views. They file a separate dissent. The Sherman law is not all-sufficient to Representatives NELSON and VOLSTEAD, for they say:

In seeking a solution of the trust problem no matter is more vitally important than that of providing means for the more vigorous enforcement of the antitrust laws. The Sherman Act has been upon the statute books for almost a quarter of a century; but the trusts have been constantly increasing both in number and in power. The fault has not been that the prohibitions of the Sherman law have not been broad enough, but that this act has not been vigorously enforced. A large number of most excellent proposals to strengthen the Sherman law so as to make it practically self-enforcing were presented to the Committee on the Judiciary. Most of these proposals have been ignored. This bill will not permit States or independents to intervene in dissolution suits against trusts to protect their rights. Nothing is done to hasten the disposition of antitrust cases in courts. Even the suggestion that the Federal courts should be prohibited from enforcing contracts involving violations of the antitrust laws was rejected.

In keeping with the characteristic division among Republicans, Representative MORGAN, Republican, of Oklahoma, reported another dissenting view. Among other things, he says:

It has been nearly 24 years since the enactment of the Sherman antitrust law Its meaning was long in doubt and obscurity. It is now better understood. The business world knows, in a way at least, its meaning. The law was not a success in preventing the concentration of business into large industrial units. We have large business organizations to-day, and there is no indication that through the enforcement of the Sherman law, or the enactment and enforcement of any new laws, our industrial units are to be materially lessened. The Sherman law has failed through the absence of proper administrative machinery to enforce its provisions. It is folly to enact more laws, when existing laws are not effective for lack of adequate enforcing agencies. What the country needs now is a law that will define and promulgate a well-defined national policy toward the great business interests of the country which will be just to our industrial forces and which will be fair to the people and fully protect them from exactions of business concerns possessed of monopolistic power.

THE PLAN PROPOSED BY THEODORE ROOSEVELT.

The Progressive proposal on the problem is comprehensive and constructive. It is set forth clearly by Theodore Roosevelt. He says:

The true way of dealing with monopoly is to prevent it by administrative action before it grows so powerful that even when the courts condemn it they shrink from destroying it. The Supreme Court, in the Tobacco and Standard Oil cases, for instance, used very vigorous language in condemning these trusts, but the net result of the decision was of positive advantage to the wrongdoers, and this has tended to bring the whole body of our law into disrepute in quarters where it is of the very highest importance that the law be held in respect and even in reverence My effort was to secure the creation of a Federal commission which should neither excuse nor tolerate monopoly, but prevent it when possible and uproot it when discovered, and which should in addition effectively control and regulate all big combinations and should give honest business certainty as to what the law was and security as long as the law was obeyed. Such a commission would furnish a steady expert control, a control adapted to the problem, and dissolution is neither control nor regulation, but is purely negative, and negative remedies are of little permanent avail. Such a commission would have complete power to examine into every big corporation engaged or proposing to engage in business between the States. It would have the power to discriminate sharply between the corporations that are doing well and those that are doing ill, and the distinction between those who do well and those who do ill would be defined in terms so clear and unmistakable that no one could misapprehend them. Where a company is found seeking its profits through serving the community by stimulating production, lowering prices, or improving service, while scrupulously respecting the rights of others (including its rivals, its employees, its customers, and the general public) and strictly obeying the law, then no matter how large its capital or how great the volume of its business it would be encouraged to still more abundant production or better service by the fullest protection that the Government could afford it. On the other hand, if a corporation were found seeking profit through injury or oppression of the community by restricting production through trick or device, by plot or conspiracy, against competitors, or by oppression of wage-workers and then extorting high prices for the commodity it had made artificially scarce, it would be prevented from organizing if its nefarious purpose could be discovered in time or pursued and suppressed by all the power of the Government wherever found in actual operation. Such a commission, with the power I advocate, would put a stop to abuses of big corporations and small corporations alike. It would draw the line on conduct and not on size. It would destroy monopoly and make the biggest business man in the country conform squarely to the principles laid down by the American people, while at the same time giving fair play to the little man and certainty of knowledge as to what was wrong and what was right both to big man and little man.

Here, then, are three proposals—the Democratic proposal to continue in the old way by adding broad prohibitions to the law and waiting on the refining definitions of the courts; the Republican proposal to stand pat on existing law and to stand still; and the Progressive proposal to reach the problem constructively, intimately, and expeditiously.

That the delay involved in the program of both Republicans and Democrats is indefensible must be clear to the people of this Nation when they review the experience with monopoly in the last 25 years.

HISTORY OF GOVERNMENTAL ATTACK ON MONOPOLY.

For we have seen the three branches of the Government—the legislative, the executive, and the judicial—each in its turn register a confession of helplessness. Each has written a record of futility. And all, in their independent spheres, have contributed to a delay in solution which at times seems to deny the power of the Government itself.

First in attack upon the problem came the legislative forces. The problem presented itself originally in the form of the corporation. The corporation was impersonal, immortal, divisible in interest, limited in liability. It fattened instantly upon the advantages of the telegraph and the railroad which unified the Nation into a single market. Its menace, before the Nation, was the presentment of a single possibility—monopoly. The first assault was therefore upon the attempt to monopolize. There were many instances of the menace of monopoly, but popular imagination chose as the best example the Standard Oil Co., and popular sentiment made its attack, through its most readily available instrument, the Congress, with the Standard Oil in mind. Congress, with no restraint whatsoever, upon a rigorous determination, passed the Sherman antitrust law. It halted at no degree of general drasticity. A combination in restraint of trade and an attempt to monopolize were manhandled with a breadth of definition and an extremity of penalty that left to the offender apparently no avenue of escape. So Congress, responsive to public sentiment, passed the law of 1890 and washed its hands of the whole affair, and, having done in extreme measure all it could see to do, passed the matter over to the executive branch of the Government.

The executive branch of the Government, whatever its initial impulses, at once evinced, not an enthusiasm for the new law, but a reluctance to apply it. The latitude of discretion inherent in the initiative functions of a prosecuting officer, and notable to a degree in the Attorneys General of the United States, touched the law officers of the United States with grave hesitation. It was one thing for Congress to write broad inhibitions. It was quite another thing for the Attorney General to enforce them. If two men combined in restraint of trade, were they alike guilty with a hundred men who had so combined? And what was monopoly? Was it complete control of an industry or a substantial control? And was a single individual, possessed of all the elements of control in a given line, amenable to the law? During all the weary years of alternating periods of dubious inactivity and sporadic activity the law officers of the Government have been sadly mulled over these questions and are still uncertain. And when they have shown activity the other branch of the Government, the judiciary, has added confusing elements of its own to the problem that have further befuddled those who are expected to maintain the majesty of the law by its strict and impartial enforcement.

THE ATTITUDE OF THE COURTS.

For the judicial branch of the Government has a noteworthy part in this history. In due course of time the business of giving final interpretation to the law reached the Supreme Court. A long period of interpretation has followed. The court, jealous as it is of its precedents, has ruled two and opposite ways on the law and has seen one of its chief mandates prove futile—that dissolving the Standard Oil—just as in another case the law officers of the Government discovered that the jury system did not reach, in the Beef Trust prosecutions in Chicago. Among the first cases to reach the Supreme Court were those involving the question whether the interstate carriers were subject to the law. The courts held that they came under the law, although they continue to combine and are in a vast number of instances monopolistic in theory and, except for the supervision of the Interstate Commerce Commission, are monopolistic in fact, and present a problem separate and distinct from industrial combinations and monopolies. The Supreme Court also held early in 1895, in the Knight case, that industrial establishments could combine when the combination only related to manufacture and not to commerce among the States or with foreign nations. The American Sugar Refining Co. purchased with its stock the stock of four independent refineries in Philadelphia which had been competitors, and, to quote the court, "had acquired nearly complete control of the manufacture of refined sugar in the United States." Yet the court found that this was not such a combination as could be reached by the Sherman antitrust law. Following these decisions there were unsuccessful attempts in Congress to amend the old Sherman antitrust law to meet this seeming deficiency in the measure dis-

covered by the Supreme Court. And during the years Congress has indulged in various investigations and created a Bureau of Corporations, in this instance as always demonstrating to itself and to the country the growing power of the big concerns, but always without bringing itself nearer a remedy. And in the course of time Congress has seen the Supreme Court change its attitude. Where the court had once ruled that articles of manufacture were not subject to the law—the Knight case—it now has ruled that articles of manufacture intended for interstate commerce are covered by the law—the Standard Oil case and the American Tobacco Co., 1911.

The Supreme Court completed the first cycle of the trust era with its decision in the Standard Oil case, which was given at the same time with that of a scarcely less notable case—the American Tobacco Co. case. Not the least of the values of the Standard Oil case is the universal knowledge of it by the people.

THE LONG FIGHT WITH STANDARD OIL.

The Standard Oil Co. was one of the first concerns to demonstrate to the people the potentialities wrapped up in the corporate form. It was powerful, closely knit, dominated by a single individuality, unconscionable, often venal, politically and corruptly busy, and it dealt in a commodity of general use. It invited early popular attack and it fought back. It proved early to all who are just ordinarily observant that publicity is not invariably a cure for the disease the Nation is fighting against. The Standard Oil was exposed in a hundred ways and upon a hundred occasions, but it continued to grow in size and strength. All that witnesses in the lower courts had brought against it, all that the writers of industrial history and of current politics had laid at its doors in infamy, lawlessness, and corruption, the Bureau of Corporations, in an exhaustive research, confirmed. But there was no cessation to the steady growth of power in this concern. Congress passed other laws, in other fields, believed to be to the detriment of the great Oil Trust. The giving of rebates to shippers by railroads, a device which the Standard Oil had used flagrantly, was prohibited. The Standard Oil moved along complacently. Congress removed the protective duties on petroleum and its products. The Standard Oil was unruffled. And finally the Supreme Court reached the case which had been brought against it. A Nation stood for months expectant, watched and waited each decision day. Markets halted in anxiety. The whole industrial future of the country seemed to pivot upon the decree of the court. And the court—20 years after the enactment of the Sherman antitrust law—found against the Standard Oil Co., and in solemn mandate ordered it dissolved. It was believed by some, before the decision, that the decree would rock to its foundations the business fabric of the Nation. But the great majority of the people believed nothing of the sort. There had grown up through the years of weary waiting an incredulity among the people about the possibility of forcing disintegration upon so great a concern. No panic followed. And the Standard Oil did not dissolve. It followed a form of dissolution by a fractional division of stock, but continued in potentiality, in profit, in service, in product, the same dominating, domineering unit it had always been. The market values of its several segregations, all in complete harmony, have from time to time leaped upward. The cost to the consumers of its products has advanced, and to-day the dissolution of the Standard Oil is not visible to the naked eye of lawyer or layman.

WHAT FOLLOWED THE DECREE OF DISSOLUTION.

Indeed, the decree strengthened the monopoly. Herbert Knox Smith, formerly Commissioner of Corporations, gives interesting testimony of this. Before the Committee on Interstate and Foreign Commerce he said recently, speaking of the suit for dissolution and its results:

> Before we started the suit there was simply the great holding company, the Standard Oil Co. of New Jersey, which held the capital stock of the subsidiaries. The corporation was by that decree dissolved into those subsidiaries, 34 in number. The stock of the new subsidiaries was then issued to the holders of the old Standard Oil stock in place of the old stock of the Standard Oil Co. For instance, if you held one share of stock in the Standard Oil Co., the old company, you would now get a fractional share of stock in each of the 34 companies—the Acme Oil Co.; the Vacuum Oil Co.; the National Transit Co., which was a pipe line; the Standard Oil Co. of Indiana, of Tennessee, of Kentucky, of New Jersey, of New York, and of California—lots of companies that no one outside of the trade had ever heard of and that a great many in the trade never heard of. Take the position of the stockholder who had held one share in the old Standard. It is worth noticing. I do not exaggerate these figures. I can not state them exactly, but I will give the essence of them. Instead of having his one original share of the stock of the Standard Oil Co., he now got a new certificate that he held in, say for instance, the Acme Oil Co., $\frac{25}{100}$ of one share of the stock of the Acme Oil Co. Well, you can imagine his emotions; six figures in the enumerator and denominator. He at once said to himself, "This is beyond me; I will sell it." So he went to his broker, and his broker said he would sell it for him. But the broker also said, "I do not know what the Acme Oil Co. is worth, and you do not know, and there is only one little crowd of men in this country that does know." "Nevertheless, sell it," says the owner. So the broker sold. Now, these stocks fluctuated wildly on the market for the few months after the dissolution—I am not sure as to those figures, but my impression is that one of those companies fluctuated a thousand points on a par value of $100. No one, except a very few, knew the real values. But there was just one crowd of men who knew exactly what those companies were worth—of course, the inside men of the Standard Oil Co., such men as the Flaglers, the Rockefellers, and the rest of that little group that has always controlled the Standard. And naturally they cashed in that knowledge just at that point, just as anybody else would. They knew what the Acme Oil Co. was worth, for instance, what it paid, and what its assets were and its earning power. They knew exactly, because they were the directors of this corporation and of all the others. So they bought up the wheat and sold the chaff, and the result of that dissolution, under the Supreme Court decree, really was that in about six months the control of the real essence of the Standard Oil Co. was more closely concentrated in the same group of men than it was before the decree was issued. That was one curious result of the dissolution, through a court, which could not take any cognizance of the real economic business questions involved. The court simply dissolved it along the lines of its legal form, with no reference to its business relationships.

That is, the force of the legislative, the executive, and the judicial branches of the Republic were brought against the Standard Oil monopoly and it prospered mightily against all of them.

THE AGE OF COOPERATION AND COMBINATION.

And while it prospered a thousand other concerns, not selected for prosecution, unnoted by the general public, forwarded by the commercially ambitious and the speculative, or by others in self-defense, have formed into great corporations which are taking or are attempting to take the elements of competition from their particular lines of commerce and industry. We are in a very orgy of organization. The age of cooperation, the corporate form of doing business, the concentration of control in the individual through the telegraph and telephone, the opportunity for speedy delivery through quickened transportation facilities, the psychology of common current news and tastes and fashion, all predispose the Nation to that activity. And the inevitable result has been the large unit—has been "big business."

Against this tendency and the savage advantage many of the captains of industry have taken of it, the law of a people whose every impulse is toward the splendors of cooperation has as yet proved futile.

The people have been marvelously patient. They have resolved not to lose any of the advantages of cooperation, and they have suffered themselves to be the victims of combination because they expected the processes of government to differentiate between the beneficent forces of cooperation and the deadly forces of monopolistic combination. They have waited in vain.

The people are tired of waiting. They want results. They are weary of delay. They want action. They are sick of palliatives. They want remedy.

They are not afraid of coordination of effort. They do not fear magnitude. They do not decree that big business shall cease to be big. But they do decree that big business shall cease to be crooked. And they do demand that private monopoly, whether it result from causes which are natural and not crooked or from unnatural causes and crooked practices, shall be wiped out in this Nation. [Applause.]

The decree against private monopoly which the people registered in the Sherman antitrust law stands. It will continue to stand. No political party dares to lay the violating hand of repeal upon it. But there must be other legislation.

The various bills which have been introduced here are to supplement it by clarifying its terms and by facilitating its administration. These proposals are meritorious in the degree in which they do this.

HELPLESSNESS OF DEALING WITH FORM, NOT SUBSTANCE.

They can not clarify its terms, they can not facilitate its administration, unless they deal with the substance of the evil rather than its form. They can not clarify its terms by merely prohibiting not fundamentally the evil principle in the thing done, but the method by which it is currently done. They can clarify it by stating the underlying principle which makes the thing wrong. They can not facilitate its administration by merely empowering a commission to investigate.

They can facilitate its administration by giving a commission power to compel testimony and to act, in correction of the developed evils, upon that testimony.

It is this line which distinguishes the legislation proposed here by the Democratic Party and that which is offered by the Progressive Party. The Democratic measures—the interstate trade commission bill and the antitrust measure reported from the Judiciary Committee—attack the form of the evil. The Progressive proposals in the bills numbered 9299, 9300, and 9301, which I introduced November 17 last, attack its substance. I have said before, and I now reiterate, the Democratic measures

will open up another long, weary, profitless cycle of uncertainty. The bills I introduced if enacted into law would bring speedy relief and remedy. They would drive private monopoly from the land and make dissolution of monopolies real and permanent. And they will give legitimate business the chart to which it is entitled—the chart which measures that deal with form and not substance will not and can not give.

That the Democratic Party's proposal for the creation of a trade commission, with its timid tender of powers of investigation, will bring no substantial relief is apparent from our experience with the Bureau of Corporations for a decade. This bureau has investigated, in many cases exhaustively. Its reports on petroleum, while corrective of certain practices, were conclusive of nothing materially remedial, nor were its reports on the beef industry nor on other lines, although they were thorough and valuable. They acquainted the Nation with facts, astounding and deplorable facts. But they remedied nothing. The Democratic trade commission, clothed with limited powers to develop facts, will find itself helpless, and, while the public waits, will inevitably appear at the doors of Congress, as the Interstate Commerce Commission previously appeared here for years, praying Congress to breathe the breath of life into its nostrils. Why not vitalize the trade commission at birth? Why not give it power to receive complaints, to act upon specific complaint, to deduce facts on concrete matters in controversy, to make findings, and to enforce remedies?

Why should the people, who have waited patiently for nearly a quarter of a century; why should legitimate business, which has held back in respe t for the law while the industrial pirates, with no fear of the law, have played with a free and high hand; why should the people and legitimate business be asked to wait another score of years of delay, every hour of which the great and powerful illegitimate interests are using to further entrench themselves and to enrich themselves out of the helpless public and against the common weal?

COVINGTON COMMISSION NOT LIKE INTERSTATE COMMERCE COMMISSION.

The Covington trade commission is not modeled after the Interstate Commerce Commission, as a considerable portion of Congress believes. It is merely an enlarged Bureau of Corporations. It collates facts. It may or may not make its findings public; but whether its findings are made public or not, it can not act on its findings. It may find evil practice and recommend correcting readjustments, but it can not compel correction. It may investigate whether a decree of dissolution entered against a corporation has been or is being carried out, but it must halt thereafter with a mere report of what it found. So far as its actual power is concerned, the trade commission proposed by the Democratic committee—the Covington bill—is as helpless as an astronomer viewing Mars through a telescope is over the affairs of that planet. There is one line in the bill which constitutes a flickering spark of life to the commission. It shall make annually a report to Congress. It will not be long until that report will bear a piteous confession of helplessness and a plaintive appeal for power.

How far a cry is this commission from the pressing need of the hour—a strong Federal administrative commission with power to maintain permanent, active supervision over industrial corporations engaged in interstate commerce; a commission to stand guard over the public interest against the depredations of the enormous, secret, irresponsible industrial powers which infest the land; a commission with power to determine whether a monopoly in a given line exists and what is the basis of its monopoly, and the right to initiate action for its dissolution and power to see that the dissolution is carried out. This is the popular expectation of an interstate trade commission. In the Democratic measure offered here the public is doomed to bitter disappointment.

CATALOGUING REASONABLE AND UNREASONABLE RESTRAINTS.

That is, there are at the present moment two roads open to the Nation in meeting the trust problem. One offers the old method of leaving to the overcrowded courts, unfitted for the business of administrative adjustments and bound by rigid statutory definitions of commercial rights and wrongs, the vast task of establishing rules of conduct for the larger business of the country by occasional decisions in particular cases which present questions not necessarily and very infrequently applicable to others. This inevitably will lead to a recurrence of our former experience. We will again travel in the hopeless circle. The courts, adjudicating particular cases under inflexible statutes, will forbid the form, and the Nation will helplessly witness the prohibited form pass away and the substance of the evil continue. As the courts fix definitions and apply prohibitions, the offending culprits will change the form of their offense and continue their wrongdoing. The pool, the earliest form of combination, was prohibited by the courts under the Sherman antitrust law. The pool was dropped, and the trust was adopted. When the trust in its turn was placed under the ban, the trust was thrown overboard and the holding company devised; and as the day draws near when the holding company, under express provision of the law, must go, as this Democratic measure now before us ordains, the merger, the unification of the properties, will follow. And yet the evil of the pool, the trust, the holding company, and the merger are the same. The vice of this process is that each of the definitions, touching not the thing done but the manner in which it is done, is fixed only after years of litigation, and the public welfare suffers through the one element which seems certain—delay—the element most desired by the offending corporations and the most dreaded by its victims. Among the victims has been and is legitimate business, which has a right to demand freedom from confusion and uncertainty and annoyance. This freedom can not come from court processes. This has been clearly demonstrated by our experience with the interpretations of the Sherman antitrust law as rules of business conduct. The plain prohibition in the Sherman law, unmodified by the Supreme Court's interpretation, which prohibited every contract and combination in the form of trust or otherwise in restraint of trade as illegal, was not workable. It was within the experience of nearly every business man in the country that all combinations were not in restraint of trade. Tens of thousands of combinations in the ordinary run of business, forced by excessive and destructive competition, stood as proof, known of all men, that combination was not necessarily to the hurt of society, as tens of thousands of combinations demonstrated in increased efficiency, beneficial service to society. But the iron, unyielding letter of the law stood for 20 years in contradiction of universal practice, for the prevalent economic business necessity which compelled or induced partnerships and corporations overslaughed statutory ban. The great bulk of the business of the country, so far as the statute was concerned, was in a condition of open and more or less complacent outlawry. In the Oil and Tobacco cases the Supreme Court ended that era by reading a word into the statutes and deciding that only those contracts and combinations which were in "unreasonable" restraint of trade were illegal.

If legitimate business is now to wait for Congress to catalogue all that is reasonable or unreasonable restraint and for the courts to apply the definitions to all the new forms of combinations which business can and will invent, this device remaining as the one recourse for relief will be a sorry remedy for the chief problem of the Nation.

WHAT AN EXPERT TRADE COMMISSION COULD DO.

But if Congress will provide a strong administrative commission, armed with affirmative power, to meet the problems firsthand, without delay, within limits defined by Congress, and subject always to judicial review, there will come relief, certainty, and business freedom. This is the other road, the new road, offered to the Nation in the trust problem. It is not offered by the present halfway, hesitant Democratic measures now before us. It is offered in the Progressive measures which provide, in brief, for an interstate trade commission with, first, power to adduce facts; second, power to prevent unfair trade practices; third, power to destroy private monopoly.

Two general economic propositions are involved in this program—first, that full opportunity for natural competition must be preserved and small business must be protected from unfair trade practices, but that the arbitrary attempt to force an unnatural competition by law in the face of economic development will inevitably fail to benefit the community; second, that natural combination should be permitted, but that such combination must not be permitted to be a means to accomplish monopolistic control. That is, the Progressive proposition would give voluntary competition free play, but it would not artificially stimulate it at the expense of the community; would utilize the advantages of combination when it brought, through efficiency, benefit to society, but would halt and destroy it when it reached beyond the point of efficiency into monopolistic exploitation.

We would avail ourselves of the highest degree of commercial and industrial efficiency and end private monopoly.

The interstate trade commission proposed by the Progressives would be an expert body of men trained in the complexities of business, with plenary power to get at the facts. The commission, having investigated a corporation and having found it guilty of unfair trade practices, which are enumerated, and which consist of the advantage of discriminative transportation rates, rebates, discrimination in selling prices between localities and individuals, obtaining competitors' secrets by bribery, making oppressive exclusive contracts for the sale of articles over which the seller has a substantial monopoly, main-

taining agencies held out as independent, the use of interlocking directorates to destroy competition, could summon the offending corporations to appear before it and show cause why an order should not be issued by the commission restraining the concern from engaging in a designated form of unfair competition. If a corporation refused to obey such an order, the commission would invoke the aid of the United States court, and the court would enforce the orders of the commission. In event a corporation exercised substantially monopolistic power, and was not subject to the obligation of public service, and its monopoly did not rest upon unfair trade practices, but in control of the supply of raw material, or in transportation facilities, or in control of finances, or in any other conditions inherent in the character of the industry, including patent rights, then the Progressive interstate trade commission would issue an order to the corporation, specifying such changes in the concern as would promptly terminate that monopolistic power. In case such a corporation refused to comply, the commission could apply to the United States courts for the appointment of a supervisor, with powers of a receiver, to conduct the affairs of the offending corporation and enforce upon it the orders of the commission.

The Progressives' proposition divides the powerful dominating business organizations subject to correction into two classes—those which prosper through unfair practices and those whose control rests on natural causes. It provides correction and the end of monopolistic control for the one class, elimination for the other. The monopoly which holds control through wrongdoing shall be held to account for its sins, and shall cease those practices which give it control. The monopoly which has dominion, not through wrongdoing, but from control per se and from inherent conditions, must surrender that feature of organization, management, and conduct which gives it dominion.

THE NATURE OF MONOPOLIES.

This brings us to a consideration of monopoly; for, at bottom, the whole problem is that of monopoly. The people at the start sensed this.

Dean William Draper Lewis, of the University of Pennsylvania Law School, now the Progressive candidate for governor in Pennsylvania, who has brought his great powers of analysis and his deep learning to this subject, says:

> Combination does not necessarily result in monopoly. Those who combine, even if they do so with the intent to exclude competition, to be successful must have a basis on which to rest their power other than their wealth or size, although it is true that a trust or monopoly always involves a combination, express or implied. It was, therefore, natural that the framers of the Sherman Antitrust Act believed that the dissolution of the trust would destroy the monopolistic power of those who controlled it. But our experience with that act indicates that all that is accomplished is the destruction of the existing form of combination. As those who have combined under the particular form of combination destroyed still collectively possess monopolistic power, they naturally recombine in a different form to reap the benefit of that power. Instead, therefore, of being directed toward the dissolution of the particular form of organization, legislation should be directed primarily to the removal of the basis on which the monopolistic power of the combination rests. Where this is discovered and removed, all motive for further combination with intent to monopolize ceases. Of course, where the particular form of combination is an essential element of the monopolistic power it should be dissolved.

The great majority of those people in the United States who concern themselves with political economy are flat-footedly against private industrial monopoly and against public industrial monopoly. And this downright antagonism does not deny that there has been in progress a great popular evolutionary broadening understanding of the matter. The American people have been given many definitions of monopoly, but they have not been led far afield from their first conceptions of the matter, and they hold it to-day. They have not confused form and substance. Monopoly is the power to determine price policy. The public has held to this definition tenaciously through every sort and degree of confusion. The pool, if it determined price policy—and it did—was a monopoly. The public so believed, and the public was right. The certificate-issuing "trust," which succeeded the pool, if it fixed price policy—and it did—was a monopoly. So was the community of interest. So was the holding company, which came next, and so is the complete merger. The chameleon changes in form did not alter the fact so far as the public is concerned.

The people have been frequently regaled with the solacing theory that this or that great corporation was held in leash by the competition of a considerable number of independents in the same line. But if the price policy of the independents was determined by the great corporation, no matter what the share of the trade it controlled, the public held it a monopoly. It was because of this tenacious popular capacity for adhering to fundamentals that the former proposition of the Democratic Party to fix upon a control of over 50 per cent of a given product to be proof of monopoly was rejected and has passed away as a measure of economic remedy. A corporation may control but 30 or 40 per cent of a given product, yet if it fixes the price policy it will be a monopoly. A corporation may control an inappreciable amount of the finished product, or none at all, but if it controls the supply of an essential raw material, or the machinery essential to production so that it fixes price policy in the trade of the product, it is a monopoly.

PUBLIC DOES NOT CONFUSE MONOPOLY AND MAGNITUDE.

The public has never and is not now confusing monopoly and magnitude. But the public has been and is now primarily concerned with the practice of those corporations of magnitude which achieve monopoly. And in this distinction there has been a tremendous progress in the minds of those people in the country who arrive at conclusions independent of the limitations of court decisions or congressional debates. For most men who follow the current of economic problems have come to acknowledge that monopoly may be attained in two general ways:

First. By unfair trade practices.

Second. By possession of natural bases of control.

Through one or the other of these two instrumentalities monopolies are maintained. Whatever the device of unification of interests, whatever the form of combination, precedent to monopoly, the fact of monopoly inheres in one of these two elements. And the method of attack on the one kind of monopoly can not be used successfully as the method of attack on the other. The Progressive bills draw the line between the two, equally condemn both, but provide different methods of attack. The corporation which has created a monopoly through selling discrimination, the acceptance of rebates, and the other known or yet to be defined unfair practices, is ordered by the Progressive trade commission to desist from the condemned practices; if it refuse, the power of the court to compel it to desist is invoked. Few would resist the orders of a commission with plenary power. The corporation which has created a monopoly through its possession of natural bases of production, the supply of raw material, patent rights, control of finances, or any element against public policy is ordered, after investigation, by the Progressive trade commission to divorce from itself those elements which create the monopoly. If the corporation refuses to comply, the commission may apply to the courts to appoint a supervisor, who shall take charge of the concern and carry into effect the orders of the commission.

These clear definitions and adequate remedies are not automatic. They must have behind them power of initiation and enforcement. This power can be found only in a strong administrative trade commission. A purely investigative commission will grope and flounder. Hope of relief will therefore remain in the courts, unequipped for the business in hand. Relief will not come, and the day of remedy will again be thrown into the far future and its difficulties increased.

The purely investigative commission propcsed here, as in the Covington bill, will not help. The courts can not. Why should not Congress, then, do the strong, helpful thing for the country? Why should it palter here, where every consideration calls for virile, courageous, adequately remedial legislation?

Such legislation was in the minds of those who framed this pledge in the Progressive national platform of 1912:

> We urge the establishment of a strong Federal administrative commission of high standing, which shall maintain permanent active supervision over industrial corporations engaged in interstate commerce, or such of them as are of public importance, doing for them what the Government now does for the national banks, and what is now done for the railroads by the Interstate Commerce Commission. Such a commission must enforce the complete publicity of those corporation transactions which are of public interest; must attack unfair competition, false capitalization and special privilege, and by continuous trained watchfulness guard and keep open equally to all the highways of American commerce.

THE THREE PROGRESSIVE BILLS.

For it must be plain that the primary necessity in dealing with the great industrial corporations is to provide for an administrative body of quasi judicial powers competent to deal adequately with the complicated and perplexing questions arising out of unfair trade practices and private control of industry of such extent as to be a menace to the community.

Let me give in detail the provisions of the Progressive bills: The first Progressive bill (H. R. 9299) provides for the creation of an interstate trade commission, consisting of several members appointed by the President for terms of seven years each, one expiring every year. Each commissioner is to receive a salary of $10,000, in order that men of requisite experience and capacity may be drafted into this service.

In order that the commission may not be swamped with the impossible task of even obtaining definite information concerning the condition of the myriad small businesses in the Nation its jurisdiction is limited to those corporations or associations whose gross annual receipts from business within the United States exceed $3,000,000, excluding from the jurisdiction those

corporations coming within the jurisdiction of the Interstate Commerce Commission.

For the handling of any problem the first requirement is definite information and an assurance of continuing means for acquiring such information. The first power and duty, therefore, to be conferred upon the Interstate Trade Commission is to obtain from the concerns subject to it complete information as to their "organization, conduct, management, security holders, financial condition, and business transactions," and to require from such concerns "complete access at all reasonable times to their records, books, accounts, minutes, papers, and all other documents, and including the records of any of their executive or other committees." In addition to this, power is given the committee to require uniform and comparable methods of accounting, in order that the statistics prepared by the commission may be effectively intelligible.

When the commission itself is adequately informed, the second obvious need is that the public shall be likewise enlightened, and therefore the commission is empowered to criticize and make public for the advancement of fair, honest, and efficient business "all cases of material overcapitalization, unfair competition, misrepresentation, or oppressive use of credit."

In view of the numerous difficulties in enforcing decrees of dissolution entered under the Sherman Act, an incidental power given to the commission is to assist a court having this responsibility which cares to utilize the aid of the commission.

It has been an unfortunate defect in much well-intentioned legislation that commissions created have been endowed with such feeble powers as to be practically useless. The Interstate Trade Commission therefore has been given plenary powers to accomplish the purposes not only of the first progressive bill but of the second and third bills and any additional legislation. The commission is empowered to compel the attendance and testimony of witnesses and the production of all documents needed for its investigations, and the aid of the district courts of the United States may be invoked in compelling obedience to its orders. These powers are most elaborately worked out in this bill.

The first Progressive bill, therefore, creates a commission with the power to sweep away from illegitimate business the protections of secrecy, to develop facts, and to act upon them.

THE POWER TO PROTECT FROM UNFAIR PRACTICES.

The great work before the Interstate Trade Commission, after it has adequately informed itself concerning the conditions with which it must deal, and after business enterprises and the public have been shown where wrongdoing exists, is to protect the smaller, weaker business organizations from the oppressive and unfair competition of their more powerful rivals. The second Progressive bill, therefore, begins with the declaration "that unfair or oppressive competition in commerce among the several States and with foreign nations, as hereinafter defined, is hereby declared to be unlawful." The act then proceeds to enumerate various unfair business practices. But it should be noted that the term "unfair competition" is in a large measure self-defined. The courts have defined, in great variation and elaboration, numerous business dealings as "unfair competition." There is that in the common sense of fairness and right dealing which indicates plainly the distinction between close bargaining and oppression—between "puffing" of goods and fraudulent misrepresentation. The developing moral sense in the community adds constantly to the number of outlawed business practices. Therefore the commission should be so empowered that it may apply the accepted standards of honorable business to the enterprises within its jurisdiction. In section 3 of the second Progressive bill certain business practices are definitely condemned. "The acceptance or procurement of rates or terms of service from common carriers not granted to other shippers under like conditions"; the acceptance or procurement of rates or terms of service declared unlawful by the Elkins Act; arbitrary discrimination in selling prices between localities or individuals; obtaining secrets of competitors by bribery and like means or procuring dishonest conduct by employees of competitors; making oppressive exclusive contracts for the sale of articles over which the seller has a substantial monopoly; maintaining secret subsidiaries or agencies held out as independent; and, finally, "any other business practices involving unfair or oppressive competition."

Having established what are unfair trade practices, the Interstate Trade Commission is given the power to summon a corporation or association to appear before it and show cause why an order should not be issued by the commission restraining the concern from engaging in a designated form of unfair competition. If a corporation refuses to obey such an order the commission is empowered to invoke the aid of a district court of the United States, and the court authorized to enforce the orders of the commission by injunction or, in case of violation of injunction, to restrain the offender from engaging in interstate commerce. By this means the corporation is placed on an equal footing with the wrongdoing individual, who may be confined and restrained from engaging in business as a penalty for his failure to obey the law.

THE EFFECTUAL WAY TO BREAK UP MONOPOLY.

In the Third Progressive bill the jurisdiction of the Interstate Trade Commission is enlarged in order that it may give adequate protection to commerce against monopoly. The commission is empowered and directed upon its own initiative or upon complaint to investigate any corporation or association subject to its jurisdiction to determine whether or not such concern exercises "substantially monopolistic power."

In the second section it is provided that a corporation or association—

shall be regarded as exercising a "substantially monopolistic power" whenever such corporation or association not being subject to the obligation of public service in the given industry in question exercises control over a sufficient portion of such industry or over sufficient factors therein to determine the price policy in that industry, either as to raw materials or finished or partly finished products.

Such power is thereupon declared to be contrary to public policy.

In arriving at this definition the ablest authorities on economic and commercial problems have been consulted and the ripest wisdom of the time, so far as obtainable, has been brought to bear upon this important question.

Donald R. Richberg, of Chicago, a student of note on this subject, has said:

The crux of monopoly is the ability to determine price policy. With this ability not present there can be no real monopoly. If this ability is present, monopolistic power is found. The only exception should be made in what has been phrased "the obligation of public service." There are those concerns wherein certain forms of competition mean expense and discomfort to the public. Unmistakably is this true in the matter of telephones. In like manner in fields outside that of public service the best interests of the community may demand a single service rather than competing enterprises, but only coincident with the recognition of the obligation of public service. In other words, if the natural force of competition makes the producer or the distributor responsive to the needs of the community, the community will be adequately served. In the absence of the corrective of this force there must be an equally powerful force requiring service to the community. The obligations imposed on the common carrier point the way plainly. Any enterprise to which the community must look for service must be dedicated to public service. The very term private enterprise indicates that it is not a matter of community concern. If one private individual does not satisfy, another will take his place. But when that private enterprise becomes a necessity to the community the public need inevitably makes it subject to a public obligation. The power to determine price policy is the power of monopoly, but when the price policy is subject to a public obligation there is ipso facto no private power to determine it, and therefore no monopolistic power. The two are irreconcilable. There is no regulation of monopoly, for example, in any strict and honest sense in the power exercised by the Interstate Commerce Commission over common carriers. A railroad may be the only line of transportation between two cities, but it does not exercise monopolistic power so long as it can not determine the price policy upon which its transportation rates are fixed. The tendency of private business to remain private will inevitably restrict most business expansion inside the line where a private business becomes public. Therefore if by law it is provided that the mere fact that the growth of an enterprise to proportions comparable to monopoly will mean the assumption of public responsibilities, that law will necessarily operate to check automatically the ambitions of captains of industry to enlarge their fields of operation beyond the limits where they may still control their own enterprises. The imposition upon apparently monopolistic power or the responsibilities properly incident thereto will deter purely selfishly ambitious capitalists from the acquisition of such power far more effectively than the mere taboo of a civil or criminal law.

Having determined upon what that monopolistic power is which is hostile to the best interests of business, it becomes the duty of the commission proposed in the Progressive bills upon making an investigation to determine the existence of such monopolistic power—to find out whether the alleged power is based upon what are termed artificial or natural causes. Artificial causes for the purposes of the third Progressive bill are defined as those acts of unfair competition which are set forth in the second bill and here repeated. The duty of the commission upon finding an antipublic power, based upon unfair trade practices, is plainly to enforce the provisions of the second bill. But the commission may find that the alleged monopolistic power is based upon the so-called natural causes which, for the purposes of the bill, are defined as—

AA. Control of natural resources.

BB. Control of terminal or transportation facilities.

CC. Control of financial resources.

DD. Any other economic condition inherent in the character of the industry.

(The fact that in the conduct of an industry it is necessary to use certain patented articles conferring an inevitable monopoly would be classed under DD.)

If the commission shall find that a corporation or association exercises "substantially monopolistic power" based not on wrongdoing but on the so-called natural causes defined, it is made the duty of the commission to issue an order to the concern, specifying "such changes in the organization, conduct, or management of its property and business, as, in the opinion of the commission, will most effectively and promptly terminate such monopolistic power, while at the same time safeguarding property rights and business efficiency."

THE PROVISION FOR SUPERVISORS.

It is to be trusted that a careful reading of this provision may silence the false tongues that continually clamor about the Progressive Party as standing for the acceptance of monopoly. Not only is no such doctrine put forth in this bill, but also the bill does not content itself with mere denunciation or taboo for all monopoly. A definite intelligent means is provided for dealing with monopolistic power and terminating its existence. If a corporation or association refuses to comply with the order of the commission, the commission is not left helpless, nor is the whole problem foolishly cast upon the overburdened shoulders of a judiciary hopelessly unfitted to deal with it.

In section 6 it is provided that when a corporation or association refuses to comply with the order of the commission specifying the necessary changes to terminate monopolistic power, the commission may apply to a district court of the United States "for the appointment of a supervisor or supervisors of such corporation or association, and it shall be the duty of such court upon such request by the commission to appoint for a limited time such supervisor or supervisors for such corporation or association, and to give such supervisors such powers as are usually granted to receivers and full power of such direction and control over the organization, conduct, and management of such corporations as shall be best fitted to carry into effect the order of the commission."

Following this procedure the supervisors report to the commission regarding the organization and business effected, and are granted the power to carry out the further orders of the commission in order that the commission may be intimately informed as to the best methods for terminating the monopolistic power involved, and in order that in the meantime the business may be run for the benefit of the investor and the community alike. When a definite plan has been worked out whereby the corporation may be restored completely to its private ownership under terms guaranteeing the protection of commerce, the court may in terminating the supervisory control "in order to insure the permanency of competitive conditions include in its decree a provision submitting the supervised corporation or association and its business or any part thereof to the supervision or direction of the commission for such time and in such manner as said court shall fix."

THE STANDARDS OF FAIR BUSINESS.

It may be that the solution of a particular question involved in the acquisition of monopolistic power will be the separation of one factor of the business, establishing either its independence or its subjection to the obligation of public service. It may be that the solution will be the separation of a concern into two or more parts which will necessarily be responsive to natural competition. It may be merely a change in an administrative form of management, such as the breaking up of an interlocking directorate or some similar purely mechanical change. These are not questions to which the answers can be worked out in advance in a law. These are properly matters of administration. No set rule can be nor should be laid down. The standards of fair business, the standards of safe business, should be prescribed by the law of the land, and it should be made the duty of an executive body of adequate power and prestige to enforce such standards without fear and without favor and with dispatch.

Upon such a solution the country waits. Every consideration of public welfare calls for its consummation with dispatch. Every hesitant, halting, half step which stops short of this solution is deplorable and indefensible. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, I was going to make a point of order that there is no quorum present, but I will withdraw it now. There are only 16 Democrats present, and only 16 have been present during the delivery of this speech, and I just wanted the RECORD to show that.

Mr. ADAMSON. Mr. Chairman, I hope the gentleman will not make a point of order.

Mr. HUMPHREY of Washington. I have withdrawn it.

Mr. ADAMSON. I do not care what remarks the gentleman makes so long as he withdraws the point of order.

Mr. DONOVAN. Mr. Chairman, I want to make a parliamentary inquiry.

Mr. ADAMSON. I yield to my friend from Connecticut to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. I want to show, Mr. Chairman, that this great volume of business has been dominated by the gentleman from Illinois [Mr. MANN], and yet he is not present, and practically none of them is present except one.

Mr. ADAMSON. Mr. Chairman, I can not yield to the gentleman for that purpose. The gentleman from Illinois has a good and sufficient reason for his absence, and we understand it.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution of the Legislature of Rhode Island in support of another bill—the coast guard bill.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the RECORD by printing the resolution indicated. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from New York [Mr. TALCOTT].

The CHAIRMAN. The gentleman from New York [Mr. TALCOTT] is recognized.

Mr. TALCOTT of New York. Mr. Chairman, while there have been attempts to question the expediency of the pending legislation, they have proceeded either from a misconception of the purpose of the bill or a disregard of conditions which render its enactment a necessity. Such measures do not proceed from mere legislative initiative; there is a period preceding legislative action when public discussion forms public opinion and when the issues are more clearly defined and the subject more completely understood. This was the case when the act to regulate commerce was passed. There had been discussion for years. Many expedients had been attempted. But at last the matter came before Congress for action as a necessity. The enactment of the law followed, rather modest in its provisions, but they have been extended so as to embrace almost the whole field of transportation regulation. Hearings have been held in relation to the subject of an interstate trade commission by committees of the Senate and the House, it has been discussed before public bodies and in the press, and the public demand as well as the public necessity for such a measure can hardly be questioned.

Then there are those who say that the bill does not go far enough. Some would give judicial functions to the commission, but the committee believed that the provisions of the bill deal effectively with trade practices through publicity. The great mass of the business men of this country are straight and honest, and this bill is for their protection. Success in business rests on credit, upon the confidence of the people of a community in the fairness of a dealer. Unfair practices can not stand publicity, and it should prove an effective instrument for their removal. When we deal with the commerce of the country we are dealing with a very sensitive and highly organized process of our national life. It is not the purpose to put a ban upon legitimate business or to embarrass and injure it. It is believed that legitimate business will be advanced and aided by the suppression of illegitimate and unfair practices. Great changes have taken place in the organization and methods of business, not only by reason of growth, but also by reason of the complexity of its details and the widening field of activity. Rules and standards which prevailed are found inadequate.

The commission, by the information which it can give, will make present conditions known and honest business men will conform their practices and methods to them, and those who pursue methods and practices of another kind will find that the disclosures of the commission will render unfair dealing much more difficult and much less profitable. It can not be disputed that unfair practices and dishonest methods in business are economically wasteful. The intelligent man of business knows this to be so. But he is entitled to know the practices that are pursued, and it is possible for only a very few of the largest establishments to obtain the information that all should possess. This commission will render a large amount of information accessible, not only information of practices, but information of business methods as well. So the publicity provided by this bill should increase efficiency in production and distribution. It is not wise to be satisfied with conditions as they exist. With increasing population there are new conditions; there is no longer a frontier; the public land has been practically exhausted for several years; and for increased production reliance must be placed upon new and better methods. If there is to be progress, there must be increasing efficiency. In a social organization as vast and complex as ours, with a people whose restless energy has given the power of wonderful achievement, honest and efficient methods become a vital element in commerce. This bill will furnish an instrument by

which the business men of the country can be informed of the matters concerning which information is most needed and often most difficult to obtain. For the purpose of obtaining publicity it is provided that all the powers, authority, and duties of the Bureau of Corporations are vested in the commission; but one change should be noted, and that is that while only so much of the information obtained by the Bureau of Corporations in its investigations as the President directs shall be made public, by this bill it is provided that the information obtained by the commission may be made public in the discretion of the commission. So in the exercise of its other powers information which the commission is not directed to make public may be made public in its discretion. Wide as the field of business is in this country, the scope of this bill is such that all facts of vital importance, except those relating to transportation, can be made known through the commission which it creates.

The investigations conducted by the commission under sections 3 and 9 of the bill will undoubtedly disclose facts relating to monopolies, and section 10 authorizes the commission upon the direction of the President, the Attorney General, or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation. In many cases the public knowledge of the facts will destroy the evils. Monopolies have few supporters now outside those interested in them and the Socialists who see in the establishment of monopoly a long step toward the Government operation of industries. It is not to be taken for granted, however, that the brutal methods which in many cases have accompanied the creation of monopolies will be easily or quickly removed. But these powers of the commission will render it a ready and powerful instrument in accomplishing the result so earnestly desired.

In the enforcement of the antitrust laws one of the chief difficulties encountered has been the preparation of a decree which will effectually destroy the monopoly after it has been found by the court to exist. It is very often a matter requiring the most patient and careful investigation, involving not only the exercise of judicial powers but of trained administrative skill as well. And it is provided that in any suit in equity brought by the Attorney General under the antitrust acts the court may, upon the conclusion of the testimony, if then of the opinion that the complainant is entitled to relief, refer the suit to the commission to ascertain and report an appropriate form of decree, which the court may adopt or reject, in whole or in part, as in the case of the report of a master in equity causes, and may enter such decree as the nature of the case may in its judgment require. So that in the commission the courts will be furnished with a means of ascertaining and collecting the very matters of information which by the usual methods of legal procedure they may be unable to obtain.

I think the gentleman from Kansas [Mr. MURDOCK] will recognize the fact that if this power had been possessed by a commission organized as this commission will be before the decree in the Standard Oil case was framed, the results of that case would have been far different, and that there would have been an actual dissolution of that monopoly in every one of its parts. But the aid to be furnished by the commission will not end with its report of an appropriate form of decree when requested by a court. Whenever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon its own initiative or upon the application of the Attorney General, to make investigation of the manner in which the decree has been or is being carried out. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation, and the report shall be made public in the discretion of the commission. This provision assures the people of this country that every decree dissolving an unlawful combination will be observed. There will be a sentry always on guard.

Those who say that this bill does not go far enough must realize that there is such a thing as going too far. It is possible to load the commission with powers that it can not exercise, to introduce questions of constitutional construction which may render the measure invalid in whole or in part. This bill, if passed, establishes an interstate trade commission, and that body in administering the provisions of the law will ascertain what further powers are required and the manner in which they can best be exercised. It is undoubtedly true that from time to time the jurisdiction of the commission will be enlarged, but it should be done gradually, when the work of the commission proves it necessary. In my opinion this bill should prove a great aid to the business men of the country in removing unfair practices, in extending knowledge of business methods, producing greater efficiency in production and distribution. I believe, too, it will prove a powerful ally to the courts in the enforcement of the antitrust laws, making effective the provisions of those laws and rendering the judgments of the courts more difficult to evade. [Applause.]

Mr. ADAMSON. Mr. Chairman, does the gentleman from Minnesota wish to use some time?

Mr. STEVENS of Minnesota. Yes. I will yield three minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. ADAMSON. I will say to the gentleman from Minnesota that I shall have but one more speech, so that he can use all of his time.

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized for three minutes.

Mr. SLOAN. Mr. Chairman, quite recently a discussion has arisen concerning the proposed purchase of foreign bunting for the purpose of making our national flags for our Navy. Be it said to the credit of that department that if the project was ever contemplated it is now considered to be thrown aside.

Some of us have very fixed notions and sentiments as to who should salute our flag and as to whom should be invited or required to so salute. Under any circumstances any unusual reference to the national flag calls out a jealous question or criticism. Bills have recently been introduced in this House providing for a change or a rearrangement of the constellation of stars in the field of blue from that which has obtained during the last century. These bills have called out the protest of a patriotic organization in my district, as follows:

AURORA, NEBR., *May 6, 1914.*

CHARLES H. SLOAN, M. C.

DEAR SIR: Jack Chandler Woman's Relief Corps, of Aurora, Nebr., present a memorial and desire to have it read to the Sixty-third Congress of the United States:

"Whereas certain bills have been introduced in the Senate and House for a change in the United States flag:

"We, the officers and members of the Woman's Relief Corps, at a meeting held May 6, 1914, by unanimous vote, do most earnestly protest against any change whatever in our flag that our soldiers imperiled their lives to preserve, and which is known to all nations as the emblem of liberty and equality."

Respectfully,

SARAH FAITH, *President.*
ELLA F. ELASTON, *Secretary.*

[Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, I yield the remainder of my time to the gentleman from Ohio [Mr. WILLIS].

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] is recognized for 22 minutes.

Mr. WILLIS. Mr. Chairman, I do not know whether I shall use all of the 22 minutes that the gentleman from Minnesota has so generously allotted to me. At the beginning I want to say this, that while I agree with my friend from Kansas [Mr. MURDOCK] in many matters of legislation I do not share the fears that are, apparently, entertained by the gentleman relative to the inefficiency of this proposed law. I am not entirely satisfied with it. There are some things that I should like to have had otherwise; but, in my judgment, this law will be productive of much good. It will not prove to be inefficient; and if it comes to a vote in anything like the form in which it now exists it will receive my support.

It is a very curious thing that those who are opposed to this bill base their opposition upon such contrary grounds. I understood the gentleman from Kansas [Mr. MURDOCK] to be somewhat opposed to the measure because he did not think it gave to the commission power enough. I have before me a circular, a copy of which, I suppose, was sent to every Member of the House, in which the bill is criticized, not because it does not give anyone power enough, not because it does not vest sufficient power in the commission, but because it vests too much power in the commission.

The bill is criticized because, under its terms, it is proposed that this commission shall not be subject to the Commissioner of Corporations or to the head of the Department of Commerce, or even to the President. The bill is criticized because the authors of it have made an attempt to make this commission an independent body, responsible only to the American people. I am frank to say that, in my judgment, that is one of the reasons why this bill is to be commended—because it contemplates the creation of a commission that shall not be subject to anybody in the Government, but shall be subject only to the people of the United States. I hope and believe that if this bill shall be enacted into law it will not be possible to have such a situation as to corporate control and political management as we find at present.

I was just examining a copy of the Congressional Directory, and I find in that Congressional Directory that the present United States Commissioner of Corporations is Hon. Joseph E.

Davies. I do not mean to suggest any criticism of that official of the Government or to make any comment whatsoever on the way in which he is discharging his duties, but I am simply calling attention to a peculiar situation. The head of the Bureau of Corporations is the Hon. Joseph E. Davies. I hold in my hand a copy of the World Almanac for the year 1914. At page 709 I find a list of the members of the Democratic national committee: Chairman, Hon. William F. McCombs, of New York City; secretary, Joseph E. Davies, of Madison, Wis. I do not know personally whether the Joseph E. Davies whose name appears here as Commissioner of Corporations is the same Joseph E. Davies whose name appears as secretary of the Democratic national committee; I am not fully posted in that regard.

Mr. FESS. Will the gentleman yield?

Mr. WILLIS. I yield to my colleague.

Mr. FESS. I am posted on that subject. He is the same person.

Mr. WILLIS. I rather assumed that he was. In fact, it is a matter of common information that he is the same person. I am not criticising anybody about that, although it is rather an unfortunate situation, it seems to me; but I am saying that the object of this bill is to create a body, a commission, an organization that shall not be under political domination or control, and that there shall not be the probability or possibility of such a thing. It seems to me that is a commendable feature of the bill—the idea that this commission is to be entirely separate and apart from any existing department of the Government, not subject to the orders of the President, not compelled to report to the President or to the Secretary of Commerce.

Mr. GOOD. Will the gentleman yield?

Mr. WILLIS. Yes.

Mr. GOOD. What will prevent the President appointing Mr. Davies as a member of this commission?

Mr. MADDEN. He would be only one of three then.

Mr. WILLIS. I can not conceive of the present Chief Executive, or any other President of the United States, doing such a thing as that. After the discussion that has been had upon this bill, after the country had been made to understand that the specific purpose of this legislation is to create a body that should be entirely outside of political control, I do not think that will be done. At any rate, no person would be appointed to membership on the interstate trade commission and at the same time be allowed to serve as an official of any political campaign committee; such an act would be shocking and almost inconceivable to those who believe that our courts and administrative officials should be entirely free from political domination.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. WILLIS. I yield to my friend.

Mr. GOODWIN of Arkansas. Does the gentleman recall the fact that when Mr. Roosevelt was a candidate for reelection Mr. Cortelyou was made chairman of the Republican national committee, and was at the same time Secretary of Commerce?

Mr. WILLIS. My recollection is that became a matter of discussion and criticism; but, speaking as a friend of this bill, I think it is a poor defense for gentlemen upon that side to refer to such a condition as that. I am in favor of this bill, notwithstanding the condition that the gentleman has referred to. I do not believe that thing will be done under this bill. I do not believe any President would appoint a person high in the councils of a political organization to membership on this interstate trade commission.

Mr. Chairman, in the deliberations of this committee, without unduly disclosing any committee secrets, I wish to say that no reference is ever made to politics. This bill was drawn without reference to political considerations of any kind whatsoever. Republicans and Democrats and the Progressive member all cooperated together to prepare this legislation.

In this connection it is only fair to state that while the Republican members of the Committee on Interstate and Foreign Commerce are not entirely satisfied with the provisions of this bill, and are of the opinion that experience will demonstrate the need of carefully added powers, nevertheless they express their general concurrence in the principles involved in the bill in the following language from the minority report, signed by all the Republican members:

> The Republican members on the committee realized the great interest in it by the business organizations and thoughtful citizens interested in the public welfare, as well as its consequence and opportunity for good to the people of the country. Thus its consideration has proceeded with a sincere desire on our part to assist in the preparation of the legislation along the lines which would seem to meet both the public expectations and necessities, and yet not be oppressive so as to injure individual effort and initiative.
>
> The majority members of the committee have freely conferred with the members of the minority and have received their cordial cooperation in the formation of this measure. The legislation as reported is such in general as we approve, although individual differences necessarily exist as to the wisdom and scope of some of its provisions and details.
>
> This measure follows substantially the declaration of the last platform of the Republican national convention as follows:
>
> "FEDERAL TRADE COMMISSION.
>
> "In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein, there is much that may be committed to a Federal trade commission, thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the laws and avoid delays and technicalities incident to court procedure."
>
> In some respects this bill has not the scope outlined in the platform in conferring administrative powers over some classes of business. But we feel that such should be gradually evolved and assumed after more extensive experience and discussion.
>
> The reported measure does not transfer to the commission any function now exercised by the courts, but will be of assistance to the courts in the enforcement of the laws regulating commerce.

In this pamphlet of criticism to which I referred just a little while ago it was said that no hearings were held upon this bill. In the Committee on Interstate and Foreign Commerce we do not hold hearings upon bills. We hold hearings upon subjects. We had hearings day after day, and I think I may safely say week after week, on the subject of the creation of a trade commission. We had some trouble in getting the gentlemen who were testifying to confine their remarks to that subject, but the chairman finally succeeded in doing it. We had hearings upon the subject of the creation of a trade commission, not upon this specific bill or any other bill, but upon that general subject. We collected information from every source from which we could get it, and I, as a Republican member of that committee, felt that in presenting this bill to the House we were doing something which would not only meet with the approval of the level-headed, conservative business men of this country, that we were preparing a bill which would be of benefit to the people of the United States, but at the same time I felt that we had ample political precedent and political authority for such action.

The fact is that, with the exception of the Democratic Party, practically all the political parties in the last campaign in their platforms specifically provided for some such legislation as this. I do not recall anything in the Democratic platform on the subject of the creation of a trade commission. I do recall that in the Progressive platform that idea was indorsed, and I have before me the provisions of the Republican platform on the subject of a Federal trade commission. Here is what the Republican platform said:

> In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein there is much that may be committed to a Federal trade commission thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the laws and avoid delays and technicalities incident to court procedure.

Consequently I believe that in taking up this legislation we are proceeding under very excellent political authority. As I said when I began, there are some provisions of this bill that do not meet with my approval, and I find one of those provisions in section 2, which, among other things, fixes the salaries of the commissioners, and then goes on and says that this commission shall have the authority to employ and fix the compensation of such other officials, clerks, and employees as it may find necessary for the proper performance of its duties and as may from time to time be appropriated for by Congress.

I recognize, Mr. Chairman, that in the creation of a new department, or a new commission, or a new bureau, it is not always possible in advance to say just what clerical assistance will be needed; but I do believe that in this case it would have been better to have made the effort, at least. I do not believe in the principle, either in State or in national legislation, of creating an office and then allowing the head of that office to appoint whomsoever he pleases, at whatsoever compensation he may fix. I believe it is unwise legislation to do so, and that it tends to build up an autocratic bureaucracy not responsible to the people. I think we ought not to encourage the system of lump-sum appropriations; I believe that in this case we might have done as we did when the Children's Bureau was created. In that case we undertook to provide, so far as we could, what help should be employed; that there should be so many clerks of this class and that class, at salaries fixed by law. We undertook to be specific. But in this section here we do not do that. We unwisely leave to the commission the power of appointing whatever officers and employees it pleases, at salaries to be fixed by the appointing power. The number and class of employees and the salaries they are to receive should be definitely fixed by law.

In that connection it might be interesting to know what Thomas Jefferson, who is sometimes quoted by our friends on the other side—quoted, but frequently forgotten—had to say

on the subject of lump-sum appropriations, which, of course, must necessarily come if we pass the bill in its present form. Here is what he said in his first annual message:

In our care of the public contributions intrusted to our direction it would be prudent to multiply barriers against their dissipation by appropriating specific sums to every specific purpose susceptible to definition; by disallowing all applications of money varying from the appropriation in object or transcending it in amount; by reducing the field of contingencies and thereby circumscribing discretionary powers over money where the examinations may be prompt, efficacious, and uniform.

In other words, it was laid down by Thomas Jefferson, and has been followed in most cases by the Governments of this country—State and national—that so far as possible appropriations should be specific. I believe that we should have gone further than we did go in this bill in undertaking to say what force should be provided for the use of this commission and what salaries they should receive.

To those who think this commission does not have sufficient power let me say that if they will read sections 8 and 9 of the bill and consider carefully the provisions therein outlined they will be convinced that this commission has great power. Section 8 provides that the commission from time to time may make rules and regulations and classifications of corporations for the purpose of carrying out the provision of the act.

Section 9 provides that all corporations engaged in commerce, as defined in the act, with a capital in excess of $5,000,000, shall make certain reports and shall furnish to the commission certain information. That means a statement of the normal facts that the people of the country are entitled to have and which no corporation doing a legitimate business ought to object to giving for public information. What are some of these facts? The records of its organization, the bondholders, the stockholders, the financial condition, and also such information, statements, and records of its relations to other corporations and its business and practices while engaged in commerce as the commission may require. That information is to be obtained not simply from corporations engaged in interstate commerce or in commerce as defined under the provisions of this act—not simply those corporations with a capital in excess of $5,000,000, but also corporations engaged in interstate commerce with a capital less than $5,000,000, provided they come within the classification established by the commission. What is the purpose of that provision? It is perfectly evident that there might be a corporation that was engaged in monopolistic practices that still would not have a capital stock of $5,000,000.

This commission, through the power vested in it under section 8, has the power to classify and to require those corporations to make reports. Oh, but, some gentleman says, "That is all there is to it; they simply make reports; they simply give information that does not amount to anything." I invite the attention of Members of the House to the fact that every publicist who has investigated this question, every man, so far as I know, who has written upon the subject of our industrial relations and the corporation question, has insisted that the most potent and available remedy is publicity. If we want to improve the conditions in a city, the best way to do it is not to hire more policemen, not to attach more severe penalties to the commission of certain offenses, but to give that city more light, to provide better lighting facilities; and it is the same way with great corporations in the industrial world. Turn on the light of publicity. Give the public the facts. That is the project that is contemplated in this section here, and I think it will be productive of much good. The subcommittee, made up of Democrats and Republicans, who drafted this bill and who wrote the wise provisions of this section are entitled to great credit. The portion of section 9 referred to is as follows:

SEC. 9. That every corporation engaged in commerce, excepting corporations subject to the acts to regulate commerce, which, by itself or with one or more other corporations owned, operated, controlled, or organized in conjunction with it so as to constitute substantially a business unit, has a capital of not less than $5,000,000, or, having a less capital, belongs to a class of corporations which the commission may designate, shall furnish to the commission annually such information, statements, and records of its organization, bondholders and stockholders, and financial condition, and also such information, statements, and records of its relation to other corporations and its business and practices while engaged in commerce as the commission shall require; and to enable it the better to carry out the purposes of this act the commission may prescribe as near as may be a uniform system of annual reports. The said annual reports shall contain all the required information and statistics for the period of 12 months ending with the fiscal year of each corporation's report, and they shall be made out under oath or otherwise, in the discretion of the commission, and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission. The commission may also require such special reports as it may deem advisable.

Another section to which I wish to call attention is section 10, which is in full as follows:

SEC. 10. That upon the direction of the President, the Attorney General, or either House of Congress the commission shall investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation. The report of the commission may include recommendations for readjustment of business in order that the corporation investigated may thereafter maintain its organization, management, and conduct of business in accordance with law. Reports made after investigation under this section may be made public in the discretion of the commission.

For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against.

This is the section which authorizes this commission to investigate and report on the facts relating to any alleged violation of the antitrust act. This may be done by direction of the President, by direction of the Attorney General, or at the direction of either House of Congress; it should be noted that the information so obtained is to be made public at the discretion of the commission. No commissioner of corporations, no officer who is responsible to the President or who is responsible to any Cabinet officer or to any political campaign committee has the power to say whether or not these facts should be made public. These facts can not be used in a fat-frying program. These facts are for the benefit of the people. They are to be given to the public at the discretion of the interstate trade commission. I think that is a wise provision, because it makes this interstate trade commission absolutely independent of any exterior authority in that regard. And the same provision occurs in section 13, in which it is again provided that the facts that are to be ascertained under the investigations outlined in that section shall be made public at the discretion of the commission. Then, further, in section 17, there is a provision for an elaborate annual report, and still the business men and the corporations of the country are properly protected in their rights. No trade secrets can be disclosed in this report.

It can not be said that there is an inquisition, that facts are to be obtained, and that then these facts are given out in such a way as to enable business competitors to use them. That is distinctly provided against in the following language in section 17:

Provided, That no trade secrets or private lists of customers shall be embraced in any such abstract.

So I say, Mr. Chairman, in conclusion, that while I am not entirely satisfied with all the provisions of this bill, while I do not think it is a strict compliance with the terms of the Republican platform, I do say that it is drawn along those lines, and I compliment the members of the subcommittee, Republicans and Democrats, upon the fact that they disregarded political considerations in the drafting of the bill. I especially compliment the Democrats that they ignored the fact that their own platform did not say anything about this and took the Republican platform as their guide. While I am not entirely satisfied with the work, I believe that it is a step in the right direction; I believe that it will accomplish much of good; and as the years go by and it becomes apparent from experience that the interstate trade commission should be strengthened in this direction or in that, that it should be given additional powers, then these powers can be granted and the necessary amendments made, and we shall witness, I predict, in this country, growing out of this apparently humble legislation, the development of a great power for good in the protection of honest business and the encouragement of legitimate enterprise like unto that which we have seen in the powerful, beneficent, and incorruptible Interstate Commerce Commission, which is the pride of American jurisprudence and the guardian of the people's rights. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, is all of my time exhausted?

The CHAIRMAN (Mr. FOWLER). The gentleman from Minnesota has exhausted his time.

Mr. ADAMSON. Mr. Chairman, I yield first to the gentleman from Wisconsin [Mr. REILLY].

Mr. REILLY of Wisconsin. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I yield now so much of the remaining time to the gentleman from Virginia [Mr. MONTAGUE] as he may care to use.

Mr. MONTAGUE. Mr. Chairman, the gentleman from Ohio [Mr. WILLIS] has just stated that this bill does not in its entirety meet his approval. We all must confess what is a serious difficulty in legislation, namely, that it is a result of an accommodation of ideas, certainly to those who seek to adjust their views to a common purpose. Reconciliation of divergent and conflicting views is the great task of parliaments.

Mr. Chairman, the genius of the American people is against monopoly and for competition. How far that genius has been

created or fostered by the common-law system of the English-speaking race I do not now care to address myself, however inviting the subject. Certainly the common law has tended to create an equality of opportunity and a fair rivalry in economic and industrial life. The Sherman antitrust law was intended to confirm the common law, to preserve and conserve competition, and to affirm anew America's hostility to monopoly.

The committee will appreciate that in dealing with the great commerce of our country we are confronted with a dual jurisdiction by reason of the dual character of our governments. To separate intrastate from interstate commerce is a difficulty which often presents itself. Under our system of government we are confronted at almost every step with this conflict of jurisdiction. Fortunately or unfortunately the other Governments of the world are not so hampered. The Federal Government has not the same power to deal with commerce that the State has with the commerce wholly within its jurisdiction. But I may observe, in passing, that the interstate clause in the Federal Constitution affords more depth for sounding and more shore lines for exploration than any other clause or section of that great instrument. In this clause is to be found the most potential principle for the breaking down of State lines or State sovereignty. So, Mr. Chairman, we should enact only such legislation as we are constitutionally clearly authorized to enact, and one who attempts to draft a bill of this character must do so with more or less solicitude. He does not know when the language, no matter how thoroughly considered, will throw the whole subject matter of the bill into the courts, and the bill may thereby be declared null and void. I am not complaining of this. Such an arrangement is, in my opinion, very wise and necessary. There may be in this bill certain matters intrusted to the commission which may relate to both State and interstate commerce. Of course there is no difficulty on this score unless Congress concludes that it must extend the *field of* regulation so as to include matters heretofore regarded as within the jurisdiction of the States in order to make effective the regulation of what is plainly interstate or foreign commerce.

But when we have left the conflict of sovereign jurisdictions, other jurisdictional questions insistently present themselves. For example, does the bill give to the commission legislative or judicial powers? If so, our work is in vain. I may say I do not think we have done so. We have diligently sought to avoid mistakes so grievous. But I have mentioned these jurisdictional and constitutional difficulties in order that the House may appreciate the embarrassments confronting the Committee on Interstate and Foreign Commerce and the painstaking care which it has given to the preparation of the bill.

Again, when we authorize the commission to gain information from corporations, we are at once confronted with the question as to whether the method authorized and pursued constitutes an unreasonable seizure and search, so rigorously forbidden by the Constitution. So I submit to the committee that in undertaking to draft a bill of this character it is better to have a law that can be hereafter added to than one that must hereafter be subtracted from. It is better in legislation of this particular character that the law will clear its skirts in the outset of the juridical domain. We should avoid litigation in the start. I would apply this observation most respectfully to the bill of the gentleman from Kansas [Mr. MURDOCK]. He wants something vigorous, something masterful, to control what he terms "crooked business." He does not seem to have thought, if his own bill is an index of his thoughts, that this control may be relaxed by the juridical hand of our Government. He wants expedition, but expedition is haste slowly made in a matter so vital as this, unless every constitutional objection is fully met. I venture the opinion that the bill of the gentleman from Kansas would not successfully run the gauntlet of the courts.

Mr. STEVENS of Minnesota. Will the gentleman yield for a question?

Mr. MONTAGUE. Certainly.

Mr. STEVENS of Minnesota. The gentleman served on the subcommittee that helped to prepare this bill, if I recall?

Mr. MONTAGUE. I had that honor with my colleague, Mr. STEVENS, and others.

Mr. STEVENS of Minnesota. Without betraying the confidence of the subcommittee and of the full Committee on Interstate and Foreign Commerce, will the gentleman inform this committee to what extent the committee examined the provisions of the so-called Murdock bill with a view of determining how far it could be made effective and what uncertainties it would create as to the business affairs of this country?

Mr. MONTAGUE. I did not intend addressing the committee, and therefore I would not like to rely upon the accuracy of my memory, but will say that we gave a very thorough study of the bills presented to us, and I think we arrived at practically the unanimous conclusion that the bill presented by the gentleman from Kansas was a very good speech, but very poor law. [Laughter and applause.]

Mr. ADAMSON. Mr. Chairman, if the gentleman will permit, I would like to ask him if the committee did not conclude almost unanimously that the bill drafted by the gentleman from Kansas would stimulate litigation more than any other business?

Mr. MONTAGUE. I just suggested that it would throw us, to use the picturesque language of the gentleman from Kansas [Mr. MURDOCK], into an "orgy" of litigation.

Mr. FESS. Will the gentleman yield there?

Mr. MONTAGUE. Certainly.

Mr. FESS. Would it be a proper conclusion to draw that a bill that would be thus written and found unconstitutional by the courts would give additional reason to some people for recall of judges? [Laughter.]

Mr. MONTAGUE. If that were the object, perhaps the bill might contribute to this end.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. MONTAGUE. I will.

Mr. GREEN of Iowa. I assume the subcommittee did not for a moment think that the provision of section 5 of the bill introduced by the gentleman from Kansas [Mr. MURDOCK], to the effect that the commission might issue any order which in its opinion would effectively and promptly terminate such monopoly, was constitutional?

Mr. MONTAGUE. Well, briefly, I may say that the commission, under this bill, in my opinion, comprises legislative, executive, and judicial powers, powers which are incompatible. I think that will answer the question.

Mr. STEVENS of Minnesota. And in addition, if the gentleman will allow, dispensing powers that are not contained in any judicial function?

Mr. MONTAGUE. That is a very accurate appreciation of the measure.

Mr. Chairman, I would now address myself to the economic question directly and indirectly involved in this bill. I believe that the American people are not now ready for the extinction of competition. I believe that the great progress of America does not justify the relinquishment of competition, that great principle which has contributed so much to the progress and achievement of the American people. The bill offered by the gentleman from Kansas practically destroys competition as an industrial economic factor.

Bills have been offered which would empower this commission to fix the prices at which products of "big business" are to be sold. If you fix prices you must fix valuations, and if you fix valuations of property you must also fix the price of labor. The commission is then in a labyrinth of economic duties which could not be performed by the most enlightened men of this or any other country. The task is bewildering, and only the daring Socialist really desires the Government to perform so extraordinary a function, for thereby Government control and ownership of all business is begun.

This is a nonpartisan commission, Mr. Chairman. With the exception of one or two minor officials and certain expert officials, the officials and employees under the commission are selected by civil-service methods. The commission is lifted clean and bodily out of politics.

I sympathize with the remark of the gentleman from Ohio [Mr. WILLIS], who deplores that Mr. Davis, the present commissioner of corporations, was secretary of the Democratic national committee. But I recall that once we had a very distinguished gentleman who was at the same time a member of the Cabinet and chairman of one of the great parties of our country. We also had on the famous Tariff Board, constituted by President Taft, a gentleman who all too soon thereafter became secretary of the executive committee of the Republican Party. I do not say this in any spirit of criticism, but that none of us can throw stones.

Now, a word as to competition, which I think this bill was intended to effectuate in the industrial and economic life of the people. This is the underlying purpose of this bill. The trouble with competition has not been with competition itself, but with unfair competition, dishonest competition, the competition that gets rid of a rival, not by underselling him through legitimate economies or honest methods, but by brutal methods and by sinister and subtle means.

Take, for example, what is known as the "factors agreement," whereby a trust undertakes to boycott its merchant purchasers if they do not comply with its selling regulations; imposing terms upon such merchant purchasers by requiring a

boycott of all independent producers. Under this sort of an agreement the trust having a great variety of products will refuse to sell the merchant or to give him the ordinary discounts if he buys the same class of goods from any competing establishment.

Again, the trust may make great varieties of one general kind of merchandise, while the competitor makes only one kind. In this way the trust will reduce the price on the particular competing article or product, but advance the price on the remaining varieties, thus crushing the smaller competitor.

Then, too, a trust or corporation covering a very large territory may sell its products below cost, or even give them away, within the territory of a small rival, the larger trust relying upon recouping by an excess of profits in distant fields in which the small competitor does not operate or cover. These are familiar examples of unfair competition and dishonest practices, which must be destroyed or restrained if competition is to survive.

Mr. CLINE. Will the gentleman permit a question?

Mr. MONTAGUE. Certainly.

Mr. CLINE. Of course, it is within the province of a very large corporation having immense capital and a very large line of employees to manufacture and dispose of its article for less money than the small corporation and yet be within the legitimate lines of its purposes, is it not?

Mr. MONTAGUE. I will answer the gentleman by saying yes. But I will go further and say that the mere size of a corporation does not so much frighten me as the wrongful methods which a large or small corporation may employ.

Mr. CLINE. I was pointing my question to the illegal methods to be employed by both corporations. Inasmuch as the large corporation is able to undersell the smaller corporation, by what methods, if any, does the gentleman propose to correct that condition so as to protect the smaller corporation?

Mr. MONTAGUE. By this bill.

Mr. CLINE. By the bill; yes.

Mr. MONTAGUE. This bill is corrective, among other things, in that the commission investigates corporations not only severally, but in relation to other corporations, and in relation to the performance of corporate and business functions, and then brings this information to the executive department, to the legislative department, to the Department of Justice, and, in some instances, to the judiciary itself. And the great public will have this information in the discretion of the commission. But, as a more direct answer, the bill assures to the small corporation fair competition.

Mr. CLINE. Would that be sufficient to protect the smaller corporation?

Mr. MONTAGUE. I submit that if it does not immediately prove effective it will be the beginning of a plan or a law that will soon lead to the protection of the smaller corporation. I have more faith, perhaps, than some in the power of publicity. The honest man seeks and courts it. The dishonest business man shrinks from it, because he can not stand the light when it is thrown upon him. And while I concede to the gentleman, whose courteous interruption I desire to acknowledge, that we can not say that this particular bill will at one step or stroke meet the evil which is in his mind, I nevertheless submit that it does set on foot processes that will revolutionize the economic and legislative mind of the people, and that it will immensely help in effecting efficient remedies for the evils we all acknowledge.

Mr. BARKLEY. Will the gentleman yield for a question?

Mr. MONTAGUE. Yes; I will.

Mr. BARKLEY. If a large corporation by reason of its efficiency is able to sell its product cheaper than the small ones, and in a legitimate way and not by cutting prices in order to drive out the competitor, there is nothing in this bill, and ought not to be anything in the bill, that will prevent that?

Mr. MONTAGUE. I do not think that would be a monopoly.

Mr. LARKLEY. So that the test that might be applied under the bill would be whether the cut in prices by the big corporation was unfair and inaugurated for the purpose of driving out a competitor?

Mr. MONTAGUE. Yes, particularly; but the real test is whether it is monopolistic or not. And I will bring monopoly down to modern conditions. I will not let it rest upon the old case of Darcy against Allein, which stated with almost final authority not only the legal attributes of a monopoly but the economic and social wrongs of a monopoly.

Mr. CLINE. Mr. Chairman, the gentleman is so well informed upon this proposition that I would like to press the inquiry a little further, with his permission.

Mr. MONTAGUE. Certainly.

Mr. CLINE. Suppose that both of these parties now are pursuing an absolutely legal method in the manufacture and distribution of their merchandise, the larger corporation not seeking by cut-throat methods to displace the smaller one, but in the very nature of things the larger corporation can legitimately make its articles and sell them at a less price than the smaller. How are you going to meet that situation, when the smaller corporation finds its products displaced by those of the larger corporation?

Mr. MONTAGUE. I will not concede that, with all respect for the gentleman, as an accurate statement of the facts. It is not always the case that a large corporation can fairly win over the small corporation operating in the same field. The argument I was suggesting is this, that an element of unfair competition was in the large corporation if it came into the field occupied by the small corporation and therein undersold or, if need be, gave away a product similar to that made by the small corporation, and then in turn recoups itself for whatever loss it had incurred in the field occupied by the small corporation by charging a larger profit on its wares and products sold in fields or territory not covered by the small operator.

Mr. CLINE. Then it becomes a monopoly, and that goes outside of the pale of the question I was asking the gentleman. The large corporation then becomes liable under this statute if it does that?

Mr. MONTAGUE. Such competition is unfair and dishonest, in my opinion.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. MONTAGUE. Yes; but I had no idea of entering upon an economic discussion.

Mr. MADDEN. I do not want to involve the gentleman in an economic discussion. I just wanted to ask whether, as a matter of fact, this bill has anything whatever to do with the fixing of prices?

Mr. MONTAGUE. Nothing at all.

Mr. MADDEN. That is what I thought.

Mr. MONTAGUE. This bill is to help to enforce the anti-trust law or any other pertinent law that is now or hereafter in existence. It is a bill for information. It is a bill for advice. It is a bill to secure the information, the facts necessary for the conduct of the business of the country, so far as the legislative, executive, and judicial departments of the Government may desire or need that information.

Permit me to accentuate the idea that this bill provides information by reasonable methods, so that there will be no vagueness in business operations; not that any business may obtain an immunity from this commission, but business can gain information from it. If business does not gain it from the commission directly it will gain it in a secondary form through other officials of the Government—from the executive and legislative branches and from the judicial decrees. In other words, this commission has the authority and purpose of throwing a searchlight of fact and information upon the great economic and industrial business of the country. If we want to go further hereafter we shall have time and opportunity to do it.

There is an enlargement in this bill, as I understand it, of the functions of a master in chancery. This bill undertakes to develop a trained body of masters, of experts, who will help the court, if it has reached an opinion, to formulate a decree which will clearly fix the scope and meaning of the dissolution of any business so adjudicated.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. MONTAGUE. I yield with pleasure.

Mr. FOWLER. Does the gentleman believe that any man ought to be placed on the judicial bench of our country or placed in the position of Attorney General who is not able to draw a decree dissolving a trust?

Mr. MONTAGUE. Yes; or you may not be able to fill such offices. Great lawyers, great jurists, may not know how to draw an effective decree upon complex industrial subjects. We realize that the economic forces of America have moved faster than the political development of the machinery of our Government. We thought we had sounded the ultimate truth of government and had put it in final form through the instrumentality of a written Constitution. But our social and economic development has been so prodigious that we not infrequently find it in collision with the rather rigid legal and political forms of our system.

The bill meets one of these advances in business by enabling the court, after reaching an opinion, to have the help of the commission in formulating a decree that will meet the economic

and industrial complications inherent in a subject which in the nature of the case few courts, no matter how learned in the law, would understand without expert help. I doubt, if this measure becomes a law, that any court would deal with such complex facts and conditions as confronted the courts in the Standard Oil and American Tobacco cases without calling upon the commission for assistance. The law, through a commission of the character contemplated by this bill, will thus expand and progress to meet the advanced and complex activities of our great industrial and commercial concerns.

This new function of the equity master is an effort of the legislative body to adjust our jurisprudence to our industrial and economic development. Therefore it is a very wise provision, in my opinion, that this commission shall aid the courts in formulating decrees to make effective the real vital judgments which may be rendered. Moreover, if I may have the attention of the gentleman from Illinois [Mr. FOWLER], this advice or this aid will not tend to retard the progress of the administration of justice. On the other hand, it will tend to facilitate and expedite the administration of justice. [Applause.]

In conclusion, Mr. Chairman, the salient features of this bill are, first, the transfer of the Bureau of Corporations and the Commissioner of Corporations, with all their authorities and duties as to the investigation, management, and control of corporations provided for in the existing statute, to this commission, with power to act in the discharge of these duties independently of the Cabinet or the President; second, to confer upon the commission certain other duties upon the direction of the President, the Attorney General, or either House of Congress, with power in the commission to make public, with certain obvious exceptions, the findings or information thus obtained; third, to render assistance to the courts in the manner I have heretofore stated; and, further, to correlate business in conformity to law.

These legislative contributions, Mr. Chairman, are adequate for our present needs, and we should at least test by actual experience this bill before enacting more comprehensive and radical legislation. [Applause.]

Mr. ADAMSON. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That a commission is hereby created and established, to be known as the interstate trade commission (hereinafter referred to as the commission), which shall be composed of three commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than two of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of two, four, and six years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, in line 6, strike out the word "three" and insert "five," and in line 8 strike out "two" and insert "three." In line 10, after the word "two," insert "three," and after the word "four" insert "five."

Mr. TOWNER. Mr. Chairman, this amendment which I have offered has no other effect than to increase the number of the commission from three to five. In my judgment, it is one of the most important subjects that could possibly engage the attention of the committee. It has been stated here by almost every formulator of this bill, by every member of the committee reporting it, and by everyone who will support it, that this House is not now committing to this commission all the authority that it is expected it will ultimately exercise. We know that very many additional powers will be given to the commission. But if it were to limit its work to the powers that by this bill are committed to it, it would be infinitely better for the commission, for the country, for those who will be affected by it, for this commission to be a commission of five rather than of three. Very much depends upon the initial impression that this commission makes upon the country. A commission composed of three men is, in the eyes of the people, almost a committee. The hearings before three men will by no means be as impressive as those before five. It will greatly dignify this commission if it shall be composed of the number of men that almost every one of us realizes ought to compose it. I understand very well the ideas that must have been in the minds of the committee with regard to the restriction of this number to three. I have no doubt that primarily it was the idea of economy. It would be better, it would save money from an economical standpoint, if the commission should be composed of three rather than of five. But, Mr. Chairman, in matters of this kind this amount of money that will be saved by the limitation of the number of the commission to three rather than five will not, in my judgment, be economically safe. It will be infinitely better that this commission shall be so created that it will meet all of the expectations of its sponsors; that it will meet the expectations of those who desire this legislation; that it shall disarm the criticisms of those who are to be affected by it. And I have no doubt whatever that we can not do this more effectually by any one single act than by making this commission a body of five commissioners rather than of three.

Mr. COVINGTON. Mr. Chairman, I desire very briefly to reply to the gentleman from Iowa [Mr. TOWNER] and to state that there is some force in the position which he asserts regarding the membership of a commission of this character; but the committee having charge of the framing of this bill weighed the situation very carefully, and they came to the conclusion that, with the functions to be performed by the commission at this time and with the necessity for a compact organization, in order to create the working force that will have to be built up for this commission, it would be better to start with three commissioners. Now, as a matter of fact, the Interstate Commerce Commission does not present that dignified aspect in point of numbers which the gentleman refers to. The real fact is that the Interstate Commerce Commission at this time nearly always sit with one or two members hearing great cases. At the present moment Commissioner McChord is hearing the great investigation into the affairs of the New York, New Haven & Hartford Railroad, regarding its flagrant violations of law. The dignity of that commission is not lessened by the number of the members who sit to hear any particular complaint, and the test of the trade commission's work will be how well its duties are performed and not how large a personnel it is composed of.

Mr. TOWNER. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Iowa?

Mr. COVINGTON. I yield.

Mr. TOWNER. Is not the very incident which the gentleman mentions an argument in favor of a larger commission? Are not the corporations that will be affected by this commission much more numerous than those which are affected by the Interstate Commerce Commission? And, as it finds it necessary to divide up in the hearings of these cases, will not the new commission find itself also compelled to divide up in the hearings of the cases which come before it?

Mr. COVINGTON. I think the functions performed by this proposed commission are those relating to the publicity to be secured through the ninth section of the bill and the investigations that will be conducted by the various special agents and investigators under the direction of the commission. And I will say to the gentleman, further, that one of the most comprehensive schemes for the reorganization of the Interstate Commerce Commission that has been proposed, and that has the sanction of the commission itself, is a re-created commission which shall be permitted to operate in groups of three members each.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. So far as I can see, an increase of the membership of this commission is not material in view of the small power which has been given the commission. Three members can handle the work that is provided in this bill probably as well as five. If the commission had more power and more activities under the scope of the bill, there would have to be more commissioners. The present Interstate Commerce Commission consists of seven members. It originally consisted of five. Undoubtedly the thing which occurred in respect to the Interstate Commerce Commission will occur under this bill—a growth of power. These commissioners have in this measure merely investigative powers. They go no further than that. Three men can exercise that function probably as well as five or seven, but it is inevitable under this sort of legislation, and after the creation of this sort of a commission, that within a year, or at best within two years, this commission, with its feeble powers, will be before Congress in its annual report, which is here provided, pleading with Congress to give it power, to give it other and more power than merely the right to investigate and optionally make public its findings. When that prayer comes there will be ample opportunity to increase the membership of the com-

mission, and undoubtedly it will be increased. I see no particular point to be gained now by increasing the size of the commission. It will have no more dignity with five than it has with three. It is a feeble commission, and you can not increase its power by increasing its number.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that debate on this section close in five minutes.

Mr. MURDOCK. Mr. Chairman, the gentleman is going to run until 11 o'clock, is he not?

Mr. ADAMSON. I hope not.

Mr. STAFFORD. I think we ought to have liberal debate under the five-minute rule.

Mr. ADAMSON. I think, as everyone has expressed accord with this measure, we should get through sooner than 11 o'clock.

Mr. WILLIS. Mr. Chairman, the gentleman from Pennsylvania [Mr. GRAHAM] desires to offer an amendment.

Mr. ADAMSON. Does the gentleman from Wisconsin desire to be heard?

Mr. STAFFORD. I do not care to speak; but the gentleman from Iowa [Mr. GREEN], the gentleman from Illinois [Mr. FOWLER], who is upon his feet, and others would desire to be heard. I do not think there is any need for pressing the request at this time.

Mr. ADAMSON. Then, Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes. I believe that will accommodate all of the gentlemen who are on their feet.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on the section and all amendments thereto close in 15 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Kansas [Mr. MURDOCK] has criticized the bill which is before the House and has referred somewhat indefinitely to provisions of a bill which was prepared by himself.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Oh, the gentleman would not yield to me.

Mr. MURDOCK. I did not, for lack of time.

Mr. GREEN of Iowa. The gentleman had a world of time.

Mr. MURDOCK. Oh, no; I did not.

Mr. GREEN of Iowa. I have only five minutes, and the gentleman had time that he did not use.

Mr. MURDOCK. Oh, I beg the gentleman's pardon. I used all of my time and could have used an hour and a half more.

Mr. GREEN of Iowa. I decline to yield. I think the House ought to better understand the provisions of the bill which the gentleman from Kansas has introduced, being the bill H. R. 9301, to protect commerce against monopolies.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. It is the most extraordinary bill that was ever brought before this or any other body.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Mr. Chairman, I decline to yield for the same reason as before. I have not the time.

Mr. MURDOCK. Really, will the gentleman yield——

The CHAIRMAN. The gentleman declines to yield.

Mr. WEAVER. Tell us about the bill.

Mr. GREEN of Iowa. Never since the time when Moses wrote the Ten Commandments, never since the time when it was proposed to have government by law, did anybody ever introduce a measure providing that a judicial body might enter any decree that in its *opinion* should be entered in the case. It was reserved for the gentleman from Kansas [Mr. MURDOCK] for the first time to ever introduce before any body such a provision as that. In section 5 of the bill which the gentleman from Kansas introduced I find this provision with reference to the orders that the commission shall make:

> Said commission shall issue and serve upon such corporation or association a written order to said corporation or association specifying such changes in the organization, conduct, or management of its property and business as in the opinion of the commission will most effectively and promptly terminate such monopolistic power.

Of course it adds there the words:

> While at the same time safeguarding property rights and business efficiently.

But that is all in the opinion of the commission also. There is one provision in the bill that the gentleman from Kansas introduced that is in some respects an excellent one and in others entirely unnecessary. It is found right at the close of the bill, and it is the first time that I ever knew such a provision as that to be introduced. Section 12 of the bill, which is the last section, provides:

> SEC. 12. That if any provision or requirement of this act shall for any reason be held unconstitutional, the validity of the remaining provisions or requirements of this act shall not be affected thereby.

Mr. Chairman, if this provision which I first read was passed on by any court without any argument or without any discussion it would be held unconstitutional. Why, the commission is not required to render an order in accordance with the law and the facts. The law and the facts will not determine the matter before this commission. It is to render an order in accordance with its opinion, whatever it thinks ought to be done. That is the kind of statute the gentleman from Kansas wants to have adopted by this House and put into force.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. The most arrogant, the most tyrannical government that has ever pretended to act under law would never undertake to pass such a provision as that.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. I decline to yield to the gentleman.

Mr MURDOCK. Talk about arrogance and tyranny. [Laughter.]

Mr. GREEN of Iowa. Now, if this provision should be unconstitutional he provides that the rest of his bill would not be affected thereby, but the whole force and effect of the bill would be destroyed if this provision were held unconstitutional as certainly it would have to be. It may be that we would be ruled better and controlled better by some benevolent despot, or three, four, or five benevolent despots, authorized and empowered to enter any sort of a decree that in their opinion might be best, but the time has not yet come when the American people are ready to submit to anything of that kind. This country, Mr. Chairman, is governed by law, in accordance with the law, and under the Constitution that has not yet so far been dispensed with, although by this bill which the gentleman from Kansas has introduced for political effect it would be wiped out entirely.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 2, line 7, after the word, "President," insert the words "by and with the advice and consent of the Senate."

Mr. GRAHAM of Pennsylvania. Mr. Chairman, it will be at once perceived that this amendment relates to the question of the independence and tenure and security in office of the men who will constitute this commission. I am not offering the amendment as one inimical to this bill. I am offering the amendment with the hope of improving it at a point where I think it requires improving. You will recognize that these commissioners are appointed by the President by and with the advice and consent of the Senate. It seems to me that the proper balance would be preserved if their removal depended upon the same thing. An industrial commission is not a part of the executive department of the Government——

Mr. BARKLEY. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. In a moment. It is more nearly related to the judicial function of the Government, and I would wish to see the tenure of office made as secure as possible. Indeed, it was in my thought to suggest that the removal of one of these commissioners, and also of one of the Interstate Commerce Commission, which is now exercising such great powers and discharging such responsible duties, ought to be made only by impeachment in the manner in which we would remove a judge from office. It is in order that these men should be lifted above politics and put upon a high plane. The appointment itself contains the element of political selection, but I make no suggestion about changing that. I refer simply to what will make the men in office more secure, more independent in their action and conduct, and to that end they ought to be removed from office only by and with the advice and consent of the Senate. Now I yield to the gentleman from Kentucky.

Mr. BARKLEY. Is the gentleman aware of the fact that this same provision is the law in reference to the removal of members of the Interstate Commerce Commission, that they are removed by the President in exactly the same language as provided in this bill?

Mr. GRAHAM of Pennsylvania. I am perfectly aware of the fact.

Mr. BARKLEY. Can the gentleman recall any provision of law where any appointive officer whose appointment must be

confirmed by the Senate also is removed by and with the advice and consent of the Senate, not by the President direct; and if that is true, why should exception be made in regard to the members of this commission?

Mr. GRAHAM of Pennsylvania. I recognize that the language of this bill is copied from the act creating the Interstate Commerce Commission, and I also recognize that when the Interstate Commerce Commission was created this sort of legislation was in its infancy and that there is room for improvement in all such provisions. So far as merely appointive officers are concerned occupying positions in the executive departments of the Government and their removal may be concerned it ought to be within the power of the Executive to remove them, and so far as such officials come within his domain I would make no objection, but we are creating something now that lies outside the Executive and more nearly approaches the judicial. We are creating an organization that in the discharge of its duties will exercise functions as high and as great as any ever exercised by judges upon the bench and the tenure of their office ought to be made as secure as possible, and this small amendment would help to create confidence in the independence and endurance of the commission.

Mr. FESS. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes, sir.

Mr. FESS. I would like to ask the gentleman if he has any doubt as to the constitutionality as to that kind of provision involved in his amendment limiting the President in the removal?

Mr. GRAHAM of Pennsylvania. If the limitation were connected with officials absolutely in the executive departments of the Government, there might be a question as to the constitutionality of such a provision, but this commission is not connected with the executive department, but made and declared to be absolutely independent of the power and control of the President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COVINGTON. I want to say a single word in reply——

Mr. ADAMSON. It was understood that five minutes was to be divided up by the gentleman from Illinois and——

Mr. STAFFORD. Why not agree to an extension and let the gentleman from Maryland have more time?

Mr. FOWLER. Mr. Chairman, I gracefully yield my time to the gentleman who is the chairman of the subcommittee on this bill.

Mr. ADAMSON. The only reason I stated this was because we consented to apportion five minutes to the gentleman from Illinois.

Mr. FOWLER. Let the gentleman from Maryland take the time; he has some information, and I want to ask some questions while he does that.

Mr. MURDOCK. If nobody will take the gentleman's time, I will.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CARAWAY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5289) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested.

H. R. 12806. An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside, and appropriating certain money.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4741. An act for the protection of the water supply of the city of Salt Lake City, Utah.

INTERSTATE TRADE COMMISSION.

The committee resumed its session.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. COVINGTON. Mr. Chairman, I simply want to say to the committee I recognize the great legal ability of the gentleman from Pennsylvania, who, nearly 25 years ago, taught me a good deal of what little law I know.

I always listen with a great deal of pleasure to what he has to say on a legal proposition. I think, however, he will, upon reflection, recognize that he is mistaken, and that we can not circumscribe the constitutional right of the President to remove for cause, such as malfeasance in office and otherwise, those statutory officers of the United States created merely by act of Congress. Moreover, the 27 years of experience of the public with the Interstate Commerce Commission has demonstrated that that body, beyond the control of the President, has always had a personnel of such character that there has been no necessity for a single removal from office.

Mr. MADDEN. Does the gentleman from Maryland forget that President Wilson has appointed a majority of the present Interstate Commerce Commission? Has he not done so?

Mr. COVINGTON. I believe he has, through the unusual accidents of vacancies.

Mr. MURDOCK. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman from Maryland yield?

Mr. COVINGTON. I surrendered my time.

Mr. MURDOCK. Mr. Chairman, I ask for recognition, if there is any time left.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] and the gentleman from Kansas [Mr. MURDOCK] both addressed the Chair.

Mr. ADAMSON. The gentleman from Illinois [Mr. FOWLER] had the time and yielded to the gentleman from Maryland [Mr. COVINGTON].

Mr. MURDOCK. How much time is there left?

The CHAIRMAN. There are two minutes remaining.

Mr. MURDOCK. Now, Mr. Chairman, in those two minutes, if I may have the floor——

Mr. ADAMSON. If the gentleman from Illinois [Mr. FOWLER] wants to use the two minutes, I think they belong to him.

Mr. MURDOCK. I think so, too.

Mr. FOWLER. Mr. Chairman, I want to be courteous to all the gentlemen, and certainly if the gentleman from Kansas [Mr. MURDOCK] wants the time, I will be glad to let him have it.

Mr. MURDOCK. Now, Mr. Chairman, I thank the gentleman from Illinois [Mr. FOWLER], and I want my two minutes in full. I wish to reply to the gentleman from Iowa [Mr. GREEN] who preceded me and who criticized one of my bills.

He failed to state to the House that every power that is given the commission under my bills is subject to the review of the court. Now, Mr. Chairman, we have heard a doleful sound from the gentleman from Iowa [Mr. GREEN] this afternoon, and it is a voice from the past. It was from such men as he that we had in this House for years and years obstruction to giving full power to the Interstate Commerce Commission. It was from such gentlemen as he, from Iowa and other States, where the political proclivities are sometimes along the straddling line—it was from such gentlemen as he that we heard for years the dismal declaration that we were encroaching upon the powers of the courts. It was such gentlemen as the gentleman from Iowa [Mr. GREEN], always standing in the way of public advancement and progress, who kept this country back for years from a remedy against discriminative freight rates. And it is from such gentlemen as the gentleman from Iowa, who never takes part except for desultory interruptions here, usually out of order, and not in point—it is from such gentlemen as the gentleman from Iowa that we will continue to have obstruction in giving a trade commission adequate power to handle monopoly. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

Mr. FOWLER. Mr. Chairman——

Mr. GREEN of Iowa. Mr. Chairman——

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I wish to say a word or two to the leader of the Assistant Democratic Party in this House.

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Under the five-minute rule and under your procedure here the gentleman must talk to the subject matter

contained in this section. There is too much of getting away from the five-minute rule.

Mr. GREEN of Iowa. If the gentleman will pardon me, I did not intend to say a word about the Democratic Party.

Mr. MURDOCK. I hope the gentleman from Connecticut will let the gentleman from Iowa [Mr. GREEN] proceed.

Mr. DONOVAN. I insist upon the point of order.

The CHAIRMAN. The Chair was unable to determine the tenor of the gentleman's remark.

Mr. GREEN of Iowa. Mr. Chairman, I will frankly say here and now that I shall not speak to the bill, but I hope there will be no objection. I did not discuss anything personal when I was talking here before. I referred simply to a bill before the House. The gentleman from Kansas [Mr. MURDOCK] in reply saw fit to attack my record.

Mr. MURDOCK. Will the gentleman yield? The gentleman has no record that I ever read about.

Mr. STAFFORD. That is merely a flippant remark, characteristic of the gentleman from Kansas.

Mr. GREEN of Iowa. I hope the gentleman from Connecticut will withdraw his point of order and let me have the five minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] has the floor.

Mr. GREEN of Iowa. Mr. Chairman, when the gentleman from Kansas talks about my record he is talking about something concerning which he has no information. I was a progressive before the gentleman from Kansas ever thought of being a progressive. I was a progressive in the times when it meant something to be a progressive and under circumstances when the movement was not popular. I did not wait for public sentiment to become a progressive.

Mr. MURDOCK. Will the gentleman yield?

Mr. GREEN of Iowa. No; I will not yield.

I have not succeeded, as the gentleman from Kansas has, in capitalizing my patriotism and my progressivism at the rate of $150 a lecture upon the Chautauqua platform, and I do not ever expect to have to do that. In that respect I am behind the gentleman from Kansas and will probably stay there.

Mr. MURDOCK. Will the gentleman yield at that point?

Mr. GREEN of Iowa. No; I will not yield. I have followed those great leaders CUMMINS and LA FOLLETTE in the days of darkness and despair, when they went down to defeat year after year after grueling campaigns that have taken years from the life of both of them, and I am ready to follow them still, within the Republican Party, which has given us the best antitrust law ever enacted in any country, while the gentleman from Kansas has gone off after false gods, like the theories embodied in his bill, for the sake of what he thought at the time would effect a political triumph, but which will never be approved by the people of the United States. [Applause.]

Mr. Chairman, I know what progressive principles are just as well as does the gentleman from Kansas. I belong to that element of the party. I am proud of it, and I do not propose that any gentleman shall stand up here in the House and say that I belong to any element that is trying to obstruct or fetter or prevent legislation against monopolies or trusts. I belonged to that element of the party when the gentleman from Kansas [Mr. MURDOCK] was in small clothes, and I tried to get these measures introduced and passed, and I forwarded them to the best of my ability and power. The gentleman gets up here in his usual style and for the sake of some political purpose or object undertakes to detract from the reputation and the record of gentlemen whom he knows nothing about. He is assuming and arrogating to himself something to which he has no right and something which he can not in justice perform.

Mr. MURDOCK. Mr. Chairman, is any time left?

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. MURDOCK. I move to strike out the last word.

Mr. ADAMSON. Mr. Chairman, I do not want to speak politically, but the political and personal record of these two gentlemen is not material to the pending bill at all. I want them to quit talking politics. I say to the gentleman from the depths of my heart and with tears in my eyes as big as horse apples that watermelons will be ripe in six weeks, and if we keep on talking here about the records of these two gentlemen it will be Christmas before we get home. [Laughter.]

I will withdraw my objection, Mr. Chairman, in the hope that in this instance the gentleman may mention the bill a time or two in his remarks. [Laughter.]

Mr. MURDOCK. Mr. Chairman, I yield to no man in my anxiety over and appetite for watermelons, and I am just as eager to reach that season of the year as any other gentleman is. But I want to reply to the gentleman from Iowa in the next five minutes.

He says that I have attacked him. The fact is that the gentleman from Iowa has just discovered that he barked up the wrong tree. The gentleman from Iowa attacked very flippantly and frivolously and without any real insight into the measure some provisions in the bill that I introduced, and then rises after I have defended my bill and says I have attacked his record.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from North Dakota?

Mr. MURDOCK. No; I do not yield now.

The gentleman from Iowa asserted that he is a progressive. What sort of a progressive is he? He is one of those progressives who dares occasionally to think that he is progressive, but who stays mighty close to the skirts of the old conservative Republican Party. He does not get out very far from her protection. That is susceptible of absolute proof.

There are three parties in this country. The Democratic Party is the traditional conservative party. It now brings before the country a set of trust bills in complete keeping with its traditions—conservative bills, adding a little to an already existing statute. The Progressive Party—which is a truly progressive party—has brought before the committee of the House bills which are not conservative, which take the forward step, just as the step was taken in former years in regard to the strengthening and enlargement of the powers of the Interstate Commerce Commission.

Now, what does the old Republican Party do, the party to which the gentleman from Iowa aligns himself as a progressive? What does it do? Every man within the sound of my voice knows what it does in this crisis. It does absolutely nothing.

Mr. STEVENS of Minnesota. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Minnesota?

Mr. MURDOCK. No. You can speak in your own time.

Mr. STEVENS of Minnesota. Does the gentleman deliberately wish to make a misstatement?

Mr. MURDOCK. I do not yield, Mr. Chairman.

The CHAIRMAN. The committee will be in order.

Mr. STEVENS of Minnesota. Mr. Chairman, the gentleman from Kansas——

Mr. MURDOCK. Will the gentleman listen? In the Judiciary Committee——

Mr. ADAMSON. Mr. Chairman, I ask that we proceed with the consideration of the pending bill.

Mr. MURDOCK. Mr. Chairman, my five minutes are not up. I am talking to the bill. In the Judiciary Committee what did the Republicans propose as an alternative to the Clayton bill? What did they propose? There are three separate and distinct Republican reports out of that committee. First is the one signed by the gentleman from Pennsylvania [Mr. GRAHAM] and Mr. DANFORTH and Mr. DYER, and another report, signed by Mr. VOLSTEAD and Mr. NELSON, and still another, filed by Mr. MORGAN of Oklahoma.

Now, this situation is characteristic of the three parties. The Democratic Party within its lights—and Heaven knows its lights are limited enough—is trying to make a little feeble step in advance of the old conditions. The Progressive Party wants to make a full stride out in front and definitely get somewhere on this problem. The Republican Party, as usual, is divided in council and in opinion, and is taking the negative position, serving as a sort of basket trap to catch people who are dissatisfied with the Democratic Party.

Now, the gentleman from Iowa [Mr. GREEN] calls himself a progressive. As between the Democratic Party, which is really trying to move, and as between the Republican Party, which is standing pat and standing still, and the Progressive Party, which has just put before the country a comprehensive, constructive plan for the destruction of monopoly, the gentleman from Iowa continues, as he always will, to stand still with the standpatters. [Applause.]

Mr. ADAMSON. Mr. Chairman, inasmuch as there is nothing but a pro forma amendment suggested here, I ask that all debate on this section and amendments thereto close in 10 minutes.

Mr. FOWLER. Mr. Chairman, I want to offer an amendment to this section, and I trust the gentleman will withhold his request.

Mr. ADAMSON. That does not cut out the gentleman at all.

Mr. STAFFORD. Mr. Chairman, I do not think we should limit this discussion in this way.

Mr. STEVENS of Minnesota. Mr. Chairman, I want three minutes in which to correct the statement made by the gentleman from Kansas [Mr. MURDOCK]; to make a correction that he would not permit me to make.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend, page 3, at the end of line 9, by adding the following: "That the commission is hereby authorized and directed to offer and pay rewards to the person or persons who shall first furnish to the Government information which shall lead to the detection of violations of the antitrust act of July 2, 1890, and of the acts supplementary thereto, and which shall result in recovery of moneys or property as fines, penalties, forfeitures, or otherwise, to the amount of 10 per cent of the amount recovered.

Mr. FOWLER. Mr. Chairman——

Mr. COVINGTON. Mr. Chairman, I make a point of order against the amendment. I do not wish to cut the gentleman off from discussing it, but it is not germane to this section at all. I will reserve the point of order.

Mr. FOWLER. Mr. Chairman, I think the amendment is germane to the section; and if it is not, I would like to have that question settled. I am not here to take up one minute of the time of this House on this question for the purpose of show, or for any other purpose except to discharge my duty. If the gentleman desires to make the point of order against the amendment, I trust he will do it now.

Mr. COVINGTON. I make the point of order against the amendment that it is not germane to this section. This deals entirely with administrative features.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. FOWLER. Mr. Chairman, the part of the section to which my amendment applies deals directly with the fees of witnesses, and this amendment is nothing more nor less than an enlargement of the fees of the witnesses who shall bring evidence leading to the conviction of men who have violated the very law which this commission is empowered to deal with.

The CHAIRMAN. The Chair is of the opinion that the amendment is broader than the gentleman from Illinois suggests.

Mr. FOWLER. The amendment only deals with the same question. While it gives a larger fee than is given by that part of the section to which it applies, yet it deals with the very same subject matter, and certainly is germane to that part of the section, if not to the other part.

This is a bill creating new law, and I can not understand why it is not germane when it deals with the very point that that part of the section deals with. If the Chair is of the opinion that it is not germane as an amendment to this section, I will offer it as a new section.

The CHAIRMAN. The Chair is constrained to adhere to his original impression that at this point the amendment is not germane.

Mr. FOWLER. Then I offer it as a new paragraph.

Mr. COVINGTON. I do not contend that there may not be parts of this bill conferring express powers upon the commission in relation to investigation, or in relation to the taking of testimony, to which this amendment might not be germane; but the section that is now under consideration deals entirely with the compensation to be paid to the commissioners and the various employees and the witnesses, and it has nothing to do with the administrative powers of the commission.

The CHAIRMAN. The Chair is under the impression that the amendment would apply more properly to a later provision in the bill.

Mr. FOWLER. I have thought that it would apply to other sections, but it can be offered at any time and placed wherever it may be thought to be most proper.

Mr. ADAMSON. Mr. Chairman, if the gentleman will yield, I will ask unanimous consent that the gentleman be allowed to offer the amendment and have it passed on, and that it may be offered to a section where it is germane. There are several sections to come where it will be germane. The gentleman tells me he wishes to get through with it now.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ADAMSON. I understand that the gentleman from Illinois is to have 5 minutes and the gentleman from Minnesota [Mr. STEVENS] 5 minutes——

Mr. STEVENS of Minnesota. I do not care for 10 minutes.

Mr. ADAMSON. I meant to say five minutes each, which was the agreement.

Mr. FOWLER. I do not understand that there is any limitation. This is the only portion of this bill upon which I expect to speak, and I desire to have an opportunity, so that the question may be discussed by other gentlemen who desire to discuss it.

Mr. ADAMSON. I do not make the limitation. The rules of the House make the limitation under the five-minute rule. I ask unanimous consent that when the gentleman has spoken and been replied to debate on this section close.

Mr. FOWLER. I trust that the distinguished gentleman from Georgia will withhold his request at the present time.

Mr. ADAMSON. I will withdraw it, but I notify the gentleman that I do not intend to consent to anybody speaking over five minutes. I will not do it myself.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] has the floor.

Mr. FOWLER. Mr. Chairman, the bill under discussion makes provisions for an Interstate Trade Commission consisting of three commissioners, and clothes them with certain powers and duties, chief among which is to investigate violations of the antitrust acts and report their findings to the President and Congress, with a view of bringing to justice the offending parties and for new legislation, if such should be found to be necessary for the adequate protection of the rights of the people. To properly discharge this important duty this commission will be compelled to rely upon evidence furnished in support of violations of antitrust laws.

Mr. Chairman, my amendment is in aid of this part of the duty of the commission. It is intended to make the evidence more certain and more easily reached. The virtue of a criminal statute does not necessarily lie in the severity of the punishment, but it does depend largely upon the certainty of the enforcement of such statute. A criminal law without enforcement is a dead letter and a burden upon the statute and the State. If this bill when enacted into law is worth anything to the people in the way of relief, it will be found in the certainty of its power to secure convicting evidence of violations of the Federal Criminal Code by gigantic conspiracies against the welfare of this Republic. My amendment will be a great weapon in the hands of the commission in detecting such violations of the law and bringing the criminals to certain justice. If I am not mistaken in the merits of the amendment, then it is most friendly to this bill and should command the respect and support of every Member of this House.

One of the greatest obstacles in the way of prosecuting the powerful combinations is the immense power possessed by them over the persons who are able to furnish the evidence. Usually such witnesses are or have been in the employ of the trusts and through this means have gained personal knowledge of violations of the law, yet they are afraid of losing their jobs, and timidly halt and hesitate to go before courts of justice and divulge the evidence. Often they are afraid of the vast power of these unlawful combinations to injure them in person or in their chances to earn a living for themselves and families. Such witnesses can not be produced unless the Government will throw its strong arms of protection around them and guard them from the vengeance of the combined monopolistic power of men whose hearts are bent on evil and greed.

Mr. Chairman, there is something materially wrong in a country where those who do the most have the least, where industry is clothed in rags and idleness is wrapped in robes, where truth remains silent through fear and falsehood stalks in authority, where wail and want haunt the hovels of the industrious many, while the fruits of their labor are poured into the laps of the idle few. Mr. Chairman, there is something wrong with the school where the teacher whips the little boys unmercifully and permits the big boys to do as they please. There is something wrong with the courts of a country where long terms of imprisonment are speedily imposed upon those who are forced by the pangs of hunger to take a loaf of bread or a roll of sausage from the restaurant through its unguarded broken window pane and at the same time fails to punish the idle rich who violate the law with impunity by robbing the people of untold millions annually. No nation can prosper under such conditions. Discontent and distrust among the many will soon breed opposition to such administration of government and plot its overthrow. Justice demands a speedy punishment of big criminals and the most certain and speedy means of obtaining convicting evidence. My amendment offers such a remedy. Will you accept it, or will you permit the evidence still to hide in the shadow of fear and intimidation, thereby delaying justice in its effort to punish and check colossal crimes?

If you pass this amendment, it will give vitality to this bill and make it a powerful instrument when enacted into law in regulating the business affairs of the Nation. I submit that we

have plenty of precedents for the passage of this amendment. I offer the following statutes upon this subject:

REWARDS.

(The acts of 1866 and 1867.)

Sections 191 and 710 provided for rewards, as follows:

And whenever any person not an officer of the United States shall furnish to a district attorney, or any chief officer of customs, original information concerning any fraud upon the customs revenue, perpetrated or contemplated, which shall lead to the recovery of any duties withheld, or of any fine, penalty, or forfeiture incurred, whether by importers or their agents, by any officer or person employed in the customs service, such compensation may on such recovery be paid to such person so furnishing information as shall be just and reasonable, not to exceed in any one case $5,000.

Section 3463, act of March, 1867, contained the following provisions for rewards:

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to pay such sums, not exceeding in the aggregate the sum appropriated therefor, as he may deem necessary for the detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law.

Upheld in 1876 in Williams *v.* United States (12 Ct. Cls., 192).

CUSTOMS REVENUE.

(Act of June 22, 1874.)

SEC. 4. That whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise in the act of being smuggled, or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure, after deducting all duties, costs, and charges connected therewith. * * *

The following provision is carried in sundry civil bill of June 28, 1902:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payment for information and detection of such violations * * * dollars.

Mr. Chairman, this is not a vicious amendment. It is not armed with teeth and brimstone, but it is in harmony with the practices of the past. We have seen that both the internal-revenue law and the customs-revenue law have provisions for rewards. It was through the reward provision in the customs-revenue law that the Government was able to reach the mighty Sugar Trust, and recovered $2 000,000 on a settlement; and Mr. Parr, the gentleman who furnished that evidence, received his reward. It is a custom in all States of this Union when crime has been committed and the criminal hides so that he can not be detected, or so that his offense can not be properly brought to light by the authorities, to offer rewards in order to bring him to justice. The governors of the States invariably offer rewards in such instances. When crimes have been committed the counties invariably offer rewards for the apprehension and detection of the criminals. This is not an innovation; it is not a departure from the custom heretofore practiced by counties, by States, and by this Nation, but it is in harmony therewith. The first President of the United States was confronted with the very same condition that we are confronted with in hunting up evidence to bring to justice the violators of the antitrust law, and he said in reference to this question in 1776:

It gives me sincere pleasure to find that the Assembly of Pennsylvania is so well disposed to second your endeavors in bringing those murderers of our cause (the monopolists) to condign punishment.

It is much to be lamented that each State long ere this has not hunted them down as pests of society and the greatest enemies we have to the happiness of America.

I would to God that some of the most atrocious in each State were hung in gibbets upon a gallows five times as high as the one prepared by Haman.

No punishment, in my opinion, is too great for the man who builds his greatness upon his country's ruin.

This language has been quoted by many able writers and speakers upon this question, and it has never been more appropriate in the history of America than it is to-day, because the evidence leading to the conviction of those who have violated the antitrust law is in the mind and in the breast of men who are under the influence of the corporate wealth of this country, under the influence of the very men who have committed the offense against the country, and if we offer the reward it will be a security to them that they may be free to come to this commission and divulge the proper evidence for conviction. Senator KERN, the leader of the Democratic Party in the Senate, has introduced a bill, which I hold in my hand, embodying the very same principles, and the part which I have offered as an amendment to this bill is literally copied from Senator KERN's bill which he introduced in the Senate on March 28, 1912.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that privilege under the rule.

Mr. ADAMSON. Yes; the gentleman has that privilege under the rule, and it is also granted for five legislative days to all without their being recognized.

Mr. MURDOCK. Does that apply to the five-minute rule?

Mr. ADAMSON. To everything.

Mr. STEVENS of Minnesota. Mr. Chairman, I sympathize with the purpose of the gentleman from Illinois [Mr. FOWLER], and I know that he desires to have this bill passed in the best condition possible, and to grant to this commission the authority necessary to perform its functions to the best advantage of the American people. His amendment is not in accord with the theory or object of the bill. This provision properly should be under the jurisdiction of the Department of Justice. If there is anything which will injure the trade commission, which will impair its influence, and possibly bring ruin to its great mission, it will be to have it regarded throughout the country as a detective bureau. The best information it can secure for the benefit of Congress and for the best interests of all classes of people and business of this country is that which will come voluntarily, without compulsion; and if it be understood that it will perform or must assume the functions of a detective bureau, naturally it will have that sort of a badge or label and that sort of a reputation if we adopt this amendment. Good and reputable men can not afford to be connected with it or help it. Their motives and actions would be under suspicion of petty gain or graft, and they might be classed with the informers. Such a condition and sentiment would injure the purpose and diminish the benefits of the commission more than could be done by any other single amendment. I think such a provision ought to be adopted or exist in the right kind of a measure, but it should be put where it belongs, as a part of the functions of the Department of Justice. I think the department now has funds for a somewhat similar purpose, and if the authority is not broad enough it should be strengthened by appropriate action of Congress.

Mr. BARTLETT. Mr. Chairman, the Department of Justice has funds appropriated every year in the sundry civil appropriation bill for that purpose.

Mr. STEVENS of Minnesota. Yes; that has been done for 10 or 12 years. I think there are several funds which may be used for such purposes. One is the general lump appropriation containing the proviso exempting from its operation the farmers' and labor organizations.

But I wish now to pursue another branch of the subject, and to make a correction in the statement of the gentleman from Kansas [Mr. MURDOCK], for I know that he does not desire to make an incorrect statement or to place in the RECORD here as facts statements which are not sustained by the record itself. The Progressive Party, represented by him, and under his leadership, has introduced one set of bills, unless he will assume paternity and responsibility for the bill introduced by the gentleman from Oregon [Mr. LAFFERTY]. I presume originally he would have been willing to do that, but it may be that the events of the last few weeks will make him now willing that we should divide that responsibility with him. [Laughter.] We have no desire, however, to extend our authority any further than is necessary, I assure him. The fact is that this bill as it stands before the House is based principally on Republican measures introduced in past or present Congresses. I hold in my hand a report of the last Congress on the subject of a trade commission, by Senator CUMMINS, of Iowa. That report contains more of value which has been used by this committee than any other one document. It is one of the clearest and ablest presentations of the general aspects of this important subject which has been before us. I hold here a bill introduced in that Congress by Senator CUMMINS, of Iowa, on the same subject, creating a trade commission, and the committee will notice from the marginal notations upon it that more was taken out of that bill than any other one measure which this committee used. I hold here another very able and comprehensive bill, introduced by the gentleman from Oklahoma [Mr. MORGAN], whose Republicanism can not be questioned. We found some valuable and well-considered and well-drafted provisions in his bill which we used with profit.

There is another bill by Representative MARTIN, of South Dakota, and another, along the same lines, by Representative ROBERTS, of Massachusetts, which we considered.

I think four times as many Republicans as Progressives have introduced bills of this character in this same Congress. I know the gentleman from Kansas did not know anything about that fact, but the records of our committee show that these are the facts, and I am glad to bring the credit of these facts before the House. We have already and many times pointed out

in our minority report and in our remarks that our Republican platform indicates about the line of this measure, and we had the mandate of our party platform in mind in our formulation and support of it. It follows the recommendation of President Taft in his message, I think, in 1912. It followed, in part, the recommendations of Attorney General Wickersham as to some of the most valuable provisions contained in this bill.

Our Democratic colleagues were informed of these facts, and freely conceded the credit of all of them. They realized that the way had been blazed by the practical statesmanship of the Republican leaders, and that the safest and best line of action *now* would be to do about what the Republicans would have done had the responsibility at this time been cast upon us. The Republicans always try to be genuinely constructive, and regard conditions as they are, and seek a practical remedy for conceded evils which will really aid in curing them without causing a vastly greater distress by causing chaos and disaster, which would certainly follow the enactment of such a measure as proposed by the gentleman from Kansas. There is nothing startling or sensational about our measure, but it will stand the test of practical experience. So I think that the Republicans have a right, and they have assumed this right which has been freely granted by our Democratic brethren, to do the best we can to assist them in preparing a bill which shall be of real benefit to the country along the line of Republican leadership and the Republican platform. [Applause.]

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do not agree with the views expressed by the gentleman from Minnesota——

Mr. COVINGTON. Mr. Chairman, will the gentleman yield to me for one moment? I desire to ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that all debate on this amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAHAM of Illinois. Mr. Chairman, I do not agree with the gentleman from Minnesota [Mr. STEVENS]. The amendment offered by the gentleman from Illinois [Mr. FOWLER] is not in the nature of a detective provision, and it does not bear any of the earmarks of such a provision, in my opinion. The principle involved in it is as old as the common law. In nearly every State in the Union I think the State provides for what are called qui tam actions, whereby, if certain laws are violated, anyone who knows of the violation can prosecute and can recover a certain per cent of the amount given in judgment against the offender. That is the principle involved in this amendment offered by the gentleman from Illinois, and it is sound and it is wise. I think the principle is not only sound, but I think the policy involved in it is a very wise policy. There have been in the past, I believe, serious violations of the antitrust law. There are many instances of contracts with the Government where those contracts have been willfully and materially violated; where frauds, in my judgment, have been perpetrated upon the Government; and this is just as good a place as any where a provision may be inserted in the law covering these fraudulent violations by contracting parties with the Government of the United States.

Now, the question before us at this time is that if this amendment be agreed to, if this provision be approved, it will be inserted in the bill at any point where it will fit. As my colleague has said, the leader of the Democratic Party in the Senate has approved of it by introducing a bill from which this amendment is taken. If it is not adopted now, the chances of its immediate adoption are not very bright, and it is very clear that such a provision as this ought to be inserted at this time, so that it may become the law of the land as soon as practicable, and that an impetus may be given to those who have knowledge of such facts to produce them. It is said that this commission is not the proper tribunal before which to bring such complaints, but this body is at least quasi judicial and probably will have as much time as a court to hear complaints of this character and pass upon them. I sincerely trust, Mr. Chairman, that this provision will be approved of by the committee at this time and incorporated into this bill at a point where it will fit.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The information obtained by the commission in the exercise of the powers, authority, and duties conferred upon it by this section may be made public, in the discretion of the commission.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Maryland a question. This is the section which provides for taking over by the commission of the Bureau of Corporations. Now, the Bureau of Corporations in years past has investigated several of the larger corporations—the Beef Trust, the oil industry, the Harvester Trust, and so forth—and a portion of that information which they collated was published, but there must have been a world of it which was not published, for various reasons. Now, is that information in existence in that bureau?

Mr. COVINGTON. I can not state whether all the information that was unpublished in those three great investigations is actually in existence, but I will say that in order to preserve and transfer to the possession of the commission all papers that are now in existence we have provided very careful phraseology near the top of page 4, that all records, papers, and documents now in existence in the Bureau of Corporations shall be transferred to and become the property of the commission.

Mr. MURDOCK. So those would go over?

Mr. COVINGTON. Those would go over.

Mr. MURDOCK. Another question. In the early part of the history of the Bureau of Corporations a very strong recommendation was made for a law creating a Federal license, which the gentleman from Maryland will remember, to be administered by this Bureau of Corporations.

Now, if in the future such a law is passed, and in all probability it will some time become law, would that naturally, then, put the administration of that law in this new commission?

Mr. COVINGTON. That would depend entirely——

Mr. MURDOCK. Upon the law itself?

Mr. COVINGTON. But, unquestionably, if there were a scheme for Federal incorporation carried out upon the plan recommended by Commissioner Garfield, for he was the Commissioner of Corporations who made that recommendation, it would almost of necessity vest in the Interstate Trade Commission the administration of the plan. I do not think that I quite agree with the gentleman from Kansas [Mr. MURDOCK], however, in his statement that Federal incorporation is almost a certainty in the very near future. To my mind it is yet a long way off.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of obtaining information. I would like to have the attention of the gentleman from Maryland [Mr. COVINGTON]. I wish to ask him what added powers, other than those which are conferred in other sections of the bill, are transferred to the commission, other than those now possessed by the Bureau of Corporations, by this section?

What are those powers which they would otherwise have if no powers were transferred by this section? In this connection, as the gentleman knows, all the powers they now have are under the direction and control of the Secretary of Commerce. Now, the Secretary of Commerce being deprived of his directory power, what powers would be transferred which are not incorporated in other sections of this bill?

Mr. COVINGTON. The answer to that is that, after a very careful examination of the statute and the peculiar phraseology of it, creating the Bureau of Corporations and the Commissioner of Corporations, the committee came unanimously to the conclusion that the powers, and the duties as well, of both the Bureau of Corporations and the Commissioner of Corporations—for that is the language used—were not dependent upon the direction of the Secretary of Commerce; but the manner of the exercise of those powers was dependent upon his direction, the powers and duties inhering in the bureau and in the commissioner. Consequently they were such that they could be vested in the commission and made exercisable by it independently of the Secretary of Commerce, just as though an act of Congress had repealed that clause directing them to be exercised by the Secretary of Commerce, and which would leave the powers in their full vigor, to be exercised independently by the Bureau and by the Commissioner of Corporations.

Mr. STEVENS of Minnesota. Is not this what the gentleman from Wisconsin desires? I read from the act creating the Bureau of Corporations, which power is not contained in any other provision of the bill and is probably the most important so far as the general business world is concerned of anything in the measure. It says:

It shall also be the province and duty of said bureau to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or any commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

The effect of that as construed is and will be, as we hope, that the general mass of information that the men of this country desire will be gathered under that provision and may be published under that provision. If any of them desire in-

formation as to its business, that information will be furnished under this provision.

Mr. STAFFORD. That power will be transferred to the new commission which is not specifically in other sections of the bill?

Mr. STEVENS of Minnesota. This is not incorporated in any other part of the bill, and that is one of the most useful functions of the commission.

Mr. STAFFORD. In that connection I wish to ask another question. Although you make a transfer of all clerks and employees now employed at the bureau by this section, is there any provision for the transfer of the deputy commissioner?

Mr. COVINGTON. I will state that that office has been abolished entirely.

Mr. MURRAY of Oklahoma. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. BARTLETT. Mr. Chairman, some question was asked as to what became of the record of the investigation by the Bureau of Corporations——

Mr. MURDOCK. I asked that.

Mr. BARTLETT. I have seen it stated in the press and heard it stated that the records of the Harvester Trust investigation, when it was suggested that the Senate was about to make an investigation, were taken from the office of the Bureau of Corporations and carried to the White House by a former President of the United States.

Mr. STAFFORD. And I presume they are still intact in possession of that former President or some person in behalf of the Government.

Mr. BARTLETT. I never heard of them being returned by the President.

Mr. COVINGTON. I think they may be at Oyster Bay.

Mr. BARTLETT. Yes; I think they may be at Oyster Bay.

Mr. TALCOTT of New York. Or they may be floating on the current of the unknown river.

Mr. BARKLEY. He may have dropped them down in that new river which he discovered.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 20, after the word "this," strike out the word "section" and insert the following: "act shall be furnished to the Interstate Commerce Commission and to all railroad or corporation commissions of the several States and Territories," so that the paragraph as amended will read:

"The information obtained by the commission in the exercise of the powers, authority, and duties conferred upon it by this act shall be furnished to the Interstate Commerce Commission and to all railroad or corporation commissions of the several States and Territories, and may be made public, in the discretion of the commission."

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the amendment be reported again.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The amendment was again read.

Mr. ADAMSON. Let the Clerk indicate how the provision will read as amended.

The Clerk read as follows:

So that the amendment will read: "The information obtained by the commission in the exercise of the powers, authority, and duties conferred upon it by this section shall be furnished to the Interstate Commerce Commission and to all railroad or corporation commissions of the several States and Territories, and may be made public, in the discretion of the commission."

Mr. MURRAY of Oklahoma rose.

Mr. TOWNER. Mr. Chairman, will the gentleman yield for a question, suggested by his amendment, before he begins?

Mr. MURRAY of Oklahoma. Yes, sir.

Mr. TOWNER. As I understood it, ought not the amendment to read, "Upon request"? It was the intention that this information should be furnished upon request to such commission?

Mr. MURRAY of Oklahoma. I think I would have answered that if the question had not been asked.

Mr. TOWNER. Then I beg the gentleman's pardon.

Mr. MURRAY of Oklahoma. Mr. Chairman, the purpose of this amendment is to furnish an instrument of "information and publicity" as a "clearing house" for facts by which the public mind and the managers of business interests shall be guided, so runs the committee report. It is suggested, further, with a view to aiding the courts.

There are two ways by which this information may serve the public. One is, as suggested in the bill, to procure a basis upon which the President may predicate a recommendation to Congress, or upon which Congress may enact legislation. Another is in the matter of regulating such corporations as are under the control of the different branches of the Government.

Now, I call the attention of the committee to this fact: You can go to the Treasury Department and get the names of the stockholders of the banks of the country. You can go to the Interstate Commerce Commission and get certain information with reference to the railroads. You can not go anywhere and get official information concerning the operation of the Standard Oil Corporation or its allied concerns. You ought to have official information of the output every day, of the raw product, of the refined product, of the demand of the country for oil, so that in a given section or field we may know to a certainty whether or not there is an overproduction, as is claimed by the Standard Oil interests whenever it seeks to control the independent operator.

In our State the railroad and corporation commission has a power that no other like body possesses, because it has legislative and judicial powers as well as executive powers. No other body on this continent possesses such powers. They can get information where it relates to intrastate, but not where it relates to interstate, commerce or business. The Interstate Commerce Commission itself can not get full and complete information under the powers that Congress has granted to it. More than once have they sent their representatives to Oklahoma to get information with reference to railroads in that State.

Now, a corporation commission like ours, that may regulate all public-service corporations or quasi public-service corporations, or any other institutions wherein a trust appears, including grain separators and cotton gins, as well as electric lights, railroads, and things of that sort, ought to have such information as it is not now able to obtain. Certainly the purpose of this commission is to procure information and to secure evidence, and if that evidence is not forthcoming to the different commissions of the country in the various States which could not, as you will readily understand, get hold of it, then it would be of very little benefit. I do not believe for a moment that this House or that this committee would object to the requirement of furnishing such information to the Interstate Commerce Commission and to the various railroad commissions of the States. They, of course, will not ask it except in cases where it concerns things under their charge and control, leaving the other matters to be "published in the discretion of the commission."

I call attention to the fact also that if you get partial information by this bill and do not get all you can not predicate upon it sound legislation, nor can the President, upon it as a basis, make a proper recommendation as to legislation; and you may rest assured that these corporations will not give you any information except that which they want to give you, unless you compel them to do it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MURRAY of Oklahoma. Well, Mr. Chairman, I heard the gentleman from Maryland [Mr. COVINGTON] say he was going to object to granting any further time, and so I will not proceed.

Mr. COVINGTON. I did not say that.

Mr. ADAMSON. I hope the gentleman will not ask for more time. I love him so well that he will take less offense if I decline to give him more time than anybody else would in the House.

Mr. MURRAY of Oklahoma. Mr. Chairman, will the committee stand 10 minutes more?

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for 10 minutes more. Is there objection?

Mr. MURRAY of Oklahoma. Mr. Chairman, I will not insist on it now, but will ask for time in a few moments on another amendment that is more important than this.

Mr. COVINGTON. Mr. Chairman, I want the committee to understand that I appreciate the purpose of the gentleman from Oklahoma in offering this amendment; but it just shows how even in a bill as technically framed as this, and as carefully constructed as this, the offering of a chance amendment prepared outside may destroy the very purposes or purpose that this bill seeks to effectuate.

This amendment is offered to the section which transfers the powers of the Bureau of Corporations to the interstate trade commission. One of the most serious objections to that bureau at the time it was created, in the administration of the then President Roosevelt, was that he was able, through the statute then written, to hold in the hollow of his hand and use at his imperious will the information gathered by the investigations conducted under it; and one of the motives of this committee in transferring these powers in the way that they are trans-

ferred was to provide that the information obtained should be made public under this section at the discretion of the commission. If we strike out the words in this section and insert the words "shall be furnished to the Interstate Commerce Commission and to all railroads or corporation commissions" the effect will be to eliminate entirely that provision which makes this publicity a real, independent publicity, and will restore to the control of the President entirely the publicity obtained under that section.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. COVINGTON. I yield to the gentleman.

Mr. MURRAY of Oklahoma. I do not change the power of publicity provided here, and I would not ask that all this information be published. I realize that for business reasons certain information ought not to be published, but when it relates to those peculiar things under the control of the State corporations of the different States, they ought to have the right to that information, and the gentleman understands how difficult it is to get it without making it compulsory.

Mr. COVINGTON. I think the gentleman from Oklahoma [Mr. MURRAY] will appreciate that if there is merit in his proposition he has offered it to the wrong section. This section does not pretend to do anything except to transfer the powers now existing in the Bureau of Corporations to this independent commission. It does not relate to the investigations that may be conducted under the other sections. It does not relate to the information which may be elicited by virtue of the independent requirements for annual and special reports which we provide shall inhere in this commission, but it relates entirely to the removing from the control of the Executive the power that he now has over the information gathered by the Bureau of Corporations. The commission itself is given complete control of the publicity of that information, and if the gentleman's amendment prevails the result will be simply to make the commission subordinate to the President in matters of publicity, as the Bureau of Corporations now is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MURRAY].

The amendment was rejected.

The Clerk read as follows:

SEC. 5. That, with the exception of the secretary and a clerk to each commissioner, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

Mr. TOWNER. Mr. Chairman, I think it is perhaps generally admitted that it will be necessary to appoint attorneys to assist the commission, will it not?

Mr. COVINGTON. Unquestionably.

Mr. TOWNER. I think you would hardly expect those attorneys to be under the Civil Service Commission.

Mr. COVINGTON. I think if the gentleman will examine the second paragraph of section 8 of the bill he will find that there is an express provision, in very much the same language as that contained in the act to regulate commerce, whereby necessary special attorneys and experts are authorized to be employed, just as we have special attorneys and agents of the Interstate Commerce Commission, entirely outside of the classified service.

The Clerk read as follows:

SEC. 6. That the words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

"Corporation" means a body incorporated under law, and also joint-stock associations and all other associations having shares of capital or capital stock or organized to carry on business with a view to profit.

"Capital" means the stocks and bonds issued and the surplus owned by a corporation.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also the sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894; and also the act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913.

"Acts to regulate commerce" means the act entitled "An act to regulate commerce," approved February 14, 1887, and all amendments thereto.

"Documentary evidence" means all documents, papers, and correspondence in existence at and after the passage of this act.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 5, line 14, after the word "Constitution," strike out the period and insert a comma and add the following: "excepting commerce subject to the act to regulate commerce."

Mr. TOWNER. Mr. Chairman, the gentleman in charge of the bill will remember that when he was addressing the House the other day I called his attention to this definition of "commerce." The word "commerce" is used in various parts of the bill, and under this broad definition it would include all transportation companies and railways.

I call the attention of the gentleman to the fact that section 9 contains these words:

Every corporation engaged in commerce, excepting corporations subject to the act to regulate commerce.

There is the limitation that ought to be in this definition of "commerce." As the gentleman will remember, there are other provisions of the bill that refer to the word "commerce." Unless the word "commerce," as it is used here, is given the same limitation as is given in section 9, I think there will be confusion in the bill.

Mr. ADAMSON. I do not think it ought to be in section 9.

Mr. COVINGTON. I am glad to have the interruption of the gentleman from Iowa. As I stated fully in my speech presenting this bill to the House on Tuesday last, there is but a single section in this bill, and that is section 10, where the commission is given power, except by direction of the courts, to make any inquiry into the affairs of corporations subject to the act to regulate commerce.

In the exercise of the powers under section 10 it is emphatically not intended to limit the operations of the commission to corporations not subject to the act to regulate commerce. It is intended to include all corporations. Common carriers connected with and so related to industrial corporations, great plants along their lines, as practically to constitute a unit in a combination are clearly within the purview of the existing antitrust law. That sort of a combination in restraint of trade may need a thorough investigation; and if the interstate trade commission is not to be permitted, in making such an investigation, to cross the line of the industry and go into the books of the common carrier to the extent of discovering whether the antitrust laws are actually being violated by it, the investigation under section 10 would be often fruitless. I think the gentleman will find, therefore, that the amendment he suggests is both unwise and unnecessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 5, line 17, strike out the word "or" following the word "stock."

Mr. TOWNER. Mr. Chairman, I think that word "or" must have been used inadvertently. It certainly should be used only, not in the disjunctive, but as directly connected with that which precedes it. The intended meaning is that all organizations having shares of capital or capital stock organized to carry on business with a view to profit.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. STAFFORD. Does not the phraseology as it now exists include partnerships or associations who carry on business with a view to profit?

Mr. TOWNER. Certainly; it was not the intention evidently to use the disjunctive and create another division. It was intended to further characterize the associations which have been previously described.

Mr. COVINGTON. Mr. Chairman, that whole definition was framed advisedly after we thrashed it out pretty thoroughly. Under some of the varied laws that exist in the States limited copartnerships and associations of various kinds, having limited liabilities of the same sort as corporations and practically coming within the scope of corporate responsibility, may be organized. There are at least one or two of these associations organized with a view to profit which now almost approach the status of a combination in restraint of trade. They might exist without having any capital stock at all. The gentleman will, I think, upon reflection, see that they ought to be reached by the provisions of this bill.

Mr. TOWNER. Mr. Chairman, I think the entire bill would have to be reconstructed if it is intended now to include partnerships within the operation of this law.

Mr. GRAHAM of Illinois. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN (Mr. BARTLETT). Does the gentleman yield?

Mr. COVINGTON. I yield for a question, but I think the gentleman from Iowa has the floor, and there is an amendment pending.

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. GRAHAM of Illinois. Mr. Chairman, I desire to offer an amendment.

Mr. TOWNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNER. As I understand, there is only one question which is before the House, and that is my amendment.

The CHAIRMAN. The gentleman desires to offer another amendment.

Mr. TOWNER. In the nature of a substitute?

The CHAIRMAN. The gentleman has not yet offered his amendment, so the Chair can not tell.

Mr. GRAHAM of Illinois. My amendment applies to another section, and I shall withhold it and ask recognition later.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. GRAHAM of Illinois. Mr. Chairman, in order to get the attention of the gentleman from Maryland, on page 6, line 13, I move to insert after the word "all" the word "material," so it will read:

Documentary evidence means all material documents.

And so forth.

I make the motion for the purpose of asking the gentleman from Maryland a question as to why there is not some limitation.

Mr. COVINGTON. We think the courts, after all, are the proper places to determine what documents, as well as what personal evidence, may or may not be material. The word "documents," in order to be an efficacious word, must be practically all embracing, so as to cover all documents; and whenever documents are compelled to be produced, the burden of showing that such documents which the commission, in an investigation, or in any other proceeding under this act, desires to have access to ought not to be produced, should be upon the corporation. The case may be carried to the courts, and they will protect the corporations in the unlikely event that their constitutional rights are being invaded.

Mr. GRAHAM of Illinois. The language as it now stands is so broad it gives the commission power to make any citizen bring in any documents or papers or correspondence that he controls. What I wanted to know is whether the gentleman's committee had taken that into consideration and had then formulated the language as it is printed?

Mr. STEVENS of Minnesota. Does not this solve the matter? Under the Constitution this commission can conduct only two lines of investigation, one that shall be in the nature of an assistance to a judicial proceeding which must be distinct and clear, and of course any document that pertains to the proceeding must be material. The other line of investigation must be an investigation in the line of legislative action, or practically that, and in order to have any effectiveness it must be followed by specific public action. Now, the investigation pursues a concrete line of inquiry on a certain concrete subject, and of course the court can only construe those words with reference to the particular thing that the commission is doing at the time and for which they require the documents, so that the amendment of the gentleman is unnecessary for the reason that the whole bill would only be constitutional on the theory that the particular investigation was judicial on the one side or legislative on the other, and that those documents must pertain at the time to the particular thing that the commission has authority to do.

Mr. GRAHAM of Illinois. And who is to determine that question?

Mr. STEVENS of Minnesota. Of course that is a matter for the court.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. STEVENS of Minnesota. The gentleman from Illinois has the floor.

Mr. MURRAY of Oklahoma. Does the gentleman for a moment contend we could not make legislation here that would be constitutional to get this information for any purpose?

Mr. STEVENS of Minnesota. It is very clear we could not. The Supreme Court has decided time and time again the question involving the powers of this very House. In the celebrated Kilbourn case they held that we have no right to make a dragnet investigation.

Mr. MURRAY of Oklahoma. The House is different——

Mr. GRAHAM of Illinois. Mr. Chairman, I can not yield further. There is one other question I want to suggest, and I do not care whether the gentleman from Minnesota or the gentleman from Maryland answers it. As the language reads now is it not a violation of the constitutional provision in reference to unlawful seizure?

Mr. STEVENS of Minnesota. No; for the reason that the courts would construe it in connection with the particular proceeding that the commission was undertaking.

Mr. GRAHAM of Illinois. Does not this commission get power first to compel its production before it can go to the court to be passed upon?

Mr. STEVENS of Minnesota. No; the commission gets its authority from the law to conduct a particular proceeding either legislative or judicial. That particular proceeding is along a certain line, to which certain facts are relevant. Within that scope of relevancy these documents can be obtained, and the court would construe this language so as to come within the relevancy of the proceeding that the commission would undertake. That is all.

Mr. GRAHAM of Illinois. Mr. Chairman, I simply made the motion in order to get light on this point, and while the light does not completely satisfy me, yet I withdraw the amendment.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 6, line 15, insert a new paragraph, as follows:

"That the powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate, combinations, and corporations, as hereinbefore defined, engaged in or affecting commerce, except banks and financial corporations, and such corporations as are subject to control by the Interstate Commerce Commission."

Mr. TOWNER. Mr. Chairman, nowhere in this act is there an express statement of the classes of corporations over which it is to operate, and now since we have had the idea of the gentleman with regard to the section that I referred to a moment ago, it is more indefinite than ever. There can be nothing that will so discredit this act as indefiniteness. Now, it occurs to me that the opinion of the country is settled as to what should be the scope of the operations of this act. We have now the Interstate Commerce Commission, that has control over the transportation companies of the land. We have now established the Federal Banking Reserve System, which will have control of those matters. It is now sought to establish, and I want to aid in every possible way that I can in that laudable undertaking, a great trade commission that shall have jurisdiction over the great trade combinations and corporations of this country. It occurs to me that this bill without a declaration of what it is to operate upon is very much like the tragedy of "Hamlet" with the part of Hamlet left out of it. Certainly we can not now answer, if the inquiry is made, as to what is the scope of the jurisdiction of this trade commission. I want to say to the members of the committee that this definition of what shall be the objects and purposes and the jurisdiction of this trade commission is what has already been agreed upon by the subcommittee of the Senate in defining and fixing the jurisdiction, as they do, of the trade commission, so that we shall have in advance placed ourselves in harmony with their action upon that great subject. I can conceive of no reason why this should not be done or why the definition that I have set forth there does not meet every purpose specified by those who have the passage of this bill in their desire.

Mr. MURDOCK. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MURDOCK. What divisions does the gentleman make as to corporations, associations, and so forth?

Mr. TOWNER. I will give the gentleman the exact language. It says:

That the powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations, as hereinbefore defined, engaged in or affecting commerce, except banks and financial corporations, and such corporations as are subject to control by the Interstate Commerce Commission.

Mr. MURDOCK. Your exclusion then would include pipe lines?

Mr. TOWNER. Oh, certainly. They are subject to the Interstate Commerce Commission.

Mr. MURDOCK. Now, the corporate combinations would include joint stock companies?

Mr. TOWNER. Yes; holding companies and everything of that kind?

Mr. WILLIS. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. WILLIS. In his judgment what would be included in that phrase "financial corporations"?

Mr. TOWNER. I think those which are exclusively trust companies and business of that kind which are now under the control of the Federal Reserve Board, or will be.

Mr. WILLIS. That is the very point. Are they under such control?

Mr. TOWNER. They are not now, all of them.

Mr. WILLIS. They are not under any law. Now, would it not narrow the purpose of this law to exclude them? Would it not be desirable that they as well as the banks should come under the terms of this bill?

Mr. TOWNER. I should say emphatically no, because their supervision and control should not be committed to a Federal trade commission. It ought to go to the Federal Reserve Banking System. Financial combinations of the country should be subject to its control.

Mr. MADDEN. Will the gentleman yield to me there?

Mr. TOWNER. Yes.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TOWNER] has expired.

Mr. TOWNER. Mr. Chairman, I ask for five minutes more.

Mr. ADAMSON. I can not allow that. I will give notice that no man can have more time than five minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] objects.

Mr. STEVENS of Minnesota. Mr. Chairman, I think that the gentleman from Ohio [Mr. WILLIS] well stated the objection to the amendment of the gentleman from Iowa [Mr. TOWNER]. It would narrow the scope of this bill. This very section, on page 5, line 15, defines what would come under the scope of the bill under the definition of "corporations." It is defined as "a body incorporated under law," and it also defines and describes "joint-stock associations and all other associations having shares of capital or capital stock or organized to carry on business with a view to profit." That includes all sorts of corporations and organizations—copartnerships and all.

Now, the principal section of the bill giving the power to investigate, to order, and to receive reports, is section 9, which reads as follows—that is, the beginning of it: "That every corporation engaged in commerce"—that is to say, every one of these legal entities just defined and described engaged in interstate or foreign commerce comes within the scope of the bill, so that it is not necessary to make any reference to the financial institutions at all. They do not come within the scope of the bill unless they engage in commerce, as described on page 5, and if they do engage in commerce they ought to come within the scope of the bill.

Mr. WILLIS. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Ohio?

Mr. STEVENS of Minnesota. Certainly.

Mr. WILLIS. I will call the gentleman's attention to section 10. This section includes the investigation of the alleged violation of the antitrust act by any corporation. Now, if the amendment offered by the gentleman from Iowa [Mr. TOWNER] should prevail, it would not be possible to have an investigation which in any way involved a financial corporation.

Mr. STEVENS of Minnesota. The gentleman makes a good suggestion. If I recall rightly, the old charter of the Chemical Bank, in New York, was not based solely upon a banking privilege but upon some industrial privilege. I have no doubt that there are many financial institutions of that sort in this country which are engaged in some industrial pursuit that would come within the scope of this act. We can not, and ought not, to separate the two functions. They ought to be under the jurisdiction of this commission in order to protect the public, in order that all of their public operations should be supervised, just the same as where a railroad company engages in work outside of that of a public carrier. In that case such work ought to come within the scope of this commission for investigation. So that it is not safe now to make such a change in the phraseology, where the committee has gone over this matter so carefully, and defined the word "corporation" as carefully as we have done, and defined and measured, as we have, the authority in sections 9, 10, and 11. I very much fear the amendment of the gentleman from Iowa would restrict the power and functions of the commission.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Kansas?

Mr. STEVENS of Minnesota. Certainly.

Mr. MURDOCK. Does the gentleman from Minnesota contend that the word "corporation" in section 9 covers everything in the way of a holding company?

Mr. STEVENS of Minnesota. Yes; every corporation engaged in commerce except common carriers, and even as to them I do not know but that we include their operations outside of public carriage regulated by the interstate-commerce acts.

Mr. MURDOCK. It would cover trust companies and holding companies?

Mr. STEVENS of Minnesota. Yes; it would cover every sort of corporation that engages in interstate commerce except common carriers.

Mr. MADDEN. Mr. Chairman, I suggest that it is now half past 5 o'clock, and under the rule it is time that the committee should rise and that the House should take a recess.

Mr. STEVENS of Minnesota. Let us have a vote, Mr. Chairman.

Mr. MADDEN. Under the rules of the House, under which we are considering this bill, we are to quit at not later than 5.30.

Mr. GARRETT of Tennessee. That applies only to general debate.

Mr. ADAMSON. The rule referred to by the gentleman from Illinois [Mr. MADDEN] covers only general debate. We are not now in general debate. However, as we have lost so much time to-day, we did hope gentlemen would be willing to run along until 6 o'clock, to see how far we can get.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes the point that under the rule this is the time to take a recess. This is the rule:

> During the continuance of this order of business, except on Wednesdays, the House shall meet each day at 11 o'clock a. m. And while the general debate is in progress the House shall recess at not later than 5.30 p. m., until 8 o'clock p. m., when it shall reconvene and continue in session until not later than 11 o'clock p. m.

Mr. ADAMSON. If the Chair will observe, he will notice that the recess provision applies only to general debate.

The CHAIRMAN. The Chair was going to rule that this does not hold during the debate under the five-minute rule.

Mr. ADAMSON. Let me say to the gentleman from Illinois [Mr. MADDEN] that I would like to run until 6 o'clock, if he is content.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum. The Chair can not overrule that unless there is a quorum here.

The CHAIRMAN. The Chair will count.

Mr. ADAMSON. Mr. Chairman, I hope the gentleman will not make his point of no quorum. I just stated that we agreed with the gentleman from Wisconsin that we would rise at a quarter to 6 o'clock. I want to get as near 6 o'clock as we can, because we lost a lot of time to-day.

The CHAIRMAN (after counting). There is no quorum present; there are 61 Members.

Mr. ADAMSON. I did not understand, Mr. Chairman, that the gentleman from Illinois insisted upon his point of order. I think I will let the roll be called. I had agreed with the gentleman from Wisconsin that we would run until a quarter to 6; but if the gentleman from Illinois makes the point of no quorum, let the Clerk call the roll.

The CHAIRMAN. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Copley	Goldfogle	Konop
Aiken	Cramton	Goulden	Korbly
Ainey	Crisp	Griffin	Kreider
Ansberry	Dale	Gudger	Lafferty
Anthony	Danforth	Guernsey	La Follette
Austin	Deitrick	Hamill	Langham
Avis	Dent	Hamilton, N. Y.	Langley
Barchfeld	Dickinson	Hamlin	Lee, Ga.
Bartholdt	Difenderfer	Hardwick	Lee, Pa.
Bathrick	Donovan	Harris	L'Engle
Bell, Ga.	Driscoll	Harrison	Lenroot
Booher	Drukker	Hart	Lever
Borchers	Dunn	Hayes	Levy
Borland	Dyer	Heflin	Lewis, Pa.
Bowdle	Eagle	Helgesen	Lindbergh
Broussard	Edmonds	Helm	Lindquist
Brown, N. Y.	Elder	Henry	Lobeck
Brown, W. Va.	Estopinal	Hill	Loft
Browne, Wis.	Evans	Hinds	Logue
Browning	Fairchild	Hobson	McAndrews
Bruckner	Faison	Houston	McClellan
Brumbaugh	Farr	Howard	McDermott
Burke, Pa.	Fergusson	Hoxworth	McGillicuddy
Butler	Ferris	Hughes, W. Va.	McGuire, Okla.
Callaway	Finley	Humphreys, Miss.	McKenzie
Campbell	Fitzgerald	Johnson, S. C.	MacDonald
Cantor	Flood, Va.	Jones	Maguire, Nebr.
Cantrill	Fordney	Keister	Mahan
Carew	Frear	Kelley, Mich.	Maher
Carlin	Gard	Kelly, Pa.	Manahan
Carter	Gardner	Kennedy, Conn.	Mann
Casey	Garner	Kennedy, Iowa	Martin
Chandler, N. Y.	Garrett, Tex.	Kennedy, R. I.	Merritt
Clancy	George	Kent	Metz
Clark, Fla.	Gerry	Key, Ohio	Miller
Clayton	Gillett	Kiess, Pa.	Moon
Coady	Gittins	Kindel	Morgan, La.
Collier	Glass	Kinkaid, Nebr.	Morin
Connolly, Iowa	Godwin, N. C.	Kirkpatrick	Morrison
Cooper	Goeke	Kitchin	Moss, Ind.

Moss, W. Va.	Porter	Sherley	Townsend
Mott	Pou	Sherwood	Treadway
Murray, Mass.	Prouty	Shreve	Tribble
Nelson	Ragsdale	Sims	Tuttle
Nolan, J. I.	Rainey	Sisson	Underhill
O'Brien	Rauch	Slayden	Underwood
O'Hair	Reilly, Conn.	Slemp	Vollmer
Oldfield	Riordan	Smith, Samuel W.	Walker
O'Leary	Rogers	Smith, Minn.	Wallin
O'Shaunessy	Rothermel	Smith, Tex.	Walsh
Page, N. C.	Rouse	Sparkman	Whaley
Paige, Mass.	Rubey	Stanley	Whitacre
Palmer	Rucker	Steenerson	White
Parker	Rupley	Stephens, Miss.	Williams
Patten, N. Y.	Sabath	Stephens, Nebr.	Wilson, Fla.
Patton, Pa.	Scott	Stevens, N. H.	Wilson, N. Y.
Payne	Scully	Stout	Winslow
Peters, Me.	Seldomridge	Stringer	
Peters, Mass.	Sells	Taggart	
Phelan	Shackleford	Taylor, Ala.	
Plumley	Sharp	Taylor, Colo.	

During the roll call,

Mr. ADAMSON. Mr. Chairman, with the consent of the gentleman from Illinois [Mr. MADDEN], who made the point of no quorum, I ask unanimous consent to vacate the proceedings under the call, and the gentleman asks to withdraw the point of no quorum.

Mr. MADDEN. I did not agree to withdraw the point of no quorum.

Mr. MURDOCK. The regular order is to call this roll.

Mr. ADAMSON. I misunderstood the gentleman from Illinois. Let the roll call go on.

Mr. MADDEN. I understood that the gentleman from Georgia was going to ask unanimous consent to discontinue the further calling of the roll.

Mr. ADAMSON. I could not ask that unless the gentleman from Illinois consented to withdraw the point of no qurum. I want a vote on this amendment, and am willing then to move that the committee rise.

The CHAIRMAN. The Clerk will proceed with the roll call.

The Clerk resumed and completed the calling of the roll.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, found itself without a quorum; whereupon he directed the roll to be called, when 195 Members, a quorum, answered to their names, and he reported the names of the absentees to the House to be entered upon the Journal.

The SPEAKER. The committee will resume its session.

Mr. LINTHICUM. Mr. Speaker, I ask——

The SPEAKER. Under the rule nothing is in order except for the committee to resume its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15613) to create an interstate trade commission, and other bills, and had come to no resolution thereon.

IMMIGRATION STATION IN BALTIMORE.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation in the State of Maryland to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station, heretofore set aside, with Senate amendments thereto, and move to concur in the Senate amendments.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. STAFFORD. Mr. Speaker, I understand these are merely formal amendments to meet the wishes of the War Department?

Mr. LINTHICUM. That is the idea, and also the Department of Commerce.

Mr. STAFFORD. Mr. Speaker, I have no objection.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4632. An act for the relief of settlers on the Fort Berthold, Cheyenne River, Standing Rock, Rosebud, and Pine Ridge Indian Reservations, in the States of North and South Dakota;

S. 4096. An act to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes; and

S. 5289. An act to provide for warning signals on vessels working on wrecks or engaged in dredging or other submarine work, and to amend section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States."

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BARTHOLDT, for 10 days, on account of important business.

To Mr. BOWDLE, on account of investigation work connected with the Committee on the Merchant Marine and Fisheries.

DISPOSITION OF USELESS PAPERS.

Mr. TALBOTT of Maryland, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred the letter of the Secretary of Commerce (H. Doc. No. 806) relative to files and papers not needed in the transaction of current business in his department, and of no permanent value or historical interest, submitted a report (No. 700) thereon, which was ordered to be printed.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, under the rule, I believe we are to meet at 11 o'clock to-morrow?

The SPEAKER. That is true.

Mr. ADAMSON. With emphasis on the 11 o'clock. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.), under the order heretofore made, the House adjourned until to-morrow, Friday, May 22, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of communication of the Postmaster General submitting an estimate of appropriation for the purchase of land and erection of building in the city of Washington, D. C., for the use of mail-bag and mail-lock shops (H. Doc. No. 993); to the Committee on Public Buildings and Grounds and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of communication of the Secretary of State submitting estimates of deficiencies in appropriations required by the Department of State on account of the service of the fiscal year ending June 30, 1914 (H. Doc. No. 994); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WICKERSHAM, from the Committee on the Public Lands, to which was referred the bill (H. J. Res. 267) to disapprove an act of the Legislature of Alaska, reported the same with amendment, accompanied by a report (No. 699), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12780) to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma, reported the same without amendment, accompanied by a report (No. 696), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10875) authorizing the Secretary of the Interior to

pay to J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Rainy Mountain School, in Oklahoma, reported the same with amendment, accompanied by a report (No. 697), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11384) for the relief of Ivy L. Merrill, reported the same with amendment, accompanied by a report (No. 698), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5384) granting an increase of pension to Catherine Casler; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9097) granting a pension to Jennie A. Work; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13926) granting an increase of pension to Mary E. Murry; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14171) granting an increase of pension to D. J. Doughty; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14678) granting a pension to Christiana Oetting; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14787) granting a pension to John Murphy; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15923) granting a pension to W. W. Batterton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15931) granting an increase of pension to William H. Hampshire; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16283) granting a pension to Martha L. Rummell; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16332) granting a pension to Sarah B. Scott; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15045) for the relief of the heirs of William Pinkerton, sr., deceased; Committee on War Claims discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLAYTON: A bill (H. R. 16737) to amend an act approved February 28, 1913, entitled "An act to amend section 70 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;'" to the Committee on the Judiciary.

By Mr. FERRIS: A bill (H. R. 16738) to provide for the payment of certain moneys to school districts in Oklahoma; to the Committee on the Public Lands.

By Mr. KENNEDY of Rhode Island: Memorial from the General Assembly of the State of Rhode Island, favoring Senate bill 2337, to create the coast guard by combining therein the existing Life-Saving Service and the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 16739) for the relief of the widow of George Bott; to the Committee on Military Affairs.

By Mr. BRUMBAUGH: A bill (H. R. 16740) to remove the charge of desertion against Charles W. Borland; to the Committee on Military Affairs.

By Mr. CANTRILL: A bill (H. R. 16741) granting an increase of pension to Martha J. Read; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 16742) granting an increase of pension to Martin B. Worrall; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 16743) to correct the military record of Smith F. Carroll; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 16744) for the relief of the legal representatives and heirs of Isaac Ingram, deceased; to the Committee on War Claims.

By Mr. FOSTER: A bill (H. R. 16745) granting an increase o pension to Arnold Rodgers; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 16746) for the relief of J. J. Brooks; to the Committee on Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 16747) to correct the military records of the United States so as to muster Stewart C. Burt in and out of the service of the United States Army; to the Committee on Military Affairs.

By Mr. IGOE: A bill (H. R. 16748) granting an increase of pension to George Bender; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 16749) for the relief of the trustees of Ebenezer African Methodist Episcopal Church, of Hagerstown, Md.; to the Committee on War Claims.

By Mr. NEELY of West Virginia: A bill (H. R. 16750) granting a pension to Elizabeth F. Brubaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16751) granting a pension to Franklin Hawkins; to the Committee on Pensions.

Also, a bill (H. R. 16752) granting an increase of pension to Victor Fousse; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 16753) granting a pension to Mary A. Folsom; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 16754) granting an increase of pension to Melissa Chase; to the Committee on Invalid Pensions.

By Mr. TAYLOR of New York: A bill (H. R. 16755) authorizing and directing the Secretary of the Interior to execute and deliver a deed in favor of and to Ida Seymour Tulloch, Roberta Worms, and Ethel White Kimpell for sublot 38 of original lot 17 in reservation D upon the official plan of the city of Washington, in the District of Columbia; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Eleven telegrams from Honesdale, Pa., protesting against the passage of the Hobson national prohibition amendment; to the Committee on Rules.

Also (by request), resolutions from certain citizens of Athens, Tex.; Lapeer, Mich.; Catonsville, Md.; Scotia, Nebr.; Wheeling, W. Va.; Newman, Ill.; Dalton, Ohio; Albion, Ill.; Union, N. J.; Mexico, Pa.; Denver, Colo.; Argenta, Ill.; Syracuse, N. Y.; Oxford, Miss.; Dodge Center, Minn.; Byers, Colo.; and Cherryvale, Kans., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of sundry citizens of Hollidaysburg, Johnstown, and Cambria County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. BRITTEN: Petition of the First Swedish Methodist Episcopal Church of Chicago, Ill., favoring amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Papers to accompany a bill (H. R. 16176) for the relief of John W. Gilberson; to the Committee on Military Affairs.

By Mr. CANDLER of Mississippi: Petitions of various business men of the first congressional district of Mississippi, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. COOPER: Petitions of Local No. 277 of the Longshoreman's Association, Racine, Wis., and sundry citizens of Kenosha, Wis., against national prohibition; to the Committee on Rules.

Also, petition of Hon. J. A. Fathers, mayor, and other citizens of Janesville, Wis., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. CURRY: Petition by R. W. Munson and congregation, numbering 300, of St. Helena, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the Napa (Cal.) Christian Bible School, favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of Mrs. Alice K. Murphy, county president of the San Joaquin County (Cal.) Woman's Christian Temperance Union, with a membership of about 400, praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of 286 residents of the third California district, protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

By Mr. DALE: Petition of the Lord's Day Alliance of the United States, against section 6 of House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of New York, against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petitions of 15 citizens of Connecticut, against national prohibition; to the Committee on Rules.

By Mr. DOOLITTLE: Petition of sundry citizens of Kansas, favoring establishment of a bureau of farm loans in the United States Treasury Department; to the Committee on Banking and Currency.

By Mr. DOUGHTON: Papers to accompany a bill to correct the military record of Smith F. Carroll; to the Committee on Military Affairs.

By Mr. EAGLE: Petitions of sundry citizens of the eighth congressional district of Texas, against national prohibition; to the Committee on Rules.

By Mr. FITZGERALD: Petition of sundry citizens of New York, favoring House bill 12740, the machinist wage bill; to the Committee on Labor.

Also, petition of the Wine and Spirit Traders' Society of the United States, protesting against the so-called Hobson resolution, favoring an amendment to the Constitution prohibiting the importation or manufacture for sale of wines and liquors in the United States; to the Committee on Rules.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., against national prohibition; to the Committee on Rules.

Also, petition of the Board of Trade, Pittsburgh, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of the board of managers of the New York Produce Exchange, against Senate bill 121, for inspection of grain entering interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of the veterinary inspectors of the Bureau of Animal Industry Employees' Association, of New York City, favoring House bill 9292, providing for classification of salaries of the employees of the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

Also, petition of the Conference of Representatives of the Departments of Education of State Colleges and Universities, at Richmond, Va., February 21, 1914, favoring increased appropriation for United States Bureau of Education; to the Committee on Appropriations.

Also, petition of the Plattsburgh Centenary Commission of the State of New York, favoring erection of a memorial of the battle at Plattsburgh and on Lake Champlain; to the Committee on the Library.

Also, petition of the executive committee of the Scandinavian-American Technical School, of Brooklyn, N. Y., favoring House bill 11846, to erect a memorial to John Ericsson; to the Committee on the Library.

By Mr. GILMORE: Petition of Lettish Branch, No. 1, of the Boston (Mass.) Socialist Party, relative to conditions in Mexico; to the Committee on Foreign Affairs.

Also, petition of the Brockton (Mass.) Central Labor Union, relative to strike conditions in Colorado; to the Committee on Ways and Means.

By Mr. GOEKE: Petition signed by J. F. Howard and 69 other citizens of Darke County, Ohio, favoring a change in the interstate-commerce laws, making it possible to cause concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the county, and the State; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Woman's Christian Temperance Union of South Montrose, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. GREGG: Petitions of sundry citizens of the seventh Texas congressional district, against national prohibition; to the Committee on Rules.

Also, petitions of various churches and organizations representing 425 citizens of Galveston, 230 citizens of League City, 18 citizens of Dickinson, and 82 citizens of Texas City, all in the State of Texas, favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petitions of the Woman's Christian Temperance Union, the official board of the Bethany United Evangelical Church, and sundry citizens of Lancaster, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. HAMILTON of New York: Petitions of various churches, representing 461 citizens of Friendship, N. Y., and 500 citizens of Belmont, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. HARRISON: Petitions of various business men of Hattiesburg, Lumberton, Laurel, Columbia, Collins, and Ellisville, all in the State of Mississippi, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. HAWLEY: Petitions of sundry citizens of Dallas, Oreg., against national prohibition; to the Committee on Rules.

By Mr. HULINGS: Petitions of 63 citizens of Fredonia, 16 citizens of Fairview Township, 68 citizens of Franklin, 27 citizens of Coolspring, 21 citizens of Cornplanter, 46 citizens of Grove City, 24 citizens of Rouseville, 2 citizens of Garland, and 30 citizens of Warren County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of 26 citizens of Gilfogle, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. IGOE: Resolutions adopted at a mass meeting of 200 voters at North St. Louis Turner Hall, St. Louis, Mo., Monday, May 18, protesting against pending prohibition resolutions and all similar measures, submitted through G. H. Oetting, secretary of meeting; to the Committee on Rules.

Also, telegram and letters from the St. Louis Roofing Co., the Hesse Envelope & Lithograph Co., John F. Kother, John Tenne, G. J. Wedenkoff, W. H. Spellman, F. Snellmann, William Deitrich, W. H. Hill, George Griebel, Aug. Borgmeyer, the Wayne Manufacturing Co., W. Deitrich, Hy. W. Pleitner, Oran. Petrig, Michael S. Schrader, Martin Trapp, Louis G. Meyer, Ed. Miller, Ferd. W. Vogler, D. B. Ecins, Frank Albers, Gus. A. Igel, Christ Franzen, Jacob Franier, John Mitchell, Ferd. Giesler, Edw. Zimmermann, Harry Vogel, all of St. Louis, Mo., protesting against pending prohibition resolutions and all similar measures; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of the First Methodist Episcopal Church of Washington, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petitions of William H. Lovett, of Providence; the Cigar Makers' Union of Providence; Granville S. Standish, of Providence; Alfred Cloutier, of Woonsocket; John M. McLoughlin, of Woonsocket; the Hanley-Hoye Co., of Providence; Jacob Wirth & Co., of Providence; the Five Sullivan Bros., of Providence; John J. McGuire & Co., of Providence; William H. Grimes Co., of Pawtucket; McKenna Bros., of Providence; Palmer & Madigan, of Providence; T. F. Donahue Co., of Providence; the Eddy & Fisher Co., of Providence; Paul Castiglioni, of Providence; Dodge & Camfield Co., of Providence; the Providence Brewing Co., of Providence, all in the State of Rhode Island; also the Francis Perot's Sons Malting Co., of Philadelphia Pa.; the Davenport Malt & Grain Co., of Davenport, Iowa; American Association of Foreign Language Newspapers (Inc.), of New York, N. Y.; Bowler Bros., of Worcester, Mass., against passage of Hobson resolution for nation-wide prohibition; to the Committee on Rules.

Also, memorials of the State Conference of Congregational Churches of Rhode Island; Cercle Lacordaire No. 3, of Central Falls; Rev. Albert B. Cristy, of Providence; and the Woman's Christian Temperance Union of Bradford, all in the State of Rhode Island, favoring passage of Hobson resolution for nation-wide prohibition; to the Committee on Rules.

Also, petitions of O. B. Adams, Henry Breault, John Kenney, Albert Adams, D. P. Driscoll, William Gahan, all of Pawtucket; and Michael McNamara and Patrick Lenihan, of Providence, all in the State of Rhode Island, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Bradford, R. I., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. KETTNER: Memorial of the Order of Panama, San Diego, Cal., relative to conditions in Mexico; to the Committee on Foreign Affairs.

By Mr. LANGHAM: Petition of the Woman's Christian Temperance Union and sundry citizens of Leechburg and Dayton, both in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. LIEB: Petition of United Mine Workers of America, Local Union No. 1452, of Evansville, Ind., signed by A. J. Pogue, James Willis, Clarence Romany, H. W. Hackner, and A. F. Odell, urging congressional interference in the strike of miners in Colorado; to the Committee on Mines and Mining.

By Mr. LINDBERGH: Petition of sundry citizens of Greenwald, Minn., against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of Roger Forantiere and other citizens, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. MAPES: Petition of Local No. 10, Amalgamated Glass Workers International Association, Grand Rapids, Mich., against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of 374 citizens of Rhode Island, and Local No. 166, United Brewery Workmen of America, of Providence, R. I., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Providence and East Providence, R. I., favoring national prohibition; to the Committee on Rules.

Also, petition of C. G. Abbe, of Providence, R. I., favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. William G. Pierce, of Providence, R. I., favoring additional appropriation for Children's Bureau of the National Child Labor Commission; to the Committee on Appropriations.

Also, petition of Miss Roberta J. Dunbar, of Providence, R. I., favoring House bill 15733, to celebrate half-century anniversary of negro freedom; to the Committee on Industrial Arts and Expositions.

By Mr. PALMER: Petition of sundry citizens of East Stroudsburg, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petition of sundry citizens of Bellows Falls, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Letter from the California Retail Grocers and Merchants' Association, favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, letter from Avis A. King, of Fort Bidwell, Cal., favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. J. M. C. SMITH: Petition of A. B. Collins, of Charlotte, Mich., against national prohibition; to the Committee on Rules.

Also, papers to accompany a bill (H. R. 16380) granting a pension to George Zederbaum; to the Committee on Pensions.

By Mr. SMITH of Minnesota: Petition of H. J. Harter and 500 other members of the Federation of Men's Church Clubs of Minneapolis, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Petition of the Wisconsin Sunday Rest Day Association, favoring House bill 14895, to create a Federal motion-picture commission; to the Committee on Education.

By Mr. SUTHERLAND: Petition of 75 citizens of Mineral County, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. TAYLOR of Arkansas (by request): Protest of 13 citizens of McGehee, Desha County, Ark., against national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petitions of the First Methodist Protestant Church of Elizabeth, N. J., and sundry citizens of Succasuma, N. J., favoring national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *May 22, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee day by day at the beginning of our work in this National Congress in recognition of the unseen empire that lies back of all our organization and our national movements. Back of the surface of things there are forces not less potent because unseen which make for the destiny of mankind and determine finally the issues of government. We pray that our eyes may be opened with visions of the divine order that we may see Thy movement among men and understand Thy way. May we be enabled to apprehend Thy will that we may make it the rule of our own conduct, and through it bring about God's great designs for us as a people. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
Washington, May 22, 1914.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM ALABAMA.

Mr. BANKHEAD. Mr. President, I present the credentials of Hon. FRANK S. WHITE, recently elected a Senator from the State of Alabama to fill the unexpired term of the late Joseph F. Johnston. I ask that they be read.

The PRESIDING OFFICER. The credentials will be read.

The Secretary read as follows:

A proclamation by the governor.

Whereas it is provided by law that all returns of elections required by law to be sent to the secretary of state must, within 15 days after an election, be opened and counted in the presence of the governor, secretary of state, and attorney general, or two of them, and of the result of the election as thus ascertained the governor must give notice by proclamation; and

Whereas the governor, secretary of state, and attorney general did meet at the capitol, in the city of Montgomery and in the office of the secretary of state on the 20th day of May, 1914, and open and count all the returns which by law are required to be sent to the secretary of state and declared the result as hereinafter stated: Now, therefore,

I, Emmet O'Neal, governor of the State of Alabama, do hereby give notice by this proclamation that at the special election held in this State on the 11th day of May, 1914, Hon. FRANK S. WHITE was elected a United States Senator for the State of Alabama for the unexpired term of the late United States Senator Joseph F. Johnston, and that Hon. C. C. HARRIS was elected a Representative in the Congress of the United States for the eighth Alabama district for the unexpired term of the late William Richardson.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed at the capitol, in the city of Montgomery, on this the 20th day of May, 1914.

[SEAL.] EMMET O'NEAL, *Governor.*

By the governor:

CYRUS B. BROWN,
Secretary of State.

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STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
OFFICE OF SECRETARY OF STATE.

Whereas an election was held in the several counties of this State on the 11th day of May, 1914, that being the day set for said election by the Hon. Emmet O'Neal, governor of Alabama, in his proclamation calling said election, for the purpose of electing a United States Senator to succeed the late United States Senator Joseph F. Johnston; and

Whereas section 422 of the Code of Alabama, 1907, provides that the returns of election required by law to be sent to the secretary of state must, within 15 days after the election, be opened and counted in the presence of the governor, secretary of state, and attorney general, or two of them:

Now, therefore, this is to certify that we, the undersigned—governor, secretary of state, and attorney general—did meet in the office of the secretary of state on the 20th day of May, 1914, and then and there open the returns of said election as forwarded by the supervising boards of the several counties in this State, and the vote tabulated on the sheet hereto attached, and as follows: Frank S. White received 84,720 votes; J. Damsky received 1 vote; Ray Rushton received 7 votes; A. P. Longshore received 1 vote; W. E. Quinn received 2 votes; G. Caravella received 1 vote; S. S. Pleasants received 40 votes; J. E. Michael received 2 votes; J. A. Bingham received 2 votes; B. F. Reynolds received 1 vote; P. D. Parker received 1 vote, shows the votes received by each candidate voted for at said election for said office and we hereby certify that the vote as set down and as stated above is true and correct according to the certificates of the said supervising boards, and that the persons voted for at said election received the votes set opposite their names.

In testimony whereof we, Emmet O'Neal, governor, Cyrus B. Brown, secretary of state, and Robert C. Brickell, attorney general, of the State of Alabama, have hereunto set our hands and caused the great seal of the State to be affixed at the capitol, in the city of Montgomery, on this 20th day of May, A. D. 1914.

EMMET O'NEAL, *Governor.*
[SEAL.] CYRUS B. BROWN, *Secretary of State.*
ROBERT C. BRICKELL, *Attorney General.*

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Writ of election.

To the several sheriffs of the State of Alabama, greeting:

Whereas a vacancy now exists in the term of a Senator of the United States from the State of Alabama caused by the death of the late Senator Joseph F. Johnston; and

Whereas the Senate of the United States of America by its action in seating BLAIR LEE as a Senator from the State of Maryland has established a precedent for the guidance of the executive authority of the several States in reference to the filling of vacancies in the Senate of the United States of America: Now, therefore,

I, Emmet O'Neal, governor of the State of Alabama, under and by virtue of the authority and power vested in me by the seventeenth amendment to the Constitution of the United States of America, and by the constitution and laws of the State of Alabama, do hereby issue, publish, and declare this, my writ of election, for a special election to be held throughout the State of Alabama on Monday, 11th day of May, 1914, and I do hereby direct that a special election shall be held on that day in order that there may be chosen at said election a Senator of the United States of America from the State of Alabama to fill said vacancy, and to represent the State of Alabama in the Senate of the United States of America until the end of the term for which said former Senator Joseph Forney Johnston, now deceased, was originally elected; and

I do further, order, declare, and direct that the election hereby ordered by this writ of election shall be conducted in all respects as provided by the laws of the State of Alabama regulating general elections; and

The several sheriffs of the State of Alabama are hereby ordered and directed to give notice of the special election hereby ordered in accordance with the provisions of section 443 of the Code of Alabama.

To this end, and as authority and direction therefor, have you then and there this writ.

In witness whereof I, Emmet O'Neal, governor of the State of Alabama, have hereunto set my hand and caused the great seal of the State to be affixed at the capitol this, the 5th day of March, 1914.

[SEAL.] EMMET O'NEAL, *Governor.*

By the Governor:

CYRUS B. BROWN,
Secretary of State.

DEPARTMENT OF STATE,
Montgomery, Ala.

I, Cyrus B. Brown, secretary of state in, for, and of the State of Alabama, do hereby certify that at a special election held in this State on the 11th day of May, 1914, that being the date set for said election by the proclamation of the governor calling the same, Hon. FRANK S. WHITE was duly and constitutionally elected a Senator from the State of Alabama in the United States Senate for the unexpired term of United States Senator Joseph F. Johnston, deceased. I do further certify that the following is a true and correct statement of the votes cast at said election for parties for said office as shown by the returns made to this department by the county board of supervisors:

Hon. FRANK S. WHITE received 84,720 votes, Hon. J. Damsky received 1 vote, Hon. Ray Rushton received 7 votes, Hon. A. P. Longshore received 1 vote, Hon. W. E. Quinn received 2 votes, Hon. G. Caravella received 1 vote, Hon. S. S. Pleasants received 40 votes, Hon. J. E. Michael received 2 votes, Hon. J. A. Bingham received 2 votes, Hon. B. F. Reynolds received 1 vote, Hon. P. D. Barker received 1 vote.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Montgomery, this the 20th day of May, A. D. 1914.

[SEAL.] CYRUS B. BROWN,
Secretary of State of Alabama.

The PRESIDING OFFICER. The credentials will be filed.

Mr. BANKHEAD. Senator WHITE is present and ready to take the oath as a Senator.

The PRESIDING OFFICER. The Senator elect will present himself at the desk and take the oath.

Mr. WHITE was escorted to the Vice President's desk by Mr. BANKHEAD, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

TRANSPORTATION OF CONVICT-MADE GOODS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Labor transmitting, in response to resolution of November 10, 1913, a compilation of all Federal and State laws relating to convict labor, setting forth all legislation regulating the sale and transportation of convict-made products in so far as the same relates to interstate commerce and information tending to show the effect upon free labor of the sale of convict-made goods, wares, and merchandise, etc., which, with the accompanying papers, was referred to the Committee on Printing.

PANAMA CANAL TOLLS.

Mr. DU PONT. Mr. President, I desire to give notice that on Thursday, May 28, following the address of the Senator from Pennsylvania [Mr. OLIVER], I shall make a few remarks on the Panama Canal tolls bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside.

HOUSE BILL REFERRED.

The bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Kane, Pittsburgh, and Claysville, in the State of Pennsylvania; of Champaign, Easton, Oakdale, and Argenta, in the State of Illinois; of Monroe and Sioux City, in the State of Iowa; of Cincinnati, Nelsonville, and Mount Gilead, in the State of Ohio; of Artesian and Chamberlain, in the State of South Dakota; of Kimonswick, Mo.; of Englishtown, N. J.; of Newark, Cal.; of Butte, Mont.; of Pratt, Kans.; of Syracuse, N. Y.; of Wheeling, W. Va.; of Lewiston, Minn.; and of Bellevue, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Tipton and Goldsmith, in the State of Indiana, and of sundry citizens of Washington, D. C., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented resolutions of the Confederate Southern Memorial Association, in convention at Jacksonville, Fla., thanking the President, the Congress of the United States and the Secretary of War for action looking to the completion of the work of locating, caring for, registering, and marking the graves of the soldiers and sailors of the Confederate Army and Navy, who died as prisoners in the Northern States, which were referred to the Committee on Military Affairs.

He also presented resolutions of the Merchants' Association of Honolulu, Hawaii, urging the Congress of the United States to reorganize and increase the Regular Army, which were referred to the Committee on Military Affairs.

Mr. THORNTON presented petitions of sundry citizens of Elton, New Orleans, and of the Louisiana State Sunday School Association, of Lake Charles, all in the State of Louisiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented memorials of sundry citizens of St. Paul, Minn., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Indiana Harbor, Clinton, Muncie, and Evansville, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bedford and Medora, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LA FOLLETTE. I present memorials numerously signed by citizens of Milwaukee, Wis., which I ask may be received and appropriately referred.

The PRESIDING OFFICER. The memorials will be referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented petitions of sundry citizens of Sharon, Delavan, Dodgeville, Platteville, and Milwaukee, all in the State of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Polk County, of Oxford, and of Westfield, in the State of Wisconsin, praying for the enactment of legislation to provide a compensatory time privilege for post-office employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of George LeLand Edgerton Camp, No. 32, Department of Wisconsin, of Beaver Dam, Wis., praying for the enactment of legislation to provide pensions for widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

Mr. BURTON presented petitions of Student Council, Ohio State University, of Columbus, and of the Socialist Party of Steubenville, in the State of Ohio, favoring the pursuance of a policy with reference to Mexico which will render unnecessary armed intervention, which were referred to the Committee on Foreign Relations.

Mr. POMERENE presented memorials of sundry citizens of Columbus, Cleveland, Toledo, and Mount Vernon, all in the State of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bradford, Payne, Mansfield, Warren, Piqua, and London, representing several thousand members of the church and the Woman's Christian Temperance Union, all in the State of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Detroit, Bark River, Delta County, all in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Spring Arbor and of the Men's Club of the Trinity Methodist Episcopal Church, of Highland Park, in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented the memorial of W. M. Buck, of Essex County, Vt., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Joe Mallet, Eli Silvermann, A. J. Wolf, Claude Pierson, James H. Howell, William Shatten, and sundry other citizens of Knox, Jackson, Lake, and Vigo Counties, in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 4288) to remove the charge of desertion against James B. Smock, reported it with amendments and submitted a report (No. 541) thereon.

Mr. JOHNSON. I am directed by the Committee on Privileges and Elections, to which was referred the bill (S. 2679) providing for a commission to recommend appointments to office, and for other purposes, to submit an adverse report (No. 540) thereon. I ask that the bill may be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (S. 1377) for the relief of Alfred S. Lewis, reported it without amendment and submitted a report (No. 543) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to which was referred the bill (S. 5406) to establish a light and fog-signal station on Michigan Island, Lake Superior, reported it with an amendment and submitted a report (No. 542) thereon.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 6220) for the relief of Hosea Stone (Rept. No. 544); and

A bill (H. R. 5746) for the relief of Marcus L. Pelham (Rept. No. 545).

URGENT DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations, I report back favorably, without amendment, the bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes, and I ask unanimous consent for its present consideration.

I will state for the information of the Senate that this is the small urgent deficiency appropriation bill which passed the other House on yesterday. The moneys appropriated are really, with a few minor exceptions, incident to the troubles in Mexico, and it is important that the bill should be passed immediately. So I ask that it may be considered now. The committee has not reported any amendment to the bill, and I take it that it will probably be disposed of in a few minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes, namely:

TREASURY DEPARTMENT.

PUBLIC BUILDINGS.

Washington, D. C., old building, Bureau of Engraving and Printing: For new floors, suspended ceilings, repairs, painting, reinforcing floors, vault equipment, partitions, plumbing, conduit and wiring, and other necessary repairs, to adapt the old building of the Bureau of Engraving and Printing for the accommodation of various Treasury offices, to continue available during the fiscal year 1915, $23,500.

PUBLIC HEALTH SERVICE.

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, or trachoma, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, to continue available during the fiscal year 1915, $100,000.

Providence (R. I.) Quarantine Station: For quarantine facilities, to continue available during the fiscal year 1915, $25,000.

INTERSTATE COMMERCE COMMISSION.

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the act providing for a valuation of the several classes of property of carriers subject to the act to regulate commerce and amendments thereto and to secure information concerning their stocks, bonds, and other securities, to continue available during the fiscal year 1915, $100,000.

MILITARY ESTABLISHMENT.

Pay: For pay of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $1,828,663.33

Subsistence: For subsistence of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $1,255,538.90.

Regular supplies: For regular supplies, Quartermaster Corps, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $306,969.

Transportation: For transportation of the Army and its supplies, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $2,429,445.01.

Incidental expenses, Quartermaster Corps: For incidental expenses, Quartermaster Corps, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $50,000.

Horses for Cavalry, Artillery, Engineers, etc.: For horses for Cavalry, Artillery, Engineers, etc., including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $405,825.

Barracks and quarters: For barracks and quarters, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $20,000.

Water and sewers at military posts: For water and sewers at military posts, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $15,000.

Mileage to officers and contract surgeons: For mileage to officers, acting dental surgeons, veterinarians, contract surgeons, pay clerks, and expert accountant, Inspector General's Department, when authorized by law, $50,000.

Signal Service: For the repair and replacement of equipment and material lost and damaged by fire in the Signal Corps laboratory, Washington, D. C., March 18, 1914, $7,500.

Medical and hospital department: For the purchase of medical and hospital supplies, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, $50,000.

DEPARTMENT OF COMMERCE.

BUREAU OF FISHERIES.

Alaska Service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, purchase, hire, maintenance of, and crews for vessels, and including not exceeding $2,500 for installation of water supply on St. Paul Island, and for all expenses necessary to carry out the provisions of the act approved April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes," and for the protection of the fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses, to continue available during the fiscal year 1915, $50,000.

DEPARTMENT OF LABOR.

Bureau of Naturalization: For the purchase of safety paper for certificates of naturalization, $4,200.

LEGISLATIVE.

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $52,000.

For folding speeches, to continue available during the fiscal year 1915, $6,000.

There is authorized to be expended out of the appropriation made in the joint resolution approved October 24, 1913, for furnishing the additional rooms in the House Office Building, not exceeding $1,600 for additional awnings for the windows in said building.

GOVERNMENT PRINTING OFFICE.

For printing and binding for the War Department, $50,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 5637) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison and State of Minnesota," approved June 4, 1906; to the Committee on Commerce.

By Mr. BRISTOW:

A bill (S. 5638) granting an increase of pension to Whitman M. Colby (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 5639) granting a pension to Rhoda L. Goreham; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5640) granting an increase of pension to Miles G. Lee (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 5641) for the relief of John Burrows; to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 5642) granting a pension to Martha Lance; to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5643) providing for extended leave of absence to employees in the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. GORE:

A bill (S. 5644) to provide for the acquisition of a site and the erection of a public building thereon at Sapulpa, Okla.;

A bill (S. 5645) to provide for the acquisition of a site and the erection of a public building thereon at Bartlesville, Okla.;

A bill (S. 5646) to provide for the acquisition of a site and the erection of a public building thereon at Okmulgee, Okla.; and

A bill (S. 5647) to provide for the acquisition of a site and the erection of a public building thereon at Ada, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. SHIVELY:

A bill (S. 5648) granting an increase of pension to James Ohaver (with accompanying papers); and

A bill (S. 5649) granting an increase of pension to Theodore S. Payton (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5650) for the relief of Albert L. Ream; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHILTON submitted an amendment proposing to appropriate $20,000 for repairs and improvements to the post office and courthouse at Charleston, W. Va., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the assistant clerk to the Committee on the Census from $1,440 to $2,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

DONATION OF CANNON.

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

NAVAL CLAIMS.

Mr. KERN submitted an amendment intended to be proposed by him to the bill (S. 5489) making appropriation for the payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BRISTOW submitted an amendment intended to be proposed by him to the bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which was referred to the Committee on Pensions and ordered to be printed.

Mr. KENYON submitted an amendment intended to be proposed by him to the pension appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. BANKHEAD submitted the following resolution (S. Res. 370), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be, and the same hereby is, permitted to sit during the sessions of the Senate.

PANAMA CANAL TOLLS.

The PRESIDING OFFICER. The morning business is closed.

Mr. THORNTON. I ask unanimous consent that House bill 14385, the unfinished business, be laid before the Senate for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. CHAMBERLAIN. Mr. President, it would seem to be a work of supererogation that I should attempt to address the Senate on the measure which is now pending. I fully realize that nothing that I can say and, in fact, nothing that any Senator or anyone can say will change the result of the vote which is soon to be had in the Senate on this measure; but I feel that it is a duty which I owe to myself and to the section of the country which I in part represent to state the reasons for the faith that is within me.

Mr. President, I yield to none in my admiration, regard, and respect for the distinguished President of the United States. I recognize, as does everyone, his magnificent intellect, his lofty purposes, and his splendid patriotism. I thoroughly believe in the integrity of his purpose when he advocates the repeal of the exemption clause of the Panama Canal act, and I am convinced that when he expresses it as his opinion that the policy involved in that particular clause of the act was unwise from an economic standpoint, and was and is a violation of our treaty with Great Britain, and asks the ungrudging support of the Congress of the United States in its repeal, that he believes sincerely and conscientiously in the truth of both his contentions. It is because of my belief in him as a man and as one of the most distinguished citizens who ever occupied the presidential chair that I feel he courts the honest opinion of those who differ from him on both positions which he has taken in his message to Congress. In what I have to say, therefore, I expressly disclaim any purpose or intention to say aught in criticism of the President's integrity of purpose or of his patriotism, but I claim the right of every citizen, and particularly of those who are called upon to discharge their high duties as members of a coordinate branch of the Government, to state my views fairly and without regard to what others may think or say or do, for I feel that if Congress yields now and repeals the portion of the act referred to at the demand of any person or any power, or because of the opinion that all the powers may have of this Government, we undermine the very foundations upon which the Republic rests. It is with me, as it is with the President, a matter of conviction and of conscience. So feeling and so believing, I shall discharge my duty as God has given me the light to see it.

I may say, too, that I have no hatred of Great Britain and I do not blame her for the insistence which she makes with reference to a division of jurisdiction, if not of responsibility, over the Panama Canal. This insistence is in line with the policy which has characterized her for centuries, and the fact that her demands have been yielded to more than once by her commercial rivals the world over has encouraged her to assert a right against the United States and over a territory owned by this Government, which, I shall attempt to prove, is without justification or excuse. Her statesmen have at all times acted for the best interest of their Government during the lifetime of their administration, but have never at any time overlooked an opportunity to lay a foundation for her future extension and development. Nobody criticizes them for this, nor shall I.

Mr. President, advocates of the bill which proposes to repeal the tolls-exemption clause of the Panama Canal act of 1912 base their contention upon one or the other or both of the following propositions: First, that the act in question is violative of the stipulations contained in the Hay-Pauncefote treaty, entered into between this country and Great Britain November 18, 1901; second, that the exemption of American coastwise vessels from the payment of tolls is unwise as an economic policy.

I shall discuss these two propositions in their order in an endeavor to show that each of them is without merit and unsound.

And, first, does the act of 1912 violate the terms of any treaty in force between the two countries and is the national honor in any way involved if the act is permitted to remain as a part of the law of the country? If it can be shown that the claims of Great Britain in Central America were baseless; that they were acquired by fraud or force, or in violation of treaty rights with any other nation, and that the Clayton-Bulwer treaty of April 19, 1850, was based upon claims so acquired, it seems to me that the force of this first insistence made by the advocates of repeal is impaired, because the Hay-Pauncefote treaty of November 18, 1901, was grounded entirely upon the treaty of 1850. A stream can not rise higher than its source, and the Hay-Pauncefote treaty can not purge the Clayton-Bulwer treaty of the fraud upon which the British contention is based.

ORIGIN OF GREAT BRITAIN'S CLAIMS IN CENTRAL AMERICA.

Assuming that Great Britain—or if not she, her partisans in this country and in the Congress of the United States—is urging that the act of 1912 is violative of the letter and spirit of the Hay-Pauncefote treaty and reflects upon our national integrity, I deem it proper to show briefly the genesis and gradual evolution of the claim of Great Britain to certain alleged rights in Central America.

Long prior to 1763 the old English buccaneers began to prey upon the Spanish possessions at and about the Isthmus, and the first claim of Great Britain grew out of the depredations of these bold captains of the sea. The usurpations of these men and the rights claimed to have been acquired by them at Belize led to the first treaty between Great Britain and Spain, executed at Paris in 1763, under the terms of which the former agreed, in consideration of being allowed the mere right to cut logwood, to dismantle her fortifications which had been erected in any part of the territory. This treaty she ruthlessly violated, and because of her inability to retain her pretended claims in Belize she entered into another treaty in 1783, agreeing to leave the country and abandon the Isthmus, except Belize, where she was to continue to have the same right to cut logwood. The treaty provided that all the English on the Spanish continent should retire within the territory between the Belize River and the Rio Hondo, the former near the center and the latter the north boundary of what is now known as British Honduras. This treaty was executed by Great Britain with a secret reservation, as the history of the time conclusively proves, that it was later to be violated. It was not her purpose to keep it, nor did she do so when it suited her convenience to repudiate it, and it was later urged by Great Britain that the term "continent of Spain" mentioned in the treaty did not have reference to any portion of Central America, and, as in the case of the former treaty, she ignored its terms. This resulted in negotiations that found expression in another treaty, executed in 1786, in one article of which the parties agreed to observe it sincerely and with bona fides. The title of Spain to Belize was in express terms admitted, with only the permissive right of British subjects to cut logwood and mahogany. (See Parliamentary History, vol. 26, 1786–1788.) Great Britain stipulated in this, as in the former treaties, to dismantle her fortifications in her alleged possessions in Central America and to evacuate the Mosquito country.

I call the Senate's attention to the fact that the language of these treaties of Great Britain with Spain, which were constantly violated, is almost in hæc verba with the language that is used in the Clayton-Bulwer treaty, which she violated with us just as ruthlessly as she violated the treaties which she had with Spain. Note this, Mr. President: A resolution censuring the ministry was offered in Parliament because of the execution of this last treaty of adjustment and renunciation. Lord Chancellor Thurlow, in vindication of the ministry, delivered an address in Parliament and expressly declared that Great Britain never had any valid claim, title, or interest in any portion of the Mosquito Coast, and Mr. Pitt, in the House of Commons, introduced a bill indemnifying those Englishmen who had been induced to go into that country in violation of the terms of the two former treaties with Spain. This bill of indemnification was passed by Parliament, the resolution of censure was defeated, and the action of the ministry in executing the treaty sustained.

In his address referred to Lord Thurlow said, in substance—and I quote from the Parliamentary Register of 1787, volume 22, page 138:

> With regard to settlements, it would have been imagined by those who were strangers to the fact that there had been a regular government, a regular council, and established laws peculiar to the territory, when the fact was there neither existed one nor the other; he went into the history of the settlement, tracing it down from the year 1650 to the year 1777, mentioning Lord Godolphin's treaty and all its circumstances, and deducing arguments from each fact he mentioned to prove that the Mosquito shore never had been fairly to be deemed a British settlement, but that a detachment of soldiers had been landed from the island of Jamaica, who erected fortifications, which were afterwards by order of the Government at home abandoned and withdrawn. He instanced the transactions on the subject at the peace of Paris in 1763, when Gov. Littleton presided at Jamaica, and enlarged upon them to show that this country by the peace of Paris had renounced whatever claim she might before that period have fancied she had a right to maintain, and had given a fresh proof of her having done so in the year 1777, when Lord George Germain, the secretary for the American department, sent out Mr. Lawrie to the Mosquito shore to see that the stipulations of this country with Spain were carried fully into execution. His lordship enlarged on these particulars, and after enforcing and applying them to the arguments urged in defense of the motion proceeded to notice what the Earl of Carlisle had said on the delicacy of questions of that sort, declaring that he had been happy to hear the matter so judiciously observed upon. He should have been extremely glad if the whole grounds of the transactions could with prudence and propriety have been gone into, but as that could not be done he must meet the matter as he found it. With regard to the degradation of the country—

That refers to the Mosquito country—

> that the fourteenth article was pretended to hold out, he denied the fact. The Mosquitos were not our allies; they were not a people whom we were bound by treaty to protect, nor was there anything like the number of British subjects there that had been stated, the number having been, according to the last report from thence, only 120 men and 16 women. The fact was we had procured—by contract, if noble lords pleased—a stipulation that the King of Spain would not punish those British subjects and the Mosquitos who had possessed themselves improperly of the rights belonging to the Spanish Crown, and in consequence of such irregular possession had persisted for a course of time, but with frequent interruption, in the enjoyment of those rights. He repelled the argument that the settlement was a regular and legal settlement; and so far from agreeing, as had been contended, that we had uniformly remained in the quiet and unquestioned possession of our claim to the territory, he called upon the noble viscount (Stormont) to declare as a man of honor whether he did not know to the contrary.

I have read that extract for the purpose of showing that from a British standpoint, at the time the treaty with Spain was executed, there was absolutely a disclaimer by the men who had the authority to disclaim that Great Britain ever had any title, right, or interest along the Spanish-American coast.

Other British supporters of the ministry took the same position in the matter and repudiated the suggestion that Great Britain had any just claims, by settlement or otherwise.

I call particular attention to this because I think it proves conclusively by contemporaneous English history of the highest character that in 1786 Great Britain had no valid claim of title in the Mosquito country, and that between that date and the execution of the Clayton-Bulwer treaty she never acquired or held any higher title in Central America than she had at that early date. It is true that on pretended humanitarian grounds she undertook to set up a protectorate over the Mosquito Indians along the coast, but all of her pretensions in this behalf were violative of the treaty of 1786 as well as of former treaties with Spain; and later, in the separation of the Spanish-American colonies from the mother country she undertook gradually again to extend her claims to the Mosquito Coast by taking the reputed son of a mythical Indian chief to Jamaica, crowning him as king, and again asserting rights to the country in violation of the rights of Nicaragua, within whose territory the Mosquito country then was.

What was the purpose of Great Britain in asserting these claims, as well as others at Tigris on the Pacific side of Nicaragua, if it was not to secure the commercial advantages which would accrue from holding the key to any transisthmian canal, railroad, or other connection between the two oceans? Subsequent events have proven that she had no other purpose or object in view than to acquire a strategic position and to hold it against the world in case a means of transit across the Isthmus ever should be effected. Our Government had from time to time protested that Great Britain by her course in Central America was violating the Monroe doctrine, which had become a settled policy with our people.

This was the condition of things at the conclusion of the war between the United States and the Republic of Mexico, and while negotiations were pending between the two Republics for the adjustment of their differences, which was finally accomplished under the treaty of Guadalupe Hidalgo, proclaimed July 4, 1848. Under the terms of that treaty Texas, Arizona, and California were ceded to the United States, and with this magnificent addition to our territory, separated as it was from the Atlantic seaboard by a then trackless wilderness, Great Britain had a stronger reason for again attempting to acquire a foothold which would give to her an advantage over the United States. To that end, within six days of the ratification of the treaty with Mexico, the governor of Jamaica sent an armed cruiser to the mouth of the San Juan River, seized the town there and named it Greytown, in honor of the governor of Jamaica; and by virtue of this illegal seizure Great Britain claimed rights on the San Juan River and at its mouth, in violation of the settled policy of the United States as declared by President Monroe in 1823.

Close upon the heels of this followed the greatest diplomatic blunder ever committed, namely, the ratification by the Senate of the Clayton-Bulwer treaty. It was under the Democratic administration of James K. Polk that Mr. Hise, chargé of the United States at Guatemala, was sent to Nicaragua on a mission of this Government, and he—it is claimed, without authority—negotiated a treaty with that Republic, under the terms of which the United States was vested with exclusive authority, notwithstanding the pretended claims of Great Britain along the coast, to build a canal through Nicaragua connecting the two oceans, including the right to fortify the canal from one end to the other, to establish towns and free ports at either end thereof, giving to the United States exclusive jurisdiction over the canal when completed. This had the merit at least of a truly American policy.

Before the return of the treaty to Washington the Democratic Party went out of power, and was succeeded by a Whig administration, which sent Mr. Squier as its agent to Nicaragua, who denounced the Hise treaty and negotiated another, in excess, it is claimed, of his authority, with that Republic, placing the proposed canal under the joint protection and control of the United States and Great Britain.

Mr. Clayton had in the meantime become Secretary of State, and it is a little bit remarkable to note the change of circumstances then and the change of circumstances now. There the Democratic administration had practically negotiated a treaty which adopted an American policy, and the Whig administration came in and changed it. Here a Republican administration had adopted an American policy and the Democratic Party comes into power and absolutely overturns that policy. In other words, the Democrats now are taking a position diametrically opposed to the position which they took under the administration of President Polk. Mr. Clayton, without submitting to the Senate either the Hise or Squier treaties, opened negotiations with Sir Henry Bulwer, British minister at Washington, which resulted in the now famous Clayton-Bulwer treaty of April 19, 1850, ratifying the scheme of a joint protectorate over the canal, and assenting in terms to what was practically an abandonment of the Monroe doctrine.

I do not deem it necessary to discuss the terms of this treaty, because it has been so ably analyzed and discussed by Senators who have preceded me. I merely call attention to it and the circumstances which preceded its execution in order to show that at the time of its execution Great Britain had no valid claim in Central America, and, having none, there was no foundation for the Clayton-Bulwer treaty and no consideration to support either it or the Hay-Pauncefote treaty, which is based on it. I am induced to make this showing because it is continually stated here in nearly every speech that is made in favor of repeal that Great Britain can not now be placed in the position which she occupied prior to the execution of the Hay-Pauncefote treaty or the Clayton-Bulwer treaty, because it is claimed she has released valuable rights. I insist that she had no rights and never had any, and, therefore, that the Clayton-Bulwer treaty was absolutely without any consideration at all.

The language of the treaty is in some of its provisions not unlike the treaty between Spain and Great Britain, particularly that portion of it which provides that neither Great Britain nor the United States would ever erect or maintain any fortifications commanding the canal or in the vicinity thereof, or occupy, fortify, or colonize, assume or exercise any dominion over Nicaragua or any part of Central America. Subsequent events have proven that at the time of the execution of the treaty Great Britain intended, as she did with Spain, to violate its terms; and she has, from the date of its execution, continued to ignore its terms, and has never abandoned, but has continued to occupy, a part of the territory which she agreed she would neither occupy, fortify, colonize, nor assume jurisdiction over. From that day to this the constant and repeated violations of the treaty and the unjust demands on the part of Great Britain have led to constant irritation and strife between the two powers.

It was my privilege to deliver an address in the Senate at the time the Panama Canal act was pending, in 1912, in which I recited a great number of protests by all administrations, Democratic and Republican, since 1850, against the repeated violations of the Clayton-Bulwer treaty by Great Britain; and I am not going to refer to them now.

In order to prove that the pretended claim of Great Britain at the mouth of the San Juan River—acquired, as has been stated, by fraud—was the basis of the Clayton-Bulwer treaty, permit me to call attention to the message of President Franklin Pierce to Congress on the 31st of December, 1855, and the proceedings had thereon at the time of its delivery to the Senate of the United States.

I ask to have printed in the RECORD, without reading, the portion of the message which refers to this matter.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Whilst relations of amity continue to exist between the United States and all foreign powers, with some of them grave questions are depending which may require the consideration of Congress.

Of such questions the most important is that which has arisen out of the negotiations with Great Britain in reference to Central America.

By the convention concluded between the two Governments on the 19th of April, 1850, both parties covenanted that "neither will ever occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

It was the undoubted understanding of the United States in making this treaty that all the present States of the former Republic of Central America and the entire territory of each would thenceforth enjoy complete independence, and that both contracting parties engaged equally and to the same extent for the present and for the future that if either then had any claim of right in Central America such claim and all occupation or authority under it were unreservedly relinquished by the stipulations of the convention, and that no dominion was thereafter to be exercised or assumed in any part of Central America by Great Britain or the United States.

This Government consented to restrictions in regard to a region of country wherein we had specific and peculiar interests only upon the conviction that the like restrictions were in the same sense obligatory on Great Britain. But for this understanding of the force and effect of the convention it would never have been concluded by us.

So clear was this understanding on the part of the United States that in correspondence contemporaneous with the ratification of the convention it was distinctly expressed that the mutual covenants of nonoccupation were not intended to apply to the British establishment at the Balize. This qualification is to be ascribed to the fact that in virtue of successive treaties with previous sovereigns of the country Great Britain had obtained a concession of the right to cut mahogany or dyewoods at the Balize, but with positive exclusion of all domain or sovereignty, and thus it confirms the natural construction and understood import of the treaty as to all the rest of the region to which the stipulations applied.

It, however, became apparent at an early day after entering upon the discharge of my present functions that Great Britain still continued in the exercise or assertion of large authority in all that part of Central America commonly called the Mosquito Coast and covering the entire length of the State of Nicaragua and a part of Costa Rica; that she regarded the Balize as her absolute domain and was gradually extending its limits at the expense of the State of Honduras; and that she had formally colonized a considerable insular group known as the Bay Islands and belonging of right to that State.

All these acts or pretensions of Great Britain, being contrary to the rights of the States of Central America and to the manifest tenor of her stipulations with the United States as understood by this Government, have been made the subject of negotiation through the American minister in London. I transmit herewith the instructions to him on the subject and correspondence between him and the British secretary for foreign affairs, by which you will perceive that the two Governments differ widely and irreconcilably as to the construction of the convention and its effect on their respective relations to Central America.

Great Britain so construes the convention as to maintain unchanged all her previous pretensions over the Mosquito Coast and in different parts of Central America. These pretensions as to the Mosquito Coast are founded on the assumption of political relation between Great Britain and the remnant of a tribe of Indians on that coast, entered into at a time when the whole country was a colonial possession of Spain. It can not be successfully controverted that by the public law of Europe and America no possible act of such Indians or their predecessors could confer on Great Britain any political rights.

Great Britain does not allege the assent of Spain as the origin of her claims on the Mosquito Coast. She has, on the contrary, by repeated and successive treaties renounced and relinquished all pretensions of her own and recognized the full and sovereign rights of Spain in the most unequivocal terms. Yet these pretensions, so without solid foundation in the beginning and thus repeatedly abjured, were at a recent period revived by Great Britain against the Central American States, the legitimate successors to all the ancient jurisdiction of Spain in that region. They were first applied only to a defined part of the coast of Nicaragua, afterwards to the whole of its Atlantic coast, and lastly to a part of the coast of Costa Rica, and they are now reasserted to this extent, notwithstanding engagements to the United States.

On the eastern coast of Nicaragua and Costa Rica the interference of Great Britain, though exerted at one time in the form of military occupation of the port of San Juan del Norte, then in the peaceful possession of the appropriate authorities of the Central American States, is now presented by her as the rightful exercise of a protectorship over the Mosquito Tribe of Indians.

But the establishment at the Belize, now reaching far beyond its treaty limits into the State of Honduras, and that of the Bay Islands, appertaining of right to the same State, are as distinctly colonial governments as those of Jamaica or Canada, and therefore contrary to the very letter as well as the spirit of the convention with the United States as it was at the time of ratification and now is understood by this Government.

The interpretation which the British Government thus, in assertion and act, persists in ascribing to the convention entirely changes its character. While it holds us to all our obligations, it in a great measure releases Great Britain from those which constituted the consideration of this Government for entering into the convention. It is impossible, in my judgment, for the United States to acquiesce in such a construction of the respective relations of the two Governments to Central America.

To a renewed call by this Government upon Great Britain to abide by and carry into effect the stipulations of the convention according to its obvious import by withdrawing from the possession or colonization of portions of the Central American States of Honduras, Nicaragua, and Costa Rica, the British Government has at length replied, affirming that *the operation of the treaty is prospective only and did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion.*

This reply substitutes a partial issue in the place of the general one presented by the United States. The British Government passes over the question of the rights of Great Britain, real or supposed, in Central America and assumes that she had such rights at the date of the treaty, and that those rights comprehended the protectorship of the Mosquito Indians, the extended jurisdiction and limits of the Belize, and the colony of the Bay Islands, and thereupon proceed by implication to infer that if the stipulations of the treaty be merely future in effect Great Britain may still continue to hold the contested portions of Central America. The United States can not admit either the inference or the premises. We steadily deny that at the date of the treaty Great Britain had any possessions there other than the limited and peculiar establishment at Belize, and maintain that if she had any they were surrendered by the convention.

This Government, recognizing the obligations of the treaty, has, of course, desired to see it executed in good faith by both parties, and in the discussion, therefore, has not looked to rights which we might assert independently of the treaty in consideration of our geographical position and of other circumstances which create for us relations to the Central American States different from those of any Government of Europe.

The British Government in its last communication, although well knowing the views of the United States, still declares that it sees no reason why a conciliatory spirit may not enable the two Governments to overcome all obstacles to a satisfactory adjustment of the subject.

Assured of the correctness of the construction of the treaty constantly adhered to by this Government and resolved to insist on the rights of the United States, yet actuated also by the same desire which is avowed by the British Government, to remove all causes of serious misunderstanding between two nations associated by so many ties of

interest and kindred, it has appeared to me proper not to consider an amicable solution of the controversy hopeless.

There is, however, reason to apprehend that with Great Britain in the actual occupation of the disputed territories, and the treaty therefore practically null, so far as regards our rights, this international difficulty can not long remain undetermined without involving in serious danger the friendly relations which it is the interest as well as the duty of both countries to cherish and preserve. It will afford me sincere gratification if future efforts shall result in the success anticipated heretofore with more confidence than the aspect of the case permits me now to entertain.

Mr. CHAMBERLAIN. This was a ringing protest as far back as 1855 against the repeated violations of the Clayton-Bulwer treaty by Great Britain. I call your attention to a small portion of it to show you the flimsy pretext upon which Great Britain was asserting her right to remain in possession of the property which she was claiming in Central America:

To a renewed call by this Government upon Great Britain to abide by and carry into effect the stipulations of the convention according to its obvious import by withdrawing from the possession or colonization of portions of the Central American States of Honduras, Nicaragua, and Costa Rica, the British Government has at length replied, affirming that the operation of the treaty is prospective only and did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion.

In other words, she claimed that she did not agree to give up anything, and as a matter of fact she did not give up anything, and she never has given up anything, but continues to occupy the same territory now which she occupied then, and which she agreed that she would abandon.

I have set out at length the portion of the President's message which deals with Great Britain's pretensions along the coast of Central America, and I call particular attention to the fact that she scrupulously and purposely avoided the issue which had been raised by our Government that she was violating the terms of the Clayton-Bulwer treaty and set up the palpably dishonest contention that the operation of the treaty was prospective only and did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion. What more dishonest, what more preposterous claim could have been made by any Government that wanted to observe the stipulations of a treaty which were plain on their face and impossible of misconstruction? The contention that the treaty with reference to occupation, colonization, fortification, and exercise of dominion was prospective in its operation was so entirely disingenuous and dishonest that when this message of the President was delivered to Congress Mr. Clayton, who had been Secretary of State when the Clayton-Bulwer treaty was negotiated, during the Whig administrations of Presidents Taylor and Fillmore and was serving in the Senate from the State of Delaware, immediately arose and with much heat and feeling denounced the preposterous claims of Great Britain, discussed at length the reasons which led to the execution of the Clayton-Bulwer treaty, and gave the understanding of the parties with reference to its terms and conditions.

In the course of his explanation he candidly admitted that the possession by Great Britain of the Mosquito country and Greytown, with its gradual extension to other adjoining territory, disturbed the administration of which he had been a part; and, as I read what he had to say upon the subject, I am inclined to believe that the timidity of the administration led to this great diplomatic blunder. Can it be that the timidity of a Democratic administration at this time is likely to lead us into the commission of a diplomatic blunder more serious, if possible, than that committed by a Whig administration in the execution of the Clayton-Bulwer treaty?

Mr. Clayton, in the course of his remarks on that portion of the President's message which I have quoted, said in part:

It is a construction put upon the treaty by the British Cabinet for which they are certainly entitled to all the merit of originality and novelty. Prospective in its operation! I never dreamed of such a thing. Merely prospective! Does any man suppose that I, in the possession of my senses, could have entered into a treaty with Great Britain to allow her to remain in possession of the whole of this isthmus and to prohibit my own countrymen from taking possession of it, leaving her there undisturbed? What could we gain by it? What inducement could there have been on our part to enter into such a treaty? What motive could an American statesman have in making such a treaty? What motive could any American Senator have had in voting for the ratification of such an instrument? Is it possible that any man on earth can have his understanding so perverted as to believe for a single moment that that view was in the contemplation of the negotiators? * * * Sir, Great Britain having denied the plain meaning of the treaty, as she has done, we should be perfectly justified in breaking up the treaty on our part if that would place us in any better condition. Now, I ask the attention of the Senate for but a few moments to consider that point. We have the right, *in foro conscientiæ*, to annul the treaty, and we should be justified before the civilized world for annulling it if it be our interest to do so.

Here was a Senator who knew all about the terms of that treaty. He knew just as much about it as it is claimed now that Mr. Choate and Mr. Hay and other distinguished gentlemen knew about the Hay-Pauncefote treaty. If the rule of construction which the distinguished senior Senator from New York [Mr. ROOT] appealed to yesterday is to apply in this case, we appeal to the record as made by Mr. Clayton to show that the ink had hardly gotten dry on the Clayton-Bulwer treaty in 1850 when it was violated, and we too are in foro conscientiæ entitled to denounce it before the eyes of the civilized world. That contention has been made by every administration since that date.

But for the fact that others who have addressed themselves to this subject have gone into the matter fully, I might show that nearly every President since 1850, except during the Civil War, when little attention was paid to it, have repeatedly protested against repeated violations of the Clayton-Bulwer treaty by Great Britain. I therefore deem it unnecessary to call attention in detail to these protests.

The Clayton-Bulwer treaty had hardly been ratified when controversies arose between the signatory powers as to its intent and meaning, and it is interesting to read the discussions which took place in the Senate of the United States in reference to the actions of Great Britain which were violative of the terms of the treaty and the proper construction thereof. There were those in Congress then, as there are those here to-day, who appeared to be more afraid of arousing the antagonism of Great Britain and other foreign powers than they were desirous of protecting the interests of our own country and of our own citizens. But there were patriotic men then who were more interested in the latter than in the former. In March, 1853, Senator Stephen A. Douglas, in discussing this very subject with Senator Clayton, of Delaware, took a very different position from that which many Democrats are taking to-day.

I want to say here, parenthetically, that neither Stephen A. Douglas nor Mr. Clayton were at variance about the fact that Great Britain was violating the treaty. They got into a warm discussion about it, but they were agreed upon the proposition that it was being violated.

Now, note what Mr. Douglas said. I think it is very appropriate to-day:

When was it that Great Britain seized the possession of the terminus of this canal? Just six days after the signing of the treaty which secured to us California? The moment England saw that by the pending negotiations with Mexico California was to be acquired, she collected her fleets and made preparations for the seizure of the port of San Juan, in order that she might be gatekeeper on the public highway to our new possessions on the Pacific. Within six days from the time we signed the treaty England seized by force and violence the very point now in controversy. Is not this fact indicative of her motives? Is it not clear that her object was to obstruct our passage to our new possessions? Hence I do not sympathize with that feeling which the Senator expressed yesterday, that it was a pity to have a difference with a nation so friendly to us as England. Sir, I do not see the evidence of her friendship. It is not in the nature of things that she can be our friend. It is impossible she can love us. I do not blame her for not loving us. Sir, we have wounded her vanity and humbled her pride. She can never forgive us. But for us she would be the first power on the face of the earth. But for us she would have the prospect of maintaining that proud position which she held for so long a period. We are in her way. She is jealous of us, and jealousy forbids the idea of friendship. England does not love us; she can not love us, and we do not love her, either. We have some things in the past to remember that are not agreeable. She has more in the present to humiliate her that she can not forgive.

I do not wish to administer to the feeling of jealousy and rivalry that exists between us and England. I wish to soften and allay it as much as possible. But why close our eyes to the fact that friendship is impossible while jealousy exists? Hence England seizes every island in the sea and rock upon our coast where she can plant a gun to intimidate us or to annoy our commerce. Her policy has been to seize every military and naval station the world over. Why does she pay such enormous sums to keep her post at Gibraltar except to hold it *in terrorem* over the commerce of the Mediterranean? Why her enormous expense to maintain a garrison at the Cape of Good Hope except to command the great passage on the way to the Indies? Why is she at the expense to keep her position on the little barren islands, Bermuda and the miserable Bahamas, and all the other islands along our coast except as sentinels upon our actions? Does England hold Bermuda because of any profit it is to her? Has she any other motive for retaining it except jealousy, which stimulates hostility to us? Is it not the case with all her possessions along our coast? Why, then, talk about the friendly bearing of England toward us when she is extending that policy every day? New treaties of friendship, seizure of islands, and erection of new colonies in violation of her treaties seem to be the order of the day. In view of this state of things, I am in favor of meeting England as we meet a rival—meet her boldly, treat her justly and fairly, but make no humiliating concession even for the sake of peace. She has as much reason to make concessions to us as we have to make them to her. I would not willingly disturb the peace of the world; but, sir, the Bay Island colony must be discontinued. *It violates the treaty.*

And she then had possession of the Bay Islands in distinct violation of the terms of the Clayton-Bulwer treaty.

If the "Little Giant" were alive to-day, he would doubtless call attention to the course of Great Britain in acquiring control of the Suez Canal after its construction by the French, and the strategic positions at each entrance thereof, just as she attempted to secure the Atlantic and Pacific entrances to a Nicaraguan canal, and as she is attempting to secure a voice in the Panama Canal to-day.

On the same subject he said, further—and I will say to the Members on this side of the Chamber that this ought to be pretty good Democratic authority—

> This question of a canal in Nicaragua, when negotiations were pending to give it to us, was so much an American question that the English Government was not entitled to be consulted. England not consent! She will acquiesce in your doing what you may deem right so long as you consent to allow her to hold Canada, the Bermudas, Jamaica, and her other American possessions.

The same contention was made then, Mr. President, that is made to-day—that the powers of the earth are protesting against our violation of the treaty with Great Britain and that Great Britain must consent to our doing this or doing that before we are permitted to do anything. Will the time ever come, as was said by Stephen A. Douglas, when we can determine for ourselves as to what affects our national integrity and purposes without consulting Great Britain or some other foreign power?

> I hope the time has arrived when we will not be told any more that Europe will not consent to this, and England will not consent to that. I heard that argument till I got tired of it when we were discussing the resolutions for the annexation of Texas. I heard it again on the Oregon question, and I heard it on the California question. It has been said on every occasion whenever we had an issue about acquiring territory—that England would not consent; yet she has acquiesced in whatever we had the courage and the justice to do. And why? Because we kept ourselves in the right. England was so situated with her possessions on this continent that she dare not fight in an unjust cause. We would have been in the right to have accepted the privilege of making this canal, and England would never have dared to provoke a controversy with us. I think the time has come when America should perform her duty according to our own judgment and our own sense of justice without regard to what European powers might say with respect to it. I think this Nation is about of age. I think we have a right to judge for ourselves. Let us always do right and put the consequences behind us.

I quote thus at length from a distinguished Democrat to show the difference in the attitude of our party leaders immediately following the ratification of the Clayton-Bulwer treaty and their attitude now with respect to a treaty which has no other foundation whatsoever than a treaty which was executed in 1850 and which was based on force, fraud, and treaty violation.

I say "our party leaders." I do not know but that there is a new Richmond in the field as the leader of the Democracy now, in the person of the distinguished senior Senator from New York [Mr. ROOT], a gentleman whom some seem anxious to follow, but whom I have heard denounced by Democratic spellbinders on many stumps in the East and West. We must concede and give him the credit for having originated this scheme for repeal. There is no question about that. The Taft administration and a Republican Senate and a majority of the Democrats in Congress had settled it beyond any peradventure of a doubt, and the British contention had been practically abandoned when the distinguished senior Senator from New York, in the early days of January, 1913, introduced a resolution to repeal the exemption clause of the Panama Canal act. Then, on the 21st of January, 1913, he made a speech in favor of repeal, although when the Panama Canal act was pending he said that, inasmuch as he differed with the gentlemen of the Senate, he did not like to express his views in a matter which involved our country. He is the author of this proposition to repeal, and I give him credit for it. If he can win over the Democrats to his way of thinking, I commend him all the more highly for it; but we certainly have a new leader of Democracy to-day in the person of the senior Senator from New York [Mr. ROOT].

That speech has gone out to millions of people in this country, sent out by an association—the Carnegie Peace Foundation—which pretends that it has for its purpose the cultivation of peace between the powers of the earth. Knowing, as the men who had that fund in charge knew, that Congress had passed a bill exempting our coastwise vessels from the payment of tolls, they nevertheless were sending out a speech on one side of a question only and educating the people to see that one side, and were not undertaking to have the people reach a correct solution of a great international controversy. I have no patience with such efforts at world peace. Why was that done? Echo answers, Why?

If I were to undertake to use the language which was used by the distinguished Senator from Illinois, Mr. Douglas—and I might say the distinguished Senator from Delaware, Mr. Clayton—I would be charged with demagogy and with jingoism. That is the only answer to the arguments of those who are in favor of an American policy. We are denounced by the press and papers of the country as undertaking to indulge in demagogy.

There are those in Congress who prate about national honor. We heard much of it yesterday, as though there were only a few people in the Senate who have any idea of national honor. I venture to say that my distinguished friends who sit opposite me now, and who honor me by their presence, have just as high a regard for our national honor as the distinguished senior Senator from New York, who addressed the Senate yesterday. Has he a monopoly of national honor? Has any Senator a monopoly of that quality of a good American citizen? I think we have just as much regard for the national honor as anybody; I presume, in fact I prophesy and predict, that in the next 90 days that speech delivered here yesterday will be circulated by the same Carnegie Peace Foundation, in the effort to train the minds of the people of this country, the schools, the colleges, the churches, to one way of looking at this Hay-Pauncefote treaty and our other treaties with Great Britain, which from our standpoint at least is an absolutely incorrect view to take of this whole situation.

I repeat, Mr. President, if I were to use on the floor of the Senate such language as that which I have quoted, I would be charged by those who espouse the cause of Great Britain with jingoism, but the views of Democrats and Whigs who placed national interest above the fear of offense to Great Britain were in line with those of the distinguished Democrat from Illinois.

So it is to-day. There are those in Congress who prate about the national honor instead of boldly assuming a position which will give the world to understand that the United States is to be its own judge as to what affects the national honor as well as those matters which affect the national interest. This was done in 1912, and from that patriotic position we are about to recede, and for reasons which no one has even been candid enough to state.

Mr. President, I want to call the attention of the Senate to the fact that I introduced a resolution here a year or two ago to abrogate the Clayton-Bulwer treaty and the Hay-Pauncefote treaty. It was not necessary to give any notice of the intended abrogation by the United States of either of those treaties. Most treaties usually provide that either party has the right to abrogate them on giving the other contracting party a certain notice, but neither of these treaties required anything of that kind. If I recall it aright, I was denounced as a jingoist here for having introduced that resolution. I meant it in perfect good faith. Indeed, if we had gone on then and abrogated both those treaties we would have been out of a whole lot of trouble that confronts us now and that is likely to confront us more seriously in the future.

To show you that other Democrats have entertained the same view, I call attention to the fact that in 1900—I did not know it until this morning I was looking this matter up a little—the distinguished Senator from Alabama, the late Mr. Morgan, introduced a resolution, No. 392, for the abrogation of the Clayton-Bulwer treaty. This was in the Fifty-sixth Congress, first session. It recites:

> *Resolved by the Senate*, That the treaty known as the Clayton-Bulwer treaty between Great Britain and the United States, which was concluded on the 19th day of April, 1850, is abrogated.

It ought to have been done then. It ought to have been done while Presidents of the United States and Secretaries of State were protesting against the repeated violations of it by Great Britain.

Now, I will call your attention to a further fact in this connection. Some Senators seem to take to the view that the Congress in 1912 was the only Congress we ever had that seemed disposed to annul that treaty or either of those treaties. There was introduced in the House, May 3, 1900, a bill, House bill 2538, to provide for the construction of a canal connecting the waters of the Atlantic and the Pacific Oceans. That was across the very territory that Great Britain was claiming she had some interest in. That was across Nicaragua, through the very route that is covered by the Clayton-Bulwer treaty. That bill passed the House of Representatives by an overwhelming vote. In other words, the Members of the House, Democrats and Republicans, at that time took the position that they had the right to build the canal across the very territory that Great Britain is now claiming some jurisdiction over under the two treaties that we have with her, and they did not deem it incumbent upon them to mention the fact that we had any treaty with Great Britain. They passed the bill, and, so far as the House was concerned, by passing the bill repealed and abrogated the treaty.

In this connection—I mention it now, while I have this resolution and this bill before me—Mr. Morgan, as chairman of the Interoceanic Canals Committee of the Senate, submitted quite a lengthy report on the resolution which I have just read proposing the abrogation of the treaty. Mr. Morgan says, among other things:

> The legislative powers of the Senate are higher and broader than its treaty-making power, and when these functions are appealed to by different departments of the Government, on the same subject and at the same time, and with opposing requests, there can be no doubt that the

highest power should be exerted to settle the question in controversy, thereby relieving the country of all doubt and uncertainty.

The House bill accomplishes this result without attempting to restrain or coerce the treaty-making power of the President and the Senate. It only provides for conditions that are presented and demand the attention of Congress, by resorting to the supreme and paramount law-making power and demanding its exercise in acts of legislation.

It is insisted, however, that when Congress has declared the supreme will of the people in a solemn enactment of law the President and the Senate can not lawfully obstruct or avoid such a declaration by any treaty they can conclude with any foreign power.

In other words, applying the argument which is made at length by Senator Morgan here, and he was a distinguished international lawyer, that Congress had the right to pass the act to which I have called attention, and which in effect operated as a repeal of the Clayton-Bulwer treaty, the act of 1912 had the effect to repeal the Hay-Pauncefote treaty, and if any part of the Clayton-Bulwer treaty remained, it had the effect to repeal that. As a proposition of law I insist that the mere repeal of the act of 1912 or any portion of it will not have the effect to reinstate the Hay-Pauncefote treaty or the Clayton-Bulwer treaty. In other words, the highest constitutional body of this country, namely, the Congress of the United States, has enacted a law which abrogates a treaty, and now can we by repealing that statute make it retroactive in its effect or prospective, if you will, and reinstate a treaty which we have already repealed?

I may be mistaken in that position; but that is the argument of Senator Morgan, and he certainly had much experience in this particular matter, because no man in the United States ever gave the construction of a transisthmian canal so much consideration as did he.

So when we are talking about observing treaty obligations, what is to happen after we repeal the act of 1912? Must we then enter into negotiations again with Great Britain for a treaty governing the very subject which I say is sealed by the act of 1912?

Mr. President, for convenience of reference in what I have to say, I desire to have the Clayton-Bulwer treaty and the Hay-Pauncefote treaty inserted as a part of my remarks.

The PRESIDING OFFICER. Such will be the order, without objection

The matter referred to is as follows:

CLAYTON-BULWER TREATY OF APRIL 19, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Hon. Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

"ARTICLE 1.

"The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

"ARTICLE 2.

"Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

"ARTICLE 3.

"In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

"ARTICLE 4.

"The contracting parties will use whatever influence they respectively exercise with any State, States, or Governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

"ARTICLE 5.

"The contracting parties further engage, that when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments, or either Government, should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

"ARTICLE 6.

"The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

"ARTICLE 7.

"It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall moreover have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

"ARTICLE 8.

"The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

"ARTICLE 9.

"The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

"In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

"Done at Washington the 19th day of April, anno Domini 1850.

"JOHN M. CLAYTON. [L. S.]

"HENRY LYTTON BULWER. [L. S.]"

HAY-PAUNCEFOTE TREATY OF 1901.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out

of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

"ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the afore-mentioned convention of the 19th April, 1850.

"ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal—that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

"Done in duplicate at Washington, the 18th day of November, A. D. 1901.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

Mr. CHAMBERLAIN. The Clayton-Bulwer treaty, it will be observed, had reference to the construction of a canal between the Atlantic and Pacific Oceans across the Isthmus by a particular route, namely, "by way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean." In other words, it had reference to the construction of a canal across territory which was not owned by or under the jurisdiction of either power. While it is true that article 8 of the treaty provided that "the Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object"—that is, the construction of a canal over the route indicated—"but also to establish a general principle"—that is, the principle of neutralization of the canal—"they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or by railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by way of Tehuantepec or Panama," it must not be forgotten that at the time of the execution of the treaty both Tehuantepec and Panama were under the jurisdiction of other powers than either Great Britain or the United States, and neither country had any jurisdiction or rights of sovereignty over either of the routes named. It had reference to a canal to be constructed by private capital, and neither Government contemplated entering upon such an undertaking at Nicaragua or elsewhere.

At the time of the execution of the Hay-Pauncefote treaty the same conditions prevailed with reference to the status of the parties, and both the signatory powers had in view the construction of a canal over and through territory which was not under the jurisdiction of either.

Mr. President, I think I have shown—and if time permitted, much more testimony could be adduced to sustain my position—both by the highest British authority as well as by contemporaneous history, and particularly by the statements of the Secretary of State who negotiated the Clayton-Bulwer treaty on the part of the United States: First, that Great Britain had no valid title to any possessions along the coast of Nicaragua, either at the Atlantic or Pacific terminus of the then proposed canal; second, that all her claims were fraudulent or were acquired by force, or through the violation of the treaties with Spain, or in contempt of the settled policy of the United States with reference to colonization on the American Continent; third, that from the date of its execution to that of the execution of the last Hay-Pauncefote treaty there was never a day when Great Britain was not flagrantly violating the terms of the Clayton-Bulwer treaty, against the earnest and indignant protests of every party and of every administration; fourth, that the treaty, even if it ever had any force or validity, had been practically abandoned by both the signatory powers; and, fifth, that the Clayton-Bulwer treaty having been without consideration, the Hay-Pauncefote treaty could not have any greater binding force or validity than that upon which it was founded. I think, sir, we should cease prating about violations of national integrity and honor, particularly in view of the fact that a former Congress of the United States after long weeks of discussion placed its own construction upon the Hay-Pauncefote treaty and decided that an act which gave to American vessels engaged in the coastwise traffic the right of passage through the canal without the payment of tolls did not violate, either in letter or in spirit, the terms of this treaty. The same conclusion was reached by President Taft; Mr. Knox, Secretary of State; Mr. Wickersham, Attorney General—all distinguished lawyers, who had given the subject the greatest consideration—not to mention Mr. Olney, Secretary of State under President Cleveland; Mr. Bonaparte, Attorney General under President Roosevelt, and many other distinguished lawyers of the country.

I want to call attention to a statement made by the senior Senator from New York yesterday, and the same statement was made by the Senator from Massachusetts [Mr. LODGE] when he addressed the Senate. Both undertake to link the treaty with Panama made in 1904 with the Hay-Pauncefote treaty of 1901 and claim that the Panama treaty was not any broader than the terms of the Hay-Pauncefote treaty; in other words, that we had no more power under the Panama treaty than we had under the Hay-Pauncefote treaty, because, as was claimed, the Panama treaty refers in terms and is made subject to the stipulations made in the Hay-Pauncefote treaty. But both Senators have omitted one fact that it seems to me was deserving of their notice, and that is the provision in the Panama treaty which provides that we will pass certain ships of Panama through the canal without the payment of tolls.

In other words, a part of the consideration paid by the United States to the Panama Republic for the canal strip was the passage of certain of their ships through the canal without the payment of any tolls. If the insistence of the Senators be correct, we deceived Panama; in other words, we undertook to give something we had no right to give, a part of the consideration for the construction of the Panama Canal fails, and our rights at Panama fall to the ground.

Why did not the Senators explain that? Had we the right, as a matter of fact, as a part of the consideration for the purchase, to grant them certain rights in the Panama Canal? If we had a right to grant it to any power, do we not have the same right to let our own coastwise vessels pass through the Panama Canal without the payment of tolls?

There is another reason which might be urged in favor of the Panama Canal act of 1912. At the time the Hay-Pauncefote treaty was executed, as I have stated, the relations of the signatory powers with respect to the territory through which the Panama Canal has been constructed was practically the same as it was when the Clayton-Bulwer treaty was executed. It had reference therefore to the construction of a canal through foreign territory. At the time the construction of the canal

was entered upon, however, the relation of the parties had entirely changed, for before the construction of the canal commenced the independence of Panama had been recognized as a separate and independent Republic, and on the 25th day of May, 1904, the United States entered into a treaty with this Republic, under the terms of which there was granted to the United States a strip of territory 10 miles wide and other valuable rights to be used in connection with the construction of the canal; and not only did the title pass, but sovereignty was granted, for certain purposes, over the cities at the termini thereof; so that the relations of the parties as well as the locus of the proposed canal had entirely changed. Instead of canal construction through foreign territory the work was to be done on American soil. It was to be done over territory that was absolutely the property of the United States and under its sovereignty and jurisdiction. It is a well-settled principle of international law that where there has been a change in the relation of the parties to a treaty with respect to the subject matter thereof, the treaty is to that extent abrogated and annulled. The maxim "Conventio omnis intelligitur rebus stantibus" is held to apply to all cases in which the reason for a treaty has failed, or there has been such a change of circumstances as to make its performance impracticable except at an unreasonable sacrifice.

From my viewpoint, I feel that in the position which we occupy we not only have the right to pass the coastwise vessels through the canal without the payment of tolls, but we have a right to pass any vessels of the United States through without the payment of tolls. I question if it would be good policy for us to undertake to pass our ships engaged in over-sea commerce through the canal without the payment of tolls, but there is every reason in the world why we should exercise that right in reference to our coastwise vessels.

It is true, as was said by the Senator from Massachusetts [Mr. LODGE] and the Senator from New York [Mr. ROOT], that article 18 of the treaty with Panama, by inference, made the Hay-Pauncefote treaty a part of it, but it is also true that rights were given to Panama under that treaty which it is now claimed the United States can not enjoy herself. Were we deceiving Panama and pretending to give her something we had no power to give in part pay for the territory over which the canal has been built? No other position can consistently be taken by the advocates of repeal.

Not only does a change in the status of the parties and the subject matter of a treaty have the effect to revoke it, but a subsequent act of Congress has the same effect; and the Congress of the United States, if it saw fit to revoke the treaty for the preservation of our national interests, could do so, even if there was a conflict between the national interest and national honor; and that was the effect of the act passed in 1912 when Congress placed its construction upon the treaty in question and practically determined that no question of national honor nor any violation of treaty stipulations was involved in exempting our coastwise shipping from the payment of tolls. That act operated as a repeal of the Hay-Pauncefote treaty. It has been held that a subsequent treaty supersedes an act of Congress with which it is in conflict, as in Ware *v.* Hylton (3 Dall., 199); and, conversely, that a subsequent act of Congress abrogates a treaty although in violation of its terms. (Taylor *v.* Morton, 2 Curtis, C. C., 445; Ropes *v.* Church, 8 Blatch., 304; the Cherokee Tobacco Cases, 11 Wall., 616.)

In this connection I call attention of the Senate to the fact that no treaty can deprive Congress of control over our internal affairs. It will be remembered that the Chinese-exclusion acts were passed notwithstanding treaty stipulations, and the Supreme Court of the United States sustained these laws, on the theory that the preservation of our people must be the paramount law, and that no treaty could have the effect of depriving Congress of the right to legislate for the people of the United States. President Nicholas Murray Butler, of Columbia University, who, I believe, is an advocate of repeal, is quoted by a newspaper correspondent as having stated in a recent article that—

> It is established law in this country that a treaty made between the United States and a foreign nation is subject to such acts as Congress may subsequently pass for its modification or abrogation. It is not even necessary to discuss with the other party to the international contract what it thinks of the proposed action of the Congress of the United States. This means that a treaty made by one constitutional agency may be modified or abrogated by another constitutional agency which is quite distinct from the treaty-making power. This * * * doctrine has been laid down by the most eminent judges in the land. * * * The highest courts have held, therefore, that while a treaty and an act of Congress are both binding upon the courts, the one which is later in point of time takes precedence in respect to authority. Whether a treaty has been violated by our domestic legislation so as to be the proper action of complaint by a foreign Government is held not to be a judicial question. To the courts it is simply a case of conflicting laws, the later modifying or superseding the earlier. * * *

I do not vouch for the accuracy of the quotation, but whether President Butler used the language attributed to him or not, it accurately states the law governing the subject. It is based upon that law and upon the arguments of Senator Morgan that I make my insistence that the act of 1912 was as complete an abrogation of the Hay-Pauncefote treaty and was as complete an abrogation of the Clayton-Bulwer treaty as if they had been expressly named in the terms of the act.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I do.

Mr. CUMMINS. In making the statement just made the Senator from Oregon does not intend to assert or to admit that the act of 1912 is in conflict with the Hay-Pauncefote treaty?

Mr. CHAMBERLAIN. Not at all; but the advocates of repeal are insisting that it was.

Mr. CUMMINS. I know, but if it is not in conflict, then, of course, the treaty is not abrogated.

Mr. CHAMBERLAIN. I was only undertaking to answer the argument of those who claim that it was in absolute opposition to the treaty. From my viewpoint—and I think the Senator and I agree on it—it is not in conflict with the treaty, and I think so far as the act is concerned it might stand.

It could not have been in contemplation of the signatory powers when the Hay-Pauncefote treaty was executed that any provision therein could in any way or manner affect our coastwise shipping. It could not have been and was not contemplated that the United States would subsequently acquire title to the territory over which the canal was to be built. It could not have been in the minds of the parties that the land through which the Panama Canal might later be built would ever become a part of the coast line of the United States. Otherwise it must be assumed that some provision would have been inserted therein upon the insistence of Mr. Choate or Mr. Hay, who had much to do with the execution of the treaty, that would have safeguarded beyond any question American coastwise shipping, and would have placed American coastwise vessels at least in as favorable a position as vessels of other countries engaged in their coastwise trade; for, as was clearly shown by the distinguished junior Senator from New York [Mr. O'GORMAN] the word "vessel," as used in the treaties of all nations, has always been interpreted to mean vessels engaged in the over-seas trade. To indulge in any other assumption than this would be to assume that the representatives of the United States were recreant to duty and false to the best interests of their country; and no one, whether on this or the other side of the Chamber, would care to reflect upon the integrity of either of these distinguished men.

If the effect of the act of 1912 was to revoke the Hay-Pauncefote treaty, it is questionable whether the repeal of the statute would have the effect to reinstate the same.

THE ACT OF 1912 VIOLATES NO TREATY.

But is the toll-exemption clause now proposed to be repealed in violation of the Hay-Pauncefote treaty? This treaty in the express terms of article 1 supersedes the Clayton-Bulwer treaty of April 9, 1850. After reciting the desire of the signatory powers of facilitating the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and of removing any objection which may arise out of the convention of April 9, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States "without impairing the 'general principle' of neutralization established in article 8 of that convention," each proceeds to name its plenipotentiaries for the purpose of the execution of a treaty. That general principle of neutralization referred to in the preamble, upon which the argument of those who favor repeal is based, is to be found in article 3, subdivision 1, of the Hay-Pauncefote treaty, and is as follows:

> The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied *in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal*, that is to say:
>
> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Permit me to observe, in answer to this contention, first, that there has been no neutralization of the Suez Canal under the convention of Constantinople signed October 28, 1888, and the friends of repeal are all the time talking about the neutralization of this canal under the terms of the Hay-Pauncefote treaty quoted; second, we violate no principle of international law or

any treaty obligation in exempting our coastwise ships from the payment of tolls, and we might go even further and exempt our own vessels engaged in foreign commerce without doing violence to the terms of the treaty and without subjecting our country to the charge of disregarding the national honor.

In support of the first proposition, I desire to insert herein an article from the Spectator of December, 1898, and published in London, inclosed by United States Ambassador White to Mr. Hay in a communication dated at London, December 22, 1898.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Spectator, December 10, 1898.]

THE NICARAGUA CANAL.

We pointed out at the end of last summer that it could not be long before our statesmen would have to bring their minds to bear upon the question of the Nicaragua Canal and the Clayton-Bulwer treaty, and this is exactly what has happened. The assertion by the President of the United States in his message to Congress that "the construction [of the Nicaragua Canal] is now more than ever indispensable, and our policy more imperatively than ever calls for its control by this Government," has at once brought the matter within the region of practical politics. We make no claim to any special prescience in the matter. The Americans have always longed for an interoceanic canal, and it was evident that directly they had acquired possessions in the West Indies opposite the coasts of Central America, and also an island empire in the Pacific, they would desire to link them by water communication. A revival of interest in the Nicaragua Canal was thus an inevitable sequence of the war. But the Americans can not obtain that control over the Nicaragua Canal which they desire unless we are willing to abandon our rights under the Clayton-Bulwer treaty—an instrument under which both powers bound themselves not to obtain an exclusive control over any interoceanic canal. We and the Americans, that is, agreed some 48 years ago that a canal should only be made and controlled by the two powers acting together, and in no case by either power singly. Thus, if we choose we can no doubt veto the making of the canal and prevent the Americans doing what they so very much want to do. The people of this country have, therefore, to consider whether they will or will not veto the canal. We are glad to see already a good many indications that we do not intend to exercise our right of veto. The Times in its leading article on the President's message uses words which will, we believe, be indorsed not only by the Government but by the majority of English people.

The Times says, most reasonably, that "if the freedom of the waterway were secured to ships of all nations, as in the case of the Suez Canal, we do not see what object we should have in standing strictly upon claims which originated when the circumstances were altogether different." Not less statesmanlike has been the tone adopted by the St. James Gazette. It has, however, been suggested by the Daily Mail, on the other hand, that we ought not to give up our rights, and that we should insist upon a joint control of the waterway. We do not think, however, that this contention will, if it is carefully examined, find favor here. Joint control, in the first place, means joint guaranties and joint expenditure, and we do not believe that the people of this country are prepared to spend money in Nicaragua. We have plenty of objects nearer home on which to use our spare cash. When we can get all we want out of an interoceanic canal controlled by America, why should we burden ourselves in the matter? The United States, as the power most nearly and vitally interested, may think it worth while to construct or help construct the canal, but our interests do not extend so far. All we want is that the canal shall be made, and that when it is made it shall be open and available to our merchant ships and ships of war as freely as to those of the United States or of other powers. We merely want an open waterway that no one will be able to tamper with. Now, our contention is that we secure this object better through American control than by any other means. Indeed, if America holds the canal, it will be of more use to us in time of war than if we held it ourselves. Supposing the canal ours or merely the property of Nicaragua, a hostile power might block it in the first instance as our property, and in the second, in defiance of a weak State. If, however, it is controlled by America, we need have no fear of being unable to use it, for it will be in hands strong enough to defend it. Take the case of a war with France, Russia, and Germany, and the canal in the hands of the United States. In such a case we might be hard pressed and should find it most convenient to be able to pass our ships through the canal without having to guard its two mouths by protecting squadrons. The canal would be a great neutral harbor with two outlets. Only in the case of war with the United States would American control be anything but a benefit.

But even in that case we doubt whether American control would be worse than joint control. The command of the sea would have to be fought out, and the canal would fall to the victor as the prize. We fail, then, to see why we should make ourselves disagreeable to the Americans by vetoing the canal. Rather, we hold that we ought to look with the greatest possible satisfaction upon its construction. What is meant by "control" is a matter which requires attention. An able American publicist, Prof. Woolsey, of Yale, in his work on America's Foreign Policy, recently published by the Century Co., of New York, has argued, and with considerable force and ingenuity, that America would gain nothing by exclusive control, and that she had much better claim no more rights in the canal than those given to any other power. Possibly he is right in theory, but in practice some one power will always have the control of any piece of territory, and so of every artificial waterway. It was intended, it will be remembered, that the Suez Canal should be neutralized, and Mr. Woolsey, making a most pardonable blunder, imagines that it was neutralized. In reality the neutrality convention was never brought into force, and is now a dead letter, as the Spaniards found when they tried to coal their fleet at Port Said. They claimed to regard the Suez Canal as an international piece of water, but Lord Cromer insisted, and maintained his point, that it was part of the waters of a neutral power. The Suez Canal is not internationalized, but is under the control of the power that controls Egypt. It is this kind of control, we take it, that America intends to exercise. What we suppose will happen is something of this kind: Congress will refuse to vote money to be used anywhere except in United States territory, and accordingly a narrow strip of land on each side of the proposed waterway will be granted by Nicaragua and Costa Rica. If this is the plan ultimately adopted, there will, of course, be no need of a protectorate treaty with Nicaragua. The canal will be made in United States territory.

We come now to the practical side of the question. What answer are we to make to America if, or rather when, she asks us to agree to the abrogation of the Clayton-Bulwer treaty? It has been suggested that we should ask for compensation elsewhere or try to make a bargain for trade facilities. Possibly the plan might succeed, but we confess we dislike such huckstering between nations, especially when they involve demands upon a nation's internal fiscal policy. We hold that it would not only be more dignified, but also more beneficial to us in the long run, to ask for no payment for giving up what has as a matter of fact proved merely a sort of double-barreled agreement by England and America to play dog in the manger to each other. We would rather abrogate the treaty out of good will and good feeling than for any direct quid pro quo. Let us show the world that, though in the case of foreigners, we shall be tenacious of our treaty rights to the last iota, we can in the case of our own kith and kin think of their interests and wishes as well as of our own. The only conditions which we would make should concern the canal itself. We would abrogate the treaty on the following terms:

(1) That within the next 10 years the United States should make or obtain the making of an interoceanic canal; (2) that she and no other power should exercise control over the waterway and banks of the canal; (3) that if the United States ever abandoned her power of control, it should be offered first to Great Britain; (4) that the canal should be open at all times to all nations at peace with the United States; (5) that the dues charged should be the same in the case of American and other vessels. If the United States were to agree, as they believe they would, to such terms as these, we could have no possible ground for refusing to give up our rights under the Clayton-Bulwer treaty. That treaty was, no doubt, sincerely meant on both sides to be an act of friendship. It has turned out to be at the best an instrument of mortmain; at the worst, a troublesome cause of friction; and it should, therefore, be got rid of.

The "force of circumstances" is often the most ironical of goddesses, but sometimes she brings about things which are curiously fitting and appropriate. When one half of the Anglo-Saxon race holds the waterway between the Mediterranean and the Indian Ocean, what could be more appropriate than that the other half should hold that between the Atlantic and Pacific? When the Americans hold Lake Nicaragua as we held Lake Timsah, the wheel will have come full circle. It is not for us to delay, but to hasten, that auspicious hour.

Mr. CHAMBERLAIN. The part I desire to call particular attention to is what the writer had to say in reference to the statement of Prof. Woolsey, of Yale College, in his work America's Foreign Policy. The Spectator says:

It was intended, it will be remembered, that the Suez Canal should be neutralized, and Mr. Woolsey, making a most pardonable blunder, imagines that it was neutralized.

And our distinguished Senators who talk about the neutralization seem to go on the assumption that the Suez Canal was neutralized, and that therefore we must neutralize the Panama Canal in the same way under the Hay-Pauncefote treaty. Continuing, the Spectator says:

In reality the neutrality convention was never brought into force and is now a dead letter, as the Spaniards found when they tried to coal their fleet at Port Said. They claimed to regard the Suez Canal as an international piece of water, but Lord Cromer insisted—and maintained his point—that it was part of the waters of a neutral power. The Suez Canal is not internationalized, but is under the control of the power that controls Egypt. It is this kind of control, we take it, that America intends to exercise.

What we suppose will happen is something of this kind; Congress will refuse to vote money to be used anywhere except in United States territory, and accordingly a narrow strip of land on each side of the proposed waterway will be granted by Nicaragua and Costa Rica.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New York?

Mr. CHAMBERLAIN. I do.

Mr. O'GORMAN. I trust the Senator from Oregon will pardon a suggestion at this point to emphasize the point now being made by him. In the Spanish-American War the Spanish fleet was denied passage through the Suez Canal—emphasizing the point that the policy of neutralization was not obligatory upon those who were controlling it.

Mr. CHAMBERLAIN. That is true; and I will show a little later that they not only denied her that right, but they denied vessels of commerce that right, with gunboats at either end of the canal. I will show that by the report made to the United States Government by Admiral Goodrich, who was sent over at the time of the trouble between Great Britain and Egypt.

It is humiliating, Mr. President, to hear distinguished men in the Senate appeal to us to adopt a different policy with reference to the exercise of our rights at Panama from the policy enforced by Great Britain at Suez, when practically the same treaty stipulations govern in both cases. We know, and everybody who knows anything knows, that France and her citizens built the Suez Canal, and that they had hardly gotten their spades out of the ground before Great Britain, by a small investment, got possession of it or practical control of it, for you do not have to have the majority of stock in any institution to control it. The distinguished Senator from Wisconsin [Mr. LA FOLLETTE] knows that less than half of the stock in a big railroad corporation usually gives the control. Why? Because the stockholders are so scattered they never can get their holdings together and vote them as a unit. So it was that Great Britain obtained the absolute control of the Suez Canal and has it now.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. CHAMBERLAIN. I do.

Mr. SMITH of Michigan. That would be especially true when England owns 176,602 shares out of 379,421 shares and is the most dominant naval power in the world.

Mr. CHAMBERLAIN. That is true.

Mr. SMITH of Michigan. This fact gives potency to her ownership and to her influence over the Suez Canal.

Mr. CHAMBERLAIN. I agree with the Senator.

Now, let us see what this British authority said. The Spectator continues:

If this is the plan ultimately adopted, there will, of course, be no need of a protectorate treaty with Nicaragua. The canal will be made in United States territory.

We come now to the practical side of the question. What answer are we to make to America if, or rather when, she asks us to agree to the abrogation of the Clayton-Bulwer treaty. It has been suggested that we should ask for compensation elsewhere or try to make a bargain for trade facilities. Possibly the plan might succeed, but we confess we dislike such huckstering between nations, especially when they involve demands upon a nation's internal fiscal policy. We hold that it would not only be more dignified, but also more beneficial to us in the long run, to ask for no payment for giving up what has as a matter of fact proved merely a sort of double-barreled agreement by England and America to play dog in the manger to each other.

Mr. President, was there ever a prediction that came nearer fulfillment than that, except that we did not attempt to acquire the right to construct a canal through Nicaragua or Costa Rica, but we acquired territory of our own through a treaty with Panama?

This was a fair reflection of the views of the British press and public prior to the passage of the Hay-Pauncefote treaty. What the Spectator suggested actually came to pass; to this extent, however, that the United States did acquire a strip of land in Panama over a territory which was not a part of Central America, nor in the minds of any of the parties either to the Clayton-Bulwer treaty or to the Hay-Pauncefote treaty. The canal is, as a matter of fact, built in United States territory and entirely outside the limits of Central America or any part of it, as has been so clearly proven by the distinguished junior Senator from New York [Mr. O'GORMAN] in his address to the Senate.

I am undertaking to prove by British authority that there has never been any neutralization of the Suez Canal. Great Britain controls Egypt, and through Egypt controls that canal and does with it as she pleases, using it for warlike purposes on occasion and hampering the commerce of other nations when she sees fit; and yet we find the advocates of the cause of Great Britain in the Senate of the United States insisting that if we do not accord to the vessels of commerce and of war of all nations the same rights which we exercise ourselves with reference to our coastwise commerce we are violating the provisions of the Hay-Pauncefote treaty, which provides for neutralization along the lines of the convention of Constantinople.

When Arabi Pasha, the Islamite chief, revolted in 1882 he was asked to define his position with reference to the Suez Canal, and he replied:

As I scrupulously respect the neutrality of the canal, especially in consideration of its being so remarkable a work, * * * I have the honor to inform you that the Egyptian Government will not violate that neutrality except at the last extremity, and only in case of the English having committed some act of hostility at Ismailia, Port Said, or some other point of the canal.

He little knew the power or the purposes of Great Britain at that time, Mr. President. He understood what the laws of neutrality meant and was ready to observe the stipulations of the convention with reference to other nations, but in August, 1882, Great Britain took possession of the Suez Canal, tied up the shipping, and put a gunboat at each end, landing her troops and munitions of war from the canal itself, violating in express terms the stipulations as to neutrality. And, Mr. President, she owns now fortifications at either end of this waterway, notwithstanding her profession of an intent to see that that canal was neutralized. Now, see what Admiral C. F. Goodrich, of the United States Navy, has to say on the subject. He was detailed by our Government to go there to watch the progress of events at the canal, and in due course reported to the Secretary of the Navy. If Senators have not read his report they ought to do so. It is quite a large volume, and gives in detail the whole situation as he found it while Great Britain was engaged in her warlike operations in the canal itself. He says:

The English admiral at Suez informs the company's chief traffic agent that in consequence of orders from his Government he forbids, until the receipt of further orders, any ship, large or small, even the company's boats, to enter the canal, and he will resort to force to prevent any attempt to contravene these orders. The admiral, moreover, has placed a gunboat at the mouth of the canal. I have protested against this act of violence and spoliation. * * *

And yet, Mr. President, we have distinguished Senators on this floor insisting that we should neutralize the Panama Canal along the lines laid down in the Constantinople Convention of 1888. That was Great Britain's method of neutralization—stationing a gunboat at the mouth of the canal and ignoring the protests of a distinguished admiral of the United States Navy, who went over there to see the course of operations. Now, note what he further says—and this is his conclusion after having gone into the matter at length and having seen the methods of operation of Great Britain over there:

The inference to Americans is obvious that the neutrality of any canal joining waters of the Atlantic and Pacific Oceans will be maintained, if at all, by the nation which can place and keep the strongest ships at each extremity.

And yet we have Senators in this body and Members in the other branch of Congress who would not have fortified the Panama Canal for its protection. Admiral Goodrich very properly says that its neutrality will be maintained and the canal will be kept open by the Government that has the strongest ships for the purpose of its protection.

Does neutralization provided for in the Hay-Pauncefote treaty mean the same sort of neutralization that is observed by Great Britain in the use of the Suez Canal? Certainly no other neutralization can be inferred or contended for, because the Hay-Pauncefote treaty expressly refers to the convention of Constantinople; and yet we are appealed to by those who plead the cause of Great Britain in the Senate of the United States that our national honor is involved in this alleged violation of treaty stipulations.

As to the second proposition, I call attention to the fact that the treaty of 1815 between the United States and Great Britain provided, amongst other things, that—

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of his Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I yield.

Mr. CUMMINS. I have heard it said that Great Britain does not pay the same tolls for her ships through the Suez Canal that are paid by other nations. I should like to know whether the Senator from Oregon has looked into that subject?

Mr. CHAMBERLAIN. I am frank to say that I have not, Mr. President.

Mr. CUMMINS. I shall not interrupt the Senator from Oregon now by going into it; it may not be material, but I think that upon investigation it will be found that she discriminates in favor of herself very markedly.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. CHAMBERLAIN. I yield.

Mr. GALLINGER. If the Senator will permit me, it is a fact undisputed and indisputable that Great Britain is paying a subsidy to the chief lines that go through the canal that amounts to at least two-thirds of the canal dues.

Mr. CHAMBERLAIN. Yes; and Russia is doing the same thing.

Mr. GALLINGER. Russia pays the entire canal tolls; so does Sweden; so do one or two other nations; and France, in her recent 25-year contract with the Messageries Maritime Co., guarantees to pay the entire dues.

Mr. CUMMINS. Mr. President, I had not in mind the subsidies that are granted by Great Britain or Russia or any other country to their shipping. I had in mind the terms of the original convention made by Egypt for the building of the Suez Canal. However, I will await another opportunity to discuss that question.

Mr. CHAMBERLAIN. Notwithstanding this provision it has been the settled policy of Great Britain, as well as of the United States and all other maritime powers, to treat the word "vessels" as not including those engaged in the coastwise trade. It is a well-known fact that the United States has discriminated against Great Britain for a hundred years in the matter of the coastwise trade, and does so to-day, and Great Britain has likewise discriminated against the vessels of the United States in matters affecting her coastwise trade for the same length of time, and does so to-day, and this notwithstanding the express terms of the treaty of 1815. Is a different construction now to be placed upon the word "vessels" as used in the treaty of 1815? Are we not to be allowed to discriminate in favor of our coastwise vessels when the same policy is pursued to-day by Great Britain in ref-

erence to her coastwise vessels? What reason or excuse is there for permitting the treaty of 1815 to receive one construction and the Hay-Pauncefote treaty of 1901 another? The Supreme Court of the United States in the case of Olsen *v.* Smith (195 U. S., 332) has expressly held that a law of Texas which permitted a greater rate of pilotage charges to be made against British vessels than was imposed upon American vessels was not in violation of the treaty of 1815, and I have no doubt that the same rule would be applied by the same court with reference to the toll exemption at the Panama Canal, because that canal, built upon American territory, with American money, and by American ingenuity, is a part of our coast line, and the exemption is intended to affect only the domestic commerce of the United States. As a matter of fact, the construction placed upon the word "vessels" as used in all treaty stipulations is an international construction, and the instances are rare where it will be found that any exception has ever been made in favor of coastwise vessels, because it is assumed that all treaties will receive the same construction and the word "vessels" will not be held to apply to any other than those engaged in over-sea traffic.

One remarkable thing about the position which some of the Senators on this side of the Chamber have taken is that they based their vote for toll exemption in 1912 on the decision of the Supreme Court of the United States, relying upon it as laying down the rule that the treaty of 1815 was not violated by the pilotage exemption of American coastwise vessels, and yet they are willing now to reverse their former positions and to claim that notwithstanding that decision the toll-exemption clause of 1912 is a violation of the Hay-Pauncefote treaty. The construction which the Supreme Court of the United States placed upon the rights of this country with reference to coastwise trade in the case of Olsen against Smith is the same construction that has been placed upon the treaty by Great Britain ever since its adoption, and it has been put into actual practice by that country in its treatment of American vessels.

In the November, 1912, issue of the Law Magazine and Review, of London, there are two ably written arguments in favor of the toll-exemption clause in the act of 1912, one written by Mr. Edward S. Cox-Sinclair, in which he sums up his argument by stating:

(a) That the United States can support its action on the precise words of the material articles of the treaty, that its case is strengthened by reference to the preamble and context, and that its case is difficult to challenge on grounds of general justice;

(b) That there is no international obligation to submit the construction of its legislative act to any process of arbitration; and

(c) That any aggrieved party has an appropriate, an impartial, and a competent tribunal in the Supreme Court of the United States.

The other article is by Mr. C. A. Hereshoff Bartlett, in which he says, among other things:

If England's interpretation of the Hay-Pauncefote treaty holds good, then how does she justify, under the language just quoted of the treaty of 1815, her discrimination in tonnage duties in favor of her coasting vessels? And yet this is precisely what she has always done and is doing to-day. No explanation or recrimination can alter the fact that Great Britain has always adhered tenaciously, like other sea-girt nations, to the policy of favoring coastwise vessels, and that wherever Britannia rules they form a class separate and distinct from vessels employed in foreign trade, and that they have always been excepted from the term "vessels" as used in all international agreements. So true is this that it would seem unnecessary to go into details, although abundant proof is at hand.

Take, for instance, the port of Bristol. Every vessel entering from or departing for the east coast of the United States of America, including ports of the United States of America in the Gulf of Mexico, pays 1s. 1½d. per register ton, while every vessel entering or departing for the Channel Islands, Ireland, the Isle of Man, or any part of Great Britain, not including Barry, Penarth, Cardiff, Newport, and other ports to the eastward of the Holmes, pays only 5d. per registered ton.

From a comparison of the foregoing port charges it appears that an American vessel of 5,000 tons on entering or departing from the port of Bristol from or for the east coast of America pays tonnage dues at the rate of 28 cents per ton, or 56 cents for entering and departing, while vessels entering or departing for the Channel Islands, the Isle of Man, or any part of Great Britain, with a few exceptions, pay only 10 cents a ton, or 20 cents for both entering and departing. At these rates an American vessel of 5,000 tons arriving from overseas is compelled to pay at the port of Bristol on entering or departing $90 tonnage dues, or on entering and departing $180, while if no other or higher duties or charges were imposed than those payable in the same ports on British vessels according to the treaty of 1815, then such American vessel would only have to pay $50 on entering or departing, or $100 on entering and departing, making a difference in the first instance of $40 and in the second of $80. This may not be discrimination according to English views, but it looks exceedingly like it from an American standpoint.

The rates and dues exacted at the port of Liverpool (Mersey docks and harbor board) afford some startling illustrations of this discrimination. Dock tonnage rates on vessels are imposed according to the class of voyage; that is to say, the vessel's destination. Those coming within class 6, which includes all ports on the east coast of North America, pay 1s. 4d. per ton, while those under class 2, between the Mull of Galloway and Duncans Bay Head, including the Orkney Isles and all the islands on the western coast of Scotland, and between St. Davids Head and the Lands End, including the Scilly Island and the east coast of Ireland from Cape Clear to Malling Head, pay 4½d. per ton, and those included in class 3, covering all parts of the east and southern coasts of Great Britain between Duncans Bay Head and the Lands End, including the Islands of Shetland and all parts of the west coast of Ireland from Cape Clear to Malling Head, including the islands on that coast, pay 6d. per ton.

Harbor rates on vessels bear out the same discrimination. Those under class 2 pay five-eighths of a penny per ton; those under class 3 pay three-fourths of a penny per ton; while vessels under class 6, embracing the trans-Atlantic trade, have to pay 1½d. per ton, or exactly double. There are also differential dock tonnage rates on vessels in which the same discrimination is carried out as they provide for one-half of the rates specified under classes 2, 3, and 6.

Wharf rates on vessels are as follows: Under class 2, 1½d. per ton; under class 3, 1½d. per ton; and under class 6, 4d. per ton. This is a clear preference in favor of domestic coasting vessels as against vessels engaged in foreign or over-seas trade of 2½d. per ton.

These figures of the port of Liverpool furnish additional examples of the same rigid discrimination in favor of England's coasting vessels. American vessels coming across seas, for entering and leaving port pay harbor rates of 33 cents a ton, while some coasters pay only 9 cents a ton, or 27 cents per ton less than the American vessel.

Tonnage dues at the port of London are as follows: (1) For every vessel trading coastwise or entering inward or clearing outward from or to any place north of latitude 48° 30′ N., and between longitude 12° W. and 65° E. of Greenwich, for every voyage both in and out, 1d. per ton. (2) For every vessel entering inward or clearing outward beyond those limits, 1½d. per ton. (3) For vessels under 100 tons which do not pass beyond the seaward limit of the port, a halfpenny per ton. (4) Coastwise vessels not exceeding 45 tons, vessels bringing corn coastwise, fishing smacks, and lobster and oyster boats are exempt from dues.

This discrimination of 1 cent a ton for entering and clearing port in favor of coastwise vessels and against trans-Atlantic vessels may on first impression seem trifling; but when on calculation it is found that on a vessel of 5,000 tons this additional 1 cent per ton on entering and leaving port amounts to $50, it is evident that all sense of equality between ocean-going vessels and those employed in the home trade only is completely discarded.

If England for a moment believed that the words "British vessels" or "vessels of the United States" as used in the treaty of 1815 included or was ever intended to include coasting vessels, she would not have established and enforced differential rates at her various ports in favor of coasting vessels, for that would then be a flagrant violation of the rights secured to vessels of the United States under the treaty. Not only this, but such an interpretation on the part of England would afford the United States to justly demand that vessels of the United States pay the same dues and charges at British ports as are exacted from British vessels engaged in the coastwise trade, instead of those largely increased and heavier dues and charges that American vessels have to pay.

But, in addition to this, Great Britain, by assent and ratification under circumstances similar to those that have arisen under the Panama Canal act, is not in a position to now insist on an interpretation of the equality clause of the Hay-Pauncefote treaty different from that in accordance with the established interpretation she herself has put upon the treaty of 1815 and of like clauses in other treaties.

The second article of the treaty of 1815 is as follows:

"No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels."

This treaty was to be obligatory for four years from its ratification; but it was extended for 10 years by the convention of October 20, 1818, and indefinitely extended by the convention of August 6, 1827, so that it is a subsisting treaty to-day.

It will be seen that the provision above quoted from the treaty of 1815 is as broad and comprehensive as the equality clause contained in the Hay-Pauncefote treaty and that it embraces all vessels of either country without exception or distinction as to whether they may be engaged in over-seas commerce or the coastwise trade. If, therefore, the expressions "British vessels" and "vessels of the United States" do not embrace vessels employed in the coastwise trade as England has herself interpreted the words for nearly a century, it is incomprehensible that she should now pretend in an outburst of indignation that the words "vessels of commerce of all nations" contained in the Hay-Pauncefote treaty do refer to and include those very vessels that she has always excluded under the terms "British vessels" and "vessels of the United States."

It is an interesting fact not generally known that the provision of the treaty of 1815, to which reference has been made, has been judicially interpreted by the courts of the United States in a litigation ending in a judgment rendered by the Supreme Court of the United States in 1904, which declared that a British vessel engaged in foreign commerce was not entitled under the treaty of 1815 to the exemption from paying pilotage accorded by law to American vessels engaged in the coasting trade. In the course of the judgment rendered by Mr. Justice White, he said:

"Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by State law concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels in such foreign trade, whether domestic or foreign." (Olsen *v.* Smith, 195 U. S., 344.)

Not only has this interpretation of the treaty of 1815 been adopted and carried into practice by Great Britain for nearly a century, thus giving it the same validity as though a clause excepting coastwise trade had been therein inserted, but England's continued silence and acquiescence and failure to object to a like interpretation by the Supreme Court of the United States in the case cited is in itself an implied ratification and adoption thereof and is equivalent in its consequences to an express declaration of approval.

If, therefore, the words "British vessels" and "vessels of the United States," as used in the treaty of 1815, do not include vessels engaged

in the coasting trade, as I feel has been sufficiently demonstrated, it is difficult to understand how the words "vessels of commerce of all nations," as used in the Hay-Pauncefote treaty, do include them.

It will be seen that these distinguished English writers fully justify and sustain the position which Congress took in 1912 in the enactment of the law now sought to be repealed.

Not only is the position of this Government sustained by the actual practice of Great Britain and by other maritime powers in the matter of purely domestic trade, but the contention of Great Britain with reference to treaty violations was practically abandoned by the British Government when the whole subject was opened up again, not by any subject of Great Britain but by the distinguished senior Senator from New York [Mr. ROOT], in a speech which was delivered by him on the 21st day of January, 1913, and this, if current rumor be true, to the amazement and surprise of President Taft and the distinguished Secretary of State, Philander C. Knox, both of the Senator's own party. The latter, in a learned and able reply to the contention of Great Britain, had closed the controversy in his presentation of the American side of the controversy on the 17th day of January, 1913. Since that day, except for arguments that have been made in favor of the contention of Great Britain, in and out of Congress, by men who seem to be more solicitous about the cause of Great Britain than they are about the interests of our own people, so far as Congress is advised, neither Great Britain herself, through her ministers or otherwise, nor any other power, has raised its voice in protest against the act of 1912.

If the United States has not the power, without the violation of the terms of the Hay-Pauncefote treaty, to exempt its vessels of war and of commerce from the payment of tolls, what must be said and done with respect to the provision in the treaty with the Republic of Panama of May 25, 1904, article 19, which provides, amongst other things, that "the Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind"? This provision is a part of the consideration paid by the United States for the Canal Zone. Is that a violation of the Hay-Pauncefote treaty? Is it possible for us to grant to Panama, without a violation of the terms of the Hay-Pauncefote treaty, a higher right than that which we claim for ourselves and which it is insisted is in violation of the terms of that treaty? Must that stipulation be disregarded? If so, a part of the consideration for the territory acquired by the United States from the Republic of Panama fails, the treaty falls to the ground, and the immense expenditure made by the United States in the construction of the canal might just as well have been thrown into the sea.

The position of some of my distinguished colleagues on this side of the Chamber in reference to the repeal of the exemption clause in the Panama Canal act is to me most remarkable, in view, not only of the platform adopted at the Baltimore convention, but as well in view of the position which some of them assumed in the discussion of the question after the Baltimore convention and prior to the passage of the act. The following Senators, now Members of this body, were members of the subcommittee of the platform committee at the Baltimore convention, and there may have been other Members of this Senate who were in the convention but who were not on that subcommittee. The State of Arkansas was represented by Senator CLARKE, the State of Indiana by Senator KERN, the State of Mississippi by Senator VARDAMAN, the State of Montana by Senator WALSH, the State of New York by Senator O'GORMAN, the State of Ohio by Senator POMERENE, the State of South Carolina by Senator TILLMAN, the State of Texas by Senator CULBERSON, and the State of Virginia by Senator MARTIN. The resolutions adopted received the unanimous vote of the committee, and all of the resolutions presented to the convention by the committee were unanimously adopted. The Senator from Montana [Mr. WALSH], who acted as secretary of the committee, has recently given a most instructive account of the adoption of the tolls plank. The declaration in that platform was as follows:

> We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

It must be remembered that this platform pledge was made prior to the enactment of the law in question.

Not a single Democrat who was present in the Chamber at the time the act of 1912 was agreed to voted against it, nor was it charged at any time by any of them in the course of the discussion that the granting of free tolls to American coastwise vessels was in the nature of a subsidy or in violation of treaty obligations. If any of them thought so, not one, as I now recall, made any argument against it on either ground, and I assume that they either believed that such exemption was authorized by the treaty, or if they did not they were disposed to follow the platform declaration and the declared policy of the party, right or wrong, rather than follow their own convictions.

What has caused that change of heart which has induced some of my colleagues to completely change front, ignore the platform of 1912, and reverse the position which was taken by them in the convention as well as that taken when they voted for the exemption clause in the Senate? They are all distinguished and able gentlemen, and I assume were as thoroughly advised then as to what a subsidy really was and as to what "our national honor" demanded of us as they are at this late date, and yet we find some of them giving as a reason for the reversal of their position that the exemption of coastwise vessels from the payment of tolls is a subsidy granted to a shipping monopoly, and are basing their contention for repeal upon the alleged fact that the granting of subsidies is opposed to another clause in the Democratic platform as well as to the general policy of the party.

The senior Senator from Georgia [Mr. SMITH], in an address delivered in the Senate on the 7th day of August, 1912, said, amongst other things:

> I think we may justly insist—I doubt whether it would be successfully controverted—that so far as our coastwise vessels are concerned this treaty does not apply to them. Indeed, in the communication from the Attorney General embodying the views brought to our attention by Great Britain it is stated that upon that subject with proper regulations it is probable that no question by Great Britain would be made. Now, fortifying that view, one that we can logically deduce from article 3, section 1, and the attitude of Great Britain upon it with the decision of the Supreme Court of the United States in the Galveston case, in which they held, in effect, that language of this kind was not applicable to coastwise vessels, that it was no discrimination under language practically similar to the language found in this treaty to extend privileges to coastwise vessels that were not extended to foreign vessels, we can sustain the provision freeing coastwise vessels from tolls. That decision squarely sustains the position that the treaty does not apply to coastwise vessels. I do not express an opinion as to its application to foreign vessels, but if I were engaged in the practice and were about to be employed on one of two sides I would vastly prefer to help the side that it does apply to American vessels engaged in foreign trade. I think, however, we are justified in the conclusion, especially in view of the further fact that nearly every nation handles its coastwise business exclusively in vessels of its own, that this treaty did not mean to apply to coastwise vessels. The language used expresses no discrimination as to nations; it expresses no discrimination as to English vessels or French vessels or German vessels; it simply declares that the coastwise vessels may pass through the canal free. Our statutes, like the laws of most other countries, limit the coastwise trade to American vessels. I think we can safely rely upon this decision and the construction to justify the conclusion that we do not invade the terms of the treaty if we permit coastwise vessels to pass through the canal free. I apprehend that no possible question would be raised upon it, unless it were that the effect under the treaty would be to give coastwise vessels of Canada and British America the same privilege.

The Senator did express some doubt as to certain of our obligations under the Hay-Pauncefote treaty, but notwithstanding the fact that an amendment proposed by him was voted down, he nevertheless voted for the provision as it was finally adopted. The distinguished Senator has completely changed front on the question, as evidenced by an address delivered in the Senate a few days since.

You know, Mr. President, it is not entirely pleasant to put what Senators are saying now in opposition to what they said only a brief two years ago; but you must remember that there are only a few Democrats on this side of the Chamber who are going to be in opposition to this repeal proposition, and we want to use the arguments that our colleagues made two years ago to sustain us in our position. It helps out some before the country, anyhow. What they said then is just as applicable now as when they voted for exemption.

The senior Senator from Mississippi [Mr. WILLIAMS], who now takes the position, if I understand that position correctly, that the act not only violates the Hay-Pauncefote treaty, but is objectionable on the further ground that it is in the nature of a subsidy to shipowners, at the time the act was under consideration in the Senate in 1912, said, amongst other things:

> I shall vote for the exemption of the coastwise vessels of the United States upon the ground laid down by the Supreme Court of the United States in Olsen against Smith, in One hundred and ninety-fifth United States, that ground being, in short, that as foreign vessels never had any standing in the coastwise trade at all, any provisions with regard to the coastwise trade can not be a discrimination. It is clear to anybody who can read English that, whether this treaty ought to do it or ought not to do it, this treaty does forbid us to make any discrimination. The Senator from Iowa tells us that other powers will make discriminations by granting their vessels rebates equal to their tolls. Whenever they do, that moment we have the right, under the treaty itself, to put ourselves upon a ground of equality with them by making an equal rebate.
>
> I agree with the Senator that if we have no right to make a direct discrimination we have no right to make an indirect discrimination by making rebates; but if other nations do it, as he freely predicts that they will, and the Senator from Massachusetts [Mr. LODGE] freely predicts that they will, then in order to reinaugurate the equality itself, which is the object of the treaty, we would have the right to do it.

The senior Senator from Louisiana [Mr. THORNTON], who will now vote for a repeal of the clause, delivered an address at

the time it was under consideration, eloquently pleaded for toll exemption, and on the 6th of August, 1912, said, amongst other things:

As for myself, I had no difficulty in reaching the conclusion that the United States had under the terms of the treaty the undoubted right to exempt from the payment of tolls all American vessels engaged in the coastwise trade.

* * * * * * *

Now, it is well known that at the time of this treaty the ships of no other nation were permitted to do business in the coastwise trade of the United States, and that is the law still, and certainly it can not be abrogated by this treaty.

It follows, then, that as no foreign ship can operate in our coastwise trade and compete with us in that trade we are not discriminating against such ships by allowing to our own coastwise ships the free use of the canal.

These were the views I expressed in the committee sessions, as will appear by the printed report of the proceedings, and I voted in accordance with them.

But when it came to the proposition of giving free passage to American ships engaged in the foreign trade a different condition prevailed, for foreign ships using the canal might compete with our own ships in the foreign trade, and free tolls to our own ships might be a discrimination against the ships of other nations.

This view I also expressed during the committee sessions, as will appear by the report, and for that reason I declined to vote on the question, stating to the committee that I wished further time to consider it, a statement in which I was joined, as I now remember, by one other member of the committee, the Senator from North Carolina [Mr. SIMMONS].

And as I was in doubt then, candor to the Senate and to myself as well compels me to say that I am in some doubt still on this particular question, though I am reluctant to admit that I have been unable to come to a positive opinion on the pure question of law presented.

However, I have concluded that I would be justified in resolving my doubt in favor of the interest of the people of the United States, and shall accordingly vote to allow the free passage through the canal of all American ships.

The senior Senator from Missouri [Mr. STONE], who has recently made a speech in favor of repeal, was thoroughly committed both by remarks on the floor of the Senate and by his vote on this particular clause in the act of 1912, and yet he now favors repeal because, as he alleges, we have shown to the world that our construction of the Hay-Pauncefote treaty in 1912 was correct, but that he is now convinced that exemption means a subsidy to a shipping monopoly, and he will vote for repeal. He said, amongst other things in 1912, on this very subject:

I am more concerned about the interpretation to be placed by the Government of Great Britain and other foreign governments upon the action of the Senate as it relates to the right of the United States to control this canal and to exercise absolute sovereign jurisdiction over it, even to the extent of permitting any vessel of American registry to go through without the payment of tolls, than I am about the temporary policy, whether it be of one line or the other. I would dislike to have Congress take such action as would be in effect a congressional interpretation of the treaty to the extent that we ourselves in Congress denied the right of this Government to use the canal in the way indicated if this Government saw proper to do so.

* * * * * * *

Then, to avoid the opposition very likely, indeed almost certain, to arise from the notion that to pay tolls is a form of subsidy and furnishing a precedent, it may be, for additional subsidies in the future, why not provide at once that all American vessels shall go through without the payment of tolls?

The RECORD will disclose that the Senator had a standing pair and changed that pair when a final vote was to be taken in order that he might vote for the exemption clause.

I have only called attention to those of my colleagues who advocated toll exemption in 1912, and who now state that they intend to vote for repeal. I do not intend to pay to my colleagues the poor compliment of saying that at the time they voted for toll exemption they did not understand the meaning of the act as thoroughly as they understand it now, and I shall await with interest the explanations made by other Senators who voted for the exemption clause and who may later determine to vote for its repeal, whether on the ground that the national honor is involved or on the ground that it is the granting of a subsidy to a shipping monopoly.

I do not intend to charge any Senator with insincerity in his present course, but I do charge that our party went to the country in 1912 on this amongst other issues, and our candidates were triumphantly elected, and that the change of front on the part of some of the leaders of the party and the vote of Congress to repeal the toll-exemption clause will rise to plague them in the next campaign; and why should it not, Mr. President?

I am frank to say that I have stood with the administration in some instances when I felt it was measurably against the interests of some of the people of my State to do so; but I did it because the members of all parties had promised to revise the tariff downward, and I could not afford, as a single individual, to stand out and defeat a great measure because some particular interest in my State was involved. Therefore I stood loyally by the administration in everything it attempted to do; but here is a question when no particular individual interest of my State is involved. Our national life, it seems to me, is wrapped up in it. It is a matter of conscience, not a matter of individual interest.

I desire to say that the question was discussed in my State and in the West generally by those who pleaded for Democratic success as well as by those who advocated the cause of the Progressive Republicans. Inasmuch as the position of President Taft's administration was thoroughly understood on the subject, some of the speakers who advocated his election simply explained that the position of the then administration was so thoroughly understood that it was unnecessary even to refer to the matter; and this was true.

The remarkable thing about the situation is that some of the Senators on this side of the Chamber who have been sticklers for the observation of platform pledges, who have, in season and out of season, been ready to denounce those who showed occasionally a disposition to depart from these pledges as traitors to party and people, are ready now themselves to depart from these pledges and to reverse positions which were taken by them less than two years ago on a question which affects the very life of the Republic.

WILL TOLLS EXEMPTION BENEFIT ANY SHIPPING TRUST?

The insistence, Mr. President, that the exemption of American coastwise vessels from the payment of tolls is a violation of any of our treaty stipulations leads to so many absurdities and contradictions it is not to be wondered at that many of our friends on this side of the Chamber, at least, have practically abandoned that insistence and now undertake to justify themselves for taking a position inconsistent with their course in voting for the act of August 24, 1912, by claiming that the exemption provided for by the act in question would result in the establishment of a shipping monopoly or trust; and I desire to address myself briefly to that branch of the subject.

It is a well-known fact that there has been a shipping monopoly on both the Atlantic and Pacific seaboards for years past. The testimony taken before the Interoceanic Canals Committee in 1912 discloses beyond any question that there was. The voluminous report of the Committee on the Merchant Marine and Fisheries of the House of Representatives, made to Congress in 1913, proves conclusively that there was and is such a monopoly.

The evidence before the former committee disclosed not only that there was a monopoly, but that those who were interested in maintaining it had used every means at their command for more than a quarter of a century to defeat the construction of a canal connecting the two oceans, as well as to control the railways across the Isthmus. That monopoly was owned, maintained, and operated under the beneficent influences of the transcontinental railways, whose agents and emissaries have always been on hand to adduce arguments to show the economic unwisdom either of canal construction or tolls exemption. They were before the Interoceanic Canals Committee in force, making all sorts of objections to tolls exemptions and all sorts of promises if such exemptions were not allowed. Having failed in their efforts to defeat the act of 1912, I think it would not be very difficult to discover their fine Italian hand in legislation which looks to the repeal of the exemption clause in the act referred to. Having failed before Congress, they have quietly but, it seems, effectively entered the field of diplomacy. With what success will soon be determined by the vote of the Senate on the proposed repeal.

Admitting, therefore, that there exists to-day a shipping monopoly or trust, and insisting that it is owned and controlled by the transcontinental and other railroads of the country, what is to become of it as soon as the Panama Canal is opened under the act which it is now sought to repeal; and what is to become of any attempted organization of a monopoly or trust on the part of shipowners under the terms of this very act? The answer to those who make this insistence about a shipping trust is contained in the act of 1912 itself, which is the greatest piece of antitrust legislation that has ever been enacted by Congress.

Section 11 of the act absolutely prohibits the passage through the canal of any ship owned or operated by a railroad or in which it has any interest, and the questions involved in such ownership and in the matter of competition are left to the jurisdiction of the Interstate Commerce Commission. This provision of the act completely destroys a shipping monopoly which has been maintained for many years by the transcontinental and other railroads of the country. There could be no more effective destruction of an existing monopoly than is provided by the act in question.

I call attention to what the Senator from New York said yesterday in reference to this. The Senator from New York

said that American coastwise traffic passing through the canal was not entirely coastwise traffic, as I understood him; that it was not coastwise traffic at all; and yet the Congress of the United States has taken issue with the Senator in that respect, and has passed an act which expressly says that it is, and has placed the vessels going through the canal and engaged in this traffic under the control of the Interstate Commerce Commission. Now, who is right?

It may be said, however, that the destruction of the existing monopoly opens the way for the establishment of another, and that is the contention made in some quarters. It assumes that those who may now be considered as independent shipowners will simply take the place that has heretofore been occupied by the steamship lines owned and operated by the transcontinental lines, and that they will add to any fleet that they may now have engaged in the coastwise traffic, and unite to form another shipping monopoly.

The act in question completely answers this contention as well as the first, for it specifically provides that no vessel which is permitted to engage in the coastwise or foreign trade of the United States shall be permitted to use the canal, if it is owned, chartered, operated, or controlled by any person or company doing business in violation of the Sherman Antitrust Act and other statutes which have for their purpose the destruction of monopoly. The Interstate Commerce Commission is given jurisdiction over these vessels, as well as over railroad-owned ships, so that it will be a physical impossibility either for the transcontinental railways to maintain longer a shipping monopoly or that such monopoly shall be established or maintained by any other vessels after the canal is opened, no matter by whom owned.

What more conclusive answer to the contention that the exemption from tolls will result in the establishment of a shipping monopoly engaged in the coastwise trade? I request that section 11 of the Panama Canal act, approved August 24, 1912, may be published as a part of this address.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ships are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought or from which it is taken by the water carrier and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

IS THE EXEMPTION FROM TOLLS A SUBSIDY?

Mr. CHAMBERLAIN. The question then arises, Is the exemption of American vessels engaged in the coastwise traffic a subsidy?

Mr. President, if I may indulge, like the Spectator in London, in a little prophecy and prediction, I am going to make one right now.

In all human probability the Panama tolls-exemption clause is going to be repealed. I hope not, but I fear it will be. That is simply the first step toward the creation of a monopoly that will be the greatest that ever existed in this country. I will tell you what the next step will be, and this is the prophecy:

As soon as we repeal this act the same powers and forces that have been at work for a quarter of a century trying to prevent the construction of the canal will be at work undertaking to get the Congress of the United States to repeal the portion of the act of 1912 which refuses to railroad-owned ships access to the canal.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. CHAMBERLAIN. Yes.

Mr. GALLINGER. The proposition which the Senator from Oregon has made is an interesting one, and it stands to reason that we shall have to face that situation. The claim will be made that foreign steamships owned by railroads are given access to the canal, but we are preventing our own railroad-owned ships from entering the canal, and the argument will be pretty conclusive in the minds of many people.

Mr. CHAMBERLAIN. Indeed, it will be. There is not any question about that.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of Michigan. Where is the machinery of the American Government located that can investigate or determine the legal status or the ownership of foreign ships? Certainly there is no law here, and we can not make a law, that

would give us the right to enter into any foreign State to inquire into the ownership of her merchant vessels.

The singular anomaly is here presented that we impose an absolute inhibition against railroad-owned ships passing through the canal under the American flag, and yet permit railroad-owned ships operating under the British flag to enjoy that privilege. Anyone in this Chamber who is at all familiar with the commerce and shipping of Canada knows that the large part of her commerce is carried in ships that are owned by subsidiary companies which are controlled by her railroads.

Mr. President, I think that Canada is at the very bottom of this repeal agitation. Her attitude toward that inhibition has stirred up all the trouble we are now encountering in England. The Canadian premier, Mr. Borden, took the ship for London almost immediately after this restriction was placed in the statute, and the moment he arrived in England we could see a new activity among British officials against an exemption of our coastwise ships from tolls and for an official interpretation of the clause against railroad-owned ships being permitted to navigate the canal. In the name of Heaven, who built this canal? Who must sustain and defend it? What Government must maintain its neutrality in time of war or deal out justice to its patrons in time of peace? The United States of America, of course; and its people should have sovereign rights therein for all the future generations of our countrymen.

Mr. CHAMBERLAIN. Mr. President, in answer to the Senator's suggestion, I will say that I suppose if a ship presents herself at the canal, presents a foreign registry and the proper certificates and proofs, she goes through upon payment of the tolls, and that is all there is to it. I do not see how we can stop them. I have my doubts about the jurisdiction of any tribunal in the United States to determine whether or not Canadian-owned ships are railroad owned or not. I do not see how we are going to prevent them from going through the canal, and that is the appeal that is going to be made by the American transcontinental railroads. It will be said that we are permitting their opponents and competitors to go through the canal, and yet are denying the same privilege to them; and that will be the next step without any question of a doubt. A little later on I am going to show what Canada thinks about the situation.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. CHAMBERLAIN. I do.

Mr. CLARK of Wyoming. Does not the very condition of affairs of which the Senator speaks show that, as a matter of fact, if we follow out the theory that this law is in contravention of the treaty, there is already a discrimination against the citizens of the United States and in favor of those of foreign countries?

Mr. CHAMBERLAIN. Yes, sir; there is no question about it.

Mr. CLARK of Wyoming. And therefore we are violating the terms of the treaty in that respect?

Mr. CHAMBERLAIN. Yes, sir. I may say to the Senator that we are violating it in some other ways, too; and yet the partisans of Great Britain are willing to permit those violations. It is all right to violate it sometimes, and it is all wrong to violate it at other times.

Mr. President, is the exemption of American vessels engaged in coastwise traffic a subsidy? The word "subsidy" seems to frighten some Democrats more than any other in the English language. Now, let us see if it is.

It has been the policy of the Government, no matter what political party happened to be in control, for more than a hundred years to exempt from tolls all vessels engaged in domestic commerce. There has been expended in the improvement of our rivers, harbors, and lakes, and in the canalization of such rivers and streams as would not be susceptible of navigation without such canalization, $709,019,093.65 from the establishment of the Government to the close of the fiscal year ended June 30, 1913. This is exclusive of the Panama Canal. The total sum expended is nearly twice as much as has been expended for the Panama Canal. It has been the settled policy of the National as well as State Governments at all times to abolish tolls and do away with the toll keeper wherever it has been possible to do so, and there has not been a session of Congress, I venture to say, in the last hundred years when some bill was not up for consideration which had for its purpose the purchase from private interests, corporate and others, of canals which under their charters were permitted to levy tolls upon the commerce of the country. It has been the settled policy of the Government to purchase these canals and to relieve such commerce from burdens so imposed, just as it has been the policy of the several States of the Union to do away with the earlier policy of permitting tolls to be charged on the public highways.

That has been the Democratic policy too, Mr. President, to abolish the gatekeeper, the tollkeeper, the man who levies tribute upon the commerce of the country.

The reasons for this policy are obvious, for whenever title is acquired and the toll charge removed two things are accomplished: First, commerce is to that extent relieved of a burden; and, second, a competitor is established against traffic by railroad, rates are reduced, and an artificial regulator of rates established. The Panama Canal is a part of the coast line; it is on lands the title to which is just as entirely vested in the United States as is the title to the lands under St. Marys or the Mississippi River. Domestic commerce is to be carried through the canal exempted from the payment of tolls, just as it is to be carried through the Sault Ste. Marie or any other canals along our waterways. Is a different rule to be applied to the Panama Canal from that which has applied to other waterways which have been acquired by the Government and maintained at an enormous annual expense; and if so, what reason can be found for the establishment of a different rule other than the alleged violation of a treaty? Will not the Panama Canal serve just as effectively as a regulator of transcontinental rates and serve to reduce those rates just as effectively as a canal on the Mississippi River will serve to regulate and reduce rail rates along that river? That the improvement of the Mississippi River has that effect nobody questions.

I think the distinguished Senator from Louisiana [Mr. RANSDELL] will know that wherever the Mississippi River comes in competition with rail it has the effect immediately to reduce the rates on cotton and other commodities. It has been established beyond the peradventure of a doubt. Otherwise the Congress of the United States has been most improvident in the expenditure of the people's money.

As reaffirming and effectually establishing the policy of exemption from tolls to vessels engaged in domestic commerce, the river and harbor appropriation act of 1884 provided as follows:

> No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States or that may be hereafter acquired or constructed.

Why does not that act apply to the Panama Canal? Because that territory was acquired after the passage of the act of 1884? Are we going to repeal the act of 1912, which is in line with the act of 1884? Shall we repeal both?

Exemption has always been a well-established governmental policy. I might call attention in detail to the canals which have been acquired or constructed by the United States, the cost of each, and the amount of traffic that passes annually through each without the payment of tolls, all of which are maintained at the expense of the General Government, but I do not deem it necessary to do so. As an illustration, however, I call attention to the canals and improvements through St. Marys River, connecting Lakes Superior and Huron, which have cost the Government $19,837,441.91, for which an annual maintenance charge is provided by the Government. No tolls are charged on any vessels passing through this canal, and yet, beginning with 1881, when 1,567,741 tons of freight passed through it, there has been a steady annual increase in such freight. During the year ending 1913, 19,165,000 tons net register passed through the Suez Canal, as compared with 57,989,715 tons net register which went through the St. Marys River; in other words, the traffic of the Soo Canal for the year 1913 was almost three times as much as that which went through the Suez Canal. It has been estimated by Prof. Emory Johnson that the probable tonnage of the Panama Canal in 1915 would be 10,500,000 tons net register, and in 1925, 17,000,000 tons net register. It will thus be seen that the tonnage through the Soo Canal is more than three times as much as that which is likely to be the tonnage through the Panama Canal 10 years from the opening of the canal. If only 10 cents per ton net register were charged for freight passing through the Soo Canal it would yield to the Government nearly $5,800,000 annually, and if the same rate as is proposed at the Panama Canal were charged there it would net to the Government $72,500,000 annually.

Senators talk about the toll exemption at Panama being for the benefit of a shipping monopoly! Let us see what has been taking place at the Soo Canal ever since it has been owned and operated by the Government at an enormous expense, which is appropriated annually by the votes of Senators and Representatives who are now so fearful of doing something to benefit the so-called shipping monopoly, and so opposed to granting anything in the nature of a subsidy, whether directly or indirectly, to the Shipping Trust.

The Committee on the Merchant Marine and Fisheries of the House of Representatives in its report, volume 4, page 317,

et seq., after a most exhaustive examination into the subject, find that while there are numerous independent steamship lines operated locally on the Great Lakes, the through traffic from the western gateway on the Lakes, such as Chicago and Duluth, to the eastern seaports via Buffalo, is controlled exclusively by six boat lines owned by the trunk line railroads connecting the East and the Central West. These six lines are the Erie Railroad Transit Line, owned and operated by the Erie Railroad Co.; the Erie and Western Transportation Co., operating between Buffalo and Duluth and Buffalo and Chicago, controlled by the Pennsylvania Railroad and Northern Central Railway Cos.; the Lehigh Valley Transportation Co., operating between Buffalo and Chicago, and owned by the Lehigh Valley Railroad Co.; the Mutual Transit Co., operating between Buffalo and Duluth, and owned by the Mutual Terminal Co. of Buffalo, the stock of which company is owned jointly by the New York Central, the Lehigh Valley, the Erie, and the Delaware, Lackawanna & Western Railroad Cos.; the Rutland Transit Co., operating between Ogdensburg and Buffalo and Chicago, and owned by the Rutland Railroad Co., which is owned by the New York Central and the New York, New Haven & Hartford Railroad Cos.; and the Western Transit Co., operating between Buffalo and Duluth and Buffalo and Chicago, and owned by the New York Central & Hudson River Railroad Co.

The names of the steamship lines, the number of vessels, the tonnage, and the nature of the railroad control is gone into at length in the report referred to, and I invite the attention of the Senate to it in confirmation of what I have to say upon this subject. In other words, the immense tonnage which passes through the Soo Canal, exceeding greatly the total tonnage of the Suez and Panama Canals combined, is controlled entirely by railway lines, many of which, operating the steamship lines in connection with their parallel railway lines, fix the rates to suit themselves, both by water and rail.

This immense tonnage, which is three times as much as the tonnage which goes through the Suez Canal or will go through the Panama Canal in 1925, is carried by ships owned by six railway companies in this country. Yet Senators talk about this exemption from tolls in Panama being in the interests of a shipping monopoly and of a shipping trust. Mr. President, I can explain it in no other way than to express the fear that Senators have not read the report of the distinguished chairman of the Committee on Merchant Marine and Fisheries, or they never would make such a statement as that. If they will refer to that report, they will find that the Northern Pacific Railroad Co. and other transcontinental railway lines not only control a large part of the traffic on the Great Lakes, but they have traffic arrangements with trans-Pacific steamers operating between Japanese ports and Liverpool. There is not any question about that.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. CHAMBERLAIN. I do.

Mr. BRISTOW. Is it not true that the influence, at least indirect, of all these railroads that are using this canal, which is being operated at Government expense, is now being exerted against the exemption of tolls on similar traffic through the Panama Canal?

Mr. CHAMBERLAIN. Yes; there is no doubt about it.

Mr. BRISTOW. Is it not a fact that the Panama Canal is the only waterway in the United States that is absolutely protected from monopoly?

Mr. CHAMBERLAIN. Absolutely.

Mr. BRISTOW. It is the only one.

Mr. CHAMBERLAIN. I have undertaken to show that, I will say to the Senator, and I do not think there is any question of doubt about it; and I make this prediction: That if we repeal the act at this session of Congress, the next step would be to permit railroad-owned ships to go through the canal and reestablish a monopoly which is now abolished.

The same situation is disclosed in a report made by Mr. Luther Conant, jr., Commissioner of Corporations, on the 23d of December, 1912, to the Department of Commerce and Labor, and to this I invite the attention of the Senate as showing that the immense expenditures of the Government at the Soo Canal, at which no tolls are charged, is really more of a subsidy to a shipping monopoly than the exemption of tolls at Panama can possibly be, even if section 11 of the act of 1912 did not prevent both railroad-owned ships or ships combining in violation of the terms of the Sherman Antitrust Act from passing through the canal, thus making monopoly an impossibility.

What is said with reference to the Soo Canal is entirely true with practically all of the waterways of this country which are utilized for our domestic commerce. The reports to which I call attention show that the Atlantic and Gulf coasts, the Mississippi River system, the Pacific coast, and the canal systems of the country are practically dominated by the railway systems, enabling them to fix such rates by rail as to practically put the waterway systems out of commission.

It is to be hoped that under the powers which are now conferred under the Interstate Commerce Commission this intolerable situation may soon be terminated.

The reports to which I have called attention disclose that beyond any question of doubt, upon every single waterway upon which the Congress of the United States has been expending money for years past the freight is controlled by railroad companies; that is, the great bulk of the freight which is handled. Not only do they own the transportation facilities on water, but the railroad companies in this country practically own all the terminal facilities, which imposes even a greater hardship. It was disclosed in the Alaska discussion here that certain interests in Alaska had control of the terminal facilities and would not let an independent line land their boats for the purpose of unloading freight without the payment of exorbitant charges, and that the same condition exists everywhere. People in my own city within the last two years have voted a tax on themselves of $500,000 for the purpose of acquiring docking facilities there so that independent vessels might land, because not only transportation is owned by these railroad companies, but the terminal facilities as well, and so they have made it impossible for an independent company to operate economically.

I am going to ask to have inserted as a part of my remarks the number of canals and locks that have been purchased by the United States, the cost of maintenance each year, and the traffic that passes through them, for the year ending June 30, 1913.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Statement showing the cost of operating locks and dams for the fiscal year ending June 30, 1913, and the total tonnage passing through each.

Locality.	Cost of operation fiscal year 1913.	Tonnage passing through lock (short tons).
Congaree River, at Granby, S. C.	$8,921.91	(1)
Coosa River, Ala.:		
Lock No. 1	1,560.00	521
Lock No. 2	1,200.00	696
Lock No. 3	1,800.00	512½
Ouachita River, Ark.:		
Lock No. 6	2,500.00	(2)
Lock No. 8	3,456.03	(2)
White River, Ark.:		
Lock No. 1	9,851.38	4,135
Lock No. 2	15,624.03	13,882
Lock No. 3	7,451.17	5,191
Illinois & Mississippi Canal (33 locks)	204,499.83	51,050
Galena River, Ill.	5,854.04	4,965
Mississippi River:		
Moline Lock	5,908.79	10,408
Keokuk Lock and Des Moines Rapids Canal	26,300.37	41,819
Plaquemine Lock	27,043.83	83,345
Trinity River, Tex.:		
Lock No. 1	1,937.24	(2)
Lock No. 4	355.97	(2)
Lock No. 6	4,190.87	(2)
At Parsons Slough	109.19	(2)
Ohio River:		
Lock No. 1	19,183.41	3,773,782
Lock No. 2	14,491.83	3,215,194
Lock No. 3	13,110.89	2,716,708
Lock No. 4	14,653.00	2,070,122
Lock No. 5	13,149.32	2,187,524
Lock No. 6	13,575.55	2,195,310
Lock No. 8	13,903.12	1,817,487
Lock No. 11	16,299.69	(4)
Lock No. 13	16,307.20	(4)
Lock No. 18	13,703.59	593,001
Lock No. 26	11,638.12	1,137,193
Lock No. 37	31,372.86	1,773,065
Lock No. 41 (L. & P. Canal)	19,991.74	1,455,485
Green River, Ky.:		
Lock No. 1	2,157.00	662,352
Lock No. 2	2,157.00	484,722
Lock No. 3	2,097.00	426,134
Lock No. 4	1,557.00	366,189
Lock No. 5	1,557.00	277,339
Lock No. 6	1,557.00	170,197
Barren River, Ky., at Greencastle	1,557.00	203,684
Rough River, at Leavenworth, Ky.	1,125.00	31,318
Wabash River, at Grand Rapids, Ind.	605.00	10,807
St. Marys River, Sault Ste. Marie, Mich.	151,748.43	36,425,015

[1] Lock and dam out of commission, owing to damage by flood; no commerce passed through during the year.

[2] No commercial tonnage passed through these locks during the fiscal year.

[3] Locks located in upper section of river; no navigation and no commerce passed through them.

[4] Not ascertained.

Statement showing the cost of operating locks and dams, etc.—Contd.

Locality.	Cost of operation fiscal year 1913.	Tonnage passing through lock (short tons).
Illinois River, La Grange Lock	$20,191.66	29,532 / 15,418
Illinois River, at Kampsville, Ill	7,654.44	46,388 / 19,143
Fox River, Wis., at—		
Diepere	426.30	53,561
Little Kaukauna	426.30	53,158
Rapids Croche	426.30	53,551
Kukauna—		
Fifth	284.20	53,432
Fourth	284.20	53,477
Third	284.20	53,630
Second	342.56	53,784
First and guard	584.64	53,784
Little Chute—		
Combined lower	213.15	46,802
Upper	213.15	46,802
Second and guard	426.30	48,715
Cedars	426.30	49,282
Appleton—		
Fourth	426.30	41,618
Third	213.15	41,618
Second	213.15	41,038
First and upper dam	927.21	42,570
Menesha	854.13	42,331
Eureka	395.85	3,153
Berlin	548.10	1,557
White River	395.85	1,009
Princeton	395.85	527
Grand River	395.85	291
Montello	304.50	92
Governor Bend	426.30	.....
Fort Winnebago	376.82	440
Portage	376.82	36
Columbia River, Cascades Canal	11,410.42	33,219
Cumberland River, Tenn.:		
Lock A	10,942.13	56,346
Lock No. 1	3,459.75	71,868
Lock No. 2	9,513.38	101,925
Lock No. 3	35,786.66	83,614
Lock No. 4	2,975.68	80,382
Lock No. 5	2,399.26	73,849
Lock No. 6	2,354.08	75,229
Lock No. 7	2,126.91	62,390
Lock No. 21	3,344.40	33,818
Tennessee River:		
Lock A		
Lock B		
Lock No. 1		
Lock No. 2		
Lock No. 3		
Lock No. 4	(2)	(2)
Lock No. 5		
Lock No. 6		
Lock No. 7		
Lock No. 8		
Lock No. 9		
Muscle Shoals Canal	46,393.14	5,520
Colbert Shoals Canal	38,659.37	31,942
Tombigbee River:		
Lock No. 1	8,947.74	163,111
Lock No. 4	8,588.83	53,743
Warrior River:		
Lock No. 5	8,820.00	56,465
Lock No. 6	9,355.94	41,693
Lock No. 7	24,669.68	21,624
Lock No. 8	23,783.38	22,944
Lock No. 9	15,471.60	24,891
Lock No. 10	4,071.88	23,545
Lock No. 11	3,880.00	23,250
Lock No. 12	3,880.00	23,223
Lock No. 13	4,240.00	3,790
Lock No. 14	3,600.00	3,625
Lock No. 15	2,700.00	2,850
Inland waterway, Franklin to Mermentau, La., Schooner Bayou	774.42	1,700
Bayou Teche, Keystone Lock	(3)	(3)
Yamhill River (Oreg.) lock	1,300.38	588
Big Sandy River, W. Va. and Ky.:		
Lock No. 1	4,002.23	179,762
Lock No. 2	3,595.64	179,057
Lock No. 3	4,047.93	176,755
Lock No. 1, Tug Fork	3,721.57	50,126
Lock No. 1, Levisa Fork	4,036.96	126,811
Muskingum River:		
Lock No. 1	1,382.07	27,351
Lock No. 2	2,809.61	8,093
Lock No. 3	3,254.54	7,387
Lock No. 4	1,191.69	7,863
Lock No. 5	1,397.59	7,703
Lock No. 6	2,832.34	6,603
Lock No. 7	2,249.88	5,925
Lock No. 8	12,844.95	23,560
Lock No. 9	5,011.12	20,204
Lock No. 10	4,404.95	32,129
Lock No. 11	793.15	230
Kentucky River, Ky.:		
Lock No. 1	1,141.60	121,645
Lock No. 2	1,140.00	102,053
Lock No. 3	1,144.80	96,165

[1] Live stock (head).
[2] No dams in operation during fiscal year.
[3] Placed under operating and care July 1, 1913; no expenditures made or record of tonnage prior to that date.

Statement showing the cost of operating locks and dams, etc.—Contd.

Locality.	Cost of operation fiscal year 1913.	Tonnage passing through lock (short tons).
Kentucky River, Ky.—Continued.		
Lock No. 4	$1,549.96	111,308
Lock No. 5	1,150.00	57,915
Lock No. 6	1,162.40	52,027
Lock No. 7	971.50	45,476
Lock No. 8	1,140.00	50,781
Lock No. 9	1,180.20	51,029
Lock No. 10	1,102.90	51,457
Lock No. 11	1,791.60	52,903
Lock No. 12	1,162.40	62,699
Osage River, Mo., Lock No. 1	5,788.88	3,100
Kanawha River, W. Va.:		
Lock No. 2	6,969.27	24,161
Lock No. 3	7,703.61	133,679
Lock No. 4	8,920.65	424,015
Lock No. 5	8,826.63	618,197
Lock No. 6	9,977.34	984,425
Lock No. 7	10,278.09	930,259
Lock No. 8	9,904.89	1,297,018
Lock No. 9	13,225.41	1,479,235
Lock No. 10	9,047.47	1,460,158
Lock No. 11	10,105.59	1,534,038
Little Kanawha, W. Va.:		
Lock No. 1	2,740.02	66,912
Lock No. 2	2,939.08	88,148
Lock No. 3	2,238.58	80,182
Lock No. 4	3,129.52	76,334
Lock No. 5	2,555.17	72,153
Monongahela River, Pa. and W. Va.:		
Lock No. 1	21,247.15	5,674,398
Lock No. 2	25,487.14	9,473,605
Lock No. 3	26,328.30	11,125,238
Lock No. 4	16,545.54	7,923,110
Lock No. 5	13,408.47	1,864,831
Lock No. 6	4,131.82	233,859
Lock No. 7	2,012.42	123,449
Lock No. 8	2,084.81	122,683
Lock No. 9	2,034.95	159,053
Lock No. 10	2,201.97	102,377
Lock No. 11	2,008.33	106,558
Lock No. 12	2,095.62	109,250
Lock No. 13	2,054.51	108,018
Lock No. 14	2,010.12	107,979
Lock No. 15	2,076.95	1,362
Allegheny River, Pa.:		
Lock No. 1	13,722.09	438,393
Lock No. 2	4,974.82	444,770
Lock No. 3	4,224.45	41,954

Mr. CHAMBERLAIN. What I have said in reference to the Soo Canal practically applies to all of those mentioned above.

It has been frequently urged that the report of the House committee, to which I have referred, commonly known as the Alexander report, made a finding that from 95 to 97 per cent of the steamship lines of this country were in combination in one form or another, but the fact is no such finding was made in the report, for it will be ascertained by reference to page 403 of volume 4 of the report that the committee expressly stated that "the foregoing chapters discuss the control of regular line services in the most important divisions of this country's commerce," and I invite the attention of Senators particularly to the discussion which follows this statement in the report, because it is most illuminating and shows in detail how the domestic waterways of the country, which are maintained free of expense by the Government, are dominated and controlled largely by the great railway systems.

What have Senators to say with reference to this situation? Will they contend in the face of the fact that they vote large sums each year for the maintenance of our domestic waterways and exempt railroad-owned and trust-owned ships from the payment of any tolls, that this exemption is in the nature of a subsidy? They must be driven in the last analysis to this admission, or their contention with reference to exemption at Panama on the ground that it is a subsidy falls to the ground, and they must take the other horn of the dilemma, which has been practically abandoned, that there ought to be no exemption of American coastwise vessels from the payment of tolls at Panama because such exemption would be a violation of treaty obligations.

There is no question, Mr. President, that a careful study of the methods adopted by the great transcontinental railways in this country will convince anyone that they not only opposed the construction of the Panama Canal for a quarter of a century and delayed its completion, but that they have been cultivating the sentiment which finds expression in appeals to national honor and in protest against the exemption of coastwise vessels from the payment of tolls. They are the interested parties who are now insisting upon a repeal of the act of 1912. Not only are the American transcontinental railways interested

in this movement, but the Canadian Pacific as well, and they are acting together in insisting upon repeal.

I call to the attention of the Senator from Michigan [Mr. SMITH], who mentioned Canada a while ago, and I am going to ask to have inserted in the RECORD a clipping from the Wall Street Journal of April 27, 1914, which has been publishing recently a series of articles on industrial conditions in Canada.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

CANADA WELCOMES PANAMA CANAL AS A BENEFIT—BIG DITCH EXPECTED TO BE OF GREAT VALUE TO BRITISH COLUMBIA PROVINCE AND THE CANADIAN PACIFIC—CALCULATED TO LESSEN THE NUMBER OF EMPTY FREIGHT CARS HAULED OVER THE PRAIRIES, AFTER CARRYING GRAIN EAST—THE HAUL WEST IS OFFSET BY COAL AND LUMBER TRAFFIC BACK—CANADIAN PACIFIC AND POOLS.

MONTREAL, *April 27, 1914.*

ARTICLE 3.

Completion of the Panama Canal is looked forward to by the Canadian railroads and the Canadian people with great hopes. *They feel grateful to the United States for building the canal, for it seems likely to do Canada more good than the United States. About the only advantage the United States will have over Canada will be in the naval feature. Commercially, it would have paid the Province of British Columbia to have issued bonds to pay for the canal, but instead of that it is not going to cost the Province one cent.*

The Panama Canal is particularly welcomed by the Canadian Pacific, because it will lessen the number of empty freight cars hauled over the prairies. Canada's great crop is wheat, and that is all shipped eastward to market. The things that the prairie Provinces purchase of the east are high-priced and of small bulk, so that they fill but few of the returning cars. Miles of empty cars go thundering westward for more wheat.

But that is only half the story. The prairie Provinces are heavy purchasers of coal and lumber and other bulky forest products produced by British Columbia. The prairies have nothing to sell to British Columbia, and empty freight cars must go from the prairies into the mountains, to come back loaded with what the prairies want.

WORKING CARS BOTH WAYS.

When the Panama Canal is opened those empty cars will carry wheat for London. Enough wheat can be shipped profitably through the canal to pay for the British Columbian products needed on the prairies. The economy resulting from having loaded cars both ways will enable the Canadian Pacific to pick up wheat at least as far east as Calgary for shipment through the canal.

It is for this reason that the Canadian Pacific does not view with alarm completion of the Grank Trunk Pacific this year, and the completion next year of the Canadian Northern to the Pacific coast. Immigrants that will return on the wheat ships by way of Panama will furnish the labor so seriously needed in the Far West, and development will be so much more rapid that it is believed the country will grow up to the railroads as fast as they can handle it. Canada is so big, and the railroads are already competing at so many points, that investors in Canadian Pacific stock need not worry over the dividend.

The Panama Canal is a big question, and responsible men of the Dominion do not pretend that they have figured out the final effect of it. They do feel certain, however, that it is not going to hurt any of the Canadian railroads, and, in fact, is going to prevent them from hurting one another. This immigration will not affect the labor situation in Canada, which is about the same as in the United States.

CANADIAN PACIFIC RAILWAY AND ATLANTIC POOL.

In view of the approaching opening of the canal, the Canadian Pacific is paying serious attention to ocean pools. The matter of joining the new North Atlantic conference is under consideration, but no decision has as yet been reached. The Canadian Pacific is really as great as a steamship proposition as a railroad, for its flag is on every sea. It owns more ships than the Southern Pacific, Union Pacific, Great Northern, and Northern Pacific combined. The Great Lakes are dominated by Canadian Pacific ships. They monopolize the trade of Puget Sound and Alaska. When you land at St. Johns or Sydney or Quebec or Montreal you step on a Canadian Pacific train. The company takes care of you on its trains, in its hotels, sells you newspapers, chewing gum, and picture postal cards while you are in Canada, and its ships take you away to the Orient, if you are going around the world. It takes a generation to develop such a system, and the mere building of so many miles of track does not mean that serious competition has been produced.

EFFECT OF EXEMPTION ON RAIL RATES.

Mr. CHAMBERLAIN. I come now to consider exemption of American coastwise vessels from the payment of tolls as it affects, first, the transcontinental railway rates, and, second, the commerce between Pacific and Atlantic ports. For every reduction in the tolls charged at Panama on freight passing through the canal between American ports on the Atlantic and Pacific coasts there must be a corresponding reduction in the transcontinental rail rates as well as in rail rates from the interior to points where there is water competition; otherwise all freight accessible to water transportation would seek the water route; and for every addition to the rate of toll charged through the canal there is an opportunity given to the transcontinental lines to correspondingly raise the rail rates.

Mr. Prouty, formerly Interstate Commerce Commissioner, one of the most distinguished authorities on the rate question, in the Spokane rate case, reported in Twenty-first Interstate Commerce Reports, page 422, speaking of the effect of water competition upon rates by rail, said, amongst other things:

Carriers maintain the same transcontinental rate from Chicago as from New York, not by reason of the direct effect, but rather as an indirect result of water competition. The reason for this will be best understood by an actual illustration. Assume that a building requiring the use of a large amount of structural steel is to be erected in San Francisco. That steel is manufactured both at the seaboard and in Chicago. That which is made at the seaboard can be taken by water from the point of origin to the point of destination, and the rate at which it can move is therefore determined by water competition.

The cost of producing steel is the same at both points. In order, therefore, that the producers may stand an equal chance in competing for this business it is necessary that the rate from both points should be the same, and the business can not move from Chicago unless the rate from that point is as low as from the seaboard.

The Atchison, Topeka & Santa Fe Railway begins at Chicago. If this steel is bought at Chicago and moves by that line the entire freight money is retained by it. If, upon the other hand, the steel is bought at New York, moved by some line to Chicago, and there delivered to the Santa Fe, that line receives only a part of the through charge. The service performed by it is the same in either case, but the amount of its compensation is larger when the freight originates at Chicago. It is therefore for the interest of that line to name a rate from Chicago which will originate the business at that point instead of allowing it to originate upon the seaboard. The interest of the line from New York to Chicago is that the business should be taken up at New York, and as a compromise it is finally agreed to apply the same rate from both these points. This clearly shows how water competition, if it does not actually extend to the interior point, may and does dictate the rate from that point.

What would be true of the steel entering into the construction of this building is true also of almost every article of commerce which moves between the East and West. The Middle West to-day manufactures nearly everything which is produced upon the Atlantic seaboard, and the effect of this policy of the railroads has been to make the Middle West the almost exclusive market of origin for the intermountain country and largely for the Pacific coast itself.

This statement of the distinguished ex-commissioner is a complete answer to those who contend that the Middle West will not be benefited by the exemption of coastwise vessels from the payment of tolls. The reasons and the illustration given by Mr. Prouty are conclusive upon this subject, as well as upon the subject of the effect of water competition in reducing rail rates.

EFFECT OF REPEAL ON THE WEST.

Mr. President, the charging of tolls upon American vessels engaged in the coastwise trade will impose a very great hardship upon the people of the whole country, in that it will enable the transcontinental railway lines, which now practically control the domestic waterways of the country, to charge to both producers and consumers a higher rate.

The products of the Northwest consist of heavy goods in bulk, which would naturally seek the water route to the East because the present rail rate is prohibitive. Many of the products of the West do not find an eastern market at all, but are left to rot and go to waste in the field.

Our products which would find a ready market in the East with lower rates are lumber, agricultural products of all kinds, salmon, fruit, hops, and wool, and when the resources of Alaska are developed coal ought to find a ready market in competition with eastern coals. In return for these products of the West we would receive large quantities of rice, cotton, structural steel, heavy cotton piece goods, agricultural and mining machinery, and goods of that class which are manufactured almost exclusively in the East.

A toll of $1.20 per ton on lumber, as disclosed by the hearings before the Interoceanic Canals Committee, would make it impossible for the American manufacturer of lumber to compete with the manufacturer in British Columbia, for two reasons: First, it is an undisputed fact that foreign vessels which might load with lumber at Vancouver can be operated at a very much less expense than the American ship loading at Portland, Oreg., with the same commodity, and the result would be our lumber could not compete in the eastern markets with that of British Columbia. Even the remission of tolls at Panama to the American vessel would not equalize the present handicap, but would materially assist in relieving the situation. Second, the foreign Governments, or at least those whose ships are likely to carry the lumber from British Columbia ports through the canal to the East, pay to their vessels by way of subsidy the amount of toll which would be paid by them for passing through the canal.

As tending to show what the effect of a toll charge of $1.20 per ton would be on lumber passing through the Panama Canal, I desire to call attention to the testimony of Mr. J. N. Teal, of Portland, Oreg., who appeared before the Interoceanic Canals Committee, in which he presents a letter from Mr. F. G. Donaldson, the manager of the traffic department of the West Coast Lumber Manufacturers' Association. This letter was addressed to Mr. Teal in response to a request from him for advice as to what the toll would be on 1,000 feet of lumber. He estimates that it would be about $1.66⅔ per thousand feet board measure. I ask to have the letter printed herein as a part of my remarks in order to show just what the effect of the proposed toll of $1.20 per ton would mean to the lumbermen of the West, and, so far as that is concerned, to the South as well, shipping lumber to the Orient or other transisthmian sections.

The letter is as follows:

PORTLAND, OREG., *April 13, 1914.*

Mr. J. N. TEAL, *Spalding Building, City.*

DEAR SIR: Answering your inquiry as to how I arrive at the conclusion that canal toll of $1.20 per registered ton would equal about 6 cents per hundredweight on lumber, wish to advise that this is based upon average weights and average loading capacities of the different kinds of lumber. A ship ton is equivalent to 100 cubic feet. Theoretically 100 cubic feet of space should load 100 cubic feet of lumber. This would be 1,200 feet board measure. However, my experience has convinced me that only about 60 per cent of actual space is available for lumber loading because of unevenness of lengths and thicknesses of the different kinds of lumber. On this basis, instead of 1,200 feet board measure being loaded in 100 cubic feet of ship space, the actual average load would in all probability not exceed 720 feet board measure, and this is the footage used in my computation. On this basis a charge of $1.20 per 100 cubic feet of space should figure $1.66⅔ per thousand feet board measure of all kinds of lumber. To reduce this cost per thousand feet to cents per hundredweight on each kind of lumber, you have to ascertain the average weight of the different kinds of lumber that are likely to be shipped. The estimated weights are as follows:

	Pounds per M feet.
Rough green fir	3,300
Rough dry fir	3,000
Common dimension	2,600
Flooring, rustic, and shiplap	2,000
Ceiling and wainscoting	1,400

Using these weights, 5,000 feet of lumber, consisting of 1,000 feet of each of the different classes of lumber referred to, would make the total weight 12,300 pounds, or an average for each 1,000 feet, 2,460 pounds. Taking a cost of $1.66⅔ per thousand feet board measure, as figured above, and applying it to average lumber, 2,460 pounds per thousand feet, gives you an average cost per hundredweight of actual weight, 6.8 cents.

Mr. CHAMBERLAIN. It will be seen from this that because of the character of a lumber cargo it is not possible to carry much in excess of 720 feet board measure in 100 cubic feet of ship space. This, of course, would compel lumber shipments to pay toll largely in excess of the actual cargo.

The rates from the Pacific coast by rail east to the Mississippi River are very much higher than they are from Philadelphia or New York to the same point. That is due to the density of traffic in the East as well as to the more active competition between the roads. It is disclosed in the statement of Mr. Teal before the committee that if we take a 40-cent water rate on lumber from Pacific coast points to Philadelphia or New York it might be carried as far west by rail as Chicago or St. Louis, or nearly that far, depending somewhat upon circumstances. At least it could be carried west until the rate from the Pacific coast by rail met the eastern rate. He gives an instance of salmon shipped by water to New York from the Pacific coast, then through the Great Lakes to Duluth, thence back as far as the 11-cent car rate would take it until it met Pacific coast rates by rail, and shows that starch and other products from Iowa to New York by rail and thence to Portland by water could be carried cheaper than taking them from the point of initial shipment to the Pacific coast direct by rail.

Take another illustration: Wool is now carried from Australia to San Francisco for 75 cents per hundred, from San Francisco by rail to Boston at 80 cents per hundred, making the through rate from Australia to Boston $1.55 per hundred. It is estimated that when the canal is completed the through rate to Boston will be about $1 per hundred. It may be answered that domestic wool from Montana, Utah, Idaho, and other Western States might be shipped through the canal at the lower rate in competition with Australian wool. This can not be done, for the reason that the railroads maintain such a high rate from intermountain points to the coast that the water route will not be accessible to wool or other intermountain products. Australian wool from San Francisco to Boston, as I have shown, is carried at 80 cents per hundred. From Nevada points, 500 miles nearer Boston, the railroads charge $2 per hundred on domestic wool. From Arizona points, 600 miles nearer Boston, they charge $1.90 per hundred. From Boise, Idaho, 600 miles nearer Boston, they charge $2.05½ per hundred. The freight charge by rail from these intermountain points to the Pacific coast is maintained at such a high rate as to drive the freight eastward by rail.

It will thus be seen that the freight rate on wool from the western country can not possibly compete with imported wools, and it is questionable if this can be done even if coastwise vessels are exempted from the payment of tolls.

It will be remembered that in his first note of protest Chargé d'Affaires Innis stated that the proposal to exempt all American shipping from the payment of tolls would, in the opinion of the British Government, involve an infraction of the treaty; and, further, that there was no difference in principle between charging tolls only to refund them and remitting tolls altogether. In other words, while admitting the application to Panama of the basis of neutralization in force at Suez, permitting other nations the right to refund tolls collected there, it was proposed to deny the United States the right to make the same refund at Panama either in the way of exemption of tolls or by a direct subsidy. It is but fair to say that this protest was practically abandoned, but it shows the injustice of Great Britain in her first note of protest. It is a well-known fact that other nations have made appropriations to cover the tolls paid at Suez by their merchant ships, and steps are being taken by Russia, Spain, Japan, and other powers to grant to their vessels subsidies equivalent to the tolls that are to be charged at Panama.

In this connection I call the attention of the Senate to the report of Mr. George W. Guthrie, American minister to Japan, made to this Government on the 13th ultimo, as showing the policy of the Japanese Government with reference to the Panama Canal. He points out the plan of the Government to which he is accredited of subsidizing a trans-Panama steamship line, which contemplates eight steamers of 9,000 tons or more each. The proposed ports of call are given by him as follows:

Eastern line: Outward voyage—Yokohama, Seattle, Panama, Colon, and New York; inward voyage—New York, New Orleans, Colon, Panama, Seattle, and Yokohama. Western line: Outward voyage—Yokohama, Kobe, Moji, Shanghai, Manila, and Hongkong; inward voyage—Hongkong, Manila, Shanghai, Moji, Kobe, and Yokohama.

The annual amounts of subsidy proposed in aid of the trans-Panama service during a period of five years commencing with 1915, Mr. Guthrie points out are as follows: 1915–16, $718.307; 1916–17, $841,116; 1917–18, $875,447; 1918–19, $875,447; 1919–20, $875,447. Those allotted to the San Francisco line during the same period are as follows: 1915–16, $1,180,924; 1916–17, $1,137,113; 1917–18, $1,071,495; 1918–19, $1,005,877; 1919–20, $940,259.

What Japan proposes to do is in line with the policy which is being adopted by other Governments, so that American vessels engaged in the over-sea trade, as well as those engaged in the coastwise trade, if the present policy of repeal prevails, will be placed upon the same footing so far as tolls are concerned, and in the very nature of things it will be a physical impossibility to restore in whole or in part the American merchant marine to the proud place it once occupied in the ports of the world.

I ask permission, Mr. President, to insert in the RECORD as a part of my remarks a statement made by Mr. Teal in his testimony before the Interoceanic Canals Committee on the fisheries products of the Northwest and certain comparative statements of rates on different classes of commodities in less-than-carload lots by water and by rail. These statements will show in part the commodities which will be shipped by water from the West and a comparison of the rates charged by water and by rail.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

North Pacific salmon pack, 1913.

	Cases.	Value.
Alaska	3,746,493	$13,859,478
Puget Sound	2,583,463	13,329,168
Columbia River	266,479	2,012,387
Sacramento River	950	7,600
Outside, or coast streams	112,161	552,045
British Columbia	1,353,901	8,803,213

Totals, 8,063,447 cases, about 389,170,000 pounds, or 193,585 tons. Total value, $38,563,891.

North Pacific halibut catch.

	Pounds.
1913	55,421,805
1912	53,302,103

The selling price of halibut by fishers at place of landing varies from 2 cents to 9½ cents, the average being about 5 cents a pound, making the 1913 catch worth at landing point about $2,771,000.

Halibut catch for 1913 divided as to nationality of vessels in north Pacific.

	Pounds.
American vessels	42,636,505
Canadian vessels	12,785,300

The immense quantities of halibut to be had in north Pacific waters were until recently available for only a limited population near the Pacific coast shore line. The large companies controlling this trade are now operating solid refrigerator halibut trains across the continent to Chicago, and even to the Atlantic seaboard, delivering the major portion of the entire catch to that territory. As exploration for the halibut banks is proceeding farther out to sea and also out to the north, there is no reason why the annual catch of this fish should not increase for several years.

If this enormous supply of food fish could be handled through the Panama Canal in refrigerator service at a lower figure than is now possible, or if the effect of competition made the rate across the continent less than at present the benefit would be reaped by the consumers of the East. At the present time the wholesale price for halibut delivered to eastern centers runs 15 cents a pound or better,

and the retail ranges as high as 25 cents. It would seem that canal traffic unimpeded by tolls should accomplish a reduction there.

There is a growing trade in fresh salmon, frozen salmon, mild-cured salmon, and pickled salmon. As the catch of salmon in extreme northern waters may be increased rapidly, the possibility of placing on the Atlantic seaboard a large amount of this valuable food fish at a low figure is certainly greater with no tolls through the canal than with them. Siberia last year produced only about 130,000 cases of salmon, and it is conceded that all the streams of that region, as well as those of extreme northern Alaska, have wonderful possibilities in the production of this food fish. There is no greater fish preserve to be found in all the world than in these north Pacific waters. When they are properly explored and developed and proper consideration is given to the hatching of young fry, it would seem like the whole country would of necessity have a profound interest in being kept close to the fishing grounds with the lowest possible rate that may be had through the Panama Canal.

Mr. CHAMBERLAIN. I think the Senator from New Hampshire [Mr. GALLINGER] the other day discussed the refunding of tolls by other countries. I do not recall whether he mentioned Japan or not, but he did mention other powers that were making arrangements now to refund the tolls that might be paid by their vessels to the canal.

Mr. GALLINGER. Mr. President, I did call attention to Japan, as that is an imminent matter. The Diet has not passed finally upon it, but it is expressed by the Japanese officials as certain to come.

Mr. CHAMBERLAIN. I am glad the Senator did. I will not discuss it, then, but simply ask to have inserted in the RECORD the showing that is made with reference to Japan where she is making provision for her ships as far ahead as 1920 in order to meet the tolls they will have to pay to pass through the canal. How in the world can our vessels compete with Japanese vessels, how can we compete with Great Britain, which subsidizes her vessels and will refund to them the amount of tolls?

I ask to have inserted in the RECORD as a part of my address a comparative statement of the rates to Portland on various commodities in carload lots and less than carload lots by water and by rail, showing the difference in favor of water competition.

The PRESIDING OFFICER. It is so ordered, without objection.

The matter referred to is as follows:

MISCELLANEOUS FISH PRODUCTS, ALASKA, 1913.

Codfish, 11,916,900 pounds. Value, about $500,000 at point of delivery.

Pickled salmon, 7,666,400 pounds. Value, about $600,000.

Herring, 10,413,926 pounds. Value, about $500,000 at point of delivery.

Mild-cured salmon (all North Pacific waters), about 30,000 tierces. Each tierce net about 800 pounds, or 24,000,000 pounds. Total value, approximately $2,400,000.

Other miscellaneous fish products in Alaska, 1913, would aggregate more than 500,000 tons. These miscellaneous products consist of fish oil, whale oil, herring fertilizer, whale fertilizer, dry salt fish, etc.

This year the Grand Trunk Pacific is completing its connection to Prince Rupert, the Pacific coast terminal for the road. The first influence upon the United States transportation situation is felt already. Traffic officials of the new Canadian transcontinental line are offering to absorb the local boat haul from any of the adjacent Alaska territory which would mean all of the southeastern district, and give to the salmon product the same transcontinental freight rate that is given by the United States lines. Some of the salmon men believe that unless a materially lower rate is made as a result of the construction of the canal the new Canadian line will be able to dominate that part of the southeastern pack which may move to Europe or any part of the United States beyond the Mississippi River. The southeastern pack runs about 2,000,000 cases a year.

Comparison of rates on canned salmon in carloads from Portland, Oreg., to various points via all-rail direct, ocean and rail, ocean, lake, and rail via New York City; also the all-rail lake and rail rates from New York City to same points.

CANNED SALMON, CARLOADS.

From—	To—							
	Omaha.	St. Paul.	Duluth.	Chicago.	Cleveland.	Cincinnati.	Pittsburgh.	New York.
Portland, all-rail	70	70	70	70	75	75	75	75
New York, all-rail	46	46	46	30	21	26	18	.....
New York, lake and rail	.....	32	28	25	.....	.....	.....	.....
Portland, ocean	.....	.....	.....	.....	.....	.....	.....	45
Portland:								
All-rail	70	70	70	70	75	75	75	75
Ocean and rail	91	91	91	75	66	71	63	.....
Ocean, rail, and lake	.....	77	73	70	.....	.....	.....	.....

FRUIT GROWERS' TRANSPORTATION LEAGUE,
Portland, Oreg., ———.

The understanding is that tolls will base upon ship's registered tonnage at $1.20 per ton of 100 cubic feet.

Have been advised that relation of registered tonnage to dead-weight tonnage, or cubic tonnage, capacity of vessels will range materially, but that in the average cases the tolls will apply upon approximately 60 per cent of the tonnage carried, where the ship is loaded to its capacity.

Where ship is not loaded to its full carrying capacity, the tolls applying against it will increase correspondingly, and to that extent become a higher charge against the freight itself.

To illustrate in the case of apples:

If the registered and cargo tonnage equalizes, $1.20 per 100 cubic feet will mean 48 cents per 40 cubic feet ton, or 2 cents per box per apples. Or, if tonnage of 2,000 pounds at 48 cents per ton, this would mean approximately 1 cent per box.

Apples and other fruits, refrigerated, are handled upon cubic basis. The apple box itself (packed) measures 1.66 feet, or 24.1 boxes per 40 feet cubic measurement. But the sticking and stripping, to enable proper refrigeration and ventilation in cold chambers, adds to displacement of box, and increases it to 2 cubic feet, or 20 boxes per ton, or at 48 cents per cubic 40-foot ton, 2.4 cents per box apples.

The application on this and other Northwest traffic, of canal tolls, will therefore necessitate that the vessels be loaded to fullest capacity in order to get minimum canal-toll application per unit of freight carried. It is manifest that with the tonnage susceptible of immediate development the application of tolls, under this condition, will make service irregular or infrequent.

Only frequent and regular service on fresh fruits will be of any benefit to the industry and enable shipment through canal. The lowest possible rate available by vessel is the only inducement that will attract tonnage to the water movement, and make possible any reduction in freight rates from the present maximum basis which the fruit can not stand.

Apple production (estimated) Northwest States, Oregon, Washington, and Idaho:

1914. Now estimated at 25,000 cars. All fruits at 35,000 cars.

1916. Estimated as 35,000 to 40,000 cars. All fruits, upward of 50,000 cars.

1918. Estimated as 50,000 cars. All fruits, upward of 65,000 cars.

At best, a very nominal tonnage of Northwest fruits can get into Atlantic seaboard markets at the present rail rates. The apple movement must amount to 25 per cent of total annual tonnage in those markets in order to safely balance general distribution. Nothing but the lowest possible rate will enable distribution in large quantity in Atlantic seaboard territory, and only the cheapest water rate will enable that.

Any rate exceeding $8 to $9.60 per cubic 40-foot ton will prevent water movement at this stage of production. It is evident that a lower rate must be anticipated for future years' movement.

The Northwest fruit industry in detail will not survive except at minimum costs of transportation, possible only by water movement. To-day the soft-fruit (outside of apples) industry is in a critical condition. We can not ship those products from Northwest sections annually at the present freight costs profitably. The peach industry has been destroyed by removal of trees to the extent of 40 per cent in different sections because of repeated losses accordingly.

Present freight rate on apples per box Northwest to New York City approximates 50 cents. Box of apples packed and loaded costs 65 to 90 cents; box of apples contains less than 50 pounds. The fruit must be laid down in Atlantic markets at not to exceed 75 cents, including transportation and production costs, to enable distribution, and that will not include any profits.

A greatly reduced rate on other fruits by water will make the industry reasonably profitable, and allow the peach industry to survive, instead of being destroyed.

The canal tolls will severely affect both the producer and the consumer.

Northwest produces 30,000,000 to 35,000,000 pounds of dried fruits annually. This must have an exceedingly low rate.

Comparative statement of rates to Portland on various commodities in carload and less than carload lots, by water and all rail.

[Rates shown are those in effect via the American-Hawaiian Steamship Co. and the transcontinental railroads. Checked to Apr. 17, 1914.]

[Figures in parentheses for 1913.]

Commodity.	Ocean rates.		All-rail rates.	
	L. C. L.	C. L.	L. C. L.	C. L.
Shipbuilding hardware	[1] $1.00	.....	[1] $1.75	.....
Meat cutters	[1] 1.00	.....	[1] 1.90	.....
Paper ware, paper balloons	($3.00) 4.00	($3.00) $4.00	($6.00) [1] 7.40	.....
Fireworks	(3.00) 2.50	(2.00) 2.50	(6.00) 7.40	($3.00) $3.70
Toy torpedoes	(1.00) [1] 1.25	.....	[1] 2.00	.....
Wood cones for same	(1.00) 1.25	(1.00) 1.25	(3.00) [1] 3.70	.....
Slate pencils	(.90) 1.00	(.90) 1.00	[1] 1.60	.....
Crayons	1.00	1.00	[1] 2.20	.....
Scythes, stones	1.00	1.00	[1] 1.75	.....
Brass lamp burners	(1.20) 1.25	(1.20) 1.25	[1] 2.20	.....
Saddlery hardware	1.00	1.00	[1] 1.90	.....
Iron shoemakers' lasts	1.00	1.00	[1] 1.75	.....
Pipe wrenches	1.00	1.00	[1] 1.75	.....
Iron vises	(.80) .90	.60	1.75	1.10
Wire rat traps	1.50	1.50	[1] 2.35	.....
Hardware, not otherwise specified	1.00	1.00	(2.00) [1] 3.20	.....
Clotheslines	(.75) 1.00	(.55) .60	(1.45) 1.60	.....
Wooden rules	(1.25) 1.50	(1.25) 1.50	(2.00) [1] 3.20	.....
Paper labels	(.90) 1.00	(.70) .75	1.75	1.20
Steam pumps	(1.25) 2.00	1.00	(3.00) 2.05	.....
Wood tackle blocks	1.00	.70	(2.00) [2] 3.20 (2.20) [2] 2.65	.....
Iron nails	.85	(.55) .50	[4] 1.30	[5] .85
Iron boilers, range	(1.20) 1.50	(1.00) 1.05	(2.60) 3.20	1.40
Axle grease	(.90) 1.00	.60	1.50	.90
Glassware	1.00	.75	1.85	1.35
Clothespins	(.90) 1.00	(.65) .70	1.50	1.00
Bird cages	(1.50) 2.00	(1.50) 2.00	(3.00) [6] 3.70	.....
Cutlery, not plated	(1.25) 1.50	(1.25) 1.50	(2.60) 3.20	.....
Hairpins	(1.30) 1.25	(1.30) 1.25	2.00	.....
Cotton belting	1.15	.85	1.75	1.20

[1] Any quantity.
[2] In packages.
[3] In boxes or barrels.
[4] 108 pounds per keg.
[5] Hundredweight.
[6] Nested, box.

Comparative statement of rates to Portland on various commodities in carload and less than carload lots, by water and all rail—Continued.

Commodity.	Ocean rates.		All-rail rates.	
	L. C. L.	C. L.	L. C. L.	C. L.
Wrapping paper, not printed	($0.90) 1.00	$0.55	$1.10	$0.75
Wrapping paper, printed	(.90) 1.00	(.70) .75	(1.40) 1.50	(.90) 1.00
Wire sifters	(1.20) 1.25	(.85) 1.00	{(3.00) [1] 3.70 / (6.00) [2] 7.40}	
Canned goods	.85	.60	1.75	1.10
Coffee, roasted	1.00	.70	1.60	[3] 1.10
Coffee, green	1.00	.55	1.40	[4] .80
Looking-glass plates	(1.50) 2.00	(1.00) 2.00	2.20	1.50
Iron toy pistols	1.25	1.25	2.20	1.50
Cotton piece goods	1.00	.70	1.60	1.10
Dressed granite	(.90) 1.00	.65	1.50	1.00
Clothes wringers	1.15	.85	1.75	1.25
Surface-coated book paper	(.90) 1.00	(.55) .60	1.40	.90
Halters, rope	[5] 1.00		1.90	
Ice-cream freezers	(1.20) 1.25	1.00	1.75	(1.40) 1.50
Brass curtain rods	1.10	.85	(1.75) 2.00	(1.25) 1.50
Account books	1.25	.90	1.75	1.25
Blank books	1.00	.75	1.75	1.25
Drugs	1.25	1.00	2.00	1.50
Dyewood	1.00	.85	1.60	1.10
Petroleum lubricating oil	(3.50) [6] 4.50	2.75	1.50	.90
Refrigerators	1.10	.95	1.75	1.35
Scythes	1.25	.85	1.85	1.35
Harness hardware	[5] 1.00		1.90	
Pottery, steins	[5] 1.00		[7] 1.50	
Mustard, prepared	[5] .75		1.50	1.00
Pitch, asphaltum	.90	.65	(1.50) 2.25	.80
Lead pencils	(1.50) [5] 2.00		(3.00) 3.70	
Conf. stoves	1.25	1.00	(2.20) 2.65	
Candy	(1.50) 1.25	1.25	2.50	
Rubber hose	(1.15) 1.20	.85	1.75	1.25
Soap	(1.00) .90	.50	1.30	.80
Stamp ware	(1.20) 1.25	(.90) 1.00	1.70	1.20
Writing paper and envelopes	1.00	.75	1.75	1.20
Barn-door hangers	(.90) 1.00	(.70) .75	1.75	1.10
Copper wash boilers	[5] 1.25		(1.70) 2.00	1.50
Sauce	(.70) [5] .75	(.70) .75	1.50	1.00
Cardboard	1.00	.75	1.25	.75
Pickles	(.80) [4] .75	(.80) .75	1.50	1.00
Writing paper	1.00	.75	{[8] 1.75 / [9] 1.50}	
Letter files	(1.50) 2.00	1.50	(3.00) 3.70	
Sponges	(3.00) [5] 3.50		(4.50) 5.05	
Sadiron	.90	.60	1.30	.85
Printed matter	(1.25) 1.50	.90	2.00	1.40
Hammocks	(1.50) [5] 2.00		(3.00) 3.70	
Canned fish	.85	.60	1.50	.95
Olives, in glass	[5] .80		1.50	1.00
Brushes, paint	[5] 1.00		2.00	
Zinc glaziers' points	1.00	.65	(1.45) 1.75	.95
Cottonseed oil	[10] 4.50	2.75	1.50	.90
Soda ash	1.25	.50		.80
Cloves and nutmegs	[5] 1.00		1.70	1.25
Lampblack	[5] 1.25		2.00	1.50
Horse blankets	[5] 1.50		{[11] 1.60 / [12] 2.40}	1.10
Window shades	[5] 1.25		2.20	1.10
Paper boxes, knocked down flat	1.00	.75	[13] 1.80	1.25
Metal lamps	(1.20) [5] 1.25		[14] 2.20	
Structural iron	.85	.60	1.30	.80
Wire rope	1.00	(.60) .65	1.60	1.10
Iron plate	.85	(.60) .55	1.30	.80
Wire netting	.90	.65	1.75	.90
Dry goods	[5] 2.00		(3.00) 3.70	

[1] Nested, box.
[2] Not nested.
[3] Roasted or ground.
[4] Green in sacks.
[5] Any quantity.
[6] Not nickel plated.
[7] Per barrel.
[8] If folded.
[9] If flat.
[10] Barrel.
[11] If cotton or shoddy.
[12] If wool or other composition.
[13] If knocked down flat.
[14] Value $24 per dozen or less.

Mr. CHAMBERLAIN. Now, Mr. President, take it in my State. When it is remembered, Mr. President, that the Columbia River alone drains an area of more than 250,000 square miles of the most fertile land in the world, comprising a part of British Columbia, Montana, Nevada, Washington, Oregon, Idaho, and Wyoming, and that tributary to the ports of Portland and Astoria there are produced, according to the latest Government reports, about 102,000,000 bushels of wheat, 68,000,000 bushels of oats, 20,000,000 bushels of barley, and 800,000 bushels of rye, and that the stumpage value of timber in Oregon and Washington is $950,000,000, and that the stumpage value of the standing timber in Idaho and Montana is valued at $200,000,000, it can be realized how much the exemption of coastwise vessels from the payment of tolls amounts to to the people of the Northwest, and not only to them but to the consumers who will profit by a reduced rate for these commodities. Nor does it apply alone to these particular commodities, but to the products of the Northwest which are susceptible to shipment in bulk by the Panama Canal.

It will enable us to ship from our part of the country to the East products which now rot in our forests and rot in our fields and on the farm. It not only benefits the lumberman, but it benefits the farmer and benefits every man who produces anything in our section of the country. I have not gone into California, where they have thousands of tons of fruit and other products that could find ready access to the markets of the East if this policy of toll exemption prevails in this country, much of which can not come East if the act is repealed.

In order to show the immense tonnage in and out of Portland, I ask to have printed a statement of the foreign and domestic tonnage for the year 1913.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Foreign ocean tonnage in and out of Portland, year 1913.

	Tons.		
Exports	492,448	Value	$14,743,117
Imports	38,473	Value	3,339,117
Total	530,921	Total	18,082,234

Domestic ocean tonnage in and out of Portland, year 1913.

	Tons.		
Forwarded	741,317	Value	$18,109,976
Received	1,128,493	Value	23,686,212
Total	1,869,810	Total	41,796,188

Mr. CHAMBERLAIN. This refers to one port alone, and the tonnage of San Francisco is larger and that of Seattle practically as large as that of Portland. All of this immense tonnage will be affected by the policy of this Government with respect to the use of the Panama Canal by vessels engaged in the coastwise traffic.

Although I have endeavored to condense what I have had to say on a subject of immense importance to the people of this country, I feel that I have trespassed too long already upon the patience of the Senate, and in conclusion I appeal to my colleagues on both sides of the Chamber to insist upon retaining upon the statute books the Panama Canal act of 1912 in its entirety. If the exemption clause is repealed it is but an entering wedge, for the same insidious influences that have been cultivating a sentiment for repeal will soon be as industriously at work cultivating an even stronger sentiment in favor of opening the canal to railroad-owned ships. That is the second and most important step to the transcontinental railways.

I appeal to you to insist upon the retention of the act in question upon our statute books as the American construction of the Hay-Pauncefote treaty—a construction which in no way violates that treaty and in no way sullies the national honor.

Mr. GALLINGER. Mr. President, before the Senator takes his seat I will state that I received a letter this morning saying to me that I ought to abandon my contention that our coastwise steamers should pass through the Panama Canal free of tolls for the reason that the Senator from New York [Mr. ROOT] in his very able address yesterday had proved to the satisfaction of my correspondent that the Panama Canal was not in the ordinary sense a waterway through which our coastwise ships should pass. I have turned to the speech of the Senator from New York, and I find this, which I think is rather a remarkable utterance:

> But, Mr. President, the real gist of this discrimination is not the discrimination between coastwise trade, properly so called, and other trade. No real coastwise trade will go through that canal. It is a thousand miles and more away from our coast. The trade that goes through it will be real over-seas trade, carried on by great ships, making long voyages—in its nature the exact antithesis to real coastwise trade.

It occurred to me after reading that that we recognize California, Hawaii, Porto Rico, and Guam as ports to which we can send our coastwise ships around the Horn, which is an infinitely longer voyage than it will be through the canal. So it seems to me that argument has not either force or pertinence.

Mr. CHAMBERLAIN. I am in thorough accord with the Senator from New Hampshire. There is not any doubt about that.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. CHAMBERLAIN. I do. I yield the floor.

Mr. BRISTOW. In connection with the statement of the Senator from New Hampshire, is it not true that traffic between the Atlantic and Pacific ports of the United States has always been considered by our laws as coastwise trade?

Mr. GALLINGER. Of course.

Mr. BRISTOW. When that traffic was carried on around Cape Horn or through the Straits of Magellan it was 8,000 miles farther than it will be when it comes through the canal. That never had been questioned until the Senator from New York discovered this new theory. I believe that because

the canal is in competition with the transcontinental railroads an effort is being made to regard this as no longer coastwise.

Mr. CHAMBERLAIN. I will ask the Senator, as he investigated the Panama Canal situation at one time on the ground, is it not a fact that the transcontinental railways at one time controlled the coastwise shipping on the Pacific coast, paying immense sums per annum to prevent water competition?

Mr. BRISTOW. They paid from $75,000 to $90,000 per month, aggregating approximately, for a part of the time, $1,000,000 a year. It was a payment made for the purpose of controlling the rates by way of Panama between Atlantic and Pacific ports of the United States. They cared nothing about the rates between the Central American ports and New York; they paid no attention to that. The Panama Railroad Co. and the Pacific Mail handled all the traffic between the Pacific ports of Central America and Mexico and New York at any rate they saw fit to charge, but when it came to making a rate between San Francisco and New York, then it was a different proposition. To control that rate this transcontinental railroad pool paid for a part of the time $1,000,000 a year.

Mr. BORAH. Mr. President, one would be discouraged to attempt to make what might be called a purely legal argument with reference to the history and the terms used in the Hay-Pauncefote treaty and as to whether or not the terms there preclude the United States from sending through her canal her vessels free of charge. The subject has been so completely covered that there is no virgin soil in that discussion. Not only has the field been thoroughly occupied, but it has been occupied with such ability and covered by such resource of argument that it would be an act of supererogation to undertake to add to it.

The argument presented by the Senator from New York [Mr. O'GORMAN] covered the field most thoroughly, not alone with reference to legal propositions but as to other propositions. The able legal presentation of our rights under the Hay-Pauncefote treaty by the Senator from Montana [Mr. WALSH] has not been answered and will not be answered, and no one will undertake to answer it from a legal standpoint. The argument of the Senator from Utah [Mr. SUTHERLAND], of the Senator from California [Mr. WORKS], of the Senator from Iowa [Mr. CUMMINS], at a former term have covered the subject matter so that one is utterly discouraged to enter upon that field, feeling that he must necessarily quit it without adding anything to the strength of the argument; certainly without adding anything in the way of a new legal principle.

But in the long debate and the many suggestions which have been made by those who are in favor of repeal some things have been presented that I am not quite willing, so far as I am individually concerned, shall go unchallenged. They seem to me to merit attention, and to them I am going to give some consideration. I venture to open my remarks by a quotation from one of the most remarkable speeches ever made in Congress, one of the most effective speeches, so far as results in the way of securing votes are concerned, and upon a kindred subject to that which we are now discussing. Mr. Ames said:

> To expatiate on the value of public faith may pass with some men for declamation. To such men I have nothing to say; to others I will urge, Can any circumstance mark upon a people more turpitude and debasement? Can anything tend more to make men think themselves mean or degrade to a lower point their estimation of virtue and their standard of action? It would not merely demoralize men; it tends to break all the ligaments of society, to dissolve the mysterious charm which attracts individuals to the nation, and to inspire in its stead a repulsive sense of shame and disgust.

Mr. Ames was speaking of a nation's obligations to its treaties. When he arose in the House of Representatives to make his argument in behalf of what was known as the British treaty, he was greeted with manifestations of disapproval. The country was thoroughly aroused in opposition to the treaty. It is said by the historian that nevertheless it was this argument in behalf of that treaty which resulted in the appropriation which was then under consideration for the purpose of carrying it into effect. This address of Mr. Ames does not state too strongly the view of those who are opposed to this repeal as to the question of national honor and national faith. Those who are opposed to this measure go the full length of the most earnest and eloquent in behalf of maintaining the national honor and of preserving a sensitive regard for every reasonable construction of a treaty into which we have entered. National honor requires us to do all our treaty demands we should do, and national honor requires that we do nothing which our treaty does not require us to do. Our conception of national honor does not require a surrender of any right out of a false sentiment or a restless desire to be loosely profligate of our people's interests.

What is the situation here? Two great and powerful nations, friendly, each holding a great respect for the other, have entered into a treaty. England, with her usual power and astuteness, is contending that under that treaty we should exclude from the canal our ships, this decession relating now particularly to our ships engaged in the coastwise trade. That would be a peculiar advantage to the English nation. No one would reap more benefit from that than would the English nation itself.

The advantage to the United States of sending through her canal her coastwise shipping would not be so great as the advantage to the English nation would be to have them excluded. Therefore we must assume that England is not wholly free from that selfish purpose which characterizes nations as well as individuals, and always will until the millennium has set in. She is contending for what she thinks her rights under the treaty. Shall any greater stigma of national dishonor attach to the representatives of the great Republic of the West for contending in a respectful, earnest, and firm way for the rights which it is believed are guaranteed to the American people under the terms of that treaty? Is it a mark of national dishonor for the representatives of a people to guard with jealousy the rights of the Nation and the people?

When did it become an evidence or a manifestation of national dishonor for a people to insist upon a fair construction of a treaty, which treaty involved interests not only of prime concern to the present, but of supreme and immeasurable concern to the distant future of the Nation? I venture to say, Mr. President, that a vast amount of apparent sentiment in regard to national honor is to some extent a false sentiment. It is by reason of that highly attenuated but overcapitalized cosmopolitanism, which seems to apologize for everything that is American and feels more or less the stigma of the crime when charged with that fact before the nations of the earth.

Let it be understood in the beginning, therefore, that those who stand against repeal stand in the position of insisting upon what we deem our rights under the treaty, clearly to our mind evidenced by the terms of the treaty; that we would no more accept a position which would impeach the honor of the United States than would the distinguished gentlemen who are advocating the other side of the proposition.

There has been a remarkable propaganda going on in this country for the last three or four or five months with reference to this question of national honor and national integrity. I do not refer to Senators who occupy seats in this Chamber; but I do say, Mr. President, that never heretofore have the American people supposed that our national honor reposed alone in that peculiar class of people who have been propagating this doctrine throughout the country for the last six months. It is our first knowledge of the fact that they were so extremely sensitive upon this subject.

The sense of national honor, Mr. President, is just as keenly felt and will be as sedulously guarded by the great mass of the American people, one and all, in the future as it has been in the past, and I should like to see eliminated from this debate this peculiar coloring and stripe of Phariseeism which gathers to itself the sole and self-constituted custodianship of the national honor of the people of the United States.

Mr. President, what is the real controlling and the important issue which is presented in this debate? What is the proposition which we shall finally and I am afraid definitely settle, at least settle to such an extent that we shall be much embarrassed in the future if we undertake to counteract or retrace our action here? What is the proposition upon which if we take a stand it will be difficult to recede in the future?

If this were alone a domestic question, we might grant free tolls to-day and take them away to-morrow; we might refuse free tolls to-day and grant them to-morrow; it might be deemed wise at one time or unwise at another time; but it would be solely within the keeping of the American people and of the American Congress; we would not be embarrassed when we came to change our position in regard to the matter; but if we place the construction upon the treaty which we are now asked to place upon it, we could never retrieve our position without a distinct charge of national dishonor and without exceptionable, if not insuperable, embarrassment with other nations of the earth.

The treaty once construed, in view of the President's message, in view of the argument of the Senator from New York [Mr. ROOT], in view of the arguments which have been made by such Senators as the distinguished Senator from Mississippi [Mr. WILLIAMS] and the distinguished Senator from Georgia [Mr. SMITH]—that action once had and this treaty once so construed, the situation will be far more difficult to relieve our-

selves of than we can at this time anticipate. It will be interpreted by the Senate; it will be interepreted by the country; it will be interpreted by the nations of the earth as a construction which is final and conclusive, and will be a limitation upon our power over that canal which will always be raised against us should we undertake to vary our policy in the future. This vote, sir, construes the treaty; all other matters are incidental and we must not permit ourselves to be misled as to the consequences or effect of that construction.

So, Mr. President, the real question which we are settling here is one of construction of the treaty; the real problem which we are to determine and which will have a vital and lasting effect is, What are our rights under its provisions? No more important question than that, Mr. President, has been presented to this Congress for many a year. I think I am only repeating a commonplace when I say that it is the most important question which has engaged the attention of Congress for a quarter of a century. It has been debated, therefore, with the responsibility which men feel when presenting that kind of a question; and I do not want to vary, Mr. President, if I can help it, from the high plane of argument so far as that earnestness and dignity which have characterized the debate throughout are concerned. But I must say in candor that I do not belong in this particular controversy with those who claim a peculiar qualification by reason of a judicial temperament. I think, when the rights of the United States are seriously involved and they are vital and controlling, that after one has made a thorough investigation and has studied the matter to the best of his ability and come to the conclusion that vital interests are involved, he must necessarily feel the gravity of a vote which would possibly take from the American people a matter of supreme concern to them. I shall not therefore in this debate size up the two sides evenly, balancing them as nearly as I can, and then get into the middle and with serene beneficent ubiquity announce a conclusion which is diaphanous with indifference.

I have an earnest and abiding conviction that not only have we a right to pass our ships through the Panama Canal without the payment of tolls, but that if we waive that right such consequences are to follow in the end and such detriment to the American people as years go on, that the powerful and dominant nation which has taken possession of the Suez Canal after it was constructed by France will undoubtedly control the vast commerce which ought to belong to this great and growing Republic. In that proposition is wrapped up not the shipping interest, not the interest of transportation on the railroads of the country, but in it is wrapped up the interest of our entire people, for involved in it is all that goes to make up a strong and puissant nation. Commerce is one of the indispensable elements of our growth and development. If it were merely an economic question, it would be easy for us to modify our views at one time or another as circumstances and conditions might dictate.

Now, what is the proposition? It is whether or not we are going to limit our jurisdiction and our sovereignty and impeach and impair our title to the Panama Canal and the territory over which it is built. That is the proposition which will be settled by this vote; and no Senator need suppose that it will ever be construed in any other light. If we should reject this proposition, we could next year with perfect safety, having put the construction upon the treaty, deal with the question of subsidy, but now the prime question which we are proceeding to determine is the other question, and that overshadows and dominates and controls all other propositions.

I must say, with all due respect, that it seems to me that some of our friends who are advocating repeal have been driven to dire extremities for argument. For the first time within the last few weeks we have heard the doctrine that we have a conditional and imperfect title to the Panama Canal and to the grant of territory over which that canal runs. The ingenuity of Sir Edward Grey did not suggest any such proposition; the wide-roving genius which controls the English press had not discovered any such proposition; with all the genius for diplomacy and with all the legal acumen which the English nation possesses, it did not originate on the other side of the ocean. On the other hand, sir, Sir Edward Grey distinctly stated in his note that our sovereignty over the canal was established, and he admitted it in his letter without any controversy; but it has been brought in here, Mr. President, within the last few days to meet a difficult phase of the argument which was made by the Senator from New York [Mr. O'GORMAN], the Senator from Montana [Mr. WALSH], and the Senator from Utah [Mr. SUTHERLAND].

So it is firmly and, if I may say so, with some intellectual audacity declared that our title to the Panama Canal is a conditional title, and that should we disregard the terms of the Hay-Pauncefote treaty we would imperil and impeach our title to the canal. That must necessarily present a very interesting question; we will not impeach our title if we know it, and it has a tendency to excite some fear in the minds of those who have not access daily to the documents upon which our title is founded. That I may not be charged with being in error, I call attention to some of the statements in regard to this position.

The Senator from Georgia [Mr. SMITH] stated a few days ago that it was a remarkable thing to hear a former member of the Federal bench advocate the possible abrogation of the Hay-Pauncefote treaty, when it could not be done without imperiling our title to the canal. In a colloquy between the distinguished Senator from Mississippi [Mr. WILLIAMS] and myself a few days ago this question arose, and he said:

> We took the very strip of land in Panama by treaty as a conditional grant from Panama, and we can not morally and in good faith use it, and we have no title to it, except subject to the conditions of the grant, and the Panama treaty with us made the Hay-Pauncefote treaty a part of itself.

The clear logic of that position is that a violation of the Hay-Pauncefote treaty would imperil and impeach and break the title of the United States to the Panama Canal and the territory through which it runs. Again, he said:

> But the fallacy is that you insist on treating the Panama Canal as a purely domestic concern, when your very title is international and not national.

As to just what kind of a title an "international title" is, or what it takes to constitute an international title, I am yet seeking for light; but it evidently means, if it means anything, that our title to the Panama Canal rests not in the United States alone, but that we have a partnership; that there is a partnership title, and that a violation of that partnership or a disregard of its terms will result in the impeachment of the title—

> And when the very grant by which you hold this strip is a grant with conditions, and an international grant and international conditions at that.

The Senator from New York [Mr. ROOT] yesterday built his entire argument upon the proposition that we had no other than a conditional title to the Panama Canal. He stated that that was the basis upon which he rested his remarkable presentation as to the necessity of repeal. I therefore take the liberty of quoting his language as I find it in the CONGRESSIONAL RECORD, and I ask Senators to pay particular attention to it. He said:

> That treaty with Panama is the basis of our rights. That treaty lies at the foundation of any question that can be raised as to what we do with the canal which we are constructing, because it is by that treaty, and by that treaty alone, that we get our title. By that treaty the grant of property and jurisdiction upon which we have proceeded, upon which we hold the canal, is subject to the provision that the canal, when constructed, and the entrances thereto, shall be neutral in perpetuity, and shall be opened upon the terms provided for by the treaty between the United States and Great Britain of November 18, 1901.
>
> So the treaty with Great Britain which is referred to here is carried into our title as a limitation upon it.

Mr. President, that language coming from one of the leaders of the American bar, a man of international reputation, will be construed in but one way, and could be construed in but one way, and that is that a violation of the Hay-Pauncefote treaty as he interprets it would impeach and impair the title upon which we have expended our money, and that the only way by which we can maintain a title is to observe the Hay-Pauncefote treaty according to his interpretation.

Let us see what there is to this conditional title. New as it is, unexpected as it is in this debate, born of the dire necessities of the case, it may be that there is something in it. Let us turn with some degree of care and, at the cost perhaps of tediousness, read a few provisions from that treaty:

ARTICLE 2.

> The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed.

Furthermore:

> The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.
>
> The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

Not only the lawyer, but the layman, will at once observe that there are no conditions of that grant other than that it be used as a canal; that it is a grant in perpetuity; that there are

no conditions precedent and no conditions subsequent; that it is a complete grant within itself; and the fair construction of the language, yea, more, the only construction that can be placed upon the language, is that so long as that property is used for a canal the title to it remains in perpetuity in the United States. Furthermore:

ARTICLE 3.

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Senators, those are the terms of the grant. If they were in a deed, you would have no trouble in construing it. You would know that so long as you maintained the property there as a canal and for which it was granted, no one could question it. Let me go further, however; and this is the portion of the treaty to which the Senator from New York [Mr. ROOT] did not feel under the necessity of calling to the attention of the Senate.

The provision of the treaty which settles the terms of the grant and fixes it, whether as an absolute or as a conditional grant, may be found in article 14. The fact that it seems to have been of no concern to the Senator can be based upon no other proposition than that he must have overlooked it.

Now, observe:

As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of $10,000,000 in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid.

There is the consideration for the grant; and when we paid that $10,000,000 upon the exchange of that treaty the title to the Panama Canal, under the terms of the treaty, became as absolute and perfect in the United States, so long as we used it for a canal, as the title to the Territory of Alaska or the title to the District of Columbia, upon which this Capitol stands.

The rights, powers, privileges, and advantages covered by this treaty are paid for, in the language of the treaty, by $10,000,000 and $250,000 annually thereafter. Even if we should fail to pay the $250,000, however, what would be the effect as a legal proposition? Would it impair the title? Certainly not. Panama would have a claim of debt against us for $250,000; but Panama could not raise the question of conditional title by reason of our failing to pay the debt, any more than if I should obtain a deed from you, and give you my promissory note, and I should fail to pay the note, you could go into a court of equity and cancel the deed. Such propositions are so well established that I hesitate to dwell longer upon them before this body.

That is not all, however. The "felicitous appropriateness" of the language hereafter used by Mr. Hay will be apparent. In order that no inference to the contrary should be drawn, what does Mr. Hay say? This is in the consideration paragraph, where they are fixing the question of the title and the consideration:

But no delay or difference of opinion under this article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

Not only is it plain that we paid this consideration for the title and took our grant in perpetuity, which under rules of construction would be conclusive as to its permanence and abiding effect, but they placed in the consideration paragraph a distinct provision that no other provision of the treaty should in any way affect the operation of the convention. Could it be plainer, more positive, and conclusive? And why was it put there?

Sir, I presume it might be argued it was put there to prevent even a reference as to the conditional effect of the title. That is article 14. Over on the next page, after we have passed the terms of the grant and the consideration paid, and passed by the proposition that no other provision in the treaty should affect its operation, we find article 18, upon which the Senator from New York laid stress yesterday. What does it say?

The canal when constructed, and the entrances thereto, shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of and in conformity with all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

There is a contract by which, under all laws of morals and treaty obligations, we are bound; but if we had taken a distinct grant of the canal property in a separate instrument, and placed this other in a different and distinct agreement—the agreement with reference to the Hay-Pauncefote treaty—we would be precisely in the same position as a legal proposition that we are now. There is no condition in article 18 as to forfeiture. There is no intimation that there is to be any impairment of title. We are under precisely the same obligation to observe it as if it were a distinct and separate agreement or treaty, but it has no bearing or effect upon it nor does it in any wise condition our title.

I do not argue here that we can violate article 18, because it is a treaty obligation, and we are bound by it the same as any other treaty obligation; but if we did see fit to violate it, that would not affect our title. It would only be an impeachment of our good faith with reference to the observance of treaties, the same as it would be if we should violate the Hay-Pauncefote treaty.

One thing more, Mr. President. How does this particular proposition get into this debate? It is pretty well understood among lawyers that no one can impeach a title or raise a question as to its being a conditional title and insist upon a forfeiture except the man who executes the deed or his successors in interest. Is Panama raising any question about this matter? Is Panama concerned about it? With all due respect to our friends who are insisting upon repeal, why should every far-reaching, far-removed technicality that can be possibly conjured up by an ingenious and fertile brain be brought into this debate for the purpose of using it against the interests of the United States?

It is enough for statesmen and patriots, it would seem, to concede that which the plain terms of the treaty demand. It is no part of the duty of an American citizen to go abroad in search for technicalities which the nationals of England have not seen fit to use, for the purpose of using them against the interests of our people. It is not in the code of national honor to resolve every chimerical doubt against us.

National honor does not go that far. Some sanguine and sentimental people may promote such doctrine, but it is contrary to the first principles of American citizenship, and no man can justify it for a moment. And let me say to the Senate in passing that such arguments will be answered in the end by the tribunal from which there is no appeal. The people will yield what our treaty demands, but they will hold to strict accountability that false patriotism which yields up valuable rights when the treaty calls for no such sacrifice.

What did John Hay say about this matter? When he communicated this treaty to the Senate he used language not inappropriate when we are considering the claim that we have but doubtful title:

The whole theory of the treaty is that the canal is to be an entirely American canal.

I do not know that the fact that Mr. Hay wrote the Pike County Ballads would particularly entitle him to qualify as a man who could write a treaty; but certainly he understood perfectly the effect of the word "entirely" when he said that it was to be an entirely American canal; not an international canal, not an international title, not a conditional title, not a partnership, but entirely an American canal. He goes further, however, and says:

The enormous cost of constructing it is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it.

Mr. President, when this matter was first considered, when we were building the canal, this question went to the Supreme Court of the United States, and that court seems to have had a different view as to this title. You will remember that some enterprising citizen came to the conclusion that our title was imperfect; that we ought not to expend millions of dollars upon the canal with an imperfect or conditional title. So he brought an action to restrain Secretary Shaw and others from issuing bonds and expending money for the purpose of building the canal. The Supreme Court took cognizance of the case, and discussed it, and passed upon the subject to some extent. They say:

The "proposition is that the Canal Zone is no part of the territory of the United States, and that therefore the Government is powerless to do anything * * * therein. Article 2 of the treaty heretofore referred to 'grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal.' By article 3 Panama 'grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement * * * which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.'"

Other provisions of the treaty add to the grants named in these two articles further guaranties of exclusive rights of the United States in the construction and maintenance of this canal. It is hypercritical to contend that the title of the United States is imperfect and that the territory described does not belong to this Nation because of the omission of some technical terms used in ordinary conveyances of real estate.

Mr. SUTHERLAND. Will the Senator give us the reference?

Mr. BORAH. I have read from the case of Wilson v. Shaw (204 U. S., p. 24). It is hypercritical, says the Supreme Court of the United States—that is, far removed; not sound in reason; based upon fallacy; searching for a technicality; a resort to the last chance—even to suggest that the title of the United States is imperfect in any respect.

No, Mr. President. The title of the United States to the Panama Canal is just as perfect, I repeat, as its title to the territory upon which are sitting to-day. Sir, if all other arguments have been demolished, if every one of them has been answered by the distinguished lawyers of the Senate heretofore, what shall we say when the last one is that our obligation to the Hay-Pauncefote treaty must be fulfilled in the mind of the English view or our title passes from us or becomes an impeachable title? It is on a par with the other proposition that the United States by not observing the five rules, from 2 to 6, would forfeit its title to its own canal. What a flimsy, fortuitous, hazardous, uncertain title they would have us believe it to be upon which we have expended uncounted millions, supposing all the time, sir, it to be ours—"entirely" ours, "exclusively" ours, "in perpetuity." Oh, Mr. President, let us not convict Hay and Roosevelt of a stupendous blunder and the whole of the American people as accessories after the fact.

Mr. President, look at it from another view, not from a merely legal point of view, not according to the construction which all courts would place upon grants and titles; but what have we done?

We paid $10,000,000 for this property. We agreed to pay $250,000 a year thereafter. We paid $40,000,000 for the rights of the citizens of France in the property. We have expended $400,000,000 for its improvement. We are putting millions of dollars into fortifications. We regard it as vital to the strategic defense of our Nation. We boast of it as the greatest engineering feat of civilization—ours, built and owned, controlled, paid for—and the highest judicial tribunal of the United States and the greatest judicial tribunal in the world says that the title is perfect. No American citizen would want a better title to his home.

Mr. President, if the Senator from Georgia [Mr. SMITH], the Senator from Mississippi [Mr. WILLIAMS], and the Senator from New York [Mr. ROOT] had said that the effect of giving to the treaty the construction which is contended for would be to make our title a conditional one regardless of the Panama Canal treaty, there would have been some reason for their arguments. If they had said that what we are seeking to do here is to impose a permanent servitude, a permanent easement, upon a most vital portion of our own territory, and in that respect and to that extent make it a conditional title or an international title, and that their construction of the treaty would have that effect, there would have been something in the contention. You remember that Sir Edward Grey says, in his note, that the Hay-Pauncefote treaty imposes limitations upon the freedom of action of the United States. In other words, the sovereign powers are to be limited and circumscribed. What we would do if we did not have the treaty we can not now do. There is to be an impairment, a cutting off, a slicing down of our power of sovereignty over the canal, and that is the construction he would put upon the treaty. Our title now is perfect, exclusive, and unconditional, but their plan is to give England an interest in the title.

Mr. Richard Olney, former Secretary of State, and, needless for me to say, one of the great lawyers of this country, in his article upon this subject states the matter far more explicitly, and, of course, with greater authority, than I can state it; and I read it:

> The claim of Great Britain is, in effect, a territorial claim. The United States possesses no more costly, and, perhaps, no more valuable, piece of territory than the Panama Canal, and Great Britain's claim is that the Hay-Pauncefote treaty not only encumbers that territory with equal rights of use by all other nations but impresses upon it a servitude by which the United States loses the free use of its own canal for its own vessels.

It is just the same legal proposition as if you should come to me and say: "I want a right of way over your 160 acres of land, a permanent servitude, a perpetual easement." It is a territorial claim, and that is the effect of their proposed construction of this treaty.

All questions of domestic concern and of subsidies sink into insignificance, in view of the fact that we may settle those questions at our will. Mr. President, our control over our domestic commerce, our right to build up in our own way and as we choose our merchant marine, the vital importance of keeping alive competition between the great transcontinental railways and water transportation, these are vital questions of immediate, lasting, and everlasting concern to the people of the United States. Their disposition involves the highest exercise of sovereignty. Their disposition enters into the prosperity and the welfare of the entire American people. What we may do with reference to them may be wise or unwise. If wise, it will be continued. If unwise, we will discontinue it.

That, however, is not the question here. The question is whether we shall preserve untrammeled our right to deal with those questions as we would. The question is whether we shall be free in the future, should we change our minds and come to the conclusion that we wanted to change our policy, to do so; or shall we impose a servitude and an easement upon this property, a condition upon this title, which in the future will prevent our exercising the freedom of action which otherwise we might enjoy? Others can view it as they may, but to me to barter the sovereign power to absolutely control according to our free will and discretion our commerce, to encourage it, to turn it in this channel or that, to preserve untrammeled competition, is a stupendous and a most shortsighted, almost treasonable thing to do. But, sir, I flatter myself that no such bargain can stand; difficult as it may be, embarrassing as the act will make our task in the future, when the American people get a hearing they will right this wrong.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I do.

Mr. NORRIS. I agree, I think, with the Senator in his desire that we shall do nothing that will take away any right which we may possess, but this question occurs to me, on which I should like to hear the Senator: Why will we not be up against the same proposition at any time in the future if we undertake to repeal this law giving exemption to American coastwise vessels? If we should refuse to repeal now, and then should decide in the future that we wanted to levy a toll on American coastwise vessels, why would it not be said then, the same as the Senator is saying now, that by repealing the law we were practically doing what the Senator believes we are doing now?

Mr. BORAH. If we repeal the law we place a construction upon it which limits our power. If we repeal the law we place upon it, as these distinguished gentlemen say, the construction that it is an international title, a conditional title; or we place a construction upon the Hay-Pauncefote treaty that we have not the right to send our vessels through without the payment of tolls, because the statement of the President in his message, and the strong arguments made here, are to the effect that it must be repealed because it is in violation of the treaty. Having repealed it and placed upon it the construction that it is in violation of the treaty, I think we would be considerably embarrassed in the future to say that it was not in violation of the treaty. On the other hand, if we place upon it the construction that it is not in violation of the treaty; that we have the right to do so, that question is at an end; and if we can encourage some of our friends upon this side of the water to subside until England settles down on the proposition, it will not be raised again. It was not raised by England at this time. I have no doubt, had it not been raised here in this country, the matter would now be a closed incident. And when we reject this demand, the action will be forever interpreted as the deliberate and final judgment of the United States that we may send our ships through free or under charge as in our wisdom seems proper.

Mr. NORRIS. This question arises in my mind: Suppose we should be of the opinion that we had a right to pass the law that we have already passed—that is, to exempt our shipping from tolls—but we felt as an economic proposition that that was not good policy, how could we bring that about without subjecting ourselves to the criticism to which the Senator, I think, intimates we will be subject if we repeal this law now?

Mr. BORAH. The Senator from Nebraska does not want to place upon the treaty a construction which will embarrass us in the future?

Mr. NORRIS. No, I do not.

Mr. BORAH. There is just one way in which we can prevent that. We can either vote down this proposition and announce once and for all that this is the proper construction of the treaty as contended for by those who are against repeal, and make it a domestic affair; or, if you want to test upon this proposition those who are urging repeal, ask them to accept, instead of the amendment of the Senator from North Carolina [Mr. SIMMONS], the amendment offered by the Senator from California [Mr. WORKS]. If they will accept the amendment offered by the Senator from California, in my judgment there will not be any consolation left to those who are in favor of the British view of the construction of the treaty; but the amend-

ment offered by the Senator from North Carolina will not have that effect.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Just one word, and then I will yield to the Senator. I want to finish reading Mr. Olney's statement. I think it is entitled to exceptional consideration here.

After saying that this treaty encumbers that territory with equal rights of use by all other nations and impresses upon it a servitude, he says:

It is rights of that nature as to which both countries are especially sensitive and which both countries have been peculiarly careful to safeguard.

That is the construction which was placed upon this treaty, and if the President of the United States and those who advocate this proposition as contained in the messages and debates would put into the repeal bill such a provision as the Senator from California has offered in this matter, the Senator from Nebraska would not be in a position to take the position which I understand he desires to take in regard to it; but you are up against a case which another man made for you—you are going into another gentleman's parlor to be entertained according to the views of another.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. NORRIS. I do not believe that I am going into the other man's parlor.

Mr. BORAH. That is what the fly thought.

Mr. NORRIS. But there were a good many flies that did not get into it. It may be that I will be fooled like the fly, but it seems to me that those of us who believe that the exemption of American vessels from tolls at Panama is wrong economically can vote for the repeal of the law without subjecting ourselves to the criticism that we are voting for the bill on the ground the President gives in his message. I will say to the Senator that one of the first things I did when the bill came to the Senate was to introduce an amendment, which I expect to offer, that sets forth my views upon the question. I recognize the embarrassing position we are in—that is, that we may vote for it for one reason and be criticized for voting for it for an entirely different reason.

Mr. BORAH. The Senator from Nebraska would not care about the criticism?

Mr. NORRIS. No.

Mr. BORAH. I know the Senator from Nebraska, and the Senator from Nebraska would not care about criticism if he was voting according to his convictions. But that is not the point. It is not the fact that you will be criticized——

Mr. NORRIS. I understand.

Mr. BORAH. But it is the fact that you put a certain legal construction upon the treaty which we can not hereafter without much embarrassment get away from.

Mr. NORRIS. I understand the position the Senator takes, and I think there is a great deal in it, but it seems to me that when an amendment is offered like the one I have presented or the one presented by the Senator from California, though I do not think he goes quite as far as I do in the one that I presented, we put ourselves then on record as voting for the repeal on the ground that we believe it is the proper economic policy for our country to follow.

Mr. BORAH. The Senator from Nebraska protects his own vote upon that proposition, but the Senator from Nebraska does not prevent the legal effect of that vote in the construction of the treaty.

Mr. NORRIS. Now, assume——

Mr. BORAH. The Senator from Nebraska can not in the future say, "I individually voted against that; I had in mind the proposition that I was voting upon the economic question," because this vote will be judged by the vote of the United States Senate and the Congress as a whole, as a body, and we will have put that construction upon it and the individual identity of the Senator will be lost in the proposition. It is just the same as if you were sitting upon the bench, where you have had the honor to sit, with two other judges, and where you would have your view upon the matter, and the other judges decided it not according to your contention and your view of the law but according to the majority, and the majority decision was the law.

Mr. NORRIS. But that does not do away with the proposition, in my judgment, if we should amend this bill.

Mr. BORAH. Oh, yes.

Mr. NORRIS. That is what a number of us are trying to do, and I hope we will have the assistance of the Senator.

Mr. BORAH. I will just simply say that I am very fond, in this kind of a proposition, of taking mine straight. [Laughter.]

Mr. NORRIS. It will be a good way to take it straight. The fact is that if you do not amend it you have got a two-edged sword. You can say we voted for this amendment because of the international aspect; some other man can vote for it because of the economical aspect. It seems to me that those who believe like the Senator from Idaho—and I think, in the main, I agree with him on the proposition he has presented—ought to put the proposition up to the world so that there can be no doubt about it. If we pass this bill with the limitation I suggested on it, there can be no doubt then in the mind of anybody why it was passed.

Mr. BORAH. I think I would be willing to have an interview with the Senator to this effect: If an amendment is presented which eliminates beyond all question the English interpretation of it, I should be willing to vote for it on condition that if we did not adopt it the Senator would be willing to vote against the bill.

Mr. NORRIS. Let us make the agreement right now. That is just where I want to get. I am willing to make an agreement if the Senator has no objection.

Mr. BORAH. I have no objection to hearing the agreement.

Mr. NORRIS. In the place of the Simmons substitute, and in the place of the committee amendment, put in this proviso:

Provided, That the passage of this act shall not be construed as a surrender of the right claimed by the United States Government to regulate the traffic passing through the Panama Canal, by giving to vessels engaged in the coastwise trade of the United States, and other vessels of the United States and its citizens, either partial or total exemption from the payment of tolls when passing through said canal. The protest heretofore filed with the Government of the United States by the Government of Great Britain against such a construction of the treaty of November 18, 1901, between said Governments, commonly known as the Hay-Pauncefote treaty, is hereby recognized as presenting an international question suitable and proper for settlement by arbitration.

Mr. BORAH. If the Senator leaves out the question of arbitration, I would vote, I think, for the other proposition. But permit me to say that I will not vote to arbitrate any question under any treaty we have which in my judgment involves the question of the sovereign powers of our Government.

Mr. NORRIS. I am trying to reach an agreement with the Senator. Suppose we limit the amendment to the first paragraph I read and say nothing about arbitration. Would that amendment be satisfactory?

Mr. BORAH. I think it would.

Mr. CUMMINS. Mr. President——

Mr. BORAH. I only want to say that I am listening to the Senator reading and, of course, can not pass entirely upon the effect, but I would vote for any amendment if the amendment eliminates the British construction of the treaty if the Senator would join the American forces and vote against the repeal of the act. I will vote for any amendment which will eliminate beyond all question the contention that the Hay-Pauncefote treaty in any way interferes with our right to pass our ships through the canal.

Mr. NORRIS. I will be glad to vote for that amendment.

Mr. CUMMINS. May I make a suggestion?

Mr. BORAH. And if that fails, will the Senator vote against the bill?

Mr. NORRIS. I will agree to furnish several votes to do that, providing the Senator will agree to furnish the same number of votes that will vote for the bill in case we adopt the amendment.

Mr. BORAH. I think that is perfectly safe.

Mr. SMITH of Michigan. Let a call be made for volunteers.

Mr. BORAH. I yield to the Senator from Iowa.

Mr. CUMMINS. Before that agreement is made, the Senator from Nebraska has incorporated in his amendment one phase of this controversy. He has proposed that this legislation shall not have the effect, if adopted, of putting a construction upon the treaty with regard to our coastwise trade.

Mr. BORAH. The Senator from Iowa will observe that I did not put that limitation on it.

Mr. CUMMINS. I did not hear it.

Mr. NORRIS. Let me read it again:

Provided, That the passage of this act shall not be construed as a surrender of the right claimed by the United States Government to regulate the traffic passing through the Panama Canal by giving to vessels engaged in the coastwise trade of the United States and other vessels of the United States and its citizens either partial or total exemption from the payment of tolls when passing through said canal.

Mr. CUMMINS. I did not hear the last part of it.

Mr. NORRIS. I recognize that in this law we are seeking to repeal the exemption of tolls on the coastwise trade, and that is only one of the features that is involved, and that has taken up most of the discussion.

Mr. BORAH. I am very glad to have the view of the Senator from Nebraska, and I apologize to the Senator from Utah [Mr. SUTHERLAND] that I have kept him waiting. I yield to that Senator.

Mr. SUTHERLAND. Mr. President, we have rather gotten away from the point I had in mind. I wanted to suggest to the Senator from Idaho that this question would not have been here at all, at any rate not now, except for the British claim as to the construction of the treaty. That is why the question is here. The President very emphatically in his address concludes by saying:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

Therefore, the appeal of the President is to repeal this law because we had no right to pass it, and if we accede to that request on the part of the President I for one do not see how we can contend in another year or two years that we have the right, because that would be manifestly to adopt a mere temporary expedient for an escape, real or fancied, from some diplomatic difficulty which now confronts the administration.

Mr. NORRIS. We would have to go to the bill for the reason——

Mr. SUTHERLAND. My point is, if we vote for it we vote in the estimation of the world and in the estimation of Great Britain that we are without rightful power to make the exemption, and Great Britain can say to us with justice if we undertake to reimpose this exemption that we have not been candid.

Mr. NORRIS. Perhaps we could put some limitation in the bill.

Mr. SUTHERLAND. Great Britain could say with justice you have at the behest of your President accepted our view of it. We have done something in consideration of your yielding that point, and you can not now turn about and repeal it and adopt another construction.

Pardon me a word further. I would prefer the amendment which the Senator offers if it were put in an affirmative form; that is, not only that nothing herein is to be construed as surrendering the right, but that on the contrary we affirmatively assert the right.

Mr. NORRIS. I would be very glad to do that. The only object I have is to reach the same point, and I can modify it to meet the very difficulty the Senator suggests.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I do.

Mr. CUMMINS. Just a moment. In this very friendly understanding, how will the Senator from Nebraska take care of those of us who believe that we ought not to allow our own ships to go through free, but who do not believe that we ought to charge our own ships as much as we charge foreign ships? So far as I am concerned, while I doubt the economic policy of allowing commerce to pass through the canal free, it is to me in the highest degree unjust to burden that commerce with the same charge that we have put upon foreign commerce.

Mr. BORAH. I think the Senator's amendment would leave that entirely at our discretion.

Mr. NORRIS. I will simply say that I think the Senator from Iowa can be assured on that proposition.

Mr. CUMMINS. But, together with the amendment proposed by the Senator from Nebraska, we repeal the exemption provision and we also repeal the authority given to the President to charge less upon American ships belonging to American citizens than is charged to foreign ships belonging to foreign citizens.

Mr. BORAH. But it does leave to us entirely in future the proposition of a readjustment.

Mr. CUMMINS. Undoubtedly; but as an economic policy I am not in favor of repealing the exemption and repealing the exception, although I am in favor of putting some burden upon the coastwise commerce and upon foreign commerce carried in American ships.

Mr. BORAH. I desire to pass from the subject of the title with this observation in conclusion, that in my opinion there is no condition in this title whatever by reason of the fact that there is found in the Panama treaty, article 18, with reference to its being opened in accordance with the Hay-Pauncefote treaty. That does not inhere in the title and attach to it or impose any condition. If conditions should arise by which we should violate that treaty justly, or if we should, out of our own purpose—it would be a dishonorable and unjustifiable thing to do, and a thing which we never would do—it would not affect the title to the canal.

Mr. POINDEXTER. Mr. President——

Mr. BORAH. I yield to the Senator from Washington.

Mr. POINDEXTER. I should like to ask the Senator from Idaho for his opinion as to whether the clause in the Panama treaty that the canal shall be opened in accordance with the Hay-Pauncefote treaty, whatever force is given to it, would give any additional right or set up any terms or establish any condition with reference to the operation of the canal which Great Britain could, by virtue of our treaty with Panama, insist upon.

Mr. BORAH. Certainly not.

Mr. POINDEXTER. Making my question a little clearer, I want to get the opinion of the Senator in the RECORD on that point. Conceding, for the sake of argument, that the Hay-Pauncefote treaty, although by its terms it includes the United States with the other nations to be affected by these rules—and I am inclined to think when it specifies the conditions applying to belligerents such language used there necessarily includes the United States—it seems to be so absurd in its practical working that it has been abandoned by Great Britain herself, and that abandonment is based upon the proposition that the conditions have changed from those which were contemplated at the time the Hay-Pauncefote treaty was negotiated, that having acquired sovereignty over the Canal Zone, these rules, for that reason, do not include the United States. Now, if we have been relieved of any obligation or any burden which might have been imposed by the Hay-Pauncefote treaty because of that change of position in the acquirement of the sovereignty, are those conditions reimposed?

Mr. BORAH. Certainly not. It is a condition no one could take advantage of by forfeiture, and that has no place in this debate so long as the only party that could complain is not complaining.

Now, Mr. President, one other matter, briefly, before I sit down. There has been in this debate from the beginning what is called a question of good faith, or, rather, the proposition of bad faith upon the part of the United States generally toward its treaties. It has been quite freely circulated throughout the country, it has been stated here upon the floor of the Senate directly, indirectly, by suggestion, and by innuendo that the United States is noted for its disregard of treaties; that it stands quite the pariah among the Nations of the earth as unwilling to abide by any contract which it makes; and that it has justly acquired the reputation of being a bad, dishonest merchant, as it were, making contracts which it does not propose to fulfill.

This proposition, Mr. President, was first taken up by the English press. I do not want to be understood as assailing the great English nation or of doing that which would be considered as attacking Great Britain in mere virulence or feeling or passion, but I do want to call attention, Mr. President, to a few facts not for the purpose of criticizing Great Britain, but that we may know something of the reputation, the history, and the character of the United States for its assiduous regard for its treaty obligations.

Early in this controversy the Saturday Review, a very able paper published in England, said:

> We can not expect "to find President Taft acting like a gentleman." "To imagine," it says, "that American politicians would be bound by any feeling of honor or respect for treaties, if it would pay to violate them, was to delude ourselves. The whole course of history proves this."

The Morning Post, another paper, says, speaking of various infractions of treaties:

> This is surely a record even in American foreign policy, but the whole treatment of this matter serves to remind us that we had a long series of similar incidents in our relations with the United States. Americans might ask themselves if it is really good foreign policy to lower the value of their written word in such a way as to make negotiations with other powers difficult or impossible. The ultimate loss may be greater than the immediate gain. There might come a time when the United States might desire to establish a certain position by treaty, and might find her past conduct a serious difficulty in the way.

An English author, with more of deliberation and more of reflection than possibly might be attached to an editorial, said:

> Treaties, in fact, only bind the polity of the United States as long as they are convenient. They are not really worth the labor their negotiation entails or the paper they are written on. It is as well that this position should be realized, as it may save a great deal of fuss and disappointment in the future.

I would not call attention to those articles, Mr. President, if it were not for the fact that they have been taken up in this country by the press, stated practically in the same terms and sometimes in a more modified way, sometimes by innuendo and

insinuation, but the atmosphere is permeated with the theory that the United States disregards its treaties.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. Certainly.

Mr. LA FOLLETTE. Will the Senator give us the authorities which he quotes?

Mr. BORAH. The last authority I quoted from?

Mr. LA FOLLETTE. Both.

Mr. BORAH. The first authority was from the Saturday Review; the second authority was from the Morning Post, and the third was from a book by Sir Harry Johnston, entitled "Common Sense in Foreign Policy," page 89.

I say, Mr. President, that I would not call up these matters if they were mere expressions of the English nation. We all understand the diplomacy and the astuteness and the far-seeing genius of England in accomplishing what she desires to accomplish. She is a great, powerful, dominant nation. We owe much to her for our institutions, for our original conceptions of personal liberty. We take a vast amount of pride in her literature, and we are in no sense approaching England at this time, nor shall we approach her in the future, with a desire of estranging any real friendly relation which exists between us.

But these matters, Mr. President, have been taken up in this country. They have been circulated throughout the United States. The literature has been sent broadcast, and thousands and millions of our fellow countrymen who are personally honest and most regardful of their contracts and their personal honor, who attach the same rule to their Nation and would see the same rule observed for their Nation, believe that hidden away in the chambers of our State Department and ensconced in our archives there is an amount of evidence as to our national disregard for our treaty obligations. I have heard Senators here say, with a good deal of feeling—and, in fact, I have studied their emotions to see whether it was for the stage or really came from the heart—that we must reverse our position with reference to our regard for treaties. I heard a distinguished Senator a few days ago, with a good deal of emotion, say that unless we changed our policy with reference to regard for our treaties the United States was entering upon a perilous destiny.

I would be glad, Mr. President, if these distinguished Senators or others would arise now, while I am upon the floor, and give to me the instances in which the United States has disregarded her solemn treaties. I would be glad to have a specification of this gratuitous insult to the people of the United States.

On the other hand, Mr. President, I stand here to assert—and if any man arises to challenge my position I have undertaken to bring the facts to the desk—that Great Britain has never had an important treaty with us that she has not repeatedly violated, and that the difficulty and embarrassment of the United States at the present time arises out of the fact that she has forgiven violations and overlooked obsolete treaties and accepted too often treaties after they have been disregarded.

Mr. President, I am not going to go into any detail, but begin away back in 1783, the first treaty that we made with that nation. It was violated with such insolence and persistence that the United States, a weak and struggling Republic, was compelled out of self-respect to withdraw the elder Adams from St. James, and for 13 years upon the great northwest border she maintained her posts in violation of the treaty, to the loss of hundreds of lives of our citizens, encouraged depredations of Indians, dealing in our fur trade, and taking advantage of our commerce, and refusing to account for the property which was carried off in violation of the treaty.

I quote here a letter from Benjamin Franklin, written to the President of the American Congress:

SIR: With respect to the British court, we should, I think, be constantly upon our guard, and impress strongly upon our minds that, though it has made peace with us, it is not in truth reconciled either to us or to its loss of us, but still flatters itself with hopes that some change in the affairs of Europe, or some disunion among ourselves, may afford them an opportunity of recovering their dominion, punishing those who have most offended, and securing our future dependence. * * * In these circumstances we can not be too careful to preserve the friendships we have acquired abroad and the Union we have established at home, to secure our credit by a punctual discharge of our obligations of every kind, and our reputation by the wisdom of our councils, since we know not how soon we may have a fresh occasion for friends, for credit, and for reputation.

Thomas Jefferson, in a letter to George Hammond, minister plenipotentiary to Great Britain, under date of December 15, 1793, said:

The provisional and definitive treaties, in their seventh article, stipulated that "His Britannic Majesty should, with all convenient speed, and without causing any destruction or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States and from every port, place, and harbor within the same."

But the British garrisons were not withdrawn with all convenient speed, nor have ever yet been withdrawn. * * *

The British officers have undertaken to exercise a jurisdiction over the country and inhabitants in the vicinities of those forts. And they have excluded the citizens of the United States from navigating, even on our side of the middle line, of the rivers and lakes established as a boundary between two nations.

By these proceedings we have been intercepted entirely from the commerce of furs with the Indian nations to the northward—a commerce which had ever been of great importance to the United States, not only for its intrinsic value, but as it was the means of cherishing peace with those Indians and of superseding the necessity of that expensive warfare we have been obliged to carry on with them during the time that these posts have been in other hands.

By this treaty of 1783 England was to withdraw with all convenient speed, and without carrying away any negroes or other property, her armies and garrisons from the United States. She deliberately resolved not to carry out these stipulations. She found the Northwest posts convenient for trade, and thereafter, in flagrant violation of the treaty, refused to give them up. She also refused to make compensation for the negroes which her armies, in violation of treaty, had carried away. In addition to this and in order to make it less difficult to violate the treaties, she contemptuously refused to send a minister to this country. We had the self-respect to recall our minister, John Adams, and were compelled to witness her exercise of sovereignty over the Northwest and see her continue to stir up the Indians without a word of explanation. Gouverneur Morris, who was in London at this time, wrote to Washington that "they intend to keep the posts and without payment for negroes." England procrastinated and dallied and acted with the greatest disregard of our rights and never did live up to the treaty and in accordance with it. These things were in a measure elements in bringing on the War of 1812.

The action of the United States under such treatment was dignified but determined, and finally she secured her rights.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. NELSON. What I desire to say to the Senator from Idaho is that exactly the same thing which the Senator describes as to the northwestern territory occurred on the line of the Great Lakes and the St. Lawrence. The English never surrendered their military posts nor withdrew their commercial agents from that territory until after the peace which resulted from the War of 1812.

Mr. BORAH. Take the treaty of 1815. Mr. Gallatin informs us that at the time of the making of this treaty the English commissioners handed us a statement to the following effect:

We do not admit Bonaparte's construction of the law of nations. We can not accept it in relation to any subject matter before us.

The effect of this note was not appreciated at the time. But Mr. Pitt, Mr. Grenville, Lord Liverpool, and others had denied at all times the right of Napoleon to sell Louisiana to us, and had it not been, as it now clearly appears, that Jackson defeated so signally Packenham at New Orleans we would, through this deceptive note, have been compelled to deal with the question of our title to Louisiana. In addition to that, this treaty was violated in other respects for a number of years. The United States dealt with the matter as becomes a nation regardful of its honor and anxious to abide by its contract even when the other contracting party is derelict. In fact, sir, the War of 1812 was brought on through treaty violation.

Take the treaty of 1850, which I am not going to discuss today, but I am going to discuss it a little later with reference to its violation by Great Britain and with reference to the United States nevertheless dealing with it as having vitality when it came to take up the Hay-Pauncefote negotiation.

Take the treaty of 1871 with reference to the Welland Canal. For 21 years England insisted upon such an interpretation of that treaty as would enable her to favor her coastwise trade, notwithstanding the language of the treaty; and never until this day has she conceded the rights of the United States as a treaty obligation. Every single treaty that we have ever had with that great nation has undergone the same treatment at the hands of the United States. I can not recall a single instance in which the United States took advantage of those violations or disregarded its treaty obligations because of them.

I undertake to say, Mr. President, that there is no justification and no warrant for the charge that the United States is disregardful of its treaty obligations. There is not to be found in our history from the beginning anything which could give rise to such a charge. I do not contend that there have not been differences about treaties such as will necessarily arise between nations under any circumstances, but in no instance

have those disagreements or misunderstandings arisen other than in a friendly way in interpreting the treaties as we are seeking to do to-day. The United States to-day—and I venture to say it without fear of successful contradiction—stands before the nations of the earth more sensitive with regard to her treaty obligations—I will not say "more sensitive," because that would perhaps be considered an invidious comparison—but as regardful of her treaty obligations as any other nation upon the face of the earth. It is a vicious, cowardly, pharisaical charge to lay at her door the indictment which has been made by her own citizens in this controversy. They belong to that class of citizens who feel the exhilarating effect or are swayed by the scintillating flavor of English notice; they add neither respect at home nor give standing abroad, for no man respects another who dishonors his home, and no nation or people respects one who impeaches without cause his own nation.

Mr. President, in justification of the defense of my own country and the honor of my own Government, let me call attention to another matter. In all of our treaties there is a clause of amity, of peace, and friendship.

In 1795 we ratified a treaty of amity, the first article of which declared:

> There shall be firm, inviolable, and universal peace and a true and sincere friendship between His Britannic Majesty, his heirs and successors, and the United States of America, and between their respective countries, territories, cities, towns, and people of every degree without exception of persons and places.

Article 1 of the treaty which closes the War of 1812 reads as follows:

> There shall be a firm and universal peace between His Britannic Majesty and the United States and between their respective countries, territories, cities, towns, and people of every degree without exception of places or persons.

Notwithstanding these provisions, who will not recall in these days of unjust and unwarranted charges against the honor and integrity of this Government the fact that when it was dissevered and broken, when we were struggling with a terrific civic strife, when the question was whether or not the Republic would live, under the protection of the British flag ships were constructed and let loose to prey upon American commerce. Who will forget the moderation, the tolerance, the patience with which the sainted Lincoln observed the treacherous and duplicitous action of this great and powerful nation when we were upon the verge of destruction? And who can recall the history of this duplicitous transaction without passing an encomium upon the great Republic of the West?

Mr. President, England is a great, proud, strong, dominant nation. She is masterful in her resources, in her industrial wealth, in her intellectual power and her statesmanship. Her public men elicit our pride and engage our constant study. Her wealth of literature and the growth of her institutions are a never-ending source of pleasure and instruction to all men—she is English, but nevertheless England has never in all her virile history yielded a right or forfeited an advantage out of mere courtesy or consideration or in behalf of the so-called theory of international peace. We, of course, want no quarrel or strained relation with her or with any other power. But I protest most respectfully but most earnestly against this constant profession upon our part of shame and contrition for things which we are supposed to have done, but which as a people we have not done. Why this self-abasement, this vaunting humility, this constant bowing obsequiousness, this perennial, never-ending intimation of self-disparagement? Why is it necessary to stand before all nations on the earth lacerated with our own lashes? It is weak, it is cowardly, it elicits respect from no nation whose respect is worth while. It does not insure peace. It is not calculated to enhance friendly relations with other powers. We want to be just and honorable, but we want to retain our own self-respect. We are bound in good conscience and in all decency to be upright, but we are bound also to protect American property and American interests. Whatever is justly due under the contract made should be given, but I refuse to accept the proposition that we should sacrifice the rights of 90,000,000 of people out of a question of supposed courtesy to another nation.

But in a discussion where the subject of violation of treaties are concerned England should approach the bar in modesty and humility. Her record will not permit her to be imperious or critical—she should hesitate to lay charges of misconduct at the feet of other powers.

Now we stand here to-day not with a purpose to disregard a treaty, but contending for what we think is the right of the American people with reference to this canal. Such action can only be interpreted as a disregard for treaty obligations by those who would induce us to yield up something which the treaty does not call for.

Mr. President, I had intended to-day to go into particular detail with reference to the Clayton-Bulwer treaty upon this particular subject, but the lateness of the hour and the contention which has been had with reference to discussing other matters rather persuades me that I ought not to do so. But if the occasion presents itself, I am going at some time to present to the Senate the history of the Clayton-Bulwer treaty from two standpoints—first, to show how sedulously the United States adheres to every obligation which she makes in a treaty regardless of the manner in which that treaty is dealt with by the other signatory powers. The history of the Clayton-Bulwer treaty itself is an interesting history; and it is the highest compliment that could be paid to the United States for its sensitive regard for national honor. Secondly, I shall present the history of that treaty for the purpose of showing what consideration passed into the Hay-Pauncefote treaty upon the part of Great Britain. What did she have to put into that transaction? She had an obsolete and thrice-violated treaty.

Mr. THORNTON. Mr. President, if no other Senator desires at this time to address the Senate on the pending question, I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. Mr. President, I ask that the agricultural appropriation bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Nevada [Mr. PITTMAN], which will be stated.

The SECRETARY. On page 30, it is proposed to strike out line 25, in the following words:

> Chugach National Forest, Alaska, $16,330.

Mr. PITTMAN. Mr. President, the reason for the offering of this amendment is that there has been a bill favorably reported to this body from the Committee on Territories for the abolition of this reserve. The same facts will be presented to the Senate on this question as would be presented on the question of the consideration of the bill providing for the abolition of the reserve. If in the opinion of the Senate the facts justify the abolition of this reserve, then Senators will vote for this amendment and subsequently vote for the passage of that bill. If those facts do not justify the subsequent passage of the bill abolishing the reserve, the Senate will vote against this amendment and will undoubtedly subsequently vote against the passage of that bill. It is therefore considered advisable to present this question at this time, when there is an appropriation provided for the upkeep of this reservation. In this behalf I ask that the bill for the abolition of this forest reserve be read, together with the report of the Committee on Territories thereon.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read the bill (S. 1887) to annul the proclamation creating the Chugach National Forest and to restore certain lands to the public domain, as follows:

> *Be it enacted, etc.*, That the proclamation of the President of the United States made upon the 18th day of September, in the year 1907, withdrawing from the public domain certain lands and creating the Chugach National Forest shall be annulled.
>
> SEC. 2. That the lands contained in said Chugach National Forest, and not embraced in any other withdrawals, reservations, or appropriations, shall be and are hereby, restored to the public domain and become subject to settlement, appropriation, and disposition under the provisions, conditions, and restrictions applicable to such lands on such date and after such notice, by publication, as the Secretary of the Interior may prescribe; and no person shall be permitted to gain or exercise any right whatever on any occupation or settlement begun prior to such date, and all such occupations and settlements are hereby forbidden.
>
> SEC. 3. That this act shall in no way affect lands withdrawn for the conservation of coal.
>
> SEC. 4. That the present officers and agents of the Forest Service in charge of said Chugach National Forest shall be authorized to complete any contracts and settle up any unfinished business relative thereto.

The Secretary also read report No. 508 of the Committee on Territories, submitted May 12, 1914, as follows:

> Mr. PITTMAN, from the Committee on Territories, to whom was referred the bill (S. 1887) to annul the proclamation of the President of the United States made upon the 18th day of September, in the year 1907, withdrawing from the public domain certain lands and creating the Chugach National Forest, begs leave to report it back with the recommendation that it do pass.
>
> The committee had a complete hearing on the matter involved in this bill during the hearings on the Alaska railroad bill. Mr. Henry S. Graves, Forester and Chief of the Forest Service, testified fully with

regard to the matter. From such testimony the committee finds the following facts:

The reserve contains 11,000,000 acres and blankets the whole coast of Alaska from Cook Inlet to Controller Bay. It contains only 8,483,000,000 feet of timber, which amounts to only 771 feet per acre. The timber is of an inferior grade, is unfit for export, and can not compete with the timbers of the United States. The only demand for such timber is for purely local use by prospectors, miners, and farmers in the development of the Territory. The amount of such timber annually used for such purposes will have little effect in diminishing the quantity of such timbers. The total amount sold by the Government during the last year for which we have report was only $4,037.18. The Forest Service seeks an appropriation of $16,000 in the pending agricultural appropriation bill for the maintenance of such reserve. The forest serves no purpose for the protection of watersheds, as the watersheds consist of eternal glaciers. The services of the Forest Service are not required to prevent the destruction of the forests by fire, because of the excessive rainfall prevalent in this region.

By reason of such facts, the committee believes that the maintenance of the said forest reserve conserves no good public purpose, while it is an interference with the proper administration of the other land laws of the United States, with the development of the Territory, and is an unnecessary expense to the Government.

Mr. PITTMAN. Mr. President, I realize that in asking for the abolition of this forest reserve and in seeking to prevent an appropriation for its upkeep, I will be subjected to the suspicion of attacking a well-known conservation policy. I therefore feel that I am in duty bound to explain that I am not opposed to conservation; that I am not opposed to the conservation of our timber for the various purposes for which such timber is supposed to be conserved.

I want to impress upon the Senate that the conditions existing in this forest reserve are entirely different from those existing in most of the forest reserves of the United States. The forest reserve in Alaska does not serve the purpose of protecting a watershed for agricultural purposes, because those watersheds are covered with glaciers, which furnish an absolute supply of water practically at all times of the year. In Alaska forest reserves are not necessary for the protection of the watershed for another reason, namely, that there is such a great rainfall in that portion of Alaska that irrigation is never used in connection with agricultural pursuits; in fact, the problem will be to get away from an excess of water.

I believe that it will enlighten the Senate better to read a little of the testimony given by the Chief Forester of the United States with regard to the quantity and the character of the timber. I read from page 421 of the hearings, the testimony of Mr. Graves. The question was asked by Senator JONES:

Senator JONES. While those reasons, I can readily understand, might apply as the general policy, as to the particular situation those reasons might not apply. As I say, the committee was attracted by the statement made by Mr. Baldwin, who claims to know what he is speaking about, and who lives within the limits of this reserve. He says this—

Mind you, the attention of the Chief Forester is called to this statement of Mr. Baldwin:

This reserve covers thousands of square miles along the southern coast, more than 90 per cent of which is utterly destitute of timber, being barren slopes, glaciers, and mountains above timber line. Less than 10 per cent is covered with a scattering growth of spruce, hemlock, and cottonwood of inferior quality, practically all mature and largely supermature. Not a foot of this timber will ever be exported. In fact, a large part of the lumber used within the limits of this reserve is shipped from Puget Sound.

Mr. WARREN. Will the Senator allow me there?

Mr. PITTMAN. Pardon me, until I finish reading this.

Mr. WARREN. I thought the Senator was going to read from the testimony of Mr. Graves.

Mr. PITTMAN. I am reading from the testimony of Mr. Graves at page 421.

Mr. WARREN. The Senator is reading a statement from another party altogether.

Mr. PITTMAN. If the Senator will kindly let me proceed, he will see that I am reading from the testimony of Mr. Graves.

Mr. WARREN. I have a copy of the testimony here, from which it appears that the Senator is reading from Mr. Baldwin's report.

Mr. PITTMAN. I beg to differ with the Senator. This is a statement that is being submitted to Mr. Graves for his answer; it is a part of the question of Senator JONES:

"It is only useful for local needs, and should be used by our people without undue restriction.

"Forest reserves are supposed to be created to provide timber for future generations, to attract rainfalls, to regulate stream flow, to prevent forest fires, and provide Government revenue.

"Let us take up these propositions in turn.

"First. What is the use of preserving timber that is falling down and rotting of old age for future generations?

"Second. As to rainfall, the area embraced within the limits of this forest reserve receives a rainfall of from 70 to 120 inches per annum. As over 90 per cent of this reserve is destitute of timber and the treeless Aleutian Islands to the west of us receive more rains than we do, the idea that the cutting of the timber needed by our people will have any effect upon rainfall is utterly absurd, etc."

I would just like to hear what you have to say in reference to that statement and suggestions made there by Mr. Baldwin.

Then comes the answer of Mr. Graves to that question:

Mr. GRAVES. That is a question of fact in regard to the extent and condition of the forest. As to the extent, I can only tell you what our reports show in the matter of the acreage it covers. There are 4,000,000 acres; a considerable portion of that undoubtedly is timber more or less patchy; it is not in a solid, compact body. As to the question of this all being matured, or overmatured, our records show that that is not the fact, but that there is a good deal of immature younger trees coming on. It has occurred to me that it might be of interest to the committee to see some photographs which were submitted with the report recommending the western addition.

Such was the answer made by the Chief Forester to the charge made by Mr. Baldwin, a resident for many years of the Chugach Forest Reserve.

Now, let us see further what Mr. Graves has to say on page 438 of the hearings. This is as to the character and amount of the timber:

Senator CHAMBERLAIN. Could you make an estimate or have you ever made an estimate in round numbers as to the amount of merchantable timber within that reserve?

Mr. GRAVES. The latest figures—I have not got the report on which that is based—show that there are about 3,000,000,000 feet of mature and overmature timber reasonably accessible.

Mind you, only "about 3,000,000,000 feet of mature and overmature timber reasonably accessible."

Senator CHAMBERLAIN. On the 11,000,000 acres within the reserve?

Mr. GRAVES. Yes; and that the less accessible timber, including the timber which is classed as immature, but which is big enough for use, there is somewhere between 20,000,000,000 and 30,000,000,000 feet.

Senator JONES. I think Mr. Greeley said the other day that there was about 28,000,000,000 feet, estimating an average of 7,000 feet an acre for 4,000,000 acres.

Mr. GRAVES. About 3,000,000,000 feet of that is what would be classed as reasonably accessible. I have not the reports on which those figures were given. They came in connection with another official report which we have called for, looking to the estimates of all the timber in the national forests.

Now, let me call attention to this: Mr. Graves, in giving this testimony, places the total timber, including that which is accessible and that which is not accessible, that which is mature and overmature and not mature, between 20,000,000,000 and 30,000,000,000 feet. Mr. Graves has gone to Alaska since that time for the purpose of investigating conditions and reporting to this committee. The committee, under date of December 20, 1913, received a letter from Mr. Graves, after he had returned from Alaska. Unfortunately I have left that letter either at my office or at my house, but I will introduce it in the RECORD later. That letter, which is addressed to the committee, asks leave to correct his testimony as given in the hearings which I have just read. In this letter, which is written after a personal examination by him of this forest reserve, he states that he was in error in testifying that there was between twenty and thirty billion feet upon that forest reserve, and that a careful estimate makes it only 8,000,000,000 feet; in other words, his testimony that I have just read was an exaggeration of nearly four times the actual facts. If he states 3,000,000,000 feet out of 30,000,000,000 feet as accessible—in other words, practically one-third of it—we would have one-third of 8,000,000,000 feet as the accessible timber in all that 11,000,000 acres of forest reserve.

Does it not occur to Senators how absurd it is to attempt to protect that straggly little timber on over 11,000,000 acres of land, covering a barren coast of Alaska, which can never have any commercial value? It means less than a thousand feet of board measure to the acre; in fact, it means less than 500 feet of board measure to the acre. There is no inducement to anyone to go in there and attempt to gobble up that timberland, even if there were a law permitting such a thing; but I may state here, in passing, that there is no law in Alaska permitting a man to enter timberlands for timber.

Now, let us see what Mr. Langille, who made a report on this same territory for the Forestry Bureau, says. Here is what Mr. Langille says about that timber up in that country:

In a region so remote from the centers of civilization, its resources undeveloped, its inhabitants scattered throughout an almost untrammeled wilderness, wrestling with untoward circumstances in an effort to reduce to the needs of mankind a land which offers so little and demands so much, the question of creating a forest reserve does not present the arguments usually brought up where the preservation of watersheds and the conservation of the water supply is so vital to the interests of all the people, and it seems a far-fetched idea to seriously contemplate forest preservation where there is so little apparent need of it and so little to preserve.

That is the report of Will Langille, upon which the Chugach Forest Reserve was created.

Take that in connection with the testimony of the Chief Forester, that on that whole 11,000,000 acres of forest reserve there are only 8,000,000,000 feet of lumber. On 11,000,000 acres there are only 8,000,000,000 feet of lumber, including mature, overmature, and undermature timber—less than 500 feet of board measure per acre.

Now, let us take the testimony of Mr. Steele, a resident of Alaska, which was given in the presence of the representatives of the Forestry Department. It will be found at page 334. Here is what Mr. Steele says, questioned by Judge WICKERSHAM:

Mr. WICKERSHAM. Do you know what proportion of lumber in that country is imported, brought up from the south?

Mr. STEELE. I can only relate my own experience. In the past seven years I have used up there approximately three-quarters of a million feet of lumber in all kinds of buildings, in the construction of wharves, etc., and I have used of that three-quarters million feet less than 10,000 feet of domestic lumber, because we found it had no value to us. We could not use it.

Mr. WICKERSHAM. Why? Because it has no substance or strength to it?

Mr. STEELE. No substance and no tensile strength. Even for our sidewalks and for interior finish and for rough lumber we use outside lumber.

Senator JONES. In other words, this timber is not suitable for building purposes?

Mr. STEELE. I would not give you 5 cents a thousand for it for building purposes. Our experience, Senator, was this: We first put up a little powder house at Prince William Sound, constructed of boards, doubling the boards, leaving cracks about 4 inches in width between the first tier of boards, then battening these cracks with 12-inch boards, and whenever we would get a driving rainstorm the rain would go right through those boards.

The next testimony on the subject of the character and amount of timber there is found at page 339 of the hearings. This is the testimony of Mr. Greeley, who was sent by the Forestry Department to testify as to the reasons for the creation and the continuance of this forest reserve. He was sitting there at the time Mr. Steele gave the testimony I have just read, and Mr. Greeley was then interrogated by Senator JONES, of the committee, as follows:

Senator JONES. You heard the statements of Mr. Steele with reference to that, did you not?

Mr. GREELEY. Yes.

Senator JONES. Do you think his statement was substantially correct?

Mr. GREELEY. I think it is substantially correct that it is not as strong as the timber in the Pacific Coast States, but I do not admit it is not usable for a good many purposes for construction.

Now, I want to give you the testimony of Dr. Brooks, in charge of the Geological Survey for Alaska, a man who has been in that country for years and who probably knows more about it than any other man in the Government service to-day. His testimony will be found at page 527. Senator WALSH, of the committee, is interrogating Dr. Brooks:

Senator WALSH. I should like to know whether it is so abundant and so placed as to invite the appropriation of the lands for the timber that there is on it, with a view to manufacturing and selling it?

Mr. BROOKS. No, sir; there is no timber in the Bering River field that has any value whatever except for the local use.

Senator WALSH. You could not manufacture it and export it?

Mr. BROOKS. No; I speak without reserve on that point. The only danger that I foresee there on the question of timber in that coal field is that some man—I do not know under what law—might take up certain tracts of timber and thus come close to monopolizing the supply that was needed for mining.

Next I want to refer to the testimony of Mr. Piper, the representative of the Department of Agriculture, who was sent to Alaska for the very purpose of examining the Chugach Forest Reserve, and who testified before the committee. His testimony is found at page 554. Here is what Mr. Piper has to say about the Chugach Forest Reserve:

The CHAIRMAN. Mr. Piper, do you know anything as to the grass land in the interior of the Kuskokwim Valley?

Prof. PIPER. I have no information about that valley.

Senator WALSH. You are familiar with the region covered by the Chugach Forest Reserve, are you not?

Prof. PIPER. I have been over the western portion of it pretty thoroughly and have been at various parts along the coast of the southern and eastern portions.

Senator WALSH. Describe for us the timber in the western portion of the Kenai Peninsula. You have told us about the timber on the eastern shore of Cook Inlet.

Prof. PIPER. The only timber I have seen along this eastern side [indicating] is a little timber along the shore. I am sure all that exists is close to the shore, except in the neighborhood of Seward. The timber about Seward is, I think, about the best timber that I saw north of Yakutat.

Senator JONES. That is not in the reserve, is it?

Prof. PIPER. No; Yakutat is not.

Senator JONES. I mean about Seward?

Prof. PIPER. Seward is not in the reserve. My recollection is that the amount of timber along the southern coast of the Kenai Peninsula is very small.

Senator WALSH. That is the southern portion of the Kenai Peninsula?

Prof. PIPER. That is the southern portion of the Kenai Peninsula. In the interior it is composed of fairly high mountains covered with snow and glaciers.

Senator WALSH. Our information is that it is not in the reserve.

Prof. PIPER. This portion [indicating]?

Senator WALSH. Yes.

Prof. PIPER. I am not familiar with the boundaries of the reserve.

Senator WALSH. Will you go on and tell us about the remainder of it?

Prof. PIPER. My recollection is that there is more or less timber—usually less—on most of these islands in Prince William Sound. I do not remember any timber about Valdez—a very small quantity surely, at most. In fact, my recollection of the whole south coast of the reserve is that there is a thin fringe of timber which does not extend any distance back from the shore line.

Mr. WICKERSHAM. The mountains approach very near to the sea?

Prof. PIPER. The mountains approach very closely.

The CHAIRMAN. What is the character of that timber?

Prof. PIPER. It is a spruce timber, mostly, and some hemlock. I would consider none of the timber fit for saw timber, although perhaps my criterion is not a fair one. I am thinking of Puget Sound timber as a criterion. Certainly there is no timber in the Chugach Reserve region which I saw which could be compared to the Puget Sound timber, except some of it about Seward. I doubt if anywhere, unless timber were very scarce, that it would pay to cut those logs into boards.

That is the opinion of the representative of the Agricultural Department sent there for the purpose of examining into this forest reserve.

From those witnesses we have gained an idea of this forest reserve. In the first place, there is not sufficient forest there to warrant the Government in attempting to preserve it. Now, let us see what the uses were with regard to this.

On page 431 Mr. Graves testifies as to the reason of the creation of this forest reserve:

The CHAIRMAN. And the miner in seeking stulls, or "props," as you term them, would naturally want to pick the strongest timber he could get for that purpose, would he not?

Mr. GRAVES. Yes, sir.

The CHAIRMAN. And a railroad company in construction work would want to get strong, heavy ties?

Mr. GRAVES. Yes, sir.

The CHAIRMAN. That would be more apt to be the matured timber, would it not?

Mr. GRAVES. Yes, sir. In some cases it might be the matured timber and in some cases it might not. It might be in some cases the matured timber would be larger than the actual requirements and middle-sized timber would be used.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. I do.

Mr. POINDEXTER. Will the Senator kindly inform us from what page of the hearings he is reading?

Mr. PITTMAN. Page 431.

Mr. LANE. I beg the Senator's pardon. In what year was this statement made?

Mr. PITTMAN. Last year. This hearing was held at the time we were having the hearings about railroads in Alaska.

The CHAIRMAN. If the immature timber, being a few years younger than some of the others, was apparently the same size——

Mr. GRAVES. It would probably be mostly classed as matured timber. I was thinking more of the size.

The CHAIRMAN. You have no objections to the railroad company using this timber for ties in the advancement of its line through that reserve?

Mr. GRAVES. No, sir; I think it would be an admirable thing to do. I think it would be a broad point of view for the Government to take, to assist in that direction.

The CHAIRMAN. You have no objection to the miner using that timber for props and stulls?

Mr. GRAVES. No, sir.

The CHAIRMAN. Who else uses it up there?

Mr. GRAVES. Not many people are using it up there. It is more for the future than local use.

Now we turn to Mr. Graves's testimony at page 429. So far the testimony shows that the only use of the timber up there is local use by people who are attempting to develop that territory. It shows that the only timber that would naturally be cut is the large, matured timber, such as he, as Chief Forester, is willing to sell them and does sell them. Consequently the character of cutting would be the same whether there was a forest reserve or whether there was no forest reserve.

Now let us turn to page 429 of the hearings. Mr. Graves is still giving his testimony. Senator WALSH is asking the questions.

Senator WALSH. And you would favor the amending of the forest-reserves act so as to permit railroads to exercise their right to take timber within the forest reserve free for construction purposes, just the same as——

Mr. GRAVES. I think that would be very proper in Alaska, because it is in line with the general feeling of everybody that the Government ought to assist in the development there in every way possible.

On page 465 Mr. Graves testifies further with regard to this matter, as follows:

The CHAIRMAN. Let us put it another way, then. There are a great many additional restrictions which do not exist with regard to the public domain under the general law. Is that not true?

Mr. GRAVES. There are some restrictions which do not exist under the public-land law, and which I think, in the main, ought to exist.

The CHAIRMAN. I am calling your attention to those, because the testimony shows what those restrictions are, and you have admitted them. You have the forest reserves; you have a reserve in which the timber has been used and is being used, and the only demand for the use of it is such as you yourself would permit. And I assume that would be the case all the time. As a general thing, the danger to a forest is that it will be gobbled up by the big institutions. Is that not true?

Mr. GRAVES. That is true in a great many cases.

The CHAIRMAN. If in Alaska the area of the timberland was simply withdrawn for location and just left open to general use by the public

generally there, that would avoid that danger, would it not? In other words, in the next two years you do not imagine that there will be enough people in Alaska utilizing that for local use to materially affect it, do you?

Mr. GRAVES. I do not think this is a question of a year or two years, Senator.

The CHAIRMAN. I am asking you about it. I am getting at it.

Mr. GRAVES. I do not think that in the next year or in the next two years the cuttings that will be made in there will be of any material, permanent harm to the forest.

The CHAIRMAN. It has not been very extensive since you have been there?

Mr. GRAVES. Not since that.

The CHAIRMAN. And yet you have granted all of that they wanted, have you not?

Mr. GRAVES. Timber?

The CHAIRMAN. Yes.

Mr. GRAVES. Yes.

So we find that the cutting there has not been extensive. We find that he has sold them all the timber they have asked for, and the result has been simply that the timber that would have been cut had there been no forest reserve there was cut under a forest reserve. There was just as much destruction to the forest, as far as the cutting was concerned, as if there had been no forest reserve there. The difference was that it was a useless expense to the poor prospector and miner who were trying to develop that country, and it was a useless expense to the Government that has constantly to appropriate money to cover the deficiency for the mismanagement of that reserve.

Now, let us take the testimony of Mr. Greeley with regard to that reserve at page 329. I repeat that Mr. Greeley was sent before the committee on the first occasion to represent the Chief Forester. Here is the testimony of Mr. Greeley with regard to the uses of that forest, on page 329. Senator WALSH is asking the questions:

Senator WALSH. Yes; but we seem to work at cross-purposes here. Of course, I conceive that the purpose of making a forest reserve of this was to preserve the timber, lest it should be uneconomically and wastefully destroyed. The danger of destruction by fire is evidently negligible. There is not any proposition to preserve the moisture that falls. That does not seem to be very much of a factor.

Mr. GREELEY. I think not.

Senator WALSH. What I wanted to know of you, was there any fear or dread of anybody going in there for commercial purposes, and, in the immediate future, cutting down large areas of that timber and carrying it away for export; and if there was not, why a reserve was ever created there?

Mr. GREELEY. I should much prefer to have the general question of policy, as to why that reserve was created, answered by the head of the department or head of the Forest Service.

Senator WALSH. That is what we hoped to get from you.

I wish to say that Mr. Greeley came before the committee as the representative of the Chief Forester; that it was by reason of an invitation by the committee to Mr. Graves, the Chief Forester, to come before the committee and tell the committee why that forest reserve ever had been created and the reasons for its continued existence. He wrote a letter to the committee introducing Mr. Greeley and stating that he was familiar with all of the facts, and that he would give the facts to the committee; and yet when the question is asked, Mr. Greeley avoids such question by saying that he would rather have it answered by the head of the department.

Now, let us take the testimony of Dr. Brooks, in charge of the geological department of Alaska. You will find it at page 529. You will recollect that Dr. Brooks knows more about the physical conditions of Alaska, about the land in this forest reserve, about its timber, about the rainfall, about all of the conditions surrounding that country than probably any other man in the department. Here is his final testimony:

Senator WALSH. Dismissing for a moment the possibility of owners appropriating the timber in the neighborhood of the Bering coal fields, or at any other point in this region where it might be valuable locally—eliminating that feature, what public purpose do you find to be subserved by the creation of that forest reserve?

Mr. BROOKS. I must confess that I have asked that question myself for a good many years, and I have yet to find a reply to that. I say this reluctantly, because I know there are those that were charged with not being conservationists because they objected to the Chugach Forest Reserve. I realize I should be careful in my statement.

Senator JONES. And you think you are a conservationist?

Mr. BROOKS. Yes.

There is the opinion of another member of the department. Following that I want to get the opinion of the representative of the Agricultural Department who was sent to Alaska to examine the Chugach Forest Reserve and see what his opinion is on the subject. I will refer you to Mr. Piper's testimony on page 555. Senator WALSH is asking the questions:

Senator WALSH. Mr. Piper, from your familiarity with the country, can you tell us of any public service that would be subserved, in your opinion, by the continuance of that forest reserve?

Prof. PIPER. I doubt if I can think of any, Senator. On account of the large amount of lignite coal which can be picked up on the beach about the Kenai Peninsula, there is no serious fuel problem. I should think there might be some reason for maintaining the reserve so as to protect the timber.

From the hearings so far it must be apparent that the usual reasons that urge the creation of forest reserves do not exist in the case of this reserve. There is no danger of a monopoly of the timber, for several reasons. In the first place, it is too scattered to be of value for commercial purposes. In the second place, it can not be exported, because the law of Alaska prohibits its exportation. In the third place, it is not fit for exportation, because it can not compete with the higher grade timber farther to the south. Again, the forests that are used for commercial purposes on the public domain of Alaska are subject to the jurisdiction of the Department of the Interior, and can be used only by being purchased through the Department of the Interior; and the sale of the timber, mind you, is entirely within the discretion of the Secretary of the Interior. There is no danger, then, of monopolization of those forests.

You may say, "Why, then, throw it back into the public domain?" Throw it back into the public domain, for the reason that there are restrictions placed on people who are inside of a forest reserve, who are passing through a forest reserve, who are trying to live in a forest reserve, that do not exist on the public domain. That is the reason of it. The only use of that timber, according to the testimony of all of the witnesses, is a local use. The only use for that timber is by the miners and by the prospectors and by the farmers and by the people who are attempting to build roads, either railroads or wagon roads or trails, throughout that great country. Now is the time they need it.

As far as the high-grade timber is concerned, it is imported into that country to-day, and always will be imported there. The man who needs the timber is the man who is forging ahead. It is the man with nothing but his hands and possibly a grubstake who is trying to develop a little mine on those hills; the man who is trying to build a short tramway from his mine to some river; the man who is trying to build a home in that country; the man who is trying to establish a little merchandise store in the vicinity of some mining camp—those are the men who need it, and those are the men we want in Alaska, and that is the work we want done in Alaska.

Why, we are appropriating $35,000,000 to-day for the development of those things in Alaska, and yet we hesitate to give to the people who are going to develop that country the timber that stands at their hands to help them develop that country when the timber is not fit for anything else.

The Government does not desire to make a profit out of this timber. The Chief Forester himself testifies that they do not desire to make a profit out of it. He testifies that they sell all the timber to the very people that would use it if they were not there.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. PITTMAN. I do.

Mr. GRONNA. This is now recognized as a national forest reserve, is it not?

Mr. PITTMAN. Yes, sir.

Mr. GRONNA. Is it the intention of the Senator from Nevada to amend the bill so as to restore it to entry or restore it to the public land?

Mr. PITTMAN. It is.

Mr. GRONNA. I wish to say to the Senator from Nevada that it will be a long time before such legislation will go on this appropriation bill.

Mr. PITTMAN. I am very sorry the Senator objects to it.

Mr. GRONNA. Yes; the Senator will object to it, because it is certainly legislation on an appropriation bill.

Mr. PITTMAN. It occurs to me that the Senator misunderstands my position. I am not attempting to engraft the bill in regard to a forest reserve on this appropriation bill. I will state to the Senator that there is in the bill an appropriation of $16,500 for the upkeep of this reserve. I have offered an amendment to strike out that appropriation, in view of the fact that the Committee on Territories, which has investigated that forest reserve, believe that it will conserve no good public purpose to continue it. That committee has reported favorably a bill to abolish the reserve. If the Senate is willing to abolish the reserve, the Senate will also be willing to strike out this appropriation. If the Senate is not willing to abolish the reserve, it will certainly not strike out this appropriation; so it seems that the question might just as well be decided now as at any subsequent time.

Now let us see. We have gotten down to the question that the timber is only used locally; that only such part of the timber as would be sold will actually be used if the reservation is abolished; that there is no danger of monopoly; that it can not be entered at all; that if restored to the public domain, under the public-land laws it will still be subject to the jurisdiction of the Secretary of the Interior; and now we come

down to the question, Why should the timber be in a forest reserve?

The only answer that you can come back to is, to protect it from destruction. The only destruction that the Chief Forester could find or imagine was destruction by fire. He admits there is no danger of destruction by usage, that there is no danger of destruction by insects, and so we come down to it, that the only danger of destruction is from fire.

Now, then, I want the Senate to determine whether or not there is any danger of destruction of that timber by fire. On page 422 Mr. Graves testifies with regard to this subject, and here is his testimony:

Senator JONES. Is there any serious danger from fire?
Mr. GRAVES. There have been very extensive fires there in the past, and there is more or less fire there every year.
Senator JONES. Within the limits of this reserve?
Mr. GRAVES. Yes; but that is confined to the western portion. The eastern portion and the central portion has a very heavy rainfall, and we might practically say there is no fire danger there.

Now, then, when we come down to the testimony of Mr. Graves, the only danger from fire at all is along the extreme western fringe on Cook Inlet. Senators who are familiar with the map of Alaska and the lay of the Chugach Forest Reserve, which extends three or four hundred miles to the east of Cook Inlet, know that this little fringe of timber along Cook Inlet is infinitesimal in regard to the area of the whole reserve. Yet it is only along the border of Cook Inlet that there is any danger of fire.

Now, then, where is the necessity of protection from fire? Why should the Government go to the expense of appropriating from $11,000 to $16,000 for the upkeep of that forest, when there is only a little fringe on Cook Inlet where there is any danger of fire at all?

Let me tell you further that if there were danger of fire it would not be the forest rangers who would protect it against fire but it would be the inhabitants of the country. The forest rangers have recognized that as a fact in Alaska, and they say that they would be powerless to protect it against fire except by the support of the people themselves.

Now, let us see further about the fires in that country. I turn to page 425 of Mr. Graves's testimony, and let us see what he has further to say:

Senator WALSH. Where did those fires occur?
Mr. GRAVES. Those are on the western portion. That is, the western portion over here [indicating].
Senator WALSH. That is, adjacent to Cooks Inlet?
Mr. GRAVES. Yes, sir. That is the portion where there is any danger from fire. As I understand it, east of that there is not.

There we have the testimony showing the only danger of fire is right on the immediate coast of Cooks Inlet.

Now, take the testimony of Mr. Greeley, representing the Forestry Department, found at page 329. Here is Mr. Greeley's testimony:

Senator WALSH. Yes; but we seem to work at cross-purposes here. Of course I conceive that the purpose of making a forest reserve of this was to preserve the timber, lest it should be uneconomically and wastefully destroyed. The danger of destruction by fire is evidently negligible. There is not any proposition to preserve the moisture that falls. That does not seem to be very much of a factor.
Mr. GREELEY. I think not.

Again, take the testimony of Mr. Greeley at page 338:

Senator JONES. The only public interest, I gather from your testimony, that has been subserved up there has been to hold the title in the Government thus far?
Mr. GREELEY. I think that is the main thing. There is a small fire danger in that forest, but it does not amount to much.
Senator JONES. That amounts to nothing. That was not the purpose of it, to protect from fires, was it?
Mr. GREELEY. No, sir.

Mr. President, I think the testimony of the Chief Forester, of Mr. Greeley, and of Mr. Steele clearly demonstrates that there is no danger of forest fires in the Chugach Forest Reserve, and that the maintenance of the reserve is not essential to the protection of that forest against fire; that it is an extremely wet country, and that the rainfall is from 70 to 120 inches a year; that the watersheds are covered with eternal glaciers; that in summer time there are pouring down torrents of water through every gulch in all that country, and that on account of these torrential streams that are falling from every gulch there is no danger from fire.

Then why have a forest reserve there? What purpose does it serve? There is no doubt that the forest reserve must impose some restrictions upon the people within its borders. There is no doubt that it is necessary to go to a ranger to get a permit to cut any timber whatever to use for a commercial purpose. There is no doubt that every settlement within that reserve, every squatting upon the land, the mere pitching of a tent in the absence of a permit, are all trespasses against the Government. There is no doubt that whenever a little town springs up at the mouth of one of these gulches adjacent to a mining camp every man who settles there and builds his home and builds a store and goes into business is a trespasser against the United States Government until he obtains a permit from the Government.

I know you might say the Government would be lenient in those matters; that the Forestry Department wants to be lenient in those matters. I want to show that the facts are that time and again the Forestry Department has interfered with settlements in the District of Alaska that were started and were growing in natural places for settlements. The very history of that forest reserve for the last seven yea. is full of injustice and oppression to the people who have been trying to develop that country.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. I do.

Mr. POINDEXTER. Is the Senator prepared to furnish specific instances at this time of those acts of oppression and injustice?

Mr. PITTMAN. Yes, sir; I would be glad to do so, but I really did not consider——

Mr. POINDEXTER. I should like very much that the Senate might be informed, if the Senator would do that.

Mr. PITTMAN. I will furnish them to the Senator. I do not desire to make it a part of my remarks for the reason that it is only incidentally bearing on this subject.

Mr. POINDEXTER. I suppose it is bearing on the subject, otherwise the Senator would not be discussing it.

Mr. PITTMAN. I want to say to the Senator that I would not consider the inconvenience nor the mistreatment even of people by a ranger as sufficient justification for abolishing a forest reserve, but I do say that the inconveniences and the obstructions that are offered and the mistreatment of people in a reserve that is unnecessary is an element to be taken into consideration, and in a few minutes I want to read testimony bearing on that subject.

I will take up a few of those subjects with the Senator from Washington, although I did not intend to go into that matter, because, as I said, I do no consider that it is entirely material to this subject. In fact, it has been a matter testified to before the committee, and I believe there are letters before the committee; but there is some testimony which I will read as I go along.

On page 444 Mr. Graves testifies as follows:

Mr. WICKERSHAM. Suppose a man wanted to go in there where it is reasonably good agricultural land to take a homestead. What is the modus operandi of getting a homestead in a forestry reserve?
Mr. GRAVES. He would make an application for it—for the area—and it would be finally given to him under our forest-homestead act.
Mr. WICKERSHAM. He could not make a legal settlement until that is done, could he?
Mr. GRAVES. He could not get a title to the land.
Mr. WICKERSHAM. No; I did not ask you that. I asked you a plain, straight question—if he could make a legal settlement under the homestead law until after he had your permission?
Mr. GRAVES. His occupancy as a law proposition would not be legalized until he had been given the permission from us.
Mr. WICKERSHAM. So that to that extent the homestead law has been annulled, has it not? He has not free permission to go on the public lands any more to make a settlement?
Mr. GRAVES. Not without permission.
Mr. WICKERSHAM. There is such a thing as a squatter's right—a possessor's right. He would not have that at all, would he?
Mr. GRAVES. No, sir.
Mr. WICKERSHAM. He would be a trespasser if he went out and cut some of these little trees to build a hut? Is that not correct?
Mr. GRAVES. If you wanted to make him out that way.
Mr. WICKERSHAM. Is not that what you would make him out under the law?
Mr. GRAVES. I think we could make him out that under the law if that was our disposition.
Mr. WICKERSHAM. If you complied with the law as you understand it, you would do that?
Mr. GRAVES. I do not believe that would happen.
Mr. WICKERSHAM. If he wants to take a homestead he can not first make a settlement, but he has got to apply to the Forestry Service? Is that correct?
Mr. GRAVES. Yes.
Mr. WICKERSHAM. You have blanks for him to do that on?
Mr. GRAVES. Yes, sir.
Mr. WICKERSHAM. How long does that take?
Mr. GRAVES. Depending a good deal on circumstances and what season he makes his application.
Mr. WICKERSHAM. Yes.
Mr. GRAVES. All he has got to do is to send it in to the supervisor by mail.
Mr. WICKERSHAM. Where does he get his application?
Mr. GRAVES. From the rangers.
Mr. WICKERSHAM. How does he get a description of the land that he wants?
Mr. GRAVES. The ranger goes out and looks it over with him, lays it out with him, and makes a preliminary survey. He can take the land by metes and bounds that way, and that constitutes his location.
Mr. WICKERSHAM. The whole thing, practically, is under the charge of the ranger that goes with him?

Mr. GRAVES. Yes, sir.
Mr. WICKERSHAM. Then he sends his application where?
Mr. GRAVES. He sends that in to the supervisor.
Mr. WICKERSHAM. Where is the supervisor?
Mr. GRAVES. The supervisor of the forest is at Ketchikan. That is the headquarters.
Mr. WICKERSHAM. The supervisor gets that application. What does he do with it?
Mr. GRAVES. Then he receives the ranger's report on it, and sends it to the district forester for recommendation as to listing or not.
Mr. WICKERSHAM. Where is the district forester?
Mr. GRAVES. At Portland. He passes his recommendation on to me; and a request is made to the Secretary of the Interior to open this land to entry.
Mr. WICKERSHAM. Suppose there is some little question as to whether the lines run north, east, south, or west, or some question arises, so that it has to go back?
Mr. GRAVES. There might be a delay on that.

Here is further testimony on this subject on page 447—Mr. Graves still on the stand:

Senator WALSH. Just a moment before you pass that. Mr. Graves, take a man who feels as if he would like to go out on one of these rivers or creeks, we will say, 8, 10, 15, or 20 miles from the coast at Cook Inlet. About how long would it be in the ordinary course of events before he would be able to get the ranger to come and look the ground over, and the ranger would go back and report to the forest supervisor, and the forest supervisor would be able to report to the district supervisor, and the district supervisor would be able to report to the office at Washington, and the office at Washington would send the report back through these various channels until it reached the man?
Mr. GRAVES. That would depend upon the season of the year when he made his application as to whether he could get in and look at the land. But if he made an application in early summer, during the field season, our men could get out. Our aim is to reduce the time of the application. The time until the papers are in the hands of the Interior Department is aimed to be within 60 days. Sometimes there are delays on that.
Senator WALSH. You are speaking about Cook Inlet region?
Mr GRAVES. No; I am speaking in general. On the Cook Inlet region—I am afraid I can not give you a time answer on that. I do not know how long it would take.
Senator WALSH. About what time in the year would the forest ranger be able to get into that region in view of the fact that it is covered with snow in order to make an examination of the land?
Mr. GRAVES. Just as soon as the snow is off the land—from the middle of May on. Would not that be about the time that the country opened up there?
Mr. WICKERSHAM. Yes; on the lower levels.
Senator WALSH. Say about the middle of May. About what time in the fall would it be ordinarily covered again?
Mr. GRAVES. I suppose in the middle of November or early in December. A good deal of this lower land corresponds a great deal in climate, so far as I understand, with a good deal of our northern climate—say, our northern New England climate.
Senator WALSH. In the first instance, suppose he went up Kanai River 15 or 20 miles, and found a place there that he thought would be eligible to him to make a home for himself and where he could rear a family, about how far would he have to go to find one of these five forest rangers in the forest reserve?
Mr GRAVES. He could write to the forest ranger.
Senator WALSH. Where would he be stationed?
Mr. GRAVES. I do not know where all the stations are there. I have not got the record of all the stations.
Senator WALSH. You do not know?
Mr. GRAVES. No.
Senator WALSH. And considering the extent of this forest reserve, with five forest rangers on it, 100 miles of travel would perhaps be a moderate estimate as to the distance?
Mr. GRAVES. By water?
Senator WALSH. Any way.
Mr. GRAVES. If it included travel by water, I think that might possibly be the case.
Senator WALSH. His letter would have to go 100 miles to the forest ranger, and the forest ranger would have to go 100 miles, we will say, to make the examination. He could not possibly, starting in the month of May, with the means of transportation, get any filing in that year, could he, Mr. Graves?
Mr. GRAVES. I think it is quite possible that the land might not be actually opened to entry that year.
Senator JONES. If it resulted in any wrong or the ranger's report was not entirely satisfactory, it would have to be corrected the next year, and then probably run over another year?
Mr. GRAVES. Yes, sir.

Mr. WILLIAMS. Mr. President——
The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Mississippi?
Mr. PITTMAN. I do.
Mr. WILLIAMS. I should like to ask the Senator from Nevada, for my own information, is it not the upshot and the long shot of this entire business to this effect, that no American citizen can obtain a homestead in Alaska? Is not that about what it comes to?
Mr. PITTMAN. That is about the condition it is in. As I have said, I have been reading from the testimony of Mr. Graves to show practically how impossible it is for a homesteader to get any action on a homestead anywhere in that part of the world.
Mr. WILLIAMS. By the way, if the Senator will pardon me, I will add that it has been the American policy from 1862 down to now to give American citizens homesteads in the public lands.
Mr. PITTMAN. I wanted to read in this connection the testimony of Judge WICKERSHAM, Delegate from Alaska, who has lived 18 years right in that section. I can not place my hand on it just at present, but he substantiates what I have already claimed about the difficulties of a homesteader, the difficulties of a settler in that forest reserve under any and all conditions. Judge Wickersham states that the experience in Alaska has been that it is always impossible to obtain a settlement in those forest reserves.
In part Mr. WICKERSHAM said:

Mr. WICKERSHAM. As the representative of Alaska, I say to the committee that the people in those forest reservations in Alaska have long since learned that it is a question of years to secure any result in the way of action on applications for homesteads, with the probability that they will be refused; it has resulted in keeping many people away from these great forest reservations and has practically depopulated that part of the country, except in the towns. And as to this particular reservation, the Chugach Forest Reservation, I want to say to this committee and to Mr. Greeley, as the representative of the forestry reserve, that it is a shame that such a reservation should be maintained there. It is a fraud upon the people and a fraud upon the forestry reservation, for there is not anything there that is worthy the forestry reservation maintaining it as a forest reservation, and it lowers the forest service in the opinion of the people, who really favor proper forest conservation.

Mr. WARREN. Mr. President, I think the Senator will admit that the process is exactly the same in Alaska as on any other timber reserve. They have the same trouble with them all.
Mr. PITTMAN. I am satisfied that the Senator is correct in that; they have the same troubles; and I want to ask the Senator if he does not know those same troubles that I have spoken of exist in the western part of the United States?
Mr. SMITH of Arizona. And in Wyoming.
Mr. PITTMAN. In Wyoming; in the Senator's own State.
Mr. WARREN. Do I understand the Senator from Nevada to refer to me?
Mr. PITTMAN. Yes, sir; I asked the Senator if the same obstruction to settlement and the same administration of the forests do not exist within portions of the Western States?
Mr. WARREN. The entire argument which the Senator from Nevada has so ably presented applies to all of us alike, with certain reservations as to a rainy season of greater length in one part than in another. Of course, when the Senator is through—I do not want to interrupt him—I may have a few words to say only as to this argument. I think this argument would be very pertinent on the bill which the Senator from Nevada has reported from his committee; but, like "the flowers that bloom in the spring" referred to in the Mikado, it has "nothing to do with the case," as to this proposed amendment to an appropriation bill.
Mr. PITTMAN. I understand that the Senator from Wyoming, having been so long a member of the Appropriations Committee, does not desire any attack on the report of the committee. But we are faced with this situation. I will state to the Senator: At this time the Government is asking for an appropriation of $16,330 for the upkeep of this forest reserve, and the Senate committee having jurisdiction over the question has already reported to the Senate a bill providing for the abolition of this forest reserve. It seems to me that under such circumstances the Senate would take notice of the act of that committee and would not proceed to appropriate more money for that purpose on this Agricultural appropriation bill.
Mr. SHAFROTH. I ask the Senator from Nevada whether or not there is a unanimous report on the bill to which he refers?
Mr. PITTMAN. The report was approved by every member of the committee who was then present. There were some of the members of the committee not present, though I will state that there was a quorum present.
Mr. WARREN. Mr. President, I assume that the Senator from Nevada has suffered in his committee as has every other chairman of a committee. He did not have a full committee at any time.
Mr. PITTMAN. I do not know that we ever had a full committee.
Mr. WARREN. Now, I will ask the Senator, a little out of the line of his argument, where would we be in passing these various appropriation bills if every Senator present who had introduced a bill and hoped to have it passed, changing the law, asked us to take cognizance of that fact when he simply had a report from his committee to shape the appropriation bill beforehand for it? He will see at once that we would be in a condition of chaos. The Senator can not possibly get his bill passed for a month yet, and by that time the estimates may be made up for another year, and, of course, we could then take care of it in a general way by having the law repealed and the appropriation ended from the date of the passage of the bill.
Mr. PITTMAN. I want to state that whether the bill abolishing the Chugach Forest Reserve is ever passed or not, the forest reserve will be just as well off with those four rangers out of it as it is with them there; and it is costing the Government $16,330

to give those four rangers a job there, when they serve no other purpose than to interfere with people who are trying to develop that territory. That is my theory about it. This action is not entirely dependent on whether we pass the bill abolishing the forest reserve or not, but the time has come to cease appropriating money for useless purposes.

I have attempted to show that the existence of that forest reserve is not justified upon any theory of conservation whatever. If they can show me one theory in favor of maintaining those rangers in that forest reserve, from the facts in this case, I shall immediately cease my argument in the matter; but, as I have said before, we can not find any. I have never heard anyone give a reason for their continuance there. The Chief Forester was asked to give a reason. A letter was written to him telling him that it had been charged that there was no reason for the creation of this forest reserve and no reason for its continued existence. We wanted him to come before us and tell us why it was created and why it should continue to exist. Instead of doing so, he sent to us one of his clerks, who, he said, knew all of the facts. Then, after we had taken his testimony, this clerk said, in answer to the question why had this forest reserve been created, "I would rather have you ask those above me." Then, when we asked the representative of the Agricultural Department who was sent to Alaska to investigate this forest reserve what good purpose this forest reserve conserved, he said, "I do not know." When we placed upon the stand Dr. Brooks, the geologist in charge of Alaska, who knows every foot of that forest reserve, a man who is a conservationist, and a man who does understand his business, and asked him what good purpose this forest reserve would conserve, he said, "I have asked that same question many a time, and I have never had an answer to it. I do not know."

The Chief Forester went to Alaska, after he had been examined before the committee, after he was chided by the committee for not giving the facts to the committee in defense of that forest reserve, for the purpose of securing facts to justify the creation and continuance of such reserve. On his return he gave no further reason for the continuance of the reserve, but in a letter to the committee was compelled to admit that there is only 8,000,000,000 feet of timber on the reserve instead of 28,000,000,000 as testified to by him.

I have said there is not any excuse whatever for that reservation; it is a farce; it is a reflection on the whole conservation policy; and it is breaking down the conservation policy of this country. As a conservationist, I am opposed to it, and I am opposed to letting it stand.

The testimony of the Chief Forester shows that there are no watersheds upon which it is necessary to conserve the water, because there is no agricultural land to be irrigated and the hills are covered with eternal glaciers. His testimony shows that that condition protects the reservation from fire; that there is no danger of fire anywhere in those 11,000,000 acres of land, which extend along the coast for 400 or 500 miles, except on the extreme west of the fringe of Cook Inlet. The fires there occurring, according to his testimony, have been inconsequential.

Then why are those forest rangers there? What do they do? What purpose do they serve? You could take four or five men out of that forest reserve and the only people who would ever miss them would be the people on whom they have been imposing, and they would be glad to miss them. That is the condition. Read this record here when you get time and see the treatment which the railroads that have been trying to build up that country have been receiving. By act of Congress they were granted the timber necessary to make ties on which to lay the rails. That statute was violated by the Forestry Department. They confiscated the ties which the railroad people had cut, and then they did not sufficiently care for them to prevent their being swept into the streams and absolutely lost. It caused the loss of thousands of dollars' worth of property there in violation of the statutes of this country. The representatives of the Forest Service were questioned on that subject and asked if they did not know they were violating the statute of the United States, and they replied that that was an open quesion to be determined by the courts, and yet they took no steps to determine that question.

How much timber are they selling? They sold $2,500 worth last year, and the expense of maintaining and protecting it was over $13,000.

Mr. SMITH of Arizona. And, if the Senator will permit me, it was sold probably to men who in all equity and justice ought to be entitled to possession of it for nothing.

Mr. PITTMAN. There is no question about that; in fact, Mr. Graves himself testified——

Mr. SMITH of Arizona. That was an imposition.

Mr. PITTMAN. That he would like to see those very men get that timber for nothing.

There was no reason for the creation of this forest reserve and there is no reason for its continuance. I am sorry to hear my distinguished friend from Wyoming really making an argument which may defeat this proposition simply because of some of his theories of legislation. I believe that he wants to see that land restored to the public domain. I know that he knows just as well as I do how those who are traveling over and settling upon the public domain are interfered with by forest reserves; I know that he knows that there should be good cause for such interference or it should be removed; and I am sorry to have him say at this time, "Let this appropriation be made; let us waive this question as to whether there is necessity for it and at some future time take up the question as to whether or not we will abolish that forest reserve." I want to beg him to cut off this expense; I want to beg him to take those useless men out of that reserve as the first start toward giving an opportunity for the development of Alaska. If he does that, the passage of the bill reported by the Committee on Territories will follow. If he kills this amendment, the chances are that the passage of the bill will never be accomplished; and I know he wants to see the bill passed.

The whole country is trying to develop Alaska. We have appropriated $35,000,000 for the purpose of building railroads there. We want people to go in there and develop its mines and develop whatever agricultural lands can be developed; we want people to establish homes there, to live there, and settle the country; we want them to come out of our congested cities and go up into that country and add to the production of the necessities of life, and by that means reduce the cost of living. I want to say that, in conformity with that policy, we should remove every restriction—at least every unnecessary restriction—from the people who go to that country for that purpose.

Mr. SHAFROTH. Mr. President, I will ask the Senator to state to the Senate what are the obstructions thrown around the location of mining claims within forest reserves in continental United States and in Alaska?

Mr. PITTMAN. Mr. President, I will state that when you locate a mining claim within a forest reserve and you attempt to cut timber on your own mining claim for the purpose of developing your own mine, you will be in danger of having a forest ranger come to you and say, "Stop cutting that timber," and when you ask him why, he will say, "Because that is not a mining claim"; in other words, the ordinary ranger constitutes himself the judge as to whether or not there is a sufficient discovery of ore to warrant the location of a mining claim.

Mr. SHAFROTH. And is not that true even though the full amount of $500 has been expended upon the claim?

Mr. PITTMAN. It does not make any difference how much has been expended; those rangers arrogate to themselves the right of judging those questions.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me a suggestion, we have appropriated $35,000,000 for the purpose of developing Alaska's resources, and we are now proceeding to appropriate $16,000 to prevent that development.

Mr. PITTMAN. The statement of the Senator from Arizona is concise and absolutely correct. We are inviting homesteaders to go to Alaska, and yet we are placing a blanket 300 or 400 miles along the coast to prevent them from finding a place at which they can settle or even squat. We are inviting miners to go to Alaska, and yet we are withholding all of the facilities of settlement and transportation. The whole thing seems to be absolutely opposed to the policy of the Government in regard to settlement at the present time; and I can not conceive for one moment why this body should appropriate money for the upkeep of rangers in the Chugach Forest when there is absolutely no necessity for them.

I know that it comes down solely to the question as to whether this matter shall be contested at the present time in this form or whether it shall be contested on the passage of the bill itself reported by the Committee on Territories.

All the facts are before the Senate just as they would be if that bill were up for passage. If the facts presented are sufficient when that bill comes up to pass it, they are sufficient at the present time to prevent the appropriation of useless money. If that forest reserve can serve no beneficial purpose, then the Senate should not do any affirmative act toward its upkeep.

I want to say to you that those who are presenting this matter are presenting it sincerely and earnestly. We have studied the question for years; we have given it careful investigation before the Committee on Territories; we know that this forest reserve does blanket all of that portion of Alaska which to-day we are starting to develop; that we are taking out of the hands of the Government and placing in the hands of the forest re-

serve the very territory we are trying to develop. That is what we are doing.

There is no danger of that forest being destroyed. That land can not be entered as timberland; that timber can not be purchased except from the Secretary of the Interior, and it is entirely within his discretion to determine to whom he shall sell it. All we want is to give a fair opportunity to the people who go into that country, and we want to prevent this Government from appropriating useless sums of money for forest reserves that should have no existence.

Mr. WARREN obtained the floor.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. WARREN. I yield to the Senator.

Mr. WILLIAMS. I merely want to say, if the Senator will yield to me for a few moments, that I have listened with a great deal of interest to what the Senator from Nevada [Mr. PITTMAN] has said. I have also listened with a great deal of interest to the remarks of a number of Senators from the far West and the Northwest in connection with this question. It seems to me that it reduces itself about to this: That there are a lot of men "drest" as bureaucrats "in a little brief authority," most proud of what they are most ignorant, their own glassy essence, who are cutting fantastic capers in the face of high heaven, to quote, with some variation, the words of the Bard of Avon, while they construe law as they please and override it when they will.

It seems to me that there are a whole lot of people in the United States who imagine that conservation means reservation, when very frequently conservation does not mean reservation at all, and it seems to me that this is one of the cases where it does not.

Of course, I am in favor, and I think every patriotic man is in favor, of reversing to a certain extent the past policy of the United States Government by means of which the public resources were wasted. We are in favor of conserving those resources, but we are not in favor of reserving them whether their reservation conserves or not, and it seems to me this is a case where a reservation does not conserve. I wanted to say that much.

Mr. WARREN. Mr. President, I want to beg the pardon of the chairman of the Agricultural Committee for saying anything at this juncture, for he has been long suffering, and he has been, I might almost say, tormented day after day and week after week in engineering through his great supply bill, and about everything on earth has been aired here on the Senate floor in extenso in connection with the Agricultural appropriation bill.

I want to say to my good friend from Nevada that he has made a splendid argument against conservation, an argument that he can use when his bill comes up for its passage; but it strikes me that he has both proved too much and too little. He has proved in his remarks that this forest is not worth a copper, and yet he has proved that it is indispensable to the settlers, and that it is being wickedly reserved from the deservin; people who stand ready to use it.

I agree with the Senator, so far as this: I am for conservation where there is real forest timber or a chance to grow it. I am against this whole forest-reserve system, so far as including mile after mile that has no timber now and no promise of any is concerned.

I do not discover from the testimony anything that differentiates that forest from the others. We have a forest reserve laid out in Alaska that is totally and wholly in the possession of the United States. The laws of the United States prevail there. Appointees from the United States execute them. It is public domain. These reservations are made. Coal is reserved, and other minerals. The United States ought not in any way to suffer from its own acts. If it is best for the United States to throw open that reserve, all that has to be done is to knock at the door of the President and ask him to order that reserve opened. The law provides that the President of the United States can create forest reserves and can set aside forest reserves. Congress has nothing to do with it. On the other hand, if we should repeal this act, if the Senator should have his proposed law passed and it should be signed, the very next month or the next year the same reservation could be made by a President of the United States. You have got to go deeper than that in the legislation.

Here is the condition, however: The Forestry Department have asked for an appropriation. It has come up in the regular way. It has been ingrafted into the bill by the House, and it is before us, one of perhaps one hundred and thirty-odd forest reserves. There is no more reason why that one reserve should be cut out—not as much, in my mind—than there is why all of them and every one of them should be cut out.

What is the effect of cutting the appropriation out? You have not changed the law a particle. The reservation exists just the same. The difference is that if we fail to appropriate for this reserve if a man wants to homestead he has got to come to Washington in order to reach the forestry officials, where in the other case he would have representatives from the Forestry Division there on the ground. It is putting the cart before the horse to withdraw the appropriation before a bill has passed annulling the reservation.

The Senator has made a report on behalf of his committee, and he is honest enough to say that it is unanimous as far as he was able to get at members of his committee, which of course does not include all. It is embodied here in a calendar that is in a more congested state than I have ever seen the Senate Calendar in my service in this body. If we go on in the manner we have been doing, we have no possible chance of reaching that bill at this session, even though the session may run until the 30th day of November.

Should we pass it, however, what then? It then goes to the House, and there goes to another calendar, a Union Calendar, which may be reached in the short session, but there is hardly a chance in a thousand that the bill could pass in the present Congress. In the meantime you have withdrawn the only method you have of allowing people to take some part in that forest reservation in the way of homesteads or in cutting timber, because you have denied them the money for upkeep and management.

You say there are no trails there. We are appropriating this money to construct trails so that men can get in there. The law provides that a man, in order to make a home or to do any mining, can get all the free timber he wants for the purpose, but he has to go through the formula of applying or reporting to the forestry department. So I say if we go to work and take off the appropriation we remove the only guard and ready relief there is. We absolutely tie it up, just as coal is now tied up. A man may stand on his claim where the vein of coal is 60 feet deep lying under his claim and not be allowed under the law to get enough of it to make a camp fire. We are importing coal from Australia and other countries for our war vessels when we have tried in ships of the Navy the coal of Alaska and find it efficient. We have not the legislation yet to open up this coal. Why should we trifle with forest reserves when far greater questions are begging for settlement?

Mr. WILLIAMS. Mr. President, may I interrupt the Senator long enough to ask a question for my own information?

Mr. WARREN. I yield to the Senator.

Mr. WILLIAMS. I confess with due humility my ignorance to a large extent regarding these matters; but suppose the motion of the Senator from Nevada is agreed to, does not that necessitate a proclamation upon the part of the President restoring this given area to the public domain, and does not that immediately result in entitling everybody to make a homestead entry upon this part of the public domain?

Mr. WARREN. The Senator from Mississippi is laboring under the same mistake that I presume a great many other Senators are, and into which the Senator from Nevada has very ingeniously led them. The matter before the Senate, and the only matter that can be decided now, is, Shall we allow the regular appropriation for the care of that forest reserve? If the Senator had taken his bill and presented it here as an amendment to this appropriation bill, then the whole matter would have been before us.

Mr. WILLIAMS. But, if the Senator will pardon me one moment longer, if the appropriation to take care of this given area as a part of the forest reserve is defeated, then does not that area become a part of the public domain?

Mr. WARREN. Not at all. It still remains a reservation either until legislation opens it or until the President makes a proclamation.

Mr. WILLIAMS. Then the Senator from Nevada ought to strengthen his motion by adding to it the words that it shall become a part of the public domain.

Mr. WARREN. Ah, but the Senator is wise enough to know that that would be general legislation and would be subject to a point of order. The Senator seeks to use the Senate at the present time as a lever to reach under and pry out his bill later on. He says those of us who vote against this amendment would vote against his bill. That is an assertion that does not look reasonable to me. There are many men here who will vote against the proposition of establishing forest reserves who will not undertake to set the example that when an appropriation bill comes in here every bill on the calendar must be considered as if it were going to pass, and cut out here and add there in

the appropriation bill accordingly, regardless of existing statutes.

Mr. WILLIAMS. But if the Senator will pardon me, practically, if we cut off this appropriation, will not that necessitate a proclamation by the President treating this given area in a different manner?

Mr. WARREN. Why, Mr. President, it would not have the slightest effect.

Mr. WILLIAMS. I thought it would.

Mr. SMOOT. I will suggest to the Senator that if the President of the United States desired that forest reserve to be eliminated and thrown back into the public domain, he could do so to-morrow without any action on the part of Congress.

Mr. WILLIAMS. If the Senator from Utah will pardon me, I understand that fully; and I believe that if we adopt this amendment, whereby we refuse to make the appropriation, the President of the United States will take it as an indication of the will of the Congress that this given area should be put back subject to homestead preemption, and that he will obey the will of Congress in that respect thus indicated.

Mr. WARREN. If the Senator and his friends would go to the President and ask him to annul this reservation, very likely he would do it; but the fact of not appropriating for it has no such effect. If we are going to begin a system of liberating these reserves in whole, let us do it in the regular way by law. Let us not undertake to debauch our appropriation bills in this way to reach it indirectly. Let us not bring about the scandals we have had already out of remote sections as to forestry, and so forth. We have had rattled around this Chamber the names of Weyerhaeuser and Guggenheim and others because of alleged scandalous proceedings in land. If you deny this proposed appropriation and undertake to open up 11,000,000 acres of land and throw it out to the despoilers to exploit it in any way they choose, thousands of millions of dollars' worth of it, you will not even have a forestry man there to say them nay or report to you what they do.

Mr. PITTMAN. Mr. President——

Mr. WILLIAMS. I think the Senator is going too far.

Mr. WARREN. I am going just as far as others have gone before me, and no further.

Mr. WILLIAMS. If it is to be exploited in any way at all, it would be exploited by homestead claim.

Mr. WARREN. Possibly.

Mr. WILLIAMS. That is not really exploiting public lands at all. That is exploiting them only in a way that is consonant with a confirmed policy of the United States—these United States, not this United States.

Mr. WARREN. All of the argument of the Senator from Nevada [Mr. PITTMAN] has been directed to the general system of conservation, and of course to all of the forest reserves. I am not willing to take it up in an appropriation bill. I am ready to conclude now the few remarks I have made, with the hope that we are about ready to vote, and that we may get out of this prolonged delay in consideration of the Agricultural bill.

Mr. PITTMAN. Mr. President, I simply want to answer the Senator from Wyoming. I want to state to him that he is mistaken in saying that I made an argument against conservation. I do not like to have the statement rest in that way. I think the statements I have made show the contrary.

Mr. WARREN. I am willing to withdraw any remark that the Senator does not like and let it rest on what he said.

Mr. PITTMAN. I understand that; but I simply wanted to contradict the Senator's conclusion.

As I stated in my opening remarks, I am very much in favor of the conservation of forests and the conservation of other natural resources. It is simply a question whether there is a natural resource to be conserved and whether or not the reasons for conservation exist in each particular case.

The Senator from Wyoming is trying to apply the reasoning used with regard to this particular forest reserve to all forest reserves throughout the United States, and I will not personally be a party to any such agreement. He says that the same conditions that apply to this reserve apply to other reserves throughout the United States. I differ with him in regard to some of them.

I know magnificent forests in the Cascade Mountains that are in forest reserves, and that should be there. I know great forests in the Sierra Nevada Range that are in forest reserves, and should be there. I know that they conserve a good public purpose. There may be some particular forest reserves in the West that never should have been created. That is a question of evidence in the particular case. I am not prepared to discuss that question. I am simply stating that the evidence discloses the fact that the continuation of the Chugach Forest Reserve does not conserve any good purpose. That is what I am arguing now.

I wish to say to the Senator that when he states that we are throwing this land back into the public domain to become ground for more scandals, such as have occurred throughout that country, he is evidently making a thoughtless statement, or a statement without knowledge of the existing laws governing Alaska. If that land is thrown back into the national domain, it is subject to the laws covering the public domain in Alaska, and under the law covering the public domain in Alaska no timber can be acquired except by purchase from the Department of the Interior, at the discretion of the Department of the Interior, solely for domestic use or local use in Alaska, and not for export. That is where it would lodge. As to the homestead law, it would only be subjected to such laws as may be made for homesteads in Alaska. There is no chance of gobbling up any public domain that we do not want gobbled up under the homestead law of Alaska. Those are things that the Senator must know.

The Senator says that if we pass this bill we will not accomplish anything by it. I want to state——

Mr. WARREN. No; I beg the Senator's pardon. I stated that by adopting this proposed amendment you absolutely tie it up. It is a reservation now, with somebody there to take your applications; and the Senator proposes to tie it up and leave it without anybody there to do that.

Mr. PITTMAN. Then, if we adopt this amendment, we find ourselves in this position: We find that we have saved the Government $16,500. We find that the supervisor who grants the permits for settlement in the Chugach Forest Reserve is still at Ketchikan, where he always was. It simply means that anyone who desires to get a permit will have to go to Ketchikan instead of to Valdez. That is the only difference.

Mr. POINDEXTER. Where will he have to go if we abolish the forest reserve?

Mr. PITTMAN. I did not understand the Senator's question.

Mr. POINDEXTER. The Senator is complaining that under the present law he will have to go to Ketchikan to get a permit of entry. Where would he have to go if we abolished the forest reserve if he wanted to enter this land?

Mr. PITTMAN. I regret that I can not hear the Senator.

Mr. POINDEXTER. I will just state the point that I desired to make by the question which I asked the Senator; and that is that whether you abolished the forest reserve or kept it, the same difficulties about which the Senator is complaining would exist. He would still have to go a long way to a public-land office in order to make an entry.

Mr. PITTMAN. Not entirely, I will say to the Senator, for this reason: Under the public-land laws you can acquire a possessory right on public domain by settlement with an intention of initiating a homestead. On a forest reserve you do not acquire any possessory right, but you become a trespasser, and it does not inure to your benefit. That is the distinction. In one case you become a squatter, and in the other case you become a trespasser.

As far as getting a permit is concerned, if this appropriation is not made and the reserve is continued, you get your permit from the same supervisor at Ketchikan, because this appropriation is not for the support of the supervisor at Ketchikan; and even if this forest reserve should not be ultimately abolished, you would be in just as good a position as you are now, and you would save $16,500.

I wish to say to the Senator that if we should go to the President of the United States to-morrow and ask him to use his power by proclamation to abolish this reserve, he would not do it unless all of the facts that are being presented here were presented to him there, and I am satisfied that he has not the time to hear those facts presented to him. Although I know he has the power by Executive order to restore that forest reserve to the public domain, he would rather be advised by the Congress of the United States as to his course. The Senate and the House of Representatives are having presented to them now the facts which justify either the abolition or the continuance of that reserve. The vote of the Senate on this amendment will bespeak the sentiment of the Senate on that question.

Mr. WARREN. I do not propose that the Senator shall take me into that list, and I do not believe he ought to take others into it, because, if the Senator will excuse me——

Mr. PITTMAN. Certainly.

Mr. WARREN. It is not a proper statement to make simply because a Senator will not debauch an appropriation bill by loading every kind of a thing on it and working against law, instead of with it. It is our duty to appropriate money under the law, and if laws are later passed which render this appro-

priation unnecessary and it is not needed it will not be expended. I might with perfect consistency support the bill which the Senator has reported from his committee when I could not consistently or with any reason support this amendment. There are other Senators the same way, and the Senator must not draw that distinction.

Mr. PITTMAN. I do not believe that view is generally taken, although it may be. Of course, if a Senator feels any hesitation in voting on this question by virtue of any amendment to an appropriation bill, it would not in any way reflect his sentiment on the main question, but personally I can not conceive of the distinction in this particular case. Here is an appropriation of $16,330 for the employment of men, principally rangers, and the support of those rangers in a forest reserve, which the evidence discloses serves no good public purpose and, on the contrary, is an obstruction to the policy we are now pursuing in Alaska.

Mr. WILLIAMS. Development.

Mr. PITTMAN. When that appears from the evidence, and that is what I am contending, I think the time to act is when this appropriation is up. I do not believe it is the duty of a Senator to vote for an appropriation that he does not approve of because at some subsequent time he can destroy the work for which the appropriation is made. The Senator from Wyoming believes in destroying the Chugach Forest Reserve. According to his own statement, he agreed with me on the bill. The forest reserve is not only useless but is an obstruction.

Mr. WARREN. I will have to ask the Senator to change that a little. I believe that all reserve in forests where there are no forests should be excluded, but no man is any stronger for conservation than I where there are really useful growing forests. I have heard the same story about the forests of Colorado, Wyoming, and other places, that there was nothing in them but a few whipstocks of aspen and in some places scrub pine; that they were worthless, and so forth; but I am satisfied that in portions of Alaska, from information which I have, that, just like a portion of Wyoming and other States, there is very valuable timber. We had the argument here when you wanted to build a railroad that you wanted to go in and develop the lumber with other interests.

Mr. PITTMAN. The Senator, however, has stated, and I am satisfied his mind is made up on that subject, that when the bill for the abolition of the forest reserve comes before the Senate he will vote for it. I can not imagine that he would vote for it if it conserved any good public purpose, and yet he is willing to vote an appropriation to maintain something that does not conserve a good public purpose and to take the chances of the future for its being destroyed. That is inconceivable to me.

Mr. LANE. Mr. President, I wish to make a short statement in relation to the country where this reserve is located. I happened at one time to walk through a portion of it in the winter and I know something about it from personal experience. The portion of Alaska that is contained in this reservation is a very rough country.

I do not understand the Senator from Nevada [Mr. PITTMAN] when he states that there is a great demand for this land for agricultural purposes. It contains a larger number of most interesting glaciers than any other portion of Alaska, and is a very rough country, with very little possibility for agricultural development, unless it may be in some portion of it near Cook Inlet. That portion of it which lies near Prince William Sound and the major portion to the east of this reserve is not agricultural land. It is even marked on the map here, the Government map, as being a rugged, snow-clad, mountainous country five to eight thousand feet high within a few miles of the coast line.

About Cook Inlet, I think, the character of the country is better, but the agricultural land of which we were speaking when we were trying to get the appropriation for the Alaskan railway is the country lying to the north. Over this first coastal range of mountains there is a country which has level land upon it, and in the country still farther north, over the next range, there can be raised large quantities of good vegetables. This land is rich enough where you can find valleys, but it is cut into deep ravines. It pains me to disagree with the Senator by saying that it contains a great deal of fine timber, if I am any judge of it, along the coast line. It contains some of the best timber in Alaska. The same condition, of course, prevails on down the coast. There is some very fine cedar there, or near there. There is some very fine spruce. There is a very fine quality of white birch, and there is some fir.

The Indians who live along that coast, as will be certified to by my friend the Senator from Washington [Mr. POINDEXTER], who has also been in that country, make large canoes of a single log of cedar, which will hold some 40 to 80 siwashes, in which they go out to sea. The fine lines of those canoes were adopted by the whites for the fastest vessels in the world at one time. They built the finest canoes to be found anywhere, and burned and steamed them from a single stick of the cedar timber that grows along that coast. Of course, farther up the coast there is not such good timber. It is testified to, I think, by the department itself that to the west of this reserve there have been forest fires. I have traveled day after day through burns where the timber had been burned on it. It was a smaller and poorer quality of timber than this on the coast.

I should like to see this timber thrown open for the use of people who will go in there to develop that country, with proper safeguards thrown around it so that it would not be picked up by such fellows as the German, whose name I do not now recall.

Mr. WARREN. Weyerhaeuser.

Mr. LANE. Weyerhaeuser, who bought all the timber in Oregon, Washington, Idaho, Montana, and other States. I am suspicious that that is about what will happen if we throw this reserve open without proper protection. The people who go up in Alaska have a saying among themselves that they do not go there for their health.

Mr. PITTMAN. May I interrupt the Senator?

Mr. LANE. Certainly.

Mr. PITTMAN. Could the Senator suggest some provision to prevent that timber from being taken up?

Mr. LANE. I will try in a few minutes.

Mr. PITTMAN. I suppose the Senator knows that there is a law now on the statute books to the effect that no timber on the public domain of Alaska can be located.

Mr. LANE. I did not know that that was the law. They cut off a great deal of it in Alaska.

Mr. PITTMAN. That is the law now.

Mr. LANE. How long has it been the law?

Mr. PITTMAN. For about 10 years.

Mr. LANE. I have seen them cut large quantities of it.

Mr. PITTMAN. No timberland on the public domain of Alaska is subject to acquisition.

Mr. LANE. They acquire it; I have seen them do it, and they can get lots of it. I have seen sawmills running full head of steam 24 hours out of 24 hours cutting it and selling it for a hundred dollars a thousand feet for rough lumber. Up in the country north of it they cut spruce by the millions on millions of feet, and they build houses and everything else with it.

Mr. PITTMAN. On the Chugach Forest Reserve?

Mr. LANE. Yes, sir. I have been through the Chugach, and I was going to call——

Mr. PITTMAN. The Forestry Department fails to say that there is very much timber cut on that reserve. I presume their records are incorrect.

Mr. LANE. They have cut it, and they have built log houses all through there. I have seen them. They built a city at Valdez. I was not talking particularly about this reserve, for that is a rough country, and there are not a great many people who live on this reservation outside of the towns located on tidewater.

Mr. PITTMAN. The Senator is speaking about timber in the Chugach Forest Reserve?

Mr. LANE. No, sir; I was talking about the Tanana, Government land, spruce timber. It is not of such good quality as there is in the Chugach Reserve. I do not think that land in this reserve will develop into an agricultural country. It is too rough. Mines will be opened there—low-grade copper ore. There is no gold mined that I know of in that district. There are mines north of there. Most of the mines are on the Kuskokwim or over toward the Tanana and up the Susitna and those rivers outside of this reserve.

Just what the object of opening this timber is now I do not know. The time is coming with the opening of the railroad to open up that country. This timber will be needed for legitimate use in the development of the country, and I should like to see it get into the hands of those people who will use it for that purpose. If it can be safeguarded in that way, I would be glad to have it thrown open and take it out of the reserve. If this is to be thrown open to be grabbed up by a lot of sharpers who have marked it down as they have pretty nearly all the resources of that country, I am opposed to it. They have been busy for two or three years getting ready for this railway in order, by some hocus-pocus, to get possession of them and hold up the people who come in there to develop the country. I would not like to see that happen. I have wondered at it——

Mr. WILLIAMS. No one can get over 160 acres without violating the law.

Mr. LANE. They never could without violating the law, but some way or other they always did. That was the law, but by subornation of perjury they hired roustabouts off the wharves and from the dives and had them go out and perjure themselves, and they bought up mile after mile.

Mr. WILLIAMS. Does not the Senator think that time has passed?

Mr. LANE. I do not know whether it has or not. I hope so.

Mr. WILLIAMS. Speaking for myself, I do not believe any man will take that risk again under the Government as it is at present administered.

Mr. LANE. I do not know; I was acquainted with more than one fellow who acquired a large fortune that way; they became rich and never suffered any penalty. In fact, they became quite smug and respectable citizens afterwards and had a voice in legislation in our State and also in national legislation.

Mr. PITTMAN. I will ask the Senator from Oregon if he would not just as leave have that timber under the absolute control of the Secretary of the Interior as under the control of the Forestry Department?

Mr. LANE. I do not care who controls it as long as it is protected.

Mr. PITTMAN. Then if you abolish this reserve under the existing laws covering the public domain it will be under the absolute discretionary control of the Secretary of the Interior, who, I think, would be just as careful of its conservation as the Forestry Department.

Mr. LANE. The point which I wish to make is this: I think the Senator from Nevada is mistaken if he thinks that throwing this open is going to benefit the farmer. There will not be many farmers there. They will go north of it. There may be a few, but they will be very few. There will be some mines, and the miners should be allowed to use it. There is good timber in there, I think, and it is valuable. It is going to be worth money, but it will never be shipped out of there. It will not be exported for the reason that it would go down the coast, and going down the coast for a thousand miles it would pass equally good and even better timber. It would be like carrying coals to Newcastle. You would not have a market for it outside. You could not sell it to the Puget Sound people or the people in Oregon, because they have plenty of timber of their own. Naturally the people will use it right there. The hardwood they will have to import; there is no doubt about that. I should like to see this guarded if it could be done. I would not like to make the prophecy, but I would be willing to make a small bet that if you throw this open to the public at this time some very enterprising gentlemen will grab up the principal portion of it. I have been in that country.

Mr. WILLIAMS. Does not that assertion assume that the Interior Department is not going to attend to its duties?

Mr. LANE. The Interior Department or anyone else may or may not attend to their duties. We have had an Interior Department ever since about 1850, and they have been in charge of the affairs of all our reserves, both the white man's and the Indian's. The Indians have gone broke on it and our resources have mostly gone into the hands of private persons.

Mr. WILLIAMS. I understand, if the Senator from Oregon will pardon me, that a different creed has come into existence in the last 10 or 15 years, and that men who were formerly treated with leniency in the violation of the land laws will be treated hereafter and are now treated with stringency. I do not believe that the Interior Department as at present constituted will permit open and flagrant violation of the public-land laws of the United States. Of course I know, as the Senator does, that it has happened in the past; but the Senator must be aware, as I am, of the reawakening of the public conscience in the United States in connection with the resources of the United States.

Mr. POINDEXTER. Mr. President——

Mr. LANE. If I may make an answer to this, I will say to the Senator from Mississippi that I perhaps would not have paid so much attention to it were it not for the fact that I received a letter a short time ago from an old friend of mine in Alaska, familiar with that country, who had been all through this country, and who wrote down to me and said, "The bunch are getting ready to grab up all the resources of Alaska as soon as you pass the railway bill. Put the Secretary of the Interior onto it and get him posted. They are getting busy."

Mr. WILLIAMS. Does not the Senator think that Franklin K. Lane is getting ready to keep them from doing it?

Mr. LANE. I do not know. I sent the letter to him. He said the matter belonged to some other department, the War Department, I think, when he returned it to me.

Mr. POINDEXTER. Mr. President, I only desire to say a very few words with reference to the objections which the Senator from Nevada [Mr. PITTMAN] has made to the Forestry Service controlling this reserve.

It seems to me that the arguments which he makes could be urged against almost any of our land laws, and if we were to abolish the forest-reserve system because of the faults of administration which the Senator from Nevada pointed out it could be urged with equal force that we ought to abolish the homestead law because of certain faults in administration.

Mr. PITTMAN. Mr. President——

Mr. POINDEXTER. I will yield in a moment, if the Senator please. I decline to yield just now.

I agree with the criticism made by the Senator from Nevada and many others, both on this occasion and many other occasions, as to what is called bureaucracy in government, but I am not in favor of abolishing the Government because there are faults in bureaus.

It seems to be the logic of his proposition that because there are faults in administration of the forest-reserve law we are to abolish the forest-reserve system. They have a very bad, an intolerable, practice in the General Land Office, at least in some of the Western States, in the administration of the homestead law. I only mention it to illustrate the nature of the objections here to this forestry law. That practice is to file what might be called a blanket protest against the final proof of homesteaders. It is obnoxious. They have agents in the field who are drawing a salary, and I suppose in many instances make these protests in order to make a showing of doing something to justify their retention in office. They file a protest against a man's homestead proof without knowing anything whatever about his proof. The poor homesteader is scared to death. The land agent goes on his easy way; he does not bother himself about investigating the matter. It may be six months or it may be a year before he ever goes on the homestead or makes any inquiry to ascertain whether or not the homesteader has really complied with the law. Finally, after the lapse of a long time, he comes in and waives his protest. That is a bad practice; but nobody has proposed that we should abolish the homestead law because of that abuse. Rather, we are in favor of removing the abuse and perfecting the administration of the homestead law. That would be the logical and businesslike way to proceed against the existence of any abuses as to forest reserves.

Mr. PITTMAN. Mr. President——

Mr. POINDEXTER. Just a moment. I asked the Senator from Nevada a while ago to state some specific instance of hardship and oppression which he said had resulted in this Chugach reserve from its being a reserve. What I meant by that was that he should point out some individual cases where men, for instance, have made application for homestead and had had difficulty; but, instead, while he said that he would proceed to give some specific instances, he then proceeded to read from the hearings before the Committee on Territories along general discussion of the abuses of the forest-reserve system and a cross-examination of Chief Forester Graves. There were not any specific cases included in that, of course. There was one specific instance which the Senator from Nevada mentioned, I think, on yesterday, and I listened to it with a great deal of interest, and to the graphic description which he gave of the hardships of a poor homesteader in the Kuskokwim who had been oppressed by the existence of the Chugach Forest Reserve. The Senator told about the long journey of this poor man, whose rights had been interfered with by the establishment of this reserve, in order to find a forest agent so as to make his application for a homestead. That would be very cogent if we did not know that the Chugach Forest Reserve is at least 150 miles from the Kuskokwim and is separated by the Mount McKinley range, so that it could not possibly have had any effect upon the difficulties which this homesteader, to whom the Senator referred yesterday, had in making his entry.

What is the criticism of the Chugach Forest Reserve? It is said that there is but a small amount of timber per acre there, and the Senator from Colorado [Mr. SHAFROTH] asked on yesterday what was the average altitude of the land. Well, what is desired to be proved by that? There might be a peak of barren granite and snow 12,000 feet high, which did not have a stick of timber on its sides above 2,000 feet altitude. That would increase the average altitude of this forest reserve, but what has that got to do with the proposition? That would not affect in any way the merits of the Forest Service upon the

lowlands along the sea where these forests actually exist; and the main resources which seem to be in view to be reached by some one by the abolishment of this forest reserve are the barren lands where there are no forests. Those are the Chugach range of mountains; they are the great Alaskan Alpine range of granite and black shale and glaciers and snows; and people imagine that there are precious mines in them, and there are minerals in some of them.

I do not suppose there is a Senator in this body who would oppose the Senator from Nevada if he came here with a proposition to eliminate those mineral lands where there are no forests from this reservation. It may be of interest to the Senator from Nevada to know that this administration, with which he is identified, and to whose party he belongs, has already taken steps to do that very thing, and that in the middle of this month the Secretary of Agriculture, in whose department the forest reserves are, filed a written recommendation that four and a half million acres out of this 11,000,000 acres, which the Senator from Nevada speaks of, be eliminated. That will remove the objection which the Senator, at least, has to that part of the reserve.

Mr. PITTMAN. Mr. President——

Mr. POINDEXTER. Just one moment. The Senator speaks of this great area of 11,000,000 acres with a scope of gesture and a comprehensiveness of language that would create the impression that it covered all that part of the world. As a matter of fact, it is a mere dot in the 364,000,000 acres that compose Alaska.

The Senator from Mississippi [Mr. WILLIAMS], my friend for whose opinions I have great respect, standing by me, asks why should not this timber go to the people. I am glad that he has asked me that question, for that is a part of the argument which has been made. I am very glad to say that it does go to the people; and I know that the Senator from Mississippi, with the sincerity with which he acts upon these questions, will be glad to know that this question which we are discussing, which has been presented here by the proponents of this amendment on the basis of allowing the homesteaders and the miners to get timber—that under the law as it now exists they get timber, and they do not have to go through any formal process whatever in order to get it; they do not have to ask any formal permit; all they have to do, if they want timber for their own use in mining and in homesteading, is to go and take the timber. They are allowed to do it under the law, and they are allowed to do it in the administration of the law.

Mr. PITTMAN. How can they do it in homesteading when they can not homestead?

Mr. POINDEXTER. What we were discussing was homesteads, and the Senator from Nevada now assumes that there are no homesteads. In response to that, I will say that there are homesteads, and that, according to the testimony of the Director of the Forestry Service, upon whose testimony the Senator from Nevada has based his main argument, not a single application for a homestead in this reservation during the last year was denied; every one of them was granted.

Mr. PITTMAN. Were any of them granted during last year?

Mr. POINDEXTER. Yes.

Mr. PITTMAN. How many?

Mr. POINDEXTER. I am not prepared to say how many.

Mr. PITTMAN. I have no record of that in the testimony.

Mr. POINDEXTER. But I have here on page 446 in the testimony of the witness from whom the Senator from Nevada has read at such great length, this statement:

> Mr. WICKERSHAM. Upon what grounds do you refuse a homestead entry on these lands?
> Mr. GRAVES. We have applications for homesteads sometimes on heavily timbered areas.
> Mr. WICKERSHAM. I mean in the Chugach Forest.
> Mr. GRAVES. I know. The last year there were not any rejections, so I do not know that we had grounds for refusal.

That is the testimony to which I refer.

Mr. PITTMAN. But he does not testify that there were any granted.

Mr. POINDEXTER. Of course, Mr. President, if there were no applications, there would not be any entries; but that is on a line with the argument which the Senator himself has made, that this forest ought to be thrown open, so that people can use it, following that up by the statement that it was useless to keep it there, because there was just as much of it used now as there would be if it were thrown open.

The Senator said in his argument that every application for timber had been granted. The same thing applies to homesteads; every application for a homestead has been granted; every application for a mineral claim where there was any mineral has been granted. There is no record of any rejection of any application for a mineral claim.

Mr. PITTMAN. If the Senator will look on page 446, from which he is reading, he will see a record of denial and of rejection, which he did not read.

Mr. POINDEXTER. I want to read, in view of the emphasis which the Senator from Nevada has placed upon the statements of Mr. Graves, the Chief Forester, a statement which I just have from Mr. Graves himself, which is somewhat in conflict with the deductions which the Senator from Nevada has made from his testimony before the Committee on Territories. It throws some light upon his views as to the importance of this reserve and the purposes for which it was created.

The Senator from Nevada has asked a great many times why is a forest reserve maintained there, and he has stated that nobody could give any good reason for its being there. I can give the same reasons for having a reserve there that can be given for having forest reserves anywhere else. The very argument the Senator makes that timber is scarce in that country, that there are great areas of untimbered lands, make it more important that such timber as there is should be conserved. The purpose of having a forest reserve and having it administered according to forestry principles is to make it a perpetual resource, instead of allowing it to be used immediately and destroyed. Conserving the timber means so cutting the timber and so using it that the forest will be continually renewing itself, and that the same amount can be cut from year to year indefinitely. That is the purpose of having a forest reserve there; but if you turn it over to the horde of speculators and exploiters who will follow the line of the new railroad into Alaska, you will find it swept of its resources and as barren as the battle field of the Wilderness was after the war had laid its desolating touch upon it.

Mr. PITTMAN. What would the people do with it?

Mr. POINDEXTER. You will find it just as barren as the timberlands of Minnesota and Michigan, which the great lumber barons have stripped of their resources in order to acquire sudden wealth, without any regard to the future.

The Senator says we want to care for the present generation. We want to care for the present generation and allow them to use this timber, and we can do that by a proper system of forestry, and at the same time keep the forests so that future generations can use them. Mr. Graves says:

> There are two national forests in Alaska—the Tongass, situated in the Panhandle and extending south from Skagway, and the Chugach, surrounding Prince William Sound and extending from Cook Inlet on the west to a short distance beyond Bering River on the east. The net area of the Tongass National Forest is nearly 15,500,000 acres, and that of the Chugach slightly in excess of 11,000,000 acres.
> The forests were created under the act of Congress which specifies that "no public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States."
> It was necessary to retain in the United States the title to these valuable timberlands. Continuous timber production on privately owned lands is out of the question.

I think that is a most significant statement, and it is corroborated by the observation of everybody who has given attention to it:

> Continuous timber production on privately owned lands is out of the question.

And I will interpolate here that that is another way of expressing the object of having a forest reserve—to provide for continuous timber production.

> It was believed that the fullest development in the future of all local industries and lasting prosperity in Alaska depend upon a permanent future timber supply. This is possible only with the protection of the forest from fire where there is fire danger and reasonably close utilization of the existing supply under conservative forest management. Furthermore, the greatest possible surplus production over local needs will fall far short of the future demand from this source for lumber and pulp in the United States.
> The best available estimates show, and these estimates are intended to be conservative, that the total stand of timber in the Tongass National Forest, with its 12,000 miles of forested shore line, reaches a total of 70,000,000,000 feet b. m., while that on the Chugach, situated much farther to the north and under more adverse climatic conditions, totals approximately 8,000,000,000 feet. For these forests together I have limited the annual cut to the enormous amount of nearly 800,000,000 feet, and this figure represents the amount of timber which can be cut from these forests for all time under conservative management.

And yet they say that these forests are not worth the snap of your finger. It reminds me of the propaganda of depreciation of the coal lands of Alaska about the time we had the Ballinger case pending, when the more eager they were to obtain them the fiercer was the argument that they were worthless.

> The boundary lines of these forests, and particularly of the Chugach, were broadly drawn—

I desire to call the Senator's particular attention to this—

and for descriptive purposes, and in order to avoid the necessity for extensive surveys, the Chugach was made to include large areas of treeless but comparatively inaccessible lands. Subsequent and more detailed examinations of the Chugach boundaries show the possibility of extensive eliminations. I am prepared, therefore, to recommend to the President the elimination of approximately 5,000,000 acres from the Chugach National Forest, reducing its limits very nearly to the forest-bearing area.

Mr. PITTMAN. Mr. President——

Mr. POINDEXTER. I yield to the Senator.

Mr. PITTMAN. I merely want to interpolate a suggestion there. The Senator called my attention to a matter which I was unable to answer without disturbing him, which I did not desire to do; but with regard to the elimination by the Forestry Bureau of a portion of the Chugach Forest, it does not in any way change the facts before the Senate, for the reason that the Forester testified, as the Senator will recollect, that of the 11,000,000 acres in that reserve there were only 4,000,000 that had timber on them, and on those 4,000,000 acres of timber there were 8,000,000,000 feet. Now, on the land that is still retained there are only 8,000,000,000 feet, and of that there is not over a third that is mature timber; consequently there is on the land retained in the reserve less than a thousand board feet to the acre.

Now, let me correct one other statement while I am on my feet. The Senator says that on yesterday I said "Kuskokwim River" in referring to the difficulties of a homesteader in the Chugach Reserve. It is possible I said the Kuskokwim River, but I did not mean the Kuskokwim River, because I am perfectly familiar with that map. I meant Resurrection Bay.

Just at this point, so as not to interrupt the Senator any further, let me read a few brief remarks——

Mr. POINDEXTER. Mr. President, I think I will have to decline to yield to the Senator to read from the hearings. I will yield the floor in a moment. I want to say in regard to the Senator's remark that the fact that the Forestry Bureau is about to eliminate one-half of the area of the Chugach Forest Reserve, which does not contain timber, does not, as he says, change the question in any way, that it seems to me to weaken the force of his argument about 50 per cent, because he was arguing that there was a certain amount of timber per acre on 11,000,000 acres. Reading further from this statement, Mr. Graves says:

The area to be eliminated is situated along practically the entire northern boundary of the forest, and includes a large portion of the treeless area of the Kenai Peninsula.

The national forests have not in the slightest degree interfered with mining or any other legitimate development in Alaska.

I think this is entitled to weight, because the Senator from Nevada has relied upon the statements of this same man for the support of his amendment.

In fact—

He says—

it is common knowledge that within the areas embraced within these forests in southern and southeastern Alaska the permanent mining and other development has been far greater during the latter part of the last decade than in any other section.

The Alaskan forests are not a drain upon the resources of the United States, as is sometimes believed. For these forests the surplus of receipts over expenditures during the last fiscal year was more than $12,000, and during the preceding year more than $10,000. Furthermore, this surplus occurs at a time when only a very small part of the resources of the forests are being used. Sales of timber to the present time are supplying only a comparatively small local demand. This demand in both forests will certainly increase in the future, but there will continue to be a large surplus for use as pulp and lumber in the United States over local needs which may be removed under conservative management.

Tentative applications have already been received in both forests for large sales of pulp material, and the consummation of these sales is dependent only upon the ability of the applicants to secure proper financial backing. Capital should certainly be available for development when it is known that the great bulk of the material suitable for pulp is situated within a very short distance of tidewater, making possible the transportation of the manufactured product in seagoing ships from the place of manufacture; and, furthermore, that water power far in excess of any possible needs can be developed at almost any situation suitable for the erection of pulp and paper mills.

The plan to abolish the national forests in Alaska is a destructive one. It would result in the passing of title to timber lands of great value into private hands, speculative increases in stumpage and lumber values, and greatly increased costs to the ultimate consumer, to say nothing of the difficulties which would be placed in the way of development. All protection would be withdrawn and wasteful methods of utilization would be the rule. But, most serious of all, there would be no provision for the continuous production of the large amounts of timber which will in the future be essential for the welfare of Alaska and the United States. Such a policy, furthermore, would be absolutely inconsistent with the splendid plan which is now being advocated of large expenditures by the Federal Government for the construction of railroads and other methods of transportation needed for the development of the resources of Alaska.

I only wish to add that the maintenance of this forest reserve is in the interest of the small landholder, the poor homesteader, and the small miner, who under the forest-reserve law has free access to this timber without even the difficulty of making an application for a permit. On the other hand, if it is thrown open, although the Senator from Nevada says there is no law under which it could be acquired and exploited, there very soon would be a strong movement for the passage of some law under which it could be acquired by private parties as has been the case in the western part of the State of Washington and the State of Idaho, where most of the timber is held by a very few private parties; and then the small miner and the homesteader would not be able to acquire from these great private landholders the timber needed for his entry which he now can acquire free from the Government.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of executive business.

Mr. SHIVELY. I hope the Senator will not do that. I wish to submit several conference reports.

Mr. WILLIAMS. If the Senator from Indiana has any objection to the motion, of course I will withdraw it.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4168) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

That the House recede from its amendments numbered 1 and 3.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20"; and the Senate agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.

The report was agreed to.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4352) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, and 3.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.

The report was agreed to.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4552) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 7, and agree to the same.

That the House recede from its amendments numbered 2, 3, 4, 6, and 8.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert "$30"; and the Senate agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.

The report was agreed to.

NATIONAL PROHIBITION.

Mr. OVERMAN. I submit a resolution, for which I ask present consideration.

The resolution (S. Res. 371) was read, as follows:

Resolved, That the Committee on the Judiciary be, and they are hereby, authorized to have printed for their use 1,000 copies, or as many thereof as they may deem necessary, of the hearings held by a subcommittee of that committee under Senate joint resolution 88 and Senate joint resolution 50.

Mr. WILLIAMS. Out of what fund is that payable?

Mr. OVERMAN. Out of the contingent fund, I suppose. Under the general authority that the committee has to pay for printing, it will be paid out of the contingent fund. I suppose that is the only way it can be paid.

Mr. WILLIAMS. Is it payable out of a general appropriation or out of the contingent fund?

Mr. OVERMAN. I suppose the only way to pay it is out of the contingent fund.

Mr. WILLIAMS. Then it ought to be sent to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. No; it is not paid out of the contingent fund.

Mr. OVERMAN. I understand it is paid out of the printing fund.

Mr. SMOOT. It is charged up to the printing of the Senate. Therefore the resolution will not have to go to the Committee on Contingent Expenses.

Mr. WILLIAMS. I merely wanted to determine the fact. If it is to be paid out of the contingent fund, it must be sent to the Committee to Audit and Control the Contingent Expenses of the Senate. If not, it need not be.

Mr. SMOOT. Oh, it is not.

Mr. OVERMAN. This is the exception. It is not payable from the contingent fund.

Mr. WILLIAMS. Very well.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4096. An act to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes;

S. 4632. An act for the relief of settlers on the Fort Berthold, Cheyenne River, Standing Rock, Rosebud, and Pine Ridge Indian Reservations, in the States of North and South Dakota;

S. 5289. An act to provide for warning signals on vessels working on wrecks or engaged in dredging or other submarine work, and to amend section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States";

H. R. 12806. An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside; and

H. R. 16508. An act making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes.

AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. LA FOLLETTE. Mr. President, I do not desire to prolong the debate upon the pending amendment, and will yield to the chairman of the committee.

Mr. GORE. Mr. President, it is not my purpose to discuss the amendment presented by the Senator from Nevada [Mr. PITTMAN]. I have listened with a great deal of interest to his address on his amendment. He presented to the Senate a strong array of facts. I am not certain whether or not he made out a prima facie case. I may say, however, that this is not the proper way nor is this the proper time to abandon or abolish the forest reservation in question.

If the Senator's bill should pass the Congress and become a law, the present appropriation would lapse. It does not become operative until the first of the fiscal year. If, on the other hand, the Senator's bill should fail to pass and the Congress should fail to make this appropriation, the situation of the home seeker in Alaska would be even worse, if possible, than it is at present. There would be no one in charge of the reserve. It would be liable to forest fires or other ravages, and, it seems to me, it would be extremely unwise to set a precedent of this character.

I may say to the Senator that while I favor conservation I favor a conservation which not only permits but promotes development. I do not favor a conservation which is synonymous with paralysis or with stagnation.

I am extremely anxious to take the sense of the Senate upon this amendment. There are Senators present to-day who will be absent to-morrow and who are anxious to register their views upon the pending amendment.

I therefore move to lay the amendment on the table.

The VICE PRESIDENT. The question is upon agreeing to the motion of the Senator from Oklahoma to lay the amendment on the table.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 23, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1914.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Arthur Bailly-Blanchard to be envoy extraordinary and minister plenipotentiary to Haiti.

SECRETARIES OF EMBASSIES.

Charles B. Curtis to be second secretary of the embassy at Rio de Janeiro, Brazil.

Louis A. Sussdorff, jr., to be third secretary of the embassy at Paris, France.

Hallett Johnson to be third secretary of the embassy at Constantinople, Turkey.

Elbridge Gerry Greene to be third secretary of the embassy at London, England.

SECRETARIES OF LEGATIONS.

Frederic Ogden de Billier to be secretary of the legation at La Paz, Bolivia.

Warren D. Robbins to be secretary of the legation at Guatemala, Guatemala.

SECRETARIES OF LEGATIONS AND CONSULS GENERAL.

William Walker Smith to be secretary of the legation and consul general of Bangkok, Siam.

John C. White to be secretary of the legation and consul general at Santo Domingo, Dominican Republic.

ASSISTANT SECRETARY OF THE INTERIOR.

Bo Sweeney to be Assistant Secretary of the Interior.

ASSISTANT ATTORNEY GENERAL.

Bert Hanson to be Assistant Attorney General (conduct of customs cases).

REGISTER OF THE LAND OFFICE.

John A. Ross to be register of the land office at Bellefourche, S. Dak.

POSTMASTERS.

MINNESOTA.

Michael J. Daly, Perham.
F. J. Reimers, Stewart.
H. M. Wheelock, Fergus Falls.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 22, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Great God, our Father, so strong, so pure, so generous, altogether self-sustaining, without whom we are nothing, continue Thy blessings and make us the instruments in Thy hands for the furtherance of Thy plans, that Thy will may be done in us, to the glory and honor of Thy holy name. In Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

INTERSTATE TRADE COMMISSION.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15613 and other bills, and the gentleman from Tennessee [Mr. HULL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15613, and to consider other bills embraced in the special order, with Mr. HULL in the chair.

The CHAIRMAN. The Clerk will report the bill under consideration by title.

The Clerk read as follows:

A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That the several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this act, and shall detail from time to time such officials and employees to the commission as he may direct.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in reference to this section to furnish information to the commission which provides that any of the departments or bureaus of the Government when directed by the President shall furnish to the commission upon its request all records, papers, and information in their possession relating to any corporation. Take the income-tax returns, which the law provides shall not be furnished. Now, this of course is a subsequent act. Will all of that information be furnished to this commission upon request?

Mr. COVINGTON. Not necessarily.

Mr. MANN. Under this it possibly might be.

Mr. COVINGTON. Not necessarily.

Mr. MANN. Well, "not necessarily," that is the question. Is not it necessarily furnished if the President so directs?

Mr. COVINGTON. I think that is true.

Mr. MANN. The income-tax returns are in the possession of a bureau of the Government, are they not?

Mr. COVINGTON. Yes.

Mr. MANN. And that is information relating to a corporation, if it is a corporation. That is perfectly clear. Now, here is a provision of the bill that requires that bureau to furnish any information in its possession to the trade commission if the President directs. I had supposed, under the law, that it was intended to provide that the income-tax returns should not be furnished some other branch of the Government for its use perhaps against the corporation.

Mr. COVINGTON. I think that is quite true. Those returns ought not to be furnished except, perhaps, in an extremely urgent case. The first draft of this section, as prepared by the committee, did not have in it the qualifying clause "when directed by the President." In the first draft of the section the provision as inserted was the same as the provision for the same purpose contained in the law creating the so-called Hadley Commission. That contained one of the broadest powers that has ever been conferred upon a commission to obtain from any of the bureaus or departments of the Government any information which it desired.

Mr. MANN. That is very true, but that was before the income-tax law was in effect.

Mr. COVINGTON. If the gentleman will hear me through. We then determined, however, that by limiting the authority to turn over such information by direction of the President, all the safeguards that ought to surround any class of information would be in the possession of the Government. And the gentleman has apparently overlooked the fact that the new income-tax law itself expressly provides that all returns thereunder shall be open to inspection under the direction of the President.

Mr. STEVENS of Minnesota. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STEVENS of Minnesota. Was not this matter presented to the committee as follows: When the corporation tax was first created by the act of 1910 there was a provision providing for some sort of general publicity to which there was very great objection by the business interests of the country, and at their suggestion an amendment was subsequently placed, I think, in some appropriation bill, which was substantially in the form in which section 7 appears, that some facts could be furnished to the public upon the order of the President. This has been very satisfactory, and the committee considered it a proper basis for the publicity of these same and similar facts covered by this section.

Mr. COVINGTON. That is correct.

Mr. STEVENS of Minnesota. And that was done at the request of the larger corporations that were interested.

Mr. COVINGTON. That is correct, and that was the guide.

Mr. MANN. Take another branch, take the census returns. We obtain certain information in selecting census statistics which probably we could not obtain under any other provision of the Constitution, with the understanding and statement that those returns would not be made public in the individual cases, but shall only be used in compilation. Under this the President might direct all this information to be turned over to the interstate trade commission and made public.

Mr. COVINGTON. I do not think that necessarily could be called an injury to business.

Mr. MANN. It necessarily follows it can be done under this provision of law.

Mr. COVINGTON. It necessarily follows that it might be possible for the President——

Mr. MANN. Possible and may are the same thing.

Mr. COVINGTON. The gentleman is linking together two improbable situations. The first is that the President would make a demand for a class of information that would not be useful, but would simply tend to harass, and in the thereafter that the commission, having obtained that information, would needlessly and to the harassment of business give it to the public. I do not think any President or any commission of any political party would combine to do that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

Mr. ADAMSON. Mr. Chairman, I do not like to deny the gentleman, but I have not consented for anybody to extend his time, and I will ask him to move to strike out the last word and go on.

Mr. MANN. Mr. Chairman, I will be very frank to say if we can not consider the bill I will insist upon there being a quorum present at all times.

Mr. COVINGTON. I was going to suggest——

Mr. MANN. It would not be in order for me to move to strike out any word.

Mr. TOWNER. I suggest to the gentleman from Georgia that he only, of course, expected that would apply to yesterday, and certainly not to-day, and certainly not to important amendments such as I hope to present for consideration, and which it would be absolutely impossible to present to the committee in five minutes.

Mr. ADAMSON. Mr. Chairman, I am not responsible for the rules, and if gentlemen see proper to make a point of order of no quorum I can not help it. It is the duty of Members to be here, anyhow. I do not propose to be deterred in my duties by a point of no quorum. I will yield to the gentleman from Illinois [Mr. MANN] as quickly as to anybody in the world, but I have never consented to more than five minutes to individual Members under the five-minute rule. I am willing for the gentleman to withdraw the pro forma amendment and enter another.

Mr. MANN. Under the usual custom, I think we ought to have a quorum present. If the bill is to be rammed through, I am willing; but we ought to have a quorum here.

Mr. ADAMSON. I suggested the way out, but if the gentleman wants the delay, all right.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make the point of no quorum?

Mr. MANN. I do.

Mr. ADAMSON. If the gentleman will withdraw the pro forma amendment and offer another——

Mr. MANN. Under the rules I am not permitted to do that.

The CHAIRMAN. The point of order is well taken, and the Clerk will call the roll.

The roll was called and the following Members failed to answer to their names:

Aiken	Fergusson	Lafferty	Rayburn
Ansberry	Finley	La Follette	Reilly, Conn.
Anthony	Flood	Langham	Reilly, Wis.
Barchfeld	Fordney	Langley	Riordan
Bartholdt	Gallivan	Lee, Pa.	Roberts, Mass.
Bell, Ga.	Gard	L'Engle	Roberts, Nev.
Bowdle	Gardner	Lenroot	Rogers
Brown, W. Va.	George	Levy	Rothermel
Browning	Gillett	Lewis, Md.	Rupley
Bruckner	Godwin, N. C.	Lewis, Pa.	Sabath
Brumbaugh	Goeke	Lind'bergh	Scully
Burgess	Go'dfogle	Lindquist	Se'domridge
Burke, Pa.	Gudger	Loft	Sells
Butler	Guernsey	McClellan	Shackleford
Callaway	Hamill	McCoy	Sharp
Cantor	Hamilton, N. Y.	McGillicuddy	Sherley
Cantrill	Hammond	Mahan	Shreve
Carew	Hardwick	Maher	Slayden
Carlin	Hart	Manahan	Slemp
Casey	Hawley	Martin	Small
Clark, Fla.	Hayes	Merritt	Smith, J. M. C.
Clayton	Heflin	Metz	Smith, Tex.
Coady	Helvering	Morin	Stanley
Connolly, Iowa	Hobson	Moss, Ind.	Steenerson
Copley	Howell	Mott	Stephens, Miss.
Cramton	Hoxworth	O'Brien	Stringer
Crisp	Hughes, W. Va.	Oglesby	Taylor, Ala.
Dale	Humphreys, Miss.	O'Hair	Townsend
Difenderfer	Johnson, S. C.	O'Leary	Tuttle
Driscoll	Jones	Page, N. C.	Underhill
Dunn	Keating	Paige, Mass.	Underwood
Eagle	Kelley, Mich.	Palmer	Wallin
Edmonds	Kennedy, Conn.	Patton, Pa.	Whaley
Elder	Kinkaid, Nebr.	Peters, Me.	Whitacre
Esch	Kirkpatrick	Phelan	Wilson, N. Y.
Estopinal	Konop	Platt	Winslow
Faison	Korbly	Porter	
Farr	Kreider	Pou	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 15613 and other bills, finding itself without a quorum, he caused the roll to be called, and that 284 Members answered to their names—a quorum—and he presented a list of the absentees to be entered on the Journal.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I wish to assure the gentleman from Illinois [Mr. MANN] that I have no disposition in the world to prevent free, adequate, and full debate on any proposition that needs elucidation, and if it is stated on what particular section additional debate is required, I have no doubt that we can agree on any proposition for additional time.

Mr. MANN. The statement of the gentleman is satisfactory as to what will be done when we reach those provisions.

Mr. MURDOCK. Will the gentleman from Georgia yield to me?

Mr. ADAMSON. Of course.

Mr. MURDOCK. When we reach section 9——

Mr. ADAMSON. Of course I will make any agreement or any proposition for fair debate which the gentleman thinks deserves further debate, under the five-minute rule. I do not think it is proper, in the management of a long bill, to discriminate between individuals who may ask for extension under the rule. I think my plan will give satisfaction.

Mr. MANN. Mr. Chairman, I move to strike out, on page 6, beginning with line 20, the language:

And shall detail from time to time such officials and employees to the commission as he may direct.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 20, strike out the following language: "And shall detail from time to time such officials and employees to the commission as he may direct."

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, this provision, which is an incidental provision in the bill, authorizes the President to detail employees to this commission from the various departments and bureaus of the Government. A similar provision is in the law, as I recall, in reference to the Interstate Commerce Commission, and a similar provision is in the law in reference to employees of the White House, and, I think, very properly in that case. But the provision absolutely destroys the power of Congress over appropriations for a particular bureau. Congress is quite capable, in my judgment, of making appropriations for the personal services of the employees in any branch of the public service; but when you put into the law a provision that after you have made an appropriation for this commission the President may at will—and, of course, that means that he will do so at the request of the commission—transfer to this commission from any other bureau or department of the Government employees and officials, you leave no power by Congress over the employees in this interstate trade commission.

It has not been conducive to economy in the Interstate Commerce Commission. I do not believe in inserting in any law creating a new branch of the Government the power to transfer from other bureaus to the new bureau such officials and employees from other departments as may be requested, because then we shall have left within our control no power over the amount of money which shall be expended or the number of employees who shall receive compensation.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. MANN. Certainly.

Mr. GORDON. I recognize the evil to which the gentleman refers, but could not the Congress in making the annual appropriation limit the number of employees which might be transferred or limit the appropriation for the payment of employees that might be transferred upon the order of the President?

Mr. MANN. Practically it could not; theoretically, of course, it could. If it was a change of law, it would be subject to a point of order. But you can not, after every appropriation for each bureau or department of the Government, insert a provision limiting the number of employees that may be transferred from that bureau or department. Theoretically you can, but practically you can not put that language in 100 or 500 different places in an appropriation bill.

Mr. McKENZIE. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. McKENZIE. What I would like to ask my colleague is this: That in the case of a transfer from one department to another it does not follow that the salary of the person transferred will be increased. Now, what I want to know is from what department would that individual draw his salary?

Mr. MANN. Why, from the department to which he was first assigned, not from this new bureau to which he might be transferred.

Mr. McKENZIE. If that is true——

Mr. MANN. It is true.

Mr. McKENZIE. If that is true, would there be any trouble about this?

Mr. MANN. Certainly. Here you appropriate money for the Department of Agriculture, for example, for certain purposes and certain employees, and under this provision those officials, while they are paid by the Department of Agriculture out of appropriations for the Department of Agriculture, may be transferred to work in this division and no account of it kept, so far as we are concerned.

Mr. McKENZIE. Would that work any hardship on the people?

Mr. MANN. That depends on whether it is extravagant or not. It takes away wholly from Congress the power to regulate the number of employees in any of these bureaus.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COVINGTON. Mr. Chairman, the gentleman from Illinois [Mr. MANN] has admitted that this power now rests with the Interstate Commerce Commission. The fact is that with the proposed interstate trade commission there is vastly more necessity for the exercise of such power, and the gentleman from Illinois [Mr. McKENZIE] has rather accurately measured the true situation. This house knows that there is never an appropriation made for an employee in one of the bureaus of this Government by the Committee on Appropriations unless that bureau satisfies the committee that in the normal performance of the functions of the bureau the employee is needed.

Now, then, if in some special investigation, covering a limited period of time, there is a necessity for the sort of a special expert who is already on the pay roll of the Government to aid an investigation by the Interstate Trade Commission, rather than have that commission go outside and obtain a new bureau employee, the commision ought to have his service. A specialist who is drawing a salary from the Government, and who may have that peculiar knowledge which ought to be at the disposal of the commission, is the proper person to be detailed to render service to the commission wherever it is possible to use him. It is for that reason that we followed the language of the existing act to regulate commerce and give this commission opportunity to have, through the President, such experts available.

Mr. MADDEN and Mr. McKENZIE rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. COVINGTON. I will yield to the gentleman from Illinois [Mr. McKENZIE] first.

Mr. McKENZIE. If the President is not permitted to detail men as provided by this bill, would it not be necessary, then, for the commission to appoint, as they have the power to do under this bill, employees that they will be unable to get along without? And in that way will it not be economy to the Government to have this provision remain in the bill?

Mr. COVINGTON. That is actually the fact, and it was in order to minimize the number of such employments necessary outside of the existing bureaus of the Government service that that provision was inserted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read. But, first, does the gentleman from Nebraska [Mr. SLOAN] desire to offer an amendment? It seems the gentleman is not here. The Clerk will read.

The Clerk read as follows:

SEC. 8. That the commission may from time to time make rules and regulations and classifications of corporations for the purpose of carrying out the provisions of this act.

The commision may from time to time employ such special attorneys and experts as it may find necessary for the conduct of its work or for proper representation of the public interest in investigations made by it; and the expenses of such employment shall be paid out of the appropriation for the commission.

Any member of the commission may administer oaths and affirmations and sign subpœnas.

The commission may also order testimony to be taken by deposition in any proceeding or investigation pending under this act. Such depositions may be taken before any official authorized to take depositions by the acts to regulate commerce.

Upon the application of the Attorney General of the United States, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this act or any order of the commission made in pursuance thereof.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. TOWNER:

Page 6, line 23, strike out all of lines 23, 24, and 25 and insert the following: "For the purpose of enabling it the better to carry out the purposes of this act, the commission may from time to time classify the corporations subject to its jurisdiction, and may prescribe a period of time within which any class of such corporations shall adopt, as nearly as may be, a uniform system of accounts and the forms of such accounts. After the expiration of the prescribed period the corporations included in such class shall keep uniform accounts in the manner prescribed by the commission. In case of failure or refusal of any such corporation to keep accounts in the manner prescribed by the commission, such corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure or refusal, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

"Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memorandum kept by a corporation subject to the jurisdiction of the commission, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memorandum, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions pertaining to the corporation's business shall be deemed guilty of a misdemeanor, and shall be subject upon conviction in any court of the United States of competent jurisdiction to a fine of not less than $1,000 nor more than $5,000, or imprisonment for a term of not less than one nor more five years, or to both such fine and imprisonment: *Provided*, That the commission may, in its discretion, from time to time issue orders specifying such accounting or financial papers, records, or documents of corporations or of any class of corporations as may be destroyed after the expiration of a period of time prescribed in such order."

Mr. MANN. Mr. Chairman, would the gentleman from Georgia [Mr. ADAMSON] be willing to enter into an agreement as to the time for debate on this amendment?

Mr. ADAMSON. How much time would the gentleman like?

Mr. MANN. Ten minutes on a side.

Mr. MADDEN. I would like to have five minutes.

Mr. MANN. Then, say 15 minutes on a side, to be controlled by the gentleman from Minnesota [Mr. STEVENS] on this side.

Mr. ADAMSON. That is on section 8; 30 minutes on section 8, 15 minutes to a side.

Mr. TOWNER. Not on the section, but on this amendment.

Mr. MANN. On this amendment.

Mr. ADAMSON. I will control 15 minutes and the gentleman from Minnesota [Mr. STEVENS] 15 minutes.

The CHAIRMAN. Does the gentleman's proposition refer to the section or to the amendment?

Mr. ADAMSON. Make it cover the section and the amendments thereto.

Mr. MANN. Make it on the section.

Mr. MORGAN of Oklahoma. I should like to have some time.

Mr. ADAMSON. How much time does the gentleman from Oklahoma want?

Mr. MORGAN of Oklahoma. Five minutes.

Mr. MANN. Let it be 20 minutes on a side on the section.

Mr. ADAMSON. Yes; let it be 20 minutes on a side on this section.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that all debate on this section and amendments thereto shall close in 40 minutes—20 minutes to be controlled by the gentleman from Minnesota [Mr. STEVENS] and 20 minutes by the gentleman from Georgia, himself.

Mr. MORGAN of Oklahoma. Mr. Chairman, may I offer my amendment and have it considered pending?

The CHAIRMAN. Without objection, the gentleman will offer the amendment and have it read for information.

There was no objection.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Mr. MORGAN of Oklahoma moves to amend section 8, on page 6, by striking out lines 23, 24, and 25, and inserting in lieu thereof the following:

"SEC. 8. The commission is hereby authorized and empowered to make and establish rules and regulations not in conflict with the Constitution and laws of the United States to aid in the administration and enforcement of the provisions of this act, and may by such rules and regulations prohibit corporations subject to the provisions of section 9 of this act in conducting their business from engaging in any practice or from using any method or system, or from pursuing any policy or from resorting to any device, scheme, or contrivance that constitutes unfair competition or unjust discrimination as between competitors, individuals, or communities."

Mr. STEVENS of Minnesota. Mr. Chairman, I will yield 10 minutes to the gentleman from Iowa [Mr. TOWNER], 5 minutes to the gentleman from Oklahoma [Mr. MORGAN], and 5 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. TOWNER. Mr. Chairman, this amendment is merely for the purpose of placing in this bill a provision analogous to that which is contained in the act conferring powers upon the Interstate Commerce Commission.

I am aware of the fact that the committee had this proposition before them and considered it, I presume carefully, and rejected it. However, I am of the opinion, upon a careful investigation and reading of the hearings, that this bill is absolutely incomplete and will be almost futile in its results unless this provision or one equivalent to it is incorporated in the bill.

Mr. Chairman, in section 9 the power is given to the commission to require annual reports from the corporations that may be engaged in interstate trade, but there is no method by which there can be any ascertainment of the basis on which these reports are made, unless we shall also incorporate into this bill a section which will require an accounting. For this reason it is one of the elements always necessary in the consideration of questions such as those which this commission will be required to pass upon to ascertain particular facts with regard to the operation of the business of a corporation. For instance, it is necessary to ascertain what are the facts with regard to the cost of operation and with regard to all the costs that are paid for the material that makes up the total product of the trade corporation.

They will make their reports to the commission as required by law, but the basis on which those reports are made can not be ascertained except by an expert inquiry, which will be almost futile unless this accounting also is required. The commission will find an absolute necessity for the requirement of accounting if they are to determine as to the correctness or the truth of the reports that are made. That necessity was experienced by the Interstate Commerce Commission. For years they could make no progress with regard to their work because of the fact that they had not the power to require a system of uniform accounting with regard to the essentials which it was necessary for them to have before they could act. A report is all right, but when it comes to ascertaining the correctness of the report, if the books are kept in such a manner that it is impossible to ascertain how correct they are, then gentlemen will see at once the necessity for the requirement of an accounting. For instance, in those reports that were sent to the Interstate Commerce Commission the railroad companies would report lump sums paid for the supplies, but when you came to look to find out where the records were kept with regard to those supplies they were not to be found or were so concealed by the system of bookkeeping that it was impossible to ascertain the truth regarding them.

Now, in the requirements for an accounting it is unnecessary that the commission should formulate a system of bookkeeping for each one of the classes of these corporations, as seems to have been the idea of some of those who testified before the commission, and as is probably the idea of the committee that reported this bill. It is not necessary that there should be an

accounting upon any proposition that the commission do not think absolutely necessary and essential to a fair examination and for the purpose of determining the correctness of the report. But the proposition for reporting will be almost futile with regard to the very things which the corporation will desire to conceal unless you can have the power in the hands of the commission to require an accounting which shall make plain from day to day the various transactions of which they think it will be necessary to know in order to ascertain whether or not a fair business transaction or an unfair one is before them; whether a violation of law is concealed by a system of bookkeeping; whether or not the system of bookkeeping adopted by the particular corporation is devised for the purpose of deceiving both the commission, the public, and the stockholders, and perhaps even the directors.

We know from our experience with regard to these matters that there is an absolute necessity of ascertaining the facts, and if you do not require, in the particular things which the commission may desire to know from day to day, the items and the methods of setting down and of accounting that shall be necessary to ascertain whether or not the law is being violated—if you do not require these things, then the mere formal report at the end of the year will be absolutely useless. It will be necessary for the Government to send armies of experts all over the United States to ascertain whether or not the reports are correct.

Of course it is not expected that all of these books shall be examined. The commission will not go for the purpose of examining books unless they find it necessary; but when they do find that it is necessary, then the essentials that they shall certify, that they shall think necessary for the protection of the public and for the purpose of carrying out the provisions of the law—these essentials must be fairly kept and an accounting made regarding them, so that the inspection may be accurate and full and the truth be obtained.

Mr. Chairman, this bill is only one-half of a bill without an accounting system. There can be no real benefit from reports to be made unless there shall be a basis on which the reports can be made.

It was said in the hearings before the committee by somebody who testified that this will be a great burden upon the corporations. That was said by the railroad companies when this duty was imposed upon them. Now, however, the railroad companies themselves can see the advantage of a uniform system of accounting upon essentials, upon the things that are absolutely necessary to know. The railroads themselves are benefited by doing it. (Publicity being the essential of the establishment of this trade commission, there can be no real publicity unless you establish a system of accounting. I think the amendment which I have proposed will do that.)

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. STEPHENS of Texas. I desire to ask the gentleman if he does not think that section 8 is sufficiently strong to permit the commission to make rules and regulations as to the manner in which the accounts shall be kept?

Mr. TOWNER. No; I do not. I have examined section 8 carefully, and it is not within the power of the commission under the language of that section to make rules and regulations for the commission. That is not what is intended. It is only with regard to the classification of corporations for the purpose of carrying out provisions of the act. The rules and regulations which the commission may make are limited to the classification. The gentleman can at once see that that language could not possibly authorize an accounting necessary upon which to report the business. The rules and regulations are only with regard to the classification of corporations and can have no reference whatever to the requirements for reports.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ADAMSON. I yield five minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Chairman, I think the committee at first sympathized unanimously with the gentleman from Iowa [Mr. TOWNER], after the testimony of Mr. Brandeis, and that there should be contained in the measure some uniform system of accounting. But after we heard the witnesses who knew about the practical affairs in the world of business and how the uniform accounting system would work in everyday affairs, most of the committee became opposed to such a provision as suggested by the gentleman from Iowa.

The reason is this: A uniform system of accounting as to railway companies is a practical sort of direction, for the reason that it regulates one particular line of business of a similar character all over the country. In industrial corporations the situation is entirely different. Each line of business is separate and distinct by itself, and each business represents the individual enterprise and policy of its own management; and all of them in such class could not and should not be compelled to adopt the same line of report, because it detracts from the individual efficiency of the management of the corporation. It does not enable them to do the best they can to fill the particular place in the world for which it is best adapted. For the reason, first, that it has been shown that such a requirement clearly would be misleading because it would not show the actual facts and the real condition of affairs in the various business corporations.

Mr. FALCONER. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. FALCONER. Why not classify the different kinds of business as you do in the workmen's compensation act?

Mr. STEVENS of Minnesota. The amendment provides for that. The classification would not help us, for the reason that each individual business, in order to be effective, must be conducted in a way suitable for that particular situation; the supply of raw material, the market there must be, the class of labor it must have, the conditions as to transportation and handling the product—all of the factors of that sort are so entirely different in the various business concerns that a system which would be suitable for one corporation would not at all fit a corporation in another place.

The result would be that such a system of uniform accounting would not show the facts, but would be misleading, and it would tend to unfortunate inefficiency in the daily work of the business concerns. It would increase the cost of production and diminish the individual initiative in the management of concerns under such a plan. It would be a regulation that would be a serious impediment to business affairs of the country at the present time. This was clearly shown to your committee by the testimony of men of large practical experience and genuine sympathy with the purposes of this bill.

Mr. Brandeis in his testimony showed clearly that if we provided now a uniform system of accounting it could not be made fully effective for nearly 20 years. The result of such a direction would be a wet blanket over the business affairs of this country which would not help anyone for a generation, even on his own theory—the enlightenment of the public as to the business affairs of the corporations doing an interstate business.

Mr. TOWNER. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. TOWNER. I want to ask the gentleman if he does not think that if Congress should leave the entire thing to the discretion of the commission as to what they would require it would not lead to an entire reorganization of a uniform system of bookkeeping—if it would not only apply to such things as the commission thought it should apply to?

Mr. STEVENS of Minnesota. Yes; these witnesses showed that the same result and the same facts could be obtained better by a system of annual and special reports; that the same facts and same results could be obtained in a much better way and a much clearer way by a requirement for a plan of reports; and such would show the conditions as they exist in that class of business and would help the commission to properly perform its functions.

Then one other fact appeared which to us was of great consequence. These corporations are chartered by the States. Very many of the States lay down legislative rules as to how the corporations should be conducted, as to the methods, schemes of accounting, and so forth. Mr. Brandeis testified that the State of Massachusetts did, and other States undoubtedly do, provide a requirement which practically means a system of uniform accounting as to such State corporations. If this be so, then this proposition would repeal practically every system of accounting provided by the States. Section 20 of the interstate-commerce law, which is a provision for uniform accounting in interstate commerce, has been held not only constitutional, but to be exclusive and to replace all the State systems. I know the gentleman does not desire that, as he would see that such a plan might be disastrous as to many local concerns. Yet such would be the situation. The Supreme Court has construed the existing law so that no railroad can keep any books or memoranda except what is prescribed by the Federal law. So the States are helpless in interstate transportation and would be worse than helpless under the amendment of the gentleman from Iowa.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORGAN of Oklahoma. Will a vote be taken on this amendment before I address the committee on the amendment I have proposed?

The CHAIRMAN. The gentleman is recognized now for the purpose of consuming his time, if he so desires.

Mr. MANN. Let us have a vote on the other amendment first.

Mr. ADAMSON. Does any gentleman desire to speak for or against the amendment offered by the gentleman from Iowa [Mr. TOWNER]?

Mr. MADDEN. Mr. Chairman, I would consider it just as wise to take a chimney sweep and order him to make a watch, or a painter to make an engine, or a doctor to build a ship, or a preacher to manage a bank, or a sculptor to try a lawsuit, or a sewer builder to navigate the air, or a mere infant to improve on Edison's discoveries in electricity as I would to attempt to establish by law throughout all the systems of business in the United States a uniform system of accounting. [Laughter.] It is not fair to suppose that any commission that would be appointed could have sense enough or wisdom enough to know more than all of the men engaged in all of the lines of industry in the United States know now about how their accounts ought to be kept. It is not fair to suppose that we are going to establish a commission and appoint men to that commission who are all-wise, who are going to learn all about the intricate details of every line of business within 10 minutes after they assume the responsibilities under their appointment. It is not fair to assume that the men who are engaged in the business life of the Nation are all crooks and that they keep their accounts to cover up their iniquities.

It is fair, however, to assume that every man engaged in the business life of the United States is an expert, that he is engaged in the business in which he is engaged because of the knowledge of that business which he possesses, and it is fair to assume that every man in a line of business specializes in the particular line and knows more about it than anybody else would know. It is fair to assume that everybody keeps the accounts of his business because he wants a record of the transaction, and it is fair to assume that the records of the transactions in every line of business must be of a different character, that you can not establish any uniform system of accounting except in one particular line of business. You can establish a uniform system of accounting for banks or for railroads, but you can not establish a uniform system of accounting for erecting buildings, for making the brick that go into the buildings, or digging the foundation in which the material is laid and upon which the building is to be erected. You can not establish a uniform system of accounting for building ships that will conform to the system of accounts that must be kept in the conduct of a bank. You can not establish a uniform system of accounting in the business activities of the United States without throwing every line of business into consternation, and to invade the office privacy of the men who are engaged in the business activities of the United States to the extent of attempting to establish a uniform system of accounting, in my judgment, is not the province of Congress, and Congress ought not to enter upon any such activity.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GOOD. Does the gentleman contend that men engaged in digging a foundation for a building would be engaged in interstate commerce?

Mr. MADDEN. They would be to this extent, that they might be connected with interstate commerce because the material that goes into the foundation might pass from one State to another. Mr. Chairman, we do not deal with a particular transaction, we deal with the whole question. We deal with the volume of business. We deal with the things that enter into interstate commerce. We deal with the question over which we propose to take jurisdiction, and I assume that we do not segregate the particular items that enter into a transaction, but we take the whole transaction as it is completed. And to tell me that you can appoint any commission that will be all-wise and that will be able to assume responsibility for the method of keeping accounts in all lines of technical details of great businesses, complicated by scientific and mechanical art, is to say that the Congresss of the United States has a wisdom beyond that which is possessed by all of the people who send us here.

I believe that no such amendment ought to be placed in the bill. I believe we want to establish confidence in the minds of the business public. We have done so many things to take away the confidence of the people in the wisdom of the Congress that we ought not to add this other complication by requiring them to establish a uniform system of accounting in all of the varied lines of business conducted throughout the United States. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I wish to corroborate the statement of the gentleman from Minnesota [Mr. STEVENS], that the committee gave very careful consideration to this amendment to classify corporations and impose a uniform system of accounts. I wish to suggest to this committee that this is a very extraordinary venture. It is a subject that may be, and doubtless will be, considered by the commission, which in turn will doubtless report upon its feasibility, its practicability, and its desirability.

As for myself, I look upon the efforts to inject the power of this Nation into the individual business of accounting of the corporations in our several States as one of the most imperialistic steps that could possibly be taken, and you gain nothing by it but confusion worse confounded. You would terrorize the business of the Nation, you would impair initiative in business. Mark you, gentlemen, we should do nothing that would prevent the progress and productivity of business. Production must constantly equal or exceed population, or we will have to introduce the Malthusian doctrine to reduce population or go backward. This whole question of accounting, I submit, is one to be primarily considered by this commission, and upon its recommendations we could determine its expediency and its wisdom; but as it strikes me now, as it struck me at first thought, to take a national institution and project it into the accounting of the business of the various corporations, conflicting, as the gentleman from Minnesota [Mr. STEVENS] has suggested, with the regulations of the corporations by State laws, and at one stroke to require a uniform system of accounting where there can be no uniformity; to require a uniformity of accounting when in the nature of things there must be diversity, and to do that in advance of any work by this commission or reports from it, would be, it seems to me, very intemperate and unwise legislation. [Applause.]

Mr. ADAMSON. Mr. Chairman, I reserve the remainder of my time until I hear from the gentleman from Oklahoma [Mr. MORGAN], and I ask for a vote on the amendment offered by the gentleman from Iowa.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. MURDOCK) there were—ayes 15, noes 71.

So the amendment was rejected.

Mr. COVINGTON. Mr. Chairman, a parliamentary inquiry. How much time is remaining?

The CHAIRMAN. Ten minutes are remaining to the credit of the gentleman from Georgia and five minutes to the credit of the gentleman from Minnesota.

Mr. MORGAN of Oklahoma. Mr. Chairman, before I begin I ask unanimous consent that my amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Oklahoma.

There was no objection, and the Clerk again reported the amendment.

Mr. MORGAN of Oklahoma. Mr. Chairman, under section 8, which says that the commission, from time to time, may make rules and regulations and classifications of corporations for the purpose of carrying out the provisions of this act—under that section the commission has very limited power to make rules and regulations, because under the provisions of the act the commission virtually has no power to enforce laws or to regulate the practices of corporations subject to the provisions of the bill. Now, the amendment which I have offered gives to the commission the power to make rules and regulations that would prohibit specifically the particular practices which constitute unfair competition or unfair discrimination. The amendment is drawn on the idea that some place along the line Congress will prohibit in general terms unfair competition and unfair discrimination. Then, of course, unfair competition or unjust discrimination would be unlawful. Then we give the commission power to make rules and regulations that would prohibit a specific practice that constitutes unfair competition. Now, then, gentlemen, we never will control the corporations of this country properly by simply prohibiting certain acts. I believe it is well enough where there is some conspicuous practice that is well known to be obnoxious and dangerous to the people to prohibit that, and perhaps at this session of Congress in all of our antitrust legislation we may prohibit one or two or three or four things; but then Congress adjourns. Business will comply with these prohibitions, will abstain from the few things we prohibit; but the next day, the next month, or the next

year business concerns will invent other practices which are unfair and destructive of competition, which are dangerous to the people, and which enable the big corporations to go on in the same course as before.

Therefore the proper thing to do is to legislate in general terms, to comprehend and include all kinds of acts and practices which are objectionable. Then give this great commission, to be composed of men of the highest grade and character, the authority to make rules and regulations that will prohibit specific acts and practices coming within the general classes prohibited by the general terms of the act. I have had considerable experience in the administration of the public-land laws. The statute gives to the Secretary of the Interior the power to make rules and regulations to govern the disposition of the public lands, and the Supreme Court of the United States has held that the rules and regulations made by the Secretary of the Interior, an executive officer, have the force and effect of law.

Mr. MONTAGUE. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I yield for a question.

Mr. MONTAGUE. Merely for a question. Does the gentleman think the power of the Government to deal with its own lands is analogous to the power of the Government to deal with private business of the country?

Mr. MORGAN of Oklahoma. Well, Mr. Chairman, that raises a question. If these corporations which you have placed under this law are, strictly speaking, private businesses, then we should not lay the strong hand of the Federal Government upon them at all. It is only upon the theory that these corporations have gone beyond strictly private business concerns that the Federal Government lays its hands upon them. [Applause.] If our big corporations are strictly private businesses, then let them go. But I maintain they have attained such proportions that they have ceased to be strictly private concerns. They have become impressed with a public use, they are of public consequence, and it is only upon that ground and theory that the Federal Government is justified in even compelling them to make report.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chair announced the noes seemed to have it.

Upon a division (demanded by Mr. MURDOCK) there were—ayes 18, noes 50.

So the amendment was rejected.

The Clerk read as follows:

SEC. 9. That every corporation engaged in commerce, excepting corporations subject to the acts to regulate commerce, which, by itself or with one or more other corporations owned, operated, controlled, or organized in conjunction with it so as to constitute substantially a business unit, has a capital of not less than $5,000,000, or, having a less capital, belongs to a class of corporations which the commission may designate, shall furnish to the commission annually such information, statements, and records of its organization, bondholders and stockholders, and financial condition, and also such information, statements, and records of its relation to other corporations and its business and practices while engaged in commerce as the commission shall require; and to enable it the better to carry out the purposes of this act the commission may prescribe as near as may be a uniform system of annual reports. The said annual reports shall contain all the required information and statistics for the period of 12 months ending with the fiscal year of each corporation's report, and they shall be made out under oath or otherwise, in the discretion of the commission, and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission. The commission may also require such special reports as it may deem advisable.

If any corporation subject to this section of this act shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission for making and filing the same, or shall fail to make and file any special report within the time fixed by the order of the commission, such corporation shall forfeit to the United States the sum of $100 for each and every day it shall continue in default in making or filing said annual or special reports. Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of the acts to regulate commerce.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment.

Mr. MURRAY of Oklahoma. Mr. Chairman, I desire to offer two amendments to this section, which are in the nature of the same subject and ought to be voted upon separately; and I request that I may offer these together, and that I may have my entire time in one speech on them.

Mr. ADAMSON. In reference to the amendment which the gentleman from Kansas proposes to offer, I wish to ask if that is the bill which he introduced?

Mr. MURDOCK. Not in its entirety, I will say to the gentleman from Georgia.

Mr. ADAMSON. Would not the gentleman consent that it may be printed?

Mr. MURDOCK. I was going to ask that, if I could not have, inasmuch as I am liable to——

Mr. MURRAY of Oklahoma. Mr. Chairman, I have been recognized to offer my amendments first.

Mr. ADAMSON. I assure the gentleman from Oklahoma that he shall not suffer——

The CHAIRMAN. The gentleman from Oklahoma has the floor. Does the gentleman decline to be interrupted?

Mr. ADAMSON. I did not intend to object. I am trying to agree with both these gentlemen with regard to the time for debate on this section.

Mr. MURDOCK. Will the gentleman yield, as he has made his request?

Mr. MURRAY of Oklahoma. I will yield in order for the gentleman to make his request, if this is not to come out of my time.

Mr. MURDOCK. There is no time.

Mr. ADAMSON. I rose for the purpose of trying to reach an agreement with both gentlemen.

Mr. MURDOCK. I will say to the gentleman from Georgia, with the permission of the gentleman from Oklahoma, that inasmuch as I am liable to be cut out of a motion to recommit I will take the vital part of my bills giving the interstate trade commission more power——

Mr. ADAMSON. The gentleman means passing some laws instead of giving power.

Mr. MURDOCK. And I offer it as an amendment. It is very long, and I am not disposed to delay the committee in the consideration of this measure; and I was going to request that I be allowed to offer the amendment, and that it may be printed, and that I might be heard upon it for five minutes in the interest of the expedition of business.

Mr. ADAMSON. Mr. Chairman, I hope that request will be agreed to by the committee. The bills have been printed and they have been available for everybody who cared to read them, and I hope the committee will agree to this.

The CHAIRMAN. What is the request?

Mr. MURDOCK. That I offer an amendment to have it printed in lieu of reading it.

The CHAIRMAN. The gentleman from Kansas offers an amendment and asks unanimous consent that it be printed without it being read.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. That is what the gentleman wishes to do when he is recognized?

Mr. MURDOCK. Certainly.

Mr. MANN. The gentleman from Oklahoma is now proposing to offer an amendment.

Mr. ADAMSON. If the gentleman from Illinois [Mr. MANN] will permit, I am trying to agree with both of the gentlemen as to time on this section, and I will make a general inquiry before it is wound up.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas [Mr. MURDOCK]? [After a pause.] The Chair hears none.

The following is the amendment of the gentleman from Kansas [Mr. MURDOCK]:

Page 9, line 6, after the word "commerce," insert the following:

"*Provided further*, That the interstate trade commission is hereby empowered and directed to prevent all corporations or associations subject to the jurisdiction of said commission from engaging in or practicing such unfair or oppressive competition as are hereinafter defined and as are hereby declared unlawful.

"That unfair or oppressive competition as used in this act is hereby defined to include the following business practices and transactions:

"(a) The acceptance or procurement of rates or terms of service from common carriers not granted to other shippers under like conditions.

"(b) The acceptance or procurement of rates or terms of service from common carriers declared unlawful by the act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, as amended.

"(c) Discrimination in selling prices as between localities or individuals which is not justified by differences in cost of distributon.

"(d) Procuring, by bribery or any illegal means, information as to the secrets of competitors, or procuring conduct on the part of employees of competitors inconsistent with their duties to their employers.

"(e) The making of oppressive exclusive contracts for the sale of articles of which the seller has a substantial monopoly, whether by patent or otherwise, or oppressive exclusive contracts depending upon or connected with such articles.

"(f) The maintenance of secret subsidiaries or secretly controlled agencies held out as independent of the corporation or association controlling the same and used for any of the foregoing purposes of unfair competition.

"(g) The destruction of competition through the use of interlocking directorates.

"(h) Any other business practices involving unfair or oppressive competition.

"*Provided*, That whenever the interstate trade commission shall have reason to believe that any corporation or association subject to its jurisdiction has been or is engaged in unfair or oppressive competition

it shall issue and serve upon said corporation or association a written order, at least 30 days in advance of the time set therein for hearing, directing said corporation or association to appear before said commission and show cause why an order shall not be issued by said commission restraining and prohibiting said corporation or association from such practice or transaction, and if upon such hearing the commission shall be of the opinion that the practice or transaction in question is prohibited by this act it shall thereupon issue such order restraining the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

"*Provided further*, That whenever said commission, upon the issuing of such restraining order, shall find that said corporation or association has not complied therewith said commission may petition the district court of the United States, within any district where the act in question took place or where the said corporation or association is located or carries on business, asking said court to issue an injunction to enforce the terms of such order of the commission; and such court is hereby authorized to issue such injunction, and also, in case of any violation of such injunction, in the discretion of the court, to issue an order restraining and enjoining said corporation or association from engaging in commerce among the several States and with foreign nations for such time as said court may order.

"*Provided further*, That the interstate trade commission is hereby empowered and directed at any time, either upon its own initiative or upon the representation or complaint of any person, corporation, or association, to investigate the organization, conduct, and management of any corporation or association subject to the jurisdiction of the said commission for the purpose of determining whether such corporation or association exercises a substantially monopolistic power in any industry in which said corporation or association is engaged; that any such corporation or association shall be regarded as exercising 'a substantially monopolistic power' whenever such corporation or association, not being subject to the obligation of public service in the given industry in question, exercises control over a sufficient portion of such industry or over sufficient factors therein to determine the price policy in that industry, either as to raw materials or finished or partly finished products. Such substantially monopolistic power exercised over commerce among the several States or with foreign nations is hereby declared to be contrary to public policy; and whenever after such investigation the said commission shall find that such corporation or association exercises such substantially monopolistic power the commission is hereby further empowered and directed to determine by such further investigation as may be necessary whether such monopolistic power is based primarily on artificial or on natural bases.

"Artificial bases shall, for the purposes of this act, be defined as the practices of unfair or oppressive competition as heretofore defined in this act.

"Natural bases shall, for the purposes of this act, be defined as—

"(a) Control of natural resources.

"(b) Control of terminal or transportation facilities.

"(c) Control of financial resources.

"(d) Any other economic condition inherent in the character of the industry, including, among such conditions, patent rights.

"That whenever the commission shall find that any corporation or association subject to its jurisdiction exercises a substantially monopolistic power, based primarily on artificial bases as herein defined, it shall be the duty of the commission to proceed forthwith to terminate such monopolistic power by the exercise of its powers heretofore granted to restrain and prohibit unfair or oppressive competition.

"*Provided further*, That whenever the commission shall find that any corporation or association exercises substantially monopolistic power, based primarily on a natural base or natural bases as herein defined, said commission shall issue and serve upon such corporation or association a written order to said corporation or association specifying such changes in the organization, conduct, or management of its property and business as in the opinion of the commission will most effectively and promptly terminate such monopolistic power, while at the same time safeguarding property rights and business efficiency. The commission in said order shall fix a reasonable time within which the changes ordered shall be put into effect by such corporation or association. That whenever any corporation or association upon which such an order has been served shall refuse or neglect to comply with the same, the commission shall apply to the district court of the United States in any district where such corporation or association is located or carries on business, asking for an order by said court for the appointment of a supervisor or supervisors of such corporation or association, and it shall be the duty of such court, upon such request by the commission to appoint for a limited time such supervisor or supervisors for such corporation or association and to give such supervisors such powers as are usually granted to receivers and full power of such direction and control over the organization, conduct, and management of such corporation or association and the business and property thereof as shall be best fitted to carry into effect the order of the commission. The supervisor or supervisors shall from time to time, upon the request of the commission, make full report to the commission as to the organization and business of such corporation or association, and said supervisor or supervisors shall have power to carry out any further orders which the commission shall from time to time make relating to such corporation or association.

"*Provided further*, That any court in terminating a supervisorship imposed as provided in this act may, in order to insure the permanency of competitive conditions, include in its decree a provision submitting the supervised corporation or association and its business, or any part thereof, to the supervision or direction of the commission for such time and in such manner as said court shall fix, and the commission shall be empowered to exercise such supervisory or directory power as shall be conferred in said decree.

"And whenever the commission shall conduct an investigation for the purpose of determining whether a corporation or association exercises substantially monopolistic power as defined in this act or of determining the basis of such power, reasonable opportunity shall be granted in the course of the investigation to such corporation or association to be heard or to present evidence in its own behalf; and before the entry of any order requiring changes in the organization, conduct, or management of the property and business of any corporation or association the commission shall issue and serve upon such corporation or association a written order at least 30 days in advance of the time set for hearing, directing said corporation or association to appear before the commission and show cause why an order should not be issued requiring such changes. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

"*Provided further*, That service of process, orders, or notices under the provisions of this act may be had by service on any officer or agent of any incorporated organization or on any member or agent of any unincorporated organization, and failure by any corporation or association or by the officers or agents of any such corporation or association, subject to any of the provisions of this act, to comply with the terms hereof or failure or refusal to furnish information required by the commission within 60 days after written demand for such information, shall constitute a misdemeanor and shall be punished by fine of not more than $100 for each and every day of the continuance of such neglect or failure. Any person who shall willfully make or give to said commission any false or deceptive return or statement required by this act, knowing the same to be false or calculated to deceive in any material particular, shall be deemed to be guilty of a misdemeanor, and upon conviction shall be punished by fine of not more than $5,000 or by imprisonment for not more than two years, or by both fine and imprisonment."

Mr. ADAMSON. If the gentleman from Oklahoma will kindly state what time he desires, and if the gentleman from Illinois [Mr. MANN] will state what he wants——

Mr. MURRAY of Oklahoma. I will state that I have offered them together because they refer to the same subject. I prefer to offer them together and make my speech all at once, and I would like to have a total of 15 minutes.

Mr. ADAMSON. How much will the gentleman from Illinois desire?

Mr. MANN. We want 15 minutes over here.

Mr. ADAMSON. Fifteen minutes to the gentleman from Oklahoma [Mr. MURRAY] and——

Mr. MANN. And 15 minutes here, besides.

Mr. ADAMSON. That is 30 minutes.

Mr. MANN. Yes.

Mr. ADAMSON. That includes the gentleman from Iowa [Mr. TOWNER].

Mr. MANN. Does the gentleman from Kansas [Mr. MURDOCK] want to take any time?

Mr. MURDOCK. I would like to have five minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent, then, that the gentleman from Oklahoma [Mr. MURRAY] have 15 minutes, the gentleman from Kansas [Mr. MURDOCK] 5 minutes, the gentleman from Pennsylvania [Mr. GRAHAM] 5 minutes, and the gentleman from Iowa [Mr. TOWNER] 5 minutes; and then such time as the gentleman from Georgia [Mr. ADAMSON] wants he will ask for.

Mr. ADAMSON. I am trying to ascertain how much time my side wants.

Mr. STEVENS of Minnesota. That is 30 minutes on the various amendments.

Mr. COVINGTON. Does that include the gentleman from Oklahoma [Mr. MURRAY]?

Mr. STEVENS of Minnesota. Yes.

Mr. COVINGTON. I ask unanimous consent that the debate close in 50 minutes.

Mr. STEVENS of Minnesota. You had better make it an hour.

Mr. COVINGTON. I ask unanimous consent that the debate on the pending sections and all amendments thereto close in one hour.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that debate on the pending section and all amendments thereto close in one hour. Is there objection?

Mr. MANN. Thirty minutes on this side, to be divided as mentioned.

The CHAIRMAN. And 30 minutes of that time to be divided as indicated by the gentleman from Illinois [Mr. MANN].

Mr. ADAMSON. And I to control 30 minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] to control 30 minutes.

Mr. MANN. And I take it the amendments will be voted upon as they are presented.

Mr. ADAMSON. Each amendment will be presented, read, and voted on.

The CHAIRMAN. Without objection, the amendments will be reported for information——

Mr. MANN. No; to be disposed of as they are presented, without coming out of the time.

Mr. ADAMSON. Let the gentleman from Oklahoma [Mr. MURRAY] proceed.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. ADAMSON]? [After a pause.] The Chair hears none, and it is so ordered.

The gentleman from Oklahoma [Mr. MURRAY] is recognized for 15 minutes. The Clerk will first report the amendments offered by him.

The Clerk read as follows:

On page 8, line 2, after the word "furnish," insert "under oath"; and in line 4, after the comma following the word "organization" and before the word "bondholders," insert "together with the names and addresses of its"; and in line 4, after the comma following the word "bondholders" and before the word "and," insert "and its officers and

employees," so that lines 2, 3, and 4 will read as follows: "commission may designate, shall furnish, under oath, to the commission annually such information, statements, and records of its organization, together with the names and addresses of its bondholders and stockholders, and its officers and employees, and financial."

Also, on page 8, line 20, after the word "advisable," strike out the period and insert a semicolon and add the following: "and the records, books, and papers of such corporation shall be at all times liable and subject to the full visitorial and inquisitorial powers of the United States by the said commission; and said commission, or either of them or its authorized representatives, shall also have the right at all times to inspect the books and papers of such corporation and to examine, under oath, any officer, agent, or employee of such corporation in relation to its business or affairs, and to require from them from time to time special reports and statements, under oath, concerning their business or affairs and in all matters pertaining to the public visitation; and within the jurisdiction of the commission it shall have the powers and authority of a court of record to administer oaths, to compel the attendance of witnesses and the production of books and papers, to punish as for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, or to enforce compliance with any of its lawful orders or requirements by adjudging and by enforcing its own appropriate process against the delinquent or offending party or corporation (after it shall have been first duly proceeded against by due process of law before the commission, sitting as a court, and afforded an opportunity to be heard upon the reasonableness of the order or requirement alleged to have been violated) such fines or other penalties as may be prescribed or authorized by this act. Any corporation failing or refusing to obey any lawful order or requirement of the commission within reasonable time, not less than 10 days, as shall be fixed by the order, may be fined by the commission in such sum not exceeding $500, as the commission may deem proper (or such sum in excess of $500 as may be prescribed or authorized by law); and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the commission, shall be a separate offense; and no court, except the Supreme Court of the United States, shall issue any writ of prohibition, injunction, or any order restraining the said commission, or take any appeal from its orders made in pursuance of this act.

"Whenever any such corporation shall violate any of the lawful orders of the commission the said commission shall certify such fact to the Postmaster General, who shall thereupon issue a fraud order against such corporation, and thereafter exclude such corporation, its officers and employees, from the use of the mails until such order is completely complied with."

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] is recognized for 15 minutes.

Mr. MURRAY of Oklahoma. Mr. Chairman, as stated by the committee reporting this bill, the purpose of this law is to get certain information as a "clearing house" for the corporations; second, to aid in the enforcement of law; third, to predicate legislation on recommendations by the President.

As a bill for a "clearing house" which could serve for the most part only the corporations themselves, this bill meets all the requirements. But when you provide only these means it will only give you such information as they desire to give out. If you want such information as will be necessary to enforce the law and to predicate legislation upon, you will have to get much information that they will not voluntarily give up. They must then be compelled to "disgorge." You can not get the information unless you give to the commission seeking it the power to get it. I want to say that I hope my Democratic associates will not attempt to vote down this amendment and then go out to the people and boast about what they and the party have done, because they will have done no more than to provide for a "clearing house" for the corporations of the country. The object of the bill is good and sound; but we want all the facts. To get all the facts you must give to this commission all the power necessary to get them. Under the bill the commission, it is true, can "make the order," but after they have made the order they have no power to enforce it. They must first either go to the grand jury or prosecuting attorney and get an indictment or complaint against the refusing corporation; and then, after that, delays and extensions probably will be had, and perhaps the trust would rather pay the fine than give up the information, or the commission may go into court and get some kind of a remedial writ, such as a mandatory injunction. If you really want the information, you must give this commission the power of a "court of record" for such purpose, and there is the key to getting the information.

And I call your attention again to the fact that you provide for the giving up of the stockholders and bondholders, but not their addresses. If you attempt to prosecute under this bill, you will be compelled to construe the statute strictly to such things only named in the law. Why not make the trusts give their addresses and the names of their officers and employees?

Now, I have been asked why do this? Because in the experience of the Oklahoma Corporation Commission, and my amendment is largely copied from the Oklahoma constitution, with which I had something to do in the making, in a certain suit before the commission they could not get the information except through the employees. After they had compelled the railroads to give the names of their employees the commission stationed one of their representatives, with the power to investigate the books, the records, and papers, at every depot of this railroad in the State, and instructed them at a given moment by the clock to walk into the agent's office and demand an exhibition of every book, every letter, every order, and every paper in their offices. As a result, they got the complete information that they could not have gotten otherwise than by that process. This is the need for the officers and employees.

This amendment offered by me provides a fourfold remedy. First, the commission is a court of record and with the power, so far as their jurisdiction runs, equal to any of the inferior Federal courts of the United States, and subject only to the Supreme Court of the United States. It then provides the power to punish as for contempt, the power on the part of the commission itself on its own motion to fine or punish, and the further power of having a "fraud order" issued by the Post Office Department. These requirements will get this information.

Now, there may be those who say it is unconstitutional. But, my friends, where is the dead line? Where is the dead line between a private contract and a private corporation and a trust; between private business and public concerns subject to governmental regulation? It is laid down through the Oklahoma Corporation Commission and our State constitution, and which principle has been recently upheld by the United States Supreme Court, to be that where no contract can exist between the citizen and such concern, or where the citizen is powerless to resist the charge, there the trust or corporation of a public character comes in.

The right of Congress or of Government to regulate the rates or affairs of any corporation or concern begins when its nature partakes of such a public aspect as to be monopolistic in its effect or of public concern. A trust begins when contract can not exist. For instance, a railroad is both of a public concern and in the nature of a trust because the citizens must pay the charges made, because there is no other method by which he can travel by rail. The same is true of a telephone or telegraph company or a pipe line. In like manner is a cotton gin or grain separator a public concern, and they partake of the nature of trusts when they control a given area and are left without competition. To illustrate, as occurred in Oklahoma, if there be but one cotton gin or grain separator in a community ginning for hire, and should it attempt in the midst of the ginning season to withdraw its use from the public and offer to buy the cotton, under which condition there could be no competitor in the field, it becomes of such "trust nature" as to authorize its regulation by law and the authority of a public-service commission to compel it to gin cotton should it attempt in the midst of the ginning season to withdraw its service from the public.

A very recent decision by the Supreme Court of the United States in the case of German Alliance Insurance Co., appellant, against Ike Lewis, as superintendent of insurance of the State of Kansas, rendered about a month ago, to wit, April 20, 1914, with Mr. Justice McKenna delivering the opinion of the court, in part says:

> The specific error complained of is the refusal of the district court to hold that the act of the State of Kansas is unconstitutional and void. * * * To support this charge of error complainant asserts that the business of fire insurance is a private business, and therefore there is no constitutional power in a State to fix the rates and charges for services rendered by it.
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> * * * It indeed would be a strained contention that the Government could not avail itself, in the exercise of power it might deem wise to exert, of the skill and knowledge possessed by the world. We may put aside, therefore, all merely adventitious considerations and come to the bare and essential one, whether a contract of fire insurance is private and, as such, has constitutional immunity from regulation. Or, to state it differently and to express an antithetical proposition, is the business of insurance so far affected with a public interest as to justify legislative regulation of its rates? * * * We can best explain by examples. The transportation of property—business of common carriers—is obviously of public concern, and its regulation is an accepted governmental power. * * *
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> The principle was expressed to be, quoting Lord Chief Justice Hale, "that when private property is affected with a public interest it ceases to be juris privati only," and it becomes "clothed with a public interest when used in a manner to make it of public consequence and affect the community at large"; and so using it, the owner "grants to the public an interest in that use and must submit to be controlled by the public for the common good." * * * It is the business that is the fundamental thing; property is but its instrument, the means of rendering the service which has become of public interest.
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> * * * What makes for the general welfare is necessarily, in the first instance, a matter of legislative judgment, and a judicial review of such judgment is limited. "The scope of judicial inquiry in deciding the question of power is not to be confused with the scope of legislative considerations in dealing with the matter of policy." * * *
>
> On the other hand, to the insured insurance is an asset, a basis of credit. It is practically a necessity to business activity and enterprise. It is therefore essentially different from ordinary commercial transactions, and, as we have seen, according to the sense of the world from the earliest times—certainly the sense of the modern world—

is of the greatest public concern. It is therefore within the principle we have announced. * * *

How can it be said that the right to engage in the business is a natural one when it can be denied to individuals and permitted to corporations? How can it be said to have the privilege of a private business when its dividends are restricted, its investments controlled, the form and extent of its contracts prescribed, discriminations in its rates denied, and a limitation on its risks imposed? * * *

We may venture to observe that the price of insurance is not fixed over the counters of the company by what Adam Smith calls the higgling of the market, but formed in the councils of the underwriters, promulgated in schedules of practically controlling constancy which the applicant for insurance is powerless to oppose, and which, therefore, has led to the assertion that the business of insurance is of monopolistic character and that "it is illusory to speak of a liberty of contract." * * *

The Corporation Commission of Oklahoma, operating under this construction of a "trust" and the provision I here offer, with a further power to control, just a few seasons ago acted wisely and effectively along this line when appealed to by the farmers, when a cotton gin in their community, and the only gin, stopped ginning, and offered to buy the cotton, and there was no competition, and the farmers were at the mercy of the owner of that gin. They appealed, in their desperation, to the Corporation Commission of Oklahoma, and the commission issued an order, on the theory of the decision I have quoted, that there was not the relation of a contract of a private character with respect to the cotton gin, and proceeded to order them to show cause why they should not gin that cotton, and, after a hearing, compelled that cotton gin to proceed and gin at the rate it had charged at the time it stopped. I grant you that a gin might withdraw its service from the public, but not in the gin season. It must do this at the close of the season and at a time when the public can provide other means. The same principle exists as to grain thrashers. It ought to exist as to every concern that has any public character or nature. And under this decision of the United States Supreme Court it will exist, and I say, therefore, there is nothing in any objection that this legislation or this fact is unconstitutional.

Now, I call your attention further to the fact that much information of corporations of a public character can not be had without some legislation of this character, and we need that legislation. We howl on every stump about the Standard Oil Trust, and yet there is to be found nowhere in any governmental or State records any records to determine anything about their business. And yet they go into the midcontinental oil field of Kansas, Oklahoma, and elsewhere where the independent oil operators are at work, and, under the plea that there is overproduction, destroy the independent operators and take possession of their property.

We ought to have the information that will determine the amount of the output of the crude product, of the refined product, of the demand each year of the country and of the world at large, so that we may determine on any day what is the output and determine with certainty whether there is an overproduction or whether this is but a plea of that trust to rob the people of their property. This commission seeks to do that; but it is powerless to do it unless you give the power to the commission itself. While they are going off to prosecute, or to seek a remedial writ in some court, the corporation will escape, and the result is you have a commission that you may brag about, but in which there is no virtue. It is a "Mother Hubbard" remedy—it covers everything, but touches nothing.

I want to appeal to the gentlemen of this House who look with dread upon Government ownership—and I include myself as one of you—that unless you meet these conditions, so that there will be a remedy, Government ownership and socialism will sweep over this country with all their attendant evils. [Applause.] Socialists—yes, anarchists—are made by bad laws and oppressive government.

There is a remedy, and if this Government will furnish that remedy with the same provision that we provide for the intrastate corporations of Oklahoma, we shall stop that clamor. You can not push back that tide any longer. This Government rests upon a powder mine, with an anarchist, match in hand, ready to touch off the explosion whenever he has an opportunity, and that explosion would blow up your corporations and civilization as well. You have here a bill for remedial legislation, a bill that has for its object a good purpose, but a bill that has absolutely no power to accomplish that object, and it never will have that power so long as you permit the inferior Federal judges to interfere with it by their writs. You have declined to give that power to the Interstate Commerce Commission.

The CHAIRMAN (Mr. McKELLAR). The gentleman has consumed 12 minutes.

Mr. MURRAY of Oklahoma. Then I will continue for the remaining 3 minutes.

I do not wish to attack all the Federal courts. I believe, and know, that the Supreme Court has been, since the beginning of this Government, with few exceptions, holding straight to the law and sound policy, and a few years ago, when they amended their rules, they took a step in the line of progress greater than any that Congress itself has made. But there are many inferior Federal judges like one sent to my State, that enjoined the 2-cent fare, and we can not escape the conclusion that that judge was a corrupt judge, because his boy happened to be employed in the office of the very railroad company that the judge served with his injunction.

It is these things that cause the people to become impatient and to adopt those things that will not meet the situation, and cry not only against that court but all Federal courts, and these are the things that reflect upon the Supreme Court itself. I have the utmost faith in the Supreme Court, but I have no more faith in many of the inferior Federal courts than I have in a common "nigger," and I say to you the only way to stop this howl against the courts is to take away that jurisdiction and give it only to the Supreme Court, where the Constitution intended it to lie.

Put into this bill the powers provided for in this amendment and you will not only make of this commission a "clearing house for the corporations," but you will make that a power by which we can enforce the law in the Interstate Commerce Commission and in the corporation commissions of the various States, and we will give the President and Congress not a part of the evidence but the whole evidence. It is absurd to think that we can wisely legislate for corporation or farmer, for banker or merchant unless we have all the facts about his conditions, and you can not get these facts unless you adopt this provision. Our commission in Oklahoma can walk into any railroad office at any moment and say, "Open up your books; let me see your records." And they do not hesitate to obey.

Why should we not give this power to this commission? Why should we not lodge in that commission some power whereby that information can be had? You have your opportunity now to do it, and to go home and say, "We have accomplished the result," or else to vote it down and enact this bill as it is and go home and say to the people that you have done wonders, but in time they will find it is not true, and when they find out it is not true the Democratic Party will be swept from power and something else will arise that will plague you and the Government itself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. That is a good place to stop—"something else will arise." [Laughter.]

Mr. ADAMSON. I yield to the gentleman from Wisconsin [Mr. ESCH] five minutes.

Mr. ESCH. Mr. Chairman, section 2 of the Constitution provides that in all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court of the United States shall have original jurisdiction. As I understand the latter part of the amendment offered by the gentleman from Oklahoma [Mr. MURRAY], it would give to the Supreme Court original jurisdiction in matters coming before the trade commission. This would be in violation of the Constitution.

The object and purpose of our committee in framing this bill was not to create out of this commission a court. We believed that the commission should be practically a branch of the legislative department of the Government, administering the rights which are granted to it by the bill itself. We could not delegate to it our legislative functions, but we could circumscribe the limits within which it should operate. This trade commission is not to be a court, but an administrative body to aid the courts in securing evidence and carrying out their decrees.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. ESCH. I have only five minutes.

Now, with reference to the gentleman's first amendment, requiring that the addresses of stockholders and bondholders be given, that is already covered by the first portion of section 9, wherein it is prescribed that—

A class of corporations which the commission may designate shall furnish to the commission annually such information, statements, and records of its organization, bondholders and stockholders, and financial condition, and also such information, statements, and records of its relation to other corporations and its business and practices while engaged in commerce as the commission shall require.

Information as to bondholders and stockholders would include the addresses of bondholders and stockholders if, in the judgment of the commission, that information was deemed necessary or proper.

Mr. MURRAY of Oklahoma. Will the gentleman yield to me for one question?

Mr. ESCH. Yes

Mr. MURRAY of Oklahoma. Does the gentleman recognize the old principle of the Roman law that has come down to us——

Mr. ESCH. Expressio unius exclusio alterius.

Mr. MURRAY of Oklahoma. That the exclusion of specific things common to the general premises means the inclusion of everything else.

Mr. ESCH. I understand the principle very well, but that language is broad enough to give the gentleman the information he seeks.

Then the other part of his proposed amendment, it seems to me, is covered by the latter paragraph of section 10, wherein we provide that—

> For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against.

And further along the same line of authority we say, in section 16—

> That for the purposes of this act, and in aid of its powers of investigation herein granted, the commission shall have and exercise the same powers conferred upon the Interstate Commerce Commission in the acts to regulate commerce to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence, and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said acts to regulate commerce and by the act in relation to testimony before the Interstate Commerce Commission, approved February 11, 1893, and the act defining immunity, approved June 13, 1906, shall apply to witnesses, testimony, and documentary evidence before the commission.

There is power which is complete enough to meet all the requirements of the gentleman's amendment, and there is no one who now questions the fullness of the power of the Interstate Commerce Commission to get any evidence which it needs in the prosecution of cases before it.

Mr. MURRAY of Oklahoma. They can not do it?

Mr. ESCH. They have done it, and they are doing it to-day in the investigation of the New Haven road, and this proposed bill adds to the powers granted to the Interstate Commerce Commission the right, which was held lacking in the Louisville & Nashville case as to documentary evidence, as to correspondence. We put that in as an additional power to be granted to this trade commission, which the gentleman and others claim the Interstate Commerce Commission does not possess.

We do not wish to make of this trade commission a court. We can not give it original jurisdiction. It is not a court, but it is a commission to investigate the facts, and having investigated them, recommend appropriate legislation to Congress. [Applause.]

Mr. ADAMSON. I ask for a vote on the amendment.

Mr. MURRAY of Oklahoma. Mr. Chairman, I will ask to separate the amendments and to vote on the first one. I ask unanimous consent that the first one be reported.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the amendment may be divided, and that the Clerk report the first part of the amendment. Is there objection?

There was no objection.

The Clerk read as follows:

> On page 8, line 2, after the word "furnish," insert "under oath"; and in line 4, after the comma following the word "organization" and before the word "bondholders," insert "together with the names and addresses of its"; and in line 4, after the comma following the word "bondholders" and before the word "and," insert "and its officers and employees," so that lines 2, 3, and 4 will read as follows: "Commission may designate, shall furnish, under oath, to the commission annually such information, statements, and records of its organization, together with the names and addresses of its bondholders and stockholders, and its officers and employees, and financial."

The question being taken, on a division (demanded by Mr. MURRAY of Oklahoma) there were—ayes 16, noes 35.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the second division of the amendment.

Mr. MURRAY of Oklahoma. Mr. Chairman, I do not ask to have that reported again. The committee understands what it is. It is the main proposition. It is not necessary to read it again.

The CHAIRMAN. The question is on the second division of the amendment offered by the gentleman from Oklahoma.

The question being taken, on a division (demanded by Mr. MURRAY of Oklahoma) there were—ayes 18, noes 38.

Mr. MURRAY of Oklahoma. I demand tellers, Mr. Chairman.

Tellers were refused, 10 Members, not a sufficient number, seconding the demand.

Mr. MURRAY of Oklahoma. Mr. Chairman, I make the point that there is no quorum present.

Mr. ADAMSON. After the liberal treatment which the gentleman has had, I wish he would not do that. I do not think he wants to delay action on this bill.

The CHAIRMAN. The gentleman from Oklahoma makes the point that there is no quorum present. The Chair will count.

During the count,

Mr. MURRAY of Oklahoma. Mr. Chairman, I withdraw the point, as I see there is a quorum here.

The CHAIRMAN. The point of order is withdrawn. The amendment is rejected, and the Clerk will read.

Mr. MURDOCK. Mr. Chairman, I ask for recognition on my amendment, which is to be printed.

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. MANN. Has the amendment been read?

Mr. MURDOCK. There was an order of the committee that it should be printed without being read.

Mr. THOMPSON of Oklahoma. I do not know what the gentleman's amendment is. I should like to know what it is.

Mr. MURDOCK. I will explain it to the gentleman.

Mr. ADAMSON. I hope the time of the gentleman from Kansas will not be counted until he explains to gentlemen who have come in what the agreement was about the amendment.

Mr. MURDOCK. Mr. Chairman, the agreement in regard to my amendment was this: I wanted to expedite the bill. I believed that I would be cut out of the opportuinty to make a motion to recommit, because there is, under the special rule, only one chance to recommit, which the other minority will probably avail itself of, and I asked and obtained unanimous consent to have the amendment printed, as it was very long and would delay the committee to read it. The amendment contains those essential parts of the Progressive antitrust bills, H. R. 9300 and 9301, which go beyond the field of publicity provided in Progressive bill 9299, and give the commission real power.

Now, Mr. Chairman, if my time may begin now, the underlying philosophy of the pending measure—the Covington bill—is a sort of a childlike belief in the potency of publicity; and, let me say, we in Congress seem to have a pathetic reliance upon publicity and its powers and a singular indifference to our experience in the past with the failures of publicity to correct. We certainly have a singular indifference to the present instances of the impotency of publicity as a means of working great reforms. This very moment Mr. Mellen, ex-president of the New Haven System, is demonstrating that this country can not get in one of its major problems a remedy through publicity. Day before yesterday Mr. Mellen, testifying before the Interstate Commerce Commission, said that he had more bosses when he was the president of the railroad at $60,000 a year than he had when he was a $60 clerk. Along with that testimony he gave ample proof of how futile it is for us to proceed as we are in this feeble sort of legislation.

I do not know whether the Members have read Mr. Mellen's testimony or not, but everyone should read it. When the New Haven System, under dictation of Mr. Morgan, gave for the Westchester Railroad $11,000,000 more than it was worth, a part of the purchase money going as a bribe to politicians—$1,200,000, Mr. Mellen testified—some of the directors came in to protest to Mr. Mellen. One of these men was a Mr. Skinner. Read Mr. Mellen's testimony as given in the newspapers:

> "Holy Cæsarina Philippi!" Mr. Skinner shouted. "What have you been doing here with $11,000,000 of New Haven money?"
>
> "I'll appoint you a committee of one to find out," I suggested.
>
> "Not on your life," said Mr. Skinner.
>
> "There was enough said by Messrs. Hemingway and Skinner to satisfy the other directors," said Mr. Mellen grimly.
>
> The report was adopted by the board of directors November 9, 1907. Ten days later Mr. Mellen made this notation across the back of the record of the vote:
>
> "The trouble with this is there is nothing to show who got the money for the truck turned over. I don't like the looks of it. I don't see why the whole matter should not be made plain. If I had the stock and sold it, I should expect others would state they bought it of me, but that doesn't seem to have been the disposition here. I never have known the first thing about who originally held the securities, what they were sold for, and who they are. I thought I was entitled to know."

Here was the president of a railroad who did not know the affairs of his own road.

Mr. MONTAGUE. Will the gentleman yield?

Mr. MURDOCK. I have only five minutes.

Mr. MONTAGUE. I wanted to ask the gentleman if there was not sufficient publicity of that matter now?

Mr. MURDOCK. Oh, yes; after the horse has been stolen the barn door is locked. What good does publicity do the women and children stockholders now? For nearly 50 per cent

of the stockholders of the New York, New Haven & Hartford Railroad are women and children, who suffered through this corrupt deal which the interests made through their instrument, Mr. Mellen.

Now, Mr. Chairman, the law calling for publicity and uniform accounts for the railroads was passed in 1906. This transaction to which Mr. Mellen testifies was subsequent to that. Within the last two years we passed a bill, as the gentleman from Illinois will remember, compelling publicity on the part of newspapers, in the hope that we might know more about the responsible heads of control in newspapers. Did it remedy? Not in the least; nor will this bill. Now, I have submitted an amendment which embodies the principles of the Progressive antitrust measures set forth in constructive legislation. This amendment gives to this commission the power to prohibit and prevent unfair trade practices, on the one hand, and on the other, to distinguish that element in a monopoly which gives it monopolistic power and divorce it from that factor and protect legitimate trade from its power. I hope that the vote in favor of the amendment will not be confined wholly to the Progressives. It is a step, a long step, in advance. It does mean business and will bring remedy, which this bill, the Covington measure, will not.

Mr. ADAMSON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Thirty-five minutes.

Mr. ADAMSON. I yield to the gentleman from Maryland [Mr. COVINGTON] such time as he desires.

Mr. COVINGTON. Mr. Chairman, the statement of the gentleman from Kansas is itself his answer. The Interstate Commerce Commission has to-day precisely the information which he speaks about as necessary for the American people to know. There have been no changes in the act to regulate commerce since the distinguished explorer who leads the party to which the gentleman belongs was in the chair of the Presidency of the United States. I understand, and it seems to be common rumor, that the New York, New Haven & Hartford Railroad had some sort of an understanding with President Roosevelt as to what extent transactions of a certain doubtful sort could take place in New England. At least the press so states.

Mr. MURDOCK. Will the gentleman yield? The gentleman makes an attack on Mr. Roosevelt. Will he yield?

Mr. COVINGTON. I yield.

Mr. MURDOCK. That transaction is set forth fully in the testimony which Mr. Mellen gave, and it is clearly shown that Col. Roosevelt while President declared that whatever Mr. Mellen did in any of these transactions he could not do anything unlawful while he was President. The fact is that Theodore Roosevelt while he was President had the big stick out for just such malefactors, and he is the only one within the gentleman's official experience and mine who has been after them with the big stick.

Mr. COVINGTON. I want to say in reply to the gentleman that notwithstanding the big stick that was apparently after the malefactors of great wealth, as the colonel once called them, they are operating with greater vehemency than ever before in the history of America, if the lamentations of the Progressive Party are to be accepted.

But, Mr. Chairman, the gentleman from Kansas knows that when the Bureau of Corporations was first created there was then found by the investigation conducted during the incumbency of President Roosevelt into the affairs of the Beef Trust by James R. Garfield, the then Commissioner of Corporations, abundance of evidence from the innermost sources of the operations of the great corporations constituting that trust to prosecute the individual defendants. No man who knows will dare to say that there was not publicity galore of all the facts that affected the operation of that trust. Whatever may have been the shortcomings of the law, it was not those shortcomings that were incident to publicity.

Mr. MURDOCK. But the prosecution was begun, as the gentleman knows.

Mr. COVINGTON. Oh, but the gentleman stated that we could not get publicity until after the horse had been stolen.

Mr. MURDOCK. And the gentleman knows there was a world of publicity in the Beef Trust transaction, and we failed. The gentleman knows that.

Mr. COVINGTON. Failed for what reason?

Mr. MURDOCK. Failed because the courts could not handle this sort of a proposition; failed because we lacked an administrative body like a real interstate trade commission that could handle it. That is the reason.

Mr. COVINGTON. We failed because the imperfect cooperation of the Commissioner of Corporations with the United States district attorney in Illinois caused individual immunities which made it impossible to reach the situation.

Mr. MURDOCK. The gentleman should not forget the jury which acquitted the gentlemen, after a strong case.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. COVINGTON. Yes.

Mr. MANN. I think the gentleman wants to state fairly the situation about that Beef Trust prosecution. Where immunity was granted, it was because of the efforts to get information and make it public.

Mr. COVINGTON. Oh, yes; but I will recall to the gentleman from Illinois the fact that the President himself directed the Commissioner of Corporations to furnish to the district attorney the information which granted the immunity. It was the direct result of the immunity granted by President Roosevelt that the individual defendants escaped conviction before Judge Humphrey.

Mr. MURDOCK. And the gentleman might say in the same connection that it is the President now in the White House who has directed Mr. Folk, chief counsel of the Interstate Commerce Commission, to go ahead before that commission with Mr. Mellen, at the risk of granting him immunity, and that against the protest of the Attorney General, Mr. McReynolds; and it all goes to prove, as the gentleman himself said, that publicity does not reach this sore spot, and publicity is the whole essence of the gentleman's bill.

Mr. COVINGTON. Oh, not by a great deal. Publicity not accompanied by immunity is a sufficient corrective to-day for many of the evils that still exist in the industrial world, but the publicity we are now getting regarding the New Haven Railroad is not by the direction of the President of the United States to Mr. Folk. President Wilson has had nothing whatever to do with that situation. He has strictly adhered to his duty to let the Department of Justice take care of the Government's case.

The Interstate Commerce Commission has distinctly declared that this proceeding is on its account, by its own independence, without direction from or control by anybody; and I do not know but that the Attorney General would have very much better been able to deal with the situation if he had not been interfered with by the commission and its solicitor.

I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. MURDOCK].

The question was taken; and on a division (demanded by Mr. MURDOCK) there were—ayes 14, noes 49.

So the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 13, after the word "year," strike out the words "of each corporation's report."

Mr. TOWNER. Mr. Chairman, under the provisions of this bill corporations are allowed to determine when they shall file their reports, because the bill allows the reports to be filed subsequent to the expiration of the fiscal year of the corporation and not the fiscal year of the Government. I think it would be vastly better to have it the fiscal year of the Government. In fact, there is no possible way in which we can make any uniform system of reporting for purposes of comparison unless it shall be the fiscal year of the Government and not the fiscal year of the corporation. My amendment would strike out the words "of each corporation's report" and leave it to require the reports for the fiscal year of the Government, in order that they might be uniform reports.

Mr. STEVENS of Minnesota. Is not that accomplished now by the provisions of the corporation or the income-tax law?

Mr. TOWNER. I think not.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 14, strike out "or otherwise, in the discretion of the commission."

Mr. TOWNER. Mr. Chairman, the object of this amendment is merely to require that the annual report should be under oath. The language of the bill would allow the commission to determine whether or not it would require the annual reports to be made by corporations to be made under oath. It seems to me that such a vastly important matter as must be the annual report of these corporations to this commission—to the Government of the United States—should be made under oath.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, under the order of the committee the gentleman from Pennsylvania [Mr. GRAHAM] was to have five minutes. He proposed to offer an amendment. I understand the Committee on the Judiciary, of which he is a member, is having a meeting to pay a tribute to the distinguished chairman of that committee, who is leaving the House. I therefore ask unanimous consent that we may return to this section later in the day, in order that the gentleman from Pennsylvania may offer his amendment under the time restriction already agreed upon in the committee.

Mr. ADAMSON. Suppose we make sure of his return by letting it go to the end of the bill?

Mr. MANN. I think probably he would want to offer it before that.

Mr. ADAMSON. Very well, if he comes in.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the section be passed over temporarily in order that the gentleman from Pennsylvania [Mr. GRAHAM] may be permitted at a later time in the day to offer a proposed amendment. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 10. That upon the direction of the President, the Attorney General, or either House of Congress the commission shall investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation. The report of the commission may include recommendations for readjustment of business, in order that the corporation investigated may thereafter maintain its organization, management, and conduct of business in accordance with law. Reports made after investigation under this section may be made public in the discretion of the commission.

For the purpose of prosecuting any investigation or proceeding authorized by this section, the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against.

Mr. DILLON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DILLON:

Page 9, line 22, after the word "against," strike out the period and insert in lieu thereof the following: "and in addition thereto the commission is hereby empowered to make all necessary rules, regulations, orders, and decrees for the enforcement of the powers herein granted, and the rules, regulations, orders, and decrees of such commission in any such matters shall be binding and conclusive against all persons, firms, and corporations."

Mr. DILLON. I would like to ask the gentleman in charge of the bill if I can have 15 minutes on this and another amendment which I desire to offer?

Mr. ADAMSON. I want to ask the Chair if it is not substantially an amendment that has already been disposed of?

Mr. DILLON. No; it covers different items.

Mr. ADAMSON. What is the wish on that side? How much time does anybody want on this section?

Mr. MANN. Is this an amendment to section 10?

Mr. DILLON. Yes.

Mr. STEVENS of Minnesota. I understood the gentleman from South Dakota stated he had another amendment which he would like to offer, and he desired to speak on both.

Mr. MANN. Make it 15 minutes on this side on the section.

Mr. ADAMSON. Well, I reserve 15 minutes to this side. I might not use it, but I will ask unanimous consent that all debate on this section and amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on this section and amendments thereto be closed in 30 minutes, one half the time to be controlled by himself and the other half by the gentleman from Minnesota [Mr. STEVENS]. Is there objection?

Mr. DILLON. I want 15 minutes, because I was unable to secure time in general debate.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DILLON. Mr. Chairman, I send up a second amendment which I would like to have reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DILLON:

Page 9, line 10, after the word "corporation," strike out the period and insert in lieu thereof the following: "and upon making the investigations the said commission shall have power to make findings, orders, and decrees prohibiting any practice which it deems unfair, any misconduct, unfair methods, unfair competition, acts of oppression, or acts of deception; and such findings, orders, and decrees shall be binding and conclusive and may be enforced in any district court in the United States."

Mr. STEVENS of Minnesota. Mr. Chairman, I yield 15 minutes to the gentleman from South Dakota [Mr. DILLON].

Mr. DILLON. Mr. Chairman, in 1912 the Republican Party in its platform declared for a Federal trade commission in the following language:

In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein there is much that may be committed to a Federal trade commission, thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the laws and avoid delays and technicalities incident to court procedure.

This bill is a step in the right direction and will have my support. It, however, falls short of the Republican Party's platform declaration.

The interstate trade commission should be granted specific powers in order that it may accomplish effective work and thus justify its creation. This bill makes the trade commission an investigating committee, a mere adjunct to the office of the Attorney General. Unless we can vitalize it with a grant of powers the trade commission will prove inadequate and inefficient to remedy the evils now existing.

The plan is to investigate for the Attorney General and for the President, and have the President recommend to Congress what should be done in the premises. We are informed by the report of the committee that "there can thus be no laxity at the Department of Justice when it is presented with the facts disclosing violations of law." In my judgment the trade commission as an adjunct to the Department of Justice will prove wholly inadequate to remedy the evils that exist in the restraint of trade. What is needed is to give the trade commission power to pass upon all questions of an administrative character, and make its decisions conclusive, leaving nothing for the courts to do except to protect the constitutional rights of the parties.

Combination of capital for carrying on our industries is a necessity and belongs to our modern civilization. The reformer must not destroy the combination of capital because it is necessary to carry forward the great enterprises in which we are now engaged. The trusts and combinations must be our servants, not our masters. Let us rule them and not allow them to rule us.

In addition to the creation of a trade commission, it is important that there should be a national charter act which should provide the terms upon which a national charter should issue to corporations engaged in interstate commerce. It should provide for the limitation of the amount of stock to be issued; require all stock to be paid in money or in the physical valuation of the property. It should provide for the settlement of disputes between the employers and the employees. It should grant powers to the trade commission and give such commission absolute control of all national incorporations, and permit the commission, when in its judgment a trust has been formed, to fix maximum rates and maximum prices. The sovereign power should, through its trade commission, bring all corporations engaged in interstate commerce under Government inspection and regulation.

It should further provide that all State corporations engaged in interstate commerce should be compelled to take out a Government license in order to engage in interstate commerce and be subject to the contractual features provided in the national incorporation act and be subject to Government inspection and regulation. No State corporation should be given a Government license until a showing was made to the trade commission that its stock represented full money or property value.

The practice of issuing millions of dollars of watered stock to favorite directors should no longer be tolerated. Such practice is not honest, not fair to the stockholders nor to the public. The trade commission should determine the amount of stock that might be issued by any corporation and be given power to prevent a useless and unnecessary centralization of capital into one corporation. In the place of having a billion-dollar corporation, it could have two or more smaller corporations, and thus be able to restore competition and regulate all corporations engaged in interstate commerce. The State corporations, with their billions of dollars of watered stock, never should be permitted to obtain national protection as long as the corporate stock fails to represent full money and property value.

The attempt to control the corporations through the judiciary will fail. The judiciary with its delays, its technicalities, and uncertainties is wholly inadequate to regulate or control the trusts and combinations. The legislative department of government does not need the aid of the courts in regulating legislative or administrative matters. The courts have been ex-

tremely zealous in upholding the rights of the judiciary and have in many respects assumed legislative functions, and the time has come when the legislative department should uphold its rights and sustain its legislative enactments. The legislative department is, or should be, as honest as the judiciary, and the place to correct its errors is at the polls.

The right to declare what is a reasonable rate for transporting freight and passengers is a legislative function. It involves disputed questions of fact—matters of public policy. The railroad commissions and the Interstate Commerce Commission, composed of skilled, experienced men, are better able to pass upon the question of rates than the courts. We should assume that they are honest, because they take their oath to support the Constitution the same as the judges. There is no reason why one should be more honest than the other. The legislative department may fix the rates, but the courts have reserved the right to say whether the rates so fixed are reasonable or unreasonable. The judiciary has thus taken away the final right of the legislative department to pass upon these disputed questions, these matters of public policy. The right in the legislative department is of slight value when it is not final but intermediate. The courts hear the evidence and say the rates so fixed, in its opinion, are too low for the company to pay dividends on its stock. In this way the courts speak finally and conclusively and becomes the superior power. By the same right the judiciary can dig ditches, review orders for building bridges, cattle guards, and railroad crossings which the legislative department deemed necessary. The judiciary having thus assumed powers and functions not its own, and having encroached upon the legislative department, the time is now at hand when we should in every way possible develop the administrative powers of the legislative department of the Government.

Whether the competition in trade is fair or unfair can best be determined by a trade commission. It is not necessary to submit the matter to the courts. We have made but little headway in controlling the trusts and combinations through the courts. Experience teaches us that the legislative department must rely upon administrative boards to carry into effect its congressional enactments. Give the trade commission powers, not to report the facts, but to decide the facts; not to become an adjunct of the judiciary, but independent of the judiciary, and provide that its determination of the facts shall be conclusive, and leave the courts to declare the law upon the findings of the commission and upon the undisputed facts. Give the commission power to enforce its rules, its regulations, and its decrees and the trade commission will be able to restore competition.

Election boards conduct administrative functions when they report the votes cast. Boards of health may, if granted powers, through its rules and regulations, abate nuisances. Administrative power may be given to inspectors of factories. The Interior Department of the Government, through its entire history, has conducted its functions through administrative officers. By the act of May 29, 1830, the right of preemption was given to certain settlers on the public lands. It required "proof of settlement or improvement shall be made to the satisfaction of the register and receiver." It was held that their decision was conclusive in that no appeal was given. The determination of any ministerial officer may by statute be declared final and conclusive, but such finality does not change its character and transform it from an executive to a judicial act.

Investigations by the trade commission would not constitute a judicial act. It would not take away any vested rights nor would it deny to anyone his constitutional rights. The due process of law does not mean a hearing before a court, but the right is secure when the investigation is had upon notice. No one doubts the power of the Government to control the practices of industrial corporations engaged in interstate commerce. The commission should investigate all misconduct, unfair and dishonest methods, unfair competition, all methods bringing about combinations, acts of oppression, and fraudulent methods of discrimination. The commission should be given the right to give standards of conduct in corporate affairs and to prepare a moral code in the conduct of corporate affairs. The bill proclaims that the judiciary must lead the way out of the industrial wilderness. If we rely on the judiciary, our progress must necessarily be slow. We prefer to place our hopes and aspirations in an administrative board, a board that would not be hampered by appeals, delays, and technicalities.

Congress has the power to enact rules for the regulation of future conduct, future rights, and future controversies. Give the trade commission the full power to make rules, regulations, and decrees and full power to enforce its mandates. Declare that its decisions upon disputed facts shall be final and leave the courts nothing to pass upon except the constitutional rights of the parties and we will give to the country a trade commission that will do the business and its mission will be justified by the American people. [Applause.]

Mr. ADAMSON. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the first amendment, offered by the gentleman from South Dakota, which the Clerk will report.

The first amendment was again reported.

The question was taken, and the first amendment was rejected.

The CHAIRMAN. The question recurs on the second amendment, offered by the gentleman from South Carolina, which the Clerk will report.

The second amendment was again reported.

The question was taken, and the second amendment was rejected.

Mr. MANN. Mr. Chairman, I now ask that we return to section 9, under the order of the committee.

Mr. ADAMSON. After the gentleman from Maryland [Mr. COVINGTON] returns; he wished to be here when the gentleman from Pennsylvania [Mr. GRAHAM] spoke. I ask the gentleman to withhold his request until the gentleman from Maryland returns.

Mr. MANN. I will do so.

Mr. MOSS of West Virginia. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. Is that to section 10?

Mr. MOSS of West Virginia. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by striking out the words "any documentary evidence." in line 21, page 9, of section 10 of the bill, and substitute therefor the words "any books, papers, or documents."

Mr. ADAMSON. Debate is exhausted on this subject.

Mr. STAFFORD. Will not the gentleman yield a few minutes to the gentleman from West Virginia?

Mr. ADAMSON. It not only was exhausted but the same amendment was offered in another place and voted down.

Mr. STEVENS of Minnesota. I think debate was not quite exhausted on our side. The gentleman from South Dakota yielded back the remainder of his time.

The CHAIRMAN. The gentleman had two minutes remaining.

Mr. ADAMSON. I am willing for that to be used.

Mr. MOSS of West Virginia. Mr. Chairman, the sole object of this amendment is to do away with what I consider an ambiguity of expression. The term "evidence," as I understand it, means proper testimony. It does not mean any testimony, it does not mean any books or papers, but it means such as a court might consider proper to be offered in evidence or proper to go before the court in the determination of the controversy. Now, when you use the expression "documentary evidence" here in this bill it presupposes that somebody is going to pass upon whether or not the papers or documents should constitute evidence, and so in order to clear away the ambiguity I have offered this amendment to make any books, papers, or documents proper to be considered.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. ADAMSON. Not on this side. I yield to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I just wish to call the attention of the committee to an evident omission on the part of the gentleman from West Virginia to consider that the definition of "documentary evidence" alluded to by him in line 21, page 9, is clearly covered by the definition of "documentary evidence" beginning at line 13, page 6, so that the very papers and evidence which the gentleman desires to be covered are wholly cared for in the definition itself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was rejected.

Mr. ADAMSON. Now, Mr. Chairman, the gentleman from Illinois asked that the gentleman from Pennsylvania [Mr. GRAHAM] be allowed to recur in order to offer his amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized to offer an amendment.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I present an amendment to section 9, and ask to have it reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM of Pennsylvania:
"Page 8, line 2, after the word 'commission' insert the words 'after investigation,' and after the word 'designate' insert the words 'as tending to create unlawful restraints of interstate trade or monopolies.'"

Mr. GRAHAM of Pennsylvania. Mr. Chairman, this, it seems to me, is a very important amendment. Following, as I have tried to do, the purpose and thought of the committee which has reported this measure, I feel sure that they desire by this section to create a limitation so that there shall be a point beyond which the application of this bill will not extend. That limitation is found in the use of the language which I now quote from the bill, as follows:

That every corporation engaged in commerce, excepting corporations subject to the acts to regulate commerce, which, by itself or with one or more other corporations owned, operated, controlled, or organized in conjunction with it so as to constitute substantially a business unit, has a capital of not less than $5,000,000, or, having a less capital, belongs to a class of corporations which the commission may designate, shall furnish—

And so forth.

Now, my amendment would simply change that section of the bill so as to read:

A business unit, has a capital of not less than $5,000,000, or, having a less capital, belongs to a class of corporations which the commission after investigation may designate as tending to create unlawful restraints of interstate trade on monopolies.

I am sure that every gentleman will recognize that, as this particular part of the section now reads, there is no limitation whatever, but it is left absolutely within the discretion of the commission and covers every corporation in the land. And as there has been a great deal of protest coming up from the rank and file of the people against harrying and harassing business it would be well if we did not allow this act to extend to every corporation in this country, no matter whether its capitalization be $10,000 or $5,000,000. You may say it is left to the discretion of the commission. True; but we should define the limit of that discretion and we should say that only where it appeared upon investigation that corporations possessing less capital than $5,000,000 were corporations tending to restrain trade or create monopolies, should they be required to make reports, and be subjected to investigation and supervision.

Every lawyer in this body will recognize that there is no power in the Government to interfere with ordinary business; that there are certain well-founded bases upon which interference may be allowed. One is where a corporate existence is stamped with the public service. Another is under the Sherman law, wherever it appears to be a monopoly or existing in restraint of trade. Our legislation should be aimed at these things and circumscribed and limited in its application to them. I venture to suggest that in the passage of this bill as it is at present worded and framed an injury will be done to the general business of the country. You will hear editorial comment in our papers, and individual comment in our papers, about giving business a rest from interference and from supervision and from control, and the governmental hand of control should never be laid upon business, to interfere with its freedom, except where it is justified by the overshadowing necessity to create some public good. Under these circumstances, Mr. Chairman, I ask, with a view of bettering the bill, and with no thought inimical to it, that the committee consider this amendment as one which will increase its efficiency and protect the community from attack and from useless requirements that can not help in any way.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GRAHAM] has expired.

Mr. ADAMSON. Mr. Chairman, I think I have about 10 minutes reserved, have I not, on this section?

The CHAIRMAN. The gentleman has 15 minutes.

Mr. ADAMSON. I yield to the gentleman from Minnesota.

Mr. STEVENS of Minnesota. I wish five minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. STEVENS of Minnesota. Mr. Chairman, I sympathize with the general purpose of my friend from Pennsylvania [Mr. GRAHAM], but I call his attention to the effect his amendment would have on this section and its effect on the general purposes of the bill. In the first place, this bill is drafted to perform two functions—first, to assist in the judicial power of government in enforcing the laws, and, in the second place, to assist the legislative power of our Government in finding out the right information and in formulating and adopting the right kind of legislation. His amendment would completely restrict this provision to its judicial functions and eliminate completely its legislative functions, so far as reports, general and special, are concerned, covered by this section 9. So that at the very outset the most important duty of this commission—to ascertain the facts and advise concerning legislation concerning all corporations of the class of less than $5,000,000 capital—would be entirely eliminated by his amendment. I know this committee does not desire to so emasculate this measure. In the second place, it applies to a class of corporations which the commission, after investigation, may designate to enforce the laws, and so forth. That amendment, then, would thus be jurisdictional. Before the commission would have authority to classify it must previously ascertain these facts, as required in the amendment of the gentleman.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit me?

The CHAIRMAN. Will the gentleman from Minnesota yield to the gentleman from Pennsylvania?

Mr. STEVENS of Minnesota. Certainly.

Mr. GRAHAM of Pennsylvania. Is not the prior language in the bill intended to be jurisdictional, and was it not the thought of the committee that there might be some corporations below the $5,000 limitation that would not require supervision, and was it not the intent of the committee that all these minor corporations might be exempted from the provisions of the bill?

Mr. STEVENS of Minnesota. No, sir; not entirely. There might be circumstances under which a classification should be made as to a class of these corporations included within the scope of the bill, and to that extent it is true. But that is not serious, as is the jurisdictional question of the amendment of the gentleman, which would practically emasculate its aid to judicial proceedings. By placing the words "after investigation" after the word "commission"—investigation for a certain definite purpose—under the decisions of the Supreme Court in the interstate-commerce cases, where the commission, before action, is required to have an opinion based upon ascertained facts of record, would require this commission to investigate first and make the required record in every case desired to be considered. Unless that record be made and these facts developed, the commission would not have any power to make a classification, and thus would be helpless to reach these smaller corporations for any purpose under this section. That would amount substantially, in effect, that before the commission could act it must make a record prescribed by the amendment of the gentleman. That record and its completeness could be attacked in the courts, and any corporation which it was desired to investigate for judicial purposes would have the right to test the question as to such investigation—test that record—and go to the Supreme Court before the commission would have any right to classify, even, in performing its judicial functions, and could not act at all as to these corporations in performing its legislative functions. The result of the amendment of the gentleman would first eliminate all its legislative functions, and, in the second place, would practically eliminate its judicial functions by compelling the jurisdictional question to be raised at all times and allowing the courts to decide upon a matter before the commission could have authority to act.

Now, let me call the attention of the gentleman to some of these small corporations, which it is necessary for the general welfare of the public and for the business corporations themselves to be included within this section. More and more corporations doing business with the public are being impressed with a public use, and more and more legislation and judicial decisions are holding corporations as being impressed with a public use. This is increasingly true as to those which hold themselves out as doing business generally with and for the public.

The decision of the Supreme Court the other day in the Kansas insurance case shows the extent to which the courts will go in impressing ordinary business corporations with a public use. Now, it is the object of this very section to enable these corporations doing comparatively a small or a large business, it may be, in a particular locality, possibly oppressive to the people of that locality, to be brought within the jurisdiction and scope of this commission and compelled to make these facts public, and in that way clean up the evil practices, assist in the observance of the law, and furnish some information which may be of assistance to Congress in its work of legislation. The gentleman does not desire to harass such small corporations. Does he not compel just that action by making it jurisdictional to investigate before any can come within the scope of this section? Ordinarily the great majority of them would be exempt from any action under this section. The amendment of the gentleman might compel the commission to

go much further, investigate and harass far more, than would be the case as the bill now stands. You not only restrict the powers of the commission but you compel an active and possibly injurious use of the remaining powers, not to the broad advantage of the public.

For that reason, much as I sympathize with the object of the gentleman in not having the business concerns of this country harassed—and none of us want to do that—at the same time this is the occasion for enabling the business concerns of this country to have a chance by which their practices can be open, can be protected, and the high character of the commission that I hope and expect we shall have will protect them in the proper enforcement and administration of this section.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, may I say just a word in answer to the gentleman from Minnesota?

Mr. STEVENS of Minnesota. I have the time, and I will yield to the gentleman to answer, as he desires.

Mr. GRAHAM of Pennsylvania. I thank the gentleman. I appreciate the argument of the learned gentleman, and always listen to him with great respect as a lawyer, but I really believe in this instance that his argument is fallacious. There is nothing in the amendment which I have offered which would permit an appeal to the courts, because this looks toward a classification. There would be no individual corporation dealt with and none to appeal from the decision.

Mr. STEVENS of Minnesota. Let me ask the gentleman there this question: Could not any corporation that is asked to submit a report coming in the lesser class allege that the commission had not investigated with a view to its doing the things included in your amendment? Could it not raise that question whenever a report was asked for, and would not that be jurisdictional?

Mr. GRAHAM of Pennsylvania. I do not see how it could, and for this reason: The finding of the commission is conclusive, and it classifies those who shall make reports, and it inflicts no penalty. The purpose, undoubtedly, of this bill was to create a limitation below which this system of espionage, search, and seizure should not extend. That was the purpose of the bill. I say, to do that, under this language, every corporation, from the smallest to the biggest, is exposed to this supervisory investigation and exposure of its private affairs.

Mr. Chairman, I believe in the destruction of monopoly. I believe in destroying those things which restrain trade; but I do not believe in putting the business of the country in shackles and in interfering with its freedom. I respectfully submit to you that this amendment would be no more and no less than an admonition to the commission, saying that "Thus far you can go with propriety." The aim and object of all the antitrust laws is to destroy monopoly and to destroy restraint of trade. Wherever you find the practices of any class of corporations, big or little, tending to establish these things, then you may classify them and put them under the rigorous terms of this section of the bill. But if you do not find these things, you can not lay a hand upon them or infringe upon the liberty of business in that respect.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 16508. An act making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 149. Joint resolution authorizing the President to accept an invitation of the French Republic to participate in an International Congress of Musical Science and History to be held at Paris.

INTERSTATE TRADE COMMISSION.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland [Mr. COVINGTON].

The CHAIRMAN. The gentleman from Maryland [Mr. COVINGTON] is recognized for two minutes.

Mr. COVINGTON. Mr. Chairman, I appreciate the idea that runs through the mind of the gentleman from Pennsylvania [Mr. GRAHAM], but I think that upon a very careful analysis of this bill he will find that if the purpose he seeks to accomplish is to restrict investigations to those corporations which have more than $5,000,000 of capital, he has attempted an amendment to the wrong section. This section provides only for one thing, and that is for the filing with the commission by the corporations of the annual and special reports.

Now, the smaller corporations, presumably conforming to the law, ought not to be those corporations that are compelled to do the amount of extra work and have the extra expense incident to the publicity that is the motive for filing annual reports, and, at the direction of the commission, special reports. But, so far as investigations are concerned, the gentleman knows that it was never intended, and is not now intended, under the Sherman law that corporations only of a certain size shall be amenable to the statute. That law is to reach monopoly, no matter by whom created.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. COVINGTON. I yield to the gentleman.

Mr. GRAHAM of Pennsylvania. Just for a question. Is not this section the jurisdictional section of this bill?

Mr. COVINGTON. I do not think it is the only jurisdictional section of the bill. I think it is only jurisdictional in so far as fixing the requirements of the corporations in filing reports.

Mr. GRAHAM of Pennsylvania. Is it not by virtue of this section that every corporation is subjected to making these reports and the exposition of their personal affairs?

Mr. COVINGTON. It is by virtue of this section that the jurisdictional rights of the commission to require reports exist; but the jurisdictional rights of the commission to investigate and to perform other duties are found in the sections defining those duties and providing for those investigations.

Mr. GRAHAM of Pennsylvania. Would not my amendment merely operate to prevent such a thing as that in the case of a corporation of less than $5,000,000, unless the commission itself finds that such a corporation is doing something to restrain trade or create a monopoly?

Mr. COVINGTON. I think not. Your amendment would simply prevent the commission from requiring reports from corporations with less than $5,000,000 capital, unless they had been investigated to determine whether or not they were violating the antitrust laws. But what was intended in this section was to obviate the investigation of small corporations not charged with violations of law, because it might be an unjust oppression, and therefore the commission was given the power to classify those corporations, presumably by businesses, which the general information already in the hands of the commission demonstrated might possibly be so engaged as to require publicity of their acts in the interest of competition and to prevent monopoly. It is to avoid a preliminary investigation that we invest the commission with this power to designate the classes that shall file reports.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. That when in the course of any investigation made under this act the commission shall obtain information concerning any unfair competition or practice in commerce not necessarily constituting a violation of law by the corporation investigated, it shall make report thereof to the President, to aid him in making recommendations to Congress for legislation in relation to the regulation of commerce, and the information so obtained and the report thereof shall be made public by the commission.

Mr. STEVENS of New Hampshire. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Hampshire offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, section 11, page 9, by striking out all of said section and inserting the following:

"SEC. 11. That unfair or oppressive competition in commerce is hereby declared unlawful.

"The commission is hereby empowered and directed to prevent corporations engaged in commerce from using unfair or oppressive methods of competition.

"That whenever the commission shall have reason to believe that any corporation engaged in commerce has been or is using any unfair or oppressive method of competition it shall issue and serve upon said corporation a written order at least 30 days in advance of the time set therein for hearing, directing said corporation to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting said corporation from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

"That whenever the commission, after the issuance of such restraining order, shall find that said corporation has complied herewith the commission may petition the district court of the United States within any district where the method in question was used or where the said

corporation is located or carries on business, praying said court to issue an injunction to enforce such order of the commission; and such court is hereby authorized to issue such injunction, and also in case of any violation of such injunction in the discretion of the court to issue an order restraining said corporation from engaging in commerce for such time as said court may order."

Mr. BARTLETT. Mr. Chairman, I make the point of order that that amendment is not germane to this section or to this bill.

Mr. STEVENS of New Hampshire. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The gentleman from Georgia makes the point of order——

Mr. BARTLETT. I make the point of order that it is not germane to this section specially or germane to any of the provisions or purposes of the bill; and, so far as I could gather from listening to the reading of it, it proposes to confer upon the commission judicial powers, to give it the power to restrain in some way, by order, the doing of certain things, which power can not be conferred upon anyone except a judicial body.

Mr. ADAMSON. And it attempts to fix prices.

Mr. BARTLETT. I do not undertake to say that, because I did not hear it. This is an amendment to section 11 of the bill.

Mr. STEVENS of New Hampshire. I have moved to strike out section 11 and substitute this.

Mr. BARTLETT. May I have the first part of the amendment read again?

The CHAIRMAN. If there be no objection, the amendment will be again read.

The Clerk read as follows:

Amend, section 11, page 9, by striking out all of said section and inserting the following:

"SEC. 11. That unfair or oppressive competition in commerce is hereby declared unlawful.

"The commission is hereby empowered and directed to prevent corporations engaged in commerce from using unfair or oppressive methods of competition."

Mr. BARTLETT. I do not care to have the Clerk read any further. Of course, this is an amendment to section 11, because it is a substitute for that section and a substitute is nothing but an amendment. In order to take the place of section 11 the amendment must be germane to that particular part of the bill and to the section proposed to be stricken out and to the purposes of the bill. Now, the Chair will see that section 11 provides for making a report to the President and to Congress for the purposes stated in the section; but this substitute proposes that the commission created by this act shall have power to do that which Congress has not the power to confer upon it. Now, some parts of this substitute may be germane. Some parts of it may relate to this section; but it is all coupled together with power which Congress can not confer upon any body so created by it, and therefore subject to the point of order.

Mr. STEVENS of New Hampshire. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. STEVENS of New Hampshire. Is not the gentleman arguing a constitutional question instead of a point of order?

Mr. BARTLETT. I am undertaking to argue the question of order; and if in calling the attention of the Chair to the provisions of the substitute I point out that it clearly violates the Constitution I think it is a very proper thing to suggest to the Chair that we can not by a bill which proposes merely to create a commission to ascertain certain information and to report it, and whose duties are confined solely to investigation and the making of reports, confer upon that commission judicial powers—not simply ministerial powers, but powers which you would confer upon a court to restrain by an order—that such a proposition is not germane to this section nor germane to this bill.

Mr. STEVENS of New Hampshire. Mr. Chairman, section 11 provides that the commission shall make reports to the President whenever they discover the existence of any unfair or oppressive methods of competition. The amendment which I offer concerns entirely unfair competition and oppressive methods in commerce, and, instead of making a report to somebody, directs the commission, under the power conferred in the amendment, to restrain and prevent that sort of unfair competition. If this amendment is not germane to this bill, then half the amendments which have been offered here to-day are not germane.

It is true that the Covington bill confers no actual power upon the commission, but that was a matter of the discretion of a majority of the committee. Does the gentleman claim that this committee had no authority to give an interstate trade commission any power, just because in its judgment it was unwise to do so? And is any Member prevented from offering an amendment here that will give this commission some power merely because the majority of the committee did not see fit to report such a provision? There were a dozen different trade-commission bills before our committee, which were discussed in hearing after hearing, and many of them went a great deal further in granting power to this commission than my amendment does.

The gentleman says this amendment can not be considered here, because Congress can not grant any such power to any commission. I think the gentleman is entirely mistaken on his question of constitutional law. If he is correct, and Congress can not give an interstate trade commission power to enforce certain rules and laws laid down by Congress itself, then your whole Interstate Commerce Commission law is unconstitutional.

Mr. BARTLETT. Oh, no. May I interrupt the gentleman?

Mr. STEVENS of New Hampshire. This is a question of the delegation of power.

Mr. BARTLETT. No. The Interstate Commerce Commission goes to the court to secure the enforcement of its orders.

Mr. STEVENS of New Hampshire. If the gentleman had seen fit to listen to my amendment——

Mr. BARTLETT. I did listen to it.

Mr. STEVENS of New Hampshire. This amendment merely gives the commission power to make an order, just as the Interstate Commerce Commission makes an order, and then the commission must go to the court to get the order enforced. It is just exactly as constitutional as the interstate-commerce act. I want to call the attention of the gentleman to the language of the interstate-commerce act:

All charges made for service rendered or to be rendered shall be just and reasonable.

And the commission is given power to make findings and enforce that general rule of law. On the next page it says, in section 3 of the interstate-commerce act:

It shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage.

Now, the language in my amendment is not one bit broader than that. I start out with the statement of law in exactly the same way that the interstate-commerce act starts out. The declaration in the amendment is that unfair and oppressive methods of competition are declared unlawful.

The commission is given authority, if it finds upon investigation such methods to exist, to issue an order to the corporation asking it to appear and show cause why an order should not issue restraining that particular kind of competition. It certainly is not unconstitutional to declare by law that oppressive competition is unlawful. That is one of the main objects of the Sherman antitrust law—to prevent unfair contracts in restraint of trade—and it has so been held by the Supreme Court. Mr. Chairman, I hope the gentleman from Georgia will not press his point of order on this amendment. It is certainly germane to the section, since it deals with the same subject matter that the section deals with. It is certainly germane to the bill, because it is defining the powers of the interstate trade commission.

I frankly say that I do not think the gentleman will save any time in doing it. I would like a little time to discuss the amendment, which is of tremendous importance. If we go forth to the country and tell them that we have created a great interstate trade commission, and then the general public finds that the trade commission has nothing but powers of investigation—that it is nothing but the Bureau of Corporations under another name; that it has no power to prevent unfair methods of competition—the result will be disappointing.

Mr. MURDOCK. Mr. Chairman, I would like to be heard on the point of order before the Chair rules. I would like merely to point out to the Chair that the bill is a bill to create an interstate trade commission and define its powers and duties, and for other purposes. The amendment offered by the gentleman from New Hampshire seems to be in order. It is to define the powers of the commission, and I think it is not open to the point of order made by the gentleman from Georgia.

I want to point out to the Chairman that as he rules he will define the scope of the measure. If he upholds the point of order made by the gentleman from Georgia it confines the measure within the limits of a purely investigating commission. If he overrules it he opens it up to larger powers.

Mr. MANN. Will the gentleman yield for a question?

Mr. MURDOCK. Yes.

Mr. MANN. The gentleman says that if the Chair rules that the amendment is in order, it entirely changes the scope of the bill. Is not the gentleman making the wrong argument to the Chair?

Mr. MURDOCK. No. What I meant was that it limits the scope of amendments that could be offered to it.

Mr. MANN. This amendment would entirely change the scope of the bill.

Mr. MURDOCK. I mean the scope of the amendments.

Mr. GOOD. If amendments of this character are not in order at this point, will the gentleman from Kansas state what provision of the bill they would be in order to?

Mr. MURDOCK. I do not see the point, as far as any particular section is concerned. The point I want to make is that as the Chair rules now he defines largely the character of the amendment that can be offered to the bill. As the bill stands, it provides for a commission, with powers enumerated, to investigate. The amendment offered by the gentleman from New Hampshire gives it the power to prevent unfair trade practices subject to review by the courts.

Mr. BARTLETT. As I understand, the amendment comprises two sections in the bill introduced by the gentleman from New Hampshire [Mr. STEVENS]. Mr. Chairman, replying to the suggestion of the gentleman from New Hampshire, I do not think the Democratic Party is to be held in power by exacting such extreme and unconstitutional legislation as this amendment seeks to do. The very suggestion that he makes, the suggestion that the gentleman from Kansas makes, that this amendment changes the bill from its original purpose, clearly shows that the amendment proposed changes the purpose of the bill, which is asserted to be harmless, and therefore makes it subject to a point of order.

The gentleman from New Hampshire says that the Democratic Party can not afford to go before the country with a commission bill like this merely for a commission to investigate and report the conditions of corporations engaged in interstate commerce. Mr. Chairman, it is known that this very rule which brings this bill up for consideration before this House, adopted as a Democratic policy in caucus, was for the consideration of this trade-commission bill; and then to follow it up with certain other bills in which the purposes are to make changes in the antitrust law which will protect legitimate business. This amendment which the gentleman from New Hampshire offers had better find a place, could find a place, as far as germaneness is concerned, in the bill to follow this one than to put it in where it is offered here.

As far as I am concerned, I have not yet arrived at that stage of belief that it is a part of the Democratic creed to fix prices for people engaged in interstate commerce or to go to the extreme of conferring judicial powers upon a mere commission—to give them authority to investigate and to restrain by arbitrary orders the business of a citizen engaged in interstate commerce who may justly claim that he is not violating the Sherman antitrust law, without submitting the case to the courts.

If the business of this country is to be destroyed, it ought to be done by the judgment of the court and not by the judgment of three men. Thank God, as long as that written instrument which regulates and controls us, Congress can not give judicial powers to any such commission as this bill proposes to create.

Mr. STEVENS of New Hampshire. Mr. Chairman, if the gentleman from Georgia will read the amendment he will see that it does not touch fixing prices.

Mr. BARTLETT. I did not say that it did.

Mr. STEVENS of New Hampshire. He will see that it confers no judicial powers on the trade commission any more than judicial powers are conferred on the Interstate Commerce Commission.

Mr. BARTLETT. The Supreme Court says that they did undertake to confer on the Interstate Commerce Commission judicial powers, but that Congress could not do it. It undertook to do it very much in the language of this amendment. This amendment entirely changes the character and scope and purpose of this bill, and it is virtually admitted both by the gentleman from New Hampshire [Mr. STEVENS] and the gentleman from Kansas [Mr. MURDOCK] that it does. It certainly is not germane to this section. There is no part of the bill to which it is germane, and if I be the only Democrat in the House, or the only Democrat in the United States, who is opposed to it, Mr. Chairman, I intend to voice my opposition to any such proposition as this, and I am not ashamed of that. Furthermore, Mr. Chairman, loving the teachings and the doctrines of the Democratic fathers, I am not now ready and willing to follow even a good Democrat into this maze of socialism, populism, and so-called progressivism.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. MURDOCK. Mr. Chairman, I will state to the gentleman that I have a lively suspicion that the amendment of the gentleman from New Hampshire will go upon this bill in the Senate. When the bill comes back from the Senate, will the gentleman from Georgia vote against it?

Mr. BARTLETT. I will.

Mr. MURDOCK. Even if a Democratic caucus directs him to vote for it?

Mr. BARTLETT. Mr. Chairman, a Democratic caucus can not compel me to vote for an amendment which I believe is against the Constitution of the United States, as I believe this to be.

The CHAIRMAN. The amendment of the gentleman from New Hampshire is to section 11 of the bill. That section merely directs the commission to make a report of certain of its findings to the President. The amendment proposed by the gentleman to the section, and which, of course, is not offered as a separate section to the bill, embraces a number of substantive propositions, which, under the decisions relating to germaneness, would not bring it within the rule. The Chair, therefore, sustains the point of order.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. MORGAN of Oklahoma offers as a substitute for section 11, on page 9, the following:

"SEC. 11. That when in the course of any investigation, or through any other reliable source, the commission shall obtain information that any corporation subject to the provisions of section 9 of this act, in conducting its business, is using any unfair competition or practice, the said corporation shall be cited to appear before said commission and a hearing shall be had thereon. If the commission shall find that the said corporation is or has been engaged in unfair competition or practices, it shall make an order commanding the said corporation to cease engaging in said unfair competition or practice, and any violation of said order by said corporation shall constitute a misdemeanor, for which offense it may be punished by a fine of not to exceed $5,000."

Mr. ADAMSON. Mr. Chairman, I make the point of order to that on the same ground on which the other went out, and also upon the ground that most of it is a repetition of what we voted down.

Mr. MORGAN of Oklahoma. Mr. Chairman, I would like to be heard upon the point of order.

Mr. ADAMSON. Mr. Chairman, before the gentleman is heard I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15613 and other bills, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16508. An act making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes; and

H. R. 12806. An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HILL, for 10 days.

INTERSTATE TRADE COMMISSION.

The SPEAKER. Under the special order the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the interstate trade commission bill and other bills.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15613 and other bills, with Mr. HULL in the chair.

Mr. MORGAN of Oklahoma. Mr. Chairman, the ruling on the point of order against the amendment offered by the gentleman from New Hampshire [Mr. STEVENS], I believe, is not a precedent as against the amendment which I have offered. Section 11 provides that when in the course of any investigation made under the act the commission shall obtain information concerning any unfair competition of practice, and so forth, and the fore part of the amendment which I have offered is in the exact language almost of the bill. Section 11 in the bill goes on, then, to say what the commission shall do—that it shall report such facts to the President to aid him in making recommendations to Congress for legislation in relation to the regulation of commerce, and the information so obtained and report thereof shall be made public by the commission. The Chair will observe that the only way in which I change

that provision in this bill is by directing the commission to do another thing instead of reporting to the President. The amendment which I offer directs the commission to cite the corporation to appear, and gives the commission the authority to make an order, but does not give the commission authority, or attempt to give the commission authority, to enforce that order—absolutely no power. The only effect of that finding would be the moral effect, which is right in line with the language of this section in the bill, because the moral effect, so to speak, of reporting to the President, that he might recommend to Congress for legislation, would be of exactly the same character of procedure. The only thing is that I think it better by the terms of my amendment to let the commission make a finding, but not give the commission power to enforce that, and then I provide that a person who shall offend by repeating that practice shall be subject to fine. The bill contains several provisions making it an offense for corporations to refuse to make reports, and so forth, so that the latter part of this amendment is not objectionable, because the bill contains many provisions, or several, at least, where a corporation may be fined for offending any provision of the bill. I do not think the amendment is subject to the point of order made against the other amendment.

The CHAIRMAN. The Chair is of opinion that under a long line of precedents relating to the question of germaneness the amendment of the gentleman offered to section 11 is subject to the point of order made against it, and is constrained to sustain the point of order.

Mr. MORGAN of Oklahoma. Then, Mr. Chairman, I will offer this amendment as a new section to follow section 11.

Mr. ADAMSON. Mr. Chairman, I make the same point of order against that as not germane. It changes the entire character of the bill. This bill proposes a scheme to establish a tribunal to make investigations and report with a view to aiding in the enactment of certain legislation and the enforcement of law, and the gentleman proposes to change this into an entirely different tribunal, which will pass arbitrary judgment without any rule or guide, and sign orders as to things it considers unfair and improper and punish if people fail to observe the orders. It takes a tribunal established for one purpose, clearly depicted throughout the whole course of the bill, and transforms it into an entirely different tribunal for an entirely different purpose.

Mr. MORGAN of Oklahoma. Will the gentleman yield for a question?

Mr. ADAMSON. Certainly.

Mr. MORGAN of Oklahoma. Does the gentleman contend that any amendment which gives the commission additional power would not be germane to any section of the bill?

Mr. ADAMSON. These gentlemen who call themselves progressives—and it has got to be a sort of watchword or password or byword, or something, I do not know what it is; shibboleth, I suppose—just say "progressive," and they all jump up and shout "hello," "hurrah," and "hallelujah"; and every one of them, instead of progressing, is going back to the old days of absolutism, regardless of law, reason, or constitutional limitation. As I understand, they want absolute power fixed in the commission that will delegate legislative power, judicial power, executive power—even including the pardoning power—and that without due notice, process of law, or anything else. There is no sense in that, as the gentleman has asked the question, aside from the fact it is out of order. There is no legislative rule laid down, as in the case of the Interstate Commerce Commission, within which it could act if we gave it power of action. It would be absolutely void, as the gentleman asks the question, if we put it in that way; but the point of order on the gentleman's amendment is that it changes the entire character of the commission. We establish an instrumentality for the purpose of investigating to help administer the law. The gentleman proposes to confuse this establishment of this instrumentality either by implication or by the enactment, indirect or by implication, of a system of laws. We may go forward in future time to pass laws for this commission to help administer, but that is an entirely different thing; but when you adopt this amendment which the gentleman proposes you have got to imply that there is a law already enacted to guide it in its judgment and in the enforcement of its orders. This entirely changes the whole character of the commission as instituted. We propose that it shall make investigation and report; the gentleman proposes that it sit in judgment without any guiding law, rule, or reason, and pass an order that men shall go to jail if they do not observe that arbitrary order.

The CHAIRMAN. The rule is that an amendment offered as an additional section shall be germane to the portion of the bill to which it is offered. Section 11 is a provision merely referring to clerical acts on the part of the commission. The amendment offered by the gentleman from Oklahoma [Mr. MORGAN] is entirely of a different nature, and the Chair can not see that it will be germane to this portion of the bill, and therefore the Chair sustains the point of order.

Mr. MORGAN of Oklahoma. Mr. Chairman, I would like to offer this amendment as an independent paragraph to be inserted at this point.

Mr. ADAMSON. It has just been offered as an independent section, and that is what the ruling of the Chair was on.

The CHAIRMAN. The Chair understood the gentleman to offer the amendment as a new section, and against which the gentleman from Georgia made the point of order; it perhaps by inadvertence was not reported, although it had been reported as an amendment to section 11.

Mr. MORGAN of Oklahoma. I now offer it as an independent section to be added——

Mr. ADAMSON. That is what the gentleman did do, and I made a point of order against it, and the Chair sustained it.

The CHAIRMAN. The Chair has just ruled upon the question of the gentleman offering this amendment following section 11 as an independent section.

Mr. MORGAN of Oklahoma. Yes.

Mr. ADAMSON. That is what the Chair ruled on.

Mr. MORGAN of Oklahoma. If the Chair will permit, I understood the Chair to hold that the amendment which I offered would not be germane or applicable to section 11.

Mr. ADAMSON. That is the Chair's first ruling.

Mr. MORGAN of Oklahoma. I did not understand the Chair to hold it would not be proper at any place in the bill.

The CHAIRMAN. The Chair was merely making his first ruling on the question raised at the time, and on the last point of order he ruled on the question of the germaneness of that amendment offered as a separate section.

Mr. ADAMSON. The gentleman is so progressive that he has forgotten he offered that amendment first to the paragraph and then as an independent section.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I have not made any observations upon this measure——

Mr. ADAMSON. If the gentleman will permit me to interrupt him, I will inquire if there are any other gentlemen who wish to speak on this section. I wish to reach an agreement.

Mr. MORGAN of Oklahoma. I would like to speak for five minutes.

Mr. STEVENS of New Hampshire. I would like to speak in opposition to the gentleman's amendment.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 20 minutes; that gives 5 minutes to those Members who desire to speak.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on section 11 and amendments thereto be closed in 20 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. And it is understood that Mr. STEVENS of Minnesota will control the time on that side and I will control the time on this side.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, when I consider that this measure has been reported to the House in response to a universal demand from all over this country for the establishment of a real trade commission with some powers, and then when I read this bill, I do not know whether to laugh or to cry. It reminds me, Mr. Chairman, very much of the description of the administration tango, which I am told is one step forward, three steps back, hesitation, side step. [Laughter and applause on the Republican side.] I want to read just a word from the Democratic platform of 1912.

Mr. SIMS. Why read it?

Mr. GOOD. I realize that it is hardly worth reading from any more, because it has been discredited at the White House, discredited in this House, discredited all over the country, and I realize the pertinency of the remarks of the gentleman from Tennessee when he asked the question, Why read from it? But I want to call the Democrats' attention to the things that they said in their platform:

> A private monopoly is indefensible and intolerable. We favor the declaration by law of the conditions upon which corporations shall be permitted to engage in interstate trade.

This is the platform declaration of the Democratic Party on this great trust question. You now propose this bill as a ful-

fillment of that pledge. How you thundered in your platform then; how you whisper in your performance now. The President has told you that business was disturbed and that real legislation would aggravate that disturbance. The President has harkened to big business, has turned a deaf ear to the earnest appeals of the public, and has told you to bear on the soft pedal, and you have obeyed his commands. And this worthless bill is the result.

Why, the great Democratic Party in its platform favored a declaration by law of the conditions upon which corporations shall engage in interstate trade, and yet when the gentleman from New Hampshire [Mr. STEVENS] offers an amendment providing those conditions, the Chairman rules that it is not lawful to offer an amendment to this bill, in response to that platform—the Stevens amendment that would give at least one tooth to this toothless bill. There is not in this bill a single command to the trade commission. You provide that the commission may do certain things, but where do you provide that they shall do a single thing? You will look in vain for such a provision in the bill; it is not there.

Oh, gentlemen, you misunderstand the temper of the American people when you try to trifle with their convictions in this way. Why do you not bring out a bill that means something, and that will give a commission some power to do something? The gentleman from Virginia [Mr. MONTAGUE] the other day well said that if this bill becomes a law it would be one from which you could never take anything away. No; there is nothing here to take anything from in the way of power.

Mr. MONTAGUE. Will the gentleman yield? I know the gentleman does not mean to misinterpret me in any way, but if I made any such remark as that it was not in line with the thought now in the gentleman's mind.

Mr. GOOD. I do not intend to misrepresent the gentleman in any respect. But the bill was so susceptible of that interpretation, and, together with the gentleman's speech, I thought that was what he meant.

Mr. MONTAGUE. I had no intention of using any such words. I have not gone carefully over the report of my remarks.

Mr. GOOD. The gentleman might have modified that statement. There is one bad provision in this bill, in my opinion, and one that will some time be removed, and that is the provision that gives this little, almost powerless commission the power to grant immunities to all the officers of corporations throughout this country that have been violating the laws of the United States. In your platform you said:

> We condemn the action of the Republican administration in compromising with the Standard Oil Co. and the Tobacco Trust, and its failure to invoke the criminal provisions of the antitrust law against the officers of those corporation.

In response to the demand of this administration the Democratic Party now proposes to pass a law giving authority to a commission to grant immunity to the officers of the Standard Oil Co. and the Tobacco and other trusts. This is about the only real power conferred upon this commission.

In conclusion, I wish to say that during my experience in this House I do not recall where a great committee, which contains in its membership so many great men and lawyers, has brought out a bill so meaningless, so worthless, so unresponsive to the demands of the American people as the bill now before this House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I yield five minutes to the gentleman from New Hampshire [Mr. STEVENS].

Mr. STEVENS of New Hampshire. Mr. Chairman, I have a few remarks to make about the trade-commision bill and unfair competition. I was shut out from offering my amendment, and I want to get them in under this pro forma amendment.

Mr. Chairman, I realize that the trust question and the regulation of big business by the Federal Government is a very difficult, a very complicated subject, and that it is the duty of Congress to approach it in one way conservatively, with care, and with a great deal of thought. It is true we need to know a great deal more about big business than we know to-day. It is true we need to have a commission which may get for us full and accurate information about all the big business corporations that now control our interstate commerce. But we are not entirely ignorant on this subject. While there is a great deal to know, there is a great deal that we do know. We have had investigations by a Bureau of Corporations for 10 years; we have had litigation before the Supreme Court by the Department of Justice for 25 years, and there are some things we know about big corporations and monopolies and the means by which they grow to great power and the means by which they do injury to the people and to the independent manufacturers and business men. The investigations, the cases in the Supreme Court, have established certain facts which justify at this time the giving to this commission some power over the practices of the big corporations engaged in interstate commerce. If the gentleman will take the pains to read the testimony in the Standard Oil case or in the Tobacco case, he will discover that the chief source of power, the chief means by which these two great corporations acquired a monopoly to the great injury of the American people and to the great injury of the independent business man, was through the use of unfair, oppressive, and illegal methods of competition. And let me tell the gentlemen in the oil business and in the tobacco business to-day, in spite of the decrees of the Supreme Court, those same practices are going on to-day.

The Supreme Court is not a proper body to regulate trade practices. It neither has the information, the time, nor the training. And if we intend to regulate the practices of corporations engaged in interstate commerce we can do so only in two ways. We can follow the suggestions of the Clayton bill, attempting to define by a technical definition certain particular acts and declare them to be crimes and misdemeanors, and wait for the Department of Justice to enforce the law. I do not wish to criticize the Judiciary Committee, but I think the members who have worked on the first four sections, which undertake to define certain trade practices and make them misdemeanors, realize even better than I do the tremendous difficulties of any such task. Those sections of the Clayton bill as they stand to-day, after months and months of work by capable lawyers, hit things that you do not want to hit and let things go that you do not want to let go.

Mr. FESS. Will the gentleman yield?

Mr. STEVENS of New Hampshire. I have only five minutes.

I want to point out that the criminal court, even in dealing with simple cases of assaults and violations to persons and property, is the most ineffective branch of our judicial procedure to-day, so much so that President Taft declared that our criminal law has become a disgrace to our civilization. The criminal courts are absolutely ineffective to deal with complicated modern business conditions. That has been proved by the history of the attempts of the Department of Justice to enforce the criminal sections of the Sherman antitrust law. In the case of the great corporation, with complicated organization and with divided responsibility, it is difficult to place responsibility for any particular act. Juries will not convict. While we have had case after case where the Supreme Court has declared that corporations have violated the Sherman antitrust law, there has not been one malefactor of great wealth in jail as a result of it, and the law has been on the statute books for 25 years. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Oklahoma [Mr. MORGAN] is recognized for five minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman, section 11 reads as follows:

> SEC. 11. That when in the course of any investigation made under this act the commission shall obtain information concerning any unfair competition or practice in commerce not necessarily constituting a violation of law by the corporation investigated it shall make report thereof to the President, to aid him in making recommendations to Congress for legislation in relation to the regulation of commerce, and the information so obtained and the report thereof shall be made public by the commission.

Now, Mr. Chairman and gentlemen of the committee, my criticism of that section is that the whole section is simply an arrangement to postpone any effective action. In a way that is one criticism I have against the entire bill. It is for the purpose of investigation, of getting information. We have been getting information for a quarter of a century. We know the condition of the industrial affairs of this country. We are familiar with the unfair practices in business. We know largely the conditions so far as there is an absence of competition and so far as monopolistic conditions exist. Now, then, after we get this information they will report it to the President, whoever he may be. Probably before they report anything we will have another President, and then that President may act on that information and report to Congress or not. But it will probably be two or three years before the President will furnish Congress the information.

Then Congress will have that matter referred to a committee. We must have another hearing and another investigation, and finally we get a bill before this House, and then it must run the gantlet, and the probabilities are that, so far as the provisions of this section are concerned, it would be absolutely 10 years before we would ever enact a statute based upon information that would be reported under that section of this bill.

The time has come for action. We have the information. We have gone through a period of agitation. We have prom-

ised the people action. The people are ready, and the way is clear, if we will only look upon those things in the right light and from the right direction. It is not a matter of being a Progressive or a Democrat or a Republican, but it is a matter of being able under the present conditions to seize the opportunity, to understand the situation, and to enact such laws as will be *effective*, to satisfy the people and satisfy the country, and let business go on.

My friends, this bill provides that some 1,300 corporations shall make annual reports. What good will reports do? What good does information do? What will that accomplish? We embarrass the business interests by taking the arm of the Federal Government and compelling them to go into details and report the nature and character of their business and pile up that information here among the printed archives of the Nation, and nothing is accomplished.

So my appeal here is that we broaden the purposes of this bill; that we extend the power that is given to the commission; that we do something that will tend to allay the unrest among the people and satisfy the people of this Nation that Congress is true to their interests; that while we have no desire to injure or embarrass the business interests of this country, and while we desire in the interest of the people that our business shall prosper and go on ever extending and expanding in its greatness, yet we want it to go along lines that are consistent with the rights of the people, with the public interests, and with the greatness and glory of our country. [Applause.]

Mr. ADAMSON. Mr. Chairman, let the Clerk read. The pro forma amendment is withdrawn.

The CHAIRMAN (Mr. FOSTER). The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 12. That in any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, the court may, upon the conclusion of the testimony therein, if it shall be then of opinion that the complainant is entitled to relief, refer said suit to the commission to ascertain and report an appropriate form of decree therein——

Mr. DONOVAN. Mr. Chairman, in order to get the floor must I wait until the section is read?

The CHAIRMAN. Yes; until the section is read. The Clerk will read.

The Clerk continued to read, as follows:

and upon the coming in of such report such exceptions may be filed and such proceedings had in relation thereto as upon the report of a master in other equity causes, but the court may adopt or reject such report, in whole or in part, and enter such decree as the nature of the case may in its judgment require.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut [Mr. DONOVAN] moves to strike out the last word.

Mr. DONOVAN. This being, Mr. Chairman, one of the most important measures that is to come before this Congress, I wish to call attention to the fact that from the great State of Illinois all Members have absented themselves. [Laughter.]

Mr. MURDOCK. I see a gentleman from Illinois right out there in the lobby.

Mr. DONOVAN. I want to call attention, Mr. Chairman, to the fact that all Members from the great State of Illinois have absented themselves from this Hall. [Laughter.]

Mr. STAFFORD. The gentleman is in error. Here is a gentleman from Illinois, and there is another gentleman from Illinois.

Mr. DONOVAN. The gentleman can not interrupt me except by asking through the Chair permission to submit a question. I again repeat, Mr. Chairman, that this is one of the great measures coming before Congress, and yet leaders on the other side, and would-be leaders and leaders to be, have abandoned this measure, and especially so the great leader of the State of Illinois. [Laughter.]

I withdraw the pro forma amendment, Mr. Chairman. [Laughter and applause.]

The CHAIRMAN. The gentleman from Connecticut withdraws his pro forma amendment.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The Clerk read as follows:

Mr. MORGAN of Oklahoma moves to amend by adding a new section to follow section 12, on page 10, to be numbered section 12a, as follows:

"SEC. 12a. That every practice, method, means, system, policy, device, scheme, or contrivance used by any corporation subject to the provisions of section 9 of this act in conducting its business, or in the management, control, regulation, promotion, or extension thereof, shall be just, fair, and reasonable and not contrary to public policy or dangerous to the public welfare, and every corporation subject to the provisions of section 9 of this act in the conduct of its business is hereby prohibited from engaging in any practice, or from using any means, method, or system, or from pursuing any policy, or from resorting to any device, scheme, or contrivance whatsoever that is unjust, unfair, or unreasonable, or that is contrary to public policy or dangerous to the public welfare, and every act or thing in this section prohibited is hereby declared to be unlawful."

Mr. ADAMSON. Mr. Chairman, I make the point of order that that is not germane. It is not germane to that section or to any other part of the bill.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard?

Mr. MORGAN of Oklahoma. Yes, sir. Mr. Chairman, this bill is entitled "A bill to create an interstate trade commission, to define its powers and duties, and for other purposes." That gives the purpose of the bill a very wide scope, and, in fact, you could properly offer any amendment under that title of the bill.

Now, there are a number of sections here, and you will notice that this proposed section applies only to corporations which are included within section 9 of the bill. Section 9 of the bill provides that corporations shall do certain things. Now, then, is it not germane to these provisions to say that they shall do other things? It certainly should be. If it is not germane to lay down other rules for these corporations, to say what other things they shall do—if not, then it seems to me there is no use in going through the farce, if you will excuse that term, of offering amendments, because nothing would be germane.

Now, section 9 of the bill puts certain corporations——

Mr. ADAMSON. Mr. Chairman, if the gentleman will permit, that has no application to section 9 of the bill, or section 11, or section 12. It has no application to any of them.

Mr. MORGAN of Oklahoma. This is not an amendment to section 9.

Mr. ADAMSON. You put it in as "section 12a."

Mr. MORGAN of Oklahoma. I offer it as "section 12a." Now, if you can require under section 9 that certain corporations——

Mr. COVINGTON. Mr. Chairman, will the gentleman yield for a question?

Mr. MORGAN of Oklahoma. Yes.

Mr. COVINGTON. Is not that substantially the same amendment which was originally offered as an amendment to section 9?

Mr. MORGAN of Oklahoma. I have offered no amendment to section 9.

Mr. COVINGTON. Is not this practically the same amendment that has been once or twice offered prior to this time?

Mr. MORGAN of Oklahoma. Not that I know of. I think not.

Mr. BARTLETT. It is substantially the same.

Mr. TALCOTT of New York. It is very similar.

Mr. BARTLETT. This is offered as a new section, following section 9?

Mr. MORGAN of Oklahoma. This is offered as "section 12a."

Mr. BARTLETT. Is not this a new addition to section 9?

Mr. MORGAN of Oklahoma. No. I was not here when that was considered.

Mr. COVINGTON. There was offered practically that same proposition, conferring definite administrative powers on the proposed commission, and the Chair ruled that that amendment was not germane to this bill. Now, the phraseology of the present amendment, while slightly different, practically seeks to do the same thing.

Mr. MORGAN of Oklahoma. I think, Mr. Chairman, the gentleman has not read this amendment. This provision does not give that commission any power. It simply says that—

Every practice, method, means, system, policy, device, scheme, or contrivance used by any corporation subject to the provisions of section 9 of this act shall be just, fair, and reasonable.

This amendment does not give a particle of power to the commission. It simply lays down a general rule that shall apply to these corporations that you include in section 9, and nothing else.

Mr. CULLOP. Will the gentleman permit a question there?

Mr. MORGAN of Oklahoma. Certainly.

Mr. CULLOP. As I understand, the gentleman's amendment does not have anything to do, so far as the powers of the commission created by this bill are concerned, but it only puts the corporation under certain restrictions and limitations that are not now included in this bill.

Mr. MORGAN of Oklahoma. That are not now included in section 9 of the bill; yes.

Mr. CULLOP. Therefore it is legislation upon the same subject, germane to the question that is being considered, and the only question is, Is it extending the powers of the law?

Mr. MORGAN of Oklahoma. Yes.
Mr. CULLOP. Putting some teeth into it.
Mr. MORGAN of Oklahoma. Yes.
Mr. ADAMSON. Will the gentleman yield?
Mr. MORGAN of Oklahoma. Certainly.
Mr. ADAMSON. Is not this the effect of it, that it does something of an entirely different character than what is done in section 9, and puts teeth into an animal that does not use teeth?
Mr. MURDOCK. There is no question about putting teeth into it.
Mr. ADAMSON. This animal was not made to have that kind of teeth.
The CHAIRMAN. Section 9 provides for the making of annual reports. The amendment offered by the gentleman from Oklahoma [Mr. MORGAN] as a new section, to be known as section 12a, provides a different method of management of corporations, which the Chair does not believe would be germane, especially to this part of the bill. So the Chair sustains the point of order.
Mr. MORGAN of Oklahoma. Mr. Chairman, I offer another amendment, to be known as section 12a.
The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.
The Clerk read as follows:

Amend by adding a new section on page 10 to follow section 12, and to be numbered 12a, as follows:
"SEC. 12a. That every corporation subject to the provisions of section 9 of this act shall deal justly and fairly with competitors and the public, and it shall be unlawful for any such corporation to grant to any person or persons any special privilege or advantage which shall be unjust and unfair to others, or unjustly and unreasonably discriminatory against others, or to enter into any special contract, agreement, or arrangement with any person or persons which shall be unjustly and unreasonably discriminatory against others, or which shall give to such person or persons an unfair and unjust advantage over others, or that shall give to the people of any locality or section of the country any unfair, unjust, or unreasonable advantage over the people of any other locality or section of the country, or that shall be contrary to public policy or dangerous to the public welfare, and any and all the acts or things in this section declared to be unlawful are hereby prohibited."

Mr. ADAMSON. Mr. Chairman, I make the point of order that that is covered by the ruling just made by the Chair.
The CHAIRMAN. The Chair thinks this is covered by the previous ruling. Therefore the Chair sustains the point of order.
Mr. MORGAN of Oklahoma. Mr. Chairman, I move to strike out the last word.
Mr. ADAMSON. I wish to inquire if anybody else desires to debate this question. If not, let the gentleman proceed.
Mr. MORGAN of Oklahoma. Mr. Chairman, my idea is that there ought to be some general statute prescribing in general terms what is unjust discrimination. It is impossible to prohibit all the acts specifically. We can only prohibit a few. For instance, in the so-called Clayton bill, which comes from the Committee on the Judiciary after three or four months of hard work and investigation, there are four or five things prohibited. Even there we enter upon a dangerous course, because there is always danger when you undertake to prohibit things in bills.
In criminal matters relating to individuals we prohibit the doing of certain things, and we have a long list of crimes and of things which are prohibited. As a rule, our criminal laws only prohibit things which are immoral; but when we come to prohibit things which are involved in business transactions, when we come by prohibition to make crimes of certain things which are done in business, in commerce, in trade, we are entering not only upon a difficult but a dangerous field, dangerous to business, and very difficult to carry out without doing more injury than good. But if we enact a general statute, then the courts or the commission may enforce that general statute, and all kinds of discrimination will be included. Take the interstate-commerce act. In the very first act, when we created the Interstate Commerce Commission, there were a few things, such as rebates, that were prohibited; but there was a general clause in that bill that defined all kinds of unjust discrimination and prohibited them; and it is under that general clause that the Interstate Commerce Commission has been given power to regulate, to reach out, to meet conditions, to reach certain specific acts or practices that have grown up from time to time. So I think it is very important that we enter upon the same kind of legislation, and that we have a general statute. Indeed, the Sherman act is a model of legislation in general terms, a model of generalities, so to speak. I think this section which I have presented, being general in its terms, would include not only those things which we now recognize as unjust discriminations, but would apply to others arising in the future. And while no doubt the language might be improved, yet something along that line ought to be done. I believe the Hon. Seth Low and a number of other gentlemen, among the most eminent in this country, appeared before our committee and insisted that we ought to have this kind of legislation.
Mr. ADAMSON. Mr. Chairman, let the Clerk read.
The CHAIRMAN. If there is no objection, the pro forma amendment will be considered as withdrawn.
The Clerk read as follows:

SEC. 13. That wherever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon its own initiative or upon the application of the Attorney General, to make investigation of the manner in which the decree has been or is being carried out. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation, and the report shall be made public in the discretion of the commission.

Mr. TOWNER. Mr. Chairman, I move to strike out the last word, for the purpose of calling the attention of the committee to what I think is an unfortunate use of the word "wherever" in the first line. Certainly that is not what is intended. The adverb of place is not appropriate in that connection. I suggest that what ought to be done is to strike out the word "wherever" and insert in lieu thereof the words "in any case wherein," so that it will read: "That in any case wherein a final decree has been entered." It is useless for us to offer amendments, because they are voted down; but I hope the committee will see the appropriateness of adopting that suggestion.
I would like also to call the attention of the committee to the use of the word "any" in this section, in line 3, on page 11. That is an unfortunate use of the word; either it should be "every" or the word should be omitted altogether. It means "every such investigation" if it means anything.
The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.
There was no objection.
The Clerk read as follows:

SEC. 14. That any person who shall willfully make any false entry or statement in any report required to be made under this act shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $5,000, or to imprisonment for not more than three years, or both fine and imprisonment.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.
The Clerk read as follows:

Page 11, line 10, after the word "both," insert the word "such."

Mr. TOWNER. Mr. Chairman, I think it is unnecessary to call attention of the committee to the appropriateness of the insertion of this word. Of course it does not mean to leave the power of fine and imprisonment in the discretion of the court, but it means that the court may, if it thinks best, inflict fine and imprisonment within the limits previously stated as it might deem proper.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.
The question was taken, and the amendment was rejected.
The Clerk read as follows:

SEC. 15. That any officer or employee of the commission who shall make public any information obtained by the commission without its authority, or as directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.
The Clerk read as follows:

Page 11, line 18, after the word "by," insert the words "both such."

The question was taken, and the amendment was rejected.
The Clerk read as follows:

SEC. 16. That for the purposes of this act, and in aid of its powers of investigation herein granted, the commission shall have and exercise the same powers conferred upon the Interstate Commerce Commission in the acts to regulate commerce to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said acts to regulate commerce and by the act in relation to testimony before the Interstate Commerce Commission, approved February 11, 1893, and the act defining immunity, approved June 13, 1906, shall apply to witnesses, testimony, and documentary evidence before the commission.

Mr. COVINGTON. Mr. Chairman, I offer the following amendment.
The Clerk read as follows:

On page 12, line 7, strike out "thirteenth" and insert "thirtieth."

The question was taken, and the amendment was agreed to.
Mr. TOWNER. Mr. Chairman, I move to strike out the last word. I do so, Mr. Chairman, for the purpose of calling the committee's attention to a little newspaper statement published in the Washington Times.
Mr. ADAMSON. Will the gentleman yield for me to ask a question?

Mr. TOWNER. Yes.

Mr. ADAMSON. I want to know if there are any other amendments to this paragraph?

Mr. GOOD. I have an amendment to the paragraph.

Mr. STAFFORD. The gentleman from Oklahoma wants to offer an amendment as a new section. I suppose that would be to this paragraph.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that debate on this section and amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that debate on this section and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, I desire to call the attention of the committee to an article that was published in the Washington Times day before yesterday. It is headed "Want more teeth in Wilson antitrust bills."

I will read it for the enlightenment of the committee, and especially for the gentleman having charge of this bill:

WANT MORE "TEETH" IN WILSON ANTITRUST BILLS.

Efforts were made to-day by Congressman STEVENS of New Hampshire and Louis D. Brandeis, former counsel to the Interstate Commerce Commission, to persuade President Wilson to permit more "teeth" to be placed in the administration antitrust bills. The callers presented their views to the President and urged him to consent to amendments to the bills after they have reached the Senate.

The President did not commit himself. It is not thought likely he will permit any changes at this time.

During the debate on this bill in the House there have been many amendments presented, some of them substantive, some of them merely to correct the text of the bill, and some to correct both grammatical and other errors; but the committee would not allow a single one of these amendments to be adopted. They have all been voted down by the committee having charge of this bill. Now, we know the reason. It is not the House of Representatives that is legislating; it is the President of the United States, who says that these bills must not be changed from the form in which they have received his approval. These gentlemen sit here and pretend to legislate for the people, pretend to represent their constituencies, pretend to act upon the merits of the case; but they are merely recording the declared instructions of the President of the United States in regard to these trust bills. What a farce it is to call it by the name of legislation. These gentlemen are not doing what they want to do. They are intelligent men; they are not doing what they think best, although their judgment is good. They would be perfectly willing to accept amendments that appeal to their reason if they dared; but evidently they do not dare to do so. They are here under instructions. This bill, and I presume the other bills, are to be forced through under whip and spur, just as they have been written, and then sent to the Senate, and it is exceedingly doubtful whether the President will allow any amendments to be made there. This is not legislating for the people. It is no wonder that there are no teeth in this bill. It is no wonder that they are not to be considered on their merits. Evidently the President has determined that he will not allow the great interests of this country to even think they will be injured in any possible way by his trust bills. The trust bills are not even to scare any of the great industries of the country. The President now evidently intends to conciliate them. So, Mr. Chairman, we have been going through the farce of a pretended consideration of this bill and not a real one. I presume we will go through the farce of a pretended consideration of the other bills. But the result is all determined—all declared. These gentlemen have received their instructions and obediently they will obey.

Mr. COVINGTON. Mr. Speaker, I move to strike out the last word.

Mr. DONOVAN. Mr. Chairman, a point of order. The debate has been fixed for a certain time, and the gentleman from Maryland is not included.

Mr. ADAMSON. Mr. Chairman, I have five minutes, which I will yield to the gentleman from Maryland.

The CHAIRMAN. The Chair will state to the gentleman from Connecticut that the debate was limited to 20 minutes, 15 minutes to be occupied by the gentleman from Iowa [Mr. TOWNER], the gentleman from Ohio [Mr. WILLIS], and the gentleman from Oklahoma [Mr. MORGAN].

Mr. COVINGTON. Mr. Chairman, I will surrender the floor and wait until these gentlemen finish.

Mr. DONOVAN. But the gentleman from Minnesota [Mr. STEVENS] has the other five minutes.

The CHAIRMAN. The gentleman is in error.

Mr. ADAMSON. As soon as the gentleman from Oklahoma concludes I will yield five minutes to the gentleman from Maryland.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. MORGAN of Oklahoma moves to amend by adding a new section on page 12, to follow section 16, and to be numbered section 16A, as follows:

"SEC. 16a. That when the commission, through any investigation it may make, reports it may receive, or from any other trustworthy source shall obtain reliable information that any corporation subject to the provisions of section 9 of this act, by reason of the nature or extent of its business, or from any other reason or cause, has become a virtual monopoly, or is able to control arbitrarily the prices of its products, the commission is hereby authorized and empowered to cite such corporation to appear before it for a hearing thereon. If after full hearing thereon the commission shall find that the said corporation is a virtual monopoly or that said corporation is able to control arbitrarily the prices of its products, the said corporation shall thereafter be subject to the control of the commission as to its practices in conducting its business and as to the prices of its products, to the same extent and in like manner that common carriers are subject to the control of the Interstate Commerce Commission: *Provided*, That after any such finding shall be made by the commission with reference to any corporation the prices at which such corporation shall sell its products shall be just and reasonable and its practices in business shall be just and fair and not unreasonably discriminatory against any competitor, person, or locality."

Mr. ADAMSON. Mr. Chairman, I make the point of order against that, that it is obnoxious to every objection that has been covered by every ruling that has been made by the Chair in the last two hours.

Mr. MORGAN of Oklahoma. I suppose I may have my five minutes?

Mr. ADAMSON. I have no objection to the gentleman having five minutes, but I make the point of order. I have no objection, if the gentleman is offering that as a part of his speech, but if he wants it voted upon, I insist upon the point of order.

Mr. MORGAN of Oklahoma. Mr. Chairman, I do not care for that.

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. I desire to move to strike out section 16, and before I obtain the floor to do that the gentleman from Oklahoma has offered an amendment in the nature of a new section, to come in at the conclusion of section 16. I desire to inquire of the Chair if the consideration of this new paragraph at this time would preclude my offering the amendment. If so, I desire to offer a preferential motion.

Mr. ADAMSON. We have an agreement by unanimous consent to close debate on this section and all amendments thereto in 20 minutes. The gentleman can offer amendments, of course, if he can get the floor; but the gentleman from Oklahoma has offered an amendment and I have made a point of order against the amendment.

Mr. GOOD. Mr. Chairman, I do not care when my motion is offered; I only desire that I should not be cut out of the right to offer it.

The CHAIRMAN (Mr. HULL). The amendment which the gentleman from Iowa suggests would be in order under the unanimous-consent agreement, as the Chair is advised.

Mr. ADAMSON. He can offer it. I do not know whether it will be in order.

Mr. DONOVAN. But he has no time in which he will have the opportunity to speak to it.

Mr. STEVENS of Minnesota. Oh, yes; five minutes were reserved to the gentleman from Iowa [Mr. GOOD].

Mr. ADAMSON. Mr. Chairman, there is a point of order pending against the motion to amend made by the gentleman from Oklahoma.

The CHAIRMAN. The Chair is under the impression that the amendment offered by the gentleman from Oklahoma being offered as a new section, would upon that ground not be in order pending the carrying out of the unanimous-consent agreement with respect to this section.

Mr. ADAMSON. But, Mr. Chairman, I make the point of order upon the ground that it is not germane to this part of the bill or any other part of the bill; that it changes the entire character of the bill itself. The amendment proposes to confer upon this commission arbitrary powers unauthorized by law and contrary to the purpose of the bill, changing its character entirely. I object to it because it is not germane to this part of the bill or any other part of the bill.

The CHAIRMAN. For the present the Chair sustains the point of order upon the ground which is stated, and recognizes the gentleman from Iowa to offer his amendment.

Mr. DONOVAN. But the gentleman from Oklahoma has five minutes.

Mr. ADAMSON. He can have his five minutes. When he got the floor he offered his amendment.

Mr. GARNER. Mr. Chairman, the reporter's notes will show that unanimous consent was had that there be 20 minutes of debate on this paragraph and all amendments thereto, 5 minutes to be controlled by the gentleman from Iowa [Mr. TOWNER], 5 minutes by the gentleman from Oklahoma [Mr. MORGAN], 5 minutes by the gentleman from Iowa [Mr. GOOD], and 5 minutes by the gentleman from Georgia [Mr. ADAMSON]. I do not think that could possibly cut the gentleman out of his time.

The CHAIRMAN. It was not the intention of the Chair to eliminate the gentleman from Oklahoma except in respect to offering a new section to the bill at this time.

Mr. ADAMSON. The gentleman took the floor and offered his amendment, and when he offered it I made the point of order against it on all the grounds that I have stated.

The CHAIRMAN. And the Chair sustains the point of order upon the grounds stated by the Chair.

Mr. STEVENS of Minnesota. But the gentleman has not been recognized for his five minutes.

The CHAIRMAN. The Chair is about to recognize the gentleman from Oklahoma. The gentleman from Oklahoma is recognized for five minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman, there was so much confusion that I do not think very many understood the contents of this proposed new section. It provides, in substance, that when this commission on investigation or through any other source shall have information that a certain corporation is a virtual monopoly, or has the power through the extent of its business or otherwise to arbitrarily control the prices of its products, that that corporation shall be cited to appear before the commission in order that there shall be a hearing, and if the commission shall so find then thereafter the corporation in the sale of its products shall sell them at reasonable prices. It will be noticed that it applies only to corporations which have been investigated, which have had a hearing, and where there has been a finding that they are virtual monopolies, or that they possess power to arbitrarily control the prices, and in that case the law comes in and gives this commission authority to control those prices, the same as the Interstate Commerce Commission has to control the charges of transportation companies.

I know it is considered very radical to undertake to control in any manner the prices of the products of private corporations, and yet when we enacted the Sherman antitrust law the object of that law was to control prices, not directly, but indirectly, because the object of that law is to maintain competition; and every syllable of this bill, the purpose of every investigation, the purpose of every antitrust enactment, is indirect control of prices. In respect to public utility companies and common carriers, in the last quarter of a century we have moved along until it is conceded generally that their prices must be controlled, and why? Because they are monopolies to a certain extent.

Now, then, if it is proper to control the prices of the public utility companies and carrier companies on the ground that they are monopolies, why is it not also proper that when we find, through some proper proceedings, that corporations like the Standard Oil Co. or other large corporations have the power to control prices at which their products are sold, then why should not we, by the same logic and for the same purpose of protecting the people and the public, why should not the National Government step in and control prices? Now, I have here an address delivered by Theodore Roosevelt on February 21, 1912. The gentleman from Kansas [Mr. MURDOCK] is absent, but I presume he will consent to my quoting from Col. Roosevelt——

Mr. ADAMSON. Does the gentleman have to get his consent?

Mr. MORGAN of Oklahoma. Col. Roosevelt says:

> Where regulation by competition (which is, of course, preferable) proves insufficient, we should not shrink from bringing governmental regulations to the point of control of monopoly prices, if it should ever become necessary to do so, just as in exceptional cases railway rates are now regulated.

I hold here the decision referred to by my colleague [Mr. MURRAY of Oklahoma] in the German Alliance Insurance Co. case, rendered in the Supreme Court. Before this decision was rendered insurance companies were regarded as private business, private corporations. The State of Kansas gave the insurance commissioner the power to fix the rates of insurance companies if they were unreasonable. The case went finally to the Supreme Court of the United States, and the Supreme Court holds that while insurance companies are private business, they have become so impressed with a public use, they have become of such public consequence, that it is within the power of the State to fix their charges. Now, then, the power of the State, of course, comes from a different source from the power of the National Government.

The State acts through its police power. Congress acts through the clause of the Constitution which gives Congress the power to regulate commerce among the several States and with foreign countries, or under the public-welfare clause. But the police power of the State is broad enough to include the power to legislate when necessary to protect the public welfare. So the Federal Government unquestionably has the power to regulate the prices and charges as well as the practices of industrial corporations which have by the nature and character of their business become so impressed with a public use that they have become of public consequence.

There was a time when the railways engaged in interstate commerce denied the right of the National Government to control their practices and charges. They resisted to the last every attempt of the National Government to exercise any control over them; but they had to surrender. Public-utility companies denied the right of the State to control their practices or charges. They did not willingly submit to control; they fought to the last; but the courts of highest authority sustained the statutes giving commissions the power to regulate their rates and charges.

Now, we have industrial corporations engaged in interstate commerce possessed with the same monopolistic power. They are artificial persons—corporations existing by virtue of the law. It is through public law that such corporations have existence and in corporate form are permitted to do business. We have the same right, the same power, and there is the same public demand that we control the practices and prices of industrial corporations that possess arbitrary power to control prices that there is to control the practices and charges of public-utility companies and transportation corporations. But my proposition would affect no corporations except those which, after a full hearing, have been found to possess the power to arbitrarily fix the prices of their products. I believe I have presented a practicable remedy—a procedure that may be pursued in an orderly way. Why not take one step in advance, and adopt a method that in a measure would protect the people from being compelled to pay any unjust tribute to our gigantic business corporations?

Mr. GOOD. Mr. Chairman, I move to strike out section 16, commencing line 20, page 11, and ending line 9, page 12.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amend by striking out all of section 16, on pages 11 and 12.

Mr. GOOD. Mr. Chairman, this paragraph is the one that authorizes the commission to compel the production of books and papers and testimony, and then contains this provision, which it must contain in order to make it a constitutional provision:

> All the requirements, obligations, liabilities, and immunities imposed or conferred by said acts to regulate commerce and by the act in relation to testimony before the Interstate Commerce Commission, approved February 11, 1893, and the act defining immunity, approved June 13, 1906, shall apply to witnesses, testimony, and documentary evidence before the commission.

Mr. Chairman, I am opposed to granting to any man or to any commission the power to grant immunities to wrongdoers. That power was rightly lodged with the Attorney General of the United States, and it should not be lodged with the numerous commissions that Congress might from time to time authorize. A part of the act of February 11, 1893, is as follows:

> But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said commission or in obedience to its subpœna or the subpœna of either of them, or in any such proceedings.

Take the case that is now before the public mind. The newspapers report that Mr. Mellen, the president of the New Haven & Hartford road, went to the Attorney General and stated that he was willing to confess to all the sins that have been committed by the officers of that great corporation—and we all know they have committed many of them—if he would be granted immunity from prosecution.

The Attorney General advised him that he had enough evidence to send him to the penitentiary. Mr. Mellen then in his desire for this immunity went to Mr. Folk, counsel for the Interstate Commerce Commission, and that gentleman, who always wants to be in the limelight and occupy the headlines, granted the immunity and received the testimony. Some people think the great Interstate Commerce Commission should not be clothed with this great power. Think of what we are doing now by enacting section 16. We grant to this little trade commission the power to grant immunity to the officers of the Standard Oil Co., to the officers of the Tobacco Trust, to the officers of every trust throughout the length and breadth of this

land, no matter how many times they have violated the law, if they will simply come to the commission and give testimony. If they come before the commission and give testimony, then they are immune from prosecution and from the payment of any fine, penalty, or anything of that kind. Seriously, gentlemen, and we ought to act seriously on this bill, notwithstanding the fact that men on both sides of the House have been laughing about it. We all know that it is not responsive to a public sentiment of the people. Down deep in their hearts Members know they do not mean anything by passing this bill; that it will never become a law. Yet while you are fooling the public you ought not to write in the statutes of this country a provision that is going to give an immunity bath to all wrongdoers—and there are lots of them. What would happen if this provision were left out? Men would come before that commission, and if they refused to testify the commission could not make them testify; but the commission could go to the Attorney General of the United States and say, "This person, who is an officer of this or that corporation, we believe is a wrongdoer. He has refused to testify, and we believe that by his testimony he would incriminate himself, and we can not grant immunity." Then the Attorney General of the United States with the great arm of justice could reach out and prosecute such men and send them where they belong. While this bill is meaningless in many respects, I ask you not to write into the laws of the United States immunity for all the officers of the great trusts and combinations of this country. [Applause on the Republican side.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Maryland what time remains in my control.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. COVINGTON. Mr. Chairman, a few moments ago the gentleman from Iowa [Mr. TOWNER] read an extract from the Washington Times regarding a visit of the gentleman from New Hampshire [Mr. STEVENS], Mr. Louis D. Brandeis, and two other gentlemen to the President to suggest amendments to the pending bill. He reads that they left with little encouragement from the President, and he states that he presumes that, at the instance and dictation of the President, this House has abdicated its powers of legislation, and for that reason the membership of this House will put through this bill in the form in which it is originally reported to the Committee of the Whole. I recall that the gentleman from Iowa, when he spoke some little time ago upon this measure, stated that he expected to vote for it. I wish to ask him whether as a Republican he is accepting dictation from President Wilson and therefore expects to vote for this bill exactly as it was reported. I argue that a Republican may well accept dictation from the President. It will be for the benefit of his public service, but he ought to admit it.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. COVINGTON. I can not yield now.

Mr. TOWNER. Will you allow me to answer your question?

The CHAIRMAN. The gentleman from Maryland [Mr. COVINGTON] declines to yield.

Mr. COVINGTON. Now, it so happened that I was chairman of the subcommittee which formulated this bill, and I say here solemnly there was no dictation by anybody in its framing. I take it that gentlemen on that side of the Chamber, including the gentleman from Minnesota [Mr. STEVENS], the gentleman from Wisconsin [Mr. ESCH], and the gentleman from California [Mr. J. R. KNOWLAND], are not supporting this measure in the form in which it was originally produced by the subcommittee simply because a Democratic President in the White House is dictating to them. I certainly take it that after the course of the gentleman from California [Mr. J. R. KNOWLAND] in leading his side on the toll-question fight no one will accuse him of yielding to the dictation of the President in support of this measure. But let me say a word more. The truth is that during the whole course of the formation of this piece of legislation I never received one word from the President of the United States which indicated that he had any pride of opinion in a single line or paragraph or page of this bill. He simply stated at times his general ideas regarding the legislation. It was his duty to do that, and I think it proper that he should have been consulted as the Executive of the Nation. However, when he stated any views to me they were freely communicated to my Republican associates upon the subcommittee, and this bill, whatever be its merits, is in the fullest sense the product of that subcommittee. As I stated in my opening remarks, we accepted freely and gladly the judgment and advice of experts who came before us and the advice of able lawyers that we heard, in order to perfect the bill and make it a strong and efficient measure. It is a piece of legislation produced in the normal way in which legislation ought to be produced, and it is not being put through this House at the dictatorial hands of an imperious President. And the fact is that President Wilson gets his results for the benefit of the people because he advises with and does not dictate to his coworkers in the legislative branch of this Government.

Mr. Chairman, one word more. The gentleman from Iowa [Mr. GOOD] has referred to the immunity clause in section 16. It is a catchy phrase to say that you are granting immunity to criminals, and at first blush it seems to be an alluring criticism of this section, but that immunity is precisely what exists to-day with the Interstate Commerce Commission. The statute which originally created immunity was found to be one of necessity with that commission. I do not say that in the future we may not have to reorganize the entire system of legal control of the various bureaus of the Government of the United States, with the Attorney General, the head of the Department of Justice, in charge of the system. That may or may not be wise. But at this time, when we are not prepared to launch on a comprehensive reorganization of the system, and when the Interstate Commerce Commission has found that in nearly every case this immunity to subordinates, who are not real malefactors of great wealth, is the only means through which to get to the bedrock of corporate corruption in this country, I state to this House that the immunity provisions of this bill are a necessity for the interstate trade commission.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I believe the amendment is a motion to strike out the section?

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. GOOD] to strike out the section.

The question was taken, and the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. ADAMSON. Mr. Chairman, I move to lay the bill aside with a favorable recommendation.

The motion was agreed to.

Mr. ADAMSON. Mr. Chairman, I believe that recognition now passes to the distinguished gentleman from North Carolina [Mr. WEBB].

ANTITRUST LEGISLATION.

The CHAIRMAN. Under the special order of the House, the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, is now before the committee for its consideration. Under the further terms of the special order the first reading of the bill will be dispensed with, and the Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. WEBB. Mr. Chairman——

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] is recognized for eight hours. [Applause.]

Mr. WEBB. Mr. Chairman, I would like to have the Chair notify me when I have used one hour.

Mr. Chairman, the Democratic Party in their convention in 1912, among other things, declared in favor of supplemental legislation to the now existing antitrust laws, such as prevention of holding companies, interlocking directorates, discrimination in price, and so forth. The Judiciary Committee, in obedience to that plank in the platform, for the last four or five months have sat patiently and diligently in an effort to present to this House some bill which would carry out the reasonable demand found in that platform. It is proper to say, gentlemen, that the committee has dealt with this question faithfully, conscientiously, and studiously. For nearly four months the entire membership of that committee, or as many as could attend, sat and listened to witnesses from all parts of the United States on proposed or tentative bills. The subcommittee spent much time and great patience in trying to present a bill which would remedy the evils that are almost universally complained of and at the same time unfetter and unshackle legitimate business in the United States.

At least the majority of that committee feel that we have presented a bill which to a great extent does that very thing. The minority members of the committee are not satisfied among themselves about the provisions of the bill H. R. 15657, which is now under consideration. Mr. GRAHAM of Pennsylvania, Mr. DYER, and Mr. DANFORTH, if you will read their minority report, are very insistent that we have gone entirely too far; that we have put entirely too many teeth in this bill; that it is even radical; and that the Sherman antitrust law, as it now stands, is ample to root out all monopoly and destroy all unfair restraints of trade and trade practices. On the other hand,

Messrs. NELSON and VOLSTEAD say that it is a distinct disappointment in that we have not gone far enough; that it is a mild makeshift; that it has not teeth enough; that it is not radical at all; and that it is a sop thrown out to business. And still another minority report is filed by our good friend Mr. MORGAN of Oklahoma, and he does not exactly agree with either one of the other factions of the minority, and it is understood by the majority of the committee, although he does not agree with the majority entirely or the minority or the minority of the minority, that he proposes to vote for this bill.

I say again, gentlemen, that the committee has labored patiently and honestly. And before I proceed to discuss the bill section by section, I want to be permitted to say one word in reply to the gentleman from Iowa [Mr. TOWNER], who a moment ago read an extract from the Washington Times, suggesting that the President had dictated and dominated the construction of this entire bill. I want to tell my friend that that is absolutely unfair and untrue. The President has never at any time suggested or demanded that no amendment should be added to this bill; he has never at any time suggested that this bill should be put through as it is presented here to-day.

He has acted as any other great Executive should act who is anxious about the good of his country, about the unshackling and protection of honest business, and about the restraint and punishment of unscrupulous business. [Applause on the Democratic side.]

If, as my friend insinuates, the President has so much arbitrary power with the Democratic Members of Congress, pray tell us why the most liberal rule ever presented by the House of Representatives on any bill is before you now? The President might well have gone further if he had been dictatorial, as my friend intimates, and asked the Committee on Rules to put this bill through just as it is written, and not to allow an amendment to be offered or considered.

Mr. GARNER. And still be in entire keeping with what the Republican Party had been doing for 16 years?

Mr. WEBB. Yes. Many a time have I sat here under Republican rule and seen bills passed where no one was allowed to even offer an amendment or vote for one. But we give you 16 hours of general debate, and after the general debate is over we give you unlimited time, both on the Republican and on the Democratic side, to debate every line and section of this bill under the five-minute rule.

Mr. GARNER. And to offer any amendment which anyone wishes to offer?

Mr. WEBB. Yes. Any amendment can be offered and adopted if the House chooses. The President has not said that no amendment shall be offered or adopted to this bill. He has simply said that the general provisions of this bill meet his approval. But as to a hard-and-fast suggestion that he does not want the language of this bill added to or taken from, he has never uttered a syllable to any member of the committee who has seen him during the progress of the construction of this act to this effect.

Now, Mr. Chairman, having said that much, I am going to take it upon myself to give a running outline of the meaning and meat of each provision in this bill. I know how busy Members are, and it is no reflection upon a busy Member of this House when I say that probably not more than 10 per cent of the Members have read this bill; certainly have not read it carefully. It has only recently been reported, and Members are so busy that they can not, in the nature of things, read every bill that comes into the House; and at the risk of tiring the Members of the House, I am going to give a synopsis of the entire bill.

I anticipate that there are some Members of the House who hardly know that there is anything in this bill except the provision about labor. Now, there is a great deal more, gentlemen, as you will see, as I go along, section by section. I believe that a simple, straightforward, nontechnical statement as to its meaning may be helpful not only to the Members of the House, but to laymen who may care to know what the bill is and what it means.

Section 1, Mr. Chairman, is devoted entirely to terminology, as you will see. Section 2 provides—and let me call the attention of my friend from Iowa [Mr. TOWNER], if he is here, and that of my friend from Wisconsin [Mr. NELSON], if he is here, to the fact that Messrs. GRAHAM and DANFORTH and DYER think there are too many teeth in section 2. We start right here with the teeth they object to.

Section 2 forbids any person to discriminate in price between different purchasers of commodities in the same or different sections, if such commodities are sold for use within the United States or within any place under the jurisdiction of the United States, and if such discriminating sale is made with the purpose or intent to destroy or wrongfully injure the business of a competitor of either such purchaser or seller. The violation of this provision subjects a person to a fine of not exceeding $5,000 or to imprisonment not exceeding one year, or both.

This section does not apply when the discrimination in price is made on account of a difference in the grade, quality, or quantity of the commodity, or when the discrimination is only due to a difference in the cost of transportation. Nothing in this section prevents a person from selecting his own customers. The necessity for legislation of this character is apparent. Discriminating in price is a bludgeon which the trusts have often used to put competitors "out of business." For the last 20 years this practice has been one of the handmaids of monopoly, the advance guard of an army of arbitrary methods, which has injured and destroyed the business of thousands of smaller concerns.

The violation of this section subjects the person violating it to a fine of not exceeding $5,000 or a punishment not exceeding one year's imprisonment. But we provide—

That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

Section 3 forbids the owner or operator of any mine——

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Tennessee?

Mr. WEBB. For a question; yes.

Mr. GARRETT of Tennessee. Do I understand that section 2 would prevent a retail merchant from discriminating in prices?

Mr. WEBB. No, sir. The retail merchant sells not in interstate commerce.

Mr. GARRETT of Tennessee. He might, of course, sell in interstate commerce, but it does not affect the general retail business?

Mr. WEBB. No, sir. That is generally intrastate, and we are dealing with interstate practices.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Wisconsin?

Mr. WEBB. Yes.

Mr. COOPER. I would like to ask the gentleman from North Carolina why the trade commission was not given specific power to enforce a provision like that of section 2, which the gentleman has just read?

Mr. WEBB. One answer to that, Mr. Chairman, is that the Committee on the Judiciary did not have the consideration of the trade commission bill. That was in the Interstate Commerce Committee. Another reason is that in this section we make it a crime punishable by a fine not exceeding $5,000 and imprisonment not exceeding one year to violate any of the provisions of that section.

Mr. STEVENS of New Hampshire. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from New Hampshire?

Mr. WEBB. Yes.

Mr. STEVENS of New Hampshire. Does the gentleman know that amendments to the trade-commission bill were ruled out of order on the ground that the Committee on Interstate and Foreign Commerce did not have jurisdiction of that subject, and that an amendment would clearly enlarge and change the scope of the bill? Apparently nobody has any jurisdiction over this sort of business. One committee has denied it, and the other committee says they could not do it because the other committee has it.

Mr. WEBB. We have exercised that jurisdiction, Mr. Chairman, in the second section of the bill.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Wisconsin?

Mr. WEBB. I do.

Mr. STAFFORD. As I understand it, the purpose here is to provide a uniform price for all persons and customers for the same quality of goods?

Mr. WEBB. And under like conditions.

Mr. STAFFORD. About which there can not be any competition at all, so far as the seller is concerned, in meeting the competition of some other competitor?

Mr. WEBB. Oh, yes; if he meets the competition of some other person, he is not meeting that competition for the purpose of destroying or wrongfully injuring his competitor.

Mr. IGOE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Missouri?

Mr. WEBB. I yield.

Mr. IGOE. Does this extend to the point of forbidding the giving of discounts on payments or discounts on goods bought in large quantities?

Mr. WEBB. Discounts are not mentioned in this section.

Mr. IGOE. Would it include discounts for payments upon a certain day?

Mr. WEBB. I can not answer that positively, but if such amounts to discrimination, directly or indirectly, the section covers it.

Mr. IGOE. It ought to.

Mr. GARNER. Not if all customers are treated exactly alike.

Mr. IGOE. A merchant might make his customer pay for that time.

Mr. WEBB. I think the seller who gives a discount to one person and not to another ought to be included within the provisions of this section, and is, in my opinion.

Mr. GARNER. He ought to be.

Mr. BARKLEY. But the purpose and object must be evil?

Mr. WEBB. Yes; the object must be evil, and to destroy the competitor or wrongfully injure him.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Texas?

Mr. WEBB. Yes.

Mr. GARRETT of Texas. It is the only question I expect to ask concerning the bill. I think the whole thing is wrapped up in this language, in line 12, page 21:

That nothing herein contained shall prevent persons engaged in selling goods, wares, and merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

And section 3 refers to other matters. Now, the question I want to ask is, if a monopoly in fact has the right under this law to go out over the country and select the persons to whom it will sell, then how can you have competition when that exclusive privilege is granted to a monopoly by law?

Mr. WEBB. In the first place, the gentleman assumes that a monopoly will be permitted to operate at will in the United States. We assume that if such monopoly does exist, it will be broken up under the provisions of the Sherman antitrust law, and we allow a person to select his own customer, because it is very doubtful whether you can forbid him doing that very thing.

But just one further suggestion. You will find that the evil in selecting customers is not in the mere selection of customers, but in the selection of a customer on condition that that customer will not sell a competitive article. We destroy the right to do that and make a person guilty of crime if a trust undertakes to sell an article to a merchant on condition that that merchant shall sell no competitive article.

Mr. GARRETT of Texas. Perhaps I should not have used the word "trust"; but here is what I had in mind—I will strike out the word "trust." Suppose an individual desires to go to the Harvester Co., which is a combination of all the manufacturers of harvesters in the United States, and offers that company the price at which it is selling binders and mowers and hayrakes to another person in his town. Can he do that under this bill? Would not the manufacturer have the right to say, "No; I will not accept your money, although you offer me the same price and the same terms which I am receiving from another citizen in your town"?

Mr. WEBB. That is undoubtedly true, and that is the law to-day. We have not changed the right of a man to select his own customer; but we have changed his right to select his customer on condition that that customer will not sell any competitive goods, and that is where the evil is most widespread in this country to-day and has been for 15 years.

Mr. BARTLETT. May I ask the gentleman a question on this section?

Mr. WEBB. Yes, indeed.

Mr. BARTLETT. In what way does this section which you are now discussing change the law as it now is, as construed by the Supreme Court in the Tobacco case? Is it not a fact that one of the practices condemned by the Supreme Court in that case was the very thing that you now propose to prohibit?

Mr. WEBB. The difference between this section and the Tobacco case is this: Under this section there may be a hundred different offenses which are condemned, whereas under the Tobacco case it took all of those offenses combined to make them guilty of a restraint of interstate trade under the Sherman law. We condemn the individual acts which lead to a restraint of interstate trade, whereas at present you must show a sufficient number of such acts of restraint to make such a restraint as the Supreme Court will declare illegal under the trust laws.

Mr. BARTLETT. That is an answer to my question.

Mr. OGLESBY. Will the gentleman yield for a question?

Mr. WEBB. Certainly.

Mr. OGLESBY. With regard to this particular section and the question asked by the gentleman from Texas [Mr. GARRETT], I understand that to mean—and I am asking the question to be corrected if I am in error—that if there were two merchants in a village, town, or city who wanted the agency for some article, and both of them applied to the manufacturer asking to handle that article, the manufacturer under this section would have the right to decide which one of those two men he would deal with, and which one should have the agency in that town.

Mr. WEBB. That is true.

Mr. OGLESBY. That has nothing whatever to do with the question of price.

Mr. WEBB. Not at all.

Section 3 forbids the owner or operator of any mine or any person controlling the product of any mine to arbitrarily refuse to sell such product for use within the United States. The violation of this section subjects a person to the same punishment as is described in section 2.

This section is based upon the idea that the products of mines are naturally God given, and no person ought to have the right to arbitrarily refuse to sell such products of necessity to responsible persons who wish to buy them. Often in the chill of winter the products of a few mines have been monopolized by a few dealers, and the price of coal has been advanced arbitrarily, ofttimes taking advantage of those who are too poor to resist and too weak to protest against such outrages.

Mr. GARNER. Is there much difference in principle between the mining industry and the lumber industry? Lumber is a God-given product. It gives a house to shelter people in the winter. In the way in which that industry is carried on in this country to-day, the manufacturers refuse to sell to certain lumber dealers who do not comply with the conditions of the wholesaler. I do not see much difference in the principle that you apply to the mining industry and the principle that ought to apply to the lumber industry.

Mr. WEBB. There is some force to that suggestion. In fact, there is force in the suggestion that the section be made to apply to all raw material; but I beg the House to remember that in framing antitrust laws or amendments thereto you find more difficulty than you do in the performance of any other duty in this House. If you do not believe it, try it. It is easy to rise here and talk in generalities, but when you come to write your suggestions into the mandates of law you get into great difficulty and wade in much deep water.

Mr. GARNER. I do not intend this as a criticism.

Mr. WEBB. I understand.

Mr. GARNER. I am simply directing the attention of the committee to this matter because the gentleman has said that he and his committee and the President would welcome any amendment to this bill that sought to make it a better law. I have simply made this suggestion in response to that statement.

Mr. WEBB. I answered my friend with absolute frankness.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. GARRETT of Tennessee. Is the Committee on the Judiciary clear in its judgment that this section is constitutional and enforcible?

Mr. WEBB. We are as reasonably clear on that as we can be, considering the decisions in reference to our interstate-commerce powers. It does announce a new principle, but we thought it was vital and important enough to base it upon many decisions which indicate that Congress has that power. We have undoubtedly the right to exclude coal companies from using interstate instrumentalities who do not obey the law.

Mr. GARRETT of Tennessee. Undoubtedly as a negative proposition, but when you undertake to lay down an affirmative proposition, have you any precedents for that?

Mr. WEBB. As I said a moment ago, it is a new principle. Now I will yield to the gentleman from Oklahoma.

Mr. FERRIS. I am keenly interested in section 3, and I am aware of the fact that we are all hoping for a decision from the Supreme Court soon on the common-carrier proposition of pipe lines.

Mr. WEBB. The oil case?

Mr. FERRIS. Yes. I wonder if the committee has given consideration to the proposition of divorcing the production of mines from the transportation. There is the real nucleus of the trouble. For instance, in the oil proposition the Standard Oil

pipe lines and the Oil Trust, who have total control of carriage and transportation, go in and get alternative wells among the independent producers and refuse to take the oil of others because they are not common carriers. They will drain the land of oil by controlling these alternate wells. So it seems to me that two things might be considered in this section, one the bolstering up of the law of the common carrier and the other divorcing the production from transportation in any case.

Mr. WEBB. The committee did consider all that, but we felt that the control and regulation of common carriers was entirely within the jurisdiction and field of the Interstate Commerce Commission, and we had a hesitancy in stepping over on their territory.

Mr. FERRIS. But your section 3 is closely allied to that.

Mr. WEBB. Section 3 takes care of the mines, and that means gas, oil, and coal. We did not go further and try to control those things that belong to the control of the Interstate Commerce Commission.

Mr. FERRIS. But those who suffer from faulty and inefficient laws should not fall between stools. They should not be compelled to suffer. The committee should deal effectively with it.

Mr. WEBB. We went as far as the jurisdiction of our committee would warrant us in going in providing what we have in that section, and we thought it would be encroaching on the Interstate Commerce Commission's field if we undertook to go further.

Mr. GARNER. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. GARNER. The gentleman speaks of the definition of the word "mine" as including oil and gas. Does the gentleman believe that that would include oil and gas wells?

Mr. WEBB. That was our interpretation.

Mr. FERRIS. I might say that that comes under a different branch of the mineral law. Oil and gas come under the placer mining laws and coal comes under the other laws.

Mr. AVIS. Will the gentleman yield?

Mr. WEBB. I will.

Mr. AVIS. In asking the gentleman the question I expect to ask him, I want to say that I do not ask it in any partisan spirit. I come from a State that has 826 coal mines. The bituminous coal industry employs 73,000 men. I have received letters from hundreds of coal operators, irrespective of politics, who say to me that if this section is adopted it means the destruction of the small coal producer in the State of West Virginia. With that statement I want to add further, Did this committee in reporting on this measure consider the fact——

Mr. WEBB. I hope the gentleman from West Virginia will ask his question, as I want to get through. I do not mean any discourtesy to the gentleman.

Mr. AVIS. I was trying to lead up to the point that I wanted to get at. You provide in this section that—

> It shall be unlawful for the owner or operator of any mine or for any person controlling the product of any mine engaged in selling its product in commerce to refuse arbitrarily to sell such product to a responsible person—

And so forth.

Now, I have taken the trouble to find out whether that word "arbitrarily" has ever been judicially defined, and I only find two decisions. One is an English decision and one a decision from the State of West Virginia. In the English decision they held that the word "arbitrary" means "not supported by fair, solid, and substantial cause, and without reason given." The West Virginia definition says "without any reason therefor." Now, if these definitions are to apply, what, then, does the committee consider would be the meaning of "arbitrarily refused"? That is the question I am leading up to.

Mr. WEBB. Mr. Chairman, I will say to the gentleman that it is a word ordinarily used. It means to act without justification, without cause, without reason, without just excuse. I think all of those are synonyms for the word "arbitrarily."

Mr. AVIS. Then that leaves it to the court to say what is a sufficient excuse, and the committee does not attempt to do so?

Mr. WEBB. Oh, we can not define it. That is for the court to define. You can not define fraud; you can not define a great many things. You have to leave that to the court.

Mr. AVIS. Mr. Chairman, will the gentleman yield further?

Mr. WEBB. I hope the gentleman will pardon me, but I think the decisions of the courts ought to be read in the gentleman's own time.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. WEBB. I yield to the gentleman from Kentucky.

Mr. BARKLEY. Mr. Chairman, I notice the committee permits manufacturers and dealers in products to select their customers in different portions of the country, and under section 3 certain industrial corporations are forbidden from doing that same thing. Has the committee considered whether or not that might be regarded as in a sense class legislation—permitting one class of people to do a certain thing and forbidding another class to do the same thing?

Mr. WEBB. Yes; we have gone all through that. There is quite a difference, in the first place, from the moral side on the question of policy. One is the product as it naturally lies in the bowels of the earth, placed there by God Almighty, and we think that a man who happens to own it, no matter how he happened to get title to it, ought not to have the right arbitrarily to close his fist and say that he will not sell except to a favored few, especially when the products of mines are put there for the benefit of God's creatures.

Mr. BARTON and Mr. BAILEY rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. WEBB. I am very glad to yield to any gentleman for a short question, but I can not yield for debate.

Mr. BARTON. Mr. Chairman, I understood the gentleman to say to the gentleman from Texas [Mr. GARNER] that a distinction was made in this respect, that the man who sold the coal from the mine could not select his customers, but that the man who owned the vast forests and lumber could do it. Do I understand that statement correctly?

Mr. WEBB. We have not applied it to lumber. We have applied it to the products of the mines, and, as I frankly stated to the gentleman from Texas [Mr. GARNER], there may be some good reason why it should also be applied to all raw materials, but we have not done it. Further, it may seem as if this provision is class legislation to some extent, but the Federal Constitution does not clearly forbid this kind of legislation when based on the commerce power vested in Congress. There are sections in the Constitution of the United States which forbid class legislation by the States, but these sections do not restrict Congress, though undoubtedly glaring class legislation would be repugnant to the spirit of our Constitution and the genius of our institutions.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. BAILEY. There is nothing in this section or in the bill which makes it unlawful for a mine to be shut down and prices thus to be controlled.

Mr. WEBB. No.

Mr. FERRIS. Mr. Chairman, will the gentleman yield further?

Mr. WEBB. Yes.

Mr. FERRIS. I want to inquire of the gentleman, if he will yield further, if he considered the advisability of inserting in section 3 the same regulation as to water power that he has as to the products of the mines. There is nothing on earth so susceptible of monopoly as falling water. It is not here to-day or to-morrow, but it is here for all time, and it brings light and heat and all of the multitudinous advantages that go into the home and into the city. I wondered why in the bill that the God-given commodities, the gentleman having referred to them in that term, ought not to include water. What could be more necessary than to include water power in that class?

Mr. WEBB. Mr. Chairman, I will make the same answer to my friend from Oklahoma that I made to the gentleman from Texas [Mr. GARNER]. There may be some reason for including that in this section, and it all shows the difficulty of framing a bill of this character, the difficulties that we run against when we consider it, for one man wants water power, another man wants lumber, another wants oil, another coal, and another iron included. We thought we were making a good beginning by including in it all of the products of the mine, and if that works well in the future it may be that we can include the other products which the gentlemen have suggested this afternoon.

Mr. FERRIS. The question of water power is so intensely important——

Mr. WEBB. I agree it is.

Mr. FERRIS. Because falling water is so susceptible of monopoly, its use is so universal by everyone that if there is any place on earth where it would take hold it seems to me it is right there. Of course, I am not making this in any criticism.

Mr. WEBB. I now yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Under the provisions of this section 3, would the adoption of this into law prevent a man who is losing money as a mine operator from closing down his mine?

Mr. WEBB. I think not; that would not be "arbitrary," as I think my friend knows, although he is not a lawyer, but he is a man of fine sense, and he would at once answer that question in the negative.

Mr. MADDEN. It looks to me as if it would.

Mr. COOPER. Will the gentleman permit me to ask him one question about section 2 which contains the so-called prohibition against discriminations?

Mr. WEBB. Yes, sir.

Mr. COOPER. I want to preface my question by saying that the bill seems to me expressly to permit discriminations, and on that point I will ask the gentleman how he interprets the proviso beginning on line 7:

Provided, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation.

Observe that the proviso expressly allows discrimination on account of "quantity of commodity sold" and "difference in cost of transportation."

Now, the gentleman knows, that if a retailer buys in carload lots he pays less for goods and less for transporting them than does his small competitor who buys exactly similar goods in less-than-carload lots. This proviso specifically permits the big retailer to buy goods from a wholesaler at a less cost than his little competitor must pay to the same wholesaler, and it also permits the big man to have cheaper transportation than his little competitor can secure, and therefore the proviso gives the big man an opportunity to become bigger and bigger and more and more able to drive the little man to the wall. By this difference in the cost of exactly similar goods, bought from the same vendor, and by this difference in the cost of transportation authorized by this proviso, there is a direct permission of discrimination such as the bill was said to prohibit.

Mr. WEBB. I will say to my friend if we did not take into consideration the cost of transportation we would be accused by that side, and possibly by ours, of making the most arbitrary rule ever sought to be enacted into law. That is a business method and practice you can not get away from, and, in addition, it has been the practice from time immemorial that a man buying wholesale lots necessarily is entitled to a little more consideration or a cheaper rate than the man who buys, to use an old expression, in "dribs" and "drabs," or by retail. That is a business necessity that the committee did not feel warranted in trying to disturb; and I am informed that this very provision, practically the same provision, exists in 17 or 19 of the States of the Union, and exists in the State of my friend from Wisconsin who now addresses this question to me.

Mr. COOPER. I am not attempting to argue nor make any statement as to the merits of the proposition.

The gentleman said "necessarily." Perhaps the word "customary" would be more accurate.

Mr. WEBB. I accept the gentleman's amendment.

Mr. COOPER. It is a germane amendment; entirely so. Another thing: This would allow great mail-order houses that buy in enormous quantities to retain the great advantage they have always had.

Mr. WEBB. Will the gentleman draw a section that corrects the evil he mentions and present it at the proper time?

Mr. COOPER. I am simply asking about the bill, which the gentleman defends as a measure that will prevent discriminations in business.

Mr. WEBB. I think we have very high authority for this section, and one of the authorities is the State of Wisconsin, from which the gentleman comes.

Mr. AVIS. I hope the gentleman will yield for one more question.

Mr. WEBB. I beg the gentleman's pardon, but I must get on to another section. This bill has 23 sections in it.

Mr. Chairman, section 4 provides against any person making a sale of any commodities for use in the United States, or fix a price charged therefor, or discount from, or rebate upon any such price, on condition or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, and so fort , of a competitor. A violation of this section subjects the person violating it to a fine of $5,000 or imprisonment not exceeding one year, or both, in the discretion of the court. This section strikes at another fruitful source of monopoly or restraint of trade. I contend, Mr. Chairman, that no one has the right to sell goods to a purchaser and receive his money for them and at the same time compel such purchaser to refuse to sell a competitive article. Such contract in itself is in restraint of trade and tends directly to monopoly. This practice has been in vogue in the United States for 20 years, and there is scarcely a retail merchant throughout this broad land who has not suffered from such practice, because our country has been literally plastered with these exclusive-sale contracts. And yet our friends tell us that there are no teeth in this section of the bill.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Just for a question.

Mr. WILLIS. I wanted to ask the gentleman whether his committee considered the effect that this would have on the small producer? Now, I am asking that question because there have come to me a number of protests from small concerns. For example, I have in mind a case of a manufacturer of machine tools in my home town, a small concern that employs 40 or 50 men. They take this position, that the only way that they have been able to sell their product is by making exclusive trade agreements with agents in different cities of the United States and that if this bill be enacted into law it will permit an outsider to come in and sell the product under the name in which the product has been worked up in that town, and that will destroy their agency, and therefore will play directly into the hands of their monopolistic competitor. They are up against very severe competition, with a strong organization back of it. Now, what does the gentleman say to that?

Mr. WEBB. I think the small concern which the gentleman mentions has been compelled to adopt that method by the very trusts that first adopted it. He is compelled to adopt it as a matter of self-defense. It is one of the trust's greatest weapons to destroy the little business, which we in this section are trying to protect. The small concern can make a careful selection of a good man to push and introduce its goods, and at the same time have the advantage of not permitting the trust to go to a neighborhood and monopolize on a certain article. As it is today, the trust goes to a crossroads merchant and there binds the merchant to sell no article except an article controlled by the trust. Now, what chance has a little fellow to get in with that merchant? He can not do it. He has no place in which to sell his goods. But this section will give your independent concern a right to go to the small merchant and tell him that he is not bound to refuse to sell a competitive article. The law gives him the right to sell that trust-made article and his, too, and the little man can tell him that he would like to have his article put in stock with the other. That would be better for the independent and better for the merchant.

Mr. WILLIS. They make this further objection, that the trust, by its great wealth, is able to maintain its own distributing agencies, but that if this right which they now enjoy is taken away from them, they will have no means whatever of maintaining these agencies, not having the great wealth with which to do it. What is the gentleman's opinion of that objection?

Mr. WEBB. Well, there may be some force in that suggestion, but it is a situation that Congress can not remedy. It is just a condition that we face when we see one strong man, weighing 180 pounds, in a contest with a man who weighs 65 or 100 pounds. It is a condition we meet with—a man worth a million dollars in a contest against a fellow who has only $500. If my friend can tell us a remedy for that, we will be glad to have it. We desire to unfetter both the merchant and the man who sells to the merchant and give him a fair field, and tell him, "You can buy from whom you please and sell wherever you please."

Mr. AVIS. Will the gentleman yield for a short question?

Mr. WEBB. Yes.

Mr. AVIS. The gentleman has stated that the purpose here is to prevent the big fellow swallowing up the little fellow. Take, for instance, the coal business. I am a small operator. I have built up a trade by years of work, and what is to prevent the big fellow from coming over and taking my whole output and destroying my trade for that particular year?

Mr. WEBB. I suppose the gentleman would not want me to say he ought to be allowed to get it "vi et armis."

Mr. AVIS. You have coal mentioned there—that you can not refuse to sell to the first responsible bidder. Suppose I am a small coal dealer, and some big man comes along and lays down his certified check—a man representing a monopoly—and says, "I bid for your entire product of coal." What is to prevent him from destroying the trade that I have been for years building up?

Mr. WEBB. You would have the right to supply your customers and continue to sell to them.

Mr. AVIS. Does not the gentleman think I would have the right to prefer one customer over another—to prefer my old customers? Yet your bill forbids that.

Mr. WEBB. You can supply one customer and not meet the demands of monopoly.

Mr. AVIS. I thought the gentleman's statement as to section 3 was to the effect that it was intended to prevent discrimination between customers who sold coal and oil and minerals.

Mr. WEBB. It is so intended, and the object of that is to prevent you from selling your entire product to a monopoly when the little man wants to buy from you.

Mr. AVIS. I can not refuse to sell my product to any responsible bidder. That is the objection I have pointed out. I do not point this out in any partisan spirit. I really and sincerely think it would destroy nearly 700 independent coal people in my country, because the big fellows would come along and say, "I am willing to take your entire product, the whole of it, or a part of it"; and yet I, as a coal dealer, may have been building up my trade for years, and the section says I must not sell my whole product to the trust.

Mr. WEBB. You have other customers in whom you have confidence, and you can sell to them.

Mr. AVIS. Evidently the gentleman does not understand me. I said that under this particular language the trust might destroy my trade.

Mr. WEBB. "Sufficient unto the day is the evil thereof," I will say to the gentleman; and I think he should quiet his fears, for the danger he fears does not lie in this section.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Wisconsin?

Mr. WEBB. Yes.

Mr. COOPER. In connection with section 4 I would like to ask the gentleman from North Carolina if there is a provision in the bill which prohibits a man selling to a purchaser on the condition that he does not buy from any other seller? Is there any provision here that would require a trust or a big manufacturer who makes a fine article to sell to the little man?

Mr. WEBB. No, sir.

Mr. COOPER. Why should there not be? That is exactly what goes on now. Suppose there are two little concerns in a given village. One of them is already engaged in selling certain articles that are useful and which have a large sale. There is a demand for another article of the same general description, but the maker of that other article will sell it to only one of those two stores in the village. Why should he not be compelled to sell to the customer, a bona fide, responsible customer, just the same as you propose to provide that the mine owner shall sell his products?

Mr. WEBB. We took this view of it: The man who, with his own industry and with his own money, manufactures or transforms the raw material into some useful object ought to have the right to select his purchaser; but we did not think that ought to apply to the man who takes products from the bowels of the earth as God deposited them.

Mr. COOPER. How would that be with a brand of flour?

Mr. WEBB. Well, there is more advancement in the manufacture of flour from the wheat than on the production of coal and oil that are simply taken from the bowels of the earth.

Mr. COOPER. We are trying to pass a law that will promote fair and square dealing and legitimate competition, are we not?

Mr. WEBB. Yes; but there are thousands of things that can not be covered by a bill of this class.

Mr. COOPER. I would like to have the gentleman assign a reason why he has not done in this bill what I have suggested. Does not the gentleman want to, or can he not do it?

Mr. WEBB. It is a question of policy. We think we ought not.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from New York?

Mr. WEBB. Yes.

Mr. GOULDEN. I hope that my friend the new chairman of the committee will pardon a suggestion. In common with many others I am very much interested in the gentleman's statement, and if these interruptions are permitted—and the gentleman is too courteous to decline—I fear we shall not hear the gentleman complete his speech. I therefore suggest that hereafter the gentleman decline further interruptions until he can complete his able and satisfactory statement. [Applause.]

Mr. WEBB. Mr. Chairman, section 5 gives any person who may be injured in his business, by reason of anything forbidden in the antitrust laws, the right to sue for such injury in any district court where the defendant resides, or is found without respect to the amount in controversy and shall recover threefold the damages sustained, together with the cost of the suit, including a reasonable attorney's fee. This section opens the door of justice to every man, whenever he may be injured by those who violate the antitrust laws, and gives the injured party ample damages for the wrong suffered.

Section 6 provides that when the Government brings a suit in equity against an alleged trust, and the final judgment is rendered in such suit to the effect that the defendant has or has not entered into a contract or conspiracy in the form of a trust or restraint of trade or commerce, that said final judgment may be used as evidence in any other proceeding brought by an individual against the same defendant, and shall be conclusive evidence of the same facts and the same questions of law, in favor of or against any party in any suit brought under the provisions of the antitrust laws.

Mr. SCOTT. Will the gentleman yield?

Mr. WEBB. I hope the gentleman will wait until I get through with my statement. Then I will be glad to answer any questions.

This section also suspends the running of the statute of limitations against individuals whenever the Government brings an equity suit against any person charged with violating the antitrust laws.

Section 7 provides that the antitrust laws shall not be construed to forbid the existence and operation of fraternal, labor, consumers, agricultural or horticultural organizations, orders or associations instituted for mutual help and having no capital stock and not conducted for profit; neither shall the antitrust laws be construed to forbid or restrain individual members of such organizations from carrying out the legitimate objects of such organizations. This section also permits the operation of traffic associations which are under the supervision of the Interstate Commerce Commission.

Section 8 forbids any corporation to acquire the capital stock of another corporation when both are engaged in commerce, if the effect of such acquisition is to eliminate or substantially lessen competition between such corporations or to create a monopoly of any line of trade anywhere. Nor shall any corporation acquire the capital stock of two or more corporations engaged in commerce if the effect of such acquisition or the use of such stock, by voting or otherwise, is to eliminate or substantially lessen such competition between corporations or to create a monopoly in any line of trade anywhere.

This section exempts purchases of stock for investment solely, and where same is not used by voting or bringing about or lessening competition.

This section permits one corporation to form subsidiary corporations for the actual carrying on of their immediate lawful business, and such parent corporation may own or hold the stock of such subsidiary corporations when this does not eliminate or substantially lessen competition.

This section does not apply to stock transactions heretofore legally made.

Under this section a railroad corporation may construct branch lines, so located as to become feeders, and the parent corporation may own all of or any part of the stock of such branch lines, and a railroad corporation may acquire the stock of a branch line constructed by an independent company where there is no substantial competition between the two. A railroad company under this section is permitted to extend its lines by buying the stock of other railroad companies where there is no substantial competition between the two.

A violation of the provision of this act subjects a person to a fine of not exceeding $5,000 or to imprisonment not exceeding one year, or both.

The common law never allowed one corporation to own the stock of another, but by degrees some of the States have relaxed this rule until the country has become burdened with pools and holding companies which are direct supports of trusts or monopolies. Pooling is practically a partnership of corporations, and their contracts have become nonenforceable, which gives them a fatal weakness. When the pool became a failure on account of this weakness the trust was formed by each corporation transferring its stock to common trustees. Thus, all of the stock of the component corporations was held by trustees, who completely controlled the business of all the corporations in the trust. Each constituent company retained its officers and continued its business, but the amount and price of its product was controlled by the trustees. This form of trust was clearly a partnership of corporations, with the business of all controlled by one head, and we are not surprised to find that this form of trust was declared illegal in the early nineties.

So the next stage of corporation partnership was the holding company, where the stock of each company is transferred to the holding corporation, and this corporation actually owns the stock of the constituent companies, making the constituent corporations subsidiary instead of independent; but in holding corporations the company controls the policy and price of commodities of constituent or subsidiary corporations.

The first State to repeal the common-law principle that any corporation could own the stock of another corporation was New Jersey. The States of Delaware, West Virginia, and Maine soon followed the lead of New Jersey.

After the holding companies came the complete merger, where the stock of the constituent companies is actually bought in and canceled, the only stock being that of the master com-

pany. This act does not prohibit all holding companies, but only those which substantially lessen competition.

Section 9 provides that after two years from the approval of the act no person who is a member of a partnership or is a director or officer of a corporation engaged in producing or selling materials or supplies or in the construction of railroads shall act as director or officer of any other corporation or common carrier to which such person sells or leases equipment or supplies, and that no officer or director of a bank shall act as director or officer of any such common carrier for which he or such bank acts as agent for or underwriter of the sale or disposal by such common carrier of its securities or from which he or such bank purchases the securities of such common carriers. That two years from the passage of this act no person shall be a director, officer, and so forth, of more than one bank or trust company at the same time if either of such banks or trust companies has deposits, capital, surplus, and undivided profits aggregating more than $2,500,000, and no private bank or person who is director in a bank or trust company organized under the laws of a State having deposits, capital, surplus, and undivided profits aggregating more than $2,500,000 shall be a director in any bank organized under the laws of the United States. The eligibility of a director is determined by the average amount of deposits, capital, surplus, and undivided profits, as shown by a statement of such bank filed under the law during the fiscal year preceding the date set for the annual election of directors, and when a director has been elected according to the provisions of this act it shall be lawful for him to remain such director for one year.

This section further provides that no United States banking company in a city of more than 100,000 population shall have as a director, officer, or employee any private banker or director of any other bank or trust company located in the same place.

This section does not apply to mutual savings banks without capital stock, nor does it apply to the directors of one bank or one trust company when the entire capital stock of either is owned by the stockholders of the other. Nor does it repeal the provisions of the Federal reserve act which permits a director in class A of said act to be a director of one member bank.

This section further provides that after two years from the approval of the act no person shall at the same time be a director in two or more corporations either of which has a capital, surplus, and undivided profits aggregating more than $1,000,000 if such corporations shall have been theretofore competitors to such an extent that an elimination of competition by agreement between them would be a violation of any provision of the antitrust laws. Eligibility of stockholders under this section is determined by the aggregate capital, surplus, and undivided profits, exclusive of dividends declared but not paid, at the end of the fiscal year next preceding the election of directors, and a director who is elected under the provisions of this act may continue as such for at least one year.

Violation of the provisions of this act subjects a person to a fine of $100 a day during the continuance of such violation, or to imprisonment not exceeding one year, or both.

Section 10 allows suit, under the antitrust law, to be brought in any district where the defendant is an inhabitant or may be found.

Section 11 provides that in suits brought by the United States subpœnas for witnesses may run into any district.

Section 12 provides that when a corporation is found guilty of violating the antitrust laws the offense shall be deemed to be also that of the individual directors, officers, and agents of such corporation who shall have authorized, ordered, or done any of the prohibited acts, and such directors or officers are deemed guilty of a misdemeanor and shall be subjected to a fine of not more than $5,000, or to imprisonment not exceeding one year, or both. In this section we have attempted to make guilt personal, and we believe we have succeeded in doing so.

The President, in his message of January 20, 1914, on this subject, said:

> We ought to see to it, and the judgment of practical and sagacious men of affairs everywhere would applaud us if we do see to it, that penalties and punishments should fall not upon business itself, to its confusion and interruption, but upon the individuals who use the instrumentalities of business to do things which public policy and sound business practice condemn. Every act of business is done at the command or upon the initiative of some ascertainable person or group of persons. These should be held individually responsible, and the punishment should fall upon them, not upon the business organization of which they make illegal use.

Section 13 gives the district courts jurisdiction to restrain and prevent violations of this act and makes it the duty of the district attorneys, under the direction of the Attorney General, to bring suits to prevent and restrain such violations. Such suits may be brought by way of petition, and after the parties complained of shall have been duly notified, the court shall proceed to hear and determine the case. During the pendency of the suit the court may issue temporary restraining orders, and the court may require other parties to be brought before the court, whether they reside in the district or not, and subpœnas to that end may be served in any district.

Section 14 gives any person the right to sue for injunctive relief against threatened loss or damage by a violation of the antitrust laws when and under the same conditions as injunctive relief is granted under the rules governing such proceedings; and upon giving proper bond and showing that the danger of irreparable loss or damage is immediate, then a preliminary injunction may issue, but no one shall bring suit in equity for injunctive relief against a common carrier except the United States.

Section 15 regulates the issuance of injunctions and conforms largely to the rules of the United States Supreme Court.

Section 16 provides that, except as provided in section 14, a restraining or interlocutory order of injunction shall not issue, unless security is given in such manner as the court may deem proper.

Section 17 requires that all orders of injunction or restraining orders shall set forth the reasons for issuance of same, be specific in terms, and describe in reasonable detail the act sought to be restrained, and shall bind only the parties to the suit, their agents, servants, employees, attorneys, or those in actual concert with them, and who shall, by personal service or otherwise, have received actual notice of the same.

Section 18 provides that no restraining order or injunction shall be granted in a case between employer and employee or between persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the applicant, for which injury there is no adequate remedy at law, and such property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney, and, further, that no restraining order or injunction shall prohibit any person from terminating any relation of employment, or from ceasing to perform any work, or from recommending or persuading others by peaceful means so to do, or from attending at or near a house or place where any person resides or works or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or quit work, or from ceasing to patronize or to employ any party to such dispute, or from advising others by peaceful means to do so, or by paying or giving to or withholding from any strike benefits, or from peaceably assembling at any place in a lawful manner and for lawful purposes, or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

Mr. Chairman, when you read section 7, together with sections 17 and 18, the members of the Judiciary Committee declare unto this House, unto the country, and unto the laboring people that we have given them a bill of rights. We have given them a magna charta. We have given them what they have been demanding from this Congress for 20 long years, and I therefore express the hope that the sections in this bill which seem to be unsatisfactory to the trusts, monopolies, and unscrupulous business of the country—because we know that they are not particularly anxious to look after the laboring class of people—may be adopted by this committee and this House. We hear, on the other hand, that there may be some criticism from some quarter that we have not gone far enough in the interest of labor; but I appeal to the sensible men, the patriotic men on both sides of this floor, to agree that in these various sections of this bill we have given labor a bill of rights and a new charter. I trust that those who represent laboring men as I do—and in this connection I want to say that never in 11 years' service here have I voted against labor on the floor of this House or in the committee—will tell them, as I tell them as their friend, that they have a great charter in this bill, and that they ought to be thankful that it is here and be satisfied with it. I appeal to the men who represent labor directly. I have not a labor union in my district, and yet I have stood by labor and am standing by them now, because we have given them something that the head of the American Federation of Labor and other labor organizations of the United States have been clamoring for lo these many years; and, having gotten it, I believe they should sing a pean of joy and accept it as it is written in this bill.

Mr. BRYAN. Will the gentleman state what definite and particular objections he has to the amendments that the laboring men ask for—why he objects to granting them?

Mr. WEBB. I do not care to discuss that at this time for good reasons, but we shall discuss it fully later.

Mr. SWITZER. Will the gentleman yield for one question?

Mr. WEBB. Just for a question.

Mr. SWITZER. Will the gentleman please state how many members of this committee that considered this bill have coal mines in their districts?

Mr. WEBB. I have not made a poll of the committee, and do not know.

Now, Mr. Chairman, the next section of the bill is designed to give laboring men the right of trial by jury in indirect contempt cases where the contempt also involves the commission of a criminal offense either under statute or common law. That is another demand labor has made on Congress for many years. They now have it within their grasp.

Mr. J. M. C. SMITH. Will the gentleman yield?

Mr. WEBB. I will.

Mr. J. M. C. SMITH. In explaining the right to peaceably ask another person to work or to refrain from working you use the language "at or near a person's residence or home."

Mr. WEBB. I beg the gentleman's pardon. Not residence or home, but at any place, in a lawful manner.

Mr. J. M. C. SMITH. I would like to know if that would not allow a person to go into a man's residence for the purpose of persuading a workingman—peacefully, of course—to work or not to work?

Mr. WEBB. I think if he goes peacefully, if permitted to go in by the owner of the house, he could do so. If the owner of a house shuts his door, a person could not go in. There is no objection to a man going to my home or yours if he is permitted to do so by the owner of the castle.

Mr. J. M. C. SMITH. The gentleman thinks the owner of the house could keep him out?

Mr. WEBB. Oh, of course; that is his castle. Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has occupied one hour and nine minutes.

Mr. WEBB. Mr. Chairman, sections 19, 20, 21, 22, and 23 provide for a trial by jury of indirect contempts.

Section 19 provides that any person disobeying a writ, order, or decree of a district court, or of the District of Columbia, by doing any act or thing therein forbidden to be done, if the act or thing done by him be of such character as to constitute also a criminal offense, either by statute or common law, shall be proceeded against in the following manner—section 20, that is—when it appears to the court, by the return of an officer or upon affidavit of some person or upon information filed by the district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the judge may issue a rule requiring such person to show cause, upon a certain day, why he should not be punished therefor, which rule, with a copy of the affidavit or information, shall be served upon the person charged, giving him time to prepare for and make return to the order. If his return does not sufficiently purge himself, in the opinion of the court, a trial shall be directed at a time and place fixed by the court. If the person fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer.

In all cases arising under this section such trial may be held by the court, or if accused demand same, by jury, in which latter event the court may impanel a jury from the jurors in attendance, or the judge in chambers may cause a sufficient number to be selected and summoned to attend at the time and place of trial, at which time a jury shall be selected and impaneled, as upon a trial for misdemeanor, and shall proceed as in criminal cases prosecuted by indictment. If the accused shall be found guilty, judgment shall be entered describing the punishment, either by fine or imprisonment, or both. The fine shall be paid to the United States or to the complainant or other person injured by the act constituting the contempt, but in no case shall the fine to be paid to the United States by a natural person exceed the sum of $1,000, nor shall imprisonment exceed a term of six months.

Section 21 provides that evidence in such cases may be preserved and prescribes the method of appeal, and when a writ of error is granted execution of judgment shall be stayed and the accused admitted to bail.

Section 22 provides that nothing contained in this bill shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States.

Section 23 provides that no action for contempt shall be brought against a person after one year from the date of the act complained of, nor shall any such proceeding bar a criminal prosecution for the same act, and nothing herein shall affect pending cases at the time of the approval of this act.

Mr. Speaker, there is a general demand among lawyers and laymen throughout the United States for some check or limitation upon the power of Federal judges, who both try and punish for contempt. I believe that it is almost universally agreed that cases arising under section 19 of this act should be tried by a jury if the accused demands it. There are some who believe that a jury trial should be allowed in all indirect contempt cases.

The time may come before a great while when all indirect contempt cases will be tried by jury.

On the increasing growth of the power of the Federal courts I wish to read the following extract from an article written by Judge Henry Clay Caldwell, who was appointed Federal judge in 1864 by Abraham Lincoln, and who served as a Federal judge for 39 years:

> The modern writ of injunction is used for purposes which bear no more resemblance to the uses of the ancient writ of that name than the milky way bears to the sun. Formerly it was used to conserve the property in dispute between private litigants, but in modern times it has taken the place of the police powers of the State and Nation. It enforces and restrains with equal facility the criminal laws of the State and Nation. * * * In proceedings for contempt for an alleged violation of the injunction the judge is the lawmaker, the injured party, the prosecutor, the judge, and the jury. It is not surprising that, uniting in himself all these characters, he is commonly able to obtain a conviction. While the penalty which the judge can inflict by direct sentence for a violation of his code is fine or imprisonment, limited only by his discretion, capital punishment may be inflicted by indirection. All that seems to be necessary to this end is to issue a writ to the marshal or sheriff commanding him to prevent a violation of the judge's code, and then the men, with injunction nooses around their necks, may be quickly dispatched if they attempt to march across this injunction deadline. It is said the judge does not punish for a violation of the statutory offense, but only for a violation of his order prohibiting the commission of the statutory offense. Such reasoning as this is what Carlyle calls "logical cobwebbery." The web is not strong enough to deprive the smallest insect of its liberty, much less an American citizen. * * * A jurisdiction that is not required to stop somewhere will stop nowhere.
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> Prof. Baird says fish have no maturity, but continue to grow until they die. This curious characteristic of fish is a very intensified form in the equitable octopus called injunction, for that has no maturity and never dies, and its jurisdiction grows and extends perpetually and unceasingly.

Mr. Chairman, this bill does not deprive the court of the power to punish for contempt in certain cases, but gives the accused the right to have the issue of his guilt or innocence tried by 12 men before punishment can be inflicted by the judge. It is wise to allow juries to try questions of fact, although there are some who are assaulting the jury system and declare it is a failure, but, in my opinion, it is the most perfect system ever devised by man to determine a controversy between man and man.

The Star Chamber in England tried to abolish the jury system and brought about a revolution. Our country's jurisprudence will never decline, and our country will always remain strong and great so long as the jury system is preserved inviolate and incorrupt.

It has been strenuously argued that Congress has no power to limit inferior courts in the exercise of their power to punish for contempt. The Constitution does say the judicial power of the United States shall be vested or shall rest in one Supreme Court and in such inferior courts as Congress shall from time to time establish. I take it that if you run down the decisions from 1709 to the present time you will not find a decision of any court but what says that these inferior courts are absolutely and entirely the creatures of Congress, and surely the power that can create can also limit the power of the creature. Inherent powers! There are no inherent powers in any inferior court. The only power that a district court possesses is that prescribed by Congress—the body that creates it—otherwise we could bring into being a power that would be superior to the creator.

On the question of the power of Congress to limit the courts in their punishment for indirect contempts, I wish to cite a few authorities.

The first authority I wish to cite in this connection was written in 1799 in the case of Turner against The Bank of North America, in Fourth Dallas. Counsel said:

> It is, then, to be remarked that the judicial power is the grant of the Constitution, and Congress can no more limit than enlarge the constitutional grant.

Then Judge Ellsworth, Chief Justice at that time, interrupted this argument and said:

> How far is it meant to carry this argument? Will it be affirmed that in every case to which the judicial power of the United States extends the Federal courts may exercise the jurisdiction, without the intervention of the legislature, to distribute and regulate the power?

Justice Chase said:

The notion has frequently been entertained that the Federal courts derive their judicial power immediately from the Constitution, but the political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this court, we possess it, not otherwise; and if Congress has not given the power to us or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would perhaps be inexpedient, to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant.

That was in 1799, and, gentlemen, from that good hour to this the suggestions of Chief Justice Chase and Judge Ellsworth have been followed.

Now, in United States *v.* Hudson (7 Cranch, p. 31):

Of all the courts which the United States may, under their general powers, constitute, one only—the Supreme Court—possesses jurisdiction derived immediately from the Constitution and of which the legislative power can not deprive it. All other courts created by the General Government possess no jurisdiction but what is given them by the power that creates them, and can be vested with none but what the power ceded to the General Government will authorize them to confer. * * * For the power which Congress possesses to create courts of inferior jurisdiction necessarily implies the power to limit the jurisdictions of those courts to particular objects; and when a court is created and its operations confined to certain specific objects, with what propriety can it assume to itself a jurisdiction much more extended, in its very nature very indefinite, applicable to a great variety of subjects, varying in every State in the Union, and with regard to which there exists no definite criterion of distribution between the district and circuit courts of the same district?

We next come to Third Howard, on page 245, Cary against Curtis, and I may say that this decision was affirmed in Fink against O'Neil, in One hundred and sixth United States.

Says the court:

Secondly, the doctrine so often ruled in this court, that the judicial power of the United States, although it has its origin in the Constitution, is (except in enumerated instances applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) for the exercise of the judicial power and of investing them with jurisdiction, either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. To deny this position would be to elevate the judicial over the legislative branch of the Government and to give to the former powers limited by its own discretion merely. It follows, then, that the courts created by statute must look to the statute as the warrant for their authority; certainly they can not go beyond the statute and assert an authority with which they may not be invested by it or which may be clearly denied to them.

* * * The existence of the judicial act itself, with its several supplements, furnishes proof unanswerable on this point. The courts of the United States are all limited in their nature and constitution, and have not the powers inherent in courts existing by prescription or by the common law.

What can be stronger, gentlemen, than that decision rendered in Third Howard and reaffirmed in One hundred and sixth United States in the case of Fink against O'Neil, at page 280?

Now, here is still another authority to which I wish to call the attention of the Members of the House, found in Forty-ninth United States, or Eighth Howard—Sheldon against Sill, page 441:

Courts created by statute can have no jurisdiction but such as the statute confers.

It is absurd, it seems to me, to hold that the creator can create a thing which, after it is created, becomes bigger and more powerful than its creator. It was never so intended by the founders of the Government, and it is opposed to the genius of our institutions to suppose a thing created can become more powerful than the people who created it. Now, in this decision Judge Grier, rendering it, says:

It must be admitted that if the Constitution had ordained or established the inferior courts, and distributed to them their respective powers, they could not be restricted or divested by Congress.

Nobody undertakes to say that we can restrict or divest the power of the Supreme Court of the United States, because that court was created by the Constitution, and that is the distinction this judge draws here:

But as it has made no such distribution, one of two consequences must result—either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that Congress, having the power to establish the courts, must define their respective jurisdictions. The first of these inferences has never been asserted, and could not be defended with any show of reason, and, if not, the latter would seem to follow as a necessary consequence, and it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all.

The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently the statute which does prescribe the limits of their jurisdiction can not be in conflict with the Constitution, *unless it confers powers not enumerated therein.*

Such has been the doctrine held by this court since its first establishment. To enumerate all the cases in which it has been either directly advanced or tacitly assumed would be tedious and unnecessary.

I cite still another authority, Mr. Chairman. It is in Eighteenth Wallace, page 577, and is known as the case of the sewing machine companies. It bears out the decision which I have just read. It is as follows:

Circuit courts do not derive their judicial power immediately from the Constitution, as appears with sufficient explicitness from the Constitution itself, as the first section of the third article provides that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." Consequently the jurisdiction of the circuit court in every case must depend upon some act of Congress, as it is clear that Congress, inasmuch as it possesses the power to ordain and establish all courts inferior to the Supreme Court, may also define their jurisdiction. Courts created by statute can have no jurisdiction in controversies but such as the statute confers. Congress, it may be conceded, may confer such jurisdiction upon the circuit courts as it may see fit within the scope of the judicial power of the Constitution not vested in the Supreme Court, but as such tribunals are neither created by the Constitution nor is their jurisdiction defined by that instrument, it follows that inasmuch as they are created by an act of Congress it is necessary in every attempt to define their power to look to that source as the means of accomplishing that end. Federal judicial power, beyond all doubt, has its origin in the Constitution, but the organization of the system and the distribution of the subjects of jurisdiction among such inferior courts as Congress may from time to time ordain and establish within the scope of the judicial power always have been and of right must be the work of the Congress.

Now, Mr. Chairman, in Nineteenth Wallace, Robinson's case, at pages 510 and 511, we have a contempt case. The syllabus says:

The act of March 2, 1831, entitled "An act declaratory of the law concerning contempts of court," provides in its first section:

"That the power of the several courts of the United States to issue attachments and inflict summary punishment for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts."

Mr. Justice Field in that case, after stating the facts, delivered the opinion of the court, as follows:

The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power. But the power has been limited and defined by the act of Congress of March 2, 1831. The act, in terms, applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt; but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. The act of 1831 is therefore to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases: First, where there has been misbehavior of a person in the presence of the courts or so near thereto as to obstruct the administration of justice; second, where there has been misbehavior of any officer of the courts in his official transactions; and, third, where there has been disobedience or resistance by any officer, party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the courts.

There is no inherent power suggested there, because the Supreme Court says that Congress has the right to limit the power of the courts of this country to punish for contempt to three classes of cases. Now, if Congress can reduce them to three, it can reduce them to one, and if they can reduce them to one, Congress can destroy contempt cases altogether, and if Congress destroys them altogether, why can not it say that in certain cases a jury must intervene and determine whether or not the party is guilty before the judge shall inflict punishment?

"But," says the court, "the power is limited." What power? The power to punish for contempt. By whom is it limited? Nobody but the law-making power. Justice Field says:

The act, in terms, applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt

We find in this case, Nineteenth Wallace, Eighty-sixth United States, that we can limit the power over contempt in the circuit and district courts. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in three classes of cases.

This is a direct decision in point, gentlemen of the House, which declares that the Congress has the power to limit the punishment to three classes of cases; and if it has the power to limit the punishment to three classes of cases, we can limit that power to one class or abolish it altogether. I contend that

if Congress desires to take away from the inferior courts all power to punish for contempt it can do it.

We could abolish the circuit courts of the United States—which we have done—and the Commerce Court, the district courts, and all the courts, except the Supreme Court; and, therefore, it is absurd to argue that while we have the power to destroy we have not the power to regulate the thing we create.

I can not see how any lawyer can read these authorities from 1799 to the present and then contend that the people who create these courts through their Representatives in Congress have no right to provide that before a man shall be convicted of crime by a judge there shall be flung between him and the judge's arbitrary power a jury of 12 men—one of the most sacred institutions in all the world, and especially to the people of the United States—simply to pass upon the facts and say whether he is guilty. If the man is guilty, the judge has all the power he needs to punish, provided it does not exceed six months' imprisonment or a fine of $1,000. [Loud applause.]

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15657 and other bills embraced in the order of the House, and had come to no resolution thereon.

Mr. STAFFORD. Mr. Speaker, should not the chairman of the committee make a report to the House that the committee has had under consideration the bill H. R. 15613 and had laid it aside with a favorable recommendation, and not that it had come to no decision thereon? Under the rule that would hold it in abeyance until all three of the bills were passed upon in the committee.

The SPEAKER. The House does not pass upon one bill until it gets through with all three.

Mr. STAFFORD. But the chairman has made a report that it has come to no decision.

The SPEAKER. The Chair thinks the gentleman from Tennessee is correct. If he was not, when they got through with the first bill the committee would rise and he would make a report. This is like the procedure when we are in Committee of the Whole on the Private Calendar.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 12806. An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside; and

H. R. 16508. An act making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 149. Joint resolution authorizing the President to accept an invitation of the French Republic to participate in an International Congress of Musical Science and History, to be held at Paris; to the Committee on Foreign Affairs.

RURAL CREDITS.

Mr. THOMPSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits.

The SPEAKER. Is there objection?

There was no objection.

Mr. DONOVAN rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. I want to say, Mr. Speaker, that I think the gentleman from Wisconsin misunderstood the situation. The motion was that the bill be laid aside with a favorable recommendation. It was passed unanimously. Of course there were no Republicans here, except a few, but they all acquiesced in the favorable result.

The SPEAKER. That question has been settled authoritatively.

Mr. STAFFORD. The gentleman from Connecticut does not know what he is talking about.

Mr. WEBB. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEBB. Under the rule are we to have a session this evening?

The SPEAKER. Yes; the rule requires the House to take a recess until 8 o'clock, and the gentleman from Oklahoma [Mr. FERRIS] will act as Speaker pro tempore this evening.

RECESS.

Accordingly the House (at 5 o'clock and 24 minutes p. m.) stood in recess until 8 o'clock p. m.

EVENING SESSION.

The House was called to order by Mr. FERRIS, Speaker pro tempore, at 8 p. m.

ANTITRUST LEGISLATION.

The SPEAKER pro tempore. The House will resolve itself automatically into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and other bills under the special order.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15657 and other bills under the special order, with Mr. HULL in the chair.

Mr. WEBB. Mr. Chairman, I will ask the gentleman from Minnesota [Mr. VOLSTEAD], who has control of the time on the other side, to use some of his time now, as we have used 1 hour and 25 minutes.

Mr. VOLSTEAD. Mr. Chairman, it is not my intention to enter into an extended discussion of this bill. I have been too busy with other matters to prepare anything like a speech, still there are some features to which I desire to call attention. When this session met it was generally understood that it would be devoted largely to trust legislation. A great many promises were made, a great many assurances were given as to what was going to be accomplished at this session. One thing that I remember which was especially emphasized was the necessity of erasing from the Sherman antitrust act the word "reasonable," said to have been inserted in it by the Supreme Court in the Standard Oil Co. decision. It was also urged that in many other respects the act needed to be strengthened.

Early in the session we commenced hearings in the Committee on the Judiciary, and somewhere along during the last of January or the first of February, four bills made their appearance as committee bills. Upon one of these there was an indorsement to the effect that another bill would be later introduced—one on holding companies. Those bills became known familiarly as the "Five Brothers."

The bill now under consideration embodies some features from all of those bills, except one—the so-called definitions bill.

That bill was designed to restore the Sherman Act to its former vigor and add some additional teeth. That bill has entirely disappeared in the shuffle. It is known that the President has been repeatedly consulted, but the Republican Members only know of these consultations through the newspapers or from some occasional remark dropped by those in the secret. In the years past the Democrats have loudly condemned this secret method of framing legislation. No one can tell just what sort of influences write bills when written in this fashion. Section 8 of this bill is the section that most directly affects the trusts. This is the one that deals with holding companies and the right of one company to acquire the capital stock of another company. The overshadowing importance of this section can not be doubted when it is remembered that nearly every trust has been formed by the purchase of the capital stock of one corporation by another corporation. If such purchases are permitted, the formation of trusts is permitted. The English common law condemns the practice of one corporation purchasing the capital stock of another corporation, upon the ground that it tends to monopoly. Our courts supported this view until different States, eager to profit by a tax on corporate franchises, removed this restriction to encourage the formation of corporations. Congress has not legalized the practice. Do we legalize it in this bill? If we do, the effect is to practically repeal the Sherman Antitrust Act.

If this section is enacted it will become a definite legislative declaration by Congress of its policy in regard to the formation of trusts, a policy that courts will necessarily apply not only to future but also to present trusts. The policy in this bill differs radically from that under present law. Under the law as it

stands, it is not necessary to show that a combination actually restrains or monopolizes trade or commerce in order to bring them within the language of the law. It is enough that the necessary effect of the combination is to give it the power to do those things. The decisive question is whether the power exists, not whether it has been exercised. In the Northern Securities Co. case, the Trans-Missouri, Joint Traffic, Pearsal, and Addyston cases, the United States Supreme Court held that it was immaterial that trade or commerce had not actually been restrained; that it made no difference, even, that rates and prices had been lowered, it being enough to bring the combination within the condemnation of the act that it had the power to restrain trade or commerce. But under the two first paragraphs of this section the existence of this power is not sufficient to make the combination illegal; it is necessary to show, in addition, that the consolidation of two competing corporations effected an elimination or substantial lessening of competition or that it has created a monopoly in any line of trade in any section or community. In paragraph 3 it is necessary to go still further; it there requires a showing that competition has been lessened by voting the stock that has been consolidated. In other words, the vice in this section is that it permits the formation of a trust and in effect declares this trust legal until it eliminates or substantially lessens competition or creates a monopoly, while under the present law the combination is declared illegal if it possesses the power to restrain commerce, whether it has that effect or not. If this section 8 had been in force when the Northern Securities Co. case was tried, the Government would have lost it, as no restraint of trade was shown in that case. There had been no substantial lessening of competition at the time when that suit was instituted that could be established. A combination can easily conduct its business so that it will be impossible to show that competition has been entirely eliminated or to show that a monopoly has been created as the word "monopoly" is construed by our courts. To prove that the consolidation has substantially lessened competition will be almost as difficult. No one can tell how the word "substantial" will be construed. As used in this section it may mean that the competition must be largely lessened. This word "substantial" is so indefinite that it affords the courts no guide. As applied to the facts in any ordinary case of conflicting testimony it will give them a license to hold that anything short of almost entire elimination of competition is legal.

To illustrate the vicious effect of the requirement that the combinations to be illegal must destroy or substantially lessen competition, let me suggest that if a corporation is formed to erect a factory to produce an article in competition with some other corporation, this section will permit the consolidation of these companies at any time before actual competition commences. Until then there can be no elimination or lessening of competition. Or if a company now engaged in business desires to enter new territory it can first purchase the capital stock of the corporation that would become its competitor; by doing so it has not lessened competition, because until it enters the new field there is no competition to lessen. To prevent and not to lessen competition a corporation may, under this section, purchase the capital stock of another corporation to prevent the latter from increasing its output of competitive goods. This need not lessen; it may even increase competition, though in effect it restrains trade as the law is now construed. The most astonishing proposition is that contained in the third paragraph of this section. The purpose of that paragraph is to permit a corporation to purchase the stock of other corporations solely for investment purposes. The only limitation upon this right is that the corporation making the purchase must not use the stock by voting or otherwise to bring about or attempt to bring about the substantial lessening of competition. It may make this purchase even though it create an absolute monopoly. How anyone with any knowledge of trust methods could propose such a provision as in aid of the Sherman Antitrust Act is difficult to understand. The Northern Securities Co. was an investment company pure and simple. It had no power to run a railroad; its only function, as it insisted on the trial, was that of an investment company. The Supreme Court was not deceived by so thin a disguise. It saw clearly what every man in his senses saw, that competition between two roads that were in fact owned by the same party—the Northern Securities Co.—would be a sham. No incentive for competition remained. Every expenditure for the purpose of taking trade from each other would be a loss to the stockholders. In this provision the same vice that I have already called attention to appears. It is not *sufficient that* the combination created by these investments may result in the lessening of competition. It is necessary to show in addition that this lessening is caused by voting or other like use of the stock to bring it about.

The inevitable consequences of the combination is not enough, nor is the elimination of competition enough; there must, in addition, be proof that the stock has been used to accomplish the elimination of competition. How the Government is ever going to prove that is more than I can imagine. This provision will legalize every trust and practically wipe the Sherman law off the statute books. If any existing trust does not consider itself quite safe under the first two paragraphs of this section, it can put on the armor furnished for its use in the third paragraph and laugh at the Attorney General and all his assistants. It may be argued that the Sherman antitrust law will still remain in force and that the acts I have mentioned would be forbidden by that law. This can not be claimed with any show of reason. If this bill becomes a law, it will become a legislative construction of the Sherman Act, and to the extent that the present law is inconsistent with this section 8 that law will be modified. It is true that repeals by implication are not favored, but the rule is that an act that covers in a comprehensive way any prior law repeals such prior law. Section 8 is clearly intended to lay down fully the law in regard to stock consolidations of corporations. It would be labor lost to argue to a court that the things Congress took pains not to prohibit by express exemption in the act are prohibited by some other law covering this subject in general terms. Paragraph 4 of this section may be cited as showing that section 8 does not apply to existing trusts; but a careful reading of that paragraph will show that its object is only to exempt the trusts from compliance with this section, so far as they may have any legal rights that this section may interfere with, but it is careful not to say that section 8 shall not legalize violations of the present law. What it does say is that if any legal rights that are reserved to it by this paragraph shall be held in violation of the Sherman Antitrust Act such reservation shall not legalize this illegality.

Mr. WEBB. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. WEBB. I suppose that the gentleman has read the bill, on page 26, line 8—

> That nothing in this paragraph shall make stockholding relations between corporations legal when such relations constitute violations of the antitrust laws.

Mr. VOLSTEAD. I will come to that in a moment.

Mr. WEBB. So it could not repeal the antitrust law?

Mr. VOLSTEAD. I think the gentleman will find that does not accomplish the purpose he imagines it will. I think when you come to read it carefully you will find that it is one of the most adroit things that was ever placed in any bill.

I want to call the gentleman's especial attention to the language of that section, because that is one of the things that surprised me when I came to read it. I read:

> Nothing contained in this section shall be held to affect or impair any right heretofore legally acquired: *Provided*, That nothing in this paragraph—

Note that it says paragraph, not section—

> *Provided*, That nothing in this paragraph shall make stockholding relations between corporations legal when such relations constitute violations of the antitrust laws.

This is the whole paragraph.

In other words, this paragraph reserves to the trusts any rights which might be threatened by the passage of this act, but it says that this reservation shall not be construed to legalize a trust, but it does not say that section 8 shall not legalize the trust. It does not take these corporations out of the operation of this act at all. On the other hand it expressly recognizes that this section applies to existing trusts. This paragraph only exempts our present trusts from its operation so far as it may be to their advantage to be exempted. I do not know who is responsible for this attack upon our antitrust laws. If my construction of this section is correct, this is certainly as smooth a piece of work as can well be imagined. I want to call your especial attention to the fact that though practically every other provision in this bill has met bitter hostility in the committee, not one voice has yet been raised against this provision. Why is it? Do you believe that the men interested in the trusts, sharp and shrewd as they are, would not have objected strenuously to this provision if it does not mean just what I claim that it means? [Applause.] This means immunity, and that is why they want it; that is why they are silent. The real object of these combinations is to lessen or destroy competition. It is for that purpose that nearly every industry is to-day in the hands of some holding company, some trust. Instead of repressing this evil, trusts are to be legalized and declared to be

good trusts so long as the Government is unable to prove a thing which it will be impossible to prove, and no matter though they rob the public by high prices.

I do not believe that any set of men, whether engaged in a trust or not, should be given monopolistic powers. No one can be safely trusted with such powers. Those who drew and the courts that have enforced the Sherman Antitrust Act struck directly at this evil, at the combination, the conspiracy, the trust. They sought to destroy, not to legalize. They sought to reach the root of the evil, not its symptoms. Passing from this section, I will briefly refer to some other sections; I shall not touch on all of them, because I do not want to take up too much time. Sections 2 and 4 of the bill attempt to define offenses. These sections may have some value, though it is true that the acts condemned are offenses under existing law; but they are made offenses standing alone. When the courts have held such acts offenses it has been in connection with other matters, and it may be an advantage to have these acts made separate offenses; but at the same time there is great danger that the use of specific language to define an offense may lead our courts to the conclusion that anything of a like nature, but not covered by the language of the new act, was not intended to be covered, and as such is eliminated from the prohibitions of the Sherman Antitrust Act.

Section 3 has been discussed somewhat upon this floor. It is my impression that section 3, which is the one to compel mining companies to sell generally to any responsible party, unless there is some good reason for refusing, might very properly be applied to any corporation. I do not believe that it should be applied to small corporations, but it seems to me that when a corporation gets so large that it handles a very large portion of the commerce of the country or the commerce of a section it might very properly be asked to deal equally and fairly without discrimination as between all the people. We ask this of common carriers. Why should not the same rule apply to any concern that is monopolistic in character?

Section 5 has been commented on by the chairman, and I think his comment is fair. I think that section may add quite a little to the remedy which private parties have in securing relief where they have been oppressed by unfair methods of competition. The same may be said of section 6, but that section is open to a very serious objection.

It makes the judgments that may be entered in suits brought by the Government to dissolve a trust, evidence not only in favor of but also against a person injured by a violation of the trust laws. In these days when judgments are entered by consent of parties without a public hearing, findings may not be of such a character as to serve a private party in recovering any claim he may have for injury to him. Upon what theory of justice a person who has never had his day in court to recover for injuries that may have ruined his business may be defeated by the action of an officer he can not control, and in a suit to which he is not a party is indeed strange. If this provision becomes a law, we shall have another sort of immunity bath and we may find the culprits seeking absolution at the hands of the Attorney General instead of dealing with their victims. Upon what theory a person can be deprived of his day in court I do not understand.

It seems to me when the Attorney General brings suit on behalf of all the people against a corporation and a judgment is recovered in favor of the Government against the trust, declaring that it is violating the law, it may very properly be used against that corporation if a suit is brought by a private party, but if for any reason the Attorney General fails to obtain a judgment, perhaps because he does not prosecute properly, it does not seem to me that a private party who may have been ruined by the conduct of some offending corporation should be debarred from ever suing that corporation for redress. We have a very conspicuous illustration as to how this may operate. The Government brought and lost a suit against the Sugar Trust. Subsequently the injured party, the sugar refinery at Philadelphia, recovered, I believe, more than a million dollars.

Mr. CARLIN. Will the gentleman yield for a question?

Mr. VOLSTEAD. I will.

Mr. CARLIN. How could that statement be true when that provision applies only to decrees or judgments? If there be no decree or judgment why neither party would be bound, so that the statement that the Government would fail to prosecute would have no application. There would have to be a final determination of the court.

Mr. VOLSTEAD. I concede if no judgment was entered there would be no bar, but there may be a judgment of dismissal in the action, a judgment of no cause for action against the Government. If the judgment is entered against the Government it bars the suit of private parties who may even have commenced their actions years ago.

Mr. GORDON. Is not the degree of proof different in a suit for criminal action brought by the Government than in a suit brought by an individual?

Mr. VOLSTEAD. Oh, yes; but that does not make any difference so far as this section is concerned. A defendant convicted in a criminal action certainly could not complain that such a judgment should be binding upon him if binding in a civil suit, because more proof would be required in the criminal than in a civil suit.

Mr. GORDON. Exactly so; but a private individual who might want to bring the suit might complain, might he not?

Mr. VOLSTEAD. That is true.

Mr. McKENZIE. Will the gentleman yield?

The CHAIRMAN. Will the gentleman yield to the gentleman from Illinois?

Mr. VOLSTEAD. I will.

Mr. McKENZIE. Your judgment is, then, that this section should be stricken out entirely?

Mr. VOLSTEAD. No; my judgment is that the provision making the judgment in such a suit a bar against a suit brought by a private person should be stricken out.

Mr. McKENZIE. Would that be a fair proposition? Should not the rule, if it is applied at all, work both ways?

Mr. VOLSTEAD. No. One has been in court, and the other has not. The private party has not been in court at all. The trust has. He can not control the action of the Attorney General. He has no right to produce any evidence to sustain a decree. The Government may not have known about his evidence, or if it knew it, may not have produced it, and it may be, as in many instances it has been, simply a compromise judgment entered to settle some difficulty between the Government and the trust. It is not fair to make that sort of a judgment a bar to a private action.

Mr. McKENZIE. Will the gentleman yield further?

Mr. VOLSTEAD. I will.

Mr. McKENZIE. If this section is left in the bill, do you not feel and believe that this decree that is mentioned in this section should be the decree of the court of last resort—the Supreme Court of the land?

Mr. VOLSTEAD. No.

Mr. McKENZIE. Should it not go that far?

Mr. VOLSTEAD. No; I can see no reason why.

Mr. McKENZIE. You think it would be good policy to leave a matter of such great importance in the hands of an inferior court?

Mr. VOLSTEAD. Yes. It looks to me like this: We have been trying to enforce the Sherman Antitrust Act for 20 years, and trusts have been growing and growing; and I do not think that we need fear that the trusts are likely to be injured. They can comply with the laws like other law-abiding persons, and they need have no fear of these decrees.

Mr. McKENZIE. If the gentleman will pardon me, I am not sympathizing with the trusts at all. That is not the point. But in legislating I believe we should be fair, even to the trusts.

Mr. VOLSTEAD. I think that is fair. The first paragraph of the seventh section is of no particular importance. The latter half, however, allows railroad companies to get together and fix rates and make all sorts of arrangements to stifle competition except in a few unimportant matters. And this may be done without asking the permission of the Interstate Commerce Commission and without even notifying the commission of the agreement.

The railroads have clamored for this right for many years, but I presume it is right that they should share in the "New Freedom" somewhat. [Laughter and applause on the Republican side.]

Section 12 is the section under which trust magnates are going to be sent to jail. It does not add a thing in the world to the present law. Guilt, so far as the law is concerned, has been personal ever since the statute was written. It does not add anything to the penalty. It does not add anything in any other respect. It is simply put in there for buncombe. People have made stump speeches all about the country, threatening to put these people in jail. Anybody who has ever followed the prosecutions had under the Sherman antitrust law knows that individuals who participate in forming any illegal combination, any illegal conspiracy, can be punished now, and a number of them have been punished, though not very severely.

The trouble has been this, not that the law has not been upon the statute book, but that there has always been strong sympathy, both on the part of the jury and on the part of the court, for the men who have been carrying on these gigantic operations. They have all felt a little as though there was some

virtue in these vast combinations, as though some of these men were a little bit too good to be put behind prison bars; and when they have been convicted the courts have shrunk from imposing the penalty which you men wrote into that law.

You have repeated it in this proposed statute. Do you think it will be any more effective now? Do you think anybody will have more respect for it now? I do not think so. When these same men appear before jurors and before courts there will be the same sympathy, there will be the same feeling, the same old plea, that these men did not know they had violated the law. They will say, "We guess we will let them go this time"; and they will be good hereafter.

Mr. FESS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Ohio?

Mr. VOLSTEAD. I do.

Mr. FESS. I did not know that the Sherman antitrust law provided that if the corporation was found guilty of violating the law, that guilt would also be deemed to apply to the directors.

Mr. VOLSTEAD. This section does not say that or mean that. It simply says if they have been guilty of any of the acts defined in the Sherman Antitrust Act they shall be punished by a fine of $5,000.

Mr. FESS. The offense shall also be deemed to be that of the individual director of such a corporation?

Mr. VOLSTEAD. Read a little further.

Mr. FESS. I read:

> And upon the conviction of the corporation any director, officer, or agent who shall have authorized, ordered, or done any of such prohibited acts shall be deemed guilty of a misdemeanor.

Mr. VOLSTEAD. That is exactly what the present law provides for, only in slightly different language.

Mr. FESS. Does it mean that that law is simply to cover up something else?

Mr. VOLSTEAD. The fact that the corporation has been convicted does not prove that the particular individual is guilty.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Iowa?

Mr. VOLSTEAD. I do.

Mr. GREEN of Iowa. The first part of the section is merely a catch phrase, which sounds well but has no effect whatever?

Mr. VOLSTEAD. That is true.

Mr. GREEN of Iowa. The binding part of it is in the latter part?

Mr. VOLSTEAD. Yes. There were submitted before the Committee on the Judiciary indictments for the purpose of showing how parties had been charged with the violation of the existing trust law. No one familiar with the drawing of indictments or who had any experience with prosecutions under criminal law can have any doubt that it is simply a repetition of the present statute. It is just couched in different language; that is all.

Now, let me say that while you may point with pride to this section 12 as the performance of a promise, let me remind my Democratic friends that there is very little in this trust program to carry out the promises so bravely made in the last Democratic platform.

How about holding companies? You have legalized them. In your platform you said that holding companies were "indefensible." You do not say that now.

You condemned interlocking directors. You have to some extent done that in this bill, but at the same time you have also legalized interlocking directors.

You also condemned watered stock. It is true you have a bill here for the purpose of preventing railroads from issuing watered stock, but other industrial corporations may float oceans of it. There is not a single scratch in any of these bills against the watered stock of a company like the United States Steel Corporation or any of the other larger combinations of capital.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Ohio?

Mr. VOLSTEAD. Yes.

Mr. GORDON. Do you not recognize any difference between the public necessity for limiting the issues of stocks and bonds of railroad corporations and those of purely private corporations?

Mr. VOLSTEAD. There is some difference, but do you mean to say that it is proper to have watered stock to the extent found in the United States Steel Corporation?

Mr. GORDON. The people of the United States do not pay any dividends on the stock of private corporations. They do pay dividends on the stock of public corporations, like railroad corporations. There is the difference.

Mr. VOLSTEAD. One of the main objects in these consolidations has been to inject watered stock——

Mr. GORDON. Unquestionably.

Mr. VOLSTEAD. The very consolidations that your bill legalizes will invite it, and you will have more watered stock under this scheme as the years go by if you ever write it into law; but you will never dare to do it.

Mr. GORDON. Will the gentleman yield just a minute further?

Mr. VOLSTEAD. Yes.

Mr. GORDON. The point I sought to draw the gentleman out on was the legal relation of the railroad corporations to the public, to wit, that the railroads are entitled to a reasonable compensation for drawing the traffic of the country over public highways.

Mr. VOLSTEAD. Yes.

Mr. GORDON. Can not the gentleman see the public necessity for limiting and restricting the stock and bond issues of the railroad corporations, so as to enable the Interstate Commerce Commission to some extent to know how much money was actually invested in those corporations?

Mr. VOLSTEAD. I think I had the honor to introduce the first bill on that subject that was ever introduced into this House. It was introduced six or eight years ago. I called President Roosevelt's attention to it, and he promised to send a message to Congress asking for its passage. I think in every general message that he wrote after that time he called the attention of this House and of Congress to the need for legislation of that kind, and I am thoroughly in sympathy with the idea of preventing watered stock so far as railroad corporations are concerned, but it seems to me that some day we shall have to go further than that. It seems to me that these vast combinations that practically dominate whole industries must in some fashion be controlled; and it seems to me the financing of such institutions is one of the things we must control. An overcapitalized corporation must try to secure monopolistic powers or it can not compete with a competitor that is honestly financed. One of the reasons why this country is almost on the verge of ruin to-day is the fact that we have got all sorts of watered stock, all sorts of inflated capitalization which makes the conditions unsound and unsafe. If it were not for the effort to pay dividends upon such stocks there would not be the necessity for the high cost of living of which we are complaining.

Mr. BAILEY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Pennsylvania?

Mr. VOLSTEAD. Certainly.

Mr. BAILEY. Upon what basis was this $700,000,000 of watered stock issued by the Steel Corporation?

Mr. VOLSTEAD. I have not been advised.

Mr. BAILEY. Was it not issued upon the tremendous power which was conferred upon that corporation by the United States Congress, when it gave that corporation an immense margin of profit through the protective tariff? Was it not a capitalization of the protective tariff law, which gave it that enormous opportunity for profit.

Mr. VOLSTEAD. I am not going to discuss the tariff at this time.

Mr. BAILEY. And is not the repeal of that protective tariff law the thing which has put down the common stock of the United States Steel Corporation?

Mr. VOLSTEAD. I do not know whether the tariff has affected this company or not, but I do know that a company trying to maintain any credit and pay dividends on the ocean of water that was put into capitalization is in sore straits.

Mr BAILEY. It certainly brought it up to an artificial level.

Mr. VOLSTEAD. Gentlemen, I have spoken a good deal longer than I intended to speak. I wanted to call attention to these things because I think them important.

Mr. FERRIS. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. FERRIS. I want to ask the gentleman if it is his opinion that this bill emasculates the Sherman antitrust law?

Mr. VOLSTEAD. I think it practically destroys it.

Mr. FERRIS. It is not sufficiently drastic; is that the gentleman's position?

Mr. VOLSTEAD. Yes. I think most of the provisions in the bill are of very doubtful value. There are some which I approve, but section 8, the one that deals with trusts, certainly does legalize trusts.

Mr. FERRIS. How does the gentleman stand on the labor amendment soon to be offered?

Mr. VOLSTEAD. I have not discussed the labor question, but I will tell the gentleman my position. I do not believe in exempting any class. I believe that before the law we ought all be equal. I do not think that we should exempt any special class. I may explain my views more fully on that at another time.

Allow me to thank the committee for its kind attention. [Applause.]

Mr. WEBB. Will the gentleman from Minnesota occupy some more of his time?

Mr. VOLSTEAD. I will yield 30 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, those accepting responsibility as Representatives should not treat lightly the duties which go with such responsibility. We can not afford, when acting the rôle of statesmanship, whether with great or small capacity, to proceed impulsively or rashly or hastily. True statesmanship consists in a large percentage of deliberation and a very small percentage of action.

What, then, shall be said of a measure reaching into the very vitals of every industrial and commercial enterprise in the Nation, from the railroad systems, whose lines extend thousands of miles, and the banks, whose affairs are the direct interest of all, down through all gradations to the smallest—a measure introduced in January, discussed in committee superficially and spasmodically, and reported the first week in May?

The pending bill not only regulates the managements of carriers and the directorates of 350,000 corporations, including banks, but touches the private affairs and contractual relations of every citizen. It prescribes new and untried methods of carrying on private business, breaking up and displacing those which, having stood the test of experience, are normal and acceptable to all. The sum total of the country's business transacted in conformity to existing rules and methods is incalculable. The billions representing bank clearances do not tell half the story.

Who are those who, after a few weeks consideration, with constant interruptions due to other important legislation coming up, have recommended to this body a voluminous code of business morality? Are our colleagues on the Judiciary Committee mechanical engineers or experts in finance, manufacturing, and transportation? Can they exhibit credentials or diplomas which justify our confidence in their familiarity with all science and all human affairs? Are they better fitted to build and equip railways, steamships, engines, and cars, or to operate them by the application of steam and electricity, than those now so employed? Should we now, after such a brief schooling, take their word for it that it is a crime if a man owns stock in two corporations or is a director in both, or as a producer sells to A at a certain profit, while selling to B at a greater or less profit, or sells a customer an article at a dollar and offers it to him at 90 cents on condition that he be given the customer's continuous orders? Even if I thought I could ever be convinced of the wisdom and justice of such changes by statute I would require better authority and more competent witnesses than the estimable gentlemen who have joined in a favorable report on this bill, for however sound their judgment in legal matters, however successful they have been as politicians, I can not believe they have been able in four short months to master the intricacies of the 10,000 branches of business affected by this legislation, or to give convincing sociological reasons for severing the close relations that men have built on mutual confidence in dealings running through the years, and decades of activity. We are no more justified in accepting their judgments, so contrary to common knowledge and experience, than the railroads of the country would be if they employed at a princely salary some brilliant theorist and doctrinaire who asserted that he could show them where and how to save a million dollars a day.

Before entering upon the separate provisions of the bill I wish to call attention to the short period of hopeful feeling and renewal of confidence in the business world between the presidential deliverance on the 19th of January and the publication of the so-called "tentative bills" early in February—or, rather, to the deliverance itself—in order to emphasize the wide divergence between promise and performance.

The President said in his message that—

> Constructive legislation is always the embodiment of convincing experience and of the mature public opinion which finally springs out of that experience.

He further said:

> What we are purposing to do, therefore, is happily not to hamper or interfere with business, as enlightened business men prefer to do it, or in any sense to put it under the ban. * * * And fortunately no measures of sweeping or novel change are necessary; * * * what we have to do can be done in a new spirit, in thoughtful moderation, and without revolution of any untoward kind.

If it could be shown that there was a widespread or even any considerable demand for this legislation, still it would well become us, in view of its drastic character, to pause and consider until senseless clamor raised by the few mad and restless innovators who have prompted it had reduced their temperatures.

But, in sober truth, it has been concocted and sprung so unexpectedly, so suddenly, and demand or reason for it is so utterly wanting, that the action of the majority can only be accounted for upon the theory of supposed political advantage. If that theory be correct, then, however mistaken the Democratic opinion upon the political effect, no one will doubt the desperate nature of the emergency. The new tariff act has failed to reduce the cost of living, as was promised; the new currency act has not accelerated the wheels of industry, as was expected; hence this sudden tactical shift. The conciliatory message has been whispered into limbo in select presidential conclaves, and the dogs of war have been unleashed to tear and cripple the fabric of business and industrial life in its essence and structure to satisfy the clamor of the malcontents within the party. I again ask, Where and by whom and by how many is such legislation desired? It is a question that can not be answered, or if at all not satisfactorily, by naming shallow-pated doctrinaires and partisan opportunists.

Now, if I were seeking merely political advantage, my true interest would be to remain silent instead of giving such free expressions of my views as I propose giving. But the measure is so drastic, so immature, so untimely, so utterly ruinous, that, in order to save the country from the confusion and destruction it would produce, I am perfectly willing, if within my power, to persuade Democrats to refrain from supporting it in their own party interests, even if from no higher considerations. And although the practice of keeping party pledges has been recently obsoleted, I will first make a few comparisons between certain planks in the platform on which the President and Democratic Members of this Congress were elected and some of the provisions of this bill.

The most important declaration on the subject was in these words:

> We regret that the Sherman antitrust law has received a judicial construction depriving it of much of its efficacy, and we favor the enactment of legislation which will restore to the statute the strength of which it has been deprived by such interpretation.

It will be noted that the uncertainty created by the decisions of the Supreme Court in the Standard Oil and Tobacco Co. cases was the inspiration for that declaration. Can anyone point out in this bill a line or word intended or calculated to change the interpretation of the law there given by the court? The challenge may stand throughout this debate, and no one will attempt to meet it. The eloquent gentleman from Kentucky [Mr. STANLEY] introduced a bill at the opening of this session which had the specific effect to change the law to mean what it meant, or was supposed to mean, prior to these decisions. He was accorded a hearing before the committee on his bill, but his bill went, along with his brilliant appeal, into the committee's capacious wastebasket. Nor is there even the vestige of anything in the bill embodying his idea, or any response whatever to the platform declaration and party pledge. I do not, of course, complain of this. I merely call attention to the fact.

I have already predicted confusion and uncertainty to result from this measure, if passed, and will presently discuss specific provisions in detail. But lest it be claimed that the various provisions of the bill have a combined effect to remove the uncertainty created by the court decisions, I call attention to the fact that the majority does not make any such claim, and no one will dare attempt, candidly and in good faith, to argue that any provision touches the subject matter of the court decisions or the party pledge based thereon.

I will now dispose of one or two items, as to which I make no complaint that the bill fulfills party pledges or interferes with the country's business; matters wherein the bill is merely a pretentious show of meeting platform pledges without substantial performance. The platform was profuse and explicit in its pledges to labor. It said:

> RIGHTS OF LABOR.
>
> We repeat our declarations of the platform of 1908, as follows:
>
> * * * * * * * *
>
> "Questions of judicial practice have arisen, especially in connection with industrial disputes. We believe that the parties to all judicial proceedings should be treated with rigid impartiality, and that injunctions should not be issued in any case in which an injunction would not issue if no industrial dispute were involved."

I call attention to the fact that in no message or official deliverance from the White House is there a line or syllable

with reference to that pledge. I state emphatically, and propose making it so clear that even the blindest and most credulous partisan can not refuse to admit it, that the bill is an absolute failure, not only to accomplish what labor expected to be and claimed should be done, but accomplishes nothing whatever for labor's benefit.

First, as to what labor expected and had a right to expect. It will be noted that every word in the 1912 platform is a reiteration between quotation marks of the 1908 platform. In the 1908 campaign Mr Gompers, president of the American Federation of Labor, was exceedingly active in support of Bryan, and positively asserted in his speeches, as doubtless did his associates, that the platform was an indorsement and approval of the Pearre bill. That bill had received the unanimous support of Democratic members of the Judiciary Committee of the House during two years prior to the 1908 convention. Mr. Gompers also claimed that his interpretation of the platform was in accord with the views of Mr. Bryan and other Democratic leaders. About 10 days before the election in 1908 President Roosevelt, in a public statement, called attention to Mr. Gompers's statements, and challenged Mr. Bryan to admit or deny them. But Mr. Bryan was silent until Gompers had answered reiterating his prior assertions. Then Bryan stated that Roosevelt had been already answered. That the 1912 platform pledged approval of the Pearre bill is shown by the fact that after this construction of the 1908 platform by both Gompers and Bryan its language was followed and quoted, word for word, in 1912. Moreover, Gompers strenuously urged that interpretation before the Judiciary Committee, both prior to and since the presidential election of 1912, and neither Bryan nor any member of the committee, nor President Wilson, nor any other Democratic officer, has thus far differed with him.

Now, compare the provisions of the Pearre bill and the sections of this bill treating of injunctions in labor cases. I am not, of course, understood as approving the Pearre bill; in fact, I still have great confidence in the courts. But here are the provisions of the Pearre bill:

A bill to regulate the issuance of restraining orders and injunctions and procedure thereon, and to limit the meaning of "conspiracy" in certain cases.

Be it enacted, etc. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and an employee, or between employers and employees, or between employees, or between persons employed to labor and persons seeking employment as laborers, or between persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law; and such property or property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

SEC. 2. That in cases arising in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment of labor, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute shall constitute a conspiracy or other criminal offense or be punished or prosecuted as such unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual, nor shall the entering into or the carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done would be subject to be restrained or enjoined under the provisions, limitations, and definition contained in the first section of this act.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

These provisions fully justified Mr. Gompers and his followers in their support of the Democratic ticket, according to their faith in the party pledges, if the subject of injunction in labor disputes was as important as claimed by them.

It will be observed that the Pearre bill entirely eliminates "the right to carry on business at any particular place or at all" from the category of property entitled to protection by injunction. You seek in vain for anything of that kind in this bill. The Pearre bill also had the effect to exempt labor from legal liability and from the injunctive process under the Sherman Antitrust Act in boycott cases. If the words of the second section, above quoted, do not mean that, then they mean nothing.

The claim in the committee's majority report that the so-called exemption clause for unions exempts anybody from any legal danger or interference is the rankest nonsense. It embodies a legal proposition never disputed by any court nor by any respectable authority.

And with respect to the so-called anti-injunction provisions of the bill, I start confidently with the assertion that if labor fully knows its rights and dares assert them, in keeping with its oft-expressed views of judicial power, it will be as much aroused in opposition to this bill as are all the intelligent business men of the Nation.

While having no fear that the courts would abuse the extensive new and arbitrary powers conferred by this bill, I am not deterred by that fact from calling attention to them. I am convinced, however, that our judges have not asked for and do not desire thrust upon them these arbitrary powers. I now quote from section 15 a sentence containing the gist of the whole section, which I deem it necessary to notice:

No temporary restraining order shall be granted without notice to the opposite party, unless it shall clearly appear from specific facts shown by affidavit or by the verified bill that immediate and irreparable injury, loss, or damage will result to property or a property right of the applicant before notice could be served or hearing had thereon.

If a statute said, "You shall not go into the street without your clothes on except to save some one from injury," I take it that such a statute would not deprive one of the privilege of wearing clothes on the street when not engaged in rescuing persons from injury. Surely no one would be so foolish as to insist that it did. Here the courts are forbidden to restrain parties without notice, except in the instance specified. Would it be possible to more clearly authorize them to issue restraining orders in any other cases they may see fit, and under all other circumstances which to them may appear to justify it, provided notice be given? I am no lawyer, and yet I would be ashamed to confess my inability to deduce from this language unlimited new authority to the courts to issue restraining orders at will upon notice.

The only limitation imposed is that, where no property or property right is involved, the ceremony of giving a notice, which may be one day's notice, must be observed. An examination of subsequent parts of the bill convinces me that this far-reaching effect of the language employed was not merely accidental, but had a definite purpose, which we discover when we read section 18.

Being a mere layman, I hesitated giving my own construction to section 18 until I had submitted it to legal Members of the House and found their views to accord with my own. The section is arranged in two paragraphs, possibly with a view to making it a little more difficult to discover how narrow and restricted the ground from which the courts are excluded. I find I can not make my points entirely clear without quoting the whole section. It reads as follows:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

It will be observed that the section is inoperative until a case has been brought, and the case must be between persons holding certain relations; and not only so, it must be pending while the relation exists. It is important to note that property or a property right must be involved. Hence it would never apply in the rare event of an action between employees or between persons employed and those seeking employment. It is therefore limited to cases between employer and employees. But that relation terminates the moment a strike or lockout occurs. Would it ever apply in cases of strikes or boycotts? Do employees eat their cake and keep it, too? In other words, do they strike and yet keep right along at work? And is there an instance to be found of employees boycotting an employer while serving him? Such a thing may be possible but is unprecedented. Again, do persons employed and those seeking employment boycott or declare strikes against each other? Of course such a thing is inconceivable.

Now, when you have eliminated strike and boycott cases, I would like some one to point out any jurisdiction remaining for the operation of the prohibition worthy of mention. And to see that all in the second paragraph is brought within the nar-

row confines of the first, I call attention to the fact that it says, in the first line of the second paragraph, "and no such restraining order or injunction," and so forth. That obviously refers to those restricted with respect to relations and subject of litigation in the preceding paragraph. Any persuasion or withholding of patronage or assembling, however "peaceful" and "lawful," must, in order to come within the exemption, involve parties in a case standing in these relations, and the action must be one brought to protect property or property rights from irreparable injury. Suppose it be an action brought for a restraining order not involving property, but upon notice, as clearly it may be, under the provision of section 15, read in connection with the first paragraph of section 18. It is absurd to suppose the author of the bill and the committee intended that the courts should be bereft of jurisdiction in cases of violence, disorder, and trespass, in all that larger and more important class of cases where the relation of employer and employee never existed or has been severed by a strike. I do not accuse it of having done anything so foolish. And that is just where it misleads such of labor's representatives as believe that to have been done. If they believe the law is objectionable as it stands to-day, they will soon find that this act is much more amenable to the same grounds of objection.

Whether labor is entitled to have the jurisdiction of the courts regulated and limited is a question not before us, because if it were conceded that labor is entitled to legislation of that character, no bill containing it is before us, and the issue is not raised by this bill.

That some one representing labor is not satisfied with the bill in its present shape appears from the fact that marked copies have been laid upon the desks of Members by the American Federation of Labor. The suggested amendment to section 18 is a mere addition of these words, "nor shall any of the acts enumerated in this paragraph be considered unlawful in any court of the United States." It was stated in the New York World of May 2 that labor's representatives had been told at the White House that if that addition were made it would be clearly unconstitutional. Though the President may have missed the mark on other occasions, he is undoubtedly correct about this. I do not claim to know much constitutional law, but I know enough to know that, as Congress would here be attempting to direct the judicial department in the construction of statutes, which is a judicial and not a legislative function, it would be contrary to both the form and spirit of the Constitution.

I can not help marveling at the present subserviency of our friend Gompers and his associates. I have not forgotten his and their splendid show of courage and consistency at the first session of the Sixty-second Congress; how they took their stand for the Bacon-Bartlett bill, containing substantially the provisions of the Pearre bill, and even more; got it reported from the Labor Committee, whose chairman, W. B. Wilson, now officiates and luxuriates at the head of the Department of Labor; how the chairman of the Judiciary Committee found himself unable to control Mr. Wilson, but did succeed in controlling the gentleman from Texas [Mr. HENRY] so far as to prevent the report of a special rule for the consideration of the bill. Now, I shall be very much surprised if the American Federation of Labor and its friends on this floor so far stultify themselves and disappoint their followers as to accept so miserable a makeshift, so utterly ruinous a measure as that embodied in sections 15 and 18.

I would like to give some attention to the contempt provisions, which are, if possible, more objectionable than the other, but find so much of my time exhausted that I must devote the balance to the other provisions of the bill.

Section 2 of the pending bill reads as follows:

SEC. 2. That any person engaged in commerce who shall either directly or indirectly discriminate in price between different purchasers of commodities in the same or different sections or communities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, with the purpose or intent to thereby destroy or wrongfully injure the business of a competitor of either such purchaser or seller, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

The best that can be said for it is that from the moment of its passage and approval it would become and remain a dead letter and a mere encumbrance of the statute books. But it would at least cause doubts, fears, and uncertainty in the business mind. In a broad sense every sale that is made injures and is intended to injure a competitor, because the mere fact of a sale by A deprives B and other dealers of an opportunity to make a sale. But the prohibition is surrounded by so many loopholes for escape, provisos, and exceptions, practically covering some condition of every sale, that the jargon means very little. Its presence in the bill can only be accounted for upon the theory that persons are still living who were injured by evil practices of the Standard Oil Co. at a former period, and these have been sufficiently influential to have inserted in a bill affecting nearly all business this useless, confusing provision. The answer under any charge of a violation to the question of why the sale was made would be that the sale was made in order to make the sale. Or the accused party could say he got the business while in the act of getting it, or that he did the business in due course of doing business. He could answer in either of these meaningless ways and so put an end to any case brought under that section.

I pass now to section 4. In a general sense it forbids exclusive contracts.

If it were possible, I would like to ascertain just how much those who inspired or dictated that provision know about the established and normal course of the world's business of to-day. It is a fact well known to business men that the exclusive contracts here condemned and penalized characterize about three-fourths of the productive and mercantile business worth doing at all, and the balance would be done by the same methods if it were practicable.

Upon reading the hearings before the committee an impression is obtained that the only persons in the country who can possibly be injured by what the committee condemns as an exclusive contract is the small or crossroads merchant. Even if I admitted, which I do not, that his prosperity would be promoted by the elimination of exclusive contracts, still it would be just as absurd and unwise to do so as to burn a barn or sink a ship in order to get rid of rats.

Let me illustrate how the exclusive contract is operated. Mr. A, we will suppose, manufactures a special grade of men's underwear, from certain kinds of wool and cotton, taken in given proportions and combinations. Of course, there may be a dozen or hundred others making other brands which are better or just as good at the same price or slightly inferior at a much lower price. Now, at the beginning of the year A does not know whether his trade will amount to $50,000 or $100,000, so he goes to Smith & Co., wholesalers or jobbers, who are vast distributors, and arranges with them that they will take his entire output or surplus, after he has supplied his retail customers, off his hands at the end of each three months at a certain fixed price, provided he does not produce an annual excess of $100,000. They also bind themselves mutually that Smith & Co. shall not buy that class and grade of goods from anyone else, except to meet a demand in excess of A's supply, and that A shall not offer his surplus to anyone else.

Now, I am prepared to point out the advantages of that arrangement to the immediate parties. A knows for a year ahead just how much raw material to obtain, how many operatives to employ, how much the aggregate cost and the cost per unit, how much his profit on each unit of production, and, in the aggregate, just how much money to borrow and when to promise repayment. His employees are secure in their jobs for the entire year or during good behavior. Smith & Co. can calculate their profits per unit in advance, and can make similar exclusive contracts with retailers throughout the country and at a lower price than if all were left to chance, fancy, and the interference of competitors. And the same certainty, safety, and security is created in their establishment in the matter of employees, organization, expenses, and so forth, as in A's. All of which, as anyone can see, also makes for economy and lower prices.

How does it affect other producers and dealers? Using alphabetical representation, we have, say, makers of underwear down to J who are able to make these exclusive contracts, and they make them with as many different general distributors. They are in competition with each other up to the point of making the contracts and continuing in local competition, and their respective brands continue to compete with each other everywhere.

But below J are K, L, M, and so forth, in the same line of production, competing with all above and among themselves, but unable to arrange exclusive contracts. And there can be no doubt of ample competition between the distributors handling the various brands.

I now take up the case of the crossroads or village storekeeper, who is about the only party thought by the committee

to be worthy of consideration. His opportunities in the city's marts are indeed restricted; but that is the least of his disadvantages. His customers usually buy on credit, so that he is unable to turn over his capital more than once or twice a year. He has long seasons of depression and short seasons of excessive activity. But he always enjoys at least two options. He may enter into the exclusive contract, so limiting his commitment as to remain on the safe side, and then supply deficiencies from K, L, M, and so forth, or he may reject the exclusive contract and do all his business with the latter. If he and his customers must pay a little more than the denizens of the city or large town, that is only one of the inconveniences of rural life. In truth, however, the rural dweller enjoys to a large extent all the benefits of a world-wide competition.

I would like to portray some of the exclusive advantages of residence remote from the throngs, activities, and distractions of city life, but lack of time forbids. Instead of deploring the lot of such dwellers, I have always been inclined to envy them their normal, simple lives; their undisturbed sanity, serenity, and security.

The country merchant suffers more from the competition of mail-order houses than from the causes assigned by the committee. But what are you going to do about that? Will you take away from his customers their postal facilities? That would be just as nonsensical as to disintegrate for their benefit the delicate structure of the country's business, founded on years and decades of varied and shifting experience, thereby restoring waste, deceit, cheating, higher prices, bankruptcies, and other evils of unrestrained and unregulated competition. And from these evils by far the greater sufferers are residents in the country.

The section also strikes at leases, denying the manufacturers of special machines and patented articles the privilege of leasing and selling them on restrictive conditions. I will endeavor to illustrate with a great business institution against which no prejudice appears in the report. The two cases referred to by the committee appear to have been aggravated cases. But even there not the slightest injury to consumers or users was shown or even asserted. They were instances of disputes between rivals in business. Let us take for illustration a business in which a large number of men doing considerable business are interested. A great plant at West Orange, N. J., manufactures and sells or leases thousands of storage batteries used in autocars and autotrucks. The convenience and economy resulting to individuals from using these and dispensing with horses and wagons it would be difficult to estimate, to say nothing of the diminished wear and tear of vehicles and streets and interlocked wheels. Storage batteries require supervision, cleaning, and more or less scientific care. It would be a great loss both to the manufacturer and user to make outright sales and allow them to go beyond the control of the former. So, necessarily, in most cases that company uses the leasing form of agreement, carrying with it a guaranty for a number of years, with the cost of all services to keep in perfect condition covered in the leasing price. But it would be impracticable to use the batteries without containers; and the expense of keeping in condition would be greatly enhanced if the batteries were used, as after a fashion they could be, with containers made by others than those who scientifically construct them for that company and nicely adjust them to the batteries. So when a battery is leased the lessee is required to purchase a container made by the company and must bind himself not to use any made by anyone else. The container is sold at actual cost and at a price no higher than that of others in the market, considering its superior excellence. Now, who will have the hardihood to question the right of that company to do business in that form which in the end makes for economy and profit to both parties? And that is but one of thousands of such illustrations that could be given.

But if this bill should pass with that fourth section retained in it, that company would hereafter have to make outright sales of the batteries, in which case they would soon get out of condition and be peddled about as secondhand articles or go into the junk heap, to the discredit and ruin of its business, because they could no longer couple their leases with conditions as to exclusive use of their containers, without which they must sell rather than lease the batteries.

The same condition is found in many branches of the automobile business. Handy mechanical contrivances which are not, as it is said, fool proof are leased and guaranteed. But the owners of such patents find that there is no profit in their manufacture and sale unless they can not only retain supervision through leases but also sell the lessees other parts that go with the patented part and place a prohibition upon the use of these other parts made by others.

It was shown before the Judiciary Committee at its hearings in 1912 that the business in this country which would be affected by such legislation amounts to the enormous annual sum of $25,000,000,000. A loss of even 1 per cent of that vast sum inflicted "by act of Congress" would be $250,000,000. How would that loss be compensated? Who would be the gainers? Suppose such great establishments as those manufacturing storage batteries and the great automobile factories were broken up and put out of business, who would profit by it? It would be found unprofitable for their successors, even if any would be found possessed of sufficient capital and brains to do the business in any other way and survive. In such institutions you must have cooperation and coordination of many departments and machines, and if only one company in the country has had the brains, enterprise, and foresight to assemble them into effective working relations, then that company will have a monopoly. The question is not at all whether a monopoly is desirable. If that were the question, no one would be readier with a negative answer than I. But the question is whether it is not better to endure a few monopolies, especially when it is not shown that their charges for service are unreasonable, than make a disastrous attempt to put them out of business at the behest of disgruntled agitators and wreckers.

I have already noticed the first paragraph of section 7. I will now call attention to the second paragraph of the same section, which reads as follows:

Nothing contained in the antitrust laws shall be construed to forbid associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making any lawful agreement as to any matter which is subject to the regulating or supervisory jurisdiction of the Interstate Commerce Commission, but all such matters shall continue to be subject to such jurisdiction of the commission, and all such agreements shall be entered and kept of record by the carriers, parties thereto, and shall at all times be open to inspection by the commission: *Provided*, That nothing in this act shall be construed as modifying existing laws prohibiting the pooling of earnings or traffic, or existing laws against joint agreements by common carriers to maintain rates.

Need I emphasize the far-reaching effect of what I have just read?

Heretofore when such legislation was offered it did not extend to operating and accounting officers, nor did it authorize, as does this provision, the formation of permanent associations with memberships composed of the officers of rival railroad companies. It will be noted that this would enable the railroads to completely forestall all the activities and functions of the Interstate Commerce Commission. It would cover not only rates, but every form of service to the public and fiscal affairs. Skillfully the draftsman has left with the commission supervision not of the agreements, mind you, but of the matters forming the subject matters of the agreements. But care is taken not to confer on the commission any control over the terms of such agreements, nor of practices under them, those being here legalized.

[The time of Mr. MADDEN having expired, he was yielded an additional 15 minutes.]

Mr. MADDEN. Such an enactment would thwart every effort of the commission and render its continued existence not worth while. If that were all, the public would be but slightly worse off than with the present slack-twisted pretense of rate regulation. But the prohibition of the antitrust act, the only barrier between the people and tyrannical, unrestrained monopolies of transportation, would be removed.

Many here will remember the persistent but heretofore unsuccessful efforts to have Congress exempt traffic agreements from the antitrust act. Here we have it in a more dangerous form than ever before presented. I trust that in this House, where on my motion, nearly four years ago, a much less dangerous form of the same exemption was stricken out of the amendatory act of 1910 by an overwhelming majority, it is only necessary to call attention to it. If I had thought there was the slightest probability of this Congress passing any such provision, I would have devoted most of the time allotted me to this clause of section 7. But surely the debates of four years ago, running through days and weeks, and the unanswerable reasons then urged against such legislation, have not been forgotten or lost their force.

Without intending to question the good faith of the committee, unless the facts constitute a reflection on it, I call attention to the bill as given to the public on Saturday, May 2. That bill contained no provision on the subject. Nor did the press of the country or the public have any hint that the bill would contain any such provision, until the committee made its report on May 6.

I was humbly born and I know what it is to toil; and I have always taken pride in being just on an equal plane of privilege with my fellow man, neither above nor below him, having no other feeling than scorn and contempt for any who would be above the law, while others are within it. I know of no more distinctive or important, nor any safer, American doctrine than

equality before the law. If a statute is not to stand against all, let it be repealed; and if it is not to be enforced against all, let the officers of the law declare an intention to refuse its enforcement in any and every case.

I can not give time to a full discussion of section 8, containing, among others, several important provisions pertaining to railroad finance, including stock and bond deals. All of it would appear to be entirely far-fetched and out of place in a bill dealing with the antitrust laws. Within much cunning phraseology are embraced in it all the vices of the Townsend-Elkins bill of the Sixty-first Congress, a bill which was finally defeated—at least, as to all these provisions. Here again it bobs up serenely, occupying more than two pages of this bill, without discussion before the committee, without notice to or knowledge of anyone except those in the sacred inner circles of the committee room.

Notwithstanding the fact that the ownership by public-service corporations of the stocks of other public-service corporations was always denied when the issue was made before the courts, and notwithstanding that Congress has heretofore steadfastly refused to sanction it, the successive heads of the Department of Justice have winked at and condoned it and given effect to such acquisitions in actions under the antitrust act. I see in the provisions of section 8 an attempt to consummate in legislation the derelictions and evil practices of the Attorneys General. It is here attempted in the deceptive form of prohibitions with provisos and limitations. "Hereafter you shall not steal a sheep; provided, however, that nothing herein shall be construed to prevent your stealing a lamb." We are expected to close our minds to the fact that in a short time the lamb will become a sheep.

I feel so confident, with respect to the disposal by the House of section 8, that I will also refrain from discussing that section at length. But lest the brevity of my comment upon it mislead some one and make an impression that the closing paragraph of section 7 and all of section 8 are of comparatively slight importance, I appeal to every Member to give them careful and serious attention. Certain leading newspapers have been of late teeming with charges that the railroads have captured all the works at Washington under this administration. I make no such charge, but state the obvious truth that their power must be great, indeed, not only here in Congress, but also with the Chief Executive, if they are able to "put over" on the people any such legislation as is here proposed.

A vast conspiracy to promote railroad interests above all others in the conduct of this administration, intrigue, and the artificial creation of public opinion have been freely charged in some of the newspapers and elsewhere. Much evidence intended to establish the truth of these charges has become a matter of record in a coordinate body. In order to complete the record, I call attention to one or two additional facts: Double dealing on the part of the attorney chosen by the Interstate Commerce Commission, whose majority were appointed by President Wilson, was definitely and circumstantially charged last week by an attorney representing large associations of shippers and no less than seven sovereign States. An Associated Press news item appeared at the time reading as follows:

THORNE ASSAILS BRANDEIS—SAYS HIS OPINION ON RATE ADVANCE WAS NOT SUPPORTED BY FACTS.

WASHINGTON, *May 7.*

The Interstate Commerce Commission had before it to-day a supplementary brief filed by Clifford Thorne, representing the western railroad commissions before that body in the advanced-rate case, in which he bitterly arraigns Louis D. Brandeis, special counsel for the commission, who, in his closing argument in the case last Friday, stated that "on the whole, the net income, the net operating revenues, of the carriers in official classification territory are smaller than is consistent with their assured prosperity and the welfare of the community."

Mr. Thorne asserts that Mr. Brandeis commenced his argument before the commission "by conceding the position of the carriers." On behalf of those whom he represents Mr. Thorne says that he "repudiates in unqualified terms" the concession made by Mr. Brandeis in his closing argument. In so far as Mr. Brandeis's opinion is not supported by substantial reasons the commission should not give any weight to it.

Mr. Thorne then refers to the "unpardonable" attack of Mr. Brandeis on the surplus he [Mr. Thorne] had allowed.

"The surplus to which Mr. Brandeis applied the epithet 'niggardly,'" he says, "was precisely the surplus adopted, after careful and deliberate consideration, by the unanimous action of the commission in the former advanced-rate cases. Mr. Brandeis attempts to brand that surplus as 'niggardly' without giving the slightest argument, reason, or fact in support of his claim. Some of the companies are earning more than 20 per cent after all other charges are paid. Not a word appears throughout the entire brief or in oral argument in favor of reducing their surplus earnings."

Mr. Thorne adds that the commission can not hold the revenues of the carriers affected inadequate unless it reverses the principles established in its former opinions.

I am merely availing myself of this opportunity to call the matter to the attention of the House. When so serious a charge is made by responsible authority, where so much is involved, so well calculated, if believed, to discredit that important executive branch, it is the duty of the legislative department, whose will it is the duty of the commission to faithfully interpret, to learn whether the charge be founded in fact or unfounded.

Section 8 and sections following it are of such considerable length that I shall not read them into the RECORD.

And I shall only discuss one other section, and that briefly. Section 9, filling four pages of the bill, contains provisions in detail concerning directorates in private corporations and the qualifications of directors. The principal reason assigned by the committee for embarking Congress upon this unexplored sea of legislation reads as follows:

As the President has well said in his message, the adoption of the provisions of this section will bring new men, new energies, new spirit of initiative, and new blood into the management of our business enterprises. It will open the field of industrial development and origination to scores of men who have been obliged to serve when their abilities entitled them to direct. It will immensely hearten the young men coming on and will greatly enrich the business activities of the whole country.

In the days of Jackson the slogan of the party was, "To the victors belong the spoils." At a later period, a cardinal political theory was that there should be frequent rotations in public office. But never until the "New Freedom" was handed down to us did any one suggest that the Government should extend its powers to compelling rotation in places of private trust and confidence.

If the proposed regulation of directorates does not belong to the same category of political clap-trap as do other parts of the bill, at any rate in so far as it is not already covered by the Sherman Antitrust Act, when faithfully enforced, it is utterly abortive, because beyond Federal control. I need not elaborate this proposition, since others will be able to do so more clearly than I could, but it seems to me almost too obvious to require elucidation. Where the laws of a State have prescribed the qualifications for directors and defined the voting rights of stockholders in corporations of their own creation, what right has the Federal Government to interfere? But enormous wrong can be done and irreparable injury inflicted by an unconstitutional enactment before its invalidity can be established through a tedious course of litigation.

Probably a quarter million corporations, transacting the larger percentage of the country's business, would be affected by such legislation in their most vital parts—that is to say, at their heads. The rage for innovation and disruption is not satiated by tearing down and mutilating beyond all hope of repair the country's business fabric, but, giving free rein to the mania for capricious readjustment, the whole structure and system of corporate management is to be arbitrarily shifted. It is to be taken out of the hands of those who have been tried and found efficient and trustworthy; those who have invested their fortunes in the business and grown up with it. Those who were the choice of the stockholders are to be displaced and the business placed in new hands, intrusted to those who know nothing of corporate management, and are untested as to character and capacity. Nor is this new deal in directorates and business control limited to manufacturing and trading companies. Even banks of all kinds, including savings banks and trust companies, holding in trust the savings of the poor, are to be reorganized, from the ground up, and their funds intrusted to new hands, not by choice of stockholders but "by act of Congress."

It would be impossible to portray the full and ultimate effects of the program of legislation laid and to be laid before us to constitute the Democratic trust—or antitrust—program. To compare it to the effects, local and external, of the uprisings, revolutions, and counter-revolutions going on in Mexico during the past three years would be to unduly magnify the latter, and to draw comparisons between Villa and Carranza and Democratic leaders would be too intensely personal. But notwithstanding the respectable characters of those now in charge of the country's affairs, I warn them to pause before committing wrongs that can never be remedied, before they destroy the little of business prosperity which has survived their work thus far, and to forbear to break up the solid foundations upon which all prosperity may hereafter rest; to pause, to stay their ravages, to give time for investigation, and a kindlier reception than they have heretofore given to the voice of reason and justice. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I yield to the Progessives 1 hour and 40 minutes.

Mr. KELLY of Pennsylvania. Mr. Chairman, I procured that time for the gentleman from New York [Mr. CHANDLER], a member of the Progressive Party, and I desire to be notified at the end of 10 minutes.

Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] has just stated that the demand for antitrust legislation at this time

comes from disgruntled agitators. He completely mistakes the temper and the will of the American people. The trusts and monopolies of this country are themselves responsible for the demand for remedial action, and their disregard of justice and every fundamental principle of this Republic has made the solution indispensable. Enterprises with great capital have deliberately sought not only industrial domination but political supremacy as well. They have entered the realm of government with insolent bearing and have attempted to name officials from the highest to the lowest.

Organized money, rioting ruthlessly in savage impulses, has forced this question upon us. We must decide whether wealth is to rule or manhood, whether this Nation is to be one of equal rights to all or special privileges to a few, whether honor and ability is to weigh in the selection of officials or cringing submission to corporate capital.

The conscience of the American people demands that action be taken, and any delay now will be a betrayal of their will. Great combinations of capital for many years have flaunted their power in the face of the citizenship, they have forced their corrupt way into politics and government, they have dictated the making of laws or scorned the laws they did not like, they have prevented the free and just administration of law. In doing this they have become a menace to free institutions, and must be dealt with in patriotic spirit, without fear or favor.

It is a common practice for standpatters to decry every forward step by denunciation of agitators. It would be well to pay some little attention to the fawning followers of crooked big business in the press, on the platform, and in public office. They sell themselves for price and place, and it would be well if they were dissected and their treason examined, while men are cataloguing the enemies of the Nation.

Mr. Chairman, I am in complete accord with the purpose and aim of this legislation, but I fear that its terms are such that if enacted into law it will only add more jests to the long list which has marked the antitrust legislation of America in the past. Trusts have been ordered dissolved in the past, and the only change effected was one in the methods of bookkeeping. It is time for straightforward action and an honest effort to protect the people from the powers that prey upon them.

GROWTH OF TRUST DOMINATION.

For 35 years combinations of capital have sought to form monopolies and profit from the community through the private taxing power which goes with the ability to control prices. In 1879 the Standard Alliance, composed of oil refiners, led the way, through a pooling system, and in a short time controlled 95 per cent of the refining business of the country. The Western Exporters' Association, made up of whisky distillers, followed, and it soon was in absolute control of the business. Others followed in the same path, and this pooling system flourished for a time.

But it did not give the complete control desired. It did not concern itself with the management of individual plants, but simply apportioned out the pro rata share of production. Each member of the pool could withdraw without notice, and thus the agreement had no stability. In their anxiety for quick and large profits the producers broke the market by their very greediness. The Whisky Trust and the Wire-Nail Trust Association went so far as to raise prices 200 per cent in the midst of falling prices. Jealousy caused trouble also, and the Lackawanna Iron & Steel Co. once broke the steel-rail pool because it was allowed only 17 per cent of the production.

Such defects in the control of prices stirred the producers to find other schemes to secure their aim, that of throttling the public and forcing the highest possible prices for products.

The next plan was the trust agreement, through which trustees were assigned the majority stock in constituent refineries. They controlled the boards of directors and collected all dividends on stock and distributed them to the holders of trust certificates. It was a better plan than the pool, for the pool was an outlaw in the courts, while in the trust agreement the trustees had the law on their side and could enforce their contracts.

The injustices which followed such control of prices, however, stirred lawmaking bodies to action. In 1890 many State legislatures passed antitrust laws, and in the same year the Sherman antitrust law was enacted for the purpose of dealing with combinations doing an interstate business.

So, another plan was necessary, and legal sharps were set to work to discover some juggling trick which would enable great combinations to wring millions from helpless consumers. While they sought for this ideal plan, the producers, having tasted the sweets of despotic control, carried on their nefarious plans through a system known as "community of interest." By the knowledge gained through close association, officials of different companies were able to act together and to prevent competition, even without any formal agreement.

This plan was still weak, for disagreements and misunderstandings meant a return to competition at any time, and that was what the different companies were striving to prevent.

Then came the discovery of the ideal scheme—the "holding corporation." It provided for a corporation to own the stock of competing companies, and it was proved in a short time to be a method in which to legally violate both law and justice. It excelled other plans, because it was not necessary to purchase the companies outright. Buying up a majority of the stock of the companies served every purpose. It escaped the troubles of the trust agreement, which was declared illegal because it was a conspiracy of several individuals, and this plan meant having one person, in the form of a corporation, control all the individual companies.

The Sugar Trust was the first to put this plan into operation, but others followed thick and fast. In 1897 there were 63 "holding companies" in existence, and in 1898–99 there were formed 183 such companies with a capitalization of $4,000,000,000, representing one-twentieth of the entire wealth of the country and twice the amount of money in circulation.

From that time trusts have flourished until to-day a trust controls almost every commodity of daily life. This has been done in spite of all efforts to prevent restraint of trade. Suits have been entered against these vast combinations, but in most instances they have failed, and the victory won in the others was but a shadow victory. The decisions of the Supreme Court have involved legal somersaults and twistings and turnings, but the old issue still remains. It is to-day a muddle of 24 years' stirring, and the time for clearing is certainly here.

In clearing that muddle straightforward measures are necessary. It is not necessary to specifically describe every unfair trade practice, but it is necessary that some tribunal have the power to deal with every unfair trade practice which leads to monopoly. This measure mentions a few—and only a few—of these practices; and, even if they could be thus rooted out, others are sure to take their place, to remedy which other legislation will be needed.

Such an interstate trade commission as that proposed in the Progressive bill before this body would prevent confusion, delay, and injustice. It would prevent the evils mentioned in this measure, price discriminations, "tying" contracts, and so forth, and would be empowered to deal with every evasion as it might arise. Time will prove that only through a tribunal with proper powers can these unfair practices be prevented.

EXEMPTION OF LABOR UNIONS.

Section 7 of this measure, with the change necessary to clearly prevent application of antitrust laws to fraternal, labor, and other voluntary organizations, is a great step in advance. The section reads:

> That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers, agricultural, or horticultural organizations, orders, or associations instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof.

This section, properly amended, will help to write the gospel of humanity into law. It is a recognition of the fundamental difference between human labor and the products of labor. Legislation dealing with trusts which control the products of labor can not be justly applied to the association of workers for their own betterment and improvement. One deals with materials, the other with men; one with mines, the other with miners; one with machines, the other with machinists; one with farms, the other with farmers; one with buildings, the other with builders; one with factories, the other with factory workers; one with tools, the other with toilers; one with property, the other with persons. You can not classify them together, for they are essentially different.

The free workers of America own themselves and their labor power. They may sell their labor power to others or they may withhold it. They may act together for the protection of their rights and interests, and it is a sham and a fraud to say that they may organize without the power to use means necessary to make organization a vital force in demanding and securing justice.

I stand for the right of labor to organize for its own advancement and to work for that purpose without being outlawed for it. This measure is right in purpose, and I hope it will be amended so that there shall be no shadow of doubt as to the right of the workers of this country to organize and exert themselves in legitimate activities without the danger of being prosecuted under antitrust laws. It is not a case of class legislation nor a demand for special privileges. It is simply a demand

of humanity for freedom from restrictions and shackles that deny common justice.

The Sherman antitrust law has been made a potent force against organized labor, even while it proved unable to restrain marauding combinations of capital. In 1892 it was brought into action when some union men in New Orleans went on strike. Teamsters and workmen in many lines were concerned. Judge Billings, of the United States district court, declared that the strike was in restraint of interstate commerce and granted an injunction. The United States court of appeals agreed in his decision.

Two years later the point was again reached in the Pullman strike in Chicago. Injunctions against the strikers were granted by the courts under the Sherman Act and a number of the strikers were jailed for several months for disobeying the injunction.

Several years later another labor phase came into evidence. In Danbury, Conn., a small firm of hat manufacturers operated an open shop and was boycotted by labor unions. The court decided that the unions were acting as a combination in restraint of trade under the meaning of the Sherman antitrust law.

Many other instances might be cited to show that the antitrust laws have been used as a club over voluntary organizations, which were never intended to come within their scope. When the Sherman antitrust law was passed in the Senate it was clearly and unequivocally stated that its provisions would not cover such organizations. But history shows that the victories won under it have been the suits against labor organizations, while great trusts and monopolies have grown and flourished. It is to remedy such a flagrant injustice that this provision is included in this measure; and after it is amended to clearly accomplish its purpose of exemption, it should have the support of every Member of this House.

INJUNCTIONS AND JURY TRIAL.

The provisions in this measure for the regulation of injunctions and the procedure in contempt cases, while somewhat beyond the scope of antitrust legislation, are reforms long demanded by the American people. The expression "government by injunction" has become current because in almost every labor controversy in recent years the courts have been used by powerful corporations in the carrying out of their plans to subjugate employees and to prevent the exercise of lawful rights. The abuse of the right of injunction in the past 10 years has been sufficient to arouse the public, and this legislation is demanded by every right-thinking American citizen to-day.

Similar to that demand is the determination that the constitutional provision that "no person shall be deprived of life, liberty, or property without due process of law and the judgment of his peers" shall be maintained. Freemen since the days of King John and Runnymede have demanded jury trial. It is a fundamental American doctrine. If jurors are competent to judge the law and the fact in criminal cases, why are they not competent in matters of injunction and contempt? The judge is not more competent to judge of a litigant's rights when his life is not at stake than when it is, and the individual or corporation that is afraid to submit his case to a jury for trial has no right to dictate laws for the administration of justice.

THE INVISIBLE GOVERNMENT.

Mr. Chairman, the invisible government which has controlled the visible Government in this Nation for many years has been unscrupulous big business. We have been tracing some of its insidious, slimy ways in our lobby investigations of recent date. We have seen its arts of trickery and debauchery, its manipulations and its conspiracies. The time for forbearance is over and the time to strike has come. If this Nation is to be a government of the people by crooked big business, the doom of our free institutions is assured. I believe that firm and decisive action now will be for the best interest not only of the Nation at large but of business itself. Brazen defiance of the spirit of laws made to protect the public and cunning jugglery to evade them is in the final analysis the worst thing possible for business. Business protects itself against fires by vast expenditures for fire insurance, but there are other dangers worse than fires. One is the danger that the masses of the people will forget their patient endurance of injustice and long-suffering submission to wrong on the part of exploiting combinations and start a conflagration against which fire insurance will offer no protection.

Good business depends on the permanence of law and order. This Nation can not stand much more of fraud and plunder, savage impulses left unchecked, a controlled press, and misrepresentation of the truth and continue to have good business.

The real defenders of property to-day are not those who attempt to forestall every attempt at reform by denunciation and who put the blame for unrest not on those who pummel the people but on those who call attention to the black and blue spots. The real defenders of property are not the standpatters, who cry out against any change and shout, "let well enough alone," when the very worst thing that could happen would be to have things remain exactly as they are, no better and no worse.

No; the real defenders of property are the upholders of the rights of humanity, the Progressives, who believe that "new occasions teach new duties. Time makes ancient good uncouth. They must upward still and onward who would keep abreast of truth."

To-day, as always, there are men like Demetrius of Ephesus, who, when he saw that the preaching of Paul the apostle was harming his business of making silver idols, gathered his fellows together and raised a great hue and cry, shouting "Great is Diana of the Ephesians." Their fervid devotion to Diana was as false as that of monopolists and their defenders to-day who shout "Great is property," when the public conscience demands that justice be done.

The greatest security to property comes from the security of human rights, and the sooner business realizes that fact the better it will be for all concerned.

THE PERIL OF COMPROMISE.

Mr. Chairman, the American people have a right to expect a better measure than this weak, halting, halfway attempt at remedy of intolerable conditions. It does not go to the root of the evils which have brought concentration of wealth and diffusion of poverty. I sincerely hope that it may be amended so that its expressed purposes may be accomplished, for there is a deadly peril in compromise with the forces that prey. There is no golden mean between right and wrong, between courage and cowardice, between honor and dishonor, between patriotism and treason, between the people's rights and monopoly. I believe in industrial and commercial peace, but not the peace that is purchased at the expense of justice and human liberty. There can be no peace in America except with the destruction of the sordid social wrongs and the putrid political methods which have attended the growth of the great combinations and monopolies of this country. This is an irrepressible conflict and there is no middle ground. The Nation looks to its Congress to strike a fair and square blow at hoary wrongs, and thus better the living conditions of the people of America. Lawmakers can concern themselves with nothing greater than that, and it is the duty as well as privilege of every representative of the people to make that his chief end and aim in his decision upon every measure before this Congress. [Applause.]

Mr. WEBB. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. MITCHELL], a member of the committee.

Mr. MITCHELL. Mr. Chairman, I think the Members of the House have been very much impressed particularly with the difference of opinion that appears to exist on the other side of the House. The senior member upon the Judiciary Committee on the Republican side of the House [Mr. VOLSTEAD] substantially said that this bill did not do anything. After he concluded his remarks, the distinguished and able gentleman from Illinois [Mr. MADDEN] stated that the bill was too drastic. Evidently it did something, and now we have just heard from the able representative of the Progressive Party, Mr. KELLY, that the bill does not do anything, and the only section of the bill that he has referred to in his eloquent address he proceeds to praise and to commend. I think, Mr. Chairman, that the condition made so manifest this evening on that side of the House is a condition that existed among our friends for the past 10 or 15 years, since these organizations have sought to come into existence and since they have been developed. One wing of the party wanted to regulate and to legislate. Another wing of the party, where these interests were so firmly intrenched, did not want to pass any legislation, so we have arrived at this situation, that there has been vouchsafed to the majority party of this House the responsibility of responding, I believe, to the wishes and to the hopes and the aspirations of 100,000,000 people and writing into the law this antitrust legislation. [Applause on the Democratic side.] Mr. Chairman, I do not think that the senior Representative of the Republican Party upon our committee did credit or justice to himself when he stated that this bill was conceived and perfected in secret session.

I have been a member of other legislative bodies, Mr. Chairman, in the days gone by, and I have never served upon any committee that sought, as this committee has sought, the light and the aid of counsel and the assistance of business men from every section of the country. Why, Mr. Chairman, we coun-

seled with the minority Members upon the committee in the perfection of this bill. Why, Mr. Chairman, we prepared three tentative drafts of this bill, and I believe that every member of the committee, Republicans as well as Progressives, offered suggestions in connection with this legislation. All of the meetings, as far as my knowledge goes, were open, and I do not believe that the gentleman intended to say that the majority members of this committee did not give opportunity to every member of the committee to participate in this splendid legislation.

Mr. SUTHERLAND. May I interrupt the gentleman in order to ask him a question?

Mr. MITCHELL. Yes.

Mr. SUTHERLAND. Will you kindly tell us what steps you took to get before your committee representatives of the coal mining interests in the perfection of section No. 3?

Mr. MITCHELL. Well, the committee gave announcement through the press of the country that they wanted the aid and the counsel and the assistance of business men in every line of business and in every line of effort. And I recall distinctly that the chairman of the committee, in the presence of the newspaper men, stated that there had been some misunderstanding on the part of some men who did not believe they had an opportunity to come in; and he said, "I want you to make this as plain as you possibly can, that we invite counsel and cooperation of business men in every line of effort." So it was spread broadcast, and, as a matter of fact, if the gentleman will examine the hearings which the committee held, you will find that very *many* business men in every line of effort appeared before that committee and submitted their testimony.

Mr. SUTHERLAND. Did, in fact, anybody who was familiar with the coal-mining business, with the production and sale of coal, appear before your committee and give information and advice with reference to the formulation of the ideas set forth in section No. 3?

Mr. MITCHELL. I think there was a brief filed. I do not recall any gentleman coming in and talking on that specific subject, but I think this committee had in mind the interests of these coal miners, and I am very sure that the members of the committee had in mind the interests of the coal consumers in this great country of ours.

Mr. FITZHENRY. Just to refresh the recollection of my colleague, I will say that Mr. Beck, of Chicago, representing the coal dealers and handlers, was there and testified and filed a brief.

Mr. MITCHELL. I am quite sure that is true, Mr. Chairman.

For the third time in his administration the President of the United States, on the 20th of January, 1914, addressed the Congress. On this important occasion he pointed out the need and the necessity of enacting into law legislation "regarding the very intricate matter of trusts and monopolies."

Mr. SWITZER. I would like to ask the gentleman why these men were the ones selected as "goats" in this bill, and nothing was said about the lumber dealers? Why did you select somebody who was not in any of your districts?

Mr. MITCHELL. Mr. Chairman, I do not believe that the members of this committee selected the mine owners or anybody else to be "goats." I do believe, Mr. Chairman, that this committee in writing this new principle—and it is a new principle of law in this country—are carrying out and carrying into the law what millions of citizens believe should have been the law years ago. We believe that God placed these minerals in the bowels of the earth, and when these men obtain title to the lands we do not believe that the minerals in the earth should go with the lands; and we believe that these minerals were placed there in order that they might serve humanity in various ways. [Applause.]

Mr. SWITZER. I would like to ask if God had not anything to do with the growing of timber?

Mr. MITCHELL. I do not think my Christian friend requires an answer from me upon that question. [Applause.]

The President said, among other things:

> What we are purposing to do, therefore, is, happily, not to hamper or interfere with business as enlightened business men prefer to do it, or in any sense to put it under the ban. The antagonism between business and government is over. We are now about to give expression to the best business judgment of America, to what we know to be the business conscience and honor of the land. The Government and business men are ready to meet each other halfway in a common effort to square business methods with both public opinion and the law. The best-informed men of the business world condemn the methods and processes and consequences of monopoly as we condemn them, and the instinctive judgment of the vast majority of business men everywhere goes with them. We shall now be their spokesmen. That is the strength of our position and the sure prophecy of what will ensue when our reasonable work is done.

In pursuance of that notable message and in accord with its high purpose and courageous spirit the members of the Judiciary Committee have presented to the House for its consideration and determination this program of antitrust legislation. We confidently believe that its enactment into law will bring a new tone, a new spirit, a new independence, an initiative and a freedom to business that it has never known before. We believe that it will open the door of opportunity to those who have endeavored to enter the field of business free and untrammeled and that its manifold blessings will be more and more evident to all of our citizens as soon as business readjustments have taken place under its operation.

The committee has ever kept in mind and has endeavored to write into the law those things that will not hurt or hinder honestly conducted business, and it has kept before it the standard of justice, of equality, of opportunity, to all the people of the country.

This bill in its entirety is responsive to the best and most enlightened standards existing among men. The Sherman law, so called, passed in 1890, and was enacted to meet a condition that was becoming intolerable, indefensible, and oppressive. This bill supplements that act without changing its essential features. The speedy enactment of this bill into law will mark a new era in the business development of this Nation. Preceded in this administration by the tariff and currency legislation, it is the culminating feature of the program promised by our party platform, indorsed by the people of the Nation, urged by the President of the United States, and now to be enacted into law by the Congress of the United States. When the historian comes to write the story of the Wilson administration and this period of our national development, I think it will be referred to as the great constructive period of our history. We are, I believe, happily emerging from an era in which the standard of business morality has not been a credit to the country; from an era of criticism which laid bare the unfair and oppressive practices of business, but had in it only the germ of construction which is now finding its full fruition in this pending legislation.

No more earnest effort has ever been made by any body of men in any assemblage anywhere to readjust business enterprises, to develop and equalize opportunity, than by those who have been following the guidance of President Wilson in the tariff, currency, and antitrust legislation. [Applause.]

The all-important thing is to proceed sanely, fairly, and justly, in order that our people in this great land may share in the bounteous blessings that the Almighty has poured out with lavish hand in unstinted measure. The day of the man or the corporation or group of individuals who are a law unto themselves, who trample upon the laws of municipality, State, and Nation, who sweep aside every principle of equity and justice and fair dealing in their striving for unholy wealth, influence, and power by the enjoyment of some special privilege is, I believe, passing.

Their greatness and their power has neither awed nor influenced your committee, but, rather, has impressed it with the splendid opportunity which was afforded to legislate for that great unnumbered body of our citizens who are looking with their faces uplifted to this Congress to do justice to them and to give to them and their children the free and untrammeled right of doing business without bending the suppliant knee to any petty tyrant who heads some great industrial enterprise that wants the entire field for himself and all the citizens for his victims. [Applause.]

The policy of this legislation, the aim, the hopes, and the aspirations of the members of your committee are to build up, to construct, to develop, and to enlarge opportunity and to place business upon a footing so sound, so stable, so enduring, that countless millions of people will for years to come look back from the midst of their prosperity and their happiness to this great constructive piece of legislation in the trinity of measures passed by this administration.

Let us see what this antitrust measure seeks to accomplish.

DEFINITION OF COMMERCE.

The bill, in the first place, seeks to broaden the meaning of the word "commerce," as used in the Sherman Act of July 2, 1890, so as to make it include trade and commerce between any insular possessions or other places under the jurisdiction of the United States.

PREVENTION OF UNFAIR DISCRIMINATION.

One of the chief provisions of the bill, and one which should command the support and win the commendation of every Member of the House, is the provision of the bill seeking to prevent unfair discrimination. One of the greatest evils in business at the present time is this unfair trade practice. Certain great corporations, and even some of the lesser ones, have stifled and choked out competition by selling their products at a

lower price than their competitors in certain communities than in all other places where they have no competition. Invariably, when in any particular community they have vanquished their little competitor and put him out of business, they raise the price and rule the market with undisputed sway. This bill forbids such discrimination when it is made with purpose or intent to destroy or wrongfully injure the business of a competitor, either of such dealer or seller. The bill seeks only to prevent the unfair practice. It does not prevent discrimination in prices of commodities on account of differences in grade, quality, and quantity of the commodity sold, or on account of due allowance for the difference in the cost of transportation.

The chief offenders in this direction have been the Standard Oil Co. and the American Tobacco Co. Any fair-minded man can readily see that where in the community a corporation seeks to kill off competition by lowering the price of the commodity even below the cost of production or manufacture in many instances, this loss must be made up by charging more than the fair market price in other communities where there is no competition, but a free field to charge all that the consumer can possibly stand.

This evil practice has been one most widespread and one that has wrought great havoc with competitors and with the public. Different States of the Union, some 19 in number, have tried to cope with this evil, but their efforts have been weak and ineffectual. This is so because the method that proved disastrous and sent the prices soaring in the other sections of the same State to recoup the loss in a specific locality was carried out on the same plan, but on a larger scale. These gigantic organizations doing business in the 48 States of the Union were able, in States that prevented discrimination in different localities in the same State, to put their prices so uniformly low that they swept all competition from the State. Then, in order to recoup their losses in the State, they used the other States in the Union to make up their profits where they had no competition.

In the State which I have the honor to represent in part this evil practice was recognized and our legislature in 1912 passed an act, chapter 651, which I shall incorporate in my speech with some Massachusetts court decisions and illustrative cases on the evils of contracts which seek to restrain trade. I had urged and voted years ago for legislation of this character while a member of the Massachusetts House and Senate, and it is a great privilege to now be a member of an American Congress that will put through this splendid provision of law abolishing unfair discriminations. [Applause.]

Who can refuse to support a proposition of this character that has bound up in it the absolute breaking up of a great evil in business, the continuance of which will cost the American people millions of dollars and the ending of which will bring to business free and unrestrained competition and to the public an open market and reduced prices? This feature of the bill is one of the most praiseworthy and commendable in it. [Applause.]

DECISIONS AND ILLUSTRATIVE CASES ON THE EVILS OF CONTRACT IN RESTRAINT OF TRADE.

[Massachusetts Law, chap. 651, acts 1912.]

Any person, firm, association, or corporation, foreign or domestic, doing business in the Commonwealth and engaged in the production, manufacture, or distribution of any commodity in general use, that shall maliciously, or for the purpose of destroying the business of a competitor and of creating a monopoly in any locality, discriminate between different sections, communities, towns, or cities of this Commonwealth or between purchasers by selling such commodity at a lower rate for such purpose in one section, community, town, or city than is charged for such commodity by the vendor in another section, community, town, or city in the Commonwealth, after making due allowance for the difference, if any, in the grade or quality and in the cost of transportation, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared unlawful. (L. 1912, c. 651, sec. 1.)

It shall be unlawful for any person, firm, association, or corporation to combine with any other person, firm, association, or corporation for the purpose of destroying the trade or business of any person, firm, association, or corporation engaged in selling goods or commodities and of creating a monopoly within this Commonwealth, and any such combination is hereby prohibited and declared unlawful. (Id., sec. 2.)

Any person, firm, association, or corporation found guilty of violating any provision of this act, if an individual, shall be punished by a fine of not less than $500 or more than $5,000, or by imprisonment for not less than one month or more than one year, or by both such fine and imprisonment; and if the offender is a corporation, then by a fine as aforesaid. (Id., sec. 3.)

Whoever, in his individual capacity, or acting in behalf of any firm, association, or corporation, for the purpose of evading any provision of this act, shall appoint agents, secure or hold the control of corporate stock, or by agreement with any other person, firm, association, or corporation cause any of the commodities mentioned in section 1 to be sold for the purpose of such evasion or attempt to evade, shall be punished by imprisonment in the State prison for not less than six months or not more than five years, if an individual; and if any of the acts specified in this section are done by a corporation, then the directors, stockholders, or agents authorizing such evasion or discrimination shall each be held guilty thereof and shall be punished in the manner provided in this section for individuals. (Id., sec. 4.)

All contracts or agreements made in violation of any provision of this act shall be void. (Id., sec. 5.)

It shall be the duty of the district attorneys, in their districts, and of the attorney general to enforce the provisions of this act by appropriate actions in courts of competent jurisdiction, but nothing herein shall limit the right of any court to issue warrants and make commitments to await the action of the grand jury under this act in the case of crimes under the common law, and such power is hereby given to the courts of the Commonwealth. (Id., sec. 6.)

If complaint shall be made to the secretary of the Commonwealth that any person, firm, association, or corporation authorized to do business in this Commonwealth is guilty of any violation of this act, it shall be the duty of the secretary of the Commonwealth to refer the matter to the attorney general, who shall, if the facts justify it in his judgment, institute proceedings in the courts against such persons, firm, association, or corporation. (Id. sec. 7.)

If any corporation, foreign or domestic, authorized to do business in this Commonwealth is found guilty of any violation of this act, such finding shall cause a forfeiture of all the privileges and rights conferred upon the corporation by general or special law of this Commonwealth and shall bar its right to do business in this Commonwealth. (Id., sec. 8.)

If any corporation, after having been found guilty of any violation of this act, shall continue or attempt to do business in this Commonwealth, it shall be the duty of the attorney general, by a proper action in the name of the Commonwealth, to oust such corporation from all business of every kind and character in this Commonwealth. (Id., sec. 9.)

Nothing in this act shall be construed as repealing any other act, or part of an act, except such acts or parts of acts, if any there be, as are inconsistent herewith. (Id., sec. 10.)

[Chap. 709.]

An act to enlarge the powers and duties of the attorney general.

SECTION 1. It shall be the duty of the attorney general, and he is hereby authorized, to take cognizance of all violations of law or of orders of courts, tribunals, or commissions affecting the general welfare of the people, including combinations, agreements, and unlawful practices in restraint of trade or for the suppression of competition, or for the undue enhancement of the price of articles or commodities in common use, and to institute or cause to be instituted such criminal or civil proceedings before the appropriate State and Federal courts, tribunals, and commissions as the attorney general may deem to be for the interest of the public, and to investigate all matters in which he has reason to believe that there has been such violation. To carry out the purposes of this act he may appoint such assistant or assistants as he may deem necessary to act for him under his direction, and, with the approval of the governor and council, he shall fix their compensation. In all criminal proceedings instituted under this act the attorney general may require district attorneys to assist him and to act for him in their respective districts, and in all matters so referred to them the district attorneys shall be under the jurisdiction and direction of the attorney general.

SEC. 2. To carry out the provisions of this act the attorney general, with the consent of the governor and council, may expend a sum not exceeding $5,000 from the treasury of the Commonwealth.

SEC. 3. This act shall take effect upon its passage.

Approved, May 28, 1913.

COURT DECISIONS.

Gloucester Isinglass & Glue Co. *v.* Russia Cement Co. (154 Mass., 92).
Opinion of the justices on the law of 1912 (211 Mass., 620).
United Shoe Machinery Co. *v.* La Chapelle (212 Mass., 467).

ILLUSTRATIVE CASES.

THE EVILS OF CONTRACTS IN RESTRAINT OF TRADE (MASSACHUSETTS, 1837).

The unreasonableness of contracts in restraint of trade and business is very apparent from several obvious considerations:

(1) Such contracts injure the parties making them, because they diminish their means of procuring livelihoods and a competency for their families. They tempt improvident persons, for the sake of present gain, to deprive themselves of the power to make future acquisitions, and they expose such persons to imposition and oppression.

(2) They tend to deprive the public of the services of men in the employments and capacities in which they may be most useful to the community as well as themselves.

(3) They discourage industry and enterprise and diminish the products of ingenuity and skill.

(4) They prevent competition and enhance prices.

(5) They expose the public to all the evils of monopoly; and this especially is applicable to wealthy companies and large corporations who have the means, unless restrained by law, to exclude rivalry, monopolize business, and engross the market. Against evils like these wise laws protect individuals and the public by declaring all such contracts void. (Alger *v.* Thacker, 19 Pick., Mass., 51.)

AN AGREEMENT NOT TO MANUFACTURE FIRE ALARMS (MASSACHUSETTS, 1893).

An inventor and manufacturer of fire-alarm apparatus sold his machinery, stock, business, and patents to another person and agreed not to engage in such business and not to enter into competition with the purchaser, either directly or indirectly, for a period of 10 years. The court held the agreement good as regards the letters patent and the improvements which the inventor agreed to convey; but it was void in so far as it purported to bind the inventor not to manufacture or sell fire alarms under other patents or under no patents. (Gamewell Fire Alarm Tel. Co. *v.* Crane, 160 Mass., 50.)

AGREEMENT OF BED-QUILT MANUFACTURER NOT TO SELL UNLIMITED AS TO SPACE (MASSACHUSETTS, 1888).

A manufacturer of bed quilts and comfortables conveyed to defendant his entire business and agreed not to engage in such business for five years. The court held that this was clearly illegal and void as being in restraint of trade, because not limited as to space. (Bishop *v.* Palmer, 146 Mass., 469.)

CONTRACTS IN RESTRAINT OF TRADE AT COMMON LAW—AGREEMENT NOT TO RUN A STAGE ON A CERTAIN ROAD UNDER PENALTY (MASSACHUSETTS, 1811).

A man ran a stage on the road between Boston and Providence. A rival contemplated setting up a stage on the same road. The man who was running the stage sold his stagecoach and horse to his rival and entered into a bond not to run the stage on such road under a certain penalty. The court held the bond void, and said:

"If it does not appear whether the contract was or was not made on good consideration, so that the contract may be either good or bad,

it is the prima facie presumption of law that the contract is bad, because it is to the prejudice of trade and honest industry, because the mischief to one party is apparent, and the benefit only presumptive, and because the apparent mischief is not merely private but also public. Therefore all contracts barely in restraint of trade where no consideration is shown are bad. (Pierce *v.* Fuller, 8 Mass., 222.)

THE RIGHT OF THE INDIVIDUAL TO THE DECREE OF THE GOVERNMENT SUIT.

A remarkable situation prevailed when the Government won its suits against the Standard Oil Co. and the Tobacco Trust. In these cases the Supreme Court of the United States found unanimously, without a dissenting voice, that acts had been committed which were not only illegal but immoral. These combinations had been effected, in large part, by the crushing out of rivals. At the end of these very long court proceedings a decree was finally entered, declaring that there should be a segregation. The lamentable fact, then, became patent that those who had been crushed and driven out of business, "the heroes," as one witness put it, "who had made it possible for the Government successfully to conduct its proceedings to a final decree," were left without a remedy, and no way could be found that would give them redress for the wrongs which they had suffered.

The situation was, indeed, intolerable and a travesty upon justice. Small wonder that men cried out in their hopelessness that there was no justice in the land for the poor. It was found that none of those who were injured could, under existing law, recover for the injuries that had been sustained by the illegal acts of these combinations. They could, of course, institute entirely new proceedings, but they could not in any way benefit from the decree which had been entered. The further fact was presented that as these proceedings had covered a long period of time, even if the parties were alive and could proceed against the offending corporations, such proceedings would be barred by the statute of limitations.

These great proceedings signally failed, as far as those who had previously been injured were concerned. There was no way that most of them could recover damages for the injuries sustained. President Wilson in his message specifically referred to this situation when he said:

> I hope that we shall agree in giving private individuals who claim to have been injured by these processes the right to found their suits for redress upon the facts and judgments proved and entered in suits by the Government where the Government has upon its own initiative sued the combinations complained of and won its suit, and that the statute of limitations shall be suffered to run against such litigants only from the date of the conclusion of the Government's action. It is not fair that the private litigant should be obliged to set up and establish again the facts which the Government has proved. He can not afford, he has not the power, to make use of such processes of inquiry as the Government has command of. Thus shall individual justice be done while the processes of business are rectified and squared with the general conscience.

This bill provides that a final decree obtained by the United States in a suit to dissolve a corporation or unlawful combination may be offered in evidence in a suit brought by any individual for damages sustained under antitrust laws, and that such decree of judgment shall be conclusive evidence of the same facts, and be conclusive as to the same questions of law as between the parties in the original suit or proceeding. It also further provides to meet the situation, and the President's suggestion, that the statute of limitations shall be suspended in favor of private litigants who have sustained damage during the pendency of the suit or proceeding instituted in behalf of the United States. It is a provision of the bill that is designed to help the man of small means who has been wrongfully injured, and places in his hands the result brought about by the legal machinery of the Government.

EXCLUSIVE AND TYING CONTRACTS.

During the past 10 or 15 years there has grown up in business an ingenious system of exclusive or "tying" contracts, which in operation is so completely monopolistic as to leave but a very narrow and restricted field for operation, constantly becoming smaller and smaller and only occupied with the greatest courage and perseverance. A gentleman testified before our committee that one company manufacturing shoe machinery now supplies about 99 per cent or perhaps 99½ per cent of the machines that make welt shoes in this country. He was asked to put it the other way, and he said that 99 to 99½ per cent of the welt shoes made in the country were made upon machinery of this company, and of all the other shoes perhaps in as great a proportion, but of all machine-made shoes at least 95 to 98 per cent. Another company has destroyed practically all competition and acquired a virtual monopoly of all kodak films manufactured and sold in the United States. It was shown before the committee that an automobile manufacturing company capitalized for $2,000,000 made a profit of $25,000,000, net, on their investment in a single year. This profit was the profit of that $2,000,000 supplemented by many times that many millions actually invested by local dealers in the machinery of that company by so-called selling agencies throughout the country. The system under which these monopolies have been able to dominate absolutely the field has been brought about by these so-called exclusive agencies and "tying" contracts.

A competitor who desires to place his goods upon the market against any of these companies is prevented from so doing because the leases or contracts of the other companies restrict him from so doing. It has been contended that the justification for leases which are so made is that the leases are upon patented articles. Thus they are granted the privilege of combining various companies. With these restricted contracts in which one machine is tied to another all other machines are excluded because their machines are subjects of patents.

This monopoly has been built up by these "tying" contracts so that in order to get one machine one must take all of the essential machines, or practically all. Independent companies who have sought to enter the field have found that the markets have been preempted.

Mr. FESS. Would the gentleman yield?

Mr. MITCHELL. Yes.

Mr. FESS. Is there danger in the fact that one company supplies all the machinery, or is it in the manner in which it reached that place, or is it in both?

Mr. MITCHELL. It is in the manner.

Mr. FESS. You would not object to the one company doing it if it could be done legitimately?

Mr. MITCHELL. Not if it could be done legitimately. They would be able to meet these great companies in competition, but there is no field for them. The manufacturers do not want to break their contracts with these giant monopolies, because, if they should attempt to install machinery, their business might be jeopardized and all the machinery now leased by these giant monopolies would be removed from their places of business. No situation cries more urgently for relief than does this situation, and this bill seeks to prevent exclusive "tying" contracts that have brought about a monopoly, alike injurious to the small dealers, to the manufacturers, and grossly unfair to those who seek to enter the field of competition and to the millions of consumers.

This system of monopolistic contract was recognized in the State of Massachusetts as far back as 1907, and a statute was passed, and the first of its kind, I believe, in the country, which sought to meet this evil. It was a brave effort on the part of the State, but it did not prove successful, as evil practices continue to an even greater degree. It was recognized as an evil as far as back as 1901, when a great shoe and leather journal said:

> The fact is the great strides made by American inventors and manufacturers of shoe machinery were made under competitive conditions. It has been so, and will be so again. As sure as day succeeds the night, the establishment of a virile opposition to the present machinery monopoly will bring to life new ideas and appliances in this field, as the showers and sunshine bring forth the flowers of the field.

It must be apparent that the sole object of these exclusive agencies, so called, is for the manufacturer to drive out competition and to establish a monopoly in the particular locality or community. This contract completely shuts out competition in the business of the local dealer with whom he makes it. The dealer, bound by the contract, becomes as anxious as the manufacturer to drive out competition in his locality. Vast sums of money are spent for advertising, and every means that it is possible to use is brought to the assistance of the local dealer to give him a complete monopoly of the commodity which he agrees to handle exclusively.

Who can question the damage and the detriment that such a system brings to the consumer and to the public generally?

This bill will stop that artificially created system of business and will open the competitive field where all may buy from whom and where they will, and the public shall have the benefit of this wholesome competition.

INTERLOCKING DIRECTORATES.

In recent years there has been a tremendous concentration of wealth in the hands of a few individuals and corporations, and this has developed and increased to such an extent as to challenge the imagination. It has been recognized by our party and by this Congress that one of the most effective ways to check this great evil, that such concentration may be further prevented, is to stop the interlocking of directorates of such corporations as banks and railroads, industrial, commercial, and public-service corporations.

It is inconceivable that any one man or any small, limited number of men are all who are qualified to serve upon boards of directors. This bill will prevent the interlocking of directorates. In the first instance, it provides that no person who is engaged as an individual or member of a partnership or as director or other officer of the corporation engaged in the busi-

ness of producing or selling equipment, material, or supplies, or in the construction or maintenance of railroads or other common carriers shall be eligible to serve on the board of an interstate railroad corporation.

It is further provided in this paragraph that no person who is engaged as an individual or who is a member of a partnership, or is a director or other officer of a corporation which is engaged in the conduct of a bank or trust company shall act as a director or other officer or employee of any common carrier for which he or such partnership or bank or trust company acts, either separately or in connection with others, as agents for or underwriter of the sale or disposal by such common carrier of issues or parts of issues of its securities, or from which he or such partnership or bank or trust company purchases, either separately or in connection with others, issues or parts of issues of securities of such common carriers.

The next paragraph of the bill deals with the eligibility of directors, officers and employees of banks, banking associations, and trust companies organized or operating under the laws of the United States, either of which has deposits, capital, surplus, or undivided profits aggregating more than $2,500,000, and provides that no private banker or person who is a director in any bank or trust company organized and operating under the laws of a State having such aggregate amount of deposits, capital, surplus, and undivided profits shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States.

The last paragraph of the section deals with the eligibility of directors in industrial corporations engaged in commerce, and provides that no person at the same time shall be a director in any two or more corporations either of which has capital, surplus, and undivided profits aggregating more than $1,000,000, other than common carriers which are subject to the act to regulate commerce, if such corporations are or shall have been theretofore by virtue of their business and location of operation competitors, so that an elimination of competition by agreement between them would constitute a violation of any of the provisions of the antitrust laws. Mutual savings banks not having capital stock represented by shares are exempt from the provisions of this bill.

By means of the interlocking of directorates one man or group of men have been able to dominate and control a great number of corporations, to the advantage of those corporations and to the detriment of the small ones dependent upon them and to the injury of the public.

The evils of this system are so well known as to be commonly understood. This bill will wipe out these abuses, and, as has been well said, new men, new blood, new energy, and new enterprise will bring about an impetus to business that will redound to the benefit of the country. [Applause.]

DISTRIBUTION OF COAL AND OTHER MINE PRODUCTS.

There are various other provisions of great importance in this bill. I have not time on this floor at this time to dwell at length upon them. One provision of this bill makes it unlawful for the owner or operator of a mine or the controlling factor in the disposition of the product of the mine to refuse arbitrarily to sell such product to a responsible person who applies to purchase the same. God has placed the minerals, the coal, the iron, the copper in the bowels of the earth. They were placed there for the benefit of all mankind and not for the benefit and enrichment of those who have acquired title to the lands. This principle, new in the country, will free the dealer, manufacturer, and consumer from the monopolistic grip of the mine owner and give the great mass of our people the benefit and the use upon equal terms of those things that were always believed to be until recent years for the good of all. Coal, particularly, which is so necessary, must be sold to all purchasers alike and not to a monopoly, which has been charging what it saw fit. No preference or discrimination will be allowed, and coal and other necessary mine products so useful to all our people will be at the disposal of all alike. I believe this provision of the bill will prove of inestimable and lasting benefit to the great consuming public.

RIGHTS OF LABOR.

Our party, in the passage of legislation, has given to the great laboring masses of the country and to organized labor already a fuller measure of service than has any Congress in a generation. Since the enactment of the Sherman antitrust law, it is contended by the laboring people of the country that their organizations were in constant jeopardy and danger of destruction. Labor should not stand upon such uncertain ground. The brawn and the brain and the sinews of the great body of the people of this country have always been its greatest asset in times of peace as well as in times of war. Labor brought forth the riches from the mines, has hewed the forests, has made the land to bloom and to blossom and bring forth its fruits; labor has manned the vessels, carried the products made by myriads of hands in factory, field, and forest to the marts of the world, and our party has ever recognized the country's greatest asset, the honest toiler and laborer. [Applause.] The right to organize and the legal recognition of such organizations should not be a debatable question.

In the last Congress a bill was passed through the House regulating the use of injunctions and also the procedure in contempt cases. These bills were incorporated in the bill now before the House for consideration, and I confidently believe that this Congress will write them into the law of the land.

CONCLUSION.

I believe that the country is quite familiar with the purpose and scope of the legislative program now about to be enacted. I have the disposition, but not the time, to discuss at length or to elaborate all of the beneficial features of this bill. I have taken occasion to refer to some of its most important provisions. Other provisions almost fully as important are embraced within it. Countless people are awaiting its passage and expect that under its operation a new era of industrial freedom will begin. That is the hope, the purpose, and the desire of those who stand sponsor for this legislation. Our party's record of achievement in the very brief time that it has been intrusted with power justifies the hope and confident expectation that the average man who only desires a free field and an equal opportunity will approve it as the greatest measure of industrial freedom that has been written on the statute books of our land; that the business man who desires an independence and a free field for his operations will find protection and ample opportunity here provided, and that the great public, the victims, helpless and unwilling as they have been, at the mercy of these extortionate organizations, will welcome and receive the bounteous blessings that I believe will flow freely through the land upon its passage. [Loud applause.]

Mr. WEBB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FERRIS, as Speaker pro tempore, having assumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and other bills under the special order of the House, and had come to no resolution thereon.

ADJOURNMENT.

Mr. WEBB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes p. m.) the House adjourned, under the order previously made, until to-morrow, Saturday, May 23, 1914, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 785) to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi, reported the same without amendment, accompanied by a report (No. 701), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 264) authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations, reported the same with an amendment, accompanied by a report (No. 702), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16514) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps, reported the same without amendment, accompanied by

a report (No. 703), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5148) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps, reported the same with amendment, accompanied by a report (No. 704), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 16606) granting a pension to John P. Simpson, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOULDEN: A bill (H. R. 16756) to designate Flag Day, the 14th day of June in each year, a national holiday; to the Committee on the Judiciary.

By Mr. BRITTEN: A bill (H. R. 16757) to amend an act entitled "An act to recognize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899; to the Committee on Naval Affairs.

By Mr. DERSHEM: A bill (H. R. 16758) increasing the rate of pension to certain widow pensioners; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 16759) to require owners and lessees of amusement parks to furnish drinking water to patrons free of cost, etc.; to the Committee on the District of Columbia.

By Mr. POST: Joint resolution (H. J. Res. 269) relating to the awards and payments thereon in what is commonly known as the Plaza cases; to the Committee on Public Buildings and Grounds.

By Mr. GRIEST: Resolution (H. Res. 522) requesting the wearing of evergreen as an emblem on Decoration Day in memory of the honored dead of the Nation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 16760) granting an increase of pension to Nancy Jones; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 16761) granting a pension to Sarah C. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16762) granting an increase of pension to Martha Broomfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16763) granting an increase of pension to Cora L. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16764) granting an increase of pension to Irene M. Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16765) granting an increase of pension to Margaret E. Himoe; to the Committee on Invalid Pensions.

By Mr. BROWN of New York: A bill (H. R. 16766) granting a pension to Clifford A. Rowley; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 16767) for the relief of Arthur A. and R. P. Powers; to the Committee on War Claims.

By Mr. CLANCY: A bill (H. R. 16768) granting an increase of pension to John W. Petley; to the Committee on Invalid Pensions.

By Mr. DONOVAN: A bill (H. R. 16769) granting an increase of pension to Mary J. Oviatt; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 16770) granting a pension to Emma Potts; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 16771) for the relief of the estate of Rev. Moses N. McCall; to the Committee on War Claims.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 16772) granting an increase of pension to Harriet A. Parker; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 16773) granting a pension to Katie R. Kennedy; to the Committee on Invalid Pensions.

By Mr. LOGUE: A bill (H. R. 16774) granting a pension to Eleanor T. Kelley; to the Committee on Pensions.

Also, a bill (H. R. 16775) granting a pension to Caroline Kierans; to the Committee on Pensions.

Also, a bill (H. R. 16776) granting a pension to Katharine H. Williams; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 16777) for the relief of Amato Castellano, Libero Baranello, and Michele Baranello; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 16778) granting an increase of pension to Mary L. Lowe; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 16779) for the relief of the heirs of Jacob Kuykendall; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 16780) granting an increase of pension to Andrew J. Hamilton; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 16781) reinstating Frank E. Sidman to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 16782) for the relief of M. P. King; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Nelsonville, Ohio; Easton, Ill.; Pratt, Kans.; Champaign, Ill.; Newark, Cal.; Oakdale, Ill.; Butte, Mont.; Cincinnati, Ohio; Wheeling, W. Va.; Chamberlain, S. Dak.; Monroe, Iowa; Englishtown, N. J., Denver, Colo.; North Side, Pittsburgh, Pa.; Sulphur Springs, Mo.; Knoxville, Tenn.; Claysville, Pa.; Sioux City, Iowa; Artesian, S. Dak.; and Penrose, Colo., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions adopted by the Land Tax Party at a regular meeting of its executive committee held at New York, dealing with strike conditions existing in Colorado; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of D. J. Hershberger, Harvey Miller, S. S. Shaffer, W. R. Logsdon, E. White, H. E. Dunmiller, M. C. Close, J. C. Powell, Sam. Beltz, W. S. Bruner, M. A. Tipton, N. W. Coughenour, M. Miller, D. W. Sharp, P. Pisee, E. E. Adams, M. H. Kramer, B. V. Poole, William J. Sheavley, W. S. Madore, O. D. Blair, John H. Wagner, H. V. Evans, B. M. Baker, H. B. Altfarlins, James Gladpeltz, James Ahlen, John Wides, A. G. Cralibe, J. A. Blair, B. C. May, W. H. Solomon, T. A. Crownover, H. E. Sproul, E. W. Light, C. L. Pilcher, S. H. Burkett, W. F. Steckman, R. H. Miller, J. Luman, George Stiles, S. R. Kresge, J. J. Loveny, C. W. Raley, William Cook, E. E. Sbarger, William Sheible, R. C. Menges, J. E. Shaffer, W. F. Raley, S. C. Shaffer, J. H. Light, C. Horden, S. L. Rush, F. B. Hite, George McVicker, W. J. Sego, W. H. Sleaner, L. W. Hite, W. E. Shroger, W. W. Carpenter, R. C. Campbell, D. A. Crechner, William Mauger, T. W. Taylor, John Shroger, Harry Burnett, Theodore Cook, Z. Evans, and H. E. Close, all of Hyndman, Pa., favoring national prohibition; to the Committee on Rules.

Also, petitions of F. S. Shultz, J. R. Schlosser, D. J. Seaman, G. W. Seaman, J. C. Wuncler, H. W. Roush, John C. Poorman, J. S. Stull, W. W. Paul, Harry Warner, Andrew Riel, R. H. Costello, J. H. Whitely, Charles P. Kime, W. C. Machel, Alfred Loren, George W. Bergham, Edward Dobb, Leonard Sutter, and C. T. Settlemyer, all of Summerhill, Pa., favoring national prohibition; to the Committee on Rules.

Also, petitions of J. W. Fouch, S. Millison, S. C. Miller, W. H. Bantly, Peter Shank, S. M. Varner, George F. Wright, James Wingard, J. W. Wright, F. L. Stutzman, B. F. Varner, C. J. Varner, J. C. Harbaugh, F. B. Homer, W. S. Meals, S. B. Beckdley, I. Kring, George Reminger, J. H. Trotter, G. E. Hoffman, Conrad Yehnert, J. H. Shervel, George Smith, E. W. Baumgardner, Lemuel Souel, and W. R. Fye, all of Salix, Pa., favoring national prohibition; to the Committee on Rules.

Also (by request), petitions of C. F. Wisler, J. A. Ake, John Fry, James Bechtel, D. M. Thompson, Charles Gunnell, F. P. Roger, V. H. Riley, J. R. Detwiler, W. C. Eastep, E. E. Borst, W. L. Gosnell, H. H. Patterson, J. E. Lang, Samuel Miller, Howard Preese, A. Riley, O. H. Lang, William Camerer, Walter Eastep, George R. Davis, R. M. Eastep, Owen Dapp, John Schultz, John Hoffner, R. P. Cunningham, S. D. Mingle, C. R. Saylor, J. R. Lyttle, L. E. Hetrick, S. F. Saylor, L. H. Isenberg, G. W. Aurandt, G. M. Saylor, A. C. Shultz, W. S. Suter, H. W. Hileman, and Daniel Aurandt, all voting citizens of Williams-

burg, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BAKER: Petition of sundry citizens of Bridgeboro, New Gretna, and Vineland, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Burlington and Atlantic Counties, N. J., against national prohibition; to the Committee on Rules.

By Mr. BEAKES: Petition of 65 citizens of Spring Arbor, Mich., in favor of national prohibition; to the Committee on Rules.

By Mr. BRYAN: Petitions of the Ladies' Aid Society of the Methodist Episcopal Church, the Benevolent Club, and sundry citizens of Port Orchard, Wash., favoring national prohibition; to the Committee on Rules.

By Mr. BYRNS of Tennessee: Papers to accompany a bill for relief of Arthur A. and R. P. Powers; to the Committee on War Claims.

By Mr. CLANCY: Petitions of sundry citizens of the thirty-fifth New York congressional district, against national prohibition; to the Committee on Rules.

By Mr. COLLIER: Petitions of various business men of Vicksburg, Bolton, Edwards, Utica, Raymond, Jackson, Yazoo City, Brandon, Pelahatchee, Flora, Clinton, and Hazelhurst, all in the State of Mississippi, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. CURRY: Petitions of 361 citizens of the third California congressional district, against national prohibition; to the Committee on Rules.

Also, petition of the Cornell Baptist Church, of Vallejo, Cal., praying for favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the King's Daughters' Bible Class, of Stockton, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of Mr. and Mrs. L. A. Sprague, Mant Sprague, and Merle Sprague, of Stockton, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the Westminster Presbyterian Church, of Sacramento, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of R. C. Menker and Edna S. Menker, of Yolo, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of 2 residents and citizens of Sacramento, Cal., protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of James Fabian and 3 other citizens and residents of Yolo, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the Methodist Episcopal Church of Oak Park, Sacramento, Cal., with a membership of 150, praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

By Mr. DALE: Petition of the American Thread Co., of New York., against Edwards bill to prohibit importation of Egyption cotton into the United States; to the Committee on Ways and Means.

Also, peitions of sundry citizens of Brooklyn, N. Y., against national prohibition; to the Committee on Rules.

By Mr. DERSHEM: Petitions of 80 citizens of Middleburg and Swineford, 53 citizens of Lewisburg, 20 citizens of Alexandria, and 190 citizens of Newport, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of the Philadelphia Board of Trade, favoring Senate bill 3398, relative to the carrying of mail between the United States and foreign ports; to the Committee on the Post Office and Post Roads.

By Mr. DONOVAN: Petition of the Connecticut Piano Dealers' Association, favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Petition of William Cannon, J. C. Quigley, T. C. Walsh, L. P. You, Clark Walton, Edw. O'Donnell, Eugene O'Donnell, H. A. Habighorst, Eugene Goodman, Martin Walsh, William S. Walsh, D. A. Walsh, William Werner, Ed Farrell, James Dwyer, James Britton, George Withum, L. C. Clark, Martin Reis, the R. W. Green Railway Supply Co., Carl Casper, Adolph Zika, the John Bardenheier Wine & Liquor Co., H. F. Hesse, Fred H. Hoffman, W. B. Dalton, Ambros Schmid, Eugene Sappington, Charles Hendricks, Otto Reden, the Hewitt Co., Charles Speck, Messrs Walyer W. & Andrew Walz, Amsolm Scholz, H. F. Gieselmann, Al Scholz, Henry J. Stuckmeyer, J. Walter, Theo. Schultz, Otto V. Dettweiler, W. B. Dearborn, Dr. F. C. Esselbruegge, J. Simon & Sons, William A. Lessmann, Charles W. Bauer, Stephan Lukezig, John Sheehan, Thomas J. Brown, Charles Staneck, Christ Michl, F. Emil Schirmer, Henry Heet, H. Strodtman, Jos. G. Haus, Julius Kulage, Sigmund Keimel, Jacob Merkle, Herman H. Hatt, M. Carl, and B. Growe, all of St. Louis, Mo., against prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Petitions of Harmon Fox, of North Des Moines; of William Van Bruggen, of Maxwell; of the Max Mercantile Co., of Springer; of W. M. Anderson, of Willard; and of other merchants and banks of North Des Moines, Des Moines, Maxwell, Springer, and Willard, all in the State of New Mexico, favoring the enactment of legislation compelling mail-order houses to contribute their portion of funds in the development of local communities; to the Committee on Ways and Means.

Also, memorial of the Ladies of the Grand Army of the Republic, Abraham Lincoln Circle, No. 3, signed by Irene Severns, president; Mary E. Hopper, Marcha Weidinger, and Eva L. Hyre, all of Albuquerque, N. Mex., protesting against any change in the United States flag; to the Committee on Military Affairs.

Also, petition of Samuel Weimer, B. R. Deavours, Otis Weimer, and 15 other citizens of Buchanan, N. Mex., favoring national prohibition; to the Committee on Rules.

Also, memorial of W. D. Murray, R. W. Golding, J. W. Pennewill, and 22 other citizens of Silver City, N. Mex., protesting against national prohibition; to the Committee on Rules.

Also, petition of the First Baptist Church, by its pastor, Rev. J. Milton Harris, and 21 citizens, representing a membership of 96, of Las Vegas, N. Mex., favoring national prohibition; to the Committee on Rules.

By Mr. FRENCH: Petition of sundry citizens of Idaho Falls, Idaho, against national prohibition; to the Committee on Rules.

By Mr. GARDNER: Memorial of J. P. Mansur, of Haverhill, Mass., favoring an investigation of Dr. Cook's claim to the discovery of the North Pole; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of various churches of Queenstown and Mohnton, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. HAMILTON of Michigan: Petitions of 190 citizens of Moline, 44 citizens of Hastings, 425 citizens of Wayland, 60 citizens of South Haven, 85 citizens of Buchanan, 500 citizens of Benton Harbor, 113 citizens of Burr Oak, 21 citizens of Coats Grove, the Woman's Christian Temperance Union and sundry citizens of Allegan and Allegan County, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Niles, Mich., against national prohibition; to the Committee on Rules.

By Mr. HAMMOND: Individual petitions of 30 citizens of Jackson, Minn., and 30 citizens of Mountain Lake, Minn., protesting against the enactment of legislation establishing national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens of Marion County, Oreg., against section 6 of House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Protests of Henry H. Ghoedeke, Philip Albrecht, August H. Wissmann, Henry Stuckenmeyer, Henry Ahring, Emil F. W. Eschmann, Julius Kulage, M. Esselbruegge, Earl H. Kahre, F. C. Esselbruegge, Louis Ruder, Peter Schwab, Jr., Amos H. Yohn, William Gruninger, Robert Nicholas, Fred Shalmser, J. Spitzfaden, Albert Bergans, John George Kiessling, William J. Ludwig, O. C. Paul, all of St. Louis, Mo., against pending prohibition resolutions and all similar measures; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of the City Council of Nome, Alaska, praying that transportation facilities be afforded the Kagourak mining district; to the Committee on the Territories.

Also, petition of sundry citizens of Tacoma, Wash., against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of M. M. Chester, Felix Breault, Frederick Maiwald, W. M. Connell, and T. F. Connell, all of Pawtucket, R. I., against national prohibition; to the Committee on Rules.

Also, protests of Patrick McQuillan, Bernard Gavignan, Daniel Connors, Thomas C. Sullivan, Michael O'Donnell, John Morrison, J. Gindell, Franz Thummel, John Dolan, John Lynch,

Patrick F. Foy, James Heeney, Andrew Lindblad, Edward J. McCartney, Michael Sullivan, Patrick Brennan, Thomas Brennan, Edward C. Daley, Patrick Farrell, James C. Murringham, Patrick F. Maloney, N. Gingras, James J. Kilmurray, and John E. Foley, all of Pawtucket; Arthur C. Curran, Henry Laperche, Moise Coutu, John Greenwood, William Little, Hermenigilde Ballard, Charles Coutu, and Joseph S. Conner, all of Central Falls; James J. Egan, Martin Feeney, Patrick McGinn, Owen F. Fayne, and Peter F. O'Conner, all of Providence, R. I.; and Ambrose J. Kinion, of Valley Falls, R. I.; also Jacob Horovitz, of Seekonk, Mass., against nation-wide prohibition; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Petitions from sundry citizens of the fifteenth Pennsylvania district, favoring national prohibition; to the Committee on Rules.

Also, evidence in support of House bill 16657, for the relief of Matilda M. Howard; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: Petition of sundry citizens of the eighth congressional district of New Jersey, against national prohibition; to the Committee on Rules.

By Mr. LANGHAM: Petition of sundry citizens of Queenstown, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LIEB: Petitions of Fred H. Thienes, Joseph A. Folz, E. B. Dean, George Elmendorf, Taylor Ingram, Ed M. Doen, and Elmer C. Inkenbrandt, also of Cigar Makers' Union No. 54, signed by Ed A. Scheuer and Ernst Schellhouse, all of Evansville, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petitions of L. H. Peterson and 17 other citizens of Omaha, Nebr., and L. Rentfrou and 33 other citizens of Nebraska, against national prohibition; to the Committee on Rules.

Also, petition of 24 citizens and the Swedish Evangelical Mission Church, of Omaha, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of H. Lobesky and other citizens of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. McLAUGHLIN: Memorial of the Cigarmakers' Union of Muskegon, Mich., protesting against adoption of Hobson resolution providing for national prohibition; to the Committee on Rules.

Also, memorial of Local No. 100, United Brotherhood of Carpenters and Joiners of America, of Muskegon, Mich., protesting against Hobson resolution providing for national prohibition; to the Committee on Rules.

By Mr. MAHER: Petition of the Bedford and Park Avenue Board of Trade, of Brooklyn, N. Y., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. MOORE: Petition of the Philadelphia Chamber of Commerce, favoring opening up of national-forest reservations for the people; to the Committee on the Public Lands.

By Mr. MOSS of Indiana: Petitions of 1,925 citizens of the fifth Indiana congressional district, against national prohibition; to the Committee on Rules.

By Mr. NEELY of West Virginia: Resolutions of the Wetzel County Bar Association, expressing confidence in Hon. A. G. Dayton, judge of the district court of the United States for the northern district of West Virginia; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of Stereotypers' Union No. 53, of East Providence, R. I., and the Hauley-Hoye Co., of Providence, R. I., against national prohibition; to the Committee on Rules.

Also, petition of A. L. Roche, of Albany, N. Y., favoring House bill 9292, to classify salaries of employees in Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

Also, petition of Lyman B. Tefft, of Meshanticut Park, R. I., favoring national prohibition; to the Committee on Rules.

Also, petition of Auker Lodge, No. 105, S. B. of A., Providence, R. I., favoring erection of a memorial to John Ericsson; to the Committee on the Library.

Also, petitions of 142 citizens of Block Island, R. I., and the Mathewson Street Church, of Providence, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petitions of sundry citizens of the thirty-sixth New York congressional district, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Scipio, Venice, and Ledyard, and Rev. E. M. Cullinan, of Branchport, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Letters from 34 citizens of the second congressional district of California, protesting against national prohibition; to the Committee on Rules.

By Mr. SCULLY: Petitions of sundry citizens of Dayton, Woodbridge, South River, Port Reading, Perth Amboy, and other citizens of New Jersey, against national prohibition; to the Committee on Rules.

Also, petition of the New Jersey conference, Epworth League, favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petitions of 5,183 citizens of New York State, against national prohibition; to the Committee on Rules.

By Mr. VARE: Resolution of 300 people adopted at a public meeting held at the Baptist Church, Broad and Ritner Streets, Philadelphia, Pa., in favor of national constitutional prohibition; to the Committee on Rules.

By Mr. WEAVER: Petitions of W. E. Martin and other citizens of Byars, W. J. Stevens and 80 other citizens of Lexington, and Alvah Antry and other citizens of McClain County, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of Purity Circle, Ladies of the Grand Army of the Republic, of East Liverpool, Ohio, protesting against any change in the national flag; to the Committee on the Judiciary.

By Mr. WOODRUFF: Petitions of sundry citizens of Michigan, against national prohibition; to the Committee on Rules.

By Mr. YOUNG of North Dakota: Petitions of various business men of Lisbon, Abercrombie, and Leonard, all in the State of North Dakota, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

SENATE.

SATURDAY, *May 23, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we look to Thee as the source and measure of the power that enters into so vast a civilization as we represent. We know that this power has not been found in the blind and heartless forces of nature, and can never be a mere expression of evolution in the line of the forces of a world like this. Sometime, somewhere, Thou hast breathed into them the forms of law and given to them life, and made them express the will and the power of the absolute and infinite God. We look to Thee for Thy guidance, that all our work begun, continued, and ended in Thee may accomplish Thy mighty purpose and bring to the earth the great design of our loving Father. We ask these things for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Perkins	Sutherland
Brady	Johnson	Pomerene	Swanson
Brandegee	Jones	Robinson	Thompson
Bristow	Kenyon	Shafroth	Thornton
Bryan	Kern	Sheppard	Tillman
Catron	Lane	Sherman	Townsend
Chamberlain	Lodge	Shively	Vardaman
Crawford	McCumber	Smith, Ariz.	Walsh
Cummins	Martin, Va.	Smith, Mich.	West
Gallinger	Martine, N. J.	Smith, S. C.	White
Gronna	Nelson	Smoot	Williams
Hitchcock	Overman	Sterling	
Hughes	Page	Stone	

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN]. I ask that this announcement may stand for the day.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he has a general pair with the senior Senator from New York [Mr. ROOT].

Mr. SHEPPARD. I am authorized to announce the unavoidable absence on public business of the Senator from West Virginia [Mr. CHILTON]. He is paired with the Senator from New Mexico [Mr. FALL].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The presentation of petitions and memorials is in order.

AMERICAN CORN IN ENGLISH MARKETS.

Mr. McCUMBER. Mr. President, I have two letters here which are in substance a petition, and I will ask leave to read them. They will go into the RECORD in that way. They are very short, and I especially would like the attention to the letter of those Senators who believed that there was no demand whatever for any character of grain inspection in the United States. Since the failure of that bill there has been organized a boycott throughout all continental Europe against all American maize, unless the United States Government will proceed to give them a Government inspection. I will read a letter from the secretary of the London Corn Exchange to the Secretary of Agriculture of the United States. I wish that I could have the attention of Senators to it. The letter is as follows:

LONDON CORN TRADE ASSOCIATION,
EXCHANGE CHAMBERS, 28 ST. MARY AXE,
London, E. C., May 15, 1914.

The SECRETARY UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., U. S. A.

SIR: I am directed by my executive committee to inclose you copies of our revised American contract forms for corn, which have been drafted after consultation with United Kingdom and continental corn-trade associations, embodying their unanimous opinion that in the future the basis of your corn business to Europe should be Government official inspection certificates in respect to quality and moisture content.

My committee respectfully ask your department to use its influence to get a bill passed by your Congress with as little delay as possible to provide for Government official inspection certificates in respect to quality and moisture content, as such certificates will be the only terms upon which European buyers will in the future be prepared to buy corn.

I remain, sir, yours, faithfully,

H. B. GRIPPER, *Secretary.*

The London Corn Trade Association have sent a form to the Secretary of Agriculture, showing the contract for the purchase of all corn in the future from the United States. The corn referred to is our corn or their maize. One provision in this contract is—

United States Department of Agriculture certificate of inspection at port of shipment to be final as to quality and moisture content.

The same secretary, Mr. Gripper, also sent me a letter which I will read. It is as follows:

LONDON CORN TRADE ASSOCIATION,
EXCHANGE CHAMBERS, 28 ST. MARY AXE,
London, E. C., May 15, 1914.

Senator P. J. McCUMBER,
United States Senate, Washington, D. C., U. S. A.

SIR: I have been instructed to inclose you a copy of our letter to the United States Department of Agriculture, Washington, in respect to our revised contract forms for corn (copies of these forms also inclosed), and my committee trust that you will see your way to use your influence in getting a bill passed by your Congress providing for only Government official inspectors, which European buyers of your corn consider to be absolutely necessary.

I remain, sir, yours, faithfully,

H. B. GRIPPER, *Secretary.*

Mr. President, it was stated in the debate here some time ago that our certificates carried verity as to quality greater than the certificate from any other country in the world in regard to our corn and wheat. I denied the proposition at that time and claimed that it was not true, and I expostulated to these empty seats against drawing any such conclusion, and read to them the objections that were made by the foreign purchasers of corn. Now, these foreign purchasers have for years been developing the Argentine corn trade to escape the impositions of the exchange or board of trade inspections. Having developed the corn industry in Argentina to such an extent as to be independent of the American supply, European buyers have entered into a contract that they will no longer purchase American corn unless that corn is inspected by the Government and the certificate of inspection showing its quality and moisture is issued.

This is the agreement. I am not going to put it in the RECORD. I have read enough to indicate what its purpose is and to demonstrate what I have been trying to impress upon the Senate, that we have lost market after market in Europe; that we have invited the development of the Argentine wheat fields and the Argentine corn fields and the Argentine stock industry to compete against the American industries in those lines, simply because we have refused, again and again, in response to their earnest application that we would relieve them from the frauds which have been perpetrated upon them by our exchanges in their methods of certifying.

We have destroyed our very best markets in many places in Europe because the buyers could not depend upon American certifications. Finally, after they have turned their attention to Russia and to Argentina, after they have thrown their capital by millions into the Argentine country, to produce wheat and corn fields that they may not any longer be subject to the injustices that are perpetrated upon both the producer and the consumer, they have reached that stage in which they can now say to the American Republic, "We will no longer accept your corn and other grain unless it is certified by your Department of Agriculture, because we have learned that we can put no reliance whatever upon your certificates issued by your boards of trade."

This may not mean anything to those Senators who represent great cities, but when we are beginning to destroy our markets abroad and when we are, on the other hand, opening up our gates to the north for all of the cereals that may be produced by foreign countries, it is worthy, Mr. President, of a little consideration, and I believe the time will yet come when the Senate of the United States will consider that corn and wheat and oats and barley all combined ought to have a standing somewhat equal to that of cotton and be treated with just consideration by the American Congress.

MEXICO.

Mr. JAMES. I ask unanimous consent to have printed in the RECORD an article entitled "Mexico: The record of a conversation with President Wilson," by Samuel G. Blythe, published in the Saturday Evening Post of May 23, 1914.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. McCUMBER. Mr. President, I wish to ask the Senator from Kentucky if he would have any objection to having the record of that conversation read? We hardly have time in the hurry of business to go back and search the RECORD for such things. If it is important enough to be put into the CONGRESSIONAL RECORD, and is short, as I understand, would the Senator object to its being read?

Mr. JAMES. I have no objection at all to the article being read. I merely wanted to save the time of the Senate.

Mr. SUTHERLAND. I object to the article being read.

The VICE PRESIDENT. There being objection, the question is, Shall the article be read? [Putting the question.] The noes seem to have it. The noes have it, and the article will be printed in the RECORD without reading.

The article referred to is as follows:

MEXICO: THE RECORD OF A CONVERSATION WITH PRESIDENT WILSON.

(By Samuel G. Blythe.)

"My ideal is an orderly and righteous government in Mexico; but my passion is for the submerged 85 per cent of the people of that Republic, who are now struggling toward liberty."

The President closed his fingers into a sinewy fist. He leaned forward in his chair—leaned forward as a man leans forward who is about to start on a race, his body taut, his muscles tense. I could see the cords stand out on the back of his neck. His eyes were narrowed, his lips slightly parted, his vigor and earnestness impressive.

Bang! He hit the desk with that clenched fist. The paper knife rattled against the tray and a few open letters stirred a bit from the jar of the blow.

"I challenge you," he said, "to cite me an instance in all the history of the world where liberty was handed down from above. Liberty always is attained by the forces working below, underneath, by the great movement of the people. That, leavened by the sense of wrong and oppression and injustice, by the ferment of human rights to be attained, brings freedom." The President relaxed from his tense attitude and smiled.

"It is a curious thing," he continued, "that every demand for the establishment of order in Mexico takes into consideration, not order for the benefit of the people of Mexico, the great mass of the population, but order for the benefit of the old-time régime, for the aristocrats, for the vested interests, for the men who are responsible for this very condition of disorder. No one asks for order because order will help the masses of the people to get a portion of their rights and their land; but all demand it so that the great owners of property, the overlords, the hidalgos, the men who have exploited that rich country for their own selfish purposes, shall be able to continue their processes undisturbed by the protests of the people from whom their wealth and power have been obtained.

"The dangers that beset the Republic are held to be the individual and corporate troubles of these men, not the aggregated injustices that have been heaped on this vastly greater section of the population that is now struggling to recover by force what has always been theirs by right.

"They want order—the old order; but I say to you that the old order is dead. It is my part, as I see it, to aid in composing those differences so far as I may be able, that the new order, which will have its foundation on human liberty and human rights, shall prevail."

We were sitting in the old Cabinet room, on the second floor of the White House, now changed to a library and workroom for the President. Two sides of the walls are lined with books, and opposite the mantel there hangs a great picture of the signing of the Spanish War peace treaty, showing President McKinley gazing benignantly at Secretary Day and the Spanish commissioner, who, seated side by side, are writing their names on the document that formally ended the war of 1898. A great globe stands in the corner—a great blue globe, with many lines traced on it, many lines running from Washington to the south. There was a cluster of red roses in the corner, and a little breeze fluttered the curtains of the windows that looked out on the fountain, the wonderful masses of bloom on the flowering trees, the new, soft green of the leaves, and the velvet of the grass. A searchlight played on the tip of the Washington Monument, and, far back, the Dome of the Capitol swam mistily in the silver light of the new moon.

The President was in evening dress, and he seemed strong and vigorous as he sat facing me at the side of his desk. He was waiting to go

to a conference between the Attorney General, the Secretary of War, and Senator THOMAS, of Colorado, over the mining strike in the Senator's State.

We talked for three-quarters of an hour. The President went freely and frankly into the situation—told his ideals, his hopes, his plans, his conclusions—dealing, of course, with the subject in a general rather than in a specific way, because of the length of time I told him must ensue between the talk and the publication of what I might write concerning it, and the knowledge that in a day-to-day event like this, with its constantly shifting series of happenings, summaries must be resorted to rather than immediate comment.

As a result of my conversation with the President, which was on the evening of April 27, only a few hours after word had come that Huerta would accept the offer of mediation made by the representatives of Argentina, Brazil, and Chile, I can state these conclusions, which will endure regardless of the outcome of mediation negotiations. The settled policy of the President in regard to Mexico will be as follows:

First. The United States, so long as Mr. Wilson is President, will not seek to gain a foot of Mexican territory in any way or under any pretext. When we have finished with Mexico, Mexico will be territorially intact.

Second. No personal aggrandizement by American investors or adventurers or capitalists, or exploitation of that country, will be permitted. Legitimate business interests that seek to develop rather than exploit will be encouraged.

Third. A settlement of the agrarian land question by constitutional means—such as that followed in New Zealand, for example—will be insisted on.

These are the materialistic ideals of President Wilson, the main points he has firmly in his mind. His future policy will rest on these foundations, regardless of what the moment may inject into the situation in the way of minor questions.

We talked for a few moments on that April evening of the historic associations of the portion of the White House where we were, which, until the time of President Roosevelt, was used by the Presidents as office and workroom by the clerical force, by the Cabinet, and as the public reception room. It was in this part of the White House that all the preliminaries of the Spanish War were decided on by President McKinley, and it was this portion of the White House that President Lincoln occupied as his office and workroom during the Civil War. Now it makes up a part of the home space in the White House; but in that library where we were sitting, and where McKinley's Cabinet debated the Spanish War and Lincoln's Cabinet debated the Civil War, a great many of the problems of Mexico, whether war problems or peace problems, have been and will be considered by President Wilson.

"Mr. President," I began, "I have recently been through the country somewhat, and I am constantly meeting men who have arrived from various States. I find and they find that, though the people of this country are patriotic and are loyally standing by the administration, they do not, as a whole, know just what they are patriotic about."

"I have found that to be true, in a measure, myself," said the President, "and I am glad of an opportunity to explain my ideas and my ideals on the subject."

He stopped for a moment, as though to select a place for beginning. I noticed that his face, instead of being pale, as it was the last time I saw him, was burned by the sun; that his eye was clear and bright, and his whole attitude that of a man who is strong and well. I noticed, too, that his hands were not burned by the sun; and as he talked I watched those hands and observed how he used them constantly—not in widespread gestures, but rather in supplementary and interpretative motions, as though he were a musician speaking the score of his music and playing the notes with his fingers as he went along. I doubt whether his hands, except when he thwacked the desk, moved more than 12 inches one way or the other; but they seemed almost a part of his speech and expressed his various attitudes of mind and emotion when he proceeded as vividly as did the intonation of his voice and the emphasis of his words.

He sat back in his chair and half closed his eyes. His fingers laced and interlaced. Then he began to talk, clearly, simply, with a clarity of diction, a sequence of thought, and a lucidity of expression that seemed even more remarkable than it really was when compared with the muddied speech of many of our statesmen. Now and then he used a colloquialism. Once or twice he dropped into slang. He spoke of some one "butting in," and he said, "We must hump ourselves." He marshaled his facts with such precision and presented his ideas so cogently that it was apparent his viewpoint was the result of a long and continuous study of every phase of the minor problems involved in the great problem, Why are we in Mexico, and what are we going to do there?

"Every phase of the Mexican situation," the President said, "is based on the condition that those in de facto control of the government must be relieved of that control before Mexico can realize her manifest destiny."

THE PEONS' STRUGGLE FOR FREEDOM.

The President made it clear that the United States has no quarrel with the Mexican people and that the Mexican people should have no quarrel with us. He sketched the conditions in Mexico under Diaz and came to the underlying cause for all the unrest in that country for many years. This, he said, was the fight for the land—just that and nothing more.

He pointed out how the landed aristocracy, originally given control of vast tracts of land by Spanish grants, had during succeeding years, by coercion, absorption, and by other methods of force, and with the support of the Government, taken away from the small landowners most of their properties and had created the feudal estates, where the people were virtually slaves.

These processes were followed by the passage of a general law which made legal the condemnation of all land to the State that was not secured by a title which complied with provisions in the law that made most of the titles of the properties the landed aristocracy wanted easy of annulment. Farm after farm passed into the control of the big landowners, and there was no recourse for the former owners or for their families but to work at dictated terms and practically as slaves on the land that had formerly been theirs.

"Fortunately for the peons, but unfortunately for himself," the President continued, "Diaz permitted the establishment of a public-school system. He himself said he raised up the instrument that brought about his own destruction—the school system."

Weak and incomplete as this school system was and is, it nevertheless had the effect of helping in great measure toward the partial education of a sufficient number of the peons to make it easy for agitators to start revolutions. Revolutions were started. Finally there came the successful revolution of Madero and his supporters and the exile of Diaz. This was followed by the killing of Madero and the assumption of power by Huerta. The present revolution, like all preceding revolutions, is primarily a revolution by the peons who want to regain their land.

"To some extent," the President said, "the situation in Mexico is similar to that in France at the time of the revolution. There are wide differences in many ways," he continued, "but the basic situation has many resemblances."

After the accession of Huerta the President definitely decided not to recognize that alleged government and remained firm in that resolve. However, for many months he has not been unaware that a situation was developing which would force him to make an active movement against Mexico, or the alleged Huerta government of Mexico, and would bring about such a condition as existed at the time mediation was suggested.

"It has been a difficult situation," he said, "because so many elements of it have been without our control and our territory. In a domestic matter we can see our way clear, because ordinarily all the elements are within our view and consideration; but here was a trouble that had its active movements in another and an adjacent and a somewhat remote country, and we were forced to sit and watch and await such developments as might be. I have known for months that some such thing could happen—was inevitable, in fact—and my prayer was that it might not be a calamity."

Then came the incident at Tampico. Rear Admiral Mayo, resenting the insult to the flag, issued his demand for an apology, and the President and his Cabinet stepped in behind the admiral.

"Really," said the President, "it was a psychological moment, if that phrase is not too trite to be used. There was no great disaster like the sinking of the *Maine*, and there was an adequate reason for our action in this culminating insult of a series of insults to our country and our flag."

The President followed with his emphatic declaration that his passion is for the great masses of the Mexican people, and his statement that his sole object in Mexico is to help the people secure the liberty which he holds is fully theirs by right.

"The function of being a policeman in Mexico has not appealed to me, nor does it appeal to our people," he said. "Our duty is higher than that. If we are to go in there, restore order, and immediately get out, and invite a repetition of conflict similar to that which is in progress now, we had better have remained out.

"What we must do and what we hope to do are twofold: First, we hope to show the world that our friendship for Mexico is a disinterested friendship, so far as our own aggrandizement goes; and, second, we hope to prove to the world that the Monroe doctrine is not what the rest of the world, including some of the countries in this hemisphere, contends—merely an excuse for the gaining of territory for ourselves.

"I hold this to be a wonderful opportunity to prove to the world that the United States of America is not only human but humane; that we are actuated by no other motives than the betterment of the conditions of our unfortunate neighbor, and by the sincere desire to advance the cause of human liberty."

The situation, he pointed out, is intolerable, and requires the strong guiding hand of the great Nation on this continent that, by every appeal of right and justice, and the love for order, and the hope for peace and prosperity, must assist these warring people back into the paths of quiet and prosperity. We have an object lesson to give to the rest of the world: an object lesson that will prove to the skeptical outsiders that this Nation rises superior to considerations of added power and scorns an opportunity for territorial aggrandizement; an object lesson that will show to the people of this, our own, hemisphere that we are sincerely and unselfishly the friends of all of them, and particularly the friends of the Mexican people, with not other idea than the idea and the ideal of helping them compose their differences, starting them on the road to continued peace and renewed prosperity, and leaving them to work out their own destiny, but watching them narrowly and insisting that they shall take help when help is needed.

"I have not permitted myself to think of what will be the outcome of these plans for mediation," the President said. "I hope they may be successful. In any event, we shall deem it our duty to help the Mexican people, and we shall continue until we have satisfactory knowledge that peace has been restored, that a constitutional government is reorganized, and that the way is open for the peaceful reorganization of that harassed country."

THE POSSIBILITIES OF SELF-GOVERNMENT.

"We shall not demand a foot of territory nor a cent of money—except, of course, the settlement of such claims as may justly be made by American citizens for damages to their property during these disturbances—individual claims. There will be no money demand in a national sense. Then we shall have shown the entire world that the Monroe doctrine means an unselfish friendship for our neighbors—a disinterested friendship, in the sense of not being interested in our aggrandizement—and that our motives are only the motives inspired by the higher humanity, by our sense of duty and responsibility, and by our determination that human liberty shall prevail in our hemisphere."

The President paused. He had been intensely in earnest in his talk. He smiled, and his long white fingers wove themselves in and out. Then, with a little gesture that betokened amused contempt, he continued:

"They say the Mexicans are not fitted for self-government; and to this I reply that, when properly directed, there is no people not fitted for self-government. The very fact that the extension of the school system by Diaz brought about a certain degree of understanding among some of the people, which caused them to awaken to their wrongs and to strive intelligently for their rights, makes that contention absurd. I do not hold that the Mexican peons are at present as capable of self-government as other people—ours, for example—but I do hold that the widespread sentiment that they never will be and never can be made to be capable of self-government is as wickedly false as it is palpably absurd."

He paused again.

"Did you see that dispatch we gave out, from Consul General Hanna, which detailed his experiences with the army at Torreon? It was a sort of a diary of his adventures and a record of what he saw. We gave it all out; but the latter part of it was not widely printed, for the first part of it was full of bloody details of the battle. I suppose"—and he smiled whimsically again—"I suppose the editors felt there was no particular interest in the peaceful and gratifying information that was in the latter portion of the dispatch.

"Well, if you read that dispatch, you learned that Mr. Hanna was most agreeably surprised and greatly gratified by the treatment Villa's men gave their prisoners; how they endeavored to live up to the rules

of civilized warfare; how they were constantly on the lookout for new information that would relieve them of the stigma of being barbarians. This merely shows that these people, if they get the chance, are capable of learning and are anxious to learn."

The President returned to the question of mediation and what it might bring forth, but has not information beyond the general knowledge that Huerta had accepted the friendly offices of the self-proposed mediators. I asked him whether, in the event of successful mediation, his plans for the betterment of Mexico would be carried out.

"I hope so," he replied, "for it is not my intention, having begun this enterprise, to turn back—unless I am forced to do so—until I have assurances that the great and crying wrongs the people have endured are in process of satisfactory adjustment. Of course, it would not do for us to insist on an exact procedure for the partition of the land, for example, for that would set us up in the position of dictators, which we are not and never shall be; but it is not our intention to cease in our friendly offices until we are assured that all these matters are on their way to successful settlement. It is a great and a complicated question, but I have every hope that a suitable solution will be found, and that the day will come when the Mexican people will be put in full possession of the land, the liberty, and the peaceful prosperity that are rightfully theirs."

President Wilson banged the desk again. His smile vanished and his face became stern and set.

"And eventually," he said slowly, "I shall fight every one of these men who are now seeking and who will then be seeking to exploit Mexico for their own selfish ends. I shall do what I can to keep Mexico from their plundering. There shall be no individual exploitation of Mexico if I can stop it."

He walked over to the big blue globe.

"It is a wonderful country," he said as he put his finger on Mexico, "a wonderful country. There is every advantage there for the peaceful and prosperous pursuit of happiness. Have you ever noticed that if you draw a line straight south from New York it will touch the western coast of South America instead of the eastern, and that it runs along by Chile and Peru, and the other countries on the western side of the southern continent?"

"Thus, with the Panama Canal running practically north and south, this brings these countries which have been so remote into close touch with us, and the commerce of this Western Hemisphere will brood over Central America.

"What we desire to do, and what we shall do, is to show our neighbors to the south of us that their interests are identical with our interests; that we have no plans or any thoughts of our own exaltation, but have in view only the peace and the prosperity of the people in our hemisphere."

The little clock on the bookcase struck 9. The President rose. He walked down the stairs with me, and took his hat to go across to his office, where there was to be a conference on the vexing situation in Colorado. As we parted at the end of the corridor he held out his hand and said:

"It will be a great thing not only to have helped humanity by restoring order, but to have gone further than that by laying the secure foundations for that liberty without which there can be no happiness."

BANKING AND CURRENCY.

Mr. SHAFROTH. Mr. President, I desire to give notice that on Tuesday next, following the speech of the Senator from Louisiana [Mr. RANSDELL], I shall submit some remarks on the banking and currency act.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Berlin, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented the memorial of E. J. Hendee, of Claremont, N. H., and a memorial of the State Federation of Labor of New Hampshire, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POMERENE presented memorials signed by 500 citizens of Canton, Dayton, Cleveland, Cincinnati, Columbus, and Bucyrus, all in the State of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. STERLING presented a petition of sundry citizens of South Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of sundry citizens of Pratt and Kiowa Counties, in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. THORNTON presented a memorial of sundry citizens of Shreveport, La., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented memorials of Local Union No. 3, International Brotherhood of Stationary Firemen, of Detroit; of Carpenters and Joiners' Local Union No. 334, of Saginaw; of Carpenters' District Council of Grand Rapids; of Box Makers and Sawyers' Local Union No. 27, of Grand Rapids; and of sundry citizens of Detroit, Rexton, and Escanaba, all in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Men's Club of the Trinity Methodist Episcopal Church, of Highland Park, Mich., and a petition of the Albion District Ministerial Association, of Jonesville, Mich., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Benton Harbor and Detroit, in the State of Michigan, praying for national recognition of Dr. Frederick A. Cook for discovering the North Pole, which were referred to the Committee on the Library.

Mr. CRAWFORD presented memorials of sundry citizens of South Dakota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented petitions of sundry citizens of Washington, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Washington, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented memorials of sundry citizens of Maine, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Maine, remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. KERN presented memorials of sundry citizens of Indianapolis and Fort Wayne, in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented memorials of sundry citizens of Oakland and San Francisco, in the State of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Epworth League of the Methodist Episcopal Church of Hayward, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Christian Bible School of Napa, Cal., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. NORRIS presented petitions of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LODGE presented resolutions adopted by the Central Labor Union of Brockton, Mass., favoring Federal intervention in settling the difficulties between miners and operators in the mining districts of Colorado, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Bridgewater, Fitchburg, Lee, and New Bedford, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WORKS presented a memorial of the Christian Endeavor Union of San Diego County, Cal., remonstrating against the enactment of legislation to provide for the opening on Sunday of all post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Redlands, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Oregon, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Burns and Princeton, in the State of Oregon, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Socialist locals of Marshfield, Oreg., remonstrating against war between the United States and Mexico, and against the conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

He also presented a petition of the faculty of Reed College, Portland, Oreg., praying for arbitration of the Mexican difficulties and the making of an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Portland Rationalist Society, of Oregon, remonstrating against war with Mexico, which was referred to the Committee on Foreign Relations.

Mr. SHIVELY presented a petition of the Woman's Home Missionary Society of Mishawaka, Ind., and a petition of sundry citizens of Pennville, Ind., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of the Central Labor Union of Evansville; of Bernard Riemann and 60 other citizens of Fort Wayne and Indianapolis; of the Lafayette Pharmacal Co., E. S. Laymon, and 51 other citizens of Evansville, Terre Haute, Anderson, Stilwell, Fort Wayne, and Kingsley; and of S. Foote and 9 other citizens of Clinton and Columbus, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Detroit, Grand Rapids, Saginaw, Escanaba, and Rexton, all in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying that due credit be given and national recognition be extended to Dr. Frederick A. Cook for his polar efforts, which were referred to the Committee on the Library.

Mr. COLT presented a petition of 22 citizens of Scituate, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 166, International Union of United Brewery Workmen, of Providence, R. I., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 14189) to authorize the construction of a bridge across the Missouri River near Kansas City, and I submit a report (No. 546) thereon. I call the attention of the senior Senator from Missouri [Mr. STONE] to the bill.

Mr. STONE. Let the bill go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 5462) to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry, reported it without amendment and submitted a report (No. 547) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 1060) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, reported it without amendment and submitted a report (No. 548) thereon.

Mr. LANE, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13819) to increase the limit of cost of Federal building at Pendleton, Oreg., reported it without amendment and submitted a report (No. 549) thereon.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 13044) to pension widows and minor and helpless children of officers and enlisted men who served during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 4, 1902, reported it with amendments and submitted a report (No. 551) thereon.

JAMES M. CAMPBELL.

Mr. CHAMBERLAIN. For the Senator from Colorado [Mr. THOMAS] I report, from the Committee on Military Affairs, favorably, with an amendment, the bill (S. 2256) to correct the military record of James M. Campbell, and I submit a report (No. 550) thereon. I call the attention of the junior Senator from Kansas to the report.

Mr. THOMPSON. I ask unanimous consent that the Senate consider the bill. It is a matter of great importance to Mr. Campbell. Under the constitution of my State a man is ineligible to hold office, or even to vote as a citizen, whose military record is not correct. This bill proposes to correct the military record of a man who was in the service during the Civil War for more than two years, and, simply through the oversight of some officer, shows him to have deserted when he was "absent with leave," and afterwards joined the company and served honorably as an officer. He now holds the office of county commissioner of Kearny County, and has been threatened with removal by some of his political enemies simply because of this defective military record, which is no fault of Mr. Campbell's. I know Mr. Campbell personally and can recommend him as a reliable and responsible person and worthy of this consideration.

Mr. SMOOT. Mr. President, I shall not object to the consideration of the bill, but I wish to call the Senator's attention to the fact that we have on the calendar, under Rule VIII, 22 pages of bills. I think the only way we shall be able to have the calendar considered in the future will be by not allowing any bills to be considered by unanimous consent until it gets so crowded that many Senators will be interested in it, and then we shall be able to get consent to have it considered.

Mr. CHAMBERLAIN. I hope the Senator from Utah will not object to the consideration of the bill. It involves a peculiar case. The old gentleman who is the beneficiary is living in Kansas and has been respected for a great many years. He has held positions there, and it only developed recently that he was debarred from voting or holding office under the constitution of Kansas.

Mr. SMOOT. I stated I would not object to the consideration of the bill.

Mr. CHAMBERLAIN. He is now an officer of the State and subject to removal because of a defect in his military record.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let the bill be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and to insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James M. Campbell, who was a sergeant of Company C, Fourth Regiment Tennessee Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 25th day of February, 1864: *Provided*, That no back pay or allowance shall accrue prior to the passage of this act.

Mr. JONES. Mr. President, I desire to ask the Senator from Kansas whether or not he can give us any assurance that the calendar will be taken up in the very near future.

Mr. THOMPSON. So far as I am individually concerned, I shall be very glad to have the calendar taken up at any time.

Mr. JONES. The Senator from Kansas, however, has not conferred with any of his colleagues as to when the calendar may be taken up, has he?

Mr. THOMPSON. I have not.

Mr. JONES. I desire to say that I am not going to object to the consideration of this bill, but unless the calendar is taken up before very long there will be no bills passed here by unanimous consent.

Mr. THORNTON. Mr. President, in that connection I will say that the naval appropriation bill will be called up just as soon as the consideration of the Agricultural appropriation bill has been finished. I have been hoping for several days to be able to begin the consideration of the bill, but could not do so because the Agricultural appropriation bill had the right of way, and it seems that certain features of that bill have provoked much discussion. I think, however, the Agricultural appropriation bill will be finished to-day, and the consideration of the naval appropriation bill may begin. I am, however, advised by many Senators, some of whom are members of the

Naval Committee, that they are obliged to be absent this afternoon, and the request was made of me that I should not press the bill for consideration at to-day's session. My own idea is that in order to preserve its rights I should call it up, even if it has to be temporarily laid aside. It is possible, if that should be done, that the calendar could be taken up for consideration. I say this in response to what has just been said by the Senator from Washington [Mr. JONES].

Mr. CLARK of Wyoming. Mr. President, I wish to ask if there is a report on this bill?

Mr. THOMPSON. There is a favorable report, and also a report from the department.

Mr. CLARK of Wyoming. I should like to have the report read.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted this day by Mr. CHAMBERLAIN (for Mr. THOMAS) as follows:

[Senate Report No. 550, Sixty-third Congress, second session.]

JAMES CAMPBELL.

Mr. CHAMBERLAIN (for Mr. THOMAS), from the Committee on Military Affairs, submitted the following report, to accompany S. 2256:

The Committee on Military Affairs, to whom was referred the bill (S. 2256) to correct the military record of James M. Campbell, report the same back to the Senate with amendments, and as thus amended recommend that it do pass.

The records in the War Department show that he is reported to have deserted February 25, 1864. He enlisted November 15, 1861, for a period of three years. In an affidavit explaining the cause for leaving his regiment at that time, he states that owing to some difficulty with the colonel of the regiment the latter directed him to leave his regiment and promised to secure his discharge. At the same time one Capt. Robert C. Carter, of the same regiment, was also directed to leave his regiment. In support of an application for relief filed in the War Department by said Campbell, the said Capt. Carter declared as follows:

"That he was captain of Company C, Fourth Regiment Tennessee Volunteers, in the late war of 1861–1865, and as such knew one James Campbell well, who was a soldier in said company and regiment. About March, 1863, while at Louisville, Ky., it became a military necessity for said affiant and said James Campbell to leave the regiment, which was done by special leave of Col. Dan Stover. No time was fixed for our return, as it was not known at said time whether we could return in safety or not. Afterwards a special messenger was sent by Gen. Andrew Johnson from Nashville, Tenn., to affiant directing that if affiant could not return in safety to his regiment that he should report to him at Nashville, Tenn. Nothing was said as to Campbell. Shortly afterwards affiant was notified by Col. Stover to return to the regiment, which was done. My recollection is that at the time I returned said James Campbell was employed in driving a Government team, and that his name was carried upon the rolls by order of the colonel down to the date of the capture of said regiment, October 3, 1863, at McMinnville, Tenn. After said time affiant resigned and knows nothing further of said James Campbell."

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James M. Campbell."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 5651) granting an increase of pension to Byron A. Hart (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5652) granting a pension to E. M. Kelley (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5653) granting an increase of pension to William H. Sisson (with accompanying papers); and

A bill (S. 5654) granting an increase of pension to Eugene A. Rix (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 5655) granting an increase of pension to Teney Stanton (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 5656) granting an increase of pension to William Calkins (with accompanying papers); and

A bill (S. 5657) granting a pension to Ann Lenora Sayre (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5658) granting a pension to Mary Standifer (with accompanying papers); to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 5659) to regulate meetings of directors, sales of securities, and purchase of supplies by interstate carriers, and for other purposes; to the Committee on Interstate Commerce.

SOLDIERS' ROLL OF SENATE.

Mr. SMOOT. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill which I ask may be read.

There being no objection, the amendment was read, as follows:

To authorize the Secretary of the Senate to pay those officers and employees of the Senate borne on the roll known as the soldiers' roll, in accordance with the provisions of Senate resolution of July 14, 1911, and continue such persons on said roll, who are now designated as "mail carriers," "folders," "skilled laborers," "policemen," or by other designation, but who are now serving as messengers in and about the doors of the Senate and performing service exactly similar to those performed by messengers whose compensation is $1,440 each per annum, a sum sufficient to make their compensation at the rate of $1,440 per annum each, for the fiscal year ending June 30, 1914, $5,229.50, which amount shall be immediately available.

The VICE PRESIDENT. The amendment will be referred to the Committee on Appropriations and printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On May 16, 1914:

S. 4553. An act to authorize the appointment of an ambassador to Argentina.

On May 21, 1914:

S. 5552. An act to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914.

On May 22, 1914:

S. J. Res. 139. Joint resolution to authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement; and

S. 5066. An act to increase the authorization for a public building at Osage City, Kans.

REPORT OF CIVIL SERVICE COMMISSION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, the Thirtieth Annual Report of the United States Civil Service Commission for the fiscal year ended June 30, 1913.

WOODROW WILSON.

THE WHITE HOUSE, *May 23, 1914.*

LIABILITY OF COMMON CARRIERS IN INTERSTATE TRANSPORTATION.

Mr. CUMMINS. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 4522) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

This bill is of vast consequence to the shippers of the country, and I have been trying to secure an opportunity for some time to bring it forward. As there is no speech on the tolls question scheduled for this morning, I thought the Senate might be willing to consider it. If the Senate will permit me, I will state in a word what the bill is intended to accomplish.

Prior to 1906, when what is known as the Carmack amendment to the interstate-commerce law was adopted, it was the rule by statute as well as by common law in most of the States of the Union that a railroad company could not limit the amount of recovery in the event of a loss or damage to goods being transported below their actual value. Such contracts were by the common law in most of the States and by the statutes in most of the States made unlawful. The Carmack amendment, however, which attempted to regulate bills of lading in a very proper way, was held last year by the Supreme Court of the United States to abrogate and annul all the laws of the several States with regard to this subject, on the ground that Congress having undertaken to legislate upon the subject, the legislation was exclusive and that the concurrent right of the several States to deal with the subject which existed before that time was terminated.

With this statement, Mr. President, I think Senators will be able to understand the general nature of the bill, and I suggest that my request for unanimous consent be put to the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. STONE. I should like to have the bill read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. SMITH of Georgia. Mr. President, I wish to inquire how this measure came up? Are we still proceeding under the order of morning business?

The VICE PRESIDENT. The Senate is still proceeding under the order of morning business.

Mr. SMITH of Georgia. I object, Mr. President, because we wish to press the consideration of the Agricultural appropriation bill.

The VICE PRESIDENT. Objection is made.

Mr. CUMMINS. Mr. President, in order that Senators may have an opportunity to examine the bill, and in that way shorten its consideration as much as possible, I give notice that immediately upon the close of morning business on Monday morning I shall ask unanimous consent to consider the bill. It is a very important matter, in which the shippers of the country are intensely interested, and I think the Senate should give enough of its time to determine whether or not the bill should be passed.

Mr. SMITH of Georgia. Mr. President, I have no doubt I will agree with the Senator from Iowa that the bill ought to be pressed, but the Agricultural appropriation bill has hung on for some time and we hope to get through with it to-day. That is the only reason for my objection; it was not based on hostility to the measure to which the Senator from Iowa calls attention, but with the view that we ought to get through with the Agricultural appropriation bill before we go into anything else.

Mr. CUMMINS. I suggest, however, that it would take no longer to do it at one time than another, and the bill is quite as important as the Agricultural appropriation bill.

Mr. SMITH of Georgia. But the Agricultural appropriation bill is before the Senate; it is pending before the Senate as the unfinished business—not technically the unfinished business, for I understand, of course, that the Panama Canal tolls bill is technically the unfinished business—but the Agricultural appropriation bill is the bill which the Senate has been considering concurrently with the tolls bill; it is partly through, and I am very anxious that we should finish it to-day, if we can.

Mr. CUMMINS. Mr. President, of course I yield to the objection, as I must; but I very much hope that when I bring the bill again to the attention of the Senate on Monday morning Senators will have taken advantage of the interim and made themselves so familiar with it that they will appreciate how important it is to the shippers of the country, and especially to the shippers of live stock, upon whom the railroads are imposing a most unjust and indefensible rule with regard to limitation of recovery.

The bill is reported unanimously by the Committee on Interstate Commerce. The Senator from Texas [Mr. SHEPPARD] has certain amendments which he intends to propose to it which have been considered, I think, by the majority of the members of the Committee on Interstate Commerce, and which will not be resisted, as they are entirely acceptable to the members of the committee.

I think it will require but a very few moments to dispose of the bill.

Mr. STONE. Mr. President, let us either dispose of the bill or go on with something else. We could have passed it by this time.

IMPORTATION OF CONVICT-MADE GOODS.

Mr. SMITH of Georgia. I submit a resolution which I ask may be read.

The resolution (S. Res. 372) was read, as follows:

Whereas H. R. 14330 is now pending in the Senate; and
Whereas it is desirable to know just what commodities will be excluded from importation under the terms of said bill: Therefore be it

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate a detailed statement, indicating all commodities the importation of which would be affected by said bill.

Mr. SMITH of Georgia. If there is no objection to the resolution, I should be glad to have it considered at once, because it will take some time to prepare the information called for.

Mr. SMOOT. I will ask the Senator if the bill referred to in the resolution is the one now before the Committee on Manufactures?

Mr. SMITH of Georgia. It is.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was agreed to.

POST-OFFICE EMPLOYEES.

Mr. JONES. I submit a Senate resolution, for which I ask immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 373) was read, as follows:

Resolved, That the Postmaster General be directed to transmit to the Senate the following information:

1. The names, ages, and length of service of those employees in the department in the District of Columbia and in the post office in Washington City who served in any war of the United States and who have been demoted, discharged, or resignations called for since March 4, 1914.

2. The rating of efficiency of each of such employees on March 4, 1914, and the rating with which they were credited at the date of demotion, discharge, or when resignation was called for.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMITH of Georgia. I suggest that the resolution go over until Monday.

The VICE PRESIDENT. Objection being made, the resolution will go over.

THE CONSTITUTION.

Mr. WORKS. Mr. President, the Constitution of the United States was printed as Senate Document No. 12 of the Sixty-third Congress. The supply has been exhausted and calls are being made for it in this inexpensive and convenient edition. I have received some of these calls myself, and I ask that it be reprinted as a Senate document, say 500 copies.

Mr. SMOOT. Did the Senator making the request say where the copies are to go, whether to the folding room or to the document room?

Mr. WORKS. I am not particular about that. I should want the supply where it could be free for distribution.

Mr. SMOOT. Then it should go to the document room, and there it will be distributed as called for. If it should go to the folding room, of course, there would be hardly four copies to each Senator. I suggest to the Senator, therefore, if the print is to be made, that it go to the document room for the use of the Senate.

Mr. WORKS. I also suggest that the number be larger, say a thousand copies.

Mr. SMOOT. I was going to suggest that to the Senator, because it will cost very little more to print a thousand copies than to print 500 copies.

Mr. SHAFROTH. I should like to ask the Senator a question. Is this an annotated copy of the Constitution or is it just simply the Constitution itself?

Mr. WORKS. I think it is just a plain copy. I have not examined it.

Mr. CLARK of Wyoming. It is an annotated copy of the Constitution. I presume the type is already set from the last edition. It is an annotated copy, and includes the amendments down to date.

Mr. SHAFROTH. It would be a good plan to have it reprinted, then. I notice in the manual we have a very good annotated copy of the Constitution.

Mr. CLARK of Wyoming. It is the same thing.

Mr. SHAFROTH. If it is the same thing, I think it would be well to have it printed.

Mr. SUTHERLAND. Mr. President, I suggest to the Senator from California that he make the edition 5,000 copies. One thousand copies will go only a very little way. As long as it is in type, it will cost only a trifle more to print 5,000 copies.

Mr. WORKS. Then I make the request that 5,000 copies be supplied for the document room.

Mr. JONES. I suggest that the edition be made even larger, because the moment word goes out that we have had the Constitution of the United States printed as a public document requests for it will come in from all over the country.

Mr. WORKS. That may be so; but it has been published as a public document for a long time, and up to the present time there does not seem to have been any large demand for it.

Mr. STONE. What would be the expense of this reprint?

Mr. SMOOT. The expense of printing 5,000 copies?

Mr. STONE. Yes.

Mr. CLARK of Wyoming. It is undoubtedly all in type now, so that it would be a mere question of printing. The last edition of the document was printed in 1913.

Mr. SMOOT. I can assure the Senator that it will come within the amount that a Senate resolution will cover, and will not cost very much, even if 5,000 copies are printed.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

TRANSPORTATION OF PARCEL-POST MATTER.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Senate resolution 363, by Mr. SMITH of Georgia, requesting the Joint Committee on Postage on Second-Class Mail Matter and Compensation of Transportation of Mails to report.

Mr. SMITH of Georgia. I ask that the resolution may go over without prejudice for one week from to-day.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

PANAMA CANAL TOLLS.

Mr. THORNTON. Mr. President, by reference to the calendar I observe that no Senator has given notice of a desire to address the Senate to-day on the Panama Canal tolls question. If any Senator does so desire, however, I shall ask consent to have the bill laid before the Senate at this time. Otherwise, I shall not.

As no one seems disposed to speak on the subject to-day, I therefore do not make the motion.

AGRICULTURAL APPROPRIATIONS.

Mr. SHEPPARD. I ask that the Agricultural appropriation bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. JONES. Mr. President, I desire to offer an amendment, which I send to the desk, to come in on page 40, line 5.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 40, after line 5, it is proposed to insert:

That hereafter the Secretary of Agriculture may, when necessary for the purpose of increasing the public benefits or public use of the national forests, rent or lease to responsible persons or corporations, for periods of not to exceed 20 years, suitable spaces or portions of ground for the construction of summer residences, hotels, stores, or any structures needed for recreation or convenience.

Mr. CLARK of Wyoming. What Senator offers the amendment?

The VICE PRESIDENT. The Senator from Washington [Mr. JONES].

Mr. JONES. I will simply say that this is a provision that was in the bill when it was reported to the House from the Agricultural Committee. It went out on a point of order. The sole purpose of it is substantially this: In many of the forest reserves there are what may be termed "camps," summer sites, that could be leased and would be leased if the Secretary of Agriculture had authority to do it for a reasonable time, and houses put up and looked after. The purpose of this amendment is simply to give the Secretary of Agriculture authority, on petition from proper persons, to make such leases as he may deem advisable.

Mr. CLARK of Wyoming. I do not know that I have any objection; but I distinctly remember a debate in the Senate some years ago when it was said that certain forest reservations were made for the sole purpose of furnishing summer homes for certain gentlemen who liked that kind of a life. It does not seem to me we ought to make our forest reserves subject to that sort of criticism.

Mr. JONES. I do not know of any reservation which was created for that purpose or that exists now for that purpose; but I do know several reservations in my State and some in Oregon where there are small tracts that would be very desirable for use for this purpose, and the Government could get some revenue from them where now it is getting nothing at all, and the sites are not being used. They will be used simply by campers or summer people.

Mr. SMITH of Arizona. Mr. President, if any revenue is obtained, I should think probably the States that have been prevented from taxing any of these vast forest reserves might have what little revenue is derived.

Mr. JONES. I certainly should have no objection to the revenue going to the States, but the situation is just this: They are in the reserves now, and there is no chance of getting the land out; and it seems to me that if sites of that kind exist that could be leased in a reasonable way it would assist in maintaining them. I should be very glad to see the receipts go to the States, so far as I am concerned. I do not provide for that in this amendment, however.

Mr. SMITH of Arizona. I should like to amend the amendment by providing that the revenue obtained shall be paid into the treasury of the State wherein the forest reserve is located; but I do not want to have that antagonize the Senator's amendment to which I have otherwise no objection.

Mr. GALLINGER. Mr. President, I notice that in the amendment there is no condition as to the amount of land that may be leased to these people. I suppose the Department of Agriculture might let them have a hundred acres or 50 acres or any other amount.

Mr. JONES. That is true, and that had occurred to me, and I spoke about it to one of the Members of the House who was especially interested in the matter. I should have no objection myself to limiting the amount. I have offered the amendment just as it was reported by the Agricultural Committee of the House.

Mr. GALLINGER. What amount would the Senator suggest?

Mr. JONES. I should say 10 acres.

Mr. GALLINGER. I will offer that amendment to the amendment, "*Provided*, That the amount shall not exceed 10 acres."

Mr. SMITH of Georgia. Mr. President, what is the matter that is pending in the shape of a proposed amendment?

Mr. JONES. I ask that the amendment may be read.

Mr. SMITH of Georgia. Yes; I should like to have it read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. The Senator from Washington [Mr. JONES] proposes the following amendment, to be inserted on page 40, after line 5:

That hereafter the Secretary of Agriculture may, when necessary for the purpose of increasing the public benefits or public use of the national forests, rent or lease to responsible persons or corporations, for periods of not to exceed 20 years, suitable spaces or portions of ground for the construction of summer residences, hotels, stores, or any structures needed for recreation or convenience.

The amendment suggested by the senior Senator from New Hampshire [Mr. GALLINGER] is, on line 4, after the word "corporations," to insert "not to exceed 10 acres," so as to read:

Rent or lease to responsible persons or corporations not to exceed 10 acres—

And so forth.

Mr. SMITH of Georgia. I submit that this is general legislation, and I make the point of order that it can not be added to an appropriation bill.

Mr. JONES. Mr. President, I admit that the amendment is subject to a point of order, but I hope the Senator will not make it.

This provision was in the bill when it was reported from the Agricultural Committee of the House. They considered it and deemed it advisable, but it went out on a point of order in the House, just as, of course, it would go out here. I hope the Senator will not make the point of order, however. The department, I understand, is very much in favor of a proposition of this kind, and, as I say, it was in the bill when it was reported to the House.

Mr. SHAFROTH. Mr. President, I wish to call the attention of the Senator from Washington——

The VICE PRESIDENT. Let us see, first, whether or not the point of order is to be insisted on. Does the Senator from Georgia insist on the point of order?

Mr. SMITH of Georgia. Mr. President, my attitude with reference to it is this: It seems to me it is a far-reaching piece of legislation that ought to go to the Committee on Public Lands and be passed on formally and reported by them. I think I should vote for it, then. I do not know any reason why I should not; but I do not know enough about it at present, and I think other Senators are in the same position. Therefore, we dislike to see it added here unless we have a full report from the committee.

Mr. JONES. Let me suggest to the Senator that the Committee on Public Lands would not have jurisdiction of this matter. It relates only to land in the forest reserves, over which the Agricultural Department has control. This amendment was introduced quite a good while ago and referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Does the Senator from Georgia insist on the point of order?

Mr. SMITH of Georgia. Yes; I think I shall have to insist on it.

The VICE PRESIDENT. Then the Chair rules that the point of order is well taken.

Mr. GALLINGER. Mr. President, in the Agricultural appropriation bill of last year an appropriation was made for the extermination of the boll weevil of $375,000 and for the gypsy and brown-tail moth of $300,000. In other words, there were $75,000 more appropriated for the boll weevil than for the

extermination of the troublesome pest we have in some of the Northern States. This year the appropriation for the boll weevil, as it passed the House, was increased $3,240, making it $378,240, while the appropriation for moths was reduced to $297,540.

Since the bill has been under consideration an amendment has been offered and agreed to increasing the appropriation for the boll weevil $150,000, making it $628,240; but no amendment has been offered increasing the moth appropriation.

Mr. President, these two appropriations have heretofore gone along together practically, and while I do not ask that as large an addition shall be given to the item regarding moths as has been given to the boll-weevil provision, I do want to have some addition made to that appropriation, and I move to strike out "$297,540" on page 50, line 4, and insert "$350,000," which I trust will be agreed to.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, I wish to consider for a few moments the merits of this bill with the idea of opening the way whereby amendments can be added to perfect it, that it may better protect certain sections of the country. I think those who have been zealous in looking after the interests of their particular sections in the bill may possibly, by running over a few of the items, find some place where they can get in an amendment to further develop conditions in their own sections; and this will be of interest to them. I notice on page 11, "for inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle and the inspection of southern cattle," $625,520 are appropriated. Most of this, I assume, will go south.

I notice also in the next provision, "for all necessary expenses for the eradication of southern cattle ticks," $400,000 are appropriated, "of which sum $50,000 may be used for live-stock demonstration work."

Mr. SHEPPARD. What page is the Senator reading from?

Mr. McCUMBER. From page 12. I call attention to the fact that all through the bill there are specific appropriations made for the southern section; and then, in addition to the specific appropriations, which are enormously large themselves, there are also general provisions, most of which appropriations will be used in the same section.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. McCUMBER. I yield to the Senator.

Mr. WALSH. I suppose the Senator from North Dakota recognizes the fact that we bring great numbers of those southern cattle into the State of the Senator and my own State, and we are as directly interested and concerned in the eradication of that pest as the people in the southern section. I trust that the Senator will not find it necessary to make any particular objection to that item, however much he may criticize the others.

Mr. McCUMBER. I hope, Mr. President, there is nothing here that will not benefit the whole country, at least to some extent. However, the general provisions of the bill show that it is very top-heavy at the southern end. I look again, and I find on page 13:

"For all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md.," $77,360 are appropriated.

Then for construction of buildings at bureau experiment station at the same place, $16,500.

I notice here "for all necessary expenses in the investigation of fruits, fruit trees, grain, cotton," and so forth, a special provision is made and $37,000 are appropriated.

Then for the diseases of cotton, potatoes, truck crops, forage crops, $46,000 are appropriated, most of which, of course, will be used in the cotton belt.

Then for further investigation of the same crop plants $44,540 are appropriated.

Then follows, on page 18, I find, "for investigating the ginning, handling, grading, baling, gin compressing, and wrapping of cotton," and so forth, and the demonstration of standards, $180,580 are appropriated.

Then, on the next page, "for the investigation and improvement of tobacco and the methods of tobacco production and handling," $28,000 are appropriated.

Turning to the next page I find "to investigate and encourage the adoption of improved methods of farm management and farm practice," $400,000 are appropriated. The Senator from Iowa [Mr. KENYON] showed that most of that was to be used in the same section.

We find, then, "for farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil," $628,240 are to be expended.

Again, on page 21, "for the investigation and improvement of fruits," packing, storing, handling, and so forth, most of which is in that section, $107,500.

Again, "for investigation of methods for wood distillation and for the preservative treatment of timber," for testing such woods, and so forth, which relates mostly to the turpentine product, the appropriation is $140,000.

Then "for the construction and maintenance of roads, trails," and so forth, $400,000, and, of course, the necessity for the construction of roads is, for the most part, within what we know as the cotton belt, as we have pretty fair roads in the North and in the New England States generally.

Again, "for chemical investigations of soil types," where it is worn out, mostly in the Southern States, there is $22,350 appropriated, and for the physical investigation, $15,265, and for soil fertility investigations, $32,700.

Then "for the investigation of soils, in cooperation with other branches of the department," and so forth, most of which relates to that section of the country, we have $169,800 appropriated.

On the next page, "for investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts," $58,000 are appropriated, most of which would be used in that section.

Then "for investigations of insects affecting southern field crops, including insects affecting cotton," and so forth, $84,000. Thus we cover the boll weevil, which I suppose is an insect, and we cover again the cotton by another item. There are three or four of them, all relating to the same subject and all of which can be used in reference to the same purposes.

Then "for investigations of insects affecting tropical and subtropical fruits," and, of course, that is in that particular section, $20,100 are appropriated.

Again, we have the general expenses "to carry into effect the provisions of the act approved March 2, 1887, entitled 'An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplemental thereto,'" $720,000. The Senator from Iowa a short time ago showed that nearly all this would be used in this blessed cotton belt.

Again, on page 61, we have a provision "to enable the Secretary of Agriculture to enforce the provisions of the above acts," and another one of those acts, $50,500, relating again to the same subject.

Again, I find on page 65, "for inquiries in regard to systems of road management," and, of course, that will be used where we need roads and not where we already have them, $44,800.

Then "for investigations of the best methods of road making," which, of course, will be used in the same places, $145,000.

Then "for conducting field experiments and various methods of road construction," relating to the same subject, and, of course, to be used necessarily in the same belt, $60,000.

Finally for "experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the production and development of mules and other live stock production in the cane-sugar and cotton districts of the United States," another $100,000.

So, Mr. President, we have all these items specifically relating to a certain section, while all the other appropriations, general in their terms, will also be divided necessarily with the same section, because they are not limited either by the conditions or the circumstances nor by the words to any other section of the United States.

I simply mention these few items that those Senators who have labored assiduously for the benefit of their sections may possibly see wherein something has been left out. But in order that we may obtain a little of these appropriations in the Northern States I submit the following provision as an amendment to follow line 13, page 74, at the end of the bill, which reads:

Total carried by this act for the Department of Agriculture, $19,511,302.

I move as an amendment to that, Mr. President, the following:

Provided, That not more than four-fifths of the sums appropriated by this act shall be used in the cotton belt.

Mr. SHEPPARD. Mr. President, the statement of the Senator that the bulk of this Agricultural appropriation bill is to be expended in the South is entirely unjustified. A careful examination of the bill will not sustain him. The bill pursues the same policy that has been pursued ever since the origination of the department. It follows in the main the same policy that has been pursued by the Senator's own party when his party framed these Agricultural appropriation bills.

The specific appropriations to which the Senator refers and which he says are expended in the South all added together are small when compared with the one item of appropriation for the Forest Service of $5,399,679, and this appropriation is expended almost entirely outside of the South.

Another great item of appropriation is for the Weather Bureau, an appropriation of $1,707,000, which is distributed over the country.

I do not think that the argument of the Senator is justified, and I move that the amendment be tabled.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

Mr. JONES. I desire to offer an amendment on page 22.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, line 18, after the word "seeds," insert the following: "The encouragement of bulb culture in the United States," and strike out "$166,500" and insert "$178,500."

Mr. JONES. Mr. President, I simply want to say to the Senator in charge of the bill that the department state that under the free-seed appropriation they have heretofore and are now maintaining a bulb farm, and that if the appropriation for free seeds remains stricken out they will either have to abandon that work or else require an additional appropriation of $12,000. I have a letter here from the department. I called them up by phone and spoke to them in regard to the matter:

DEPARTMENT OF AGRICULTURE,
Washington, May 1, 1914.

Hon. W. L. JONES, *United States Senate.*

DEAR SENATOR JONES: Referring to your telephone inquiry this morning regarding the work the department is doing to encourage bulb culture in the United States, I beg to say that for a number of years we have been conducting experiments with a view to establishing the industry on the Pacific coast. We import large quantities of Dutch bulbs for congressional distribution. We have been hoping to produce these bulbs at home, and to this end have been using a small part of the congressional seed fund in conducting an experimental bulb garden in the State of Washington. It is very important that this work should continue. The bulb industry is a valuable one, and it is believed we can introduce it here. If the item for the purchase and distribution of seeds goes out, as recommended by the Senate committee, it will leave the department unable to further handle the bulb work. To continue the bulb work would necessitate an appropriation of about $12,000. If the work is to be continued, it is suggested that the item on page 22, beginning with line 17, be slightly amended, as follows: After the word "seeds," in line 18, add "the encouragement of bulb production in the United States";—

That is what I have offered—

strike out "$166,500," in line 20, page 22, and insert in lieu thereof "$178,500," making the entire item read:

"For the purchase, propagation, testing, and distribution of new and rare seeds, the encouragement of bulb culture in the United States, and for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, $178,500: *Provided*, That of this amount not to exceed $100,000 may be used for the purchase and distribution of such new and rare seeds."

Very sincerely,
B. T. GALLOWAY,
Assistant Secretary.

This is from Mr. Galloway, the Assistant Secretary. I should like to have this amendment adopted, so that the matter will go to conference, and then the action of the conferees upon it will depend, of course, upon what action is taken upon the free-seed-distribution item.

Mr. CRAWFORD. Will the Senator permit me? Does not the Senator think the amendment would be rather inconsistent with the action taken by the Senate, by a very decided vote, in striking out all the provision for the distribution of seeds and bulbs?

Mr. JONES. I do not think so.

Mr. CRAWFORD. The Senate struck that out by a decisive vote, and now it is asked to increase the appropriation for the purpose of raising bulbs to distribute to Members of Congress.

Mr. JONES. No; it would come under "rare seeds." I do not think this item ought to have been taken care of under free-seed distribution.

Mr. CRAWFORD. In the letter which the Senator read it is stated that one of the purposes of producing the bulbs is for congressional distribution, and that we have decided against.

Mr. JONES. It is to develop an industry in this country. The Assistant Secretary says we are getting even the bulbs that are distributed now from foreign countries, and the main purpose of it is to encourage the development of this industry in our own country. I think it ought to be carried on under the item to which I have offered the amendment.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. Certainly.

Mr. KENYON. I observe in the House hearings on this question, page 163, Dr. Taylor speaks of the transfer of $6,500 from the congressional seed appropriation of last year, and says:

This latter amount is devoted to the maintenance of the bulb garden at Bellingham, Wash., in connection with the congressional seed distribution.

Is not that only devoted to the development of bulbs that are sent out in the free congressional seed distribution?

Mr. JONES. No; it is to determine whether we can produce the bulbs in this country. They are having good success in that territory. The indications are that the climate and the soil are especially adapted to them. Of course the bulbs that have been there produced have been used to fill out the congressional distribution.

Mr. KENYON. What I want to get at is if the Senator knows whether the bulb garden at Bellingham is used for any other purpose than the development of the bulbs that are sent out in the free seed distribution?

Mr. JONES. It is used not only to get bulbs for that distribution, but to determine whether or not the bulbs can be produced in this country.

Mr. KENYON. Does the Senator from Washington think the bulbs for that distribution are any better than the seeds that are sent out?

Mr. JONES. I will say that it is stated in the letter that most of the bulbs we are sending out for this free distribution come from Holland, but the writer also says the industry appears to be developing here; so that it shows that we can produce these bulbs here nearly as well as they can over in Holland. In my mind the important feature of this work is to show that we can produce them in this country.

Mr. SHEPPARD. Has the Senator from Washington noticed the paragraph directly preceding the paragraph to which he offers this amendment in the bill?

Mr. JONES. Yes.

Mr. SHEPPARD. What is the distinction between the bulbs referred to in that paragraph and the bulbs referred to in the Senator's amendment?

Mr. JONES. I do not see that there is very much difference, so far as that is concerned, between the work to be done under the one paragraph and the work to be done under the other; but apparently the work has been carried on under the two paragraphs, and the department suggests this amendment be put in the paragraph to which I have offered it.

Mr. SHEPPARD. Does the department consider the amount that is carried in the bill now sufficient to take care of all needs?

Mr. JONES. The Senator will know better than I; but, as I understand, under the act providing for the expenses of the purchase, propagation, and distribution of new and rare seeds the department has already planned the work for the objects which they recommend. Now, if they are going to take on some additional work, they will need additional money. The Secretary says in this letter that the work to which this refers has been carried on heretofore out of the free-seed fund; so that if we put this over into either one of those paragraphs it will require some additional money. I simply want to suggest, as I did a moment ago, to the Senator that if this could be put in the bill and go to conference, then the action upon the free-seed distribution matter would determine very much what should be done there. If you restore that item, then, of course, what I have offered here would go out.

Mr. SHEPPARD. I am willing to leave the matter to the Senate.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. JONES].

The amendment was agreed to.

Mr. JOHNSON. I offer the amendment which I send to the desk, to come in on page 68, after line 8.

The VICE PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 68, after line 8, it is proposed to insert the following:

For the inspection of potatoes in those States where a quarantine has been or shall hereafter be established by the Secretary of Agriculture prohibiting the movement of common or Irish potatoes from any

State into any other State, District, of Territory of the United States except under such rules and regulations as may be established by the Secretary of Agriculture, and for the enforcement of such rules and regulations, $100,000.

Mr. JOHNSON. Mr. President, this is an additional item under the paragraph for the enforcement of the plant and quarantine act for which an appropriation of $50,000 is provided in the bill. I only wish to say a few words in regard to the amendment proposed.

I have offered the amendment at this time and have not presented it to the committee, for the reason that the committee reported this bill to the Senate on April 16, 1914, and the condition which makes this item necessary, as it seems to me, arose on April 25, 1914, after the bill had been reported to the Senate.

In the year 1911 there was a shortage in this country of the common or Irish potato, so called, and some 13,000,000 bushels were imported into the country, largely from Ireland, from Scotland, from Austria-Hungary, and from Germany. Those potatoes not only came into our country, but into Canada. The next year it was found that those potatoes which had been imported were affected by a disease known as the powdery scab, which did not render them unfit for human food, but which, nevertheless, destroyed the appearance of the potato, made it malformed, and in its cankerous condition ate into the potato and destroyed it, so that the potatoes planted of this character yielded very much less, and the potatoes themselves were shrunken and misshapen, and the crop in every way much less valuable.

My own State of Maine, being one of the oldest States in the Union in its agricultural interests, has made something of a success in the raising of potatoes upon its northern border, next to New Brunswick. The total production of potatoes this year in this country as given by the Secretary of Agriculture is 331,500,000 bushels for the whole country, and in our State, with its small agricultural interest, we produce about 30,000,000 bushels, or nearly one-tenth of the total product of the country.

After the year of 1911 it was found that potatoes in Canada were affected by this disease known as the powdery scab, and a quarantine was established against some parts of Canada, against the whole of Great Britain, against Austria-Hungary, and against Germany. Last winter that quarantine was still further extended to include the whole of the Dominion of Canada and of continental Europe. Then up in our State, upon its northern border, in 1913 there were some evidences found of the existence of this disease, and on April 25 of this year the Department of Agriculture, acting under authority conferred under this act, established a quarantine against the State of Maine. I send the quarantine notice to the desk and ask to have it read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FEDERAL HORTICULTURAL BOARD,
Washington, D. C., April 27, 1914.

Hon. CHARLES F. JOHNSON,
United States Senate, Washington, D. C.

DEAR SIR: I transmit herewith Notice of Quarantine No. 14, quarantining the State of Maine on account of powdery scab. This quarantine becomes effective August 1, 1914.

Yours, very truly,
C. L. MARLATT,
Chairman of Board.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
FEDERAL HORTICULTURAL BOARD.

NOTICE OF QUARANTINE NO. 14.

(Effective on and after Aug. 1, 1914.)

POWDERY SCAB OF POTATO.

The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that a dangerous potato disease, known as the powdery scab (*Spongospora subterranea*), not heretofore widely prevalent or distributed within and throughout the United States, exists in the State of Maine.

Now, therefore I, B. T. Galloway, Acting Secretary of Agriculture, under the authority conferred by section 8 of the act approved August 20, 1912, known as the plant quarantine act (37 U. S. Stat. L., p. 315), do hereby quarantine the State of Maine, and do, by this Notice of Quarantine No. 14, order that the common or Irish potato (*Solanum tuberosum*) shall not be moved or allowed to be moved from the State of Maine into or through any other State, Territory, or District of the United States, in manner or method or under conditions other than those prescribed in the rules and regulations to be hereafter made and amendments thereto.

The foregoing quarantine shall become and be effective on and after August 1, 1914.

Done at Washington this 25th day of April, 1914.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL.]
B. T. GALLOWAY,
Acting Secretary of Agriculture.

Mr. JOHNSON. The effect of that quarantine, as will be seen by Senators, will be to prevent the shipment of any potatoes from the State of Maine, whether those potatoes are affected by this disease or not. It is general in its terms and applies to all.

The crop of potatoes raised in our State in this last year, as I have said, amounted to about 30,000,000 bushels, and only a very small portion of that crop is consumed in the State—five or six million bushels, perhaps—and the rest is shipped out of the State, furnishing the one agricultural product of that State which finds a ready market throughout the Union. A large part of the crop is sent into the Southern States, to be used as seed, and into the South Atlantic States as well.

The people of Maine are interested that the potatoes which are shipped out of the State shall be entirely free from disease and sound; but we do feel that if one has raised a merchantable crop, a crop which is entirely free from disease, he ought to be allowed to move it from the State and to sell it; in fact, I very much doubt the authority of the Federal Horticultural Board, composed of a few heads of bureaus, to place such a prohibition and a quarantine upon the product of any State, making it exclusive. The power is great, and it might be used—I do not mean to intimate that it has been used in this case in any such spirit—but it might be used to shut off entirely and prohibit the shipment of a product from a State. Recognizing the fact that, under the Constitution, Congress has power to regulate commerce between the States and not to prohibit commerce, I feel that those who have merchantable potatoes, entirely free from disease, have a right to have them shipped in interstate commerce throughout the Union, notwithstanding this quarantine act; and the purpose of the amendment which I have offered is simply this, that the United States, having taken upon itself the task of protecting the planters of potatoes and the users of them in other States, doing it not for the State of Maine, but for the whole Union, should take upon itself the expense of a proper inspection of that crop, and that the farmer who has raised a crop entirely free from such a disease should be allowed to ship it from the State.

We are asking no help from the Federal Government in fighting that disease; the farmers of our State expect no assistance; we are perfectly willing to undertake to eradicate it, although we are not responsible for it, and it came in with the large shipment of foreign potatoes in 1911, from which the Federal Government received in duties between $3,000,000 and $4,000,000, poured into the United States Treasury.

The disease has only thus far manifested itself in two or three places in the very northern part of the State, but to prevent its further spread and to prevent this disease being communicated to other States, the Secretary of Agriculture, through this board, has thought it wise to place this quarantine upon the whole State.

What we would like, and what in this amendment I have sought to have the Senate provide, is the power to institute and the money to pay the expenses of an inspection. I have taken the matter up with the Secretary of Agriculture. As I have said, this quarantine proclamation was not issued until April 25, and the Agricultural appropriation bill was reported to the Senate April 16. I had no opportunity, therefore, to appear before the committee and present this matter. I spoke to the chairman of the committee in regard to it as soon as it was brought to my attention, and he communicated with the Secretary of Agriculture. I have here the letter the Secretary directed to the chairman of the committee, which I will send to the desk and ask to have read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 30, 1914.

Hon. T. P. GORE,
United States Senate.

DEAR SENATOR GORE: Answering your note of to-day, requesting comment on an amendment proposed by Mr. JOHNSON, of Maine, increasing the appropriation for the enforcement of the plant-quarantine act from $50,000 to $150,000, I understand from conferences with Senator JOHNSON that this increase is intended to provide sufficient funds to take care of a situation resulting from an outbreak of a serious potato disease in Maine. The State of Maine produces large quantities of seed potatoes, and these seed potatoes are sold pretty generally throughout the eastern United States. When it was found that the serious disease in question existed in Maine, quarantine measures were adopted and cooperative plans put into effect whereby it was hoped the authorities of the State of Maine might handle the situation. It has been found impracticable for the State to cope with the trouble, hence the desire of Senator JOHNSON that the Department of Agriculture, under the authority vested in the Secretary through the plant-quarantine act, be given sufficient funds to enforce the quarantine.

We feel that there is a question of policy here that the Congress should decide, and that is whether, in case of outbreaks of plant dis-

eases within a State, especially where the disease involves a crop that must necessarily be sold out of the State, the State should be required to bear the cost of quarantine measures or whether the Federal Government should bear such cost. The department has no recommendations to make as to policy, and can only lay the facts before you for such action as the Congress may decide to take. In case it is determined that the Federal Government should assume the responsibility, our experts estimate that it will require at least $100,000 to accomplish the purpose.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Mr. JOHNSON. In accordance with that statement and the estimate of the Secretary of Agriculture, I have fixed the amount asked for in the amendment at $100,000.

Now, as to the question of policy, which the Secretary of Agriculture says he submits to the Congress, the policy of the Federal Government assisting in such matters certainly has numerous precedents in this very bill. The Senator from Montana [Mr. WALSH] this morning called attention to the appropriation of something over $600,000 for the prevention of cattle diseases in southern cattle; he stated that they were interested in that matter in Montana; and he called the attention of the Senator from North Dakota to the fact that his State was also interested, because cattle were imported from the Southern States to the Northwestern States. So I take it that in this bill not one section alone is interested but the whole country. In this particular matter my State is deeply interested; and while potatoes constitute a comparatively small product, it is a product that means much to our small farmers. It yielded them last year ten or twelve million dollars, and is perhaps the largest agricultural crop that we have in our State. If upon August 1, 1914, they find that they can not ship a single potato out of that State, it will be a serious loss to them.

So far as the State being charged with the duty and with the expense of making this inspection is concerned, that has not been the course heretofore pursued. In this very bill, in addition to what is provided by statute, you have provided $300,000 for meat inspection, which, added to the $3,000,000 annually appropriated for meat inspection, is to be used to certify the meat of the meat packers of the West.

I know of very little expenditure of money for the farmers in Maine. In the map which the Senator from Iowa [Mr. KENYON] exhibited the other day you will find the State of Maine has not a trace of green or red upon it showing any assistance of any kind to the farmers of Maine in any line of agricultural endeavor.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. JOHNSON. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I will ask the Senator whether this disease of potatoes came from our neighbor to the north or did it come from some European country?

Mr. JOHNSON. It is thought by the department that it came from seed potatoes obtained from New Brunswick. That is the statement in their report. It first appeared after the large importation of potatoes in 1911, to which I have referred. The disease first appeared in New Brunswick and in eastern Canada, and last summer it appeared in Maine for the first time.

Mr. WEST. Mr. President, it is generally supposed that the disease came from Ireland, or from some other country across the water, is it not?

Mr. JOHNSON. Originally. It has been known to exist in Europe since 1841.

Mr. GALLINGER. We seem to have just ground for a grievance against some foreign countries. These large appropriations for the extermination of the brown-tail and gypsy moths, which have been devastating the forests of New England, I believe, were made necessary by the importation of a few of those insects by a professor in Harvard College who was investigating their habits. He put them on the window sill and they blew out and scattered; and as a result it has cost millions of dollars to fight those pests.

I think the Senator's suggestion about the great potato crop of Maine, and the necessity for protecting it against an embargo, surely must carry conviction to this body; and I hope his amendment will be agreed to.

Mr. JOHNSON. I thank the Senator for his assistance. He is certainly very familiar with the situation through Maine.

I am not asking that the amendment apply to Maine alone. It applies to all the great potato-raising States of this Union. New York is the largest one; Michigan is interested, and also Wisconsin. If there should be any outbreak there, it seems to me there ought to be some fund provided which would care for the inspection of potatoes.

Mr. WARREN rose.

Mr. JOHNSON. Just one word, and then I will yield to the Senator.

I only want to say, so far as the State of Maine is concerned, that we have no means of dealing with this matter. We have no session of our legislature until next January. The farmer will dig his potatoes next October, and he sells many of them in the field as they are dug. We have no means in the State to provide for the expense of inspection, and even if we had it seems to me it is a matter for Federal consideration and for the Federal Government to deal with. I now yield to the Senator from Wyoming.

Mr. WARREN. I expect to vote with the Senator, of course; but I am wondering whether that is one of the many results of extreme freedom of passing commodities from one nation to another.

Mr. JOHNSON. I may say to the Senator that those foreign potatoes came in when we had a duty of 25 cents a bushel, in 1911, and the Government got between three and four million dollars from the importation in the way of revenue.

Mr. WARREN. That is true; but I notice that there seems to have been a sort of coincidence; that we got along very well when it was closely watched and when we had inspectors and a reason for inspecting, while now that the bars are down we seem at once to have gotten more than we bargained for.

Mr. JOHNSON. Yes; but the potatoes have not come in in any quantities since 1911, and we have had very little reason to suspect that we got any of this from foreign potatoes, because immediately after the passage of the plant quarantine act in September, 1912, the Federal horticultural board placed a quarantine upon New Brunswick, Nova Scotia, Prince Edward Island, the islands of St. Pierre and Miquelon, the whole of Great Britain, Austria-Hungary, and Germany. That was in September, 1912. Then, last winter, finding that the potatoes which came into this country from Belgium and Holland bore some evidences of the disease, they extended the quarantine to all continental Europe and to the whole of the Dominion of Canada. Then, the disease appearing in the northern part of Maine, they have, as shown by the quarantine issued now, placed under quarantine the whole State of Maine.

I am not complaining of that. I believe that our people are interested in seeing that the potatoes they raise, and that they send out to be used for seed in the Southern States, where the white potato will not reproduce itself, and send out for table food, should be entirely free from any disease; but the farmer who has such a potato certainly ought to be allowed to ship it.

Mr. WEST. Mr. President——

Mr. JOHNSON. I yield to the Senator from Georgia.

Mr. WEST. Did the ruling place an absolute embargo on Maine from shipping out these potatoes at all?

Mr. JOHNSON. The embargo takes effect August 1, 1914, upon the whole State.

Mr. WEST. I say, it is an absolute embargo, is it?

Mr. JOHNSON. It is an absolute embargo. We want the Government to have the money to inspect that crop, and then to make its regulations, and permit potatoes that are free from disease to be shipped from the State; but that will cost some money.

Mr. WARREN. Was that embargo placed by the United States?

Mr. JOHNSON. By the United States.

Mr. WARREN. What is proposed? Is it proposed that the United States shall have the cooperation of the States, and that they shall stand their part of the expense?

Mr. JOHNSON. I will say to the Senator that the State has already undertaken to do what it can to eradicate the disease. We have not come here asking any help from the Federal Government in fighting this disease. We will attempt to eradicate it, but we have no money appropriated in the State for the purpose of making inspections or for the purpose of enforcing this quarantine act. In fact, it is not a State quarantine; it is a Federal quarantine; and it seems to me that the Federal Government, having put on this quarantine in the interest of all the people of all the country, should bear the whole expense of the quarantine.

Mr. WARREN. I agree with the Senator, so far as the Government's responsibility is concerned, except that I do not believe they should bear all of the expense. What about the future introduction of that and other diseases? Is it proposed to quarantine against those countries also?

Mr. JOHNSON. They are already quarantined against.

Mr. WARREN. That is what I supposed. It is not a new matter for the United States to cooperate with the States in fighting disease. We have had the cattle tick in the South, and we have had the sheep scab in the West, and all of that; but

I think it is always required that there should be a certain cooperation on the part of the States.

Mr. JOHNSON. Let me ask the Senator a question. I sat here and voted, with a great deal of readiness, $500,000 to meet the ravages of hog cholera in the West. Do the States of the West bear any part of that expense? I voted here $400,000 to kill the southern cattle tick. Do the Southern States bear any part of that expense?

Mr. WARREN. The Senator must not misunderstand me. Of course they do. Take sheep scab, for instance——

Mr. JOHNSON. Well, take first the statement in regard to hog cholera.

Mr. WARREN. Just a moment, please. Take the sheep scab. They will not go into a State for the expenditure of money unless the State itself will appoint certain inspectors and give them certain powers and provide certain cooperation. This is not an argument against the Senator's asking the United States to appropriate money; but if it came again, after we had made an appropriation, I should require that we have the cooperation of the States, not only as to working in harmony, but that they should stand some portion of the expense.

Mr. WEST. Mr. President——

Mr. JOHNSON. I will say to the Senator from Wyoming, if the Senator from Georgia will pardon me, that no doubt the people of the State of Maine would be willing to bear any part of the expense which it was thought just and fair for them to bear.

Mr. WARREN. I think so.

Mr. JOHNSON. They have not been here very often asking anything for their agricultural interests or their lumber interests, and in this particular matter we do not feel that we are to blame for the large importation of foreign potatoes brought in here. We are not responsible for it; and the Government, having received in its duties that year between three and four million dollars, can well afford to bear now the small expense of determining whether or not potatoes are sound and healthy and can be shipped from the State.

Mr. WEST. Mr. President——

Mr. JOHNSON. I yield to the Senator from Georgia.

Mr. WEST. Do I understand from the Senator from Maine that the Legislature of Maine will not meet again until next January?

Mr. JOHNSON. It will not meet until next January.

Mr. WEST. Consequently it could not take any action with reference to making appropriations for this matter?

Mr. JOHNSON. It could not.

Mr. BRADY. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Idaho?

Mr. JOHNSON. I yield the floor to the Senator.

Mr. BRADY. I wish to ask the Senator a question.

Mr. JOHNSON. I shall be very glad to answer any question I can.

Mr. BRADY. I will ask to have the amendment as proposed read again, so that we may thoroughly understand it.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 68, after line 8, it is proposed to insert:

> For the inspection of potatoes in those States where a quarantine has been or shall hereafter be established by the Secretary of Agriculture prohibiting the movement of common or Irish potatoes from any State into any other State, District, or Territory of the United States, except under such rules and regulations as may be established by the Secretary of Agriculture, and for the enforcement of such rules and regulations, $100,000.

Mr. BRADY. The amendment as proposed by the Senator from Maine simply provides for Government inspection, the same as the inspection of meats or anything of that character.

Mr. JOHNSON. Yes.

Mr. BRADY. I do not think it is usual that a State should be required to furnish any part of the money for that purpose. It seems to me the statement of the Senator is very convincing, that this money should be appropriated for this purpose. It does not apply alone to the State of Maine; it applies to any State of the Union.

I happened to be at a meeting called by the Department of Agriculture at which the Senator from Maine was present, and we discussed this matter very fully; and it was through the efforts made at that time that the quarantine against potatoes from foreign countries was put in force by the department. Now, it seems that the Department of Agriculture has decided that potatoes from Maine shall not be exported into other States. That being the case, it completely deprives the State of Maine of the advantage of the market that it should have. Since that embargo is placed there by the Government, it seems only fair that the Government at least should go to the expense of finding out whether or not the potatoes are diseased.

If out of the 30,000,000 bushels of potatoes raised in Maine only 10,000,000 bushels are diseased, it is absolutely unfair to the citizens of that State to forbid them to ship out the 20,000,000 bushels of good potatoes; and the State of Maine certainly can not enforce a quarantine against itself. For that reason this inspection will necessarily have to be made by the Government, and it ought to be made by the Government and the expense paid by the Government. The regulations should be such that in case the potatoes are found to be good and healthful they can be shipped to any part of the country; and if they are not that, the shipment should be prevented. There is no way that they can do it except through the Department of Agriculture, and the Department of Agriculture can not make the inspection unless it has the funds to do so.

I hope the amendment will prevail.

Mr. McCUMBER. Mr. President, I am very much gratified to be able to vote for this provision, which extends governmental inspection over a product outside of the cotton belt. I assume that the purpose and the basis upon which it is asked is that these potatoes enter into interstate trade, and, entering into interstate trade, a potato that is diseased would be a fraud upon the purchaser; and to prevent that injustice and fraud upon the purchaser it is necessary to invoke the strong arm of the Government under the provisions of the interstate-commerce clause of the Constitution to give the proper protection.

Of course I am not quite able to see the distinction between a potato and wheat in the matter of inspection. I am simply gratified to know that there are Senators upon the other side of the Chamber who will concur in the proposition that any great food product being sent from one State into another which is infected or which carries a false certificate as to its character or quality ought to be prohibited from interstate commerce; and I am pleased to note that the specter of fear is not overtaking Senators on that side as they see an army of men in governmental livery invading the State of Maine to protect the rest of the American public against a scabby potato.

I think the provision is a good one, and it certainly is good in more ways than one. It not only will be effective and efficient, in my opinion, but it will be one little letter in the line of education toward the final conclusion upon the other side that where there is a great wrong that can not be remedied by the State, where there is a great injustice that is perpetrated upon the producers of a State by reason of the act of the department or for any other reason, where the influence can not reach beyond the borders of the State, the Government of the United States may come in and assist them under that very good provision of our Constitution, and one that has given us such great benefits, relating to the control of Congress over interstate commerce.

Having the Senator from Maine agreeing to that view of the case, with his strong Democratic proclivities, I hope many of the others who will not look beyond their State lines for any authority to control a product in their State may yet come to his own basis of conclusion.

I certainly shall vote for the amendment offered by the Senator from Maine.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maine [Mr. JOHNSON].

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I introduce a small amendment which I send to the desk and which was submitted to the committee. It is in behalf of a very good woman. They said they did not desire the amendment to be put on the bill, because they intended to promote her and give her the salary for which she is asking; but I see Dr. Galloway is going to go out, and I do not want to trust the matter to somebody—I do not know whom—who will be appointed in his place.

I therefore ask the Senate to increase this woman's salary from $1,400 to $1,600, to be the same salary that a man is getting in the same kind of business. She is very efficient; she has been recommended for promotion, and they say they are going to give her the salary, but I want to fix it in the bill.

I ask the Senator from Oklahoma if he will not accept the amendment?

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. OVERMAN. Yes.

Mr. KERN. Does not the Senator think this bill has about all the burdens it can carry?

Mr. OVERMAN. I am simply asking to give a poor woman $200 a year in a bill that carries appropriations of $400,000, $50,000, $200,000, and so forth, for various purposes, that Senators do not haggle over. It is these little things, as the Senator knows, that we haggle over. This is only a matter of $200. I ask the Senator from Oklahoma if he will not accept the amendment.

Mr. GORE. I shall not offer any objection to it.

Mr. OVERMAN. The Senator knows the facts. They have been before him, and the department has talked to him about it.

Mr. ROBINSON. Mr. President, has the amendment been referred to the committee?

Mr. OVERMAN. It was referred to the committee, and I have stated the facts.

Mr. ROBINSON. Was any action taken by the committee on it?

Mr. OVERMAN. Action was not taken, for the reason, I say, that they intend to promote her, anyway. Dr. Galloway, as I understand, said he intended to give her the salary desired, and it was not necessary to put it in the bill; but he is going out, and I should like to have it in the bill for that reason.

Mr. ROBINSON. What is the character of work she is doing?

Mr. OVERMAN. She is recognized as one of the finest artists employed by the Government. She is an artist, and the only artist in the department. Whereas the photographer, a man, gets $1,600, this artist, of whom everybody speaks highly, gets only $1,400.

Mr. ROBINSON. What kind of an artist is she?

Mr. OVERMAN. She is an artist on glass. The Senator has seen in these great expositions illustrations of various parts of the country on glass. If the Senator will go to the San Francisco Exposition, he will see, or if he went to the Chicago Exposition he saw, most magnificent paintings by this woman displaying a beautiful panoramic array of scenery of our mountains, our rivers, our gold mines, and all of our industries portrayed on glass. That is what she does.

Mr. ROBINSON. I shall not interpose any objection.

Mr. WEST. Mr. President, I have an amendment to offer.

The VICE PRESIDENT. There is an amendment now pending before the Senate.

Mr. McCUMBER. Mr. President, I do not think the Agricultural bill is the proper bill to pick out particular individuals and vote them salaries. It is hardly a proper place for legislation of that kind. I therefore raise the point of order that the amendment is an increase of the appropriation without any estimate, and that it has not been introduced and referred to and reported by a standing committee of the Senate.

Mr. OVERMAN. Of course if the point of order is made it will be sustained.

The VICE PRESIDENT. The point of order is sustained.

Mr. REED. I send to the desk the following amendment——

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. THORNTON. I ask that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside, and by unanimous consent the Senate will resume the consideration of the Agricultural appropriation bill. The Senator from Missouri [Mr. REED] has sent to the desk an amendment, which will be stated.

The SECRETARY. Strike out all of lines 17 to 22, inclusive, on page 53.

Mr. REED. Mr. President, the chairman of the committee has asked me that I do not press this amendment until another is disposed of. So it therefore may be temporarily held in abeyance.

Mr. GORE. The junior Senator from Georgia [Mr. WEST] intends to offer an amendment, and as far as I am concerned I feel disposed to accept it.

Mr. WEST. I do not know whether the amendment is entirely in order at this time. It is, on page 42, line 20, to strike out "$15,000" and insert "$20,000," and in line 23 of the same page to strike out "Western" and substitute therefor "United," so as to read "United States."

Mr. GORE. If there be no objection, I should like to accept the last amendment suggested, striking out the word "Western" and inserting the word "United."

Mr. WEST. The amendment enlarges the territory to be considered, and it is for the purpose of using the roots, stumps, and wood of cut-over territory that we may do something with the by-products. At least in my section of the country there is a fourth of the timber that goes into the slab heap, and the people in that section are putting up stills for extracting turpentine and wood alcohol from stumps, roots, and by-products of the sawmill. The object is to make further experiments on that line. It is already in the bill, but applies to the Western States. I wish to apply it to the United States, and to increase the appropriation from $15,000 to $20,000, but it does not change the entire appropriation one dollar.

The VICE PRESIDENT. The Chair understands that the committee amendment has heretofore been agreed to as in Committee of the Whole.

Mr. WEST. Yes, sir.

The VICE PRESIDENT. Then, unless the amendment is reconsidered, the amendment of the Senator from Georgia is not in order.

Mr. WEST. I understand if there is objection to it, it goes over; and I give notice that I will seek to amend the bill when it is in the Senate, if there is objection made to the amendment now.

Mr. BRADY. Mr. President, I would object to having the matter taken up at this time, as it was not before the Committee on Agriculture and Forestry, and we are acting upon amendments as in Committee of the Whole.

The VICE PRESIDENT. The Chair has ruled that unless the Senate reconsiders the vote whereby the amendment was agreed to, the amendment of the junior Senator from Georgia is not in order.

Mr. WEST. I move to reconsider the vote in order that I may add this to it.

Mr. GALLINGER. Mr. President, I am interested in this amendment, having made the suggestion originally that "Western" should be stricken out and "United" inserted, but I think for economy of time the Senator had better let the matter go until the bill reaches the Senate. He can then move his amendment.

Mr. WEST. The only reason why I sought to have it amended at this time is that I may not be here when the bill reaches the Senate.

Mr. SMOOT. We will get through with the bill to-day.

Mr. GALLINGER. I think we will get through with the bill.

Mr. SMOOT. On page 7, line 14——

The VICE PRESIDENT. The Chair understood that the Senator from Missouri [Mr. REED] only temporarily yielded the floor.

Mr. SMOOT. I did not know that. I ask the Senator's pardon. I did not intend to interfere with him at all.

Mr. REED. That is all right. Let my amendment be read.

The VICE PRESIDENT. The amendment proposed by the Senator from Missouri will be read.

The SECRETARY. Strike out lines 17 to 22, both inclusive, on page 53, in the following words:

> For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stat. L., 847–848), relating to the protection of migratory game and insectivorous birds, $50,000.

Mr. REED. Mr. President, I had the temerity on one or two occasions to suggest that it was not necessary to appropriate money to enforce this alleged law. I stated that applications had been made to both the Departments of Agriculture and of Justice to test the constitutionality of the law, and that those efforts had been fruitless. I therefore maintained that it is manifest from the conduct and demeanor of both of the departments that they do not have any confidence in the validity of the law. Because I thus insisted I have become the subject of the ridicule and the scorn of the Audubon Society and of that high priest of mercy, Mr. Hornaday. Also, I have been taken to task by certain of the great newspapers of the country.

Mr. President, if I did not think there was a principle involved I would not take the time of the Senate to discuss this amendment; but the proposition before us is whether Congress shall make an appropriation for the enforcement of a law so plainly invalid that the Department of Justice and the Department of Agriculture, both of which are charged with the duties of enforcement, have practically declined to venture upon a prosecution.

I affirm that the Federal game law was enacted in response to a manufactured sentiment created by an organized lobby.

Mr. President, I call attention to the official publication of the Audubon Society. That publication states in the March

and April number of 1913 how the Weeks-McLean bill came to be passed. It declares that—

Since 1904 bills of this character have been constantly pending in Congress, and from the beginning they made a strong appeal to the imagination of the people throughout the country who are interested in the conservation of our natural wild life. This interest increased each year as the result of the wide publicity given to the measure by this association and other organizations which had to do with bird and game life.

The statement then goes on to tell how the movement was worked up and how the New York Zoological Society became a party to it. Then follows this:

The writer could name some of the members of this association who have individually sent out or caused to be sent from 100 to 200 letters imploring Congressmen to vote for the bill. One of our members, Mr. Henry Ford, of Detroit, became so stirred that he instructed one of his most able and resourceful employees, Mr. Glenn Buck, of Chicago, to spare no expense in an effort to arouse the people to the importance of securing the necessary congressional support. Mr. Buck sent out thousands of telegrams and letters, and in fact for several weeks employed a large force of stenographers in the enterprise.

The struggle for the passage of this bill will go down in the history of American bird protection as being the most gigantic single campaign ever waged for a bird-protective bill. The full text of this new Federal law is given below.

Now we begin to understand, with the millions of the Ford Automobile Co. embarked in this enterprise, with orders from Mr. Ford to spare no expense, and with the statement that thousands of letters and telegrams were sent out from that one point, why it is that so many of our Senators have been receiving these communications, and the light begins to dawn, we begin to know, that instead of this propaganda being a spontaneous movement it was manufactured from the first. A little more of that later on.

Now, Mr. President, connected with this movement is not only the zoological society referred to, of which Mr. Hornaday is an important member, but also the Audubon Society. The latter has an enormous membership—I do not know how many—and a large war fund. I read in this book the following:

Five dollars annually pays for a sustaining membership.
One hundred dollars paid at one time constitutes a life membership.
One thousand dollars constitutes a person a patron.
Five thousand dollars constitutes a person a founder.
Twenty-five thousand dollars constitutes a person a benefactor.

You will observe that it costs a heap of money to be regarded as "a benefactor" by those who constitute this organization. The activities of the society appear to have been about along the line of the lobbies of the Sugar Trust, the Steel Trust, and other concerns that have been engaged in promoting legislation.

In the January number of this interesting publication, at page 72, will be found this statement:

THE RECORD FOR 1913.

Just glance for a moment at what was accomplished by the association with the $10,000 contributed to the egret protective fund last year:

First. The passage of the Pennsylvania antiplumage law, which put an end to the business of the great wholesale feather dealers whose American headquarters were located in Philadelphia.

Second. The passage of laws preventing the sale of aigrets also in the States of Michigan and Vermont.

Third. The employment of field agents to locate colonies of breeding egrets in the Southern States.

Fourth. The employment of a force of 18 wardens, who so successfully guarded the 8,000 egrets in these rookeries that throughout the nesting season not over 12 of the protected birds are believed to have been killed by plume hunters.

Fifth. Secured a hearing before the Ways and Means Committee of Congress, and later, with the cooperation of the New York Zoological Society, conducted a campaign of publicity and personal appeal which finally resulted in the passage of the Federal plumage law, prohibiting the importation of feathers of wild birds to America.

Then a few words of comment and comes this:

The association must have at least $10,000 at the earliest possible moment for egret protection work the coming year.

Mr. President, this society does not appear to be altogether an eleemosynary institution. It deals in large sums of money and in some transactions which may require investigation. I notice, for instance, that it has on hand investments in its endowment fund to the amount of $378,286.57. I notice further that they have in their schedule of expenses this interesting item:

LEGISLATION.

New England legislation, $953.52.
Massachusetts campaign, $741.06.
Expenses South Carolina, California, and elsewhere, $806.54.

A total of $2,501.12 expended in legislation.

But that does not include the egret legislation and does not include the expenses incurred in getting the McLean bill enacted into a law. I find disbursements as follows:

From the egret fund, $8,400.47.

There was a total disbursement last year of $82,347.

The egret fund ran to some $10,000. The campaign was systematically conducted by a lobby that was as thoroughly greased as any recently infesting Congress.

Here is an interesting article that tells us how some Senators and Representatives were seduced into amending the tariff bill:

The paragraph in Schedule N of the tariff bill, which plans to prohibit the importation of feathers and birds, etc., did not fare well at the hands of the Senate Finance Committee.

I shall not read it all, but the article states that—

The subcommittee, after having evidently reached a conclusion on the matter, reluctantly granted the friends of the bird a hearing.

"The friends of the bird." I want to emphasize that, because one of these friends of the birds I intend to address myself to in a few moments.

Mr. President, all through this literature appears the fact that there was a systematic movement along the ordinary lines of the lobby—the same kind of lobbying methods employed by the wool, sugar, steel, and other lobbies; the same means were employed to convince Senators and Representatives that there was a tremendous uprising, and with the same result which has frequently been accomplished by the concerns referred to.

Now, Mr. President, every man who has dared to consider these questions from the standpoint of the Constitution or from the standpoint of economics has been berated and accused of being the enemy of all bird life.

I insist that the true friend of bird life is the man who undertakes to secure the enactment of laws that can be enforced and not the man who demands the enactment of laws, or alleged laws, which will ultimately be stricken down, because all the time consumed in the passage of invalid laws and in testing such invalid laws is ultimately lost.

Speaking for myself, I have always been a friend of proper game preservation and conservation statutes. I have favored such legislation in my State, and I have always sought to encourage it. The States have the constitutional right to protect the game within their borders, and every step taken in that direction by the States results in good; but if we abandon State legislation and undertake national legislation, and the national legislation is without life or vitality or force—is, indeed, born dead—then we have lost all the time consumed in the enactment of such legislation.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. ROBINSON. I am under the impression since the debate occurred in the Senate on this provision that there has been a decision in a case in the eastern district of Arkansas touching the constitutionality of the act of March 4, 1913, designed for the protection of migratory birds. I have not the decision before me and I have not seen a copy. I know the case was submitted along about the time or a few days after the discussion occurred here, and I have heard, though I do not understand whether the statement is correct, that the act has been held unconstitutional.

Mr. REED. I ask the Senator if that is not probably the case referred to in the newspaper clipping which I have here and which was heard, I believe, before Judge Trieber?

Mr. ROBINSON. That is the case. Is the Senator informed as to whether it was decided?

Mr. REED. I am not. I do not know whether the case has been decided.

Mr. ROBINSON. It can be ascertained by communication with the clerk of the court whether the decision has been made and what it is.

Mr. REED. Mr. President, until recently I was not aware that if a man saw fit to insist that in his opinion those who were seeking the protection of game were traveling along the wrong road he therefore ought to be denounced as a cruel and inhuman monster who desired to exterminate the songster of the field and the musician of the woods. Neither was I aware of the fact until I began an investigation how much arrant hypocrisy there is back of some people connected with this movement, not all of them by any means, but by some.

One of the New York newspapers saw fit to spend some of its valuable editorial space in lampooning those who had dared to utter their honest sentiments on this question. I do not intend to call the name of the individual, but the editor of one of those papers has had an interesting sort of game experience which ought to qualify him somewhat as an expert. On June 14, 1904, he was charged with killing antelope in one of the Western States contrary to the laws of that State. He pleaded not guilty. He withdrew his plea on the 28th and pleaded guilty, and was fined $500.

On August 19 he was charged with killing mountain sheep out of season. He plead not guilty. He secured various continuances, and on November 28 entered a plea of guilty, and was fined $500 more.

It really seems to me that a man who has so little respect for the game laws of a State that are valid and are binding that he is willing to pay a thousand dollars for the privilege of violating them ought not to very harshly criticize those who merely insist that a law believed to be unconstitutional ought to be tested in the courts before large sums of money are appropriated for the purpose of enforcing it.

Nor do I think it is quite in keeping with the harmonies of this occasion that everybody should be abused as the enemy of wild life who has insisted upon following the provisions of the Constitution of the United States nor that the men who stand upon those provisions and assert their rights should be held up to the country as traitors to the Government.

Game associations of my State and adjoining States, composed of some of the best citizens of those States, men who have spent large sums of money in seeking to protect game, believing this law to be unconstitutional and a failure, said so, whereupon they were denounced as guilty of treasonable practices by one William T. Hornaday. That gentleman constitutes himself the chief apostle of mercy and kindliness. He denounces every man who shoots a duck as a pothunter, and holds him up before the country as a merciless wretch who seeks to inflict pain and misery upon wild animals. One would think, as he reads the fulminations of this gentleman, that his heart overflows with pity, that in his tender hands is held a chalice filled with tears of agony wrung from his sympathetic eyes by the suffering of dumb brutes; one would imagine that all his life Brother Hornaday had guarded birds' nests; that he had watched to see that no hand of violence was laid upon any dumb animal, particularly if that animal was a wild animal; one would believe that his finger never pulled the trigger that sent a deadly missile into the body of a living thing. Dr. Hornaday is, as has been suggested to me by the Senator from Oklahoma [Mr. GORE], the self-appointed universal game warden; he is the archangel of mercy; he is the prototype of all that is tender and sweet and gentle and lovely.

But long ago it was said, "Oh, that mine enemy would write a book," and Brother Hornaday has been engaged in the book business.

I desire to call attention to the fact that, if his heart is now tender and his soul is now shocked at the sight of a dead bird; if he has come to believe that those who occasionally shoot game are monsters engaged in the service of the devil and devoting their lives to acts of atrocity—if that is his present opinion—then, Mr. President, he has undergone a regeneration that has never been equaled since St. Paul saw the light that transformed him from pagan into a Christian. This book that I am calling attention to, and now advertising, is entitled "Two Years in the Jungle," by Hornaday. It is dedicated, as a book of its kind never should be dedicated, "To my good wife, Josephine." It is the bloodiest record in all the annals of time; every page of it drips with gore.

It reads like the diary of the foreman of a slaughterhouse. As one peruses its pages he can see the ghostly procession of slaughtered animals marching toward untimely graves; he can hear the sharp crack of Hornaday's rifle; he can distinguish Hornaday's shout of triumph as it mingles with the death groans of the slaughtered. According to Hornaday he has killed everything that walks on two feet, except men, and he has come mighty near killing them. He has even descended to the ignoble business of robbing birds' nests.

He did all this not for love of sport, but he had embarked in the business of killing and skinning as a means of livelihood, by which, I understand, he became a sort of "Hessian pothunter." He claims to have been actuated by interest of science; but, as I shall show you, the dominant motive in his heart, the inspiring sentiment that sent him out through swamps and morasses, and led him to expose his body to the fatigue of the march and to the ravishment of disease, was a pure, unadulterated lust for blood and money. Out of his own mouth, or his own book, which is very much the same thing, not out of mine, let him be condemned.

I begin with the smaller matters, Mr. President—birds—because if there is anything that shocks this sensitive soul it is to learn that a duck has been shot, unless he shot it. On page 75 of this interesting book I find this:

Carlo and I fell to work on our specimens and before night the "bag" received an addition of one saras crane, three spoonbills, three black-backed geese, shot by my friend.

On page 76 I find this:

At the end of seven days' shooting we had accounted for 15 gazelle and one nil-gal, not counting smaller specimens; and, sending my lot of skins and skeletons across country by bullock cart, I returned to Etawah by rail.

Why, this man killed animals and birds by the wagonload. He was not a "pothunter," he was a "wagonload hunter." He had to take a team of bulls around with him to haul the carcases of the slaughtered.

On page 379 I find this:

My native hunters brought me many fine specimens of mammals, a few large birds, many reptiles, and a few fishes. The most successful of all my collectors was a fine Dyak named Dundang, already spoken of, who shot four orangs, several rhinoceros hornbills, two or three proboscis monkeys, a wild hog, and quite a number of smaller mammals.

On page 380 I find this—and this man shot birds, too:

One day a party of Dyaks arrived from the head of the Sibuyau River, between the Sadong and Batang Lupar, bringing several fragmentary skins of argus pheasant, which had been taken off in native fashion for the wing and tail feathers, and also a live argus.

You may possibly imagine the heart of the man who so loves the egret must have ached, but I find no lamentations recorded here. On the other hand, he was glad to get them. But I proceed. I shall now quote from page 413—I am now confining myself as nearly as I can to birds:

I set Perara—

That is, a native—

at work shooting and skinning birds while I devoted my attention to mammals in particular, and everything else in general.

Anything; all was fish that came to his net; all was game that came within his range. Truly he was and is a tender-hearted, loving, kindly soul.

I encouraged the Dyaks to set snares for animals of all kinds.

This man denounces the pothunter. It is a mighty mean man who will shoot a bird that is not on the wing; it is a contemptible thing to sneak up on a bird and assassinate it from behind; but a fellow who will set a snare to catch unwary wild animals that harm nobody has sunk to a point so low that a real sportsman could not see him with a microscope that magnifies a million diameters. A man who sends out a lot of barbarians to snare game for him and afterwards gets himself up not only as a sportsman but as a regulator of sportsmen is in a class by himself. He certainly could take first prize in a contest of impudence.

I shall not read more in regard to birds, because, really, they are an unimportant subject compared with others, but at pages 417, 420, 421, and 430—indeed, throughout the book—you will find rhapsodical accounts of the slaughter and skinning of birds.

At pages 61 and 62 you will find where he let himself down the side of a cliff with a rope in order that he might rob birds' nests of their eggs. At page 430 you will find this statement:

It is so far my policy to shun small things that I do not even pretend to shoot and skin small birds.

Since then the learned author has evidently experienced a wonderful change of heart. "Not even a sparrow can now fall without his notice."

He was looking at something bigger at that time, but now he is undertaking to regulate every farm boy in the United States and to say that he shall not take a shot at a blue jay without being haled before a Federal judge. His viewpoint has vastly changed.

But I pass from that and come to acts of atrocity that are so indescribably inhuman that they shock even my hardened heart. In this book, at page 414, he describes the killing of gibbons, a species of monkey or ape which is so near the human that a man can not look at one through the bars of a cage without pitying it in its captivity. I want to read a choice bit or two from page 414:

We hunted far and wide over the hills, saw a great number of mias——

That is the local name for orang-outang—

nests, but no mias. But we at last become absorbed in trying to kill a gibbon, and it soon developed into genuine sport.

Let no one rise and say that this man was suppressing his natural sentiments and killing because of his devotion to science; let all men understand that it was the lust of murder, if you can apply the term "murder" to the killing of a thing that is so nearly human that it is difficult to draw the line between some races of the human family and these highly developed apes. I continue to read:

About the only real sport I have yet had in Borneo, and this is about the character of it:

You are going along, we will say, at the heels of your Dyak guide, carrying your rifle in the hope of a shot at big game, while the guide

carries your double-barreled gun. All at once you hear a slight vocal sound and a profound rustling in the thick branches at the top of a tall tree, directly over your head.

"Apa ini?" (what's that?) you ask in a whisper.

"Wah-wah, tuan" (gibbons, sir), says the guide in the same tone.

You take the double barrel, loaded with No. 1 shot, and peer anxiously upward to catch sight of the animal. Ah, there he is, on the other side of the tree, and evidently making off. You can not see his body on account of the leaves—

The doctor then states how he shoots at the gibbon; I can not encumber the RECORD with all the recital. He tells how the little thing, by its marvellous agility and its wonderful intelligence, escapes, and how he pursues it—

After a hundred and fifty yards, good measure, you stop short, cock your gun, and glare wildly upward to catch sight of your prey as quickly as possible. In three seconds your greedy eyes have scanned every tree top within gunshot, and at last you see some branches shaking a hundred yards away on the opposite side of a deep ravine.

And again the little animal escapes. This man was not hunting for science; he was hunting because he wanted to kill things. A little farther on he says:

But, all the same, you pronounce it genuine sport and acknowledge that you have met your match.

* * * * * * *

To hunt them is the most exciting work I have done for some time, violent exercise to be sure, but good to improve one's wind.

Which leads me to remark that it may have been at this interesting period of his life the doctor developed his ability to stand interviews and denounce game associations.

Mr. President, I want to call the attention of those who love mercy, who feel that men who go out and occasionally hunt are brutal in their instincts, to this description of the slaughter of a gibbon. I read from the good doctor's diary—

November 3. A good score to-day. Just after I had finished measuring the mias killed yesterday—

That is, the orang-outang killed—

and was preparing to set out for the usual morning's hunt, a troop of gibbons began whistling—their cry sounds like whistling, and is easily imitated—in the jungle close by, in fact, within a hundred yards of the house. Le Tiac and I were after them in less than a minute. It so happened that several paths had been cut through the jungle just where the gibbons were, and, by their help, we were soon close to our prey. We saw one or two of them swinging off in the distance, and at last I caught sight of a fine large one, feeding quietly on leaves, within gunshot.

They did not know he was there, so he assassinated them.

I fired both barrels to make sure of a kill and in a minute or so, as I was walking under the tree to see where my wah-wah—

That is, the gibbon—

was, down it came with a heavy thud within 2 feet of me. A little more and it would have fallen on my head.

To my surprise it was immediately followed by another, a young one this time, which fell flat on its face on the soft earth a yard farther off. We picked it up and found it was very much alive, having only a wound in the neck, and Le Tiac held it while I reloaded and looked for others. The little one set up a terrible cry and kept it up steadily, which created a great commotion amongst the other wah-wahs. They were all running away, but on hearing the cries of the little one two came back and came as near as they dared, but kept so well concealed that I could not get a shot.

Think of killing an animal that was near enough the standard of man so that it would come back at the risk of its life to rescue its wounded companion. Let me read on. This humanitarian writes:

Then we carried the little one about and let it cry while we ourselves kept very still. It was perhaps a mean thing to do—

I remark that in this one instance this gentleman told the truth; but he might have used the term "diabolical" instead of "mean"—

but in collecting necessity knows no law. Every wild animal must die some time, and gibbons are too valuable and hard to get for us to let one go through sympathy. Under all other circumstances these animals are exceedingly timid and flee at the slightest alarm; but this time two of them returned in response to the cries of one of their children in distress. It was a mean thing to do, I know, but when, at last, I got a fair shot at a large wah-wah of the rescuing party I disabled him so that he could not get away. He climbed to the topmost branches of the tree he was in, which was about 90 feet high, and I fired at him from below. I was surprised at the shooting it took to collect him—

That is, to kill him.

Altogether I fired seven shots with my No. 10 gun, loaded with 4 drams of powder and 2 ounces of No. 1 shot, before he fell, and, to my still greater surprise, I found, on examining the body, only one bone broken—a tibia. I expected to find the leg and arm bones mostly smashed to bits. The specimen was a large male, and met its death solely on account of its paternal affection, sympathy, and genuine courage in the face of danger.

Mr. President, I am not going to denounce Dr. Hornaday for this, but I am going to insist that a man who has been bathed in blood and who has allowed a wounded child even of the monkey tribe to continue its cries in order to decoy in the older ones of the tribe, so that in coming to its rescue they would come to their death—that such a man ought to cease prating about the protection of game or lecturing others upon the subject of cruelty.

Mr. President, in this book there is the recitation of the killing of innumerable monkeys. He hunted them; he gloated over his ability to kill them; he chuckled every time one died—a fine specimen to be leading the Audubon Society, marching with the gospel of mercy in one hand and the skulls and skins of a thousand monkeys in the other.

But, Mr. President, the dear doctor's appetite for blood was not yet satiated. He had killed a tiger—so he says; he had shot some elephants from ambush. I say nothing about that, but I want to call your attention to his slaughter of orang-outangs.

Mr. President, what is an orang-outang? Mr. Darwin, who is almost as high an authority as Dr. Hornaday, states that—

The orang, chimpanzee, and gorilla come very close to man in their organization, much nearer than to any other animal. * * * Both show in all their organs so close an affinity—

That is, man and the chimpanzee and orang—

that the most exact anatomical investigation is needed in order to demonstrate those differences which really exist. So it is with the brains. The brains of man, the orang, the chimpanzee, the gorilla, in spite of all of the important differences which they present, come very close to one another. * * *

Again, as respects the question of absolute size, it is established that the difference between the largest and smallest healthy human brain is greater than the difference between the smallest healthy human brain and the largest chimpanzee's or orang's brain.

These animals are to a large extent subject to the same diseases as human beings; they contract tuberculosis from human beings; they are subject to many of the same fevers, and generally to the whole range of diseases which affect man; and they respond to the same medicines that human beings respond to. They have substantially every muscle and every nerve that the human being has. The question of whether they have a language by which they communicate with each other is one that is under dispute. People who live with them and know something of them regard them as at least "near human." I read now the evidence of Mr. Hornaday himself.

At page 350 he states:

In his own country this animal is universally called the "mias," although he is occasionally referred to by the Malays as an "orang-utan," which means, literally, jungle-man, from "orang" man, and "utan" jungle.

One would think the gentleman who wrote that would have hesitated about starting out to kill these creatures, but the very next statement is:

They, the native barbarians, assured me there were "mias somewhere in the jungle," but they could not tell me where to seek them. They thought I might kill at least one every week, which was quite encouraging, and I thought I would be satisfied with as good luck as that would be. I gave powder and lead to such of the Dyaks and Malays as were willing to hunt orangs for me, and started them out.

Now let us see what he did after he had started them out. At page 360, he tells about the murder of one of these "jungle men," for that is the term the natives apply to them:

Presently we saw a big, hairy arm clasping the trunk of the tree about 50 feet from the ground, but that was all. The boat was stopped directly, and, as we could do not better, I stood up and sent a bullet through the arm that was exposed, to stir the old fellow up.

Oh, mercy, mercy, truly thy home is in the heart of Hornaday!

It startled him, for, with an angry growl, he immediately showed himself and started to climb away. As soon as we saw his body, I fired again, which caused him to stop short for a moment.

Then the kindly doctor proceeds to tell how he shot this poor animal several times, and gives this description:

I immediately fired for his breast, whereupon he struggled violently for a moment, then made off in frantic haste, climbing along a straight horizontal branch by the aid of his hands alone, swinging along as a gymnast swings underneath a tight rope. He reached fully 5 feet at every stretch.

Presently he stopped short, and let go with one hand, which dropped heavily at his side and came below his knee. For three minutes he hung there facing us, holding by one hand only. How huge and hairy he looked, outlined against the sky! Presently his hand slipped; his hold gave way entirely.

How much this sounds like the description of a dying man—

and with outstretched arms and legs he came crashing heavily down through the branches and fell into the water near us with a tremendous splash. He struggled up and turned savagely at bay, grasping the trunk of a sapling to hold himself erect. The Malays rushed at him with their parongs, and one gave him a fierce slash in the neck while I was shouting to them to desist. They were as yet wholly untrained and would have ruined the skin in a moment. The old mias flung his long arms about, gasped, and struggled violently, then quietly settled down in the water, and in another moment was dead. Then we towed him along back to the boat, lifted him in with considerable difficulty, and began to examine our prize.

Truly, he was a prize. His back was as broad and his chest as deep as a prize fighter's, while his huge hands and feet seemed made with but one end in view—to grasp and hold on. His arms were remarkably long and sinewy, but his legs were disproportionately short and thick—

And so forth.

Mr. President, one would imagine that a human being engaged in killing a creature so near his own kind would experience some pang of sorrow or some feeling of grief; but the description of the death is as cold-blooded as a Borgia would have written of the poisoning of one of his enemies.

I read from page 363:

Three orang-outangs in one day! The men hurrahed loud and long; and I believe I must have indulged in a little shout on my own account.

How it thrilled the soul of this sensitive man! Three creatures, so closely allied to the human family that some believe them human, slaughtered in a day; and over their dead bodies this tender-hearted lover of wild life indulges in cheers! The Audubon Society ought to get another partner.

Mr. President, I raise the question of a quorum.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Kenyon	Perkins	Smoot
Brandegee	Kern	Poindexter	Sterling
Bryan	Lane	Reed	Sutherland
Catron	Lea, Tenn.	Robinson	Swanson
Clark, Wyo.	Lee, Md.	Saulsbury	Thompson
Dillingham	McCumber	Shafroth	Thornton
Fall	Martin, Va.	Sheppard	Tillman
Gallinger	Martine, N. J.	Shields	Townsend
Gore	Myers	Shively	Walsh
Gronna	Nelson	Smith, Ariz.	Warren
Hughes	Oliver	Smith, Ga.	West
Johnson	Overman	Smith, Mich.	White
Jones	Page	Smith, S. C.	

The PRESIDING OFFICER. Fifty-one Senators have responded to the roll call. A quorum is present.

Mr. REED. Mr. President, the waylaying of baboons coming to the rescue of the wounded young, and the slaughter of those possessing the heroism so to come, may have been a very sportsmanlike and a very humane performance, but it does not rise to the dignity of the incident to which I am about to call attention.

At page 367 of this gory recital will be be found a story that would shock the finer sensibilities of a first-class orthodox devil. The kind doctor gives an account of the killing of a number of these creatures and then tells this story:

Three miles farther on I espied a baby orang up in a treetop, hanging to the small limbs with outstretched arms and legs, looking like a big, red spider. It gazed down at us in stupid, childish wonder—

What would a human being have done—an ordinary human being; not one of these superlative people; not one of these leaders in the intellectual and moral uplift, but just an ordinary human being—when he saw that baby looking down with its stupid, childish eyes in wonderment and fear? It seems to me the ordinary pothunter would lower the muzzle of his gun. Not so Mr. Hornaday:

I was just aiming for it, when Mr. Eng Quee called my attention to the mother of the infant, who was concealed in the top of the same tree.

There they were, mother and child, so near like the human that even this man, as I shall show you a little later on, almost classifies them as members of the human family. If there is anything that appeals to the stony heart of man and melts it into kindliness it is the sight of a mother seeking to protect her babe. But what did Mr. Hornaday do? He fired at the mother.

As soon as I fired at her she climbed with all haste up to her little one—

She would not abandon her babe in the face of death. Like all the mothers of all time, the life of her infant was more dear to her than her own life; and so this mother, in the face of impending death, went to the rescue of her babe.

Did this gentleman stop then—this tender-hearted apostle of sympathy?

As soon as I fired at her she climbed with all haste up to her little one, which quickly clasped her round the body—

Ah, you good mothers who are furnishing money for Mr. Hornaday, what would you have done if your babe had been in danger? And what would your babe have done except that which this little orang did when it reached out and put its arms around its mother?

Which quickly clasped her round the body, holding on by grasping her hair, and with the little one clinging to her the mother started to climb rapidly away.

Oh, why did you not let her go, Hornaday? The mother fleeing with her infant, with fear in her heart, but the love of a mother dominant above the fear. Why did you not let her go? Why did you not lower your gun then, you lover of kindliness?

Fortunately we were able to get the boat in amongst the trees without much trouble, and all immediately went overboard. We had scarcely done so when a third orang, a young male, about 2 years old, was discovered looking down from a nest overhead, which he immediately left and started to follow the old mother—

You see, this old mother had a family.

As he went swinging along underneath a limb, with his body well drawn up, I gave him a shot which dropped him instantly, and then we turned our attention to the female—

They had slaughtered the young son of the family now, and still the old mother and the baby were to be hunted down—

She was resting on a couple of branches, badly wounded—

But she had not left her baby yet; the baby was still clinging to her.

She was resting on a couple of branches, badly wounded, with her baby still clinging to her body in great fright. Seeing that she was not likely to die for some minutes I gave her another shot * * * and then she came crashing down through the top of the small trees and fell into the water, which was waist deep.

We sprang to secure the baby—

And they captured it.

Then he recites in this book what they did with this mother orang-outang and what they did with the baby, and here is what they did. He tells it at page 369, the next page. They killed three of these semihuman beings that day, and then this statement is found:

Mr. Eng Quee placed a table for me and there I skinned the orangs and received deputations of natives who came bringing specimens, or wanting gunpowder. The ground under the house was hard, dry, and clean, and my motley crew of assistants retired under the floor with their work. Mr. Eng Quee quite enjoyed the novelty of orang skinning, and quickly became an expert hand at the business.

You see, they skinned so many that an amateur could develop into an expert.

Mr. President, some people will say this was in the interest of science, the love of learning, the pursuit of a highly intellectual occupation which probably harrowed the soul of this tender creature, Hornaday. But, behold, he exposes his heart to us. He lays bare his soul. He describes his sentiments. He pictures for us the thrill that went through him as his knife cut the skin of these almost human creatures:

At page 370 he says:

Two hours later the little baby orang relieved me of all anxiety on its account by dying. * * * This made seven dead orangs, big and little, to skin and skeletonize in one day!

Would not one creature have done in the interest of science? If you had to go out and murder something that was almost human, could you not be satisfied with one or two? No! Seven. And could you not have skinned them, if you must skin them, with a sickening sensation in your stomach? Not so Hornaday.

This made seven dead orangs, big and little, to skin and skeletonize in one day!

The mother, and her babe, and her eldest born, and four others.

I had adult specimens of both species, male and female, and two young ones; and, by a happy coincidence, the Chinese, Dyaks, and Malays had almost made a dead heat in the race after specimens.

Now, listen, and let no man hereafter say that this man did with reluctance these acts in the interest of science. Let him rather attribute it to a thirst for blood, a love of cruelty, and a monstrous disposition which found joy in tearing the skin from that quivering flesh. Here are his own words:

There are many good people who are at a loss to understand how a naturalist "can bear to skin and cut up dead animals," no matter how rare and interesting they are. Many wonder how he can have "an appetite to eat," and cry out in holy horror at sight of the raw flesh under his knife. Well, tastes differ; that's all. As for myself, I would not have exchanged the pleasures of that day, when we had those seven orangs to dissect, for a box at the opera the whole season through.

Truly, tastes differ. Truly, there are people in this world who would rather sit at the opera and observe the wonderful portrayal of human emotions, listen to the melody of music, and see the matchless mimicry of the actor—truly, there are some who would prefer that to the slaughter of mother orang-outangs with their babes upon the breast, or even to the delectable and high-toned occupation of skinning them afterwards. This man is reading lectures to the people of the United States on questions of morality and humanity.

And now I get a little key to his delight. Surely it is found in this sentence of the same account:

It was the most valuable day's work I ever did, for the specimens we preserved were worth, unmounted, not less than $800.

Now you know the mainspring of his delight—the source of his almost divine elation. It lay in the fact that he had made

$800 that day killing seven of these poor creatures, including the slaughter of the poor mother as she went to the defense of her babe.

I trust the women of this country who are supporting this society and kindred societies will hereafter employ people who have the right to take the name of mercy on their lips without defiling the holy word.

Now, Mr. President, what was the doctor's viewpoint? If he believed these creatures were merely animals—if he thought them but dumb brutes, beasts utterly dissimilar to the human family—we might in charity excuse his cruelty upon the plea that he did not appreciate the enormity of his deeds. But what was his viewpoint? I shall not take the time to read it, but I shall put into the RECORD the citations to the pages where he describes a baby orang he had in captivity. He states that it so resembled a human that he called it "the old man." He describes how it played about his feet; how it nestled in his arms; how it ate at his table; how it insisted upon sleeping on his bed with him at night; how it followed him about and clung to his garments; how it looked at him with human eyes; how it played with its toes as a baby plays with its toes; and yet after that he went on killing these creatures. See pages 417, 419, 428, 429.

But his own opinion as to what they are and how nearly human they are is found on page 407. Let me read it:

> We will not say anything about the place the orang has in the long chain of evolution; but, while abstract argument leads hither and thither, according as this or that writer is most ably gifted for the same, there is still one argument or influence to which every true naturalist is amenable, and which no one will ignore who has studied, from nature, any group of typical forms. Let such a one (if, indeed, one exists to-day), who is prejudiced against the Darwinian views, go to Borneo. Let him there watch from day to day this strangely human form in all its various phases of existence. Let him see the orang climb, walk, build its nest, eat, drink, and fight like a human rough. Let him see the female suckle her young and carry it astride her hip, precisely as do the coolie women of Hindustan. Let him witness their human-life emotions of affection, satisfaction, pain, and rage—let him see all this, and then he may feel how much more potent has been this lesson than all he has read in pages of abstract ratiocination.

Why, he declares them almost human. He indorses the thought of Darwin, which some of us do not, that they are the progenitors of our race, and yet having such an opinion he continued the slaughter of these creatures. Finally, having murdered, I do not know how many, because every page for many pages records the death of one or more, we find that he did not even stop with killing the animal that was born. At page 403 he tells us something else:

> The size of the young of the orang at birth is quite remarkable, considering the small stature of the adult female. My twenty-eighth specimen was a gravid female 3 feet 8¾ inches in height, carrying a fetus which weighed 7 pounds 3 ounces and was, of course, fully developed.

Thus it appears that our humane friend indulged also in the crime of infanticide, if we can apply that to the slaughtering of creatures of this kind.

Mr. President, I am willing to be taught the lessons of mercy. I am willing to be taught by every man who wants to protect the beasts of the field and the fowls of the air and the fishes of the sea, whose heart goes out in kindly sympathy for the dumb animal that can not defend itself, but I am not willing to go to school to Mr. Hornaday, and I am not willing that the funds he collects and spends shall be used to effect legislation in this body.

I called attention to the ineffable delight the doctor manifested when he made $800 in one day in killing orang-outangs and to the thought that probably it was the $800 more than the advance of science that so thrilled his gentle soul. But I notice another statement which may furnish a further incentive and reason for his recent activities. In the New York Times of May 14, 1914, there is an editorial soundly criticizing those who dared to differ from Dr. Hornaday and paying its compliments to myself because I referred to this gentleman as either insane or a common slanderer or a common scoundrel; and the writer states:

> Senator Reed's feelings will not be assuaged at learning that Mrs. Russell Sage sent yesterday to Dr. Hornaday her check for $10,000 as a subscription to the permanent wild life protection fund that he has been raising "for use on the firing line."

And, as is explained in the other literature, "for use on the firing line" is to fire influence into Congress here.

> That makes the subscription to the fund $25,000. Dr. Hornaday is out after $25,000 more, and he is pretty sure to get it.

Says this writer: Well, I can understand how a man who finds more delight in counting the carcasses of dead orangs out in the forest, in stretching them upon his table, in whetting his skinning knife, in plunging the knife into the bodies of the almost human creatures, than he would have in the possession of a box at the opera for an entire season, and who gives us the key to his delight by the statement that the carcasses were worth $800, should grow exceedingly enthusiastic, exceedingly tender-hearted, exceedingly interested in the wild life of the country if he were to have a $50,000 fund placed in his hands.

I say this to the good people who desire to protect game life, that I, in common with all the Members of the Senate, stand ready to further every honest and proper effort to protect our game, the little birds of the field, as well as the game birds, and that we will join in all proper efforts in that behalf. But I beg of the mothers of this land, before they appoint as their agent and representative a man to look after the sparrows and the meadow larks and the bobolinks, to inquire whether that man wants money or his heart is in his work; and when they seek to determine whether he is really an evangel of mercy, to inquire whether he is the same man that shot mother orang-outangs as they went to the rescue of their babes, who tore from the womb of mother orang-outangs the fœtus that he might gloat over it, and who preferred the skinning of orang-outangs to a box in the opera.

It is conceivable that Benedict Arnold might have indited a dissertation upon patriotism; that Lucretia Borgia might have uttered a peon to mercy; that Judas, with the money of betrayal in one hand and a rope with which to hang himself in the other, might have the impudence to deliver a lecture upon fidelity; but it is hardly conceivable that a man who had written a book portraying his delight as he slaughtered these creatures that are so close to the human family that naturalists have difficulty in drawing the line of demarcation should be made the recipient of donations of those who desire to protect birds and animals.

Mr. President, I proceed no further lest I might be justly accused of having imitated the practices of Dr. Hornaday.

I venture a suggestion: Instead of giving Dr. Hornaday $50,000 to use in procuring the enactment of an unconstitutional statute, why not employ these funds to feed the starving children of our great cities?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri.

Mr. LANE. I should like to hear it read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 53 strike out lines 17 to 22, relative to migratory and insectivorous birds.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Connecticut suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Kern	Poindexter	Sterling
Brady	Lane	Reed	Stone
Brandegee	Lea, Tenn.	Robinson	Swanson
Bristow	Lee, Md.	Saulsbury	Thompson
Chamberlain	Martin, Va.	Shafroth	Thornton
Fall	Martine, N. J.	Sheppard	Tillman
Gallinger	Nelson	Shields	Warren
Gore	Norris	Smith, Ga.	West
Gronna	Overman	Smith, Mich.	White
Jones	Page	Smith, S. C.	
Kenyon	Perkins	Smoot	

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY] and the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. SAULSBURY. I desire to announce the necessary absence from the city, on important business, of the junior Senator from New Hampshire [Mr. HOLLIS].

The PRESIDING OFFICER. Forty-two Senators have responded to their names. There is not a quorum present.

Mr. KERN. I suggest that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators and Mr. SHIVELY and Mr. VARDAMAN answered to their names when called.

Mr. GALLINGER. I beg to announce that the junior Senator from Maine [Mr. BURLEIGH] is absent on account of illness.

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK of Wyoming] is unavoidably absent.

Mr. CATRON and Mr. HUGHES entered the Chamber and answered to their names.

Mr. SHIVELY. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SHEPPARD. I wish again to announce the unavoidable absence of the Senator from West Virginia [Mr. CHILTON]. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. NEWLANDS, Mr. CRAWFORD, and Mr. POMERENE entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT. Mr. President, there was an order of the Senate directing the Sergeant at Arms to compel the attendance of absent Senators. I move that further proceedings under the order be dispensed with.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from Missouri [Mr. REED].

Mr. ROBINSON. While the Senator from Missouri was speaking he was asked about the decision of the case pending in the United States District Court for the Eastern District of Arkansas affecting the validity of the migratory-bird law. I am informed by the clerk of the Committee on Agriculture that the Biological Survey has received a telegram stating that the act has been held unconstitutional in the case referred to in the remarks of the Senator from Missouri.

Mr. STERLING. Mr. President, I should like to inquire of the Senator from Arkansas by what court it was held that the law to which he refers was unconstitutional, if he has that information?

Mr. ROBINSON. I stated that it was the United States District Court for the Eastern District of the State of Arkansas, where, in the case referred to during the discussion on this subject some weeks ago, the law was held to be unconstitutional.

Mr. GALLINGER. Has the Senator from Arkansas the finding of the court?

Mr. ROBINSON. I have not seen the decision.

Mr. REED. I may say, for the benefit of the Senator from New Hampshire, that while I have not seen the decision, I read a newspaper account which I had with me here, but which the Reporter has taken away, of the issues in the case. An arrest was made, and a demurrer to the indictment was filed upon the one ground that it was an invasion of the power of the State by the Federal Government, because the game within the State was subject only to the laws of the State. The case was decided upon a demurrer and upon argument. The account that I had gave the history of the case, but at that time it had not been decided. The Senator from Arkansas [Mr. ROBINSON] now, however, has the information in regard to its decision.

Mr. GALLINGER. Mr. President, if it should appear that the courts of the country are going to decide legislation unconstitutional because the Federal Government invades the States, I am afraid that about nine-tenths of our legislation will go by the board if the issue is raised. The pending bill would go glimmering; there would not be anything left of it.

Mr. CRAWFORD. Mr. President, if the proceedings in Congress are to be governed by the great variety of conflicting judicial declarations which come from the Federal district courts, I think our procedure here would be halted very frequently and left in grave uncertainty. You can find decisions in one district and decisions in another district and decisions in still another district, and until they are harmonized and supervised by the higher courts, I think it would be very unwarranted for us to delay proceedings here on account of them.

Mr. STERLING. Mr. President, I have scarcely anything to add to what has already been stated, but I do not think the decision of the district court to the effect that this law is unconstitutional is sufficient warrant for our supporting this amendment at this time. It is largely a question as to who is interested. I briefly call attention to just one paragraph in an article on the treaty-making power under the Constitution of the United States, which, it seems to me, would apply to a case of this kind.

Mr. St. George Tucker says:

> In matters in which all are equally interested the Federal Government acts for all. In matters in which localities only are interested, no other power is permitted to interfere. In national affairs, we are a unit; in local matters, we represent 48 distinct and independent units, with laws, institutions, social customs, religious affinities, and aspirations as distinct as the billows. The strength of our Government has been from the beginning in the recognition of these two principles—not antagonistic, but mutually helpful—and while there have been, undoubtedly, in our history difficulties in adjusting the exact line dividing these powers, yet it must be admitted that the Supreme Court, with even-handed justice, has maintained the equilibrium without a jar to the great fabric, and has faithfully repelled the aggressions by each upon the other with steady and even-handed justice.

Here "all are equally interested." I wish to say, Mr. President, that the cases arising under the migratory-bird law are quite different from the cases supposed when the matter was previously under discussion in the Senate. The migratory bird is not property in the sense in which real property having its situs in a State or in which personal property having its location and situs in a State is property, and in regard to the alienation, disposition, or control of which Congress may not legislate. It is not the property of the State or anybody within a State until it is killed, or until it is subdued, at least. Here are the people of the various States of the Union interested at different times during the year in the migratory birds coming into or passing over their States. The interest, Mr. President, can not be confined to any particular State or to any particular locality. The people of the country generally have an interest in the protection of birds against the wantonness with which they may be slaughtered under the laws of some particular State.

While I am not prepared to say that I have entire and absolute confidence in the constitutionality of this law, yet I believe there are more reasons for believing that the Supreme Court will finally sustain it than there are against the validity of the law.

Mr. THORNTON. Mr. President, I voted against the committee amendment to reduce this appropriation from the $50,000 given by the House to $10,000 recommended by the committee for the reason that I considered that the constitutionality of the provision could be tested just as well under a $50,000 clause as under a $10,000 clause; but if it were declared constitutional, we should then have $50,000 to carry the law along in successful operation.

I have never said whether I did or did not think this law constitutional, and I can not say that I think it is constitutional or unconstitutional, because I have not given sufficient attention to that branch of the subject to enable me to do so; but I am most heartily in favor of the law. I know it will do good down in my section of the country; I believe it would do good in every part of the country, and I sincerely hope that it will be found to be constitutional. The fact that an inferior court has held it to be unconstitutional will not operate in the slightest degree on my mind to make me vote in favor of the amendment. I sincerely hope that it will be voted down.

Mr. BRANDEGEE. Mr. President, I regret very much that the Senator from Missouri [Mr. REED] has seen fit to propose this amendment at this time. It is late Saturday afternoon, and after the Sergeant at Arms had been instructed to request the presence of absent Senators we were able to develop a bare quorum of 49 Senators. Of course that is not a voting quorum; many of those Senators are paired with Senators who are absent, and many Senators are absent this afternoon over the week end.

This matter has been considered at great length in the House of Representatives, and was included in the House bill as it came to the Senate. The matter was further considered at length, both upon its merits and as to the amount of the appropriation, as in Committee of the Whole, by the Senate. Many of the Senators who participated in that discussion are not here; and this amendment, I am sure, will come as a surprise to them, as it does to me. I want to ask the Senator from Oklahoma, the chairman of the committee, who is in charge of this bill, if this matter can not be allowed to go over? I have no disposition to embarrass the Senator by suggesting the absence of a quorum or by attempting to procure an adjournment of the Senate or delaying the bill if this particular amendment may be reserved until Monday, when I am sure that Senators will be back here.

Mr. GORE. Mr. President, I will say to the Senator that if any such exigency as he suggests arises as in Committee of the Whole, he can renew his suggestion when the bill goes into the Senate this afternoon. It has been my earnest hope and the hope of a great many other Senators that the bill would finally pass this afternoon; and I think we ought to be able to secure its final passage to-day. I apprehend that possibly the emergency which the Senator contemplates will not arise when the vote is taken, and I would not like to make any agreement of that sort now.

Mr. BRANDEGEE. Mr. President, I am sorry the Senator can not see his way clear to agree to the reservation of this proposed amendment, because the emergency to which I have alluded has already risen. The emergency consists in the fact

that the Senator from Missouri has offered an amendment, which is now pending.

Mr. GORE. Mr. President, what I had in my mind was this: If the Senator's amendment should prevail as in Committee of the Whole, then when the bill goes into the Senate the Senator from Connecticut can renew his suggestion; but if the amendment of the Senator from Missouri fails, there is no reason for the suggestion made by the Senator from Connecticut.

Mr. BRANDEGEE. In response to the Senator from Oklahoma, and in view of my disposition to do all I can to expedite the passage of the bill, I will say that if the Senator from Missouri will withhold his amendment until the bill gets into the Senate I will withdraw from any contemplated proceedings that I had in mind for securing delay. I assume that all the Senator from Missouri wants is a vote upon his amendment, and it can not make any difference to him, it seems to me, whether it comes now as in Committee of the Whole or later in the Senate; but, in order to effectually prevent any imputation of bad faith against me, I want to state that if the bill should go into the Senate this afternoon and the Senator from Missouri should press his amendment, I would then adopt whatever measures I could to prevent action upon it this afternoon in the Senate.

Mr. GORE. Mr. President, that is the reason I made the suggestion a moment ago. If the vote be taken on the amendment offered by the Senator from Missouri, and if it should fail as in Committee of the Whole, the exigency would not exist which the Senator from Connecticut contemplates, and we would probably be able to finish the bill. I think that is the better course, even to accomplish the object which the Senator from Connecticut has in mind. Let us take a vote now, and if the amendment of the Senator from Missouri should prevail, then the Senator from Connecticut could have recourse in the Senate to such methods as commend themselves to his judgment. If, on the other hand, the amendment offered by the Senator from Missouri should fail, the Senator from Connecticut would have no disposition to protract or delay the further consideration of the bill.

Mr. BRANDEGEE. What the Senator says is undoubtedly true and filled with wisdom, but it is all preceded with a little "if." If the Senator from Missouri will guarantee me that his amendment will fail, I will guarantee that I shall have no objection to its being voted upon.

Mr. GORE. The Senator loses no right, because when the bill is reported to the Senate from the Committee of the Whole it will be open to such methods as the Senator may care to adopt.

Mr. BRANDEGEE. Of course, I would lose no right; but I assume that the Senators who will vote upon the amendment as in Committee of the Whole, if it should be allowed to come to a vote within a few moments, would be the same Senators who would be here when the fiction is gone through with by which the bill is reported from the Committee of the Whole to the Senate.

Mr. GORE. That is true, Mr. President.

Mr. BRANDEGEE. And if the same Senators should vote upon the roll call within 10 minutes on the same proposition, I would not apprehend, unless they are more vacillating than I think they are, that there would be any different result on the vote.

Mr. GORE. The Senator could have recourse to his filibuster in the Senate——

Mr. BRANDEGEE. I have stated that I was aware of that; but I——

Mr. GORE. And could probably put the bill over until Monday, when the absentees may see fit to grace the Senate with their presence.

Mr. REED. Mr. President, if the Senator will permit me——

Mr. BRANDEGEE. I yield.

Mr. REED. I do not want to delay the passage of this bill to-day, if it can be passed to-day. I would rather let it go through with an appropriation of this character than to see it held up indefinitely, and I am willing that the vote on the amendment which I have submitted shall be postponed until we are ready to go from the Committee of the Whole into the Senate. I want, however, to reserve the right then to renew the matter, if I see fit to do so.

Mr. BRANDEGEE. Very well, Mr. President, if the Senator withholds his amendment, the Senator from Oklahoma can proceed with the rest of the bill.

The VICE PRESIDENT. The Senator from Missouri withholds his amendment.

Mr. SMOOT. Mr. President, I gave notice that after the committee amendments had been voted upon I would ask to recur to page 7, and offer certain amendments to the first paragraph on that page. The Senate disagreed to the amendment to that paragraph offered by the committee, and I gave notice that I would move, first, to strike out the proviso as amended, and also would move to strike out "$26,000" and insert "$17,500." I now move that the proviso beginning on page 7, line 4, down to and including the word "bureau," in line 8, on the same page, be stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. GORE. Mr. President, I shall offer no resistance to that amendment relating to the proviso.

The VICE PRESIDENT. If there be no objection, the amendment is agreed to.

Mr. SMOOT. Mr. President, I gave notice that I would move to strike out "$26,000" in line 3, on page 7, and insert "$17,500," but since then I have received a letter from Mr. Marvin, the Chief of the Weather Bureau, in which he asks me to allow the amount to be "$20,000" instead of "$17,500," and he gives good reasons for the request. I shall therefore move that "$26,000" be stricken out and that "$20,000" be inserted in lieu thereof.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SMOOT].

Mr. GORE. I move that the amendment be laid on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Oklahoma to lay on the table the amendment proposed by the Senator from Utah.

The motion was rejected.

The VICE PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. WEST. Mr. President, on page 42, line 20, I move to strike out "$15,000" and to substitute therefor "$20,000," and, in line 23, to strike out "Western" and substitute therefor "United," making it read "United States" instead of "Western States."

This will not change the amount of the general appropriation, but will merely make the amount to be applied for the purposes indicated in the proviso $20,000; and instead of applying it to the Western States alone it will be applied to all the States.

Mr. SHAFROTH. On what page is that?

Mr. WEST. On page 42.

The VICE PRESIDENT. The Chair has announced to-day that unless the committee amendment proposed to be amended by the Senator from Georgia be reconsidered, the amendment proposed by the Senator from Georgia is not in order.

Mr. WEST. I thought the bill had reached the Senate, Mr. President.

The VICE PRESIDENT. It has not.

Mr. WEST. I beg pardon of the Senate.

Mr. GRONNA. Mr. President, I shall only occupy the time of the Senate for a moment. As a member of the committee which has had this bill under consideration, I wish to offer an amendment to strike out, on page 11, line 22, the word "southern," before the word "cattle," so that the language will read:

> For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals—

And so forth.

Mr. President, I can see a reason for putting into this bill language that will protect the South or the North or the West from something that is common only to that particular section, but this is a matter which applies to the whole country, to the entire United States. There is no reason why this disease in sheep and cattle should not be eradicated wherever it may be found, and for that reason I offer the amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, line 22, before the word "cattle," it is proposed to strike out "southern," so that it will read, "inspection of cattle," and so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. GORE. Mr. President, I do not think the amendment offered by the Senator from North Dakota is at all necessary. The language just preceding that is sufficient to cover the work which he has in mind. The Senator, of course, is aware that the southern cattle communicate a certain disease—Texas fever—which other cattle do not communicate; that is, this disease and tick originate in the South, and the transportation of these cattle to other sections of the country communicates the disease; but this relates to the particular cattle which are freighted with this particular disease.

Mr. GRONNA. I want to say to the Senator from Oklahoma that we frequently have this disease among cattle and sheep in the Western States. We have had it in North Dakota; I know they have had it in Montana, and I presume it has prevailed in other Western States.

Mr. GORE. Mr. President, I presume it is the disease communicated by the southern cattle, is it not?

Mr. GRONNA. Mr. president, I have sufficient confidence in the Secretary of Agriculture to believe that he will use this money wherever it is necessary to use it; but I can see no good reason why we should tie his hands, and say to him that if this disease is found among cattle in other sections of the country he shall not be permitted to use any portion of this appropriation to eradicate it. That is certainly a limitation upon——

Mr. GORE. The Senator is entirely mistaken about that. The reference to southern cattle is to the inspection of southern cattle to prevent their communicating this disease. The northern cattle do not communicate the disease. The southern cattle do. This relates, not to the study and eradication of the disease itself, but to the inspection of southern cattle which are being shipped from the South to the North, in order to prevent the communication of this disease to North Dakota cattle.

Mr. GRONNA. The Senator from North Dakota is not mistaken. The Senator from Oklahoma is mistaken. I will read the language again for the information of the Senator:

For inspection and quarantine work—

I have seen the time in North Dakota when we had to quarantine our cattle and our sheep because they were infected with scab.

Mr. GORE. There is nothing in this bill to prohibit that.

Mr. GRONNA. But I want the language broad enough so that if it is ascertained that the scab is among the cattle and the sheep of North Dakota, the Secretary of Agriculture will be permitted to use some of this money which we are appropriating.

Mr. GORE. The bill provides for that.

Mr. GRONNA. I beg to differ with the Senator; the bill does not provide for it.

Mr. GORE. The language the Senator has read provides for it.

Mr. GRONNA. If the bill provided as it does on page 12, commencing with line 8, "For all necessary expenses for the eradication of southern cattle ticks," it would be different. That is a special disease; but this language simply places a limitation upon the law and prohibits the Secretary of Agriculture from using any of this money if scab is found on cattle or sheep in any other section except the South. There can be no justification for it; and I, for one, will not submit to a proposition of this kind, which is eminently unfair.

I have not criticized this bill because larger appropriations have been made to eradicate diseases and insects and pests which, because of climatic conditions, are found in certain sections of our country, nor am I going to do so now; but I do insist upon a square deal, and I am sure every Senator here will admit that what I propose in this amendment is only fair.

I do not raise this question in order to delay the passage of the bill. I fully realize, as much as anyone, being a member of the Committee on Agriculture and Forestry, that the chairman has been very patient, and that the passage of the bill has been delayed for a long time. For that reason I do not want to take up time unnecessarily. When, however, I find rank discriminations of this kind in the bill, I can not do otherwise than call attention to them in as brief a manner as possible.

Mr. WALSH. Mr. President, I think there is a good deal of merit in the amendment proposed by the Senator from North Dakota, and I submit in all fairness that the qualifying adjective ought not to be there at all.

It is true that the southern cattle are more generally infected than ours in the North, and it is equally true that our northern cattle usually get the infection from southern cattle. I appreciate that the greater portion of the work ought to be done among the southern cattle, and in all reasonable probability the greater amount of the appropriation ought to be expended in that locality. When, however, the cattle in the northern section of the country do chance to be thus infected, as unfortunately occurs, I can see no reason at all why, when we ask for some effort on the part of the Agricultural Department for the extermination of the disease, we should be told, "We have no appropriation that is available for use in your section of the country." Now, although the infection may be given by southern cattle, it may very rapidly extend to the native cattle and affect them likewise.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, I think he will find that this disease is incident to the tick that is indigenous to the South, and it does not spread. It is only the animal itself that is inoculated with the tick that comes from the southern cattle. The tick does not propagate in your section. That is my understanding.

Mr. WARREN. Unfortunately we have had some very distressing and some very disastrous and some very expensive experience in that line.

Mr. SMITH of South Carolina. That may be true on account of a herd of southern cattle coming in and the tick spreading to individual cattle; but after that one inoculation the tick does not propagate and go further in your section. I think the object of this wording was to restrict it to the home of the insect that causes the trouble. That was the reason why the word "southern" was placed here, because it is peculiar to that section.

Mr. GRONNA. Mr. President, I desire to call the attention of the Senator from South Carolina to the fact that this provision does not apply to the tick. It has reference to scab, which often prevails among the cattle of the West.

Mr. SMITH of South Carolina. I think that is what this was intended to be.

Mr. GORE. Mr. President, I think the Senator from North Dakota is mistaken about that. There is no limitation upon the cattle or the sheep that are to be treated for that disease or infection. Among the enumerated objects the prevention of this disease among sheep and cattle everywhere is included. Following that is another clause directing the inspection of southern cattle—southern cattle that are to be shipped into Montana or into North Dakota—for the protection of the native cattle in those States.

I think the Senators from North Dakota and Montana would find nothing more disquieting to the cattle people of their sections and to the stockyards than the striking out of this word. It might be construed by them as an intention to open the gates and to let southern cattle go into their regions uninspected—a thing that certainly would be most calamitous. It is the second clause among a number of enumerated objects, and certainly is not liable to the construction placed on it by the Senator from North Dakota; otherwise I should very readily assent to his amendment.

This provides for an object which the Senator from North Dakota, above all others, ought to insist upon. It is protecting them against this plague, which does not occur north of the tick line excepting as it is communicated by southern cattle.

Mr. WARREN. Mr. President, the States of Montana and Wyoming perhaps have received more southern cattle than most of the States, and they are perfectly familiar with the dangers of the tick and of the southern cattle. I should be the last one to want to tear down any precautions that are taken; but I think the language of this paragraph—and I did not notice it when we went over the bill—is ambiguous, and I am moved to ask the chairman to accept the amendment and let it go to conference for that reason.

This paragraph reads:

For inspection and quarantine work, including all necessary expenses for the eradication of scables in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the alteration of buildings thereon.

It goes on in that way; and the inspection should be, of course, as to all these items in all the States. Then follows the appropriation, which is $625,520; and then follows another paragraph, which says:

For all necessary expenses for the eradication of southern cattle ticks, $400,000.

And it goes on from that. I think we will be perfectly safe in allowing the word to go out, anyhow, and having the bill go to conference in that way.

Mr. FALL. Mr. President, before the Senator from Wyoming concludes I wish to say that I think the Senator from Oklahoma is correct in his contention. The Bureau of Animal Industry, I believe, or, at any rate, some department of the Government, has divided the United States into certain districts and applied quarantine lines and quarantine laws to certain portions of the United States. Cattle coming from below a certain quarantine line are presumed to be infected with southern fever caused by a tick, and under the present law and custom they are subject to inspection. They must be inspected before they are allowed to cross the quarantine line.

It is those southern cattle, cattle infected with the southern fever coming from below the quarantine line, that this par-

ticular clause is intended to affect. If you should make it general, you would provide for unnecessary inspection and holding up of cattle, possibly coming from uninfected districts.

The object of the provision is just as the chairman of the committee states, as I think. From my personal practical knowledge of the cattle business I think this provision is drawn expressly to serve the regions for which the appropriation in that respect is asked.

Mr. WARREN. The Senator would not want to ignore inspection for scab in cattle?

Mr. FALL. Oh, no; not at all. There is no necessity for striking out the word "southern," however, in this particular clause. They are all separate purposes. The first is the eradication of scabies in sheep and cattle.

Mr. WARREN. It does not say "in Southern States" or "in Northern States."

Mr. FALL. Certainly not. That is general.

Mr. WARREN. They are liable to have it anywhere.

Mr. FALL. Second, the inspection of southern cattle. That is for the southern fever or splenetic fever, caused by the cattle tick, which is only a native or an inhabitant of a certain region inclosed in the quarantined district.

Mr. WARREN. But the language does not say that, until you get to the next section.

Mr. FALL. But this is under a general law. This is simply an appropriation for carrying out the general law, and the appropriation is properly worded for that particular purpose.

Mr. WARREN. Mr. President, I have nothing further to say, except that I see no reason why the word should be in there, and I see no harm that would be done if it should come out.

Mr. FALL. Those of us who live outside the quarantined district do not want our cattle stopped and inspected by United States inspectors unnecessarily in transit. Those of us who do ship cattle from south of the quarantine lines within the quarantined district, of course, must expect them to be subject to this particular inspection.

Mr. GRONNA. Mr. President, the Senator from New Mexico will realize that we have had our cattle quarantined. We ship cattle from North Dakota. We ship cattle and sheep from the Western States.

Mr. FALL. And they are not inspected except for certain diseases. They are not quarantined except for certain purposes. They are inspected for scab, and you are compelled to dip them if they are found scabby; but your cattle are never inspected for splenetic or southern fever, and that is the reason they designate the southern cattle which come from within the quarantine lines.

Mr. WARREN. Why not say "for splenetic fever"?

Mr. FALL. I have no objection to saying it; but this is an appropriation to carry out a law now on the statute books.

Mr. GRONNA. Why should we not say that only southern cattle should be inspected?

Mr. FALL. Because only southern cattle are subject to splenetic fever, which is caused by the tick, except where other cattle may be temporarily infected. It is not a contagious disease. It is only infectious.

Mr. GRONNA. The language to which I object has reference to scab, which infects our western cattle and our western sheep.

Mr. FALL. That is made general. That is one species of disease.

Mr. GRONNA. Yes.

Mr. FALL. That is made general, because the disease is general all over the United States, not only within the quarantined district but without the quarantined district.

Mr. GRONNA. And if this provision becomes law the Secretary of Agriculture can not, unless he violates the law, inspect or quarantine cattle in the West that are affected with scab.

Mr. FALL. I do not agree with the Senator. If I did, I should certainly agree with his proposition.

Mr. SHAFROTH. Mr. President, it seems to me that the word "southern" is a limitation upon the use to which this appropriation can be put. It seems to me we ought not to curb the power of the department with relation to expending this money wherever they deem it most needed. If that word is stricken out they will have the same discretion which they would have if the need existed only in the case of the southern cattle. The advantage of striking it out is that if there is an emergency in the western or the northern cattle it can be utilized for that purpose.

On that account, it seems to me, the word "southern" should be stricken out, leaving to the department the power to spend this money wherever they deem it most needed.

Mr. BRANDEGEE. Mr. President, I am inclined to agree with the Senator from North Dakota [Mr. GRONNA] and the Senator from Colorado [Mr. SHAFROTH] about the use of the word "southern," but I wish to call attention to the fact that it seems to me much more than that word could be omitted from the bill.

The paragraph, beginning at line 20, reads:

For inspection and quarantine work—

And then goes on—

including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock, and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals.

Every one of those things obviously would be included under the term "for inspection and quarantine work." It is all surplusage; and instead of extending the field over which the appropriation might be applied at the discretion of the department, if it does anything it restricts it and limits it.

I would suggest that if, beginning on line 20, after the word "work," all down to and including the word "animals" in line 25, should be stricken out, the bill would be equally efficient.

Mr. SHAFFROTH. I should like to say further that this provision carries the sum of $625,520, and right below it is an appropriation of $400,000. It seems to me the word "southern" is properly used there, because it applies to a certain disease to which a certain remedy should be applied. That being the case, it seems to me that the general power to use this money where the Government deems it most necessary should be the prevailing provision of the bill.

Mr. GORE. Mr. President, the $400,000 provision is for the extermination of the fever tick, and remarkable progress has been made by the Government along that line. The quarantine line is constantly being pressed farther south. It now runs through the lower part of my State, and the department hopes in course of time to eradicate the tick from the entire country. That is local, the extirpation of the tick in its natural habitat. The other provision is to prevent communication of this disease by southern cattle to northern cattle.

If Senators desire to insert an express provision that northern cattle shall be inspected for southern ticks, I am content. It is an imaginary trouble, but if it will quiet their fears I shall interpose no objection. I certainly fear, however, that it would be disquieting to all the cattlemen throughout the Northwest to omit the word "southern" in this connection. It might lead some of them to fear that this inspection work is to be discontinued.

This is fixed work. It has relation to things that are actually being done in this department. It is not just dumped in here helter-skelter; and I have no doubt that omitting the word "southern" would excite a great deal of apprehension on the part of the cattlemen that this work would be discontinued in the future.

I do not feel the same apprehension over the use of the word "southern" or the use of the word "western" in this bill that some Senators seem to feel. I have a trust in the department that is equal to that expressed by the Senator from North Dakota. If he wishes to insert here a provision that northern cattle shall be inspected for southern ticks, or for anything else, I shall not object to it. I do object, however, to striking out the word "southern" and removing from northern cattle raisers the assurance that their cattle will be safeguarded against the importation of southern cattle that have not been inspected. We ought not to subject them to that apprehension.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Might not the language "inspection of cattle" include tuberculosis, for instance?

Mr. GORE. Mr. President, all that work is provided for in this bill. This is a particular kind of inspection, relating to a particular kind of cattle, from a particular section, for a particular purpose. On line 3, on the next page, I think the Senator will observe a provision made for tuberculosis in cattle.

Mr. GALLINGER. Yes. If this is left as the Senator from North Dakota proposes by eliminating the word "southern," if this relates to a southern disease, of course that is where the work would be done, I apprehend. If the Senator's interpretation is correct, that this relates only to one particular disease, and that it is peculiar to southern cattle, there is a great deal of force in the argument; but if this disease is communicated by southern cattle to cattle in other sections, naturally they ought to be looked after, I suppose.

Mr. GORE. Perhaps the Senator is not familiar with the method of communication?

Mr. GALLINGER. No; I will say that I am not.

Mr. GORE. The disease is communicated only by the tick, and the tick will not survive in the northern region except for a few days, a short time.

Mr. GALLINGER. But suppose cattle are purchased in Texas and transported to North Dakota or Montana and this troublesome insect is on the cattle at the time. Might it not then be communicated to the northern cattle?

Mr. GORE. That is what I want to prevent, in the first place. I want to restrict these cattle and prevent them from being taken into the North in the first instance; but I will say to the Senator that northern cattle die of the disease, while southern cattle do not. They are immune.

Mr. GALLINGER. I will say, first, that I do not pretend to possess much information on this matter, and I have no disposition to say another word. It simply occurred to me that in that way the disease might be communicated from the South to the West, and hence the disease might exist in a Western State, or in a Northern State, for that matter.

Mr. FALL. Mr. President, the sole cause of splenetic fever, southern fever, how it can be communicated, and so forth, has not only been the subject of study by the department but it has been the subject of a very learned decision by the Supreme Court of the United States. The object of the wording of the appropriation is just as the Senator from Oklahoma [Mr. GORE] has undertaken to state here.

Here is a general appropriation made for certain purposes. One of those purposes is the eradication of scab, as we call it in the West, in sheep and cattle. Another is the supervision of the transportation of live stock and the inspection of vessels. Another is the execution of the 28-hour law. Another is the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the alteration of buildings thereon. Another is the inspection work relative to the existence of contagious diseases and the tuberculin and mallein testing of animals. The total appropriation is $625,520. One of the other purposes for which such portion of this money as is necessary is to be used is the inspection of southern cattle.

In the next portion of the paragraph an appropriation is made for the eradication of the splenetic fever, or the disease which is communicated only to other cattle by these southern cattle by the dropping of ticks from the southern cattle carrying those ticks, the ticks living upon the ground or upon the grass, and from the ground or from the grass finally crawling upon other cattle, northern cattle.

Just as the Senator from Oklahoma says, those ticks do not live for any length of time in any portion of the United States except those portions designated by the Bureau of Animal Industry as within certain quarantined districts. The United States and foreign countries are divided by this country into quarantined districts. In the northern portion, for instance, of Chihuahua—in fact, the entire State of Chihuahua north of Torreon—the cattle come into this country without inspection. Cattle from just south of that line coming into this country are inspected for southern fever.

Mr. SHEPPARD. I wish to add that there is a large section of Texas that is also outside of the quarantine line.

Mr. FALL. Certainly; in fact, practically all northern Texas and panhandle Texas is outside of the quarantined district, and cattle shipped from that portion of Texas are not subject to inspection for southern fever.

Mr. SHEPPARD. I wish to add, further, that we are rapidly cleaning up the State and are gradually narrowing the section that is under quarantine.

Mr. FALL. That is entirely correct.

One of the purposes for which this general appropriation is made is to enable inspection to be had of these southern cattle at the quarantine line. That is all there is to this item. There is no earthly necessity for striking out this word. The cattle are inspected before they get to Montana. They are inspected at the quarantined district when they cross the line, and that is the purpose of all this inspection. There is nothing sectional in it.

Mr. SMITH of Arizona. Mr. President, I will ask the Senator if it is not true that if we should strike out the word "southern" here it might possibly extend this quarantine, in case they wished to do so for any purpose, to points where it does not already exist?

Mr. FALL. Certainly.

Mr. SMITH of Arizona. In other words, could they not make the very southern inspection of which the Senator speaks apply to North Dakota?

Mr. FALL. Why, of course they could.

It is for that reason, speaking as the representative of a constituency very largely engaged in the cattle business, that I oppose striking out the word "southern." If, however, it is to be stricken out, I do not want anything put in its place. The inspection of cattle means nothing further than is conveyed by the other portions of the bill. Either strike out that entire provision, all those words about the inspection of southern cattle, or else leave the word "southern" there.

Mr. GRONNA. Will the Senator yield?

Mr. FALL. Certainly.

Mr. GRONNA. Can the Senator give any reason why cattle or sheep in the North infected by this parasite called "scab" should not be inspected?

Mr. FALL. The Senator entirely misunderstands the purpose of this paragraph.

Mr. GRONNA. I am talking about the disease called "scab" which is caused by a parasite. It does not prevail as much in the North as in the South, but it does prevail in the North.

Mr. FALL. Will the Senator allow his amendment to be read and then we will see what he is talking about?

Mr. GRONNA. Certainly. Let it be read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 11, line 22, strike out the word "southern," before "cattle."

Mr. FALL. That does not apply to scab in sheep or in cattle.

Mr. GRONNA. It applies to inspection.

Mr. FALL. The Senator's amendment does not reach what he is talking about.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was rejected.

The VICE PRESIDENT. The bill is still in Committee of the Whole and subject to amendment. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. BRISTOW. I do not see the Senator from Connecticut [Mr. BRANDEGEE], and he had an understanding with the chairman of the committee, I understood.

Mr. BRANDEGEE entered the Chamber.

Mr. BRISTOW. I see the Senator is here now. I desire to say to him that the bill is just ready to go into the Senate.

Mr. BRANDEGEE. I understood the Senator from Missouri [Mr. REED] was going to offer an amendment.

The VICE PRESIDENT. He withdrew the amendment.

Mr. BRANDEGEE. I understood he withdrew it for the purpose of reoffering it when the bill was reported to the Senate.

Mr. REED entered the Chamber.

Mr. BRANDEGEE. The Senator from Missouri is on the floor and can speak for himself.

Mr. WEST. I understood he gave notice that he would offer it when the bill was in the Senate.

Mr. BRANDEGEE. The Senator from Missouri knows what he said. I do not remember myself. The Senator himself is here.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to further amendment, if the Senator from Missouri desires now to present his amendment.

Mr. REED. Mr. President, I simply want to call the attention of the Senate to two things. It will take me but a moment.

I have here a newspaper clipping which states the fact with reference to the case brought in Arkansas involving the validity of the law. The article states:

> The constitutionality of this act for the protection of migratory birds (3 Stat., 847) approved March 4, 1913, and the regulations thereunder, which were approved by proclamation of President Wilson October 1, 1913, came on for hearing last Tuesday before Judge Jacob Trieber, of the United States district court, at Jonesboro, Ark.
>
> The case was United States *v.* Harvey C. Shauver, who had been arrested by two of Col. Acklen's Arkansas deputies for violating the Federal migratory bird law.
>
> E. L. Westbrook appeared for the defendant and Col. J. H. Acklen for the Government.
>
> A demurrer to the indictment raised the point that the act violated the tenth amendment to the Federal Constitution, which provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."
>
> The demurrer made the further point that nothing could be found in the Constitution that warranted Congress in passing legislation for the protection of migratory birds; that game birds when within a State are the property of the State, and are held by the State not as a proprietor but as trustee, for the use and benefit of all its citizens in common; that there existed no national police power on the part of the Government to regulate the killing of game within a State, which police power to so regulate was vested exclusively in the State under its constitutionally reserved rights.

Col. Acklen, for the Government, insisted that the United States has a qualified property right in all migratory birds—

I heard something like that on the floor of the Senate—

that come within its boundaries; that rules and regulations as to killing could be enacted under subsection 2 of section 3 of article 4, which provides that "the Congress shall have power to dispose of and make all needed rules and regulations respecting the territory or other property belonging to the United States, and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular States"; that such qualified property rights as the Government had in migratory birds warranted Congress in passing legislation regulating the killing of same; and, further, that the United States, in the exercise of the national police power, which has been invoked in many instances for the general welfare and sustained by the courts, could constitutionally pass and enforce an act for the proper protection of migratory birds.

The case is a very important one, as it raises for the first time since the passage of the act the constitutional questions above set out, and its decision by Judge Trieber will be awaited with much interest by sportsmen and bird lovers throughout the country. The case will go to the United States Supreme Court for final decision.

Mr. President, I have been furnished with a copy of a telegram to-day received from Mr. Visart, the representative of the Agricultural Department, who is pushing this case. The telegram is to Mr. T. S. Palmer, assistant chief in charge of game preservation of the biological survey of the Agricultural Department, and reads as follows:

MAY 23, 1914.

Judge Trieber held migratory-bird law unconstitutional; Shauver case. Will forward copy of decision as soon as obtainable.

E. V. VISART,
Representative of the Agricultural Department.

Mr. President, so confident am I, in view of this decision which fortifies the opinion, I think, held by nearly every lawyer in the country, that this act is absolutely unconstitutional that I do not want to delay the passage of the bill by forcing the amendment. If we could vote upon it at this time I would insist upon a vote, but the Senator from Connecticut, I understand, is taking the position that, in view of the absence of a certain Member, he would have to insist upon such a course of procedure as would prevent the passage of the bill to-night. In view of the fact that the law has been declared unconstitutional, I feel sure the Department of Agriculture will not waste any more money except to pursue this particular case to the end. So, in view of the statement of the Senator from Connecticut that he will have to insist upon delaying the passage of the bill, I will not insist upon the amendment being voted upon unless I could get a vote now, which I understand the Senator declines to give. Am I correct in that?

Mr. BRANDEGEE. The Senator has stated my position correctly, Mr. President.

Mr. REED. Very well.

The bill was reported to the Senate as amended.

Mr. SMOOT. I reserve the right to offer amendments to the bill on pages 19 and 70.

Mr. WEST. I have already given notice that I would offer an amendment in the Senate.

The VICE PRESIDENT. The Senator from Georgia desires to reserve the amendment on page 42.

Mr. WEST. And on page 20. I gave notice of it the other day. I do not think the Vice President was in the chair at that time.

The VICE PRESIDENT. The amendments to which the Senator from Utah and the Senator from Georgia refer being reserved, the question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. WEST. I propose to amend, on page 42, line 20, by striking out "$15,000" and substituting therefor "$20,000," and in line 23 to strike out "Western" and substituting therefor "United."

Mr. GALLINGER. So that if amended it will read——

Mr. WEST. Had I better read it?

Mr. GALLINGER. Let it be read at the desk.

The SECRETARY. On page 42, line 20, strike out "$15,000" and insert "$20,000"; in line 23 strike out "Western" and insert the word "United," so as to read:

Trees grown in the United States.

Mr. JONES. I wish to ask the Senator from Georgia if he is satisfied this $5,000 additional will take care of the additional work contemplated by changing the word "Western" to "United"?

Mr. WEST. I am not satisfied. Really I do not know anything about what may be the cost except to make it broader. I just decided that I would move to include $5,000 more to be used in the discretion of the Secretary of Agriculture for this purpose.

Mr. JONES. Has not the Senator any information from the department as to the additional cost?

Mr. WEST. I have not.

Mr. JONES. I do not like to oppose the Senator's amendment, yet I would not like to see a proposition go in that might divert most of this money from the purpose to which the committee intended the $15,000 to be used.

Mr. GALLINGER. The Senator will observe that the general appropriation has been increased $25,000. That is the amount allowed in the bill by the Senate. We have $25,000 by an amendment made in the Senate.

Mr. JONES. No; $15,000.

Mr. GALLINGER. Yes; $15,000 is the amount that is diverted.

Mr. JONES. That is diverted for the purpose specified in the proviso, of course. I would not want the proviso changed in that way so that the $15,000 might be diverted to something else, because the work provided for in the proviso is a very important one.

Mr. GALLINGER. I will suggest to the Senator from Georgia to strike out "$15,000" and insert "$20,000." That probably would be sufficient.

Mr. JONES. Yes.

Mr. WEST. I have proposed to make it $20,000.

Mr. GALLINGER. But the Senator can change that amount.

Mr. JONES. Make it $20,000.

Mr. WEST. I really do not know the amount that is necessary, but I thought the Senator from Washington was objecting to it because the $5,000 was to come out of the general appropriation of $67,400.

Mr. JONES. Oh, no; not at all.

Mr. WEST. As far as I am concerned, I first proposed to make it $25,000, but at the instance of others I cut it down to $20,000.

Mr. GRONNA. Will the Senator from Georgia yield to me?

Mr. WEST. Certainly.

Mr. GRONNA. I want to say to the Senator from Georgia, as a member of the committee, I am quite sure that the chairman of the committee will bear me out in the statement that $15,000 is required to do the work in this particular locality. Of course I have no objection to doing the same kind of work in other parts of the United States, but if the department is to do the work, we must increase the appropriation. I simply make that suggestion.

Mr. BRADY. Mr. President, this paragraph in the bill was very carefully considered both by the committee and by the department. The University of Idaho has for a number of years been making experiments for the purpose of utilizing the by-products of stumps and timber from logged-off land. I took the matter up with the committee and introduced this amendment. I discussed the matter with the chairman, and he suggested that I take it up with the Assistant Secretary of Agriculture. I did, and he approved the amendment.

The saving of by-products from the stumps and timber from logged-off lands is a matter of great importance and deserves our serious consideration.

I wish to present to the Senate six good reasons why this amendment should be adopted:

First. There is urgent need for research looking to better methods of utilizing our wood resources. The forestry department of the University of Idaho has shown by much valuable work already accomplished that its faculty appreciates the importance of the work, and has, in spite of limited funds, been untiring in its efforts both to solve the problems and to awaken interest in closer and better utilization of our vast wood resources.

Second. The above-named department has made further progress along the lines of these investigations than any other institution and is well equipped both with experts and experience for the work it is doing and proposes to continue. This fact is recognized by the Bureau of Chemistry at Washington to the extent that it has detailed one of its most competent experts to go to Moscow and assist in the various problems on which the forestry department is now engaged.

Third. The department of forestry is at present receiving no funds from the Department of Agriculture, and is supported wholly by a special appropriation from the State of Idaho; yet it is engaged on problems of immense importance to the agricultural interests of the entire country.

Fourth. The Department of Agriculture, through its Bureau of Chemistry, at Washington, D. C., has now a plan of cooperation with the department of forestry at the University of Idaho

whereby it will be possible to go more thoroughly into the above-named subjects than ever before, but funds for this work are absolutely necessary.

Fifth. The problems proposed to be solved are not merely of a local nature, but in their solution will affect millions of acres of logged-off land now unproductive, in every part of our country.

Sixth. This work is now thoroughly established at the University of Idaho, and can be more quickly and cheaply carried to completion there than at any other place.

The University of Idaho is better prepared than any other institution for this work; the department made the estimate of $15,000, with the thought that it might be necessary to do some work in other Western States. The States of Oregon and of Washington are in hearty sympathy with this work, and are willing to cooperate with us. The department suggested that we do not name the University of Idaho, but name the entire Western States, as the experiments carried on by the university would doubtless extend over other States, and that it would make no difference what the wording was the funds would be used for the purposes intended in the amendment, and for that reason, instead of saying "University of Idaho," use the term "Western States." That is why those words were put in.

I really believe that this work can be carried on better there than in any other part of the United States, because they are well prepared and equipped to do it. I realize that there are great lumber interests in the South, but Idaho has 17,000,000 acres of timber in her forest reserves. The gross receipts to the Government last year from that source were something over $246,447. It seems only fair that with 17,000,000 acres of our timber tied up in forest reserves, with annual gross receipts of the large amount of over $246,000, that Idaho and the other Western States are entitled to receive some encouragement in the work that these States are doing. Prof. Shattuck, one of the best posted men in the United States to-day on this subject, has worked earnestly and faithfully, and has the confidence of the Agriculture Department. Mr. Shattuck does not do all this work in a laboratory, but goes right out in the field, and shows the farmer how to burn a stump.

In writing me recently, Prof. Shattuck said:

The experiments which the department of forestry at the University of Idaho is now carrying on are yielding some rather surprising results in the way of crude distillate derived from the destruction of stumps by means of our hood and air condenser. The man who has charge of the stump-burning operations in the field sends me the following report on a stump which, by the way, was 4 feet 5 inches in diameter and 3 feet 4 inches in height:

"I am sending by to-day's freight 110 gallons of crude distillate. This is one-half of the liquid that came from the stump. The stump produced 200 gallons of thin liquid and 20 gallons of heavy tar. There was a large tap root to the stump, and the fire followed it down fully 6 feet. The apparatus did not need one bit of attention while in operation, and it certainly did its work completely."

This demonstrates conclusively that they are securing results and that this method of saving by-products is practical and should be encouraged. Again, under date of April 17, in his letter to me, Prof. Shattuck says:

I wish to state that the plan of cooperation between the Bureau of Chemistry and the Department of Forestry at the university is leading to some highly surprising and satisfactory results. We are running our retort day and night, and at the same time carrying on the work of refining up to the limit of the capacity of the men on the job to stand the work, and the results are entirely satisfactory; and what is more, we are making it of stumps and clearing the land as we go. The average of 15 charges of the retort thus far run will furnish a gross output each of more than $30 value per cord of this stump wood. The products obtained are turpentine, pine oil, rosin oil, creosote, pitch, and the various acid liquors and dyes. The expense of securing and carrying this material through the retort can not be at the outside more than $15, and often it will be nearer $10, so it is easy to figure on reasonable dividends for the industry when it is launched on a commercial scale.

They are really doing this work there. These men have had the experience. The matter was taken up and samples of the by-products were presented to the Committee on Agriculture. There was not a single dissenting vote in the committee on this appropriation.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BRADY. I yield.

Mr. JONES. I do not understand that anyone is opposing the proposition embodied in the bill, but I want to ask the Senator whether or not he thinks it would be unwise to adopt the amendment proposed by the Senator from Georgia [Mr. WEST]?

Mr. BRADY. I am perfectly willing to accept the amendment if it is made as a whole.

Mr. JONES. Making the appropriation $20,000, as he suggests?

Mr. WEST. That is the amendment I have offered.

Mr. BRADY. But I do not want the $20,000 amendment to go into the bill and have the Western States not named. If the Senator will make his amendment as a whole, including $25,000, I will gladly accept it. The Senator proposes to insert "United States" for "Western States." I am entirely confident that the department would use this $15,000 for the purpose for which it was intended.

I realize that these experiments should be carried on for the benefit of the entire country. Fifteen thousand dollars is all that our university will need, and we have no objection at all to $10,000 being used in other sections. If the Senator from Georgia will move his amendment as a whole as one amendment, I will be glad to accept it.

Mr. WEST. Mr. President, I accept the amendment offered by the Senator from New Hampshire [Mr. GALLINGER].

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 42, line 22, it is proposed to strike out "$15,000" and to insert "$25,000," and in line 23 to strike out the word "Western" before the word "States" and to insert the word "United."

Mr. WEST. Mr. President, I desire to say in connection with this matter that it has suggested itself to me in reading the bill that so far as the business of the utilization of roots and stumps from cut-over land has gone it has been expensive in southern territory. The people there have spent, I reckon, over half a million dollars in order to bring about results and take care of these by-products of the sawmill and the use of stumps and roots which have been obtained from the field, and I thought, inasmuch as that section of the country furnishes as much lumber as nearly all the balance of the United States, some attention ought to be given by the Government to the encouragement of the making use of these by-products from the mill and from the roots and the stumps as they are gathered from the fields.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me right there, I imagine that all any of us, whether we be from the South or from the West, want in regard to this matter is a demonstration of what can be done. As is suggested by a Senator, all that is necessary is to ascertain the facts; and when they are ascertained they are just as valuable to the South as to the West. In order to bring out these facts and to demonstrate what can be done along this line it seems to me all that is necessary is simply to make an appropriation for the purpose; and then, whatever information is derived that will be of real benefit will be accessible to all sections alike. When the facts are ascertained by experimentation on cut-over land in the West, the same treatment that will prove efficacious in the western country where they are now carrying on the work will be equally efficacious in the South, and you do not need to establish a chemical plant to accomplish a purpose that they are already accomplishing.

Mr. WEST. I note what the Senator from Arizona says in reference to the matter, but the conditions are somewhat different in the southern part of the United States; and I do think that, inasmuch as there has been already so much money expended in the Southern States in order to make use of the by-products from the sawmills and the roots and the stumps from the fields in cut-over lands, some university in that section—with me it matters not what university—should have a portion of this money in order to expend it in that direction.

Mr. GALLINGER. Mr. President, I have had two thoughts about this matter. One was that I wanted to make this national so that we shall not be voting a subsidy—I want to relieve my Democratic friends from that implication; the other is that there is no more reason why the forests of the South and the forests of New England should not have an opportunity to have this experiment made upon their trees than the forests of the West, though the trees are somewhat different. That was what led me, in the first place, to suggest that this appropriation ought not to be confined to the Western States. I trust that the amendments which have been proposed will be agreed to.

Mr. BRISTOW. Mr. President, this is to teach somebody how to pull stumps and the what to do with them after they are pulled, is it not?

Mr. GALLINGER. Well, partly that and partly this, too: It gives the western owner of lands an opportunity to have his stumps pulled at the expense of the Government.

Mr. BRISTOW. I thought so.

Mr. GALLINGER. I have once or twice suggested that I should like to have the Government tackle the rocks in some of the fields of New Hampshire and pull them up. They can pull them up with exactly the same machinery with which they pull stumps out; but I have not found anybody who seemed to agree with me that that work ought to be entered into.

Mr. BRISTOW. Of course, it is an interesting experiment for somebody who is under Government pay to have a job and to go down there and help pull stumps. If they did it for the farmers or landowners they would not get more than $20 or $25 a month, while they would probably get a hundred dollars a month when the Government employs them to do the work.

Out in Indiana, when my friend the junior Senator from that State [Mr. KERN] was a boy, there were a great many stumps, and I remember that when I was a boy in Kentucky the fields were full of stumps, but I never heard of any of the farmers or the landowners or lumbermen there asking the Federal Government to come and help them pull stumps and tell them what to do with the stumps after they were pulled. It may be that we have reached that period in our agricultural development where the pulling of stumps becomes a great national problem, like the killing of prairie dogs and a few other things, but I suppose that $25,000——

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I will yield the floor in a moment. I suppose that $25,000 to develop the stump-pulling business in the country will furnish very valuable information which the American people need.

Mr. GORE. Mr. President, the speech of the Senator from Kansas would be very eloquent and impressive if it had any relation whatever to the subject. The Senator from Kansas and the Senator from New Hampshire I think entirely misapprehend the purpose of this appropriation. It comes under the Bureau of Chemistry. It contemplates chemical tests with relation to stumps and other waste timber to see if by-products can not be developed and thereby prevent enormous waste. Those Senators are aware that, according to the conservationists, the estimate now is that 50 per cent of a tree in the forest is waste; that only 50 per cent of it ever goes into the service of man. This is to make an humble effort to see if some use can not be made of the waste. The work contemplated is chemical in its character and has no relation whatever to the extraction of stumps from the land. I feel sure that with that statement possibly those Senators will modify their views.

Mr. BRISTOW. Mr. President, may I ask the Senator from Oklahoma a question? In Oklahoma and Kansas there is a great deal of straw that goes to waste. Traveling along in the springtime over those great States one can see for miles and miles the smoke from straw stacks that are burning; also in that State sunflowers grow to an enormous height, and there is a great deal of waste in connection with sunflowers; they grow and die and pass away. Why would it not be well to have the Federal Government experiment and tell us what we can do with our sunflowers and our surplus straw?

Mr. GORE. The Federal Government has experimented; Congress has made an appropriation to experiment with straw and similar waste products to see if paper can not be produced from the straw and sunflowers which are going to waste.

Mr. BRISTOW. Let me inquire how long that experiment has been in process?

Mr. GORE. I do not think it is in process now. Some four years ago it was in process. An appropriation was made for that purpose, and not only that, but similar experiments were conducted in relation to cornstalks, and but for the expense of assembling the stalks paper could be made from them successfully and profitably; but the expense of assembling prevents the conversion from being a commercial success.

Mr. BRISTOW. I desire to say to the Senator from Oklahoma, with his permission, that some 20 years ago I was printing a newspaper in a town in central Kansas, and there was at that time a straw-paper mill in that community. I printed a newspaper edition one day on paper made from straw that grew in the community; but the straw-paper combination came along and closed up our mill, so that we are shipping our paper now from somewhere in the East. I am more interested in legislation that would break up the combinations and trusts that destroy our industries when we start them in the various localities, than I am in putting a lot of theorists on the pay roll in order to enable them to experiment from year to year in some new theory they have, and always at the Federal expense.

Mr. GORE. I shall join the Senator from Kansas in warfare against the Straw Trust or any other trust affecting the people of Kansas or of Oklahoma or of any other State.

Mr. BRADY. Mr. President, I believe the Senator from Kansas knows me well enough to understand that I would not have introduced this amendment if I had not believed it was worthy of the serious consideration of the Members of this body. Since I have been in the Senate I have, I think, listened rather more than I have talked, and I have gained valuable information. Included in the information I have gained is the fact that there is a great deal of work that can be done in committee, and that after one is here for a length of time he can present matters in such a manner as to meet the approval of the committee when one has a worthy cause, and that when such a matter comes into the Senate with the approval of a committee it gives it great weight.

This appropriation has the unanimous approval of the committee, and this should give added weight to the reasons I have stated why the amendment should be adopted.

My friend the senior Senator from Kansas talks about the wonderful work of pulling stumps. The department of forestry in the University of Idaho has demonstrated to the satisfaction of business men of the West that if this matter is properly handled average stump lands can be cleared without a dollar's cost to the farmer; and it does seem to me that we ought to be able to present to this deliberative body a small amendment looking to that end, and involving only $15,000, without having it subjected to ridicule.

Mr. GALLINGER. Mr. President, did I understand the Senator to say that the Government would clear land without a dollar's expense on the part of the farmer?

Mr. BRADY. I said that the farmer can do it himself by this method when it is properly developed. We are teaching the farmer so that he may learn how to do this without expense.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BRADY. I yield to the Senator.

Mr. KERN. I want to inquire if the name of that gentleman is "Mulberry Sellers"?

Mr. BRADY. Does the Senator desire the name of the man in charge of the work?

Mr. KERN. I inquire if the name of the official who is so enthusiastic about that proposition is "Mulberry Sellers"?

Mr. GALLINGER. "There's millions in it."

Mr. KERN. I never heard of such a proposition, except from that distinguished individual who achieved some notoriety around the country some time ago.

I may add while on my feet that I have recently cleared some 15 or 20 acres of land down in Virginia on a place I own, and if I could find the name of the man who will make the stumps pay for the expense of taking them out I would like to form his acquaintance.

Mr. BRADY. Make this appropriation and I assure the Senator that we will have that information in a very reasonable length of time.

I was not convinced myself that such results could be obtained until one day I attended a luncheon held at the Commercial Club at Moscow, Idaho, and Prof. Shattuck presented his claims as to what he had accomplished, and called attention to his samples confirming his statements. I said at that time it was a revelation to me and I believed his work needed encouragement, and assured those present I would do my utmost to have a reasonable appropriation made for that purpose.

I have offered this amendment in good faith, believing that it will accomplish a good purpose, and I think that it should be adopted.

Mr. BRISTOW. Mr. President, I want to say in reply to the remarks of the junior Senator from Idaho [Mr. BRADY] that I know he would not offer an amendment except in good faith, believing that it would be for the best interests of the people and would serve the purposes of wise and beneficial legislation. I know that there is not a Senator in this body who is more desirous of serving well his constituents and the country than is the Senator from Idaho. As to the merits of this legislation, of course, he and I may have different opinions, but I would not want for anything to question his desire to serve well his constituents and the country.

Mr. KERN. Mr. President, I also desire to say that I have no thought of impugning the motives of the Senator from Idaho. I know he wants to do his duty, but I do want to say that his faith is simply sublime.

Mr. WEST. Mr. President, I want to say, in reply to the Senator from Idaho, that I did not have the privilege of going before the Committee on Agriculture when this bill was under consideration there, and consequently I could offer nothing in this connection for the southern part of the country.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. GALLINGER. I will ask if both amendments were included in that one vote?

The VICE PRESIDENT. Yes; both were included in the one vote.

Mr. GALLINGER. It is all right, then.

Mr. WEST. Mr. President, I propose now, on page 20, beginning with line 25, to strike out the proviso, as amended. It is the third proviso on the page.

I am not criticizing anybody in discussing this matter; but it has been the custom in the past for wealthy men, men of great fortunes, to make a donation of part of what they have made——

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. WEST. Yes, sir.

Mr. GORE. I will say to the Senator that I intend to raise a point of order. I think this amendment has already been concurred in by the Senate.

Mr. GALLINGER. Oh, no; it can be amended in the Senate.

Mr. GORE. All the amendments were concurred in.

Mr. WEST. I gave notice several days ago that I should move to strike out this proviso when the bill came into the Senate, and then again to-day.

Mr. GORE. I did not understand that.

The VICE PRESIDENT. Notice of a motion to strike out reserves no question. The question must be specifically reserved.

Mr. OLIVER. Mr. President, I distinctly heard the Senator from Georgia reserve the right to offer amendments on pages 42 and 20 at the time he gave his notice.

The VICE PRESIDENT. Then the Senator from Georgia is in order.

Mr. WEST. The Senator from South Carolina [Mr. SMITH] some days ago said that if we had $10,000,000 for the purpose we could leave from Tennessee to the Gulf a space 100 miles wide, and in the judgment of skilled experts it would stop the onward march of the boll weevil. If the facts that were presented in the Senate here were true, in reference to the States it has already ravaged, it would mean in the State of Georgia, even in one year, the saving of from sixty to seventy million dollars if we could only stop the march of the boll weevil.

I do not suppose Mr. Rockefeller or Mr. Carnegie or any of the very wealthy men of the country would give so much to that cause, but when they are willing to donate a certain amount from the money they have accumulated—it may be that they accumulated it through the suffering of somebody—I think they should be permitted to give it; and I for one, speaking for my State, would accept it for the education of the people and for the betterment and uplift of the agricultural conditions in that State.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. WEST. I do.

Mr. GORE. The Senator understands that there is nothing in this proviso that would prevent the State of Georgia from accepting money for this or any other purpose.

Mr. WEST. I understand that, Mr. President. The State of Georgia could accept it for itself if it were tendered to the State of Georgia; but as a Senator here, I am willing to accept it for the United States.

Going back somewhat in the past—you may call this blood money and filthy money and all that sort of thing; but I would point to one Nobel, of Sweden, who gives out $200,000 every year; and how is that money taken from the people? In the very same way that Rockefeller extorted his money from the people. He not only invented explosives, nitroglycerin, guncotton, and patented dynamite, but he went down into the petroleum fields in Baku, in the southern part of Russia, on the Caspian Sea, and there made millions of dollars. Yet these great prizes are given out every year, five in number—one for medical science, one for chemistry, one for physical science or physiology, one for the best literary production, and one for the person who does the greatest thing for universal, international peace, whether by suppression of armies or the furtherance of peace congresses. These are the five persons who receive every year $40,000 each, for what? For the betterment of the condition of the human race.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana.

Mr. WEST. Yes, sir.

Mr. KERN. Does the Senator mean to charge the philanthropist of whom he is speaking with the same course of criminal conduct that has marked the career of John D. Rockefeller, as shown by the authenticated history of him and his times and his life?

Mr. WEST. That is what I said, Mr. President; that he obtained his money in the same way and grew immensely wealthy. That is the reason why he could give it for this purpose; and the people of the United States, when these great prizes have been tendered them, have not seen fit to reject them.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia further yield to the Senator from Indiana?

Mr. WEST. Yes, sir.

Mr. KERN. What violations of the law does the Senator say were committed by the philanthropist he specifies? Did he violate any of the laws of his country?

Mr. WEST. Why, in the accumulation of wealth——

Mr. KERN. No; I am asking the specific question whether the Senator is prepared to charge that this philanthropist violated any of the laws of his country.

Mr. WEST. I am not saying whether he violated any laws or not. I have said here, and I say again, that he has invented explosives, guncotton, nitroglycerin, and patented dynamite, and these are great destroyers of human life, and that is more than taking property away from people. Then he went down in the oil fields of Baku, in Russia, and made millions of dollars that he has given by will to be distributed for these great causes—for the elevation of humanity.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. WEST. I yield.

Mr. GRONNA. I am quite sure the Senator from Georgia does not wish to charge that Alfred Nobel has ever been accused of being a violator of law, or that he has accumulated any wealth by violating any law. When the Senator from Georgia reads his history I believe he will find that Alfred Nobel was always looked upon as a patriot. It is true that he made money from inventions and then from discoveries; but, Mr. President, nowhere will it be found that he ever made a dollar by extortion or by violating any law.

Mr. LANE and Mr. MARTINE of New Jersey addressed the Chair.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. WEST. I do.

Mr. MARTINE of New Jersey. I trust the United States——

The VICE PRESIDENT. The question is whether the Senator from Georgia yields to the Senator from Oregon.

Mr. MARTINE of New Jersey. I think I heard the Senator assent to my interrupting him.

Mr. WEST. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. I hope the United States may be spared from living on the contributions of a Rockefeller or a Carnegie. It would be equivalent to a family living on the wages of sin.

Could the Senator have been with me this morning and heard the pitiful tale of three sad-faced, wan-faced women, fresh from the mines of Colorado, suffering the brutality and the vengeance of the Rockefeller millionaires, through their minions, he would not have had the face to stand here in this audience and press the receiving of a contribution from such a source.

If we can not exterminate the cotton boll weevil without recourse to Rockefeller and Carnegie, then a thousand times rather let it destroy the entire cotton crop, and God in His wisdom and humanity will provide another source for the clothing of mankind.

Mr. WEST. Mr. President, I did not yield for a speech.

Mr. MARTINE of New Jersey. I did not think I was making a speech. It would take me a month to tell what I feel of the iniquities of this family of Rockefellers and the wealth accumulated by Carnegie.

Mr. LANE and Mr. GORE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. WEST. I yield first to the Senator from Oklahoma.

Mr. GORE. Mr. President, I feel I will be justified in saying at this juncture that the General Education Board holds as a part of its securities $2,500,000 of stocks or bonds of the Colorado Industrial Co., which is the master company of the Colorado Fuel & Iron Co., the very company which is now involved in a labor war with the miners in Colorado. I may also say that the General Education Board has a million or more of the stocks and

bonds of the International Harvester Co., the Steel Trust, the Tobacco Trust, the Sugar Trust, and, I think, all the other industrial combinations which have been adjudged by the Supreme Court of this country to be violators of the law of the land.

Mr. LANE. Now, Mr. President, if I may be allowed I should like to ask the Senator—and I feel sure that he has not the information—whether he knew of the conditions which prevail or the circumstances which have lately occurred in Colorado, which is one of the sources from which this money is obtained, from the mines there?

Mr. WEST. No, sir; I know nothing of the details of the occurrences out in Colorado—not a thing.

Mr. LANE. Then I should like permission to state to the Senator that I have the information from those who seem to know that during the late strike there was a colony of miners——

Mr. WEST. Of course I regret as much as anybody that any man should work a hardship on another. "Man's inhumanity to man makes countless thousands mourn"; yet if the rich men of the United States see fit to part with a portion of what they have accumulated, I can not see any reason why it should not go to the upbuilding of this great country.

Mr. LANE. I should like to suggest to the Senator that in this instance the Government is going into partnership with the man who furnishes this kind of money.

Mr. WEST. I will ask, Does the Government go into partnership with such men when it extorts taxes from them? The Government takes money from them in order to run the Government.

Mr. LANE. It has a rather difficult time, I think, in extorting taxes from them.

Mr. WEST. I will not say "extort." I will take the word back. It receives taxes from them, if that expression suits the Senator better.

Mr. LANE. I will wait until the Senator gets through and then I will give him some instances.

Mr. WEST. I am not especially selecting Mr. Rockefeller or Mr. Carnegie or Mr. Flagler, who has passed from this vale of tears, or Mr. Plant. If there are two men in the State of Florida to whom the State could afford to build a monument, they are Henry M. Flagler and Mr. Plant. They have done more for the development of that State than any other men who have ever gone there.

Mr. MARTINE of New Jersey. They do not deserve any credit for that. They robbed it from the rest of the people somewhere else.

Mr. WEST. The State has received it, and if we have received something that has been beneficial to the State we ought to acknowledge it.

Mr. MARTINE of New Jersey. In Georgia or Florida or some other State they may be glad of it, but in many other parts of this great country we are not glad of it.

Mr. WEST. I am aware of that, and I am not defending these rich men. Their great donations to these objects may appear to many, and they appear to me, as a philanthropic paradox; but they give it, and why not receive it for these objects? If they retain it, they will still have more with which to oppress you.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. WEST. Certainly.

Mr. KENYON. I ask, in all respect for the Senator's argument, would the Senator favor taking the money of a bank robber and devoting it to these uplift purposes?

Mr. WEST. I will ask the Senator a question in reply. Does not the Senator suppose that the church has received many donations from bank robbers and from blacklegs? In giving that to the church does that hurt the great cause of religion?

Mr. KENYON. If the church knew it came from a blackleg or a blackmailer or a bank robber, it would hurt the church.

Mr. WEST. Of course, if they knowingly went into partnership with a blackleg or a bank robber, no honest man would tolerate that.

Mr. KENYON. Here is one branch of Congress investigating the conditions in Colorado, where Mr. Rockefeller's interests are largely the disturbing factor and women and children are being murdered and slaughtered, as the Senator from New Jersey [Mr. MARTINE] referred to this morning in testimony that he and I heard. Another branch of Congress is putting itself on record as being willing to take money that comes from that very source in Colorado to help to carry on the business of this Government. Surely the Senator does not want to have that done.

Mr. WEST. I ask the Senator from Iowa did not the Government take a million dollars from Mr. Rockefeller for the purpose of eradicating the hookworm in this country, and I ask him whether that money did not do great good?

Mr. KENYON. Let Mr. Rockefeller take his money and devote it to those purposes or give it to the Senator's State, but do not let this Government put its seal of approval upon the manner in which Mr. Rockefeller has acquired this money; in fact, the Supreme Court of the United States has decided that Mr. Rockefeller was guilty of violating the Sherman Antitrust Act in the Standard Oil case.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. WEST. I do.

Mr. REED. The Senator from Georgia protested that it was all right for a church to take the money of a robber?

Mr. WEST. I said they did.

Mr. REED. I should like to ask the Senator if he would sanction it.

Mr. WEST. The Senator ought to know me well enough to know that if the church knew that the money it was taking had been obtained by robbing a bank or otherwise, it would be wrong for the church to take it.

Mr. REED. Undoubtedly; I thought that is what the Senator would say.

Mr. WEST. But do you suppose that all the dollars of Mr. Carnegie or Mr. Rockefeller or other people of the country have not been honestly made?

Mr. REED. But the point is, if the church were to take money brought to it by a bank robber, knowing that it was stolen money, the Senator says the church would do wrong.

Mr. WEST. I think if the Senator would take it knowing he was receiving it he would be a particeps criminis.

Mr. REED. Exactly. The point is whether the church knows it. If the church had accepted the money, not knowing its source, of course it could not be held to have done anything wrong, for it had no knowledge of the wrong. In this instance, with the records of the courts and the country black with the story of Mr. Rockefeller's operations, with conviction after conviction of violating the law, with the full knowledge that through the power of this monopoly, through the criminal practices of that monopoly, working extortion little short of robbery, rather than make a slight advance in wages in one of his companies there they hire thugs and murderers, import them into a State, and by his influence have them made militia of the State, and clothes them in the uniform of State authority—with the full knowledge that those men, clothed and armed and practically controlled by this corporation, burned a city of tents in which were men, women, and children, and slaughtered them in a manner that a Mexican would not slaughter his enemies, and the survivors of that carnage, who were also victims of that outrage, are here in the city—mothers of children who were burned to death—here at the doors of Congress crying for justice, I ask the Senator if he is willing to have the United States Government enter into a partnership with that sort of a concern?

Mr. MARTINE of New Jersey. Will the Senator permit me?

Mr. WEST. Let me finish what little I have to say. I am not espousing the cause of Mr. Rockefeller. I do not know that he is a party to these crimes that are talked about. That is a corporation, and every man who belongs to a corporation is not responsible for the deeds that its officers do. A man may have his own business and have employees in it who do wrong, and it can not be always traced to the employer.

Mr. REED. It is the one fact that it can not be traced that probably accounts for the fact that a number of distinguished criminals are still at large in the country.

Mr. WEST. There is no doubt about that. I know enough about the criminal law to know that you can not always run a crime down.

Mr. GORE. I should like to call the Senator's attention to a fact he overlooked, stated in the public press, that a committee of the other House called on Mr. Rockefeller, jr., with a view to effecting some sort of a reconciliation in Colorado, and that Mr. Rockefeller answered them that it was a matter of principle and he would make no concession. That fixed the personal responsibility, at least in that instance. Was the Senator aware of that?

Mr. WEST. No, sir; I was not aware of it.

Mr. MARTINE of New Jersey. I wish, in conjunction with this, the Senator from Georgia would just let me read to him

a statement of a couple of women here from Colorado in this city, given this morning.

Mr. WEST. I know nothing about that.

Mr. MARTINE of New Jersey. I just want to read it as to fixing the responsibility somewhat on Mr. Rockefeller.

Mr. WEST. Before the Senator reads that I will ask him if the Rockefellers are not minority stockholders in this concern in Colorado?

Mr. MARTINE of New Jersey. They are dominating stockholders. Here is a woman whom I asked, "Are you the wife of a miner? What is your name?" "Yes," said she, "my name is Pearl Jolly. I saw a number of men in uniform." "What uniform?" I asked her. She said she believed the parties were guards hired by Rockefeller. She said, "I saw them dip a broom in buckets and swash something on the tents. I think it was oil." Another woman, Mrs. M. H. Thomas, a very intellectual woman, said, "I am the wife of a miner. I have three children. I did not see the men put the oil on the tents, but I saw men in uniform with torches touch fire to the tents." The bodies of helpless women and children were charred to a crisp, and this in the interest of these scheming diplomats and robbers who have been the curse of our country.

Mr. WEST. Mr. President, that is very sad, indeed, and, of course, it is wrong, and the man who did it ought to be prosecuted.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. WEST. I do.

Mr. GORE. I do not mean to suggest anything that would harrow the feelings of the surviving victims of the Colorado trouble, but I would like to ask the Senator from Georgia if he does not think that the $250,000 which he has in mind would be better used by the general educational board under Mr. Rockefeller if it were devoted to pensioning the widows and orphans of the men sent to untimely graves in the Colorado strike?

Mr. WEST. I did not exactly understand the Senator.

Mr. GORE. Does not the Senator think the $250,000 which he is anxious the Government should accept at the hands of the educational board could be better used in pensioning the widows and orphans of the men who were recently sent to untimely graves in Colorado?

Mr. WEST. I can only say that it would create a national fund to that extent, and they could give it that way to them.

Mr. GORE. The General Government does not pension these unhappy victims or their survivors. They have no pensions, and I should like to ask the Senator if he would favor it for that purpose. I should also like to ask him if he would accept a favor from anyone to whom he could not reciprocate the favor?

Mr. WEST. Let me say this. Mr. Peabody has been all through the Southern States and gave liberally to the South for the cause of education and the highest intellectual development there. Does the Senator think because he is a rich man and you do not know how his money was obtained he ought to be condemned by the United States?

Mr. GORE. Mr. President, the amendment which the Senator is now resisting places no limitation upon the uses which shall be made of the money accruing to the General Education Board. It can be devoted to the cause of education and humanity in the State of Georgia or any other State of the Union. The only point involved here is that the Government of the United States, the most wealthy and the most powerful nation on the globe, does not accept this character of money in order to carry on a fixed and approved policy of the Government.

I wanted to ask the Senator whether he thinks the Government of the United States ought to accept favors and bounties at the hands of Mr. Rockefeller when the Government can not afford to reciprocate those favors and those bounties?

Mr. WEST. Well, Mr. President, they are accepting it, and it is benefiting the country. The Government receives taxes from them. That goes into the coffers of the Government for the purpose of bettering the conditions and uplifting the people.

Mr. SHAFROTH. Mr. President——

Mr. WEST. I will yield in a moment. I do not confine it to Rockefeller. If Mr. Carnegie or other rich men of the country can give the great fortunes they have made to the uplift of humanity, and when they are giving these great fortunes away it is to relieve them of this great amount of money, why not let the people of the country take it? If these great fortunes tend to the intellectual development of the people, let them have the consolation in passing to "the pale realms of shade" that they invite euthanasia. If these people are guilty of great infractions of the law, there is no Senator here who would pursue the matter more earnestly than I would in the courts of this great Nation.

Mr. SHAFROTH. Will the Senator yield for a question?

Mr. WEST. Yes.

Mr. SHAFROTH. Does the Senator realize that under this item of the appropriation bill the money of Mr. Rockefeller has been paying the Government employees their salaries?

Mr. WEST. I thought this money went into the Treasury and was paid out under the direction of the Government.

Mr. SHAFROTH. No, sir; it does not. It has been transferred, as I understand it, to the Agricultural Department, and the Agricultural Department, instead of having the men who are employed in the service on the pay roll of the Government, actually pay their salaries from the fund which was furnished by Mr. Rockefeller. Surely the Senator can not think that is right.

Mr. WEST. Does the Government pay this money out that goes into the Treasury?

Mr. SHAFROTH. It does not go into the Treasury, as I understand it.

Mr. WEST. Does Mr. Rockefeller hire these people and pay it himself with this money?

Mr. SHAFROTH. This money goes directly to the Agricultural Department, I understand, and is paid by them to these parties as salaries.

Mr. WEST. My understanding is that these donations were for a specific purpose but went through the proper channels of the Government, and he had nothing to do so far as directing who should be hired or who should be put in office.

Mr. NELSON. Mr. President, I want to ask the Senator from Georgia a question. Does he have the opinion that Carnegie's money or Rockefeller's money will not be as effective in exterminating the boll weevil and the hookworm as money from other sources?

Mr. WEST. My impression is that it would be just as effective, and if we could lessen these great fortunes that have been accumulated here it would be for the benefit of mankind generally. I for one, for the purpose of elevating the human race generally, am willing to cut down these great fortunes and let it go to the uplift of humanity.

Mr. LANE. Mr. President, I should like to say in answer to the question of the Senator from Minnesota [Mr. NELSON] that if the money of Rockefeller was used on the boll weevil with the same exterminating effect it had on those little children in Colorado it would stamp out that pest pretty quickly.

Now, in relation to the massacre in Colorado, I wish to say my attention has been called to some facts which I do not think the Senator from Georgia is familiar with or I do not believe he would care to have us vote any of this money to be used for educating the youth of this country.

Mr. WEST. Allow me to interrupt the Senator. I am not familiar with any of the recent investigations, because I have not been before the committees.

Mr. LANE. I am told by persons who have been on the scene that these little children and their mothers retreated into pits which were dug in the ground under the floor of the tents in which they lived, and that after they were fired and became ablaze the smoke and gas settled down and began to smother them. I do not know whether you have ever seen or had anything to do with a person who has been smothered to death. As a physician I have. They die a very miserable and unhappy death.

The small veins on their faces and on their shoulders and necks become engorged and burst under the skin and form echymotic spots. These little children, 11 of them, smothering to death, reached up and tried to get out of the trap they were in. Over them was this burning plank floor, and when afterwards they found them dead in the pits—these little children, one a babe 2 months old, and others 5 or 6 or 8 or 10 years old—their little hands were burned off—burned off in trying to claw their way out. They died like rats in a trap. One mother was shot, and after she died her babe was born motherless into the world.

The Senator from Missouri made a most pathetic speech about a monkey that died with its babe clasped to its breast, and he called down the wrath of heaven on the cruelty of the man who did that deed; but here was one mother with a dead child in her arms, crawling and trying to keep out of gunshot, hauling and pulling another child—a little boy—alongside her, who was shot in attempting to escape, and the boy was shot also.

Mr. WEST. Mr. President——

Mr. LANE. If the Senator will pardon me, I will be through in a moment. It is such little things as these that have prejudiced the American people, if you please to call them prejudiced, and upsets their stomachs when it comes to trying to force them to accept money derived from that sort of a source and going into partnership with it, as is attempted here.

Mr. WEST. Mr. President, I want to say that I understand the Rockefellers are minority stockholders in that State.

Mr. KENYON. I should like to ask the Senator one question. Does he think the Government ought to take money from them and devote it to these uplift purposes?

Mr. WEST. I think if they give this money, it would be a very good cause to give it to elevate the poor.

Mr. KENYON. The Senator would be willing to take it to elevate the poor?

Mr. WEST. If any criminal has grown very rich, somebody has to have it if he is executed, of course.

Mr. REED. I ask unanimous consent to put into the RECORD the financial statements of the General Education Board which have been made to the Government officials, in order that the Senate may have the benefit of knowing the character of securities, and so forth.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 17, 1914.

Hon. WM. S. KENYON,
United States Senate.

MY DEAR SENATOR: In compliance with the request contained in your letter of April 14, 1914, I transmit herewith for temporary use the original manuscript reports submitted to this department by the General Education Board pursuant to the requirements of section 6 of an act of Congress approved January 12, 1913, entitled "An act to incorporate the General Education Board," for the period from 1903 up to and including 1912. The report for 1913 will not be received until some time after July 1, 1914.

As soon as these papers have served their purpose, it is requested that they be promptly returned to the department, as they form a part of its permanent files.

Cordially, yours,

LEWIS C. LAYLIN,
Assistant Secretary.

—

GENERAL EDUCATION BOARD,
54 William Street, New York, October 12, 1905.

Hon. E. A. HITCHCOCK,
Secretary of the Interior, Washington, D. C.

DEAR SIR: Complying with your request, under date of October 11, I inclose herewith financial statements covering the operations of the General Education Board for the years 1903 and 1904.

I note your request that, if practicable and convenient, we shall change our fiscal year to conform with the fiscal year established by the Government, ending on June 30 of each year. I will bring this request to the attention of our board at the earliest practicable date. I feel confident that the board will comply with your request.

With great respect I am,
Faithfully, yours,

WALLACE BUTTRICK,
Secretary and Executive Officer.

—

NEW YORK, *October 12, 1905.*

The SECRETARY OF THE INTERIOR OF THE UNITED STATES,
Washington, D. C.

SIR: The General Education Board, a corporation duly incorporated and existing under and by virtue of an act of the Senate and House of Representatives of the United States of America in Congress assembled, approved January 12, 1903, respectfully submits the following report of the property, real and personal, held by it, the expenditure or other use or disposition of the same, or the income thereof, during the fiscal year ended December 31, 1903.

The board has no permanent property, either real or personal. Prior to the incorporation of the board, pursuant to the act of January 12, 1903, it had existed as a voluntary association, which had, on the 1st of January, 1903, a cash balance of $13,507.21. Upon the incorporation of the board it took over this balance. The receipts and expenditures of the board for the year were as follows:

Receipts:		
Contributions for general purposes		$125,200.00
Contributions for special purposes		47,570.17
Interest on cash balance in bank		474.39
Total receipts		173,244.56
Payments:		
Appropriations for educational institutions		113,869.20
Appropriations for expenses of conferences		2,776.52
Designated contributions		47,570.17
Total appropriations		164,215.89
Balance		9,028.67
Balance cash in hand Jan. 1, 1903		13,507.21
		22,535.88
Administrative expenses		17,289.79
Cash balance, Jan. 1, 1904, in bank, $4,514.67; in hands of secretary and agents, $731.42		5,246.09

GENERAL EDUCATION BOARD,
WALLACE BUTTRICK,
Secretary and Executive Officer.

—

NEW YORK, *October 12, 1905.*

The SECRETARY OF THE INTERIOR OF THE UNITED STATES,
Washington, D. C.

SIR: The General Education Board, a corporation duly incorporated and existing under and by virtue of an act of the Senate and House of Representatives of the United States of America in Congress assembled, approved January 12, 1903, respectfully submits the following report of the property, real and personal, held by it, the expenditure or other use or disposition of the same or the income thereof, during the fiscal year ended December 31, 1904.

The receipts and expenditures of the board for the year were as follows:

Receipts:		
Balance from 1903		$5,246.09
Contributions for general purposes		100,000.00
Contributions designated for special purposes		3,792.50
Interest on bank balance		234.82
Total receipts		109,273.41
Payments:		
Appropriations for educational institutions		86,133.66
Appropriation to Southern Education Board		4,000.00
Printing, binding, etc., Proceedings Sixth Annual Conference for Education in the South		925.74
Designated contributions as per contra		3,792.50
Administrative expenses		13,799.80
Total payments		108,651.70
Balance: In hands of agents, $79.19; in bank, $542.52		621.71

THE GENERAL EDUCATION BOARD,
WALLACE BUTTRICK,
Secretary and Executive Officer.

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DECEMBER 30, 1905.

SECRETARY OF THE INTERIOR OF THE UNITED STATES
Washington, D. C.

SIR: Pursuant to your request, the General Education Board has changed its by-laws so that its fiscal year now ends June 30 instead of December 31, as formerly. I therefore make the following report for the half year ending June 30, 1905. The next report will be for the full fiscal year, from July 1, 1905, to June 30, 1906.

The General Education Board, a corporation duly incorporated and existing under and by virtue of an act of the Senate and House of Representatives of the United States of America in Congress assembled, approved January 12, 1903, respectfully submits the following report of the property, real and personal, held by it, the expenditures or other use or disposition of the same or the income thereof, during the fiscal year ended June 30, 1905.

The receipts and expenditures of the board for the half year were as follows:

General purposes.

Receipts:		
Balance from 1904		$821.71
Contributions for general purposes		50,000.00
Contributions designated for special purposes		3,622.89
Interest on bank balances		112.96
Total receipts		54,357.56
Disbursements:		
Appropriations for educational institutions		51,895.00
Appropriations on account of special contributions		2,822.89
Administrative expenses		8,268.77
Total payments		62,986.66
Deficit		8,629.10

The Anna T. Jeanes fund.

Receipts:		
Contribution from Miss Anna T. Jeanes to be known as "The Anna T. Jeanes fund" for negro rural schools		$200,000.00
Interest on bank balance		202.00
Total receipts		200,202.00
Disbursements:		
Securities bought		177,067.51
Interest accrued on bonds purchased	$1,570.82	
Less coupons cashed	800.00	
		770.82
Rent of vault for Jeanes securities		50.00
Balance		22,313.67
Total		200,202.00

THE GENERAL EDUCATION BOARD,
WALLACE BUTTRICK,
Secretary and Executive Officer.

—

GENERAL EDUCATION BOARD,
54 William Street, New York, November 9, 1906.

Hon. E. A. HITCHCOCK,
Secretary of the Interior, Washington, D. C.

SIR: Complying with your request of October 25, I send you herewith a revised and detailed statement of the financial operations of this board for the fiscal year ended June 30, 1906. With great respect, I am,
Faithfully, yours,

WALLACE BUTTRICK.

—

OFFICE OF GENERAL BOARD OF EDUCATION,
54 William Street, New York City, N. Y., November 9, 1906.

SECRETARY OF INTERIOR OF UNITED STATES,
Washington, D. C.

SIR: The General Education Board, a corporation duly incorporated and existing under and by virtue of an act of the Senate and House of Representatives of the United States of America in Congress assembled, approved January 12, 1903, respectfully submits the following report of the property, real and personal, held by it, the expenditures or other use or disposition of the same or the income thereof, during the fiscal year ended June 30, 1906.

The receipts and expenditures of the board for the year were as follows:

GENERAL EDUCATION BOARD (GENERAL).

Statement of receipts and disbursements for year ending June 30, 1906.

RECEIPTS.

Mr. John D. Rockefeller (on account of pledge, Mar. 1, 1902)		$90,000.00
Interest on bank balances		64.00
Balance in special contributions account June 30, 1905 (Mr. Stephen Salisbury for Miss Eleanor C. Hubbard's school, Forest Depot, Va.)		800.00
		90,864.00
Less deficit, June 30, 1905 (after deducting special contributions balance, $800; see above)		9,429.10
		81,434.90
Contributed for special purposes:		
Mr. E. D. Harkness for southern industrial classes, Norfolk, Va	$100.00	
Mr. I. N. Seligman for Robert Hungerford Normal and Industrial School	100.00	
		200.00
Total		81,634.90

DISBURSEMENTS.

Proportioned administration expenses		2,822.26
Appropriated on account of special contributions:		
Forest Hill School	$800.00	
Southern industrial classes, Norfolk, Va	100.00	
Robert Hungerford Normal and Industrial School	100.00	
		1,000.00
Appropriations for educational institutions:		
University of Georgia	$1,540.00	
Clarke County Model School	600.00	
University of Virginia	3,000.00	
University of North Carolina	2,250.00	
Spelman Seminary	11,506.71	
University of Tennessee	1,930.15	
University of Alabama	1,041.66	
Farmers' cooperative work in Mississippi	2,071.84	
Summer School of the South	1,000.00	
Guilford County (N. C.) schools	1,070.76	
Farragut School	1,054.94	
Cottage Grove School	8.91	
Putnam County (Ga.) Board of Education	700.00	
Sparta County (Ga.) School Board	350.00	
Tulane University	2,000.00	
Richmond Colored High and Normal School	150.00	
Heath Springs Model School	200.00	
North Carolina State Normal and Industrial College	2,500.00	
Southern industrial classes, Portsmouth, Va	800.00	
Atlanta University	500.00	
Hampton Normal and Agricultural Institute	10,000.00	
Southwestern Baptist University, Jackson, Miss	10,000.00	
		54,274.97
Southern Education Board		4,000.00
Bank balance June 30, 1906	19,667.21	
Less bills payable	528.22	
	19,138.99	
Add cash in hands—		
Dr. Buttrick	$280.69	
Dr. Sage	70.50	
Mr. Williams	47.49	
	398.68	
		19,537.67
Total disbursements		81,634.90

Rockefeller contribution of Mar. 23, 1906.

PRINCIPAL ACCOUNT.

Gift of $250,000 par value United States Steel Corporation second-mortgage sinking fund 5 per cent bonds.

INCOME ACCOUNT.

Receipts:	
Income received	$6,281.25
Disbursements:	
Proportion of administration expenses	147.30
Bank balance June 30, 1906	6,133.95
	6,281.25

Rockefeller foundation fund for higher education.

PRINCIPAL ACCOUNT.

Principal (received Oct. 1, 1905)	$10,000,000.00
Profit on securities sold	92.36
	10,000,092.36

Investments:	Par value.	Cost.
$100,000 Ala. & Gt. Sou. Ry. temp. equip. 4½ per cent bonds		$98,462.40
$500,000 Penna. R. R. Co. conv. 3½ per cent bonds, due 1915		497,911.12
$850,000 Atchison, Topeka & Santa Fe Ry. conv. 4 per cent bonds		878,204.33
$100,000 American Beet Sugar Co. 6 per cent notes		100,500.00
$500,000 U. S. Steel Corp. 2nd sinking fund 5 per cent bonds		487,928.32
$500,000 Central Leather Co. 1st lien 5 per cent bonds		499,165.27
$500,000 Chicago, Rock Island & Pacific 4½ per cent coll. trust notes		$490,625.00
$200,000 Western Maryland 1st mtge. 4 per cent bonds		173,342.22
First payment (10 per cent) on 250 M American Telegraph & Telephone conv. 4 per cent bonds		23,625.00
$500,000 Manhattan Elev. Ry. 7 per cent stock		789,957.78
$200,000 Westinghouse Electric & Mfg. Co. conv. 5 per cent bonds		190,079.34
£100,000 Japanese Govt. 4½ per cent 1st series sterling loan		466,146.25
		4,695,947.03
Bank balance June 30, 1906		5,304,145.33
		10,000,092.36

INCOME ACCOUNT.

Receipts: Income received	425,066.14
Disbursements:	
Office expenses	17,503.48
Bank balance June 30, 1906	$408,346.98
Less bills payable	784.32
Balance June 30, 1906	407,562.66
	425,066.14

Anna T. Jeanes fund.

PRINCIPAL ACCOUNT.

Principal (received Apr. 5, 1905)	$200,000.00

Investments: Securities carried over July 1, 1905, at cost—	Par value.	Cost.
$10,000 Detroit Edison Co. 1st mtge. 5 per cent bonds		$10,300.00
$20,000 Mexican Coal & Coke Co. 1st mtge. 5 per cent bonds		19,000.00
$20,000 United Railways Co. of St. Louis 1st mtge. 4 per cent bonds		17,775.00
$20,000 Rio Grande Western Ry. Co. Consol. 4 per cent bonds		18,355.00
$15,000 Milwaukee Gas Light Co. 1st mtge. 4 per cent bonds		13,875.00
$20,000 N. Y. Gas & El. Lt. Ht. & Power Co. purchase money 4 per cent bonds		18,681.67
$20,000 Baltimore & Ohio R. R. Co. (Southwestern Div.) 3½ per cent bonds		18,407.50
$20,000 U. S. Steel Corp. 2nd mtge. s. f. 5 per cent bonds		19,058.34
$20,000 Northern Pacific Ry. gen. lien 3 per cent bonds		15,367.50
$10,000 Chicago, Rock Island & Pacific Ry. 1st mtge. refunding 4 per cent bonds		9,602.50
$10,000 Manhattan El. R. R. stock		16,645.00
		177,067.51
Securities bought since July 1, 1905—		
$20,000. Central Leather Co. 1st mtge. 5 per cent bonds		19,875.00
		196,942.51
Bank balance June 30, 1906		3,057.49
		200,000.00

INCOME ACCOUNT.

Receipts:	
Income received during year	10,124.98
Less debit in account June 30, 1905	618.82
	9,506.16
Disbursements:	
Appropriations for negro rural schools—	
Twenty-first district, Macon County, Ala	129.35
Fourteenth district, Macon County, Ala	133.60
Ninth district, Macon County, Ala	200.00
Twenty-third district, Wilcox County, Ala	50.00
Ackerville, Wilcox County, Ala	75.00
Fourth district, Dallas County, Ala	75.00
Twenty-third district, Wilcox County, Ala	75.00
Twenty-fourth district, Macon County, Ala	150.00
Thirteenth district, Macon County, Ala	500.00
Tuskegee district, Macon County, Ala	88.50
Chehaw, eleventh district, Macon County, Ala	600.00
Seventh district, Macon County, Ala	200.00
Eighth district, Macon County, Ala	200.00
Fifteenth district, Macon County, Ala	200.00
Fourth district, Montgomery County, Ala	75.00
School No. 9, Washington district, Lancaster County, Va	30.00
Courthouse Colored Public School, Princess Anne County, Va	40.00
Centersville Colored Public School, Brunswick County, Va	50.00
Third district, Hinds County, Miss	75.00
School No. 5, Washington district, Richmond County, Va	30.00
School No. 3, Ware district, Gloucester County, Va	25.00
School No. 1, Ware district, Gloucester County, Va	25.00
School No. 4, Ware district, Gloucester County, Va	25.00
Pine Swamp School, Abingdon district, Gloucester County, Va	25.00
Smithfield School, No. 5, Abingdon district, Gloucester County, Va	25.00
Robin Neck School, Abingdon district, Gloucester County, Va	25.00
Bethel School, Pittsworth district, Gloucester County, Va	25.00

Disbursements—Continued.

Appropriations for negro rural schools—Continued.

Ruston School, Pittsworth district, Gloucester County, Va	$25.00
School No. 4, Lancaster County, Va	25.00
School No. 5, Lancaster County, Va	25.00
School "B," Westville district, Mathews County, Va	25.00
School No. 1, Abbingdon district, Gloucester County, Va	25.00
School No. 9, Wicomico district, Northumberland County, Va	25.00
	3,301.45
Office expenses	317.96
	3,619.41
Bank balance, June 30, 1906	5,886.75
	9,506.16

GENERAL EDUCATION BOARD,
WALLACE BUTTRICK,
Secretary and Executive Officer.

GENERAL EDUCATION BOARD,
New York, August 14, 1907.

THE SECRETARY OF THE INTERIOR OF THE UNITED STATES,
Washington, D. C.

SIR: The General Education Board, a corporation duly incorporated and existing under and by virtue of an act of the Senate and House of Representatives of the United States of America in Congress assembled, approved January 12, 1903, respectfully submits the inclosed report for the fiscal year ended June 30, 1907, in accordance with the following section of its charter:

"That the corporation shall annually file with the Secretary of the Interior a report in writing, stating in detail the property, real and personal, held by the corporation, and the expenditure or other use or disposition of the same, or the income thereof, during the preceding year."

Please find also attached a certified copy of the auditor's certificate.

Very truly, yours,

WALLACE BUTTRICK.

General Education Board capital account July 1, 1907.

Liabilities:

Balance July 1, 1906		$10,250,092.36
Gift from Mr. J. D. Rockefeller		32,003,702.00
		42,253,794.36
Profit on securities sold		114,459.87
Reserve accumulated from income		131,706.75
		42,499,960.98

Assets:

Securities as per attached lists:		
Railroad bonds	$20,438,787.92	
Industrial bonds	8,598,432.08	
Railroad stocks	9,939,598.78	
Industrial stocks	2,377,750.79	
Japanese Government bonds	552,432.74	
Total		41,907,002.31
Loans on call		350,000.00
Cash in bank July 1, 1907		242,958.67
		42,499,960.98

RAILROAD BONDS AND NOTES.

Par value.		
$434,000	Duluth Mesabe & Nor. R. R. 1st Consol. 6s	$496,496.00
847,000	Duluth, Mesabe & Nor. R. R. Gen. Mtge. 5s	842,765.00
434,000	Morris & Essex R. R. Rfdg. gold 3½s	422,535.15
434,000	Lake Shore & Mich. Sou. 4s	420,980.00
434,000	Nor. Pac. Great Nor. R. R. Joint 4s (C. B. & Q. Coll.)	410,564.00
434,000	New York, New Haven & H. R. R. Deb. 4s	432,264.00
868,000	Atlantic Coast Line R. R. gold 4s (L. & N. Coll.)	763,261.31
1,736,000	Wisconsin Central R. R. 1st Gen. 4s	1,520,736.00
1,302,000	Missouri Pacific R. R. 40-yr. 4% gold bonds	1,158,780.00
434,000	Chicago & Alton R. R. 3½s	319,641.00
434,000	Chicago & Alton R. R. 3s Rfdg.	347,200.00
868,000	St. Louis Iron Mtn. & Sou. Ref. & Unif. 4s	751,688.00
1,936,000	Western Maryland 1st 4s	1,596,862.22
456,000	Chicago, Rock Island & Pac. gold 4s of 1902	390,113.00
1,388,000	Beech Creek Extension R. R. 1st 3½s	1,249,200.00
2,603,000	Western Pacific 1st 5s	2,342,700.00
434,000	Lake Shore & Mich. Sou. 3½s	405,175.24
760,000	Penna. Conv. 3½s due 1915	738,042.79
521,000	Lehigh Valley R. R. Gen. Consol. 4s	489,392.98
1,107,000	Chicago & Eastern Ill. Equipt. 4½s	1,074,064.11
507,000	Missouri Pac. Equipt. Assn. 5s	507,000.00
100,000	Buff., Rochester & Pitts. R. R. 6% notes	100,000.00
250,000	Atlantic Coast Line R. R. 5% notes	241,250.00
100,000	Ala. & Great Sou. R. R. Equipt. 4½s	98,462.40
500,000	Chic., Rock Island & Pac. R. R. 4½% notes	490,625.00
500,000	Chesapeake & Ohio R. R. Equipt. 4s	466,250.00
600,000	Chesapeake & Ohio R. R. 6% notes	598,500.00
500,000	Quebec, Montreal & Sou. R. R. 6% notes	498,750.00
500,000	Interboro R. T. Co. 5% notes	486,250.00
	Norfolk & Western Conv. 4s (payment on account)	300,000.00
50,000	Penna. Conv. 2½s of 1912	45,847.92
100,000	Sou. Ry. 5% notes	96,750.00
250,000	Louisville & Nashville R. R. 5% notes	341,250.00
60,000	Colorado Sou. R. R. Equipt. 5s	57,237.90
20,000	Fort Worth & Denver City R. R. Equipt. 5s	19,076.50
20,000	Trinity & Brazos Valley R. R. Equipt. 5s	19,076.50
		20,438,787.92

INDUSTRIAL BONDS.

Par value.		
$1,000,000	U. S. Steel Corp. gold 5s series E	$1,086,666.70
302,000	U. S. Steel Corp. gold 5s series B	331,948.34
3,353,000	U. S. Steel Corp. 2nd s. f. 5s	3,280,192.05
260,000	Am. Cigar Co. notes 4s	234,000.00
2,571,000	Colorado Industrial Co. 5s	2,409,505.38
100,000	American Beet Sugar Co. 6% notes	100,500.00
200,000	Amer. Telegraph & Telephone Co. conv. 4s	182,625.00
100,000	Amer. Telegraph & Telephone Co. 5% notes	96,500.00
500,000	Central Leather Co. 1st 5s	499,165.27
100,000	Western Telephone & Telegraph Co. 5% notes	97,250.00
200,000	Westinghouse El. & Mfg. Co. conv. 5s	190,079.34
		8,598,432.08

RAILROAD STOCKS.

21,695 shares New York Central & Hudson River R. R. stock	$2,755,265.00
31,034 shares Manhattan Ry. stock	4,512,819.78
21,695 shares Missouri Pacific R. R.	1,838,952.61
400 shares Chicago, Milwaukee & St. Paul R. R. preferred stock	63,124.44
1,000 shares Chicago, Milwaukee & St. Paul R. R. common stock	133,615.28
10,000 shares (par $50) Pennsylvania R. R. stock	635,821.67
	9,939,598.78

INDUSTRIAL STOCKS.

Temporary certificates for 6.508⅓ common stock and 6.508⅓ preferred stock International Harvester Co.	$1,301,700.00
1,000 shares Laclede Gas Co. common stock	99,109.03
10,000 shares United States Steel Corporation preferred stock	976,941.76
	2,377,750.79

IMPERIAL JAPANESE GOVERNMENT BONDS.

Par value.		
£100,000	first series 4½s	$466,146.25
15,600	first series 6s	75,553.02
2,200	second series 6s	10,733.47
		552,432.74

Income account, July 1, 1907.

RECEIPTS.

Balance July 1, 1906	$433,234.28	
Less appropriated for reserve, fiscal year ending July 1, 1906	87,566.14	
		$345,668.14
Income from investments	729,625.31	
Less appropriated for reserve fiscal year ending July 1, 1907	44,140.61	
		685,484.70
Gifts		110,160.00
		1,141,252.84

DISBURSEMENTS.

Administration expenses		24,983.16
Cost of collecting income		1,761.64
		26,744.80
Gifts to educational institutions:		
University of Georgia	$1,500.00	
University of Virginia	3,000.00	
University of North Carolina	2,500.00	
University of Tennessee	1,751.82	
University of Alabama	2,500.00	
University of South Carolina	2,500.00	
Shaw University	15,000.00	
North Carolina school districts	436.98	
Atlanta University	500.00	
Fisk University	5,000.00	
Tuskegee Normal and Industrial Institute	20,000.00	
J. M. Terrell	900.00	
Southern Industrial Classes, Norfolk, Va.	900.00	
Educational Conference	920.46	
Tulane University	1,298.61	
Heath Springs Model School	150.00	
Mississippi College	5,104.96	
Hampton N. and A. Institute	10,000.00	
Southwestern Baptist University	5,182.93	
Howard College	5,000.00	
Walker Baptist University	500.00	
Cooperative Farm Headquarters expense	2,420.00	
Cooperative Farm, Mississippi	11,695.71	
Cooperative Farm, Alabama	6,355.21	
Cooperative Farm, Virginia	1,832.79	
Southern Education Board	4,000.00	
Spelman Seminary	15,000.00	
Washington and Lee University	5,000.00	
Wofford College	5,419.26	
		134,368.73
Total disbursements		161,113.53
Balance July 1, 1907:		
Loans on call	700,000.00	
Cash in bank	279,895.48	
Cash in hands of secretaries	243.83	
		980,139.31
		1,141,252.84

Appropriations from the general education board payable from time to time during the year.

For agricultural education under the direction of Dr. S. A. Knapp, of the United States Department of Agriculture:

Balance, appropriations for fiscal year 1906–7—		
Mississippi	$304.29	
Alabama	5,644.79	
Virginia	2,648.00	
Balance, assistant in charge (salary)	600.00	
		$9,197.08
Appropriations for 1907–8, to be used in the following States—		
Mississippi	13,000	
Alabama	13,000	
Virginia	15,000	
Georgia	8,000	
South Carolina	8,000	
North Carolina	8,000	
Central office expenses	4,000	
		69,000.00
Appropriations to State universities in the following States for professors of secondary education—		
Virginia	3,000	
Georgia	1,500	
North Carolina	2,500	
South Carolina	2,500	
Tennessee	2,250	
Alabama, to Oct. 1, 1907	625	
		12,375.00
Appropriation to Spelman Seminary, payable in quarterly installments		9,000.00

Pledges to be paid from income if conditions are fulfilled.

Spelman Seminary, Atlanta, Ga	$10,000.00
Howard College, Birmingham, Ala	20,000.00
Southwestern Baptist University, Jackson, Tenn	19,817.07
Mississippi College, Clinton, Miss	19,895.04
Wofford College, Spartanburg, S. C	20,000.00
Coe College, Cedar Rapids, Iowa	50,000.00
Washburn College, Topeka, Kans	25,000.00
Wake Forest College, Wake Forest, N. C	37,500.00
Furman University, Greenville, S. C	25,000.00
Iowa College, Grinnell, Iowa	100,000.00
Mercer University, Macon, Ga	75,000.00
Randolph-Macon College, Ashland, Va	10,000.00
Lawrence University, Appleton, Wis	50,000.00
Richmond College, Richmond, Va	150,000.00
Beloit College, Beloit, Wis	50,000.00
Morningside College, Sioux City, Iowa	50,000.00
Lafayette College, Easton, Pa	50,000.00
Wabash College, Crawfordsville, Ind	125,000.00
University of Wooster, Wooster, Ohio	125,000.00
Colorado College, Colorado Springs, Colo	50,000.00
Bowdoin College, Brunswick, Me	50,000.00
Millsaps College, Jackson, Miss	25,000.00
Yale University, New Haven, Conn	300,000.00
Princeton University, Princeton, N. J	200,000.00
Union College, Schenectady, N. Y	100,000.00
Western Reserve University, Cleveland, Ohio	125,000.00
Kalamazoo College, Kalamazoo, Mich	25,000.00
Maryville College, Maryville, Tenn	50,000.00
Walker Baptist Institute	2,500.00
Alabama Baptist Colored University	3,000.00
State University (Kentucky)	5,000.00
Americus Institute	4,000.00
Howe Institute	3,000.00
Florida Baptist Academy	5,000.00
Total	1,959,712.11

NOTE.—Strictly speaking, there are no "liabilities," but pledges have been made to the foregoing institutions, payable in installments covering from two to five years, as conditions shall be fulfilled.

Anna T. Jeanes fund—kept separate from other capital funds, being given specifically for negro rural schools.

CAPITAL ACCOUNT, JULY 1, 1907.

Liabilities:		
Gift		$200,000.00
Assets:		
Investments—		
Railroad bonds—		
20,000 B. & O. R. R. (S. W. Div.) 3½s	$18,407.50	
20,000 No. Pac. R. R. general lien 3s	15,367.50	
10,000 Chic. R. I. & Pac. Rfdg. 4s	9,602.50	
20,000 United Rys. of St. Louis 4s	17,775.00	
20,000 Rio Gr. & W. R. R. consolidated 4s	18,355.00	
		79,507.50
Industrial bonds:		
10,000 Detroit Edison 5s	$10,300.00	
20,000 Mex. Coal & Coke 5s	19,000.00	
15,000 Milwaukee Gas Co. 1st 4s	13,875.00	
20,000 N. Y. Gas Light Heat & Power Co. purchase money 4s	18,681.67	
20,000 U. S. Steel Corp. 2nd 5s	19,058.34	
20,000 Central Leather Co. 1st 5s	19,875.00	
		100,790.01
Railroad stocks: 100 shares Manhattan Ry		16,645.00
Total investments		196,942.51
Cash in bank, July 1, 1907		3,057.49
		200,000.00

INCOME ACCOUNT.

Receipts:		
Balance, July 1, 1906		$5,886.75
Income from investments		9,176.93
		15,063.68
Disbursements:		
Administrative expenses	$246.71	
Cost of collecting income	82.00	
		328.71
Gifts to educational institutions—		
Negro rural schools in Alabama	5,075.00	
Negro rural schools in Kentucky	300.00	
Negro rural schools in Georgia	900.00	
Negro rural schools in Virginia	2,205.43	
		8,480.43
Cash in bank, July 1, 1907		6,254.54
		15,063.68

263 FIFTH AVENUE, NEW YORK, N. Y.,
August 13, 1907.

GENERAL EDUCATION BOARD.

GENTLEMEN: I have made an audit of the books and accounts of the General Education Board for the year ending June 30, 1907, and, in accordance therewith, certify that the attached statements of income account and general balance sheet are true exhibits for the said fiscal year and of its condition as of June 30, 1907, as shown by said books and accounts.

(Signed) A. B. BIERCK,
Certified Public Accountant.

I certify that the foregoing is a true copy of a communication, dated August 13, 1907, addressed to the General Education Board, by Mr. A. B. Bierck, certified public accountant.

WALLACE BUTTRICK, *Secretary.*

263 FIFTH AVENUE,
New York, August 20, 1908.

GENERAL EDUCATION BOARD,
2 Rector Street, New York, N. Y.

GENTLEMEN: I have made an audit of the books and accounts of the General Education Board for the year ended June 30, 1908, and, in accordance therewith, certify that the attached statements of receipts and disbursements and assets and liabilities are true exhibits for the said fiscal year, and of its condition as of June 30, 1908, as shown by said books and accounts.

A. B. BIERCK,
Certified Public Accountant.

GENERAL EDUCATION BOARD.
Capital account July 1, 1908.

LIABILITIES.

Balance July 1, 1907		$42,499,960.98
Profit on securities sold and redeemed		14,148.02
Reserve accumulated during year		203,151.21
Total		42,717,260.21
Deduct:		
Gift to University of Chicago (cash)	$103,809.92	
Gift to University of Chicago (bonds at cost)	1,679,740.00	
Gift to Rockefeller Institute for Medical Research (bonds at cost)	2,620,610.00	
		4,404,159.92
Total		38,313,100.29

ASSETS.

Securities as per attached lists:		
Railroad bonds	$18,839,850.48	
Industrial bonds	8,142,957.84	
Railroad stocks	8,883,340.89	
Industrial stocks	2,278,541.76	
Total		38,144,690.97
Cash in bank July 1, 1908		168,409.32
		38,313,100.29

Capital account.

RAILROAD BONDS.

179M	Atchison, Topeka & Santa Fe R. R. conv. 4s	$178,150.70
100M	Alabama & Great Southern R. R. equipt. 4½s	98,462.40
868M	Atlantic Coast Line R. R. 4s (L. & N coll.)	763,261.31
888M	Beech Creek Extension R. R. 3½s	799,200.00
600M	Chesapeake & Ohio R. R. 6 per cent notes	598,500.00
450M	Chesapeake & Ohio R. R. equipt. 4s	416,917.50
57M	Colorado & Southern R. R. equipt. 5s	54,266.70
334M	Chicago & Alton R. R. first lien 3½s	245,991.00
334M	Chicago & Alton R. R. refdg. gold 3s	267,200.00
456M	Chicago, Rock Island & Pacific R. R. coll. tr. 4s	390,113.90
907M	Chicago & Eastern Illinois R. R. equipt. 4½s	875,511.03
383M	Duluth, Mesabe & Northern R. R. first 6s	323,752.00
502M	Duluth, Mesabe & Northern R. R. general 5s	499,490.00
19M	Fort Worth & Denver City R. R. equipt. 5s	18,086.10
306M	Interborough R. T. Co. 5 per cent notes	291,750.00
250M	Louisville & Nashville R. R. 5 per cent notes	241,250.00
434M	Lake Shore & Michigan Southern R. R. 4s	420,980.00
334M	Lake Shore & Michigan Southern R. R. 3½s	311,495.24
521M	Lehigh Valley R. R. genl. cons. 4s	489,392.98
434M	Morris & Essex R. R. 3½s	422,535.15
529M	Manhattan Railway first consol. 4s	488,002.50
1102M	Missouri Pacific R. R. 40 years gold 4s	980,780.00
559M	Missouri Pacific R. R. equipt. assn. 5s	549,820.00
45M	Missouri Pacific R. R. coll. trust 5s	42,604.68
486M	Norfolk & Western R. R. conv. 4s	468,699.21
354M	Northwestern Elevated R. R. first and refdg. 4s	309,750.00
434M	Northern Pacific-Great Northern R. R. joint 4s (C. B. & Q. coll.)	410,564.00

434M	New York, New Haven & Hartford R. R. deb. 4s	$432,264.00
151M	Pennsylvania R. R. conv. 3½s of 1912	140,450.01
810M	Pennsylvania R. R. conv. 3½s of 1915	780,526.54
100M	Southern Railway 5 per cent notes	96,750.00
697M	St. Louis, Iron Mountain & Southern R. R. un. and refdg. 4s	600,545.48
100M	St. Louis, Iron Mountain & Southern River & Gulf 4s	82,345.73
100M	St. Louis Southwestern R. R. consol. 4s	66,210.62
19M	Trinity & Brazos Valley R. R. equipt. 5s	18,086.10
631M	Union Pacific R. R. conv. 4s	545,247.38
1836M	Western Maryland R. R. first 4s	1,514,862.22
93M	Western Maryland R. R. receiver certificates	93,000.00
2603M	Western Pacific R. R. first 5s	2,342,700.00
1333M	Wisconsin Central R. R. genl. 4s	1,170,336.00
		18,839,850.48

All securities taken in at cost or gift prices.

INDUSTRIAL BONDS.

260M	American Cigar Co. 4 per cent notes	$234,000.00
100M	American Beet Sugar Co. 6 per cent notes	100,500.00
275M	American Tel. & Tel. conv. 4s	250,875.00
500M	Central Leather Co. first 5s	499,165.27
3571M	Colorado Industrial Co. series B 5s	2,499,505.38
1000M	United States Steel Corp. coll. tr., series E 5s	1,086,666.70
302M	United States Steel Corp. coll. tr., series B	331,948.34
3102M	United States Steel Corp. second S. F. 5s	2,950,217.81
200M	Westinghouse El. & Mfg. Co. conv. 5s	190,079.34
		8,142,957.84

RAILROAD STOCKS.

3,200	shares Baltimore & Ohio Railroad common stock	$282,825.84
400	shares Chicago, Milwaukee & St. Paul Railroad preferred stock	63,124.44
25,034	shares Manhattan Railway capital stock	3,654,819.78
21,695	shares Missouri Pacific Railway capital stock	1,838,952.61
16,695	shares New York Central & Hudson River Railroad capital stock	2,120,265.00
12,300	shares Pennsylvania Railroad capital stock (par $50)	760,544.87
1,500	shares Union Pacific Railroad common stock	162,808.35
		8,883,340.89

INDUSTRIAL STOCKS.

6,508	shares International Harvester Co. common stock	$1,301,600.00
6,508	shares International Harvester Co. preferred stock	
10,000	shares United States Steel Corporation preferred stock	976,941.76
		2,278,541.76

All securities taken in at cost or gift prices.

Income account, July 1, 1908.

RECEIPTS.

Balance July 1, 1907		$980,139.31
Income from investments	$2,185,908.30	
Less appropriated for reserve fiscal year ending July 1, 1908	203,151.21	
		1,982,757.09
Gifts		125,025.00
		3,087,921.40

DISBURSEMENTS.

Administrative expenses	$28,227.93	
Cost of collecting income	2,815.63	
	31,043.56	
Gifts to educational institutions:		
University of Georgia	$1,700.00	
University of North Carolina	2,500.00	
University of Tennessee	2,124.98	
University of Alabama	2,083.33	
University of South Carolina	2,500.00	
University of Florida	186.10	
State Department education, Louisiana	1,250.00	
University of Virginia	3,000.00	
University of Virginia summer school	2,500.00	
Atlanta University	1,000.00	
Americus Institute	3,000.00	
Alabama Baptist Colored University	3,000.00	
Howe Institute	1,000.00	
Walker Baptist Institute	1,500.00	
J. Y. Joyner, for N. C. schools	320.26	
Waters Normal Institute	1,000.00	
Southern Ind. Classes, Norfolk, Va	800.00	
Mississippi College	5,452.41	
Florida Baptist Academy	2,000.00	
Spelman Seminary	12,981.07	
Hampton Normal and Agricultural Institute	10,000.00	
Tuskegee Normal and Industrial Institute	10,000.00	
Southwestern Baptist University	$3,763.48	
Cooperative farm work—		
Headquarters	3,670.12	
Alabama	12,195.03	
Mississippi	14,686.59	
Virginia [1]	10,567.31	
Georgia	5,563.84	
South Carolina	5,989.16	
North Carolina	6,241.04	
Southern Education Board	9,526.23	
Colorado College	45,799.98	
Coe College	12,669.42	
Bowdoin College	29,404.36	
Lawrence College	50,000.00	
Millsaps College	15,000.00	
Princeton University	64,666.66	
Yale University	75,665.94	
Wake Forest College	5,458.11	
Randolph-Macon College	2,760.77	
University of Chicago	200,000.00	
		$643,526.19
Securities as per list attached:		
Railroad bonds	1,562,575.31	
Industrial bonds	143,332.63	
Railroad stocks	516,758.70	
		2,222,666.64
Total disbursements		2,897,236.39
Balances July 1, 1908:		
Cash in hands secretaries		420.86
Cash in bank		190,264.15
		$3,087,921.40

Invested income.

RAILROAD BONDS.

121M	Atchison, Topeka & Santa Fe Railroad conv. 4s	$119,725.00
250M	Cumberland Corporation 6 per cent notes	250,000.00
471M	Manhattan Railway first consol. 4s	434,497.50
31M	Missouri Pacific Railroad equipt. assn. 5s	29,140.00
87M	Pennsylvania Railroad conv. 3½s of 1912	76,441.71
217M	Northwestern Elevated Railroad first 4s	189,875.00
71M	St. Louis, Iron Mountain & Southern un. and refdg. 4s	52,009.65
369M	Union Pacific Railroad conv. 4s	317,886.45
93M	Western Maryland Railroad 6 per cent receiver certificates	93,000.00
		1,562,575.31

INDUSTRIAL BONDS.

175M	United States Steel Corporation second 5s	143,332.63

RAILROAD STOCKS.

300	shares Baltimore & Ohio Railroad common stock	$23,189.16
542	shares Missouri Pacific Railroad capital stock	23,712.50
1,000	shares Southern Pacific Railroad preferred stock	112,150.83
3,300	shares Union Pacific Railroad common stock	357,706.21
		516,758.70

All securities taken in at cost or gift prices.

Pledges to be paid from income if conditions are fulfilled.

Waters Normal Institute, Winton, N. C	$1,000.00
Howard College, Birmingham, Ala	20,000.00
Jeruel Academy, Athens, Ga	5,000.00
Southwestern Baptist University, Jackson, Tenn	16,053.97
Paine College, Augusta, Ga	5,000.00
Mississippi College, Clinton, Miss	14,442.63
Wofford College, Spartanburg, S. C	14,580.74
Coe College, Cedar Rapids, Iowa	37,330.58
Washburn College, Topeka, Kans	25,000.00
Wake Forest College, Wake Forest, N. C	32,041.89
Furman University, Greenville, S. C	25,000.00
Iowa College, Grinnell, Iowa	100,000.00
Mercer University, Macon, Ga	75,000.00
Randolph-Macon College, Ashland, Va	7,239.23
Richmond College, Richmond, Va	150,000.00
Beloit College, Beloit, Wis	50,000.00
Morningside College, Sioux City, Iowa	50,000.00
Lafayette College, Easton, Pa	50,000.00
Wabash College, Crawfordsville, Ind	50,000.00
University of Wooster, Wooster, Ohio	125,000.00
Colorado College, Colorado Springs, Colo	4,200.02
Bowdoin College, Brunswick, Me	20,595.64
Millsaps College, Jackson, Miss	10,000.00
Yale University, New Haven, Conn	224,334.06
Princeton University, Princeton, N. J	135,333.34
Union College, Schenectady, N. Y	100,000.00
Western Reserve University, Cleveland, Ohio	125,000.00
Kalamazoo College, Kalamazoo, Mich	25,000.00
Maryville College, Maryville, Tenn	50,000.00
Walker Baptist Institute, Augusta, Ga	1,000.00
State University, Kentucky	5,000.00
Americus Institute, Americus, Ga	1,000.00
Howe Institute, Memphis, Tenn	2,000.00
Florida Baptist Academy, Jacksonville, Fla	3,000.00
Spelman Seminary, Atlanta, Ga	9,018.93
Ottawa University, Ottawa, Kans	25,000.00
Drury College, Springfield, Mo	50,000.00
Hamilton College, Clinton, N. Y	50,000.00
Knox College, Galesburg, Ill	40,000.00
Harvard University, Cambridge, Mass	62,500.00

[1] System of model farms under supervision of Department of Agriculture.

Williamsburg Institute, Williamsburg, Ky	$50,000.00
University of Rochester, Rochester, N. Y	30,000.00
Smith College, Northampton, Mass	12,500.00
Macalester College, St. Paul, Minn	75,000.00
William Jewell College, Liberty, Mo	125,000.00
Western College for Women, Oxford, Ohio	50,000.00
Agricultural demonstration work	79,000.00
Total	2,227,171.03

Strictly speaking, there are no "liabilities," but pledges have been made to the foregoing institutions, payable in installments covering from two to five years, as conditions shall be fulfilled.

ANNA T. JEANES FUND.

[Kept separate from other capital funds, being given specifically for negro rural schools.]

Capital account July 1, 1908.

LIABILITIES.

Gift	$200,000.00

ASSETS.

Investments, railroad bonds:		
$20,000 B. & O. R. R. (S. W. div.) 3½s	$18,407.50	
$20,000 Northern Pac. R. R. gen. lien 3s	15,367.50	
$10,000 Chic., R. I. & Pac. rfdg. 4s	9,602.50	
$20,000 United Railways of St. Louis 4s	17,775.00	
$20,000 Rio Grande & West. R. R. con. 4s	18,355.00	
		$79,507.50
Industrial bonds:		
$10,000 Detroit Edison 5s	10,300.00	
$20,000 Mex. Coal & Coke 5s	19,000.00	
$15,000 Milwaukee Gas Co. first 4s	13,875.00	
$20,000 N. Y. Gas Light, Heat & Power Co. purchase money 4s	18,681.67	
$20,000 Central Leather Co. first 5s	19,875.00	
$20,000 U. S. Steel Corp. second 5s	19,058.34	
		100,790.01
Railroad stocks: 100 shares Manhattan Railway		16,645.00
Total investments		196,942.51
Cash in bank July 1, 1908		3,057.49
		200,000.00

Income account.

RECEIPTS.

Balance July 1, 1907		$6,254.54
Income from investments		9,192.97
		15,447.51

DISBURSEMENTS.

Administrative expenses	$118.59	
Cost of collecting income	77.00	
	195.59	
Gifts to educational institutions:		
Negro rural schools in Alabama	$7,880.75	
Negro rural schools in Georgia	100.00	
Negro rural schools in Virginia	5,163.04	
Model School at St. Helena Island, S. C	500.00	
	13,643.79	
Cash in bank July 1, 1908	1,608.13	
		15,447.51

GENERAL EDUCATION BOARD,
New York, September 10, 1909.

SECRETARY DEPARTMENT OF THE INTERIOR,
Washington, D. C.

DEAR SIR: A communication of August 31 from Mr. Frank Pierce, First Assistant Secretary, to Wallace Buttrick, secretary of this board, has been referred to me. Answering the inquiries therein, I would say that the corporation neither owns nor controls any real property other than office equipment, which it would be hard to value.

As to "operating" expenses, I would say that presuming the expenses of administration to be the equivalent of "operating" expenses, the sum of $29,486.19 was expended on that account.

Trusting that this gives you the desired information, I am,

Very truly, yours,

L. G. MYERS,
Assistant Treasurer.

263 FIFTH AVENUE,
New York, August 5, 1909.

Mr. F. T. GATES,
Chairman General Education Board.

MY DEAR SIR: I have examined the accounts of the treasurer of the General Education Board covering the year ended June 30, 1909, and submit herewith a statement of receipts and expenditures for that period showing separately the different contributions to the funds.

All payments made were checked and found to be covered by properly receipted vouchers, except in four cases involving small amounts remitted to the South, and which are receiving the treasurer's attention with a view to obtaining proper receipts; the cash balances were verified by comparison with the accounts of the various depositories.

The securities in the possession of the treasurer were inspected, counted, and found correct.

The securities shown by the records to be held by the Metropolitan Trust Co., the United States Trust Co., and Mr. J. D. Rockefeller were compared with statements furnished by the trust companies and Mr. Rockefeller and found to agree therewith.

Accompanying this report are separate statements of the various funds, income accounts, and investments.

Acknowledgment is hereby made of the usual courtesies extended to me by the treasurer's representatives during the course of the audit.

Respectfully submitted.

(Signed) A. B. BIERCK,
Certified Public Accountant.

JOHN D. ROCKEFELLER SPECIAL FUND.

Income accounts, June 30, 1909.

DR.

Balance amount received 6 months ending July 1, 1908		$28,452.33
Balance amount accrued July 1, 1908, and since paid		155,012.69
Total		183,465.02
Income earned and received since July 1, 1908	$616,669.20	
Income accrued since July 1, 1908, but not yet paid	159,579.83	
		776,249.03
		959,714.05

CR.

Expenses		12,937.40
Gifts:		
University of Chicago	$265,738.98	
Rockefeller Institute for Medical Research	213,124.63	
		478,863.61
Investments as per list below	135,987.50	
Balance on hand	172,345.71	
Income receivable	159,579.83	
		467,913.04
		959,714.05

INVESTED INCOME.

1,100 shares Southern Pacific preferred stock	133,362.50
60 shares Missouri Pacific stock	2,625.00
	135,987.50

Principal account June 30, 1909.

DR.

Balance original gift July 1, 1908		$16,931,624.28
Balance profit-and-loss account July 1, 1908		3,844.18
		16,935,468.46
Profit on bonds sold and redeemed since July 1, 1908		20,372.65
		16,955,841.11

CR.

Securities as per attached list	16,803,144.31
On deposit United States Trust Co.	152,696.80
	16,955,841.11

Investments (subject to order of Mr. Rockefeller).

BONDS.

174M.	American Cigar Co. notes, 4s., due March, 1912	$156,600.00
578M.	Atlantic Coast Line L. & N. Coll., 4s, due October, 1952	508,254.65
425M.	Beach Creek Extension R. R. 1st, 3½s, due April, 1951	382,500.00
237M.	Carolina, Clinchfield & Ohio Equip., 5s (5 per cent due every 6 mos., December, 1909, to December, 1918, both inc.)	226,414.23
190M.	Chicago & Alton 1st lien, 3½s, due JJuly, 1950	139,935.00
189M.	Chicago & Alton refunding gold, 3s, due October, 1949	151,200.00
54M.	Chic., R. I. & Pac. Ry. col. trust, 4s, due May, 1915	47,217.60
83M.	Chic., R. I. & Pac. Ry. col. trust, 4s, due May, 1916	71,587.50
82M.	Chic., R. I. & Pac. Ry. col. trust, 4s, due May, 1917	69,798.40
83M.	Chic., R. I. & Pac. Ry. col. trust, 4s, due May, 1918	69,769.80
67M.	Chicago & Eastern Ill. equip., 4½s, due August, 1909	65,454.79
67M.	Chicago & Eastern Ill. equip., 4½s, due February, 1910	65,170.11
5M.	Chicago & Eastern Ill. equip., 4½s, due August, 1910	4,842.75
2314M.	Colorado Industrial Co., series B, 5s, due August, 1934	1,617,871.74
136M.	Duluth, Missabe & Northern 1st, 6s, due January, 1923	155,584.00
224M.	Duluth, Missabe & Northern gen'l, 5s, due January, 1941	222,880.00
245M.	Duluth, Missabe & Northern gen'l, 5s, due January, 1941	262,150.00
282M.	Erie equip. (18M due every 6 mos. January, 1910, to July, 1914, both inc.; 17M. due every 6 mos January, 1915, to July, 1917, both inclusive)	276,438.94
150M.	Fairmont Coal Co. 1st mtgs., 5s, due July, 1931	140,250.00
289M.	Lake Shore & Mich. Southern, 4s, due September, 1928	280,330.00
290M.	Morris & Essex 1st refund., gold, 3½s, due December, 2000	282,339.15
668M.	Missouri Pacific gold loan of 1905, 4s, due March, 1945	594,520.00
33M.	Mo. Pacific Equip. Assn. notes, 5s, due September, 1909	33,000.00
34M.	Mo. Pacific Equip. Assn. notes, 5s, due September, 1910	34,000.00
33M.	Mo. Pacific Equip. Assn. notes, 5s, due September, 1911	33,000.00

33M. Mo. Pacific Equip. Assn. notes, 5s, due September, 1912		$33,000.00
26M. Mo. Pacific Equip. Assn. notes, 5s, due March, 1910		26,000.00
26M. Mo. Pacific Equip. Assn. notes, 5s, due March, 1911		26,000.00
26M. Mo. Pacific Equip. Assn. notes, 5s, due March, 1912		26,000.00
22M. Mo. Pacific Equip. Assn. notes, 5s, due December, 1916		20,680.00
64M. Mo. Pacific Equip. Assn. notes (16M due yearly, May, 1910 to 1913)		60,160.00
288M. Northern Pac. Gt. Northern Joint 4s, C. B. & P. coll., due July, 1921		272,448.00
289M. N. Y., N. H. & H. R. R. debenture, 4s, due July, 1955		287,844.00
73M. Pennsylvania Railroad conv., 3½s, due October, 1915		67,419.92
160M. Southern Pacific convertible, 4s, due January, 1929		153,600.00
379M. St. Louis, Iron Mountain & Southern R. R. unifying and refunding, 4s, due July, 1929		328,214.00
666M. U. S. Steel Corp. coll. trust series E, 5s, due April, 1951		723,720.02
202M. U. S. Steel Corp. coll. trust series B, 5s, due April, 1951		222,031.67
935M. U. S. Steel Corp. second s. f., 5s, due April, 1963		913,156.73
78M. Union Pacific convertible, 4s, due July, 1927		81,396.25
25M. Union Steel Co. first mtgs., 5s, due December, 1952		26,125.00
1057M. Western Maryland 1st mtg., 4s, due October, 1952		866,740.00
1735M. Western Pacific 1st mtg., 5s, due September, 1933		1,561,500.00
758M. Wisconsin Central, general, 4s, due July, 1949		664,008.00
STOCKS.		
1,000 shares Atchison, Top. & Santa Fe preferred		101,695.62
400 shares Baltimore & Ohio common stock		31,273.33
4,339 shares International Harvester Co. pref. stock		501,830.21
11,356 shares Manhattan Railway stock		1,623,908.00
14,463 shares Missouri Pacific Railway stock		1,225,940.15
5,700 shares N. Y. C. & H. R. stock		723,900.00
1,800 shares Pennsylvania R. R. stock (par $50)		98,191.95
2,000 shares Southern Pacific preferred stock		245,652.80
		16,803,144.31

JOHN D. ROCKEFELLER GENERAL FUND.

Income accounts, June 30, 1909.

DR.

Balance July 1, 1908		$553,185.69
Income accrued year ending July 1, 1908, and since received	$91,783.64	
Income earned and received in current year	$430,396.05	
Income accrued, but not received	107,762.64	
Income current year	538,158.69	
Total	629,942.33	
Less amount in excess of 4½ per cent per annum carried to reserve	149,886.03	
		480,056.30
Total net income June 30, 1909		1,033,241.99

CR.

Expenses		7,398.24
Investments per list below	$759,418.72	
Income receivable	107,762.64	
Balance in hand	158,662.39	
		1,025,843.75
		1,033,241.99

INVESTED INCOME.

Bonds:	
50M. Atch., Top. & Santa Fe Con., 5s due June, 1917	$49,818.34
150M. Fairmont Coal Co. 1st, 5s, due July, 1931	140,250.00
140M. Erie Equipment (14M, due every 6 mos., Oct., 1909, to April, 1914, inc.), 5s	137,532.14
87M. Pennsylvania Railroad Conv., 3½s, due Nov., 1912	76,441.71
210M. Union Pacific R. R. Conv., 4s, due July, 1927	181,120.70
Stocks:	
750 shares Atch., Top. & Santa Fe preferred	76,568.75
300 shares Baltimore & Ohio R. R. common	23,189.16
181 shares Missouri Pacific R. R. capital stock	7,918.75
100 shares Southern Pacific preferred	12,200.00
500 shares Union Pacific R. R. common	54,379.17
	759,418.72

Principal account, June 30, 1909.

DR.

Original gift		$10,667,917.80
Reserve fund:		
Balance July 1, 1908	$69,001.16	
Gain on securities sold and redeemed since July 1, 1908	21,550.54	
Apportioned from income for year ending June 30, 1909	149,886.03	
		240,437.73
		10,908,355.53

CR.

Securities as per list attached	10,845,585.13
On deposit in United States Trust Co	62,770.40
	10,908,355.53

Investments.

BONDS.

86M. American Cigar Co. notes, 4s, due March, 1912	$77,400.00
29M. Atch. Top. & Santa Fe R. R. Conv., 5s, due June, 1917	28,800.00
290M. Atl. Coast Line L. & N. Coll., 4s, due October, 1952	255,006.66
463M. Beach Creek Extension R. R. 1st, 3½s, due April, 1951	416,700.00
144M. Chicago & Alton 1st lien, 3½s, due July, 1950	106,056.00
145M. Chicago & Alton refunding gold, 3s, due October, 1949	116,000.00
27M. Chic., R. I. & Pac. Ry Col. trust, 4s, due May, 1915	23,608.80
42M. Chic., R. I. & Pac. Ry. Col. trust, 4s, due May, 1916	36,225.00
43M. Chic., R. I. & Pac. Ry. Col. trust, 4s, due May, 1917	36,601.60
42M. Chic., R. I. & Pac. Ry. Col. trust, 4s, due May, 1918	35,305.20
33M. Chicago & Eastern Ill. Equip., 4½s, due August, 1909	32,238.92
33M. Chicago & Eastern Ill. Equip., 4½s, due February, 1910	32,098.71
2M. Chicago & Eastern Ill. Equip., 4½s, due August, 1910	1,937.11
1157M. Colo. Ind. Co., Series B. 5s, due August, 1934	809,032.25
113M. Duluth, Missabe & Northern 1st, 6s, due January, 1923	129,272.00
278M. Duluth, Missabe & Northern Gen'l, 5s, due January, 1941	230,050.00
215M. Duluth, Messabe & Northern Gen'l, 5s, due January, 1941	230,050.00
96M. Erie R. R. Equip. (14M due every 6 mos. Oct. 1914 to Oct. 1916) (13M due every 6 mos. April and October 1917), 5s	91,342.03
145M. Lake Shore & Michigan Southern, 4s, due September, 1928	140,650.00
144M. Morris & Essex 1st ref. gold, 3½s, due December, 2000	140,196.00
434M. Missouri Pac. gold loan of 1905, 4s, due March, 1945	386,260.00
17M. Missouri Pac. Equip. Assn. notes, 5s, due September, 1909	17,000.00
16M. Missouri Pac. Equip. Assn. notes, 5s, due September, 1910	16,000.00
17M. Missouri Pac. Equip. Assn. notes, 5s, due September, 1911	17,000.00
17M. Missouri Pac. Equip. Assn. notes, 5s, due September, 1912	17,000.00
13M. Missouri Pac. Equip. Assn. notes, 5s, due March, 1910	13,000.00
13M. Missouri Pac. Equip. Assn. notes, 5s, due March, 1911	13,000.00
13M. Missouri Pac. Equip. Assn. notes, 5s, due March, 1912	13,000.00
19M. Missouri Pac Equip. Assn. notes, 5s, due December, 1915	17,860.00
16M. Missouri Pac. Equip. Assn. notes, 5s, due May, 1916	15,040.00
16M. Missouri Pac. Equip. Assn. notes, 5s, due May, 1917	15,040.00
50M. Missouri Pac. Equip. Assn. notes, 5s, due May, 1916	49,245.00
50M. Missouri Pac. Equip. Assn. notes, 5s, due May, 1915	49,330.00
85M. Northwestern Elev. R. R. notes, 1 t. 4s, due September, 1911	74,375.00
146M. No. Pac. Gt. No. Joint C., B. & Q. Coll., 4s, due July, 1921	138,116.00
145M. N. Y., N. H. & H. R. R. deb., 4s, due July, 1915	144,420.00
87M. Penna. R. R. con., 3½s, due October, 1915	80,351.75
289M. St. L., I. Mt. & So. R. R. un. & ref., 4s, due July, 1929	250,274.00
275M. Seaboard Air Line rec. cert., 5s, due 1912	269,562.50
334M. U. S. Steel Corp. Col. Trust, Series E, 5s, due April, 1951	362,946.68
100M. U. S. Steel Corp. Col. Trust, Series B, 5s, due April, 1951	109,916.67
943M. U. S. Steel Corp. second S. F., 5s, due April, 1963	909,132.42
31M. Union Pacific R. R. con., 4s, due July, 1927	26,882.59
579M. Western Maryland 1st mtg., 4s, due October, 1952	474,780.00
868M. Western Pacific 1st, 5s, due September, 1933	781,200.00
578M. Wisconsin Central Gen., 4s, due July, 1949	506,328.00
32M. Southern Pacific convertible, 4s, due June, 1929	30,720.00
50M. Cumberland Corporation notes, 6s, due August, 1909	50,000.00
STOCKS.	
850 shares Atchison, Top. & Santa Fe preferred	86,410.63
2,169 shares International Harvester Co. pref. stock	250,924.95
8,678 shares Manhattan Railway stock	1,240,954.00
7,232 shares Missouri Pacific stock	613,012.46
4,300 shares N. Y. C. & H. R. R. R. stock	546,100.00
2,000 shares Southern Pacific preferred stock	245,272.20
	10,845,585.13

JOHN D. ROCKEFELLER FOUNDATION.

Income account, June 30, 1909.

DR.

Balance July 1, 1908		$882,533.17
Income accrued in previous year, since received	$108,394.94	
Income earned and received in current year	$493,908.18	
Income accrued but not yet paid	91,554.16	
Income for year	585,462.34	
Total	693,854.28	
Less amount carried to reserve, being all in excess of 4½ per cent per annum	243,857.28	450,000.00
Total net income		1,332,533.17

CR.

Payments made on account appropriations:		
Bowdoin College, balance		20,595.64
Beloit College, in full		50,000.00
Coe College, on account		7,133.08
Colorado College, balance		4,200.02
Drury College, in full		50,000.00
Hamilton College, in full		50,000.00
Harvard University, on account		10,775.00
Iowa College, in full		100,000.00
Lafayette College, on account		31,406.40
Mercer University, on account		21,333.33
Princeton University, on account		34,777.77
Maryville College, on account		26,667.50
Randolph-Macon College, on account		1,301.40
Richmond College, on account		30,000.00
Smith College, in full		12,500.00
University of Rochester, on account		30,000.00
University of Wooster, on account		100,188.50
University of Virginia, in full		50,000.00
Washburn College, on account		7,473.56
Wabash College, on account		25,598.93
Wake Forest College, on account		4,577.62
Wofford College, on account		3,371.88
Yale University, on account		74,334.06
Total		746,234.69
Expenses		10,209.27
Investments as per list following	$310,790.89	
Income receivable	91,554.16	
Balance in hand	173,744.16	
		576,089.21
		1,332,533.17

INVESTED INCOME.

Bonds:	
71 M Atch., Top. & Santa Fe Conv., 5s, due June, 1917	$69,906.66
71 M. St. L., I. Mt. & So. Un. & Ref., 4s, due July, 1929	52,009.65
90 M. Union Pacific R. R. Conv. 4s, due July, 1929	76,723.75
Stocks:	
1,000 shares Southern Pac. R. R. preferred stock	112,150.83
	310,790.89

Principal account June 30, 1909.

DR.

Original gift		$10,000,000.00
Reserve:		
Balance July 1 1908	$390,712.87	
Gain on securities sold year ending June 30, 1909	38,299.87	
Apportioned from income year ending June 30, 1909	243,857.28	
		672,870.02
		10,672,870.02

CR.

Securities as per attached list	10,669,697.41
Balances on deposit United States Trust Co	3,172.61
	10,672,870.02

Securities.

BONDS.

150M. Atch., Top. & Santa Fe R. R. conv., 5s, due June, 1917	$149,350.70
100M. Ala. & Gt. So. equip. (39M May, 1910; 61M November, 1910), 4½s	98,462.40
400M. Am. Tel. & Tel. conv., 4s, March, 1936	365,875.00
500M. Central Leather Co., 1st, 5s, April, 1925	499,165.27
375M. Chesapeake & Ohio R. R. equip. (25M every 6 months, January, 1910, to January, 1917), 4s	344,195.00
150M. Cumberland corporation notes, 6s, August, 1909	150,000.00
100M. Colorado Industrial, 5s, August, 1934	72,601.39
250M. Colo. Southern Refdg. & Exten., 4½s, May, 1936	213,250.00
51M. Colo. Southern equip. (3M due every 6 mos., April, 1909, to October, 1915, inc.; 4M. every 6 mos., April, 1916, to April, 1917, inc.), 5s	48,364.80
20M. Duluth, Messabe & Northern Gen'l, 5s, January, 1941	21,400.00
250M. Denver & Rio Grande 1st refdg., 5s, August, 1955	219,375.00
17M. Fort W. & Den. Cy. R. R. equip. (1M due every 6 mos., April, 1909, to October, 1916, inc.; 2M April, 1907), 5s	16,118.80
300M. Interborough R. T. notes, 5s, March, 1910	291,750.00
250M. L. & N. R. R. Co. notes, 5s, March, 1910	241,250.00
45M. Mo. Pac. Coll. Trust, 5s, March, 1917	42,604.68
486M. Norfolk & Western conv., 4s, June, 1932	$468,699.21
269M. Northwestern Elevated R. R., 4s, September, 1911	235,375.00
650M. Pennsylvania conv., 3½s, October, 1915	632,754.87
151M. Pennsylvania conv., 3½s, November, 1912	140,450.01
100M. Southern R. R. notes, 5s, February, 1910	96,750.00
29M. St. L., I. Mt. & Southern Uni. rfg., 4s, July, 1929	22,057.48
100M. St. L., I. Mt. & Southern River & Gulf Div., 4s, May, 1933	82,345.73
100M. St. Louis Southwestern cons., 4s, January, 1932	66,210.62
500M. Tidewater Co. 1st, 6s, June, 1913	499,687.50
17M. Trinity & Brazos Valley R. R. equip. (1M. due every 6 mos., April, 1909, to October, 1916, inc.; 2M due April, 1917), 5s	16,118.80
974M. U. S. Steel Corp. 2nd, 5s, April, 1963	877,928.66
600M. Union Pacific R. R. convertible, 4s, July, 1927	518,364.79
250M. Va.-Carolina Chemical 1st, 5s, December, 1923	227,500.00
200M. Western Maryland 1st, 4s, October, 1952	175,342.22
200M. Westinghouse Mfg. Co. conv., 5s, January, 1931	190,079.34
25M. Union Steel Co. 1st, 5s, December, 1952	26,125.00
500M. Chic. & East. Ill. equip. (50M every 6 mos., August 1909, to August, 1914, except February, 1911), 4½s	477,059.50

STOCKS.

2,800 shares Baltimore & Ohio R. R. common stock	251,552.51
400 shares Chic., Milwaukee & St. Paul pfd. stock	63,124.44
5,000 shares Manhattan Railway stock	789,957.78
10,500 shares Pennsylvania R. R. stock (par $50)	662,352.92
3,700 shares Union Pacific R. R. common stock	401,156.23
10,000 shares U. S. Steel Corp. pfd. stock	976,941.76
	10,669,697.41

INCOME ACCRUED AND PAID DURING 1907 FROM J. D. ROCKEFELLER SPECIAL FUND AND BELONGING TO THE GENERAL EDUCATION BOARD.

June 30, 1909.

DR.

Balance July 1, 1908		$933,719.42
Income accrued July 1, 1908, and since paid		8,560.00
		942,279.42
Profit on securities sold since July 1, 1908		45,373.38
Income earned and received since July 1, 1908	$41,559.77	
Income earned since July 1, 1908, but not yet paid	7,918.34	
		49,178.11
		1,037,130.91

CR.

Expenses		855.52
Investments as per list following	$1,015,284.08	
Balance on hand	13,072.97	
Income receivable	7,918.34	
		1,036,275.39
		1,037,130.91

INVESTED INCOME.

Bonds:	
190M. Carolina, Clinchfield & Ohio equipment, 5s, serial due January, 1909, to December, 1918	$181,280.14
50M. Cumberland Corporation, 6 per cent notes, due August, 1909	50,000.00
20M. Duluth, Missabe & Northern, general, 5s, due January, 1941	21,400.00
15M. Missouri Pacific Equipment Association, 5s, due May, 1914	14,100.00
16M. Missouri Pacific Equipment Association, 5s, due May, 1915	15,040.00
50M. Missouri Pacific Equipment Association, 5s, due May, 1917	49,160.00
217M. Northwestern Elevated R. R., 1st 4s, due September, 1911	189,875.00
191M. Union Pacific convertible, 4s, due July, 1927	196,273.40
175M. United States Steel Corporation, 2d sinking fund, 5s, due April, 1963	143,332.63
50M. Union Steel Co., 1st 5s, due December, 1952	52,250.00
Stocks:	
301 shares Missouri Pacific	13,168.75
200 shares Southern Pacific, preferred	24,425.00
600 shares Union Pacific, common	64,979.16
	1,015,284.08

JOHN D. ROCKEFELLER ANNUITY FUND.

RECEIPTS.

Balance July 1, 1908	$11,765.60
Received from John D. Rockefeller on account of pledge	150,000.00
Interest on bank balances	472.17
	162,237.77

DISBURSEMENTS.

Payments and appropriations for farmers' cooperative demonstration work:		
Mississippi	$2,931.56	
Florida	2,146.26	
Virginia	13,939.06	
North Carolina	9,919.70	
Georgia	11,965.43	
South Carolina	10,310.80	
Alabama	12,769.99	
Administration	4,259.40	
		68,242.20
Payments and appropriations for salaries and expenses professors of secondary education:		
University of Arkansas	$875.00	
University of Georgia	1,700.00	
University of Mississippi	1,666.66	
University of Virginia	3,000.00	

Payments and appropriations for salaries and expenses professors of secondary education—Continued.		
University of North Carolina	$2,500.00	
University of Tennessee	2,274.53	
University of South Carolina	2,500.00	
University of Alabama	2,500.00	
University of Florida	986.26	
State department of education, Louisiana	3,000.00	
Conference for education in the South	237.48	
		$21,239.93
Payments and appropriations to educational institutions:		
Howe Institute, balance	$2,000.00	
Howard College, on account	5,240.00	
Kentucky State University, in full	5,000.00	
Americus Institute, balance	1,000.00	
Waters Normal Institute, balance	1,000.00	
Walker Baptist Institute, balance	500.00	
Mississippi College, on account	4,548.88	
Spelman Seminary, balance	9,018.93	
Tuskegee N and I Institute	10,000.00	
Hampton N and A Institute	10,000.00	
		48,307.81
Southern education board		10,000.00
Proportion of all expenses apportioned to this fund		2,186.86
Balance		12,260.97
		162,237.77

Anna T. Jeanes Fund.

INCOME ACCOUNT.

Balance July 1, 1908		$1,608.13
Income received during year	$9,029.84	
Less cost of collection	72.00	
		8,957.84
		10,565.97
Requisitions from Messrs. H. B. Frissell and Booker T. Washington, approved by executive committee of board and paid		9,367.82
Balance June 30, 1909		1,198.15

PRINCIPAL ACCOUNT.

Amount received from Miss Jeanes	200,000.00
Investments:	
$10,000 Detroit Edison, 1st, 5s	10,300.00
$20,000 Mexican Coal and Coke, 1st, 5s	19,000.00
$20,000 United Railways of St. Louis, 1st, 4s	17,775.00
$20,000 Rio Grande Western Consol., 4s	18,355.00
$15,000 Milwaukee Gas Light, 1st, 4s	13,875.00
$20,000 N. Y. Gas & E. L. H. & P. Purchase Mon., 4s	18,681.67
$20,000 B. & O. So. West. Div., 3½s	18,407.50
$20,000 Northern Pac. Gen. Lien, 3s	15,367.50
$20,000 U. S. Steel Corp., 2nd mtge., 5s	19,058.34
$10,000 Chic. R. I. & Pac Refd., 4s	9,602.50
$20,000 Central Leather, 1st, 5s	19,875.00
100 shares Manhattan Ry., 7 per cent stock	16,645.00
Total	196,942.51
Balance on deposit Franklin Trust Co	3,057.49
	200,000.00

John D. Rockefeller gift of March 23, 1906.

Amount of gift	$250,000.00
Investment—$250,000 United States Steel Corporation, second mortgage, 5s	250,000.00
Income from above fund:	
Balance July 1, 1908	3,695.44
Amount received during year	12,540.55
Total	16,235.99
Amount appropriated to and paid Spelman Seminary	12,000.00
Balance on deposit United States Trust Co	4,235.99

Rockefeller Institute for Medical Research.

INCOME ACCOUNT.

Balance July 1, 1908	$27,547.49
Income year ending June 30, 1909	120,821.04
Total	148,368.53
Amount forwarded to treasurer of institute	124,000.00
Balance in possession of board	24,368.53

PRINCIPAL ACCOUNT.

Balance July 1, 1908	2,621,105.00
Securities held:	
$500,000 Beech Creek Extension 3½s	450,000.00
$500,000 United States Steel 2nd 5s	488,350.00
$100,000 Western Maryland 1st 4s	82,000.00
$200,000 St. Louis Iron Mt. & So. U. & R. 4s	173,200.00
$291,000 Duluth Missabe & No. Gen. 5s	289,545.00
$100,000 Penn. R. R. Conv. 3½ of 1915	92,360.00
$200,000 Wisconsin Central 1st 4s	175,200.00
$200,000 Mo. Pacific 40-year 4s	178,000.00
3,000 shares Manhattan Ry. stock	429,000.00
2,000 shares N. Y. C. & H. R. stock	254,000.00
91 shares United States Steel preferred stock	9,361.63
	2,621,016.63
On deposit United States Trust Co	88.37
	2,621,105.00

Contingent liabilities.

[Pledges to be paid from income if conditions are fulfilled.]

Howard College, Birmingham, Ala	$14,760.00
Union University, Jackson, Tenn	2,662.44
Mississippi College, Clinton, Miss	9,893.75
Wofford College, Spartanburg, S. C	16,208.86
Coe College, Cedar Rapids, Iowa	7,380.42
Washburn College, Topeka, Kans	$17,526.44
Wake Forest College, Wake Forest, N. C	27,464.27
Furman University, Greenville, S. C	25,000.00
Mercer University, Macon, Ga	53,666.67
Randolph-Macon College, Ashland, Va	5,937.83
Richmond College, Richmond, Va	120,000.00
Morningside College, Sioux City, Iowa	50,000.00
Lafayette College, Easton, Pa	18,593.60
University of Wooster, Wooster, Ohio	6,720.41
Millsaps College, Jackson, Miss	10,000.00
Yale University, New Haven, Conn	150,000.00
Princeton University, Princeton, N. J	100,000.00
Union College, Schenectady, N. Y	100,000.00
Western Reserve University, Cleveland, Ohio	125,000.00
Kalamazoo College, Kalamazoo, Mich	25,000.00
Maryville College, Maryville, Tenn	23,332.50
Ottawa University, Ottawa, Kans	25,000.00
Knox College, Galesburg, Ill	27,161.40
Harvard University, Cambridge, Mass	51,725.00
Wabash College, Crawfordsville, Ind	24,406.02
Williamsburg Institute, Williamsburg, Ky	50,000.00
Macalester College, St. Paul, Minn	75,000.00
William Jewell College, Liberty, Mo	125,000.00
The Western College for Women, Oxford, Ohio	50,000.00
Agnes Scott College, Decatur, Ga	100,000.00
Washington University, St. Louis, Mo	200,000.00
Hamline University, St. Paul, Minn	75,000.00
Bryn Mawr College, Bryn Mawr, Pa	250,000.00
University of Wooster, Wooster, Ohio	150,000.00
Hendrix College, Conway, Ark	75,000.00
The College of St. Thomas, St. Paul, Minn	75,000.00
Davidson College, Davidson, N. C	75,000.00
The Johns Hopkins University, Baltimore, Md	250,000.00
Randolph-Macon Woman's College, Lynchburg, Va	75,000.00
The University of Vermont, Burlington, Vt	100,000.00
Professorships of secondary education in universities of the Southern States	25,450.00
Spelman Seminary, Atlanta, Ga	9,000.00
Agricultural demonstration in Southern States	104,000.00
Paine College, Augusta, Ga	5,000.00
	2,905,889.61

NOTE.—Strictly speaking, there are no "liabilities," but pledges have been made to the foregoing institutions, payable in installments covering from two to five years, as conditions shall be fulfilled.

JULY 29, 1910.

To the Members of the General Education Board.

GENTLEMEN: I beg to inclose herewith statement showing the financial status of the board at the close of the fiscal year ending June 30, 1910. This statement has been verified by Mr. H. A. Wright, public accountant, a copy of whose report to the chairman will be found herewith.

Since May 15, the date of my last statement, the following securities have been redeemed:

June 1, 13,000 Carolina, Clinchfield & Ohio equipment 5s, special fund.

July 1, 13,000 Duluth, Missabe & Northern General 5s, special fund.

July 1, 18,000 Erie Equipment 5s, special fund.

July 1, 25,000 Chesapeake & Ohio Equipment 4s, the Rockefeller fund.

July 1, 19,000 Duluth, Missabe & Northern General 5s, the Rockefeller fund.

I have also to report that under date of June 30, 1910, Mr. John D. Rockefeller has directed that there be set aside from the John D. Rockefeller Special Fund securities valued at $3,641,236.48 as an endowment for The Rockefeller Institute for Medical Research. The securities designated have been segregated in our accounts and a list of same is embodied in the following statement. Income that had accrued on these securities, amounting to $55,722.45, was included in this gift.

Funds available for appropriation on July 1 were as follows:

Total unexpended income The Rockefeller Fund		$3,603,260.70
Unexpended balance Mr. Rockefeller's pledge of $1,000,000 (the "Annuity Fund")		33,517.67
		3,636,778.37
Total appropriations from The Rockefeller Fund	$5,172,444.43	
Less payments made thereon	1,830,815.84	
Balance not yet called for	3,341,628.59	
Balance appropriations heretofore paid from the Annuity Fund	81,079.58	
		3,422,708.17
Total amount available July 1, 1910		214,070.20
Between July 1 and Nov. 1, the approximate date of next meeting, the net income will amount to about		530,000.00
Making the total amount available Nov. 1, 1910		744,070.20

Respectfully submitted.

L. G. MYERS, *Treasurer.*

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WRIGHT, SCHOOLEY & MORSE,
PUBLIC ACCOUNTANTS,
17 West Forty-second Street, New York, August 9, 1910.

F. T. GATES, Esq.,
Chairman General Education Board, New York.

DEAR SIR: We have examined the books and accounts of the General Education Board covering the year ending June 30, 1910, and have verified the figures contained in the annual report of the treasurer and his principal and income and expenditure accounts for each fund.

Properly receipted vouchers were found covering all payments during the year and the balances on deposit in the several banks were reconciled with the bank statements at June 30, 1910. The income received and accrued during the year was also verified in detail and found to be correct.

All securities shown by the records as being in the possession of the treasurer were examined and found to be in order and those shown as

held by Mr. John D. Rockefeller were agreed with a statement furnished by Mr. Rockefeller's office.

We carefully checked all transfers of investments between the several funds merged at October 19, 1909, and also the securities included in the gift to the Rockefeller Institute of Medical Research under date of June 30, 1910.

We wish to express our appreciation of the many courtesies extended to us by the treasurer and other officers during the course of our work.

Respectfully submitted.

(Signed.) WRIGHT, SCHOOLEY & MORSE.
HAROLD A. WRIGHT.

THE ROCKEFELLER FUND.

Income account June 30, 1910.

DR.

Balance foundation fund July 1, 1909			$576,089.21
Balance general fund July 1, 1909			1,025,843.75
Balance special fund income of 1907, July 1, 1909			1,036,275.39
Balance gift Mar. 23, 1906, July 1, 1909			4,235.99
Total income in hand July 1, 1909			2,642,444.34
Income earned year ending June 30, 1910		$1,803,040.36	
Less excess of 4½ per cent per annum on old foundation and general funds carried to reserve on Oct. 19, 1909		45,803.73	
			1,757,236.63
Net income to June 30, 1910			4,399,680.97

CR.

Payments made on account appropriations:			
Agnes Scott College	$31,892.00		
Howard University	11,975.00		
Knox College	40,404.96		
Western Reserve University	58,692.00		
University of Wooster	24,811.50		
Union College	95,166.65		
Yale University	137,819.14		
Coe College	26,712.08		
Maryville College	21,333.19		
Western College for Women	17,905.86		
Morningside College	50,000.00		
Macalester College	64,944.93		
Mercer University	11,000.00		
Washington University	89,929.19		
Spelman Seminary	12,000.00		
Richmond College	27,857.14		
Randolph-Macon College	5,937.83		
Wofford College	3,795.88		
Fisk University	5,000.00		
Wake Forest College	4,952.47		
Lafayette College	10,696.82		
Hampton Normal and Agricultural Institute	10,000.00		
Tuskegee Normal and Industrial Institute	10,000.00		
		$772,736.65	
Expenses		23,425.90	
Lafayette College, interest on installment of pledge not yet paid		257.72	
Balance:			
Cash	689,393.09		
Income receivable	205,290.07		
	894,683.16		
Securities as shown in accompanying list	2,708,577.54		
Net balance		3,603,260.70	
			4,399,680.97

Principal account, June 30, 1910.

DR.

Gift of Oct. 3, 1905			$10,000,000.00
Gift of Mar. 23, 1906			250,000.00
Gift of Feb. 7, 1907			10,667,917.80
Gift of Aug. 1, 1909			10,000,146.00
Total			30,918,063.80
Reserve:			
Amounts accumulated to July 1, 1909, comprising profits on securities sold and redeemed and income in excess of 4½ per cent per annum		$913,307.75	
Increased valuation of securities in the old foundation and general funds income accounts, charged against such securities and carried to reserve, Oct. 19, 1909		199,807.64	
Income from old foundation and general funds in excess of 4½ per cent per annum, carried to reserve, Oct. 19, 1909		45,803.73	
Profits on securities sold and redeemed year ending June 30, 1910		37,890.46	
			1,196,809.58
Total funds in principal account			32,114,873.38

CR.

Investments as shown in accompanying list		$31,928,272.31	
Cash balance		186,601.07	
			32,114,873.38

JOHN D. ROCKEFELLER SPECIAL FUND.

Income account June 30, 1910.

DR.

Balance income, July 1, 1909			$467,913.04
Income earned, year ending June 30, 1910			768,281.03
			1,236,194.07

CR.

Expenses		$10,312.86	
Gifts by direction of Mr. Rockefeller:			
University of Chicago	$290,908.67		
Rockefeller Institute for Medical Research	462,597.82		
		753,506.49	
Balance, investments as per accompanying list	278,487.50		
Income receivable	$109,873.16		
Cash	84,014.06		
	193,887.22		
		472,374.72	
			1,236,194.07

SPECIAL FUND.

Principal account June 30, 1910.

DR.

Original gift		$21,335,784.20
Gift of Mar. 2, 1908, to University of Chicago	$103,689.92	
Gift of Mar. 12, 1908, to University of Chicago	1,679,860.00	
Gift of Aug. 30, 1909, to University of Chicago	929,093.33	
Gift of Mar. 12, 1908, to Rockefeller Institute for Medical Research	2,620,610.00	
Gift of June 30, 1910 to Rockefeller Institute for Medical Research	3,641,236.48	
		8,974,489.73
Balance of original gift		12,361,294.47
Balance profit and loss account, July 1, 1909	24,216.83	
Profits year ending June 30, 1910	4,664.34	
		28,881.17
Balance June 30, 1910		12,390,175.64

CR.

Securities as per attached list	12,204,780.40	
Cash balance	185,395.24	
		12,390,715.64

JOHN D. ROCKEFELLER ANNUITY FUND.

June 30, 1910.

DR.

Balance July 1, 1909	$12,200.97
Received from Mr. John D. Rockefeller in full for balance of pledge	165,000.00
Interest on bank balances	764.54
Miscellaneous	50.00
	178,015.51

CR.

Payments on account of appropriations for farmers' cooperative demonstration work:		
Administration	$5,309.38	
Alabama	3,121.33	
Florida	6,237.93	
Georgia	23,133.64	
North Carolina	18,707.37	
South Carolina	14,943.65	
Virginia	15,547.96	
		87,024.38
Payments on account of appropriations for salaries and expenses of professors of secondary education:		
University of Alabama	3,000.00	
University of Arkansas	3,000.00	
University of Florida	1,000.00	
University of Georgia	1,700.00	
State department of education, Louisiana	3,000.00	
University of Mississippi	2,500.00	
University of North Carolina	3,000.00	
University of South Carolina	3,000.00	
University of Tennessee	1,921.93	
University of Virginia	3,000.00	
University of West Virginia	1,250.00	
		26,371.93
Payments on account of appropriations to educational institutions:		
Americus Institute	3,000.00	
Florida Baptist Academy	1,000.00	
Calhoun Colored School, in full	2,625.00	
Jeruel Academy, in full	1,000.00	
Howe Institute, in full	2,000.00	
Mississippi College, on account	4,540.25	
Union University, on account	5,062.14	
		19,227.39
Southern Education Board, appropriation for year 1909–10		10,000.00
Expenses		1,874.14
Balance		33,517.67
		178,015.51

ANNA T. JEANES FUND.

June 30, 1910.

INCOME ACCOUNT.

Balance July 1, 1909		$1,198.15
Income received during year	$9,053.50	
Less expenses	159.30	
		8,894.20
		10,092.35
Requisitions from Messrs. H. B. Frissell and Booker T. Washington, approved by executive committee of board, and paid		5,587.65
Balance June 30, 1910		4,504.70

PRINCIPAL ACCOUNT.

Amount received from Miss Jeanes	200,000.00
Investments:	
$10,000 Detroit Edison 1st 5s	10,300.00
$20,000 Mexican Coal and Coke 1st 5s	19,000.00
$20,000 United Railways of St. Louis 1st 4s	17,775.00
$20,000 Rio Grande Western Consol. 4s	18,355.00
$15,000 Milwaukee Gas Light 1st 4s	13,875.00
$20,000 N. Y. Gas & El. H. & P. Purchase money 4s	18,681.67
$20,000 B. & O. So. West. Div. 3½s	18,407.50
$20,000 Northern Pac. Gen'l Lien. 3s	15,367.50
$20,000 U. S. Steel Corp. 2d mtge. 5s	19,058.34
$10,000 Chic., R. I. & Pac. Refdg. 4s	9,602.50
$20,000 Central Leather 1st 5s	19,875.00
100 shares Manhattan Ry. 7 per cent stock	16,645.00
Total	196,942.51
Balance on deposit Franklin Trust Co	3,057.49
	200,000.00

THE ROCKEFELLER INSTITUTE FOR MEDICAL RESEARCH.

June 30, 1910.

INCOME ACCOUNT.

Balance July 1, 1909	$24,368.51
Income year ending June 30, 1910	121,216.71
Total	145,585.21
Amount forwarded to treasurer of institute	124,500.00
Balance in possession of board	21,085.21

PRINCIPAL ACCOUNT.

Balance July 1, 1908	2,621,105.00
Profit on sale rights to New York Central stock	11,460.00
Profit on $5,000 Duluth, Missabe & Northern bonds redeemed	275.00
Securities held:	
$500,000 Beech Creek Extension 3½s	450,000.00
$500,000 U. S. Steel 2nd 5s	488,350.00
$100,000 Western Maryland 1st 4s	82,000.00
$200,000 St. Louis, Iron Mt. & So. U. & R. 4s	173,200.00
$286,000 Duluth, Messabe & No. Gen. 5s	284,570.00
$100,000 Penn. R. R. Conv. 3½s of 1915	92,360.00
$200,000 Wisconsin Central 1st 4s	175,200.00
$200,000 Mo. Pacific 40-year 4s	178,000.00
3,000 shares Manhattan Ry. stock	429,000.00
2,000 shares N. Y. C. & H. R. R. R. stock	254,000.00
91 shares U. S. Steel Pref. stock	9,361.63
	2,616,041.63
On deposit U. S. Trust Company	16,798.37
	2,632,840.00

THE ROCKEFELLER INSTITUTE FOR MEDICAL RESEARCH.

Gift June 30, 1910.

INCOME ACCOUNT.

Accrued income on gift June 30	$55,722.45
Cash on hand	21,460.00
Accrued but not yet paid	34,262.45
	55,722.45

PRINCIPAL ACCOUNT.

Gift June 30, 1910	3,641,236.48
Securities:	
Bonds—	
$50,000 American Cigar Co. 4s	45,000.00
$150,000 Atlantic Coast Line 4s	131,895.00
$100,000 Vermont Central R. R. 4s	98,250.31
$50,000 Chicago & Alton R. R. 3½s	36,825.00
$50,000 Chicago & Alton R. R. 3s	40,000.00
$75,000 Chicago, Rock Island & Pacific Col. Tr. 4s	64,162.50
$500,000 Colorado Industrial 5s	349,600.00
$100,000 Duluth, Missabe & Nor. 5s	103,410.00
$30,000 Duluth, Missabe & Nor. 6s	31,320.00
$30,000 Fairmont Coal Co. 5s	28,050.00
$75,000 Lake Shore & Mich. Sou. 4s	72,750.00
$75,000 Morris & Essex 3½s	73,012.50
$150,000 Missouri Pac. Gold Loan 4s	133,500.00
$75,000 Nor. Pac., Gt. Nor., C. B. & Q. Tr. 4s	70,950.00
$75,000 N. Y. N. H. & H. R. R. 4s	74,700.00
$73,000 Pennsylvania Conv. 3½s	67,419.92
$50,000 Southern Pacific Conv. 4s	48,000.00
$100,000 St. Louis, Iron Mtn. 4s	86,600.00
$60,000 U. S. Steel Series "E" 5s	54,330.00
$60,000 U. S. Steel Series "B" 5s	54,955.00
$220,000 U. S. Steel 2nd Skg. Fund 5s	244,175.00
$25,000 Union Steel Co. 5s	26,125.00
$78,000 Union Pacific Conv. 4s	81,396.25
$275,000 Western Maryland 1st 4s	225,500.00
$427,000 Western Pacific 1st 5s	382,500.00
$200,000 Wisconsin Central 4s	175,200.00
Stocks—	
1,000 shares International Harvester Pref'd	115,650.00
2,500 shares Manhattan Railway	357,500.00
2,000 shares New York Central common stock	243,200.00
1,000 shares Southern Pacific common stock	122,200.00
	3,641,236.48

GENERAL EDUCATION BOARD.

List of holdings, June 30, 1910.

STOCKS.

Date of acquisition.	Name.	Rate.	Shares.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price, J. D. R. special fund.	Total shares.	Average price.	Total cash price.	Yield.
		P. ct.		*Per cent.*					*Per cent.*		*P. ct.*
Jan., 1909	Atchison, Topeka & Santa Fe preferred	5	850	101.659	$86,410.63						4.91
Oct., 1909	do	5	750	104		$78,000.00					4.80
Jan., 1909	do	5	1,000	101.695			$101,695.62				4.91
								2,600	102.348	$266,106.25	4.88
July, 1907	Baltimore & Ohio common	6	2,800	89.84	251,552.51						6.67
Oct., 1909	do	6	300	116.50		34,950.00					5.15
Oct., 1907	do	6	400	78.183			31,273.33				7.67
								3,500	90.793	317,775.84	6.61
Jan., 1907	Chicago, Milwaukee & St. Paul preferred	7	400	157.811	63,124.44			400	157.811	63,124.44	4.43
Feb., 1907	International Harvester Pref'd	7	2,169	115.686	250,924.95						6.05
Do	do	7	3,339	115.657			386,180.21				6.05
								5,508	115.668	637,105.16	6.05
Jan., 1906 / Feb., 1907	Manhattan Ry	7	13,678	148.48	2,030,911.78						4.71
Do	do	7	8,856	143.00			1,266,408.00				4.89
								22,534	146.326	3,297,319.78	4.78

GENERAL EDUCATION BOARD—Continued.

List of holdings, June 30, 1910—Continued.

STOCKS—Continued.

Date of acquisition.	Name.	Rate.	Shares.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price, J. D. R. special fund.	Total shares.	Average price.	Total cash price.	Yield.
		P. ct.		*Per cent.*					*Per cent.*		*P. ct.*
Feb., 1907	Missouri Pacific		7,232	84.763	$613,012.46						
Oct., 1909	.....do		482	53.133		$25,612.50					
Feb., 1907	.....do		14,523	84.594			$1,228,565.15				
								22,237	83.969	$1,867,190.11	
Feb., 1907	New York Central & Hudson River R. R.	6	5,375	121.60	653,600.00						4.93
Do	.....do	6	5,125	121.60			623,209.00				4.93
								10,500	121.60	1,276,800.00	4.93
Jan., 1907	Pennsylvania (par $50)	6	13,125	120.93	793,602.92						4.96
Aug., 1907	.....do	6	2,250	107.282			120,691.95				5.59
								15,375	118.932	914,294.87	5.04
July, 1907	Southern Pacific common	6	2,000	122.636	245,272.20						4.89
Oct., 1909	.....do	6	1,300	127.946		166,325.00					4.69
Feb., 1909	.....do	6	2,100	122.264			256,755.30				4.90
								5,400	123.769	668,352.50	4.84
Aug., 1909	Standard Oil Co. of New Jersey	40	14,514	689.00	10,000,146.00			14,514	689.00	10,000,146.00	5.80
Nov., 1907	Union Pacific common	10	3,700	108.42	401,156.23						9.22
Oct., 1909	.....do	10	1,100	151.345		166,479.16					6.61
								4,800	118.256	567,635.39	8.45
Mar., 1907	United States Steel preferred	7	10,000	97.694	976,941.76			10,000	97.694	976,941.76	7.16
	Total		117,568		16,366,655.88	471,366.66	4,014,769.56	117,368		20,852,792.10	

BONDS.

Date acquisition.	Name.	Rate.	Date of maturity.	Amount.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price, J. D. R. special fund.	Total amount.	Average price.	Total cash price.	Yield.
		Per cent.			*Per cent.*					*Per cent.*		*Per cent.*
Jan., 1907	Alabama & Great Southern, equip.	4½	Nov., 1910	$61,000	98.60	$60,146.00			$61,000	98.60	$60,146.00	4.98
Feb., 1907	American Cigar Co., notes	4	Mar., 1912	186,000	94.233	175,275.00						5.60
Apr., 1910	.....do	4	.....do	124,000	90.00			$111,600.00				6.22
Feb., 1907	.....do								310,000	92.54	286,875.00	5.83
July, 1907	American Tel. & Tel., conv	4	Mar., 1936	400,000	91.468	365,875.00			400,000	91.468	365,875.00	4.54
Feb., 1907	Atch., Top. & Santa Fe, conv	5	June, 1917	179,000	99.525	178,150.70						5.03
Do	.....do	5	.....do	121,000	119.00		$143,990.00					2.35
									300,000	107.38	322,140.70	3.85
Feb., 1907	Atlantic Coast Line, L. & N., coll.	4	Oct., 1952	290,000	87.93	255,006.66						4.63
Do	.....do	4	.....do	428,000	87.93			376,359.65				4.63
									718,000	87.93	631,366.31	4.63
Feb., 1907	Beech Creek Exten. R. R., first	3½	Apr., 1951	463,000	90.00	416,700.00			463,000	90.00	416,700.00	3.97
Dec., 1908	Carolina, Clinchfield & Ohio, equipment.	5	June, 1910 to 1918.	190,000	95.41		181,280.14					6.00
Do	.....do	5	.....do	212,000	95.147			201,712.26				6.00
									402,000	95.272	382,992.40	6.00
Oct., 1909	Carolina, Clinchfield & Ohio, first mortgage.	5	June, 1938	500,000	96	480,000.00			500,000	96	480,000.00	5.27
Jan., 1906	Central Leather Co., first	5	Apr., 1925	500,000	99.833	499,165.27			500,000	99.835	499,165.27	5.01
Aug., 1909	Central Vermont, first	4	Feb., 1920	80,000	89.75	71,800.31						5.29
Oct., 1909	.....do	4	.....do	61,000	89.811		54,784.71					5.28
									141,000	89.777	126,585.02	5.28
Jan. 1907	Chesapeake & Ohio R. R., equipment.	4	25 M every 6 months, July, 1910 to 1917.	325,000	91.24	296,520.00			325,000	91.24	296,520.00	5.50
Feb., 1907	Chicago & Alton, first lien	3½	July, 1950	144,000	73.65	106,056.00						4.99
Do	.....do	3½	.....do	140,000	73.65			103,110.00				4.99
									284,000	73.65	209,166.00	4.99
Do	Chicago & Alton, refdg. gold	3	Oct., 1949	145,000	80.00	116,000.00						3.98
Do	.....do	3	.....do	139,000	80.00			111,200.00				3.98
									284,000	80.00	227,200.00	3.98
Oct., 1906	Chicago & Eastern Illinois, equip	4½	Aug., 1910, to Aug., 1914.	402,000	94.973	381,793.61						5.50
Feb., 1907	.....do	4½	Aug., 1910	5,000	96.855			4,842.75				5.50
									407,000	94.997	386,636.36	5.50
Feb., 1907	Chic. R. I. & Pac., Coll. Trust	4	May, 1915, to May, 1918.	154,000	85.549	131,740.60						6.00
Do	.....do	4	.....do	227,000	85.555			194,210.80				6.00
									381,000	85.552	325,951.40	6.00
Aug., 1909	Clinchfield Coal Corp., notes	6	Jan., 1911	100,000	99.50	99,500.00						6.30
Do	.....do	6	.....do	150,000	99.50			149,250.00				6.30
									250,000	99.50	248,750.00	6.30
Feb., 1907	Colorado Ind. Co., Series B	5	Aug., 1934	1,257,000	70.137	881,633.64						7.63
Do	.....do	5	.....do	1,814,000	69.916			1,268,271.74				7.62
									3,071,000	70.007	2,149,905.38	7.62
Apr., 1908	Colorado Southern, equip	5	3 M. every 6 mos., Oct., 1910 to Apr., 1917.	45,000	94.477	42,514.80			45,000	94.477	42,514.80	6.00
Oct., 1908	Colorado Southern, refdg and exten.	4½	May, 1956	250,000	85.30	213,250.00			250,000	85.30	213,250.00	5.57
Dec., 1908	Denver & Rio Grande first refdg.	5	Aug., 1955	250,000	87.75	219,375.00			250,000	87.75	219,375.00	5.80
Feb., 1907 May, 1909	Duluth, Missabe & Nor., gen'l	5	Jan., 1941	494,000	102.935	508,502.22						4.81
Do	.....do	5	.....do	20,000	107.00		21,400.00					4.58
Feb., 1907, to May, 1909.	.....do	5	.....do	356,000	103.42			368,175.62				4.79
									870,000	103.227	898,077.84	4.79
Feb., 1907	Duluth, Missabe & Nor., first mtge. notes.	6	Jan., 1923	104,000	114.40	118,976.00						4.71
Do	.....do	6	.....do	89,000	114.40			101,816.00				4.71
									193,000	114.40	220,792.00	4.71

GENERAL EDUCATION BOARD—Continued.

List of holdings, June 30, 1910—Continued.

BONDS—continued.

Date acquisition.	Name.	Date.	Date of maturity.	Amount.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price. J. D. R. special fund.	Total amount.	Average price.	Total cash price.	Yield.
		Per cent.			*Per cent.*					*Per cent.*		*Per cent.*
Nov., 1908	Erie Railroad, series N, equip..	5	Apr., 1910, to Oct., 1917.	$208,000	96.084	$200,894.94						6.00
Jan., 1909	Erie Railroad, series Z, equip..	5	Jan., 1910, to July, 1917.	246,000	97.668			$240,263.78				5.55
									$454,000	97.171	$441,158.72	5.73
Oct., 1909	Fairmont Coal Co., first mtg....	5	July, 1931...	150,000	95.50		$143,250.00					5.35
Jan., 1909	.....do.....	5	.....do.....	120,000	93.50			112,200.00				5.50
									270,000	94.611	255,450.00	5.43
Feb., 1907	Fort Worth & Den. City R. R., equip.	5	1 M every 6 mos., Oct., 1910, to Oct., 1916.	15,000	94.459	14,168.80			15,000	94.459	14,168.80	6.00
Do.....	Lake Shore & Mich. So.....	4	Sept., 1928..	145,000	97.00	140,650.00						4.21
Do.....	.....do.....	4	.....do.....	214,000	97.00			207,580.00				4.21
									350,000	97.00	348,230.00	4.21
Feb., 1907	Morris & Essex first refdg. gold.	3½	Dec., 2000...	144,000	97.35	140,196.00						3.59
Do.....	.....do.....	3½	.....do.....	215,000	97.35			209,326.65				3.59
									359,000	97.35	349,522.65	3.59
Feb., 1907	Missouri Pac. Equip. Assn., notes.	5	Sept., 1910, to Sept., 1912.	76,000	100.00	76,000.00						5.00
Do.....	.....do.....	5	.....do.....	152,000	100.00			152,000.00				5.00
									228,000	100.00	228,000.00	5.00
July, 1907	Missouri Pacific Equip. Assn., shares.	5	Dec., 1915...	19,000	94.00	17,860.00						5.90
Do.....	.....do.....	5	Dec., 1916...	22,000	94.00			20,680.00				5.88
									41,000	94.00	38,540.00	5.89
Jan., 1908 Dec., 1908	Missouri Pacific Equip. Trust gold bonds.	5	May, 1916–1917.	132,000	97.465	128,655.00						5.39
Jan., 1908 Dec., 1908	.....do.....	5	May, 1914–1917.	81,000	96.666		78,300.00					5.36
Sept., 1907	.....do.....	5	May, 1911–1913.	48,000	94.00			45,120.00				5.53
									261,000	96.58	252,075.00	5.58
June, 1908	Missouri Pacific Coll. Trust.....	5	Jan., 1917...	45,000	94.677	42,604.68			45,000	94.677	42,604.68	5.74
Feb., 1907	Missouri Pacific gold loan, 1905..	4	Mar., 1945...	434,000	89.00	386,260.00						4.63
Do.....	.....do.....	4	.....do.....	518,000	89.00			461,020.00				4.63
									952,000	89.00	847,280.00	4.63
Jan., 1910	Missouri Pacific convertible.....	5	Mar., 1900...	80,000	95.00	76,000.00						5.28
Do.....	.....do.....	5	.....do.....	720,500	95.00		684,475.00					5.28
									800,500	95.00	760,475.00	5.28
June, 1908	Northwestern Elev. R. R., first.	4	Sept., 1911...	354,000	87.50	309,750.00						8.20
Do.....	.....do.....	4	.....do.....	217,000	87.50		189,875.00					8.20
									571,000	87.50	499,625.00	8.20
Feb., 1907	No. Pac., Gt. No., C., B. & Q. coll., joint.	4	July, 1921...	146,000	94.60	138,116.00						4.53
Do.....	.....do.....	4	.....do.....	213,000	94.60			201,498.00				4.53
									359,000	94.60	339,614.00	4.53
Aug., 1907	Norfolk & Western convertible.	4	June, 1932...	486,000	96.44	468,699.21			486,000	96.44	468,699.21	4.23
Feb., 1907	N. Y., N. H. & H. R. R. debenture.	4	July, 1955 ..	145,000	99.60	144,420.00						4.02
Do.....	.....do.....	4	.....do.....	214,000	99.60			213,144.00				4.02
									359,000	99.60	357,564.00	4.02
Apr., 1910	Otis Elevator Co., conv. debenture.	5	Apr., 1920...	150,000	97.50	146,250.00			150,000	97.50	146,250.00	5.20
Mar., 1907 Mar., 1908	Pennsylvania R. R., convertible	3½	Nov., 1912...	238,000	91.130	216,891.72			238,000	91.13	216,891.72	5.57
Jan., 1906–Mar., 1908	.....do.....	3½	Oct., 1915...	737,000	96.758	713,106.62			737,000	96.758	713,106.62	3.96
Feb., 1909	Southern Pacific R. R., convertible.	4	June, 1929...	32,000	96.00	30,720.00						4.30
Do.....	.....do.....	4	.....do.....	110,000	96.00			105,600.00				4.30
									142,000	96.00	136,320.00	4.30
Feb., 1907–May, 1908	St. Louis, Iron Mt. & Southern, unifying and refunding.	4	July, 1929...	389,000	83.377	324,341.13						5.28
Feb., 1907	.....do.....	4	.....do.....	279,000	86.60			241,614.00				5.00
									668,000	84.724	565,955.13	5.18
May, 1908	St. Louis, Iron Mt. & So. River & Gulf Div.	4	May, 1933...	100,000	82.345	82,345.73			100,000	82.345	82,345.73	5.27
Do.....	St. Louis, So. West., consol.....	4	Jan., 1932...	100,000	66.21	66,210.62			100,000	66.21	66,210.62	6.40
Nov., 1908	Tidewater Co., first mtge.....	6	June, 1913...	500,000	99.937	499,687.50			500,000	99.937	499,687.50	6.00
Feb., 1907	Trinity & Brazos Valley R. R., equipt.	5	Oct., 1910–Apr., 1917.	15,000	94.458	14,168.80			15,000	94.458	14,168.80	6.00
Jan., 1906 Nov., 1907	U. S. Steel Corp. coll. trust, series E.	5	Apr., 1951	334,000	108.666	362,946.68						4.55
Feb., 1907	.....do.....	5	.....do.....	113,000	108.669			122,796.69				4.55
									447,000	108.667	485,743.37	4.55
Feb., 1907	U. S. Steel Corp. coll. trust, series B.	5	Apr., 1951	100,000	109.916	109,916.67						4.48
Do.....	.....do.....	5	.....do.....	152,000	109.919			167,076.67				4.48
									252,000	109.918	276,993.34	4.48
Jan., 1906 Nov., 1907	U. S. Steel Corp., second sinking fund.	5	Apr., 1963...	2,167,000	94.004	2,037,061.08						5.33
Do.....	.....do.....	5	.....do.....	175,000	81.904		143,332.63					6.08
Feb., 1907	.....do.....	5	.....do.....	685,000	97.661			668,981.73				5.16
									3,027,000	94.132	2,849,375.44	5.32
Mar., 1909 Apr., 1910	Union Steel Co., first mortgage..	5	Dec., 1952...	150,000	104.825	157,237.50						4.74
Mar., 1909	.....do.....	5	.....do.....	50,000	104.50		52,250.00					4.75
									200,000	104.722	209,487.50	4.74
Apr., 1908 Do.....	Union Pacific R. R. convertible.	4	July, 1927...	631,000	86.41	545,247.38						5.12
Oct., 1909	.....do.....	4	.....do.....	491,000	110.85		544,273.40					3.18
									1,122,000	97.105	1,089,520.78	4.15
Nov., 1908	Virginia-Carolina Chemical Co., first.	5	Dec., 1923...	250,000	91.00	227,500.00			250,000	91.00	227,500.00	5.90

GENERAL EDUCATION BOARD—Continued.

List of holdings, June 30, 1010—Continued.

BONDS—continued.

Date acquisition.	Name.	Date.	Date of maturity.	Amount.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price, J. D. R. special fund.	Total amount.	Average price.	Total cash price.	Yield.
		Per cent.			*Per cent.*					*Per cent.*		*Per cent.*
Feb., 1907	Western Maryland, first mortgage	4	Oct., 1952	$779,000	83.20	$648,122.22						4.93
Do	do	4	do	782,000	82.00			$641,240.00				5.01
Apr., 1907	Western Pacific, first	5	Sept., 1933	868,000	90.00	781,200.00			$1,561,000	82.598	$1,289,362.22	4.97
Do	do	5	do	1,310,000	90.00			1,179,000.00				5.71
									2,178,000	90.00	1,960,200.00	5.71
Apr., 1907	Wisconsin Central, general	4	July, 1949	578,000	87.60	506,328.00						4.66
Do	do	4	do	558,000	87.60			488,808.00				4.66
									1,136,000	87.60	995,136.00	4.66
Mar., 1906 Apr., 1906	Westinghouse Manufacturing Co., convertible	5	Jan., 1931	200,000	95.04	190,079.34			200,000	95.04	190,079.34	5.36
	Total bonds			28,937,500		15,561,616.43	$2,237,210.88	8,468,498.34	28,937,500		26,267,325.65	
	Total stocks			10,968,050		16,366,655.88	471,306.66	4,014,769.56	10,968,050		20,852,792.10	
	Grand total			39,905,550		31,928,272.31	2,708,577.54	12,483,267.90	39,905,550		47,120,117.75	

NOTE.—List of special fund securities includes those belonging to special fund income as follows:

60 shares Missouri Pacific preferred stock, at $43.75	$2,625.00
1,100 shares Southern Pacific common stock, at $121.24	133,362.50
1,425 shares New York Central & Hudson River R. R. capital stock, at $100	142,500.00
	278,487.50

TRANSFER CASE.

GENERAL EDUCATION BOARD, *New York, July 27, 1911.*

To the Members of the General Education Board.

GENTLEMEN: A statement of the board's finances as of June 30, 1911, is herewith submitted, together with a copy of certificate of Mr. A. B. Bierck, C. P. A., who has just completed an audit of the treasurer's books for the year ended June 30, 1911.

Under date of June 7, 1911, Mr. John D. Rockefeller authorized and directed the board to transfer to the custody of the board of trustees of the Rockefeller Institute for Medical Research the following securities belonging to the John D. Rockefeller special fund. This has been done.

Atlantic Coast Line, L. & N. collateral, 4s	$8,000
Carolina, Clinchfield & Ohio equipment 5s	$187,000
Carolina, Clinchfield & Ohio first 5s	$100,000
Chicago & Alton, refunding 3s	$9,000
Chicago, Rock Island & Pacific gold bonds, due May 1, 1915	$41,000
Chicago, Rock Island & Pacific gold bonds, due May 1, 1916	$62,000
Chicago, Rock Island & Pacific gold bonds, due May 1, 1917	$62,000
Chicago, Rock Island & Pacific gold bonds, due May 1, 1918	$62,000
Colorado Industrial first mortgage 5s	$4,000
Duluth, Missabe & Northern general 5s	$6,000
Duluth, Missabe & Northern first consolidated 6s	$8,000
Lake Shore & Michigan Southern	$4,000
Morris & Essex first refunding 3½s	$5,000
Missouri Pacific gold loan of 1905	$8,000
Missouri Pacific Equipment Association shares, due Sept. 1, 1911	$33,000
Missouri Pacific Equipment Association shares, due Mar. 1, 1912	$26,000
Missouri Pacific Equipment Association shares, due September, 1912	$33,000
Missouri Pacific Equipment Association shares, due December, 1916	$22,000
Missouri Pacific Equipment Trust 5s, due May, 1912	$16,000
Missouri Pacific Equipment Trust 5s, due May, 1913	$16,000
Northern Pacific & Great Northern, C. B. & Q. collateral 4s	$3,000
New York, New Haven & Hartford debenture 4s	$4,000
St. Louis, Iron Mountain & Southern, unifying and refunding 4s	$9,000
United States Steel, second sinking fund 5s	$5,000
Western Maryland, first mortgage 4s	$2,000
Wisconsin Central, general 4s	$8,000
Baltimore & Ohio	shares 400
International Harvester	do 339
Manhattan Railway	do 856
Pennsylvania Railroad (par $50)	do 275
New York Central & Hudson River Railroad	do 125
Southern Pacific	do 100

Other changes in investments since May 15, the date of the last meeting, are as follows:

SOLD OR REDEEMED.

For the Rockefeller fund income:

Carolina, Clinchfield & Ohio equipment 5s, redeemed at 100	$13,000
Northwestern Elevated first 4s, sold at 99¾	$217,000
Baltimore & Ohio common stock, sold at 103.577	shares 1,300

These securities netted a gain over purchase price of $22,828.40.

For the Rockefeller fund:

American Cigar Co. 4 per cent notes, sold at 99¾	$185,000
Chesapeake & Ohio equipment notes, redeemed at 100	$25,000
Duluth, Missabe & Northern general 5s, redeemed at 105	$11,000
Northwestern Elevated first 4s, sold at 99¾	$354,000
United States Steel Corporation collateral trust 5s, series E, sold at 114¾	$134,000
United States Steel Corporation collateral trust 5s, series B, sold at 114¼	$100,000
Baltimore & Ohio common stock, sold at 103.577	shares 2,800

These securities netted a gain over purchase price of $128,079.41.

For John D. Rockefeller special fund:

American Cigar Co. 4 per cent notes, sold at 99¾	$124,000
Carolina, Clinchfield & Ohio equipment 5s, redeemed at 100	$13,000
Erie Railroad equipment 5s, redeemed at 100	$18,000
United States Steel Corporation collateral trust 5s, series E, sold at 114¾	$1,000
United States Steel Corporation collateral trust 5s, series B, sold at 114¼	$2,000

These securities netted a gain over purchase price of $13,040.58.

For University of Chicago:

Duluth, Missabe & Northern general 5s, redeemed at 105	$3,000
United States Steel Corporation collateral trust 5s, series E, sold at 114¾	$99,000
United States Steel Corporation collateral trust 5s, series B, sold at 114¼	$135,000

These securities netted a gain over purchase price of $12,589.44.

BOUGHT.

For the Rockefeller fund income:		
American Shipbuilding Co. 5½ per cent demand note, redeemable in $212,000 serial notes (guaranteed by International Harvester Co.) of the Wisconsin Steel Co., at 97		$205,640
Jones & Loughlin Steel Co. first mortgage 5s, at 100½		$800,00
Republic Steel Co. first mortgage 5s, at 94½		$230,000
Western Maryland first 4s, at 86		$347,000
For the Rockefeller fund:		
Jones & Loughlin Steel Co. first-mortgage 5s, at 100½		$510,000
Republic Iron & Steel Co. first-mortgage 5s, at 94½		$370,000
Western Maryland first-mortgage 4s, at 86		$400,000
The Equitable Trust Co. of New York, capital stock, paying 24 per cent per annum, at 500	shares..	500
Pennsylvania R. R. Co. capital stock, at 100	do....	1,313
For the John D. Rockefeller special fund:		
Jones & Loughlin Steel Co. first-mortgage 5s, at 100½		$27,000
Western Maryland first-mortgage 4s, at 86		$250,000
For the University of Chicago:		
Jones & Loughlin Steel Co. first-mortgage 5s, at 100½		$267,000
Pennsylvania R. R. Co. capital stock, at 100	shares..	180
For the Anna T. Jeanes fund: Western Maryland first 4s, at 86		$3,000

Summary of the Rockefeller fund income account.

Appropriations from the Rockefeller fund		$7,359,265.37
Balance appropriations from original "annuity fund" of $1,000,000, assumed by the Rockefeller fund		47,436.26
		7,406,699.63
Payments made thereon		3,248,030.74
Balance unpaid		4,158,668.89
Balance the Rockefeller fund income not yet disbursed		4,212,721.81
Balance available for appropriation July 1, 1911		54,052.92
Approximate income July 1 to Nov. 1		560,000.00
Amount available for appropriation at meeting Oct. 27, 1911		614,052.92

Respectfully submitted.

L. G. MYERS, *Treasurer.*

1 MADISON AVENUE, NEW YORK, *July 24, 1911.*

Mr. FREDERICK T. GATES, *Chairman General Education Board,*
17 Battery Place, New York, N. Y.

DEAR SIR: Pursuant to instructions, I have examined the accounts of your board, in charge of Mr. L. G. Myers, treasurer, for the year ended June 30, 1911, and certify that the accompanying statements correctly set forth the income accounts for the year and the condition of the various funds as of June 30, 1911.

All disbursements are covered by properly receipted vouchers; the cash balances were compared with statements furnished by the depositories and found to agree; the securities were verified by examination and count, with the exception of $1,000,000 of Western Maryland 4 per cent bonds and $417,500 of Missouri Pacific Railway Co. convertible 5 per cent bonds, which are held by Messrs. Blair & Co. for account of your board, concerning which Messrs. Blair & Co. have furnished the necessary certificate.

A summarized statement of the condition of the various funds as of June 30, 1911, is appended.

Acknowledgment is hereby made of the usual courtesies extended me by the treasurer and the secretary during the course of the audit and examination.

Respectfully submitted.

A. B. BIERCK, *Certified Public Accountant.*

THE ROCKEFELLER FUND.

Income account June 30, 1911.

DR.

Balance July 1, 1910		$3,603,260.70
Income for year	$1,840,478.50	
Add gain on securities sold	20,594.65	
		1,861,073.15
		5,464,333.85
Balance Mr. Rockefeller's original gift of $1,000,000	33,517.67	
Mr. Rockefeller's gift from income of special fund	200,000.00	
		233,517.67
Total		5,697,851.52

CR.

Payments made on account appropriations to colleges, etc.:		
Agnes Scott College	$46,653.65	
Bryn Mawr College	250,000.00	
College of St. Thomas	37,666.67	
Davidson College	35,876.24	
Florida Baptist Academy	2,000.00	
Furman University	25,000.00	
Hampton Normal & Agricultural Institute	10,000.00	
Harvard University	14,750.00	
Howard University	9,760.00	
Johns Hopkins University	95,365.35	
Kowaliga Academic and Industrial Institute	5,000.00	
Knox College	9,595.04	
Macalester College	8,592.41	
Marietta College	44,581.46	
Maryville College	1,999.31	
Millsaps College	10,000.00	
Mississippi College	5,353.50	
Ohio Wesleyan University	34,000.00	
Paine College	5,000.00	
Richmond College	12,857.14	
Selma University	5,000.00	
Southern Education Board	15,000.00	
Swarthmore College	40,624.12	
Spelman Seminary	15,000.00	
Tuskegee Normal and Industrial Institute	10,000.00	
Union College	2,900.00	
Union University	991.45	
University of Vermont	100,000.00	
University of Wooster	127,131.37	
Vanderbilt University	150,000.00	
Wabash College	7,620.75	
Wake Forest College	14,428.11	
Walker Baptist Institute	2,500.00	
Washburn College	17,526.44	
Washington University	45,002.09	
Waters Normal Institute	2,000.00	
Western College for Women	12,489.73	
Wofford College	8,125.00	
Western Reserve University	19,872.89	
William Jewell College	35,177.56	
Yale University	12,180.86	
		1,307,621.14
Lafayette College, interest on unpaid installment of pledge		257.72
		1,307,878.86

Payments made on account appropriations for farmers' cooperative demonstration work:		
Administration	$8,260.92	
Florida	5,773.90	
Georgia	31,692.89	
North Carolina	25,676.62	
South Carolina	21,703.53	
Virginia	19,099.39	
Girls' canning and poultry clubs	1,122.23	
Dr. Knapp's secretary	182.14	
		$113,251.62
Payments made on account appropriations for salaries and expenses professors of secondary education:		
University of Alabama	3,000.00	
University of Arkansas	3,000.00	
University of Florida	1,700.00	
University of Georgia	1,700.00	
University of Kentucky	1,700.00	
University of Mississippi	3,000.00	
University of North Carolina	3,000.00	
University of South Carolina	3,000.00	
University of Tennessee	1,659.79	
University of Virginia	3,000.00	
West Virginia University	2,700.00	
State Department of Education of Louisiana	3,000.00	
		29,859.79
Expenses		34,139.44
Balance:		
Income receivable	204,844.35	
Securities as shown in accompanying schedule	3,278,545.34	
Cash on deposit	729,332.12	
		4,212,721.81
		5,697,851.52

Principal account, June 30, 1911.

DR.

Gift of Oct. 3, 1905		$10,000,000.00
Gift of Mar. 23, 1906		250,000.00
Gift of Feb. 7, 1907		10,667,917.80
Gift of Aug. 1, 1909		10,000,145.00
Total		30,918,063.80
Reserve:		
Amounts accumulated to July 1, 1910, comprising profits on securities sold and redeemed and income in excess of 4½ per cent per annum	$997,001.94	
Increased valuation of securities in the old foundation and general funds' income accounts, charged against such securities and carried to reserve Oct. 19, 1909	199,837.61	
Profits on securities sold and redeemed in current year	131,503.91	
		1,328,313.49
Total funds in principal account		32,246,377.29

CR.

Securities as shown in accompanying schedule	$32,216,988.33	
Cash on deposit	29,388.96	
		32,246,377.29

JOHN D. ROCKEFELLER SPECIAL FUND.

Income account, June 30, 1911.

DR.

Balance income, July 1, 1910		$472,374.72
Income for year		561,591.42
		1,033,966.14

CR.

Expenses	$2,796.23	
Gifts to University of Chicago	112,600.00	
Gift to General Education Board	200,000.00	
Balance: Securities as shown on accompanying schedule	$444,598.65	
Income receivable	97,855.00	
Cash on deposit	176,116.26	
	718,569.91	
		1,033,966.14

SPECIAL FUND.

Principal account, June 30, 1911.

DR.

Original gift		$21,335,784.20
Gift of Mar. 2, 1908, to University of Chicago	$103,689.92	
Gift of Mar. 12, 1908, to University of Chicago	1,679,830.00	
Gift of Aug. 30, 1909, to University of Chicago	929,093.33	
Gift of Jan. 1, 1911, to University of Chicago	9,912,540.74	
Gift of Mar. 12, 1908, to Rockefeller Institute for Medical Research	2,620,610.00	
Gift of June 30, 1910, to Rockefeller Institute for Medical Research	3,641,236.48	
Gift of June 7, 1911, to Rockefeller Institute for Medical Research	924,707.63	
		19,811,738.10
Balance of original gift		1,524,046.10
Balance profit and loss account, July 1, 1910	28,881.17	
Profits on securities sold and redeemed during year	15,214.27	
		44,095.44
Balance, June 30, 1911		1,568,141.54

CR.

Securities as shown in accompanying schedule	1,468,075.15	
Cash balance	100,066.39	
		1,568,141.54

ANNA T. JEANES FUND.

June 30, 1911.

Income account:		
Balance July 1, 1910		$4,504.70
Income received during year		9,206.81
		13,711.51
Requisitions from Messrs. H. B. Frissell and Booker T. Washington, approved by executive committee of board, and paid		8,589.25
Balance June 30, 1911		5,122.26

Principal account:		
Amount received from Miss Jeanes		$200,000.00
Investments:		
$10,000, Detroit Edison first 5s	$10,300.00	
$20,000, Mexican Coal & Coke first 5s	19,000.00	
$20,000, United Railways of St. Louis first 4s	17,775.00	
$20,000, Rio Grande West Consolidated 4s	18,355.00	
$15,000, Milwaukee Gas Light first 4s	13,875.00	
$20,000, N. Y. Gas & El. H. & P. purchase money 4s	18,681.67	
$20,000, Baltimore & Ohio So. West. Div. 3½s	18,407.50	
$20,000, Northern Pacific general lien 3s	15,367.50	
$20,000, United States Steel Corp. 2nd mtge. 5s	19,058.34	
$10,000, Chic. R. I. & Pac. refunding 4s	9,602.50	
$20,000, Central Leather first 5s	19,875.00	
$3,000, Western Maryland first 4s	2,580.00	
100 shares Manhattan Railway 7 per cent stock	16,645.00	
Total	199,522.51	
Balance on deposit Franklin Trust Co	477.49	
		200,000.00

THE UNIVERSITY OF CHICAGO.

DR.

Fund set aside by Mr. Rockefeller		$9,912,540.74
Amount delivered to the university Jan. 1, 1911		991,254.06
Balance gift		8,921,286.68
Gains on securities sold and redeemed		11,837.44
		8,933,124.12

CR.

Securities as shown in accompanying schedule	$8,930,394.12	
Cash balance	2,730.00	
		8,933,124.12

BOARD OF TRUSTEES, THE ROCKEFELLER INSTITUTE FOR MEDICAL RESEARCH.

Principal account:		
Balance original gift June 30, 1910		$2,632,840.00
Balance gift June 30, 1910—June 30, 1910		3,641,236.48
		6,274,076.48
Securities and cash transferred Oct. 24 to Nov. 2, 1910, to custody of Board of Trustees of The Rockefeller Institute for Medical Research, in accordance with instructions from Mr. John D. Rockefeller		6,274,076.48
Income account:		
Cash balance original fund June 30, 1910		21,460.00
Cash balance gift of June 30, 1910—June 30, 1910		21,085.24
		42,545.24
Income received during year		79,908.50
Total		122,453.74
Amount paid to treasurer of institute July 1 to Dec. 1, 1910		122,453.74

GENERAL EDUCATION BOARD.

List of holdings June 30, 1911.

STOCKS.

Date of acquisition.	Name.	Rate.	Shares.	Price.	Cash price the Rockefeller fund.	Cash price the Rockefeller fund income.	Cash price J. D. R. special fund.	Cash price University of Chicago.	Total shares.	Average price.	Total cash price.	Yield.
		P. ct.		*Per cent.*						*Per cent.*		*P. ct.*
Jan., 1909	Atch., Topeka & Santa Fe preferred	5	850	101.659	$86,410.63							4.91
Oct., 1909–Oct., 1910	do	5	1,750	102.4168		$178,747.94						4.88
Jan., 1909	do	5	900	101.695				$91,526.06				4.91
									3,500	101.91	$356,684.63	4.90
Jan., 1907	Chicago, Milwaukee & St. Paul preferred	7	400	157.811	63,124.44				400	157.811	63,124.44	4.43
June, 1911	Equitable Trust Co. of N. Y	24	500	500.00	250,000.00				500	500.00	250,000.00	4.80
Feb., 1907	International Harvester preferred	7	2,169	115.685	250,924.95							6.05
Do	do	7	2,700	115.657				312,275.25				6.05
									4,869	115.673	563,200.20	6.05
Jan., 1906–Feb., 1907	Manhattan Ry	7	13,678	148.48	2,030,911.78							4.71
Do	do	7	7,200	143.00				1,029,600.00				4.89
									20,878	146.590	3,060,511.78	4.77
Do	Missouri Pacific		7,232	84.763	613,012.46							
Oct., 1909	do		482	53.133		25,612.50						
Feb., 1907	do		14,523	84.594			$1,228,565.15					
									22,237	83.969	1,867,190.11	
Do	New York Central & Hudson River R. R	6	5,375	121.60	653,600.00							4.93
Do	do	6	4,500	121.60				547,200.00				4.93
									9,875	121.60	1,200,800.00	4.93
Oct., 1910	Northern Pacific	7	1,000	120.9325		120,932.50			1,000	120.9325	120,932.50	5.79
Jan., 1907	Pennsylvania (par $50)	6	14,438	119.027	859,258.23							5.04
Aug., 1907	do	6	1,980	106.62				105,553.80				5.62
									16,418	117.531	964,812.03	5.10
July, 1907	Southern Pacific common	6	2,000	122.636	245,272.20							4.89
Oct., 1909	do	6	1,300	127.946		166,325.00						4.69
Feb. 1909	do	6	1,800	122.263				220,076.10				4.90
									5,100	123.857	631,673.30	4.84
Aug., 1909	Standard Oil Co. of New Jersey	40	14,514	689.00	10,000,146.00				14,514	689.00	10,000,146.00	5.80
Nov., 1907	Union Pacific common	10	3,700	108.42	401,156.23							9.22
Oct., 1909	do	10	1,100	151.345		166,479.16						6.61
									4,800	118.256	567,635.39	8.45
Mar., 1907	United States Steel preferred	7	10,000	97.694	976,941.76				10,000	97.694	976,941.76	7.16
Nov., 1910	Western Maryland preferred	4	2,000	73.933		147,866.19			2,000	73.933	147,866.19	5.41
	Total				16,430,758.68	805,963.29	1,228,565.15	2,306,231.21	116,091		20,771,518.33	

GENERAL EDUCATION BOARD—Continued.

List of holdings June 30, 1911—Continued.

BONDS.

Date of acquisition.	Name.	Rate.	Date of maturity.	Amount.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price, J. D. R. special fund.	Cash price, University of Chicago.	Total amount.	Average price.	Total cash price.	Yield.
		P. ct.			*P. ct.*						*P. ct.*		*Per ct.*
June, 1911	American Shipbuilding Co., note.	5½	Demand....	$205,640			$205,640.00			$205,640	100	$205,640.00	5.50
July, 1907	American Tel. & Tel., convertible.	4	Mar., 1936...	400,000	91.468	$365,875.00				400,000	91.468	365,875.00	4.54
Feb., 1907	Atch., Top. & Santa Fe., convertible.	5	June, 1917...	179,000	99.525	178,150.70							5.06
Do.....	.....do.....	5	....do.....	121,000	119		143,990.00						2.35
										300,000	107.38	322,140.70	3.85
Do.....	Atlantic Coast Line, L. & N. coll.	4	Oct., 1952..	290,000	87.933	255,006.66							4.63
Do.....	.....do.....	4	.....do.....	378,000	87.934				$332,392.41				4.63
										668,000	87.934	587,399.07	4.63
Do.....	Beech Creek extension R. R., first.	3½	Apr., 1951...	463,000	90	416,700.00				463,000	90	416,700.00	3.97
Dec., 1908	Carolina, Clinchfield & Ohio, equipment.	5	June, 1911, to 1918.	177,000	95.41		168,566.31			177,000	95.235	168,566.31	6.00
Oct., 1909	Carolina, Clinchfield & Ohio, first mtg.	5	June, 1938...	500,000	96	480,000.00				500,000	96	480,000.00	5.27
	Central Leather Co., first..	5	Apr., 1925...	500,000	99.835	499,165.27				500,000	99.835	499,165.27	5.01
Jan., 1906	Central Vermont, first.....	4	Feb., 1920...	80,000	89.75	71,800.31							5.29
Aug., 1909	.....do.....	4	.....do.....	61,000	89.811		54,784.71						5.28
Oct., 1909										141,000	89.777	126,585.02	5.28
Jan., 1907	Chesapeake & Ohio R. R., equipment.	4	25M every 6 mos., Jan. 1912 to 1917	275,000	90.909	249,447.50				275,000	90.909	249,447.50	5.50
Feb., 1907	Chicago & Alton, first lien.	3½	July, 1950...	144,000	73.65	106,056.00							4.99
Do.....	.....do.....	3½	.....do.....	126,000	73.65				92,799.00				4.99
										270,000	73.65	198,855.00	4.99
Feb., 1907	Chicago & Alton, refunding gold.	3	Oct., 1949...	145,000	80.00	116,000.00							3.98
Do.....	.....do.....	3	.....do.....	117,000	80.00				93,600.00				3.98
										262,000	80.00	209,600.00	3.98
Oct., 1906	Chicago & Eastern Illinois, equipment.	4½	Aug., 1911-Aug., 1914	350,000	94.732	331,563.50				350,000	94.732	331,563.50	5.50
Feb., 1907	Chicago, Rock Island & Pacific serial of 1902.	4	May, 1915-May, 1918	154,000	85.549	131,740.60				154,000	85.549	131,740.60	6.00
Do.....	Colorado Industrial Co., series B.	5	Aug., 1914...	1,257,000	70.137	881,633.64							7.63
Do.....	.....do.....	5	.....do.....	1,629,000	69.015				1,138,927.61				7.62
										2,886,000	70.013	2,020,561.25	7.62
Apr., 1908	Colorado Southern, equipment.	5	3M. every 6 mos., Oct., 1911, to Apr., 1917.	39,000	94.137	36,713.70				39,000	94.137	36,713.70	6.00
Nov., 1910	Chesapeake & Ohio, convertible.	4½	Feb., 1930...	125,000	94.25	117,812.50							4.86
Do.....	.....do.....	4½	.....do.....	25,000	94.25			$23,562.50					4.86
Do.....	.....do.....	4½	.....do.....	90,000	94.25				84,825.00				4.86
										240,000	94.25	226,200.00	4.86
Oct., 1908	Colorado & Southern, refunding and extension.	4½	May, 1936...	250,000	85.30	213,250.00				250,000	85.30	213,250.00	5.57
Dec., 1908	Denver & Rio Grande, first refunding.	5	Aug., 1955...	250,000	87.75	219,375.00				250,000	87.75	219,375.00	5.80
Feb., 1907 May, 1909	Duluth, Missabe & Northern, general.	5	Jan., 1941...	483,000	102.9356	497,179.29							4.81
Do.....	.....do.....	5	.....do.....	20,000	107.00		21,400.00						4.58
Feb., 1907 May, 1909	.....do.....	5	.....do.....	312,000	103.42				322,670.40				4.79
										815,000	103.22	841,249.69	4.79
Feb., 1907	Duluth, Missabe & Northern, first mortgage notes.	6	Jan., 1923...	86,000	114.40	98,384.00							4.71
Do.....	.....do.....	6	.....do.....	64,000	114.40				73,216.00				4.71
										150,000	114.40	171,600.00	4.71
Nov., 1908	Erie R. R., series N, equipment.	5	Oct., 1911-Oct., 1917.	180,000	96.203	173,166.05				180,000	96.203	173,166.05	6.00
Jan., 1909	Erie R. R., series Z, equipment.	5	Jan., 1912-July, 1917.	210,000	97.457			204,661.15		210,000	97.457	204,661.15	5.55
Oct., 1909	Fairmont Coal Co., first mortgage.	5	July, 1931...	150,000	95.50		143,250						5.35
Jan., 1909	.....do.....	5	.....do.....	108,000	93.50				100,980				5.50
										258,000	94.663	244,230.00	5.43
Feb., 1907	Fort Worth & Denver City R. R., equipment.	5	1M. every 6 mos., Oct., 1910-Oct., 1916.	13,000	94.116	12,235.10				13,000	94.116	12,235.10	6.00
June, 1911	Jones & Loughlin Steel Co., first S. F.	5	May, 1939...	510,000	100.50	512,550.00							4.96
Do.....	.....do.....	5	.....do.....	80,000	100.50		80,400						4.96
Do.....	.....do.....	5	.....do.....	27,000	100.50			27,135.00					4.96
Do.....	.....do.....	5	.....do.....	267,000	100.50				268,335				4.96
										884,000	100.50	888,420.00	4.96
Feb., 1907	Lake Shore & Michigan Southern.	4	Sept., 1928..	145,000	97.00	140,650.00							4.21
Do.....	.....do.....	4	.....do.....	189,000	97.00				183,330.00				4.21
										334,000	97.00	323,980.00	4.21
Do.....	Morris & Essex, 1st reldg. gold.	3½	Dec., 2000...	144,000	97.35	140,196.00							3.59
Do.....	.....do.....	3½	.....do.....	189,000	97.3626				184,012.67				3.59
										333,000	97.36	324,208.67	3.59
Do.....	Missouri Pacific, equipment association shares.	5	Sept., 1911-Sept., 1912.	47,000	100.00	47,000.00				47,000	100.00	47,000.00	5.00
July, 1907	.....do.....	5	Dec., 1915..	19,000	94.00	17,860.00				19,000	90.00	17,860.00	5.90
Jan., 1908 Dec., 1908	Missouri Pacific, equipment trust gold bonds.	5	May, 1916-1917.	132,000	97.465	128,655.00							5.39
Jan., 1908 Dec., 1908	.....do.....	5	May, 1914-1917	81,000	96.666		78,300.00						5.36
										213,000	97.162	206,955.00	5.37
June, 1908	Missouri Pacific collateral trust.	5	Jan., 1917...	45,000	94.677	42,604.68				45,000	94.677	42,604.68	5.74

GENERAL EDUCATION BOARD—Continued.

List of holdings, June 30, 1911—Continued.

BONDS—continued.

Date of acquisition.	Name.	Rate.	Date of maturity.	Amount.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price, J. D. R. special fund.	Cash price, University of Chicago.	Total amount.	Average price.	Total cash price.	Yield.
		P. ct.			*P. ct.*						*P. ct.*		*P. ct.*
Feb., 1907	Missouri Pacific, gold loan, 1905.	4	Mar., 1945...	$434,000	89.00	$386,260.00							4.63
Do	do	4	do	459,000	89.00				$408,510.00				4.63
Jan., 1910	Missouri Pacific, convertible.	5	Mar., 1960...	80,000	95.00	76,000.00				$893,000	89.00	$794,770.00	4.63
Do	do	5	do	337,500	95.00		$320,625.00						5.28
Feb., 1907	Northern Pac., Gt. Nor., C., B. & Q., coll. joint.	4	July, 1921...	146,000	94.60	138,116.00				417,500	95.00	396,625.00	5.28
Do	do	4	do	189,000	94.60				178,794.00				4.53
Aug., 1907	Norfolk & Western convertible.	4	June, 1932...	486,000	96.44	468,699.21				335,000	94.60	316,910.00	4.53
Feb., 1907	N. Y., N. H. & H. R. R. debenture.	4	July, 1955...	145,000	99.60	144,420.00				486,000	96.44	468,699.21	4.23
Do	do	4	do	189,000	99.60				188,244.00				4.02
Apr., 1910	Otis Elevator Co. convertible debenture.	5	Apr., 1920...	150,000	97.50	146,250.00				334,000	99.60	332,664.00	4.02
Mar., 1907 / Mar., 1908	Pennsylvania R. R. convertible.	3½	Nov., 1912...	238,000	91.130	216,891.72				150,000	97.50	146,250.00	5.20
Jan., 1906 / Mar., 1908	do	3½	Oct., 1915...	737,000	96.758	713,106.62				238,000	91.130	216,891.72	5.57
June, 1911	Republic Iron & Steel first	5	Oct., 1934...	370,000	94.50	349,650.00				737,000	96.758	713,106.62	3.96
Do	do	5	do	230,000	94.50		217,350.00						5.41
Feb., 1909	Southern Pacific R. R. convertible.	4	June, 1929...	32,000	96.00	30,720.00				600,000	94.50	567,000.00	5.41
Do	do	4	do	99,000	96.00				95,040.00				4.30
Feb., 1907 / May, 1908	St. Louis, Iron Mtn. & Southern unifying and refunding.	4	July, 1929...	389,000	83.377	324,341.13				131,000	96.00	125,760.00	4.30
Feb., 1907	do	4	do	243,000	86.60				210,438.00				5.28
May, 1908	St. Louis, Iron Mtn. & So., River & Gulf Div.	4	May, 1933...	100,000	82.345	82,345.73				632,000	84.616	534,779.13	5.00
Do	St. Louis, Southwestern consol.	4	June, 1932...	100,000	66.21	66,210.62				100,000	82.345	82,345.73	5.18
Nov., 1908	Tidewater Co., first mortgage.	6	June, 1913...	500,000	99.937	499,687.50				100,000	66.21	66,210.62	5.27
Feb., 1907	Trinity & Brazos Valley R. R., equipment.	5	Oct., 1911, to Apr., 1917.	13,000	94.116	12,235.10				500,000	99.937	499,687.50	6.40
Jan., 1906 / Nov., 1907	U. S. Steel Corp., 2d sinking fund.	5	Apr., 1963...	2,167,000	94.004	2,037,061.08				13,000	94.116	12,235.10	6.00
Do	do	5	do	175,000	81.904		143,332.63						5.33
Feb., 1907	do	5	do	612,000	97.661				597,688.82				6.08
Mar., 1909 / Apr., 1910	Union Steel Co., first mortgage.	5	Dec., 1952	150,000	104.825	157,237.50				2,954,000	94.044	2,778,082.53	5.16
Mar., 1909	do	5	do	50,000	104.50		52,250.00						5.32
Apr., 1908	Union Pacific R. R., convertible.	4	July, 1927	631,000	86.41	545,247.38				200,000	104.722	209,487.50	4.74
Apr., 1908 / Oct., 1909	do	4	do	491,000	110.85		544,273.40						4.75
Nov., 1908	Virginia-Carolina Chemical Co., first.	5	Dec., 1923	250,000	91.00	227,500.00				1,122,000	97.105	1,089,520.78	4.74
Feb., 1907 / June, 1911	Western Maryland, first mortgage.	4	Oct., 1952	1,429,000	84.386	1,205,872.22				250,000	91.00	227,500.00	4.15
Do	do	4	do	347,000	86.00		298,420.00						5.90
Do	do	4	do	505,000	85.75			$428,750.00					4.89
Feb., 1907	do	4	do	702,000	82.00				575,640.00				4.82
Apr., 1907	Western Pacific, first	5	Sept., 1933	868,000	90.00	781,200.00				2,978,000	84.245	2,508,682.22	4.82
Do	do	5	do	1,179,000	90.00				1,061,100.00				4.88
Apr., 1907	Wisconsin Central, general.	4	July, 1949...	578,000	87.60	506,328.00				2,047,000	90.00	1,842,300.00	5.71
Do	do	4	do	495,000	87.60				433,620.00				5.71
Mar., 1906 / Apr., 1906	Westinghouse Mfg. Co., convertible.	5	Jan., 1931...	200,000	95.04	190,079.34				1,073,000	87.60	939,948.00	4.66
										200,000	95.04	190,079.34	4.66
	Total bonds					15,786,229.65	2,472,582.05	684,108.65	6,624,162.91	28,322,140		25,367,083.26	5.36
	Total stocks					16,430,758.68	805,963.29	1,228,565.15	2,306,231.21	10,788,200		20,771,518.33	
						32,216,988.33	3,278,545.34	1,912,673.80	8,930,394.12	39,110,340		46,338,601.59	

GENERAL EDUCATION BOARD,
THE JOHN D. ROCKEFELLER FUND,
October 21, 1912.

SAMUEL ADAMS, Esq.,
Acting Secretary Department of the Interior,
Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your communication of October 17 to Dr. Wallace Buttrick and have to apologize for the delay in sending you our annual report. This report was not compiled at as early date as usual, owing to the absence of the treasurer in Europe. I trust that no great inconvenience has been suffered. You will find herewith our usual form of report, together with an abstract of same, in accordance with your request.

Yours, respectfully,

L. G. MYERS, *Treasurer.*

P. S.—I must say frankly, however, that the matter was overlooked upon my return. L. G. M.

[Abstract.]

GENERAL EDUCATION BOARD.

This corporation, which was created by the act of Congress approved January 12, 1903, section 6 of which requires the corporation to annually file with the Secretary of the Interior a report, in writing, stating in detail the property, real and personal, held by the corporation and the expenditure or other use or disposition of the same, or the income thereof during the preceding year, has for its object the promotion of education within the United States. The corporation owns no real estate, its property consisting of securities and money divided into various funds, according to the purpose for which it is to be used.

On June 30, 1912, the capital funds belonging, without restriction, to the board amounted to $31,994,437.58, invested as follows: Bonds, $15,735,423.28; stocks, $16,103,636.18; cash, $155,378.12.

The income from the above funds, together with the income from undisbursed income, including income earned but not received,

amounted, during the year, to $1,902,280.81, from which was deducted a loss of $2,853.65 occasioned by the sale of securities representing invested income, leaving a net amount of $1,899,427.16. The balance of income from previous years, as of June 30, 1911, amounting to $4,212,721.81, increased the total to $6,112,148.97.

Disbursements from income during the year were as follows:

Payments on account of appropriations to colleges, universities, etc	$1,018,870.63
Payments on account of appropriations for farmers' cooperative demonstration work carried on by the United States Department of Agriculture	121,798.54
Payments made on account of appropriations for salaries and expenses of professors of secondary education in Southern States	30,356.59
Payments made on account of appropriations for salaries and expenses of negro rural school supervisors	4,000.00
Expenses	33,320.38
Total	1,208,346.14

This leaves an undisbursed balance of income on June 30, 1912, of $4,903,802.83. It is invested as follows: Bonds, $3,315,750.44; stocks, $944,228.49; income receivable, $248,409.40; accounts receivable, $2,177.95; cash, $393,236.55.

It should be noted, however, that against this balance there are unpaid appropriations amounting to $4,661,178.26.

The John D. Rockefeller special fund is a fund which Mr. Rockefeller controls both as to principal and income.

In a previous report a gift to the University of Chicago of $9,912,540.74 was published. One-tenth of this gift (or securities and cash representing it) is payable each year. The income from the unpaid balance, however, remains the property of the board subject to Mr. Rockefeller's direction. This accounts for the disparity between the balance of the John D. Rockefeller special fund and the income account of the same name. On June 30, 1912, the principal fund amounted to $1,002,150.25, invested as follows: Bonds, $930,622.50; stocks, $68,633.32; cash, $2,894.43. No gifts were made from this fund during year.

The income earned during year was $486,872.57, the balance from previous years ($718,569.91) increasing the amount to $1,205,442.48.

Disbursements during the year were as follows:

Gifts to the Rockefeller Institute for Medical Research	$222,283.65
Gifts to the University of Chicago	20,000.00
Expenses	1,533.20
Total	243,816.85

This leaves a balance of $961,625.63, which is invested as follows: Bonds, $583,234.39; stocks, $147,970.20; income receivable, $94,637.29; cash, $135,783.75.

The Anna T. Jeanes fund, the income to be used for negro rural schools, still amounts to $200,000. It is invested as follows: Bonds, $182,877.51; stocks, $16,645; cash, $477.49.

The income from this fund during the year was $9,240.99. Added to the balance from the previous year the total available income amounted to $14,363.25. Of this, $4,540 was appropriated and paid to various schools, and $40.72 paid out for expenses, leaving a balance of $9,782.53, all in cash.

GENERAL EDUCATION BOARD.

List of investments, June 30, 1913.

STOCKS.

Date of acquisition.	Name.	Rate.	Shares.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price, J. D. R. special fund.	Cash price, University of Chicago.	Total shares.	Average price.	Total cash price.	Yield.
		P. ct.		Per cent.						Per cent.		P. ct.
Jan., 1909	Atchison, Topeka & Santa Fe preferred.	5	850	101.659	$86,410.63							4.91
Oct., 1909	do	5	1,750	102.4168		$178,747.94						4.88
Oct., 1910	do	5	700	101.695				$71,186.94				4.91
Jan., 1909	do								3,300	101.924	$336,345.51	4.90
Sept., 1911	Atchison, Topeka & Santa Fe common.	6	1,790	99.525	178,150.70							6.03
Do	do	6	1,710	114.084		195,084.50						5.87
Do	do	6	500	102.189			$51,094.50					5.87
									4,000	106.082	424,329.70	5.87
Jan., 1907 / Sept., 1911	Chicago, Milwaukee & St. Paul preferred	7	500	154.992	77,496.00				500	154.992	77,496.00	4.51
Do / June, 1913	Chicago, Milwaukee & St. Paul common	5	550	106.2357		58,429.66						4.70
Do	do	5	550	106.2357			58,429.66					4.70
									1,100	106.2357	116,659.32	4.70
June, 1911	Equitable Trust Co. of New York	24	500	500	250,000.00				500	500	250,000.00	4.80
Sept., 1911 / June, 1913	Great Northern preferred	7	770	118.6769	91,381.20							5.89
Do	do	7	230	122.3383			28,137.81					5.72
									1,000	119.519	119,519.01	5.86
Feb., 1913	Great Northern preferred	7	30	100	1,800.00	(1)						7.00
Do	do	7	20	100		(1)	1,200.00					7.00
									50	100	3,000.00	7.00
Feb., 1907	International Harvester of N. J. preferred	7	1,085	115.687	125,520.32							6.05
Do	do	7	1,050	115.6575				121,440.38				6.05
									2,135	115.6724	246,960.70	6.05
Feb., 1907	International Harvester Corp., preferred	7	1,084	115.687	125,404.63							6.05
Do	do	7	1,050	115.6575				121,440.37				6.05
									2,134	115.6724	246,845.00	6.05
Jan., 1906 / Feb., 1907	Manhattan Railway	7	13,678	148.48	2,030,911.78							4.71
Jan., 1913	do	7	700	130.549		91,384.30						3.36
Do	do	7	300	130.549			39,164.70					5.36
Feb., 1907	do	7	5,600	143				800,800.00				4.89
									20,278	146.882	2,962,260.78	4.79
Feb., 1907	New York Central & Hudson River R. R.	5	5,375	121.6	653,600.00							4.11
Do	do	5	3,500					425,600.00				4.11
									8,875	121.6	1,079,200.00	4.11
Oct., 1911 / June, 1913	Northern Pacific	7	1,200	105.704	126,844.80							6.60
Oct., 1911	do	7	1,000	120.9325		120,932.50						5.70
Do / June, 1913	do	7	300	109.8821			32,964.63					6.37
									2,500	112.2968	280,741.93	6.23
Jan., 1907	Pennsylvania R. R. (Par $50)	6	15,882	117.2974	931,459.38							5.11
Aug., 1907	do	6	1,694	106.018				89,797.40				5.67
									17,576	116.233	1,021,256.78	5.16
July, 1907	Southern Pacific (common)	6	2,700	114.5198	309,203.47							5.24
Oct., 1909	do	6	1,600	123.01		198,095.00						4.84
Sept., 1911	do	6	300	101.0433			30,313.00					5.93
Feb., 1909	do	6	1,400	122.263				171,170.30				4.90
									6,000	118.1303	708,781.77	5.08
Nov., 1907	Union Pacific (common)	10	3,530	109.74	387,388.93							9.11
Oct., 1909	do	10	1,300	152.904		198,776.26						6.54
Oct., 1911	do	10	370	158.625			58,691.25					6.30
									5,200	124.01	644,856.44	8.00
Mar., 1908	United States Steel (preferred)	7	10,000	97.694	976,941.76				10,000	97.694	976,941.76	7.16
Nov., 1910	Western Maryland (preferred)		2,000	73.933		147,866.19			2,000	73.933	147,866.19	
	Total stocks, including Standard and other oil companies				16,643,847.02	1,189,316.35	299,995.55	1,801,435.39			19,934,594.31	

[1] Sixty per cent only paid.

GENERAL EDUCATION BOARD—Codtinued.

List of investments, June 30, 1913—Continued.

BONDS.

Date of acquisition.	Name.	Rate.	Date of maturity.	Amount.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price, J. D. R. special fund.	Cash price, University of Chicago.	Total amount.	Average price.	Total cash price.	Yield.
		P. ct.			*Per ct.*						*Per ct.*		*Per ct.*
Feb. 1907	Atlantic Coast Line, L. & N. Coll.	4	Oct., 1952...	$290,000	87.933	$255,006.66							4.67
Do	do	4	do	294,000	87.934				$258,527.43				4.67
Feb., 1907	Beech Creek Extension R. R., first.	3½	Apr., 1951...	463,000	90	416,700.00				$584,000	87.943	$513,531.09	4.67
June, 1913	Baltimore & Ohio R. R., convertible.	4½	Mar., 1933...	60,000	90.6937	54,416.25				463,000	90	416,700.00	4.00
May, 1912	Bethlehem Steel Co., first and refunding.	5	May, 1952...	125,000	89	111,250.00				60,000	90.6937	54,416.25	5.11
Oct., 1912	Brooklyn Rapid Transit, 6-year notes.	5	July, 1918...	200,000	97.211		$194,422.15			125,000	89	111,250.00	5.70
Do	do	5	do	75,000	97.211			$72,908.30					5.65
Oct., 1909	Carolina, Clinchfield & Ohio, first mortgage.	5	June, 1938...	500,000	96	480,000.00				275,000	97.211	267,330.45	5.65
Dec., 1908	Carolina, Clinchfield & Ohio, equipment.	5	Dec., 1913–Dec., 1917.	161,000	95.878		154,363.94			500,000	96	480,000.00	5.30
Jan., 1906	Central Leather Co., first	4	Apr., 1925...	500,000	99.835	499,165.27				161,000	95.878	154,363.94	6.85
Aug., 1909	Central Vermont, first	4	Feb., 1920...	130,000	90.4223	117,550.31				500,000	99.835	499,165.27	5.01
Oct., 1909	do	4	do	61,000	89.811		54,784.71						5.80
Nov., 1910	Chesapeake & Ohio Ry., convertible.	4½	Feb., 1930...	125,000	94.25	117,812.50				191,000	90.225	172,335.02	5.90
Do	do	4½	do	70,000	94.25				65,975.00				5.83
Jan., 1907	Chesapeake & Ohio Ry., equipment.	4	25M every 6 mos., Jan., 1914–Jan., 1917.	175,000	89.708	156,990.00				195,000	94.25	183,787.50	5.00
Feb., 1907	Chicago & Alton Railway, first lien.	3½	July, 1950...	144,000	73.65	106,056.00				175,000	89.708	156,990.00	5.00
Do	do	3½	do	98,000	73.65				72,177.00				10.00
Feb., 1907	Chicago & Alton Railroad, refunding, gold.	3	Oct., 1949...	145,000	80.00	116,000.00				242,000	73.65	178,233.00	5.08
Do	do	3	do	91,000	80.00				72,800.00				4.05
Oct., 1906	Chicago & Eastern Illinois, equipment.	4½	Aug., 1913–Aug., 1914.	150,000	94.034	141,051.00				236,000	80.00	188,800.00	4.05
July, 1911	Chicago Elevated Railways, 3-year notes.	5	July, 1914...	300,000	97.25		291,750.00			150,000	94.034	141,051.00	4.05
May, 1913	Chicago, Milwaukee & St. Paul, general.	4½	May, 1989...	250,000	99.00	247,500.00				300,000	97.25	291,750.00	10.50
May, 1912	Chicago, Milwaukee & St. Paul, convertible.	4½	June, 1932...	10,500	100.00	10,500.00				250,000	99.00	247,500.00	7.85
Feb., 1913	do	4½	do	6,300	100.00		6,300.00						4.55
Do	do	4½	do	1,800	100.00			1,800.00					4.50
Feb., 1907	Chicago, Rock Island & Pacific, serial of 1902.	4	May, 1915–May, 1918	154,000	85.549	131,740.60				18,600	100.00	18,600.00	4.50
June, 1913	Chicago, Rock Island & Pacific, equipment.	5	10M, July, 1914–July, 1923.	100,000	96.0783	96,078.30				154,000	85.549	131,740.60	4.50
May, 1913	Chicago, St. Paul, Minneapolis & Omaha, debenture.	5	Mar., 1930...	100,000	96.625	96,625.00				100,000	96.0783	96,078.30	9.00
Feb., 1907	Colorado Industrial Co., first.	5	Aug., 1934...	1,237,000	70.137	881,633.64				100,000	96.625	96,625.00	6.10
Do	do	5	do	1,237,000	69.915				885,832.59				5.30
Apr., 1908	Colorado & Southern, equipment.	5	3M every 6 mos., Oct., 1913–Apr., 1917.	27,000	93.506	25,246.80				2,524,000	70.025	1,767,466.23	7.85
Oct., 1908	Colorado & Southern refdg. and extension.	4½	May, 1936...	250,000	85.30	213,250.00				27,000	93.506	25,246.80	7.85
Dec., 1908	Denver & Rio Grande, first refdg.	5	Aug., 1955...	250,000	87.75	219,375.00				250,000	85.30	213,250.00	8.50
Feb., 1907 May, 1909	Duluth, Missabe & Northern, general.	5	Jan., 1941...	473,000	102.9356	486,835.73				250,000	87.75	219,375.00	5.65
Do	do	5	do	20,000	107		21,400.00						5.78
Feb., 1907 May, 1909	do	5	do	235,000	103.42				243,037.00	473,000	102.9356	486,835.73	4.81
Feb. 1907	Duluth, Missabe & Northern, first mortgage.	6	Jan., 1923...	59,000	114.40	67,493.00				20,000	107		4.58
Do	do	6	do	33,000	114.40				37,752.00	235,000	103.42	243,037.00	4.79
Nov., 1908	Erie Railroad, series N equipment.	3	Oct., 1913–Oct., 1917.	124,000	95.483	118,402.78				728,000	103.203	751,322.73	4.80
Oct., 1909	Fairmount Coal Co., first mortgage.	5	July, 1931...	150,000	95.50		143,250.00			92,000	114.40	105,248.00	4.15
Jan., 1909	do	5	do	84,000	93.50				78,540.00	124,000	95.483	118,402.78	4.15
Feb., 1907	Fort Worth & Denver City R. R., equipment.	5	1M every 6 mos., Oct. 1913–Oct., 1916.	9,000	93.475	8,412.80				234,000	94.782	221,790.00	7
Apr., 1912	Grand Trunk Railway (Canada) equipment.	4½	Nov., 1913–May, 1922.	320,000	98		313,600.00			9,000	93.475	8,412.80	5.37
Apr., 1913	Interborough Rapid Transit, first mtge.	5	Jan., 1966...	800,000	96	768,000.00				320,000	98	313,600.00	5.42
Do	do	5	do	200,000	96			192,000.00					8.50
June, 1911	Jones & Laughlin Steel Co., first sinking fund.	5	May, 1939...	510,000	100.50	512,550.00				1,000,000	96	963,000.00	5.22
Do	do	5	do	80,000	100.50		80,400.00						4.96
Do	do	5	do	207,000	100.50				208,035.00				4.96
										797,000	100.50	800,985.00	4.96

GENERAL EDUCATION BOARD—Continued.

List of investments—Continued.

BONDS—continued.

Date of acquisition.	Name.	Rate.	Date of maturity.	Amount.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price, J. D. R. special fund.	Cash price, University of Chicago.	Total amount.	Average price.	Total cash price.	Yield.
		P. ct.			*Per ct.*						*Per ct.*		*Per ct.*
Apr., 1913	The Kansas City Southern, rfdg. and imp.	5	Apr., 1950...	$200,000	97.75	$194,000.00							5.16
Mar., 1913	....do	5	....do	50,000	97		$48,875.00						5.13
Apr., 1913	....do	5	....do	50,000	97			$48,500.00					5.16
Mar., 1913	....do	5	....do	11,000	97.75				$10,752.50				5.13
										$311,000	97.147	$302,127.50	5.15
Feb., 1913	The Kansas City Southern, equipt. notes, series B.	5	Dec., 1913-Dec., 1923.	140,000	98.8161		138,342.54						5.25
Do	....do	5	....do	60,000	98.8161			59,289.66					5.25
										200,000	98.8161	197,632.20	5.25
Do	Lake Shore & Michigan Southern, debenture.	4	Sept., 1928..	145,000	97	140,650.00							4.28
Do	....do	4	....do	147,000	97				142,590.00				4.28
										292,000	97	283,240.00	4.28
Feb., 1907	Morris and Essex, first refdg. gold.	3½	Dec., 2,000..	144,000	97.35	140,196.00							3.60
Do	....do	3½	....do	147,000	97.3620				143,120.97				3.60
										291,000	97.36	283,316.97	3.60
June 1913	Missouri, Kansas & Texas Ry., equipment.	5	June, 1916, to Dec., 1922.	100,000	96.7199	96,719.89				100,000	96.7199	96,719.89	5.62
July, 1907	Missouri Pacific equipment Assn., shares.	5	Dec., 1915...	19,000	94	17,860.00				19,000	94	17,860.00	7.55
Jan., 1908	Missouri Pacific equipment trust gold bonds.	5	May, 1915-1917.	132,000	97.465	128,655.00							5.94
Dec., 1908													
Jan., 1908	....do	5	May, 1914-1917.	81,000	96.666		78,300.00						7.12
Dec., 1908													
										213,000	97.162	206,955.00	6.38
June, 1908	Missouri Pacific, coll. trust...	5	Jan., 1917...	45,000	94.677	42,604.68				45,000	94.677	42,604.68	6.70
Feb., 1907	Missouri Pacific, gold loan of 1905.	4	Mar., 1945...	434,000	89	386,260.00							4.66
Do	....do	4	....do	357,000	89				317,730.00				4.66
										791,000	89	703,990.00	4.66
Jan., 1910	Missouri Pacific, convertible.	5	Mar. 1960....	80,000	95	76,000.00							5.28
Do	....do	5	....do	337,500	95		320,625.00						5.28
										417,500	95	396,625.00	5.28
Feb., 1907	Northern Pac., Gt. Nor., C. B. & Q., coll. joint.	4	July, 1921...	146,000	94.60	138,116.00							4.91
Do	....do	4	....do	147,000	94.60				139,062.00				4.91
										293,000	94.60	277,178.00	4.91
Aug., 1907	Norfolk & Western, convertible.	4	June, 1932...	486,000	96.44	468,699.21				486,000	96.44	468,699.21	4.27
May, 1913	New York City corporation stock.	4½	Mar., 1963...	100,000	100	100,000.00				100,000	100	100,000.00	4.50
June, 1913	N. Y., Lake Erie & West. Dock & Improvement Co., first.	5	July, 1934...	50,000	100	50,000.00							5.00
Do	....do	5	....do	175,000	100		175,000.00						5.00
										225,000	100	225,000.00	5.00
Feb., 1907	N. Y., N. H. & H. R. R., debenture.	4	July, 1955...	145,000	99.60	144,420.00							4.02
Do	....do	4	....do	147,000	99.60				146,412.00				4.02
										292,000	99.60	290,832.00	4.02
Apr., 1910	Otis Elevator Co., cor. debenture.	5	Apr., 1920...	150,000	97.50	146,250.00				150,000	97.50	146,250.00	5.42
Feb., 1912	Philadelphia Co., convertible.	5	May, 1922...	150,000	93.50	140,250.00							5.94
	....do	5	....do	20,000	93.50		18,700.00						5.94
Do	....do	5	....do	8,000	93.50				7,480.00				5.94
										178,000	93.50	166,430.00	5.94
Feb., 1912	Republic Iron & Steel, first sinking fund.	5	Apr., 1940...	370,000	94.50	349,650.00							5.38
June, 1911	....do	5	....do	230,000	94.50		217,350.00						5.38
Do										600,000	94.50	567,000.00	5.38
Nov., 1911	Seaboard Air Line, first mortgage.	4	Apr., 1950...	171,000	87.704	149,973.96							4.70
	....do	4	....do	170,000	87.704		149,096.92						4.70
Do										341,000	87.704	299,070.88	4.70
Dec., 1911	Seaboard Air Line, equipment notes, series I.	5	June & Dec., 1916.	25,000	100		25,000.00			25,000	100	25,000.00	5.00
Apr., 1913	Seaboard Air Line, 3-year notes.	5	Mar., 1916...	250,000	97.763		244,407.50			250,000	97.763	244,407.50	5.90
June, 1913	Seaboard Railways Unincorporated, notes.	6	June, 1914...	250,000	100	250,000.00							6.00
	....do	6	....do	110,000	100			110,000.00					6.00
Do										360,000	100	360,000.00	6.00
Feb., 1909	Southern Pacific Co., convertible.	4	June, 1929...	172,000	89.0697	153,200.00							5.00
	....do	4	....do	77,000	96				73,920.00				4.35
Do										249,000	91.2128	227,120.00	4.79
Feb., 1907	St. Louis, Iron Mtn. & Southern Unifying and Refunding.	4	July, 1929...	339,000	83.377	324,341.13							5.58
May, 1908													
Feb., 1907	....do	4	....do	189,000	86.60				163,674.00				5.25
										578,000	84.431	488,015.13	5.47
May 1908	St. Louis, Iron Mtn. & Southern River & Gulf Division.	4	May, 1933...	100,000	82.345	82,345.73				100,000	82.345	82,345.73	5.46
Do	St. Louis Southwestern, consolidated.	4	June, 1932...	100,000	66.21	66,210.62				100,000	66.21	66,210.62	7.30
Feb., 1907	Trinity & Brazos Valley R. R., equipment.	5	Oct., 1913-Apr., 1917.	9,000	93.475	8,412.80				9,000	93.475	8,412.80	8.50
July, 1912	Texas & Pacific Equipment notes.	5	Dec., 1913-June, 1917.	45,000	100	45,000.00				45,000	100	45,000.00	5.00
Apr., 1912	United Railways Investment Co., secured notes, Series O.	6	Feb., 1916...	98,000	98.30		96,334.00			98,000	98.30	96,334.00	6.75

GENERAL EDUCATION BOARD—Continued.

List of investments, June 30, 1913—Continued.

BONDS—continued.

Date of acquisition.	Name.	Rate.	Date of maturity.	Amount.	Price.	Cash price, the Rockefeller fund.	Cash price, the Rockefeller fund income.	Cash price, J. D. R. special fund.	Cash price, University of Chicago.	Total amount.	Average price.	Total cash price.	Yield.
		P. ct.			*Per ct.*						*Per ct.*		*Per ct.*
Jan., 1906 Nov., 1907	United States Steel Corporation second sinking fund.	5	Apr., 1963	$2,167,000	94.004	$2,037,061.08							5.34
Do	do	5	do	175,000	81.904		$143,332.63						6.16
Feb., 1907	do	5	do	476,000	97.661				$464,896.10				5.14
Mar., 1909 Apr., 1910	Union Steel Co., first mtge	5	Dec., 1952	150,000	104.825	157,237.50				$2,818,000	93.85	$2,645,262.81	5.36
Mar., 1909	do	5	do	50,000	104.50		52,250.00						4.74
										200,000	104.722	209,487.50	4.75 4.74
Apr., 1908	Union Pacific R. R., convertible.	4	July, 1927	631,000	86.41	545,247.38							5.38
Oct., 1909	do	4	do	491,000	110.85		544,273.40						3.94
										1,122,000	97.105	1,089,520.78	4.27
Nov., 1908	Virginia-Carolina Chemical Co., first.	5	Dec., 1923	250,000	91.00	227,500.00				250,000	91.00	227,500.00	6.15
May, 1912	Wabash R. R. receiver's certificates.	5	Aug., 1913	185,000	100.125	185,231.25							5.00
Do	do	5	do	190,000	100.125			$190,237.50					5.00
										375,000	100.125	375,468.75	5.00
Feb., 1907 June, 1911	Western Maryland, first mtge.	4	Oct., 1952	1,429,000	84.386	1,205,872.22							4.90
Do	do	4	do	347,000	86.00		298,420.00						4.80
Do	do	4	do	546,000	82.00				447,720.00				5.03
										2,322,000	84.066	1,952,012.22	4.92
Apr., 1907	Western Pacific, first mtge	5	Sept., 1933	868,000	90.00	781,200.00							5.85
Do	do	5	do	917,000	90.00				825,300.00				5.85
										1,785,000	90.00	1,606,500.00	5.85
Mar., 1908 Apr., 1908	Westinghouse Mfg. Co., convertible.	5	Jan., 1931	200,000	95.04	190,079.34				200,000	95.04	190,079.34	5.45
Apr., 1907	Wisconsin Central, general	4	July, 1949	578,000	87.60	506,328.00							4.73
Do	do		do	385,000	87.60				337,260.00				4.73
										963,000	87.60	843,588.00	4.73
July, 1911	Wisconsin Steel Co., notes guaranteed by International Harvester Co.	5	July, 1914, to July, 1926.	212,000	97		205,640.00			212,000	97	205,640.00	5.48
	Total bonds					16,131,266.43	4,016,217.79	674,735.46	5,142,566.59			25,964,786.27	
	Total stocks					16,643,847.02	1,189,316.35	299,995.55	1,801,435.39			19,934,594.31	
						32,775,113.45	5,205,534.14	974,731.01	6,944,001.98			45,899,380.58	

GENERAL EDUCATION BOARD,
New York, September 9, 1913.

To the members of the General Education Board.

GENTLEMEN: A statement of the board's finances, as of June 30, 1913, covering the fiscal year ended that date, is herewith submitted, together with copy of a certificate from Mr. A. B. Bierck, C. P. A., who has just completed an audit of the treasurer's accounts.

A summary of the Rockefeller fund income account is here given:

Appropriations from the Rockefeller fund	$10,536,405.22
Payments made thereon	5,873,945.27
Balance unpaid	4,662,459.95
Balance the Rockefeller fund income not yet disbursed	5,676,678.01
Balance available for appropriation July 1, 1913	1,014,218.06
Approximate income to accrue between July 1, 1913, and Nov. 1, 1913	750,000.00
Amount available for appropriation at October meeting	1,764,218.06

Changes in investments since May 15, 1913, have been as follows:

For the Rockefeller fund.

Sold and redeemed at a gain of $3,398.22:
$250,000 Seaboard Railway unincorporated 5 per cent notes, at 100 per cent.
$25,000 Chesapeake & Ohio equipment 4s, at 100 per cent.
$2,000 Texas & Pacific equipment 5s, at 100 per cent.
One-half share Galena Signal Oil common stock, at 181 per cent.
One-fourth share Standard Oil (Nebraska) capital stock, at 275 per cent.

Bought:
$60,000 Baltimore & Ohio convertible 4½s, at 90.6937 per cent.
$250,000 Chicago, Milwaukee & St. Paul general 4½s, at 99 per cent.
$100,000 Chicago, Rock Island & Pacific equipment 5s, at 96.0783 per cent.
$100,000 city of New York 4½s corporate stock, at 100 per cent.
$100,000 Missouri, Kansas & Texas equipment 5s, at 96.7199 per cent.
$50,000 New York, Lake Erie & Western Dock & Improvement first 5s, at 100 per cent.
$250,000 Seaboard Railway unincorporated 1 year 6 per cent notes, at 100 per cent, less 2 per cent commission.
$150,000 Southern Pacific convertible 4s, at 87.485 per cent.
900 shares Northern Pacific capital stock, at 102.1609 per cent.
700 shares Southern Pacific Co. common stock, at 91.3304 per cent.
470 shares Great Northern Ry. preferred stock, at 115.7047 per cent.
1,444 shares Pennsylvania Railroad capital stock, at 100 per cent.

For the Rockefeller fund income.

Redeemed at a gain of $495.86, $13,000 Carolina, Clinchfield & Ohio equipment 5s, at 100 per cent.

Bought:
$175,000 New York, Lake Erie & Western Dock & Improvement Co. first 5s, at 100 per cent.
250 shares Chicago, Milwaukee & St. Paul common, at 100 per cent.

For John D. Rockefeller special fund.

Redeemed, at a gain of $550, $110,000 Seaboard Railways unincorporated 1 year 5 per cent notes, at 100 per cent.

Bought:
$110,000 Seaboard Railways unincorporated 1 year 6 per cent notes, at 100, less 2 per cent commission.
100 shares Northern Pacific Railway capital stock, at 101.7797.
100 shares Southern Pacific Co. common stock, at 91.33.
250 shares Chicago, Milwaukee & St. Paul common stock, at 100.
36 shares Great Northern Railway preferred stock, at 115.7047.

For the University of Chicago.

Bought 154 shares Pennsylvania Railroad capital stock, at 100.

The board's holding of 44 shares Continental Oil Co. (Iowa) capital stock has been exchanged for 440 shares of the Continental Oil Co. (Colorado) capital stock, the latter company having purchased all the assets and liabilities of the original company.

The following stock dividends were received between May 15 and June 30, 1913:
412½ shares Galena Signal Oil Co. common stock.
147 shares Standard Oil Co. (Kansas) capital stock.
29½ shares Standard Oil Co. (Nebraska) capital stock.
8.852 shares Standard Oil Co. of New York capital stock.

The new shares have been added to the original holdings and the book valuations reduced proportionately.

Respectfully submitted.

L. G. MYERS, *Treasurer.*

PENNSYLVANIA STATION,
New York, September 8, 1913.

Mr. FREDERICK T. GATES,
Chairman General Education Board,
71 Battery Place, New York, N. Y.

GENTLEMEN: Pursuant to instructions, I have examined the accounts of your board in charge of Mr. L. G. Myers, treasurer, for the year ended June 30, 1913, and certify that the accompanying statements correctly set forth the income accounts for the year and the conditions of the various funds as of June 30, 1913.

All disbursements are covered by properly receipted vouchers; the cash balances were compared with the accounts of the depositories and found to be correct; the securities on hand were verified by examination and count.

A summarized statement of the condition of the various funds as of June 30, 1913, is appended.

Acknowledgment is made of the usual courtesies extended to me by the treasurer and his assistants during the course of the audit and examination.

Respectfully submitted.

A. B. BIERCK,
Certified Public Accountant.

THE ROCKEFELLER FUND.

Income account June 30, 1913.

DR.

Balance July 1, 1912		$4,903,802.83
Income for year 1912–13	$2,254,294.07	
Profits on securities sold and redeemed	3,289.63	
		2,257,583.70
		7,161,386.53

CR.

Payments made on account appropriations to colleges, etc.:		
Allegheny County, on account	$22,287.50	
Baylor University, on account	31,738.09	
Brown University, on account	79,746.46	
Carleton College, on account	25,000.00	
College of St. Thomas, balance	21,000.00	
Colorado College, on account	39,900.24	
Converse College, on account	9,304.23	
Cornell College, on account	55,451.41	
Davidson College, on account	7,648.34	
De Pauw University, on account	26,805.90	
Georgetown College, on account	3,434.33	
Harvard University, balance	15,300.00	
Hampton Institute, in full	10,000.00	
Hendrix College, on account	5,000.00	
Howe Institute, in full	1,000.00	
Johns Hopkins University, on account	67,991.72	
Lane College, in full	7,000.00	
Middlebury College, balance	13,796.24	
Mount Holyoke College, on account	95,808.37	
Ohio Wesleyan University, balance	56,000.00	
Ottawa University, on account	13,000.00	
Penn Normal and Agricultural Institute, in full	5,000.00	
Randolph-Macon Woman's College	65,658.63	
Richmond College, on account	18,000.00	
Salem Academy and College, on account	6,442.89	
St. Lawrence University, on account	11,333.33	
Southern Education Board, balance	10,000.00	
Swarthmore College, balance	3,106.33	
Spelman Seminary, balance	12,000.00	
Spelman Seminary, account new appropriation	3,000.00	
Transylvania University, on account	11,823.92	
Trinity College, on account	44,117.65	
Tuskegee Institute, in full	10,000.00	
University of Chattanooga, on account	42,857.14	
University of Rochester, on account	168,750.00	
University of Wooster, balance	3,296.07	
Virginia Union University, in full	11,500.00	
Wabash College, balance	12,679.25	
Wesleyan Female College, on account	48,000.00	
Wesleyan University, on account	43,750.00	
Williamsburg Institute, in full	50,000.00	
William Jewell College, on account	33,887.97	
Wofford College, balance	463.92	
Woman's College of Brown University, on account	44,052.43	
		1,266,932.36
Payments made on account of appropriations for farmers' cooperative demonstration work:		
Administration	$6,183.89	
Georgia	16,167.44	
Kentucky	1,426.00	
Maryland	5,720.43	
North Carolina	24,561.08	
South Carolina	29,851.87	
Virginia	23,367.12	
Girls' canning and poultry clubs	29,164.75	
Maine	3,285.42	
		139,728.00
Payments on account appropriations for rural-school supervisors		8,886.35
Payments made on account appropriations for salaries and expenses professors of secondary education:		
University of Alabama, in full	$3,000.00	
University of Arkansas, in full	3,000.00	
University of Florida, in full	1,500.00	
University of Georgia, in full	2,000.00	
University of Kentucky, in full	3,250.00	
University of Mississippi, in full	3,000.00	
University of North Carolina, in full	3,000.00	
University of South Carolina, in full	3,000.00	
University of Tennessee, in full	2,875.00	
University of Virginia, in full	3,000.00	
University of West Virginia, in full	2,600.00	
State department of education of Louisiana	750.00	
		30,975.00
Rural organization: On account of appropriation		2,561.67
Conferences: Richmond & Hampton, account appropriation, $2,750		2,063.13
Lafayette College: Interest on deferred payment		257.72
Expenses		33,304.20
Balance:		
Income receivable	$258,853.41	
Accounts receivable	2,335.53	
Securities as shown in accompanying schedule	5,205,534.14	
Cash on deposit	209,954.93	
		$5,676,678.01
		7,161,386.53

Principal account, June 30, 1913.

DR.

Gift of Oct. 3, 1905		$10,000,000.00
Gift of Mar. 23, 1906		250,000.00
Gift of Feb. 7, 1907		10,667,917.80
Gift of Aug. 1, 1909		10,000,146.00
Total		30,918,063.80
Reserve:		
Income in excess of 4½ per cent per annum to Oct. 19, 1909	$774,497.36	
Increased valuation of securities in the old foundation and general funds' income accounts, charged against such securities and carried to reserve Oct. 19, 1909	199,807.64	
Profits on securities sold and redeemed to June 30, 1912	102,068.78	
Standard Oil Co. of New Jersey distribution of 40 per cent	580,560.00	
Profits on securities sold and redeemed June 30, 1912, to date	210,402.25	
		1,867,336.03
Total funds in principal account		32,785,399.83

CR.

Securities as shown in accompanying schedule		32,775,113.45
Cash on deposit		10,286.38
		32,785,399.83

JOHN D. ROCKEFELLER SPECIAL FUND.

Principal account—June 30, 1913.

DR.

Original gift		$21,335,784.20
Gift of Mar. 2, 1908, to University of Chicago	$103,689.92	
Gift of Mar. 12, 1906, to University of Chicago	1,679,860.00	
Gift of Aug. 30, 1909, to University of Chicago	929,093.33	
Gift of Jan. 1, 1911, to University of Chicago	9,912,540.74	
Gift of Mar. 12, 1908, to the Rockefeller Institute for Medical Research	2,620,610.00	
Gift of June 30, 1910, to the Rockefeller Institute for Medical Research	3,641,236.48	
Gift of June 7, 1911, to the Rockefeller Institute for Medical Research	924,707.63	
Gift of July 1, 1912, to the Rockefeller Institute for Medical Research	630,935.00	
		20,442,673.10
Balance of original gift		893,111.10
Balance profit and loss account July 1, 1912	44,656.18	
Net profit on securities redeemed, current year	2,781.97	
		47,438.15
		940,549.25
Deduct loss on Missouri Pacific stock		566,552.03
		373,997.22

CR.

Securities as shown in accompanying schedule	370,070.82	
Cash on deposit	3,926.40	
		373,997.22

Income account—June 30, 1913.

DR.

Balance income July 1, 1912		$961,625.63
Income current year		423,168.79
Total		1,384,794.42

CR

Gift to the Rockefeller Institute for Medical Research	$615,294.77	
Gift to the University of Chicago for expenses of School of Education	20,000.00	
Expenses	1,347.02	
Balance:		
Securities as shown in the accompanying schedule	$604,660.19	
Income receivable	77,985.66	
Cash on deposit	65,506.78	
	748,152.63	
		1,384,794.42

ANNA T. JEANES FUND.

Income account—June 30, 1913.

Balance July 1, 1912		$9,782.53
Income received during the year		9,322.21
		19,104.74
Expenses	$26.00	
Requisitions from Messrs. H. B. Frissell and Booker T. Washington, approved by executive committee of board, and paid	11,412.00	
		11,438.00
Balance on deposit		7,666.74

Principal account.

Amount received from Miss Jeanes		200,000.00
Investments:		
$10,000 Detroit Edison first 5s	$10,300.00	
$20,000 Broadway Realty Co. second mortgage 5s	19,000.00	
$20,000 United Railways of St. Louis first 4s	17,775.00	
$20,000 Rio Grande West consol 4s	18,355.00	
$15,000 Milwaukee Gas Light first 4s	13,875.00	
$20,000 New York Gas & El. H. & P. purchase money 4s	18,681.67	
$20,000 Baltimore & Ohio, southwest division, 3½s	18,407.50	
$20,000 Northern Pacific general lien 3s	15,367.50	
$20,000 United States Steel Corporation second mortgage 5s	19,058.34	
$10,000 Chicago, Rock Island & Pacific refunding 4s	9,602.50	
$20,000 Central Leather first 5s	19,875.00	
$3,000 Western Maryland first 4s	2,580.00	
100 shares Manhattan Railway 7 per cent stock	16,645.00	
		199,522.51
Balance on deposit		477.49
		200,000.00

THE UNIVERSITY OF CHICAGO,

June 30, 1913.

DR.

Balance of fund set aside by Mr. Rockefeller as shown in last annual statement		$7,939,614.79
Profit on $10,000 Duluth, Missabe & Northern general 5s, redeemed		158.00
		7,939,772.79
Securities and cash delivered to the university Jan. 1, 1913 (one-tenth of original amount), in accordance with Mr. Rockefeller's instructions		992,471.58
		6,947,301.21
Loss on $9,000 Duluth, Missabe & Northern first 6s, redeemed		846.00
		6,946,455.21

CR.

Securities shown in accompanying schedule	$6,944,001.98	
Cash on deposit	2,453.23	
		6,946,455.21

GENERAL EDUCATION BOARD.

List of investments June 30, 1913.

STOCKS.

	Full shares.	Cost per share.	Total cost.
Anglo-American Oil Co. (Ltd.) (par £1)	14,514	$11.5334	$167,395.67
The Atlantic Refining Co	737	851.9164	259,362.37
Borne-Scrymser Co	29	133.0853	3,859.48
The Buckeye Pipe Line Co. (par $50)	2,951	102.3219	301,951.92
Chesebrough Manufacturing Co., Consolidated	40	384.4463	15,377.85
Colonial Oil Co	36	79.8463	2,874.47
The Continental Oil Co	440	106.4620	46,843.30
The Crescent Pipe Line Co. (par $50)	885	37.2617	32,976.60
Cumberland Pipe Line Co. (Inc.)	147	37.2617	5,477.47
The Eureka Pipe Line Co	737	227.7106	167,822.71
Galena-Signal Oil Co. (preferred)	249	79.8465	19,881.78
Galena-Signal Oil Co. (common)	1,237	121.4456	150,228.21
Indiana Pipe Line Co. (par $50)	1,475	93.4500	137,838.75
National Transit Co. (par $25)	7,512	28.9813	217,707.53
New York Transit Co	737	202.2779	149,078.81
Northern Pipe Line Co	590	65.0602	38,385.52
The Ohio Oil Co. (par $25)	8,855	78.6636	696,566.18
The Prairie Oil & Gas Co	2,656	196.3634	521,541.19
The Solar Refining Co	73	354.8736	25,905.77
Southern Pipe Line Co	1,475	153.7786	226,823.44
South Penn Oil Co	368	541.1823	199,155.08
South West Pennsylvania Pipe Lines	516	94.6330	48,830.63
Standard Oil Co. (Cal.)	6,641	129.9427	862,949.47
Standard Oil Co. (Ind.)	4,423	217.0644	960,075.84
The Standard Oil Co. (Kans.)	294	131.5989	38,690.09
Standard Oil Co. (Ky.)	147	221.7959	32,604.00
Standard Oil Co. (Nebr.)	146	149.0469	21,760.85
Standard Oil Co. of New Jersey	13,909	257.2875	3,578,611.33
Standard Oil Co. of New York	11,065	77.0927	873,031.16
The Standard Oil Co. (Ohio)	516	168.5650	86,979.54
Swan & Finch Co	73	180.5466	13,179.90
Union Tank Line Co	1,771	40.8105	72,275.39
Vacuum Oil Co	2,213	141.6865	313,552.22
Washington Oil Co. (par $10)	105	16.5610	1,738.90
			10,291,333.42

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I do.

Mr. GALLINGER. I will say to the Senator that I desire to make some brief observations on the question under discussion.

Mr. GORE. Mr. President, it is my desire, I will say to the Senator from New Hampshire, to finish the bill and to move to table the motion. I would not, however, be warranted in preventing the Senator from speaking.

Mr. SMITH of Georgia. If the Senator from New Hampshire will permit me just a few moments before he addresses the Senate, I desire to give briefly the history connected with this fund, as I have recently heard it.

I shall vote for the committee report; I shall vote for the proposition to make the appropriation direct from the National Treasury for this work; but in doing so I wish to state that I consider that the fund as heretofore contributed has done a great service. I am not moved to appropriate the money from the National Treasury by any adverse feeling toward the past use of this fund. I have recently learned how the fund was first furnished. Dr. Buttrick traveled through the South with Mr. Ogden and became very much interested in the agricultural progress there being made. In Texas he came in contact with the work of Dr. Knapp and became very much impressed with the results he was accomplishing. Dr. Buttrick came back to Washington, saw the Secretary of Agriculture, and asked him why that work was not done much more extensively. The Secretary of Agriculture explained his view of constitutional limitations as to the use of funds in such work. It was then that Dr. Buttrick arranged with the General Educational Board to tender Dr. Knapp an additional fund for the enlargement of his work, leaving entirely to Dr. Knapp the selection of every agent and of every employee, he having nothing to do with the work and not making public the fact that Dr. Knapp obtained the money through the General Educational Board. This fund not only furnished farm demonstrators and aided the boll-weevil fight, but by its use boys' corn clubs and girls' canning clubs were formed.

I have a copy of the agreement made between Secretary Wilson and Dr. Buttrick with reference to this matter, and I think it only fair to send it to the Secretary's desk and let it be read.

My own view on the subject is that we have passed beyond the stage that we occupied at the time Secretary Wilson thought it impossible to obtain an appropriation for such work. The whole country has recognized that this farm demonstration work is a legitimate public benefit for the public welfare, for the general welfare, to which the National Government can contribute; and I believe the use of this fund by Dr. Knapp taught the value of the work and led up to the present public sentiment in favor of it. I think now the whole country recognizes its value. Now the country approves and Congress is ready to carry it on. As it is for the general welfare, I think it far better that we should pay for it out of the National Treasury than to accept a continued contribution from private sources; but in taking this course, I wish it understood that I, for one, recognize that the contribution has done good. Secretary Wilson did a public service when he accepted it. I know it has been a great blessing to my section; and having seen that blessing I am willing to bear evidence to it and to express my appreciation of the fact that we received it and of what the Secretary of Agriculture—Mr. Wilson—did when he helped turn it to the valuable use to which it was put, although to-day the proper thing to do is to carry the burden at the expense of the Public Treasury, and let men who have funds which they desire to contribute to a good service use them in some other way. I have sent the agreement to the desk, and I ask that it be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

EXHIBIT A.

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE GENERAL EDUCATION BOARD FOR COOPERATION IN EXTENDING THE FARMERS' COOPERATIVE COTTON DEMONSTRATION WORK.

The General Education Board, believing that much good has been and can be accomplished by demonstration instruction to farmers upon the plan of the farmers' cooperative cotton demonstration work of the Bureau of Plant Industry, United States Department of Agriculture, conducted by S. A. Knapp, special agent, has asked to cooperate financially in the extension of this work.

Therefore, the said Department of Agriculture and the above-mentioned General Education Board have come to a mutual understanding, as follows:

First. The farmers' cooperative work, in which the General Education Board is to become interested, shall be entirely distinct in territory and finance from that carried on solely by the Department of Agriculture, the said territory and the amount to be expended each year to be determined by mutual conference.

Second. To the extent of the annual appropriation made as stated in the preceding paragraph, the General Education Board, it is understood, is to pay all expenses directly and incidentally incurred in conducting the farmers' cooperative cotton demonstration work in this extended territory.

Third. The United States Department of Agriculture shall have supervision of the work and shall appoint all special agents for this extended territory in the same way that they are now appointed, and the said agents shall be under control of said department in every respect as fully as any other agents of the department.

Fourth. A full account of all expenses incurred in said territory, with proper vouchers, shall be rendered monthly to said General Education Board, and duplicates of same shall be filed with the United States Department of Agriculture. Also monthly reports shall be made to the General Education Board and the department showing the progress of the work, and at the close of the year a final report shall be made covering the year's work.

Either party may withdraw from cooperation under this memorandum on the 1st day of January of any year by giving three months' previous notice of such intention.

WALLACE BUTTRICK,
Secretary General Education Board.
JAMES WILSON,
Secretary of Agriculture.

Mr. SMITH of Georgia. Mr. President, I only wish to say one word further. I never knew of this contract until within the last 30 days. I have been familiar with the farmers' cooperative work in my own State and in other Southern States; I have met Dr. Knapp; I have seen the work of his demonstrators; but until I became familiar with the Agricultural appropriation bill as a Member of the Senate I thought every dollar of the fund came from the National Treasury. So modest have these people been in the way in which they made the contribution, that as to the beneficiaries, the men employed, in my opinion, very few, if any of them had any knowledge of the fact that the money came from any other source except from the National Treasury. The use of this fund has been of great service to the South, and it has been given generously and modestly, free from anything except the public good. I wish justice done in this matter, and I think that this statement is only fair under the circumstances.

Mr. GALLINGER. Mr. President——

Mr. REED. I want to ask the Senator a question.

Mr. GALLINGER. Mr. President, I want to ask two or three questions, to begin with, and the first one is: Is an investigation of this strike in Colorado being conducted by a committee of the other House of Congress?

Mr. SMITH of Georgia. Is the Senator asking me?

Mr. GALLINGER. No; I am asking some Senator who may be familiar with the facts.

Mr. KENYON. I can answer that question. It has been investigated by a committee in the other House, which is now waiting for briefs on either side before rendering a report; but they have not investigated the matter to which the Senator from New Jersey [Mr. MARTINE] has referred, which occurred after that investigation closed.

Mr. SMITH of Georgia. One thing further, perhaps, should be added. This money is no longer in any sense the money of Mr. Rockefeller. The General Education Board, as trustees under the deed of trust, entirely own and control the money.

Mr. BRISTOW. Mr. President, let me ask the Senator from Georgia if the income of that board does not come, in part, from investments in the Colorado Fuel & Iron Co., whose propery is located where this trouble now exists?

Mr. SMITH of Georgia. I do not know; I never heard that before.

Mr. GALLINGER. Mr. President——

Mr. BRISTOW. I think, if the Senator will examine the matter, he will find that a part of the revenues of the General Education Board come from the Colorado mining district where this disturbance is now going on.

Mr. GALLINGER. Mr. President, I must claim the floor for a few moments.

Mr. SMITH of Georgia. Will the Senator allow me to say just a few words?

Mr. GALLINGER. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I have no information at all on that subject. The only view I have in connection with the expenditure of money for this purpose is that I am cordially in favor of the Treasury carrying this expense. I do not think the National Government should receive it from an individual or from an organization which has a fund given to it for philanthropic purposes. I think our Treasury is strong enough to pay for anything that ought to be done for the general welfare of the people of this country, and I believe in paying for it in that way; but funds from the General Education Board have been used in this way for a number of years; and having been used I believe with the highest purpose of beneficial service to my own State, and my own State having received part of the benefits from that service, without regard to the Colorado matter, about which I do not know—I did not know that a part of that fund was derived from stock invested in Colorado companies—I think it only fair to acknowledge what I believe to be the efficient way in which the money has been handled and the good which has been derived from its use.

Mr. GALLINGER. Mr. President, the Senator from Iowa [Mr. KENYON] having answered my first question, I will ask the Senator——

Mr. GORE. Will the Senator allow me just one sentence touching what the Senator from Georgia has said?

Mr. GALLINGER. I will, and then I will begin over again.

Mr. GORE. I wish to say that my understanding is, though I may be in error, that the voting power of the stock held in the General Education Board is still exercised by Mr. Rockefeller. I thank the Senator from New Hampshire.

Mr. GALLINGER. I will ask the Senator from Iowa whether both sides of this controversy have been heard by the committee?

Mr. KENYON. I will say to the Senator that they have been represented, as I understand, by counsel, and that counsel are now preparing briefs to be submitted to the committee.

Mr. GALLINGER. No report has been made as yet?

Mr. KENYON. No report has been made. I asked the chairman of the committee this morning in relation to that, and he stated that they were waiting for the briefs.

Mr. GALLINGER. I was not aware of the fact that an investigation was being conducted. I will now ask some Senator familiar with the matter whether I read correctly awhile ago that the first overt act in this unhappy controversy was the killing of a marshal and, I believe, certain other persons by the strikers? I will ask the Senator from Colorado if he has any knowledge of that?

Mr. SHAFROTH. I do not remember the circumstances that precipitated the conflict, but I do not think the last matter, as to the tent colony, was precipitated in that way. An investigation was had, following which a report was made condemning certain members of the militia, and since then there has been a court-martial proceeding against the officers who were in command at that time, and that proceeding has not ended as yet.

Mr. MARTINE of New Jersey. Mr. President, it seems to me——

Mr. GALLINGER. I must be permitted to proceed, or, at least, the Senator must get my consent to interrupt me.

Mr. MARTINE of New Jersey. I want to state this——

Mr. GALLINGER. No, Mr. President; if the Senator gets consent through the Chair, perhaps I will yield to him.

The VICE PRESIDENT. The Chair asks the Senator from New Hampshire whether he yields to the Senator from New Jersey?

Mr. GALLINGER. I yield for a question.

Mr. MARTINE of New Jersey. I only want to suggest that I think it well that this should be known: We speak of the militia. An organization known as the Baldwin-Phelps Guards, which is a private organization, controlled and managed by Mr. Baldwin and Mr. Phelps, were marched into that district and immediately after were clothed with seeming official authority by being sworn in as militia, when they were paid by the Baldwin-Phelps people, who in turn were paid by the coal companies and the mine companies.

Mr. GALLINGER. Doubtless all those——

Mr. MARTINE of New Jersey. So it is the same old breed of dogs that we met in West Virginia.

Mr. GALLINGER. Answering the Senator from Colorado, I will say that I did not refer to the burning of the tent colony, but to events which occurred prior to that time. But doubtless all those facts will be developed at the hearing. The matters that developed in connection with the West Virginia strike have not yet been satisfactorily cleared up as to the relative guilt of the various parties who were involved in that controversy, notwithstanding the Senator from New Jersey is pleased to call those on one side of the question "dogs." Now, Mr. President——

Mr. MARTINE of New Jersey. Mr. President——

Mr. GALLINGER. I must decline to yield further, Mr. President. To my mind it is extremely unfortunate that a debate such as has been conducted during the last half hour in this Chamber should be held. The honor of the State of Colorado is at stake, and I apprehend the State of Colorado will, through its officials, do its duty in this matter to the fullest possible extent. A committee of another body has the subject under investigation—I did not know that before this moment—and we ought patiently to await their report before we indulge in the extreme and lurid language that we have heard this afternoon, condemnatory of certain individuals who are in some way connected with that unfortunate affair. I do not know either Mr. Rockefeller senior or Mr. Rockefeller junior; hence I make no

defense of them, leaving the entire matter to be impartially investigated.

In addition to what I have said, Mr. President, if I have read correctly, a large minority of the strikers belong to the labor union, and they made a demand that the men who own and conduct the mines should not employ any but union men. That may not be so, but I have read it. In other words, a minority of the miners was to dictate the policy of the company in the matter of employment.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. GALLINGER. I yield.

Mr. KERN. I have it from Mr. Hay, who is a highly reputable man connected with the miners' union, one of the most conscientious men whom I have ever met in labor circles, that in their proposition to arbitrate, which they make now and have made at all times, they were and are entirely willing that the question of union or nonunion should be left out, not even insisting on that, for the reason that 95 per cent of the miners in that field are union miners. That is one reason; but they are entirely willing now, as he stated to me, that the question be submitted to the arbitration of any body of five men that the President might select, with the question of unionism entirely eliminated.

Mr. GALLINGER. But was it not a fact, I will ask the Senator, that in the inception of this trouble that demand was made?

Mr. KERN. That demand, of course, is always made as to whether they shall be treated with collectively or individually.

Mr. GALLINGER. I will venture to say for myself that if that demand should be made upon me under similar circumstances, it would not be granted. I might arbitrate, but I certainly never should grant a demand of that kind, made by men representing, as I understand it, a minority of the laboring people.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I yield to the Senator.

Mr. HUGHES. I merely want to state to the Senator that, while I do not pretend to be familiar with all the history of this controversy, a week or two ago I had a conversation with Representative FOSTER, of Illinois, who told me that he had had some telegraphic communication with young Rockefeller, in New York, and that it appeared from this interchange of telegrams that the reason why young Rockefeller refused to arbitrate this matter was that there was an insistance upon recognition of the union. Representative FOSTER informed me that he got into communication with the heads of the organization and requested, if there were any such insistence as that, that in the interest of the general good it be withdrawn. They not only authorized him to say that they did not make any such insistence, but, as I recollect the conversation, he stated that they had not made any such insistence. According to the last information I have been able to gather, Representative FOSTER had received no reply from Rockefeller to his telegram to the effect that these men were willing to arbitrate, waiving altogether the question of the recognition of the union.

Mr. GALLINGER. The only further suggestion I desire to make on that point is, that I think I am correct in saying that that condition was insisted upon in the early part of this controversy. It may have been changed since.

Mr. President, we have had several very unfortunate conditions somewhat similar to this during the last 25 years. I remember some years ago that there were 35 Chinamen tortured, killed, and burned in the State of Wyoming. I will not attempt to enumerate the horrors which they endured at the hands of laboring men, not one of whom, I believe, was a citizen of this country, either by birth or naturalization. It was a horrible affair, so grievous that, as I recall the matter, our Government paid China an indemnity of over $100,000 for the assaults committed upon the citizens of that Empire; and the poor creatures who were not killed were brutally driven from the community, a perfect reign of terror existing. Other similar occurrences have happened during our history as a Nation, some of them very revolting; but it would have been unfortunate had those matters, before they had been fully investigated, been acrimoniously debated in this or the other House of Congress.

Mr. President, I am an optimist, and yet I fear for my country when I see what is going on in this Nation to-day. I think every thoughtful man who looks upon the controversy now raging between capital and labor will pause and ask himself the serious question whether it is not true that the greatest danger that confronts us is not from any foreign nation engaging us in war, but is here at home in this controversy that has raged and is raging, and very likely will continue to rage, between capital on the one hand and labor on the other.

The Senator from New Jersey [Mr. MARTINE], with that great, big heart of his, always takes the side of the oppressed, as he regards it; and with rather extreme views, tells us what he has seen and what he has heard in connection with these matters; and yet, it seems to me, the Senator from New Jersey is sometimes laboring under a misapprehension.

There was a strike a while ago in the city of Lawrence, in the State of Massachusetts. We had a debate here about it, and women and children were brought from Lawrence to Washington as they have now been brought from Colorado. I did not participate in the debate, beyond suggesting that we ought to be patient, and await a careful scrutiny of the facts developed by an impartial investigation of everything connected with the unfortunate affair. That strike passed away, and the strikers returned to their work. Some damage was done to property, a very large amount. Some lives were lost; only two or three, I believe. Policemen were assaulted and harmed, and strikers were assaulted and harmed. The men who led that strike were the same men who to-day are claiming that they have a right to destroy property; and that they have a right to murder, in what they conceive to be, the interest of labor.

Take the utterances of Mr. Ettor; take the utterances of Mr. Haywood, who, on Boston Common, declared that he was above the law, and defied the law officers of Massachusetts to prevent him from doing anything he desired to do, ostensibly in the interests of labor, but, as I look at it, to the great detriment of the cause of labor in this country.

A few months ago we created an Industrial Commission. Excellent men were placed on that commission by the President, and one most excellent and estimable woman, Mrs. Harriman, was placed on that commission. They are going over the country investigating these questions, with a view to recommending to Congress legislation on the subject. The commission held a session in New York the other day. I want to read what one man said to that commission; and there is no doubt that it was actually said.

NEW YORK, *May 21.*

Vincent St. John, a pale, rather insignificant little man, calmly told the members of the United States Commission on Industrial Relations, in session in the City Hall to-day, how the 100,000 or more members of the Industrial Workers of the World, of which he is the prime mover, are pledged to violence—murder if necessary—the destruction of goods and property, and violation of the law they deem necessary to gain their point.

"The point with us is to gain our end," said St. John. "It does not matter to us how we gain that end. If violence against human life is necessary, all right; the end justifies the means. If it means the ruin of property, all right. Again the end justifies the means.

"If it means the isolation of a factory, the ruining of raw or finished material inside the factory or outside, all right. Again it is a case of the end justifying the means.

"Do we believe in agreements between the members of the locals of the I. W. W. and owners of industries? No; we are against working agreements of any kind, for any length of time. That is where we differ from the trades-unions. We are a step farther. It is our belief that the workman loses by making a contract as a member with the owner of a mill, factory, or other plant."

While St. John spoke, Joseph Ettor, accompanied by a young woman who wore neither hat nor coat, sat in the front row and nodded his head approvingly.

St. John went on to explain that if a local of the I. W. W. agrees to-day to work for a specified wage it has a perfect right to break that agreement to-morrow. If the local stands by its agreement, it is thrown out of the I. W. W. as unfit to be affiliated with the organization.

Mr. President, that man does not speak for the trades-unions or the honest nonunion men of this country. As I understand, Mr. Gompers—to his credit, be it said—has expressly disclaimed all responsibility for that utterance. Yet here is a man who represents more than 100,000 people who, with others, are exciting the poor people in the industrial sections of our country to violence and to the destruction of property. It is a very serious matter, Mr. President; and when I contemplate it, I sometimes wonder what the fate of our Republic is to be, unless we are calm and judicious and judicial in our consideration of these questions. It is a very serious problem.

Mr. President, so far as this unfortunate matter in Colorado is concerned, I hope, as we all hope, that the facts will be developed, and that to all guilty men or guilty women connected with the affair, whether they are rich or poor, whether they are on the one side or the other, adequate punishment will be meted out. I deprecate, however, and I can not help saying it, a violent discussion of a matter of this kind in the Senate before all the facts have been developed and reported on, and before any of us is justified in forming an opinion that may not, at least, have some doubt in it.

Mr. President, I have said all I care to say. I am a friend of the laboring man. I know all about his trials. I have been

one of them. My sympathy for them is just as strong as that of any other Member of this body. I want them to have all the rights that are guaranteed to them by the laws and the Constitution of the United States, but I also want every other class to have the same protection. When, however, any man—whether it be Mr. St. John, or Mr. Ettor, or any other individual—openly advocates sabotage, the destruction of property, the destruction of machines in the mills, which they have advocated, and, if necessary, as Mr. St. John said, violence to the extent of murder to carry their point, it becomes a very, very serious problem, which ought not to be determined through our sympathies or our partial knowledge of the facts connected with the controversy, but it should receive the careful, considerate, and unprejudiced consideration of us all, to the end that the rights of all parties shall be ascertained and safeguarded.

Mr. GORE. Mr. President, while I am a young man, I have already lived long enough to learn both the danger and the injustice of returning a verdict against any man or against any combination of men upon ex parte testimony alone. Lawlessness and violence are to be condemned by law-abiding citizens without reference to the occupation or the financial standing of the lawbreaker. In a recent strong editorial Mr. Gompers condemned in unmeasured terms all those who counsel or who countenance violence and murder.

I have been deeply and duly impressed by the solemnity of the words of the venerable senior Senator from New Hampshire. He has described dread symptoms of a dreaded social disease. No man can look upon those symptoms and contemplate their significance without trembling for the future.

The resolution on the part of the committee of the Senate to divorce the General Government from the General Education Board does not limit the future possibilities of service of the income accruing to the General Education Board. There are many objects, there are many services of philanthrophy, of charity, and I may say of patriotism, to which this money can be dedicated. There are many who will accept these contributions without scruple and will doubtless apply them to humane and to beneficent purposes. There are those, however, who think the Government of the United States ought not to accept money or contributions from the General Education Board because it has received its endowment from Mr. Rockefeller. The Standard Oil Co. has been adjudged by the Supreme Court of the United States to be a violator of the laws of the land. There are patriotic citizens who sincerely believe that the Government ought not to accept contributions from a corporation of this kind. There are many patriotic people who believe that the General Government can not afford to render any favor to or confer any bounty upon the Standard Oil Co., and there are people, whose sense of propriety is not to be questioned, who are reluctant to accept favors from those to whom they can not return or reciprocate favors.

When this subject was under consideration before, I purposely avoided giving utterance to a single word on the subject. As the debate has disclosed, there are those outside the Senate who believe this money is red with human blood and dripping with human tears. I respect the opinions of those people because they are sincere in desiring a divorcement of the Government from the General Education Board.

I based my position in the committee and in the Senate upon this ground: This farm demonstration work in the South has become a fixed, an approved, and a permanent policy on the part of the Government of the United States. I feel, and many people feel, that this great, opulent Government is able to defray the expense of any and of all policies designed for the betterment of the citizenship of the United States. I am firm in that conviction, and upon that conviction I have based my advocacy of this divorce.

Mr. President, I move to lay the amendment on the table.

Mr. WEST. Mr. President, may I say a word before that is done? I should like to ask a question.

Mr. GORE. Very well, if the Senator wishes to ask a question I will withhold the motion for the present.

Mr. WEST. In making this motion I did not intend to provoke such a debate here this afternoon. I understood hitherto that that had been the case, and I wish to know now, if Mr. Rockefeller or Mr. Carnegie or any other wealthy man contributed money, whether he would in any way directly control the services of those under the Government by this money?

Mr. GORE. Mr. President, I think the junior Senator from Iowa [Mr. KENYON], while he may not be able to answer the question directly, can undoubtedly shed light on the subject.

Mr. KENYON. I will simply say to the Senator from Georgia that possibly some two months ago I introduced a resolution here calling on the Secretary of Agriculture to transmit to the Senate the names of the employees of the Department of Agriculture who were paid by the General Education Board, and also a statement of the general relations between the General Education Board and the Department of Agriculture.

Mr. WEST. Are they receiving the money directly?

Mr. KENYON. I will say to the Senator that the Secretary very promptly responded, and he showed in the statement that there were about 600 employees who were paid $1 by the Government and the balance of their compensation out of the money of the General Education Board. If the Senator will consult that communication, which is in the RECORD, I think his question will be satisfactorily answered.

Mr. WEST. Were those Government officers who just received $1 from the Government?

Mr. KENYON. They were on the pay roll of the Government; and, as I understand, the man who is at the head of the farm demonstration work received $1 per month from the Government and $625 per month from the Rockefeller Fund. I am not exactly clear whether the $250,000 was given to the Department of Agriculture in a lump sum, to be used by them, or whether it came at different times from the General Education Board; but I think it was given in a lump sum to pay these employees.

Mr. WEST. Mr. President, I regret exceedingly that this debate this afternoon has provoked such trouble in the Senate and that there has been so much feeling exhibited. I do not know Mr. Rockefeller; I never have seen him in my life. I know that I feel for the poor people of this country as much as any Senator in this body; but I have always taken the view that if the rich would give liberally of their means toward the uplifting of the downtrodden, our country generally would be much improved.

I do not chide a man for making money if he makes it honestly. I think if he has the talent to do it he ought to do it, and then he ought to give liberally to the cause of humanity and to the spread of Christianity. I want to say, however, that if this money goes directly to the support of officers of the Government, and they feel that they are getting it, not from the Government, but from some wealthy man, I withdraw my motion to strike out the proviso.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. SMOOT. Mr. President, the Senate has been in session for seven hours. I am quite sure it would be impossible to get a quorum here at this late hour. Therefore I am not going to offer the amendments to the bill I had intended to offer, now that it is in the Senate.

Mr. President, this bill never should become a law. There are so many amendments that are indefensible, undemocratic, and unconstitutional that I marvel they have ever been supported by the Senate. I dare say, without believing there is a single Senator who will doubt the statement, that if these items in this appropriation bill had been offered to the Senate by themselves in a separate bill, you could not have found 10 Senators who would have voted for them.

Mr. SHEPPARD. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. SHEPPARD. Has the Senator made the same objections to the Agricultural appropriation bill in the past?

Mr. SMOOT. I say to the Senator that there are items in this bill which have never been offered to a bill before, or anything like them. I would have done so if they had been offered. I also desire the Senator to know that in my experience here in the Senate such amendments never would have been considered, and Senators never would have thought of offering them on an appropriation bill.

Mr. SHEPPARD. To what particular amendments does the Senator refer?

Mr. SMOOT. It is too late now to go into the details of the amendments. The Senator has attended the sessions of the Senate pretty constantly and watched the proceedings carefully, and he knows what amendments have been objected to and discussed. Therefore it is not necessary at this time to go into that matter.

As I stated before, I do not want to ask for a yea-and-nay vote. I am quite sure we could not get a quorum here to-night, and I do not want another Sabbath to pass thinking of this measure and the items which have been put upon the bill here and discussed in the last two weeks. Therefore I shall say nothing more at this time, but I shall rely upon the better judgment of the members of the conference on the part of another body, believing that they will not agree to items which have been placed on the bill here, that never should have been placed

upon an appropriation bill, and that never would have been supported by the Senate of the United States if they had been offered alone as separate measures.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. GORE. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. GORE, Mr. CHAMBERLAIN, and Mr. WARREN conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

Mr. THORNTON. Mr. President, I desire to give notice at this time that on Monday, at the conclusion of the debate for that day on House bill 14385, the unfinished business, I shall ask the Senate to take up for consideration House bill 14034, the naval appropriation bill.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, May 25, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 23, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who are everywhere present, unseen, yet an overwhelming spiritual force, to uphold, sustain, and guide Thy children in their efforts to do the right, take away from us all unworthy desires and ignoble thoughts, that we may receive the full benefit of Thy holy influence and do the work Thou hast given us to do with all diligence and perseverance. In the spirit of the Lord, Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE REPRESENTATIVE SULLIVAN.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Ordered, That Sunday, the 21st day of June, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of the Hon. TIMOTHY D. SULLIVAN, late a Representative from the State of New York.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

ANTITRUST LEGISLATION.

The SPEAKER. The unfinished business is H. R. 15657. The House will resolve itself automatically into the Committee of the Whole House on the state of the Union, with the gentleman from Tennessee [Mr. HULL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and other bills embraced in the special order of the House.

Mr. WEBB. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, the pending bill is one to which I intend to give my support. I am not going to undertake to discuss the trust question from the legal standpoint. I think the pending bill is a lawyer's bill, a lawyer's conception of the trust problem and methods of handling it. I am not a lawyer and have no technical knowledge whatever of the law. I have made some little study of this question from the economic standpoint, and in the brief time allotted to me I propose to discuss the trust question on a fundamental basis, on the basis of political economy. And I want to begin by saying that it was no mere jingle of words in which Oliver Goldsmith declared that—

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay.

The people of the United States during the last quarter of a century have witnessed a concentration of wealth and power so enormous as to be appalling, and this concentration still goes on with hardly a sign of abatement. The growth of the trust, so called, has been the phenomenon of the time. It has marked an industrial change more startling by far than any that has ever before been recorded in the history of the world, more startling, indeed, than that involved in the harnessing of steam and electricity. It has noted the rapid passing of the individual and the appearance upon the stage of a vast impersonal force which reduces the social unit from positions of independent initiative to a mere part in a huge machine. It is no longer easy for pluck and brains and energy to win in a struggle which involves relatively new and strange conditions. Pluck and brains and energy are still factors of success, but they no longer play the part they once enacted in the upbuilding of independence and the scoring of individual triumphs. They have become merchantable quantities, like common labor; they are bought in the open market by the highest bidder, and the highest bidder is that industrial creation of privilege which upsets the law of competition and by the forces of monopoly controls the field of production.

It is not my purpose here to detail the frightful process of concentration. To do so would be to burden my remarks with stupendous figures and to confuse the mind with facts that almost pass belief. Let me, rather, invite a consideration of the situation in its moral phase, casting aside all questions of expediency and of circumstance and looking only at the matter from the standpoint of right reason. Concentration in itself is not a bad thing. It is bad only when it involves something besides mere concentration. A thousand men working together can do more than a thousand times as much as one man working alone. It is only when men work together in large numbers that the enormous advantages of a division of labor are possible. And in like manner the concentration of capital is in the direction of economy. It is possible enormously to increase the efficiency of capital by massing it, as in a mighty steamship or a huge factory or a great mill. It must be borne in mind that money is not capital. Capital is wealth used in the production of more wealth; and money is not wealth, it is merely the representative of wealth, a tool employed for the facilitation of exchange. And it does not matter in the least what sort of money it may be so long as it passes current. The small open boat used in carrying goods is capital, but the small open boat is a less efficient means of transportation than a great steamship; and it is an advantage to the world when a hundred owners of small open boats get together and build a mighty leviathan of the deep into which thousands of tons of freight may be packed and safely carried across the multitudinous seas with an expenditure of labor far less relatively than was required in the hazardous ventures of the sloop and the schooner. The harm is therefore not in this massing of capital in noble ships and great factories and huge mills. It must be looked for elsewhere. And we shall find it, perhaps, in the special privileges with which certain aggregations of capital have surrounded and buttressed themselves. These special privileges appear in many forms, but they all possess a common character; they involve the use of a private taxing power, and whether they wield this in the shape of a tariff which enables them to avoid competition and sell their products at an arbitrary figure, as in the case of the Steel Trust, or whether they wield it in the shape of royalties exacted for the use of natural opportunities, as in the case of the Hard Coal Trust, which until lately was also shielded to an extent by tariff laws, the effect is the same.

They are enabled to command service without rendering service; they fix prices at what traffic will bear; their extortion is limited only by the ability of the people to sustain it. There may be pretenses of cheapening commodities, as in the case of oil; but commodities controlled by monopoly are cheapened in price only by their debasement in quality. Coal oil is cheaper per gallon, it is true; but it is also true that it is lower in standard; its illuminating power has been decreased. And the same is true throughout the whole list of trust articles. If prices have been nominally lowered, they have been relatively increased by the act of adulteration or debasement. The trust always takes everything it can get.

NO CORNERING OF THE NORTH WIND.

It should be observed that trusts do not attempt to corner the north wind. They seek to get control of things that are limited in quantity, and so every really effective trust in the long run must be one that in some form is a landlord. Take the Paper Trust. This trust for years was protected from foreign competition by a tariff on manufactured paper and by a tariff on wood pulp, which is the raw material of paper. But the Paper Trust would soon have gone to the wall had it been solely dependent upon the tariff. The tariff certainly aided it in victimizing the publishers; it enabled the trust for a time to increase prices by 33⅓ per cent. Yet if the tariff had been

its only bulwark, its career would have been as short lived and as disastrous as that of the famous Oatmeal Trust. It will be remembered that when the Oatmeal Trust put up the price of its commodity a hundred or possibly a thousand mills in all parts of the country awoke to the fact that they could grind oats as easily as wheat and corn, and just at the moment the trust was flushing with its success the independent manufacturers flooded the market with their product and the trust went to the wall. Its disaster taught other trust managers a lesson which they were not slow to learn, and now every trust which can hope to be more than temporarily effective as a taxing power is in control of something more than tools and machinery. Thus the Paper Trust set out to gain control of the sources of supply; it acquired practically all the spruce timber in the United States, and, in addition, it secured control of all the water power available to the timber supply. It was thus able to dominate the market until the tariff barrier against foreign paper was torn down by a Democratic Congress. Independent mills could get neither the wood nor the water, and they were thus utterly unable to enter into an effective competition. Yet had they then been permitted, as they are now permitted, to import spruce logs from Canada, where spruce abounds, they could have given the trust most serious trouble.

WHERE THE STRENGTH LIES.

The Steel Trust finds its strength in the ownership of ore beds. The same is true of the Copper Trust. The Hard Coal Trust is obviously a child of landlordism, fed and nursed until the passage of the Underwood bill by a tariff on soft coal. The Lead Trust, the Beef Trust, the Standard Oil Trust, the Sugar Trust, and, above all, the Railroad Trust, in the final analysis, are all founded upon the monopoly of certain limited natural opportunities. It is true that some trusts which own no natural opportunities flourish and would continue to flourish were the tariff repealed which protects them in greater or less degree even under the new schedules from foreign competition. But it will be found that in every such case the trust in question is a collateral or dependent of some trust which does control certain natural opportunities. The Beef Trust is largely the offshoot of the railways; it flourished on the discriminating freight rates which it was long able, and which it may still be able, to command; and this trust was not only able by its relations with the railways to extort tribute from the consumers of meat, but was also able in many cases to depress the prices of stock upon the hoof.

The strength of a monopoly is in its taxing power. Never in the service it may render. Always in that which it may withhold. Thus it happens that a monopoly which to-day can levy but a trifling tax upon the public is to-morrow able to impose a crushing burden of tribute. Take the gas monopoly of Chicago, for an example. There was a time years ago, at the time the monopoly was first granted, when the cost of service figured in the rates charged. Later, the charge was fixed entirely by what the consumer would bear. Prof. Bemis was able to show beyond any possibility of dispute that the tribute exacted from the consumer in the good old days of unrestrained and unregulated monopoly was at least 50 per cent of the price charged. In other words, the consumer paid 50 cents for gas, including a fair profit on the investment, and 50 cents for tribute.

Can good citizenship tolerate the exercise of such private taxing powers? Is it not bound to protect itself and the public against all exactions save service for service? It is easy to say that monopoly gives service for service, but it is hard to prove. Monopoly may and often does exact royal tribute from industry without rendering any service at all in return. Examples of this might be multiplied, but one case from Michigan, cited by the commissioner of labor of that State in one of his reports, will suffice.

STORY OF THE COLBY MINE.

The illustration relates to the Colby mine, and the history of this mine is interesting and instructive. It will stand as an admirable type of a thousand other cases which enforce the point which I desire to make. This Colby mine cost the owners $1.25 an acre. They never spent a cent upon it for improvements, but they leased the privilege of taking out the ore on a royalty of 40 cents a ton to the Colbys, who in turn leased it to Morse & Co. for 52½ cents per ton royalty. Morse & Co. contracted with a Capt. Selwood to take the ore out and deliver it on the cars for the sum of 87½ cents per ton. Capt. Selwood in his turn got a capitalist who owned a steam shovel to dig the ore and put it on the cars—all that he had contracted with Morse & Co. to do—for the sum of 12½ cents per ton. This was in the year 1885; and the ore, which was as easily dug as gravel from a gravel pit, brought loaded on the cars $2.80 a ton. Out of this $2.80 a ton the share of the mine owner was 40 cents a ton; Colby's, 12½ cents; Capt. Selwood's share, after paying 12½ cents, as above mentioned, for the work of production, was 75 cents; and the remainder, or $1.40 per ton, was at once the share and profit of Morse & Co. In the year in question there was mined 84,312 tons. At $2.80 a ton delivered on the cars ready for transportation it brought the sum of $236,073.60. Let me recapitulate:

84,312 tons, at $2.80 per ton	$236,073.60
Owners' royalty, at 40 cents per ton	33,724.80
Colby's profit, at 12½ cents per ton	10,539.00
Morse & Co.'s profit, at $1.40 per ton	118,036.80
Selwood's profit, at 75 cents a ton	63,234.00
Capitalist's share for capital and labor in production	10,539.00
Total	236,073.60

Mr. BARTON. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from Nebraska.

Mr. BARTON. Will the gentleman state where that mine was located?

Mr. BAILEY. In Michigan. I copy this from the report of the labor commissioner of Michigan.

Up to the close of the period covered by the report from which I have quoted the total output of this mine was 1,116,418 tons. Since then the output has probably been increased, but the figures are not available. Nor do they matter for the purposes of this argument. What I wish to observe is that this mine has given something more than a comfortable living to each of four beneficiaries who performed absolutely no service in exchange for it.

Mr. GORDON. Will the gentleman yield?

Mr. BAILEY. I should like to yield.

Mr. GORDON. I want to ask the gentleman what is the product of that mine?

Mr. BAILEY. Iron ore. The only person who did any work was the capitalist, and his share, for the capital and labor employed in mining and placing the ore on the cars, was less than 5 per cent of the total value of the product. In other words, monopoly claimed and got 95 per cent of the product and capital and labor divided between them 5 per cent. The difference represents the value of a private taxing power. It represents what privilege demands from the toiler for access to natural opportunities. It represents the difference between natural wages and the wages fixed by legal restrictions.

Now, I wish to inquire how we, as Democrats, can sustain so glaring a perversion of natural law? Under just conditions, ought not the product go to the producers? What possible title in morals can the men who get 95 per cent of the product of the Colby mine show to that product? They have performed no labor; they have rendered no service; they have expended no capital; they have done nothing whatever but stand between labor and capital and the natural opportunity. Did they make the iron ore? Did they create the demand for its use in the production of steel? Certainly not. They simply forestalled the opportunity and waited the time when labor and capital were so pressed by necessity that they would yield 95 per cent of their joint product for the bare privilege of access to the ore bed.

If this is true of ore mining, if monopoly taxes labor and capital 95 per cent for permission to produce, can we doubt that the same is true in coal mining, in silver mining, in lead mining, in lumbering, in quarrying, in all the various fields which have become subject to the forestaller? And if monopoly has learned the trick of levying a private tax upon capital and labor, compelling them to yield an enormous tribute for which no conceivable return is offered, can it be supposed that industry in general, that capital and labor in other lines, in manufacturing, in building, in commercial pursuits, in printing and merchandising and personal service, are exempt from exaction? If labor and capital in ore mining must pay 95 per cent of their product for bare opportunity, what do you suppose steel workers pay, what do you suppose clerks and small tradesmen pay, what do you think bricklayers and carpenters and blacksmiths and painters pay, what must teachers and musicians and preachers pay? Or to put it in another way, if labor and capital could freely engage in ore mining and retain their entire product undiminished by a private tax, how long would labor consent to work for the wages it is now glad to accept? For it should be remembered that this Colby mine is no isolated instance. It is typical. It illustrates the whole system of monopoly production under which we are working; and it is inconceivable that ore miners alone would consent to yield 95 per cent of their product as tribute while coal miners and lumbermen and steel workers were required to yield relatively less.

HOW WAGES ARE DETERMINED.

The truth is that on the average throughout all industry wages are determined, not by the product, as they should be, but

by what monopoly leaves after it has taken its tribute. This any man may see who has eyes to see. And when you have been told, as we are often told, that wages of labor have advanced, the statement is made in clear defiance not only of the fact but of right reason, as one may readily perceive if one will but stop to consider that in the last analysis wages are governed by what may be obtained by the application of labor to the best free land in use. That the best free land in use must be very poor indeed is shown in the fact that in agriculture from a third to half the crop is willingly paid by tenants for the use of appropriated land; and since labor in the primary industry secures but half its product, less taxes, can you for a moment believe that labor in the secondary or more elaborate industries is relatively more fortunate? The reverse is probably if not demonstrably true, as must appear when we consider that in agriculture alone comparative freedom of opportunity is left. Farming is still free or largely free from trust control, yet even in farming the independent farm owner is fast disappearing, the tenant farmer is taking his place; and even the tenant farmer is giving away surely, if slowly, to the farm laborer.

It were supreme folly to attempt to destroy the trust, in so far as it marks a mere tendency to concentration. As was said before, there is no necessary harm in concentration. The evil grows out of concentration plus monopoly. And it has been asserted that no monopoly can long exist without some special grant of privilege. There are patent monopolies, but these can exist only for a limited period, and can therefore play no very serious part in the great economic drama. The tariff will enable its beneficiaries to rob the people up to the point where internal competition is invited, and this in turn invites combination. But suppose that every concern in the whole country engaged in the production of a certain commodity were to enter into a combination which would throttle competition and enable the producers of this commodity to sell up to the full tariff limit, what would hinder others from setting up in the same business? The combination would speedily break of its own weight unless it were the possessor of some valuable natural monopoly.

WHY RESTRICTION FAILS.

We have been dealing and we are proposing still further to deal with trusts by restrictive measures. These measures in the past have been abortive. Is there any reason to believe that new measures of restriction will afford better results? The proposition to license trusts is too grotesque to be seriously considered, but if we were to license trusts, as we do saloons, the trusts would go into politics then for sure, just as the saloons have done. The Sherman antitrust law has been as unavailing as it was probably intended to be by the able statesmen who sought to fool and did fool the people with it. And if a thousand other laws of restrictive character were piled upon the statute books the result would not be different. The trusts would continue business just the same.

This is no partisan question. It concerns every American. We can afford to divide on questions of policy, but we can not afford to divide on a question which involves the very essence of republicanism. Lincoln loved the plain people and often referred to them. He never ceased to trust them, and they never betrayed his trust. He said you could fool all of the people some of the time and some of the people all of the time, but you could not fool all the people all of the time. Apparently this wise yet homely saying is discredited by some of the leadership of to-day. It seems to be the governing thought that you can fool all the people all the time. But surely no one can be fooled by the pretense that our own rights are not in danger when the rights of others are abridged and denied. Nor can anyone of ordinary perception be fooled by the assumption that if the Government shall take care of the rich the rich will take care of the poor. Yet this assumption has been gravely made, and it has been too freely accepted, as the enormous monopolies which menace the land but too powerfully testify.

WHAT LINCOLN SAID.

Lincoln 50 years ago observed and denounced "the effort to place capital on an equal footing with labor in the structure of government." "It is assumed," he said, "that labor is available only in connection with capital, that nobody labors unless somebody else, owning capital, somehow by the use of it, induces him to labor." With an insight keener than that of any other statesman of his time, he saw the grotesque error of this assumption. He declared that there was no such relation between capital and labor. "Labor is prior to and independent of capital," he said in his first annual message to Congress. "Capital is only the fruit of labor and could never exist if labor had not first existed; labor is the superior of capital and deserves much the higher consideration." But he did not deny that capital had its rights, nor did he deny that there was and probably always would be a relation between capital and labor producing mutual benefits. He saw ahead of his time. He foresaw the growth of what some are pleased to call capitalism, but what he knew and we know as monopoly, but he did not make the sad mistake of imagining a war between capital and labor. He knew that these two partners in producing wealth could not quarrel—for how can a workman quarrel with his tools; how can the tools quarrel with the workman who uses them? But he understood that the man who could own another man could own and did own that other man's labor. And he saw that this was the fundamental economic fact—the real cause of that irrepressible conflict whose expression was found in rebellion and the open or covert attacks upon the people's right to govern themselves. He declared that no man was good enough to govern himself and another man. Freedom was his watchword, and he turns aside in a grave state paper, dealing with the perplexities of war and the mighty problems which rebellion thrust upon him, to felicitate the country on the fact that there was not of necessity any such thing as the free hired laborers being fixed to that condition of life.

Many independent men everywhere—

He observed—

a few years back in their lives were hired laborers. The prudent, penniless beginner in the world labors for wages a while, saves a surplus with which to buy tools or land for himself, then labors on his own account another while, and at length hires another new beginner to help him. This is the just and generous and prosperous system which opens the way to all, gives hope to all, and consequent energy and progress and improvement of condition to all. No men living are more worthy to be trusted than those who toil up from poverty; none less inclined to take or touch ought which they have not honestly earned. Let them beware of surrendering a political power which they already possess and which, if surrendered, will surely be used to close the door of advancement against such as they and to fix new disabilities and burdens upon them until all of liberty shall be lost.

These words were written over 50 years ago. What has become of that just and generous and prosperous system which then opened the way to all, gave hope to all, and consequent energy and progress and improvement of condition to all? Can it now be truly said that labor is not fixed to that condition of life? Lincoln said that labor was not so fixed in his day. Can you say as much in 1914? The prudent, penniless beginner of his time labored for wages a while, then he began working for himself, and then he became an employer. Has the beginner in my State of Pennsylvania any such spur to energy? Largely speaking, is there any hope for him ever to cease working for wages? Can he ever seriously aspire to rise much higher than to a petty foremanship? Is there one chance in a hundred thousand that he may become himself an employer?

THE GIANTS OF PRIVILEGE.

What has wrought this change? Chattel slavery has gone; invention has enormously increased the efficiency of human labor. It ought therefore to be easier for labor to win its way from penniless beginnings through the intermediate steps to a competency. But is it so? Does not the struggle grow harder and harder and the prospect less and less hopeful? And if the burden of industrial conditions even in that comparatively hopeful time rested upon the great soul of Lincoln, urging him to warn his countrymen against placing capital above labor, how much more it must devolve upon us to wave the danger signals. For capital has indeed been placed before labor. Legislation under 50 years of Republican rule has looked after the dollar and left the man to look after himself. Giants have been built up on privilege, and to-day we are facing those possibilities which Lincoln dreaded, when powers that the people have surrendered are being used to close the door of advancement and to fix new burdens and disabilities upon them. It is now but a matter of keeping on in the way we have been going until all liberty shall be lost, as he feared we should lose it.

Let us consider for a moment what privilege really means. There is nothing in itself in wearing a crown. Anyone could plait himself a crown of straw or of thorns if he pleased, and he might wear it without offense. He might even build a triple one of gold and have it set full of diamonds and precious stones, yet would it be but a bauble, a toy, the vanity of a fool, were that all. It is when there is something behind the crown, some power, some authority, some privilege, which it typifies. Thus a king with a hundred crowns and without a kingdom were as deviceless and as puny a monarch as that one who in a padded cell plaits his crown of straw and wields a broken reed for a scepter over the fantastic hosts trooping through his disordered mind. But let there be power, let privilege be vested, let authority be grasped and its exercise conceded, then, whether the man so clothed shall wear a crown and wield a scepter or not, whether he shall call himself a king or merely a "captain of industry," the effect upon those who must come when he says

come, must go when he says go, must render tribute when he demands it, must bow to his authority and acknowledge his privilege when he asserts them, is the same. And while we have no crowns in America and no titles of nobility, we still have a privileged class whose power over the lives and destinies of the rest is as absolute and as imperious as ever that imposed by czar or prince. Your Andrew Carnegie is a "triumphant Democrat," yet no monarch who ever bestrode a throne held sway more dominantly or wielded his imperial functions with a harder hand. For the essence of kingship is the taxing power. The Stuarts realized that in their bitter fight with the Parliament; and monarchy became a figurehead when that power was resumed by the people.

THE ROOT OF THE MATTER.

Then, surely here is the root of this matter. If we have principalities and powers in this free Government; if there be barons and dukes and princes; if there be underlords and overlords; if there be those that take who have the power and those that keep who can, what is the plain solution of the problem? Is it not to unhorse privilege by destroying its taxing powers? Let the kings and potentates continue if they please to wear their crowns; let them flaunt their robes of state and their insignia of royalty if that shall tickle their vanity; but let the people whom they have been taxing refuse to vote further supplies. Let the people keep what belongs to them, and let the kings and princes keep what is theirs. But what is it that belongs to the people? Is it not the product of their labor and all the product?

If the kings and the princes have produced anything, then surely that is theirs. The people will not claim it. The people claim only what their labor has produced. And when our American royalty presents its demands for tribute, let the answer be refusal And let this refusal be made effective, not by idle protests and by vain restrictive concessions, for every restriction is but a concession, but by the repeal of all laws which vest the taxing power in private hands. There is no other way. The trust which has no taxing power is a good trust. Every one which possesses the taxing power is a bad one. And this is the distinguishing mark. Look into the nature of the trust. If it has the power of levying a tax, then it is bad and irredeemably bad. If it is not endowed by law with this special privilege or some form of it, then it is harmless if not beneficent.

THE WAR AGAINST ALL PRIVILEGE.

The war, then, is not against the trust per se; it is against privilege in general. The trust of which we complain is but an incident of privilege. Destroy the latter and the former falls as a limb falls when the tree is cut down. And since we have seen that the root of privilege is in the monopoly of natural opportunities, the first and the continuing assault should be directed to its extirpation. Attack the outposts and cut off the allies; reduce the outworks and destroy the guerrillas; yes; but press on toward the citadel. Until that has fallen, the robbers which have levied tribute upon labor, that have demanded service without returning it, that have compelled the people to make bricks without straw, will still be in command; they will still lay upon labor tasks and burdens; and its fighting and its sacrifices will have been in vain.

Repeal all tariffs.

Take over all natural monopolies.

Untax labor and the products of labor, and for all other taxes substitute a single tax on the value of land, irrespective of improvements.

And thus, and thus only, shall we destroy privilege and all its brood. [Applause.]

Mr. CARLIN. Mr. Chairman, I desire to make the point of no quorum.

The CHAIRMAN. The Chair will count. Evidently there is no quorum present. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken	Chandler	Faison	Gudger
Ainey	Clark, Fla.	Falconer	Hamill
Ansberry	Clayton	Farr	Hamilton, N. Y.
Barchfeld	Connelly, Kans.	Ferris	Hamlin
Barthoidt	Connolly, Iowa	Finley	Hardwick
Bell, Ga.	Copley	Flood, Va.	Hart
Borchers	Covington	Fordney	Heflin
Bowdle	Cramton	Foster	Hill
Brown, N. Y.	Crisp	Francis	Hobson
Browning	Curry	Gallivan	Hoxworth
Bruckner	Dale	Gard	Hughes, W. Va.
Brumbaugh	Difenderfer	Gardner	Humphreys, Miss.
Burke, Pa.	Dooling	George	Jones
Butler	Driscoll	Glass	Kahn
Calder	Drukker	Godwin, N. C.	Kindel
Callaway	Dunn	Goldfogle	Kinkaid, Nebr.
Cantor	Edmonds	Gorman	Kirkpatrick
Cantrill	Elder	Graham, Pa.	Kitchin
Carew	Estopinal	Griest	Konop
Korbly	Maher	Riordan	Stanley
Kreider	Manahan	Roberts, Mass.	Stedman
Lafferty	Martin	Roberts, Nev.	Steenerson
La Follette	Merritt	Rogers	Stephens, Miss.
Langham	Metz	Rothermel	Stephens, Tex.
Langley	Mondell	Rupley	Stringer
Lee, Ga.	Montague	Sabath	Taggart
Lee, Pa.	Moore	Scully	Talbott, Md.
L'Engle	Morin	Seldomridge	Taylor, Ala.
Lenroot	Moss, Ind.	Sells	Taylor, N. Y.
Lever	Mott	Shackleford	Tuttle
Levy	Murdock	Sharp	Underhill
Lewis, Pa.	O'Brien	Sherley	Underwood
Lieb	O'Hair	Sherwood	Vare
Lindbergh	O'Leary	Shreve	Wallin
Lindquist	Paige, Mass.	Sinnott	Walters
Linthicum	Peters, Me.	Slayden	Whitacre
Loft	Peters, Mass.	Slemp	Wilson, N. Y.
Logue	Phelan	Small	Winslow
McClellan	Porter	Smith, Idaho	Woods
McKellar	Post	Smith, Md.	
McLaughlin	Ragsdale	Smith, Tex.	
Maban	Reed	Sparkman	

The committee rose; and Mr. GARNER having taken the chair as Speaker pro tempore, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15657, and finding itself without a quorum, the roll was called under the rule, and 269 Members had answered to their names, and he reported a list of the absentees.

A quorum being present, the committee resumed its session.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Arkansas [Mr. FLOYD], a member of the committee, so much time as he cares to consume.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to discuss some of the more important provisions of this trust legislation. In doing so I desire to go more into detail than has been done by those who have preced d me c ncerning certain provisions of the bill and the reasons therefor.

Before going into a discussion of the merits of the different propositions embodied in this proposed legislation I want to call attention briefly to some of the criticisms made against the bill. My colleague on the committee, Mr. VOLSTEAD, the senior member of the Judiciary Committee on the minority side, who filed a minority report, intimated last night in his speech, if he did not say it, that this bill had in some way been framed in secret. I desire to say that no bill that was ever brought into this House has been more openly considered, both by the committee and by the country at large and by everyone who desired to consider it, than has this bill. It is true that the Judiciary Committee assigned the work of framing the bill to a subcommittee composed of the chairman [Mr. CLAYTON], the gentleman from Virginia [Mr. CARLIN], and myself. We worked for hours, for days, and for weeks formulating the provisions of this measure when no one esle was present, but whenever we formulated a proposition we brought it into the spotlight, laid it not only before the members of the committee but before the country. This legislation was in response to the message of the President delivered January 20, 1914.

Mr. MANN. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Certainly.

Mr. MANN. Will the gentleman give us the names again of the subcommittee?

Mr. FLOYD of Arkansas. Chairman CLAYTON, the gentleman from Virginia [Mr. CARLIN], and myself.

Mr. MANN. There was no minority member on that subcommittee?

Mr FLOYD of Arkansas. No; there was not. When the tentative bills were first prepared they were printed and notice was issued through the press to the country, inviting criticism, and people interested in the legislation came from all parts of the country and all sections of the country and criticized various provisions in the bills and suggested amendments. We had public hearings for weeks. I want to say that many of these criticisms proved valuable to the committee; many suggestions made were finally incorporated in the bill as it was finally submitted to the House.

But there is another class of critics to whom I want to pay my respects—the men that criticize the provisions of the bill who do not know what it contains. We get them from all sources and from all over the country. I have here a criticism of this kind; it came from my own State. It is from the Blytheville Courier, a newspaper published at Blytheville, Ark. It is a marked copy. It reads as follows:

A VICIOUS LAW.

Congressman CLAYTON has introduced in Congress an antitrust amendment to the law now operating which is vicious and should be defeated. It provides exemption for every known kind of organization not organized for profit except the retail associations. Under this law all corporations such as the retail corporations in Blytheville would be put out of business.

The measure was introduced April 14, and is brand-new. All retail associations or corporations should get busy with their Congressmen and Senators and have the bill killed. It is a case of act quickly, as the law is cleverly framed, and unless close attention is paid it might become a law.

And yet, as I will show you later, the provisions relating to the subjects he is discussing are, in the judgment of the committee, in favor of the smaller business men of the country, and are attempts to check the growth, power, and rapacity and the unfair methods of the great trusts and combinations.

Now, the editor of the Blytheville Courier is the editor of a small newspaper in Arkansas. I want now to read an editorial from another source, from the New York World of May 20, 1914:

[Editorial from the New York World of May 20, 1914.]

INOPPORTUNE.

The administration trust bills are not going to have any bed of roses to repose on during their consideration by Congress. Unscrupulous big business, against which they are aimed, is openly hostile to them. Scrupulous business, big and small, in whose behalf they are projected, is certainly not clamoring for them. And now labor is getting a large and heavy club ready for them.

Attacked by the special interests of capital and labor which they are deemed to antagonize, suspected by the honest business which they seek to befriend, there is left to these bills nothing but to petition the support of the general public which represents no special interest, good or bad, but solely the general welfare. And this general public has so far ignored them.

Why? Because, however inherently just these bills may be, they have committed the offense of being inopportune.

Those are the comments of the New York World, and it seems to me that the writer misconceives the purposes of the bill and misconceives the temper of the American people just as completely in other directions as did the editor of the Blytheville Courier. As a member of the Judiciary Committee of this House, I desire to take up and explain the provisions of this bill. No special interest is behind them but the general public, and the World seems to be impressed with the idea and to be of the opinion that there is nobody here to represent the general public. That is the function of the American Congress, and fortunate indeed will it be for the American people when the American Congress, in acting upon all measures of legislation, will stand not for any special interest but for the interest of the general public. [Applause.] I have an abiding confidence that this Congress, in the consideration of this great measure, will so act.

Mr. AVIS. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes; for a question.

Mr. AVIS. In preparing section 3——

Mr. FLOYD of Arkansas. I decline to yield for that question now. I am making some preliminary remarks on the bill, but when I enter into a discussion of the several sections I will take pleasure in yielding to the gentleman.

While the Democratic Party in its platform for years has declared in favor of trust legislation, and other party platforms have declared in favor of trust legislation, while the Democratic President delivered to the Congress on January 20 last that able and patriotic message which sent a ring of joy into the hearts of the small business men all over this country, we bring this measure here, not as a party measure, not as a measure that the Democratic Party alone stands behind. It is not the result of any caucus action, and the questions involved in it, I will say frankly, are not party questions in a strict sense. This trust question is entirely different from the tariff question. There is a straight alignment between Democrats and Republicans, and there has been for years on the tariff question, but this trust evil is an evil recognized in Republican States as well as in Democratic States, and I think I will be able to show you that in so far as State legislatures are concerned, many Republican States have been more active in trying to curb these evils than some of our Democratic States. I make this statement in order that you may understand the attitude of this committee, the attitude of the President, and the attitude of the Democratic Party now in power. This bill is brought in under a rule, it is true, which limits general debate, but which is wide open when it comes to amendment and the time for debating those amendments; and in bringing this bill before you and before the House the members of the Judiciary Committee, who are intrusted with the grave responsibility of framing the legislation, must defend every line and every paragraph of it before the criticism and judgment of the Members of this House.

Mr. Chairman, this is a great question. The World says in its editorial that it is brought in at an inopportune time; but, so far as the Democratic Party is concerned, it has not written a platform since 1896 wherein it has not pledged to the American people if intrusted with power in national affairs to reform the evil of trusts; and now for the first time in power it ill becomes anyone to say that because the present Executive and the majority of the party in power have already finished two great tasks, the passage of the tariff law and the passage of the currency law, that their efforts are inopportune when they are endeavoring in good faith to live up to their pledges and promises to the American people and enact trust legislation. The criticism is unjust, even though to enact that legislation may be somewhat of a hardship on the individual Members of this Congress; but we are here to represent the public interests, and the public interests of this country demand legislation to further check and curb gigantic monopoly, corrupt monopoly—to use the language of the World, unscrupulous big business—in this country.

The first section of the bill deals simply with definitions, technical definitions for the purpose of convenient reference in the bill, and I do not care to take any further time about that provision.

I now desire to take up and discuss somewhat in detail section 2, one of the vital sections of the bill. It strikes at a great evil, strikes at a practice that has been exercised by great and powerful corporations in this country to drive out and destroy competitors. I refer to price discrimination. The States commenced years ago to deal with that important feature of this legislation, and I hold in my hand a compilation of the anti-trust laws of the various States that have passed laws, similar and identical in substance, somewhat varying in phraseology, to prevent the very wrong and injustice and unfair discrimination within the States which we now seek to protect the American people from in interstate commerce in section 2 of this bill.

I want to read you the list of the names of the States that have passed those laws, but of course I will not take the time to read any of these State laws. I want to get in the RECORD the names of the States that have adopted laws to prevent unfair discrimination, based upon the same principle that is embodied in this provision of the bill. They are Arkansas, California, Idaho, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Missouri, Mississippi, Montana, Nebraska, New Jersey, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Utah, Wisconsin, Wyoming—21 in number. We have been told by the critics of this provision of the bill that there is no necessity for it, that the States have adopted such laws, and that that is sufficient; but we have had before our committee testimony showing that both Wisconsin and Michigan have that kind of a statute on their books now, and that one of these great corporations engaged in selling its products in interstate commerce lowered the price of gasoline 1 cent lower in Michigan than in Wisconsin, in order to drive out all competitors from the State of Michigan. Should not the American Congress protect the States and the people of the States from any such unfair method of business?

Mr. NELSON. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. NELSON. Mr. Chairman, I dislike to interrupt the gentleman and will not indulge in it, but in preparing this list of States and in asserting that they have similar statutes the gentleman does not mean to infer that these statutes are like this provision in the bill, does he? For instance, in Wisconsin they are related to competition and restraint of trade, but the gentleman's provision has gone entirely out of that field. Is not that true?

Mr. FLOYD of Arkansas. I said for a similar purpose.

Mr. NELSON. But not identical in language?

Mr. FLOYD of Arkansas. Oh, no. I did not say that they were identical in language. The State statutes are more drastic than this provision. It is easier to convict a man under the State statutes than it will be under this bill if it becomes a law. We have thrown around this law certain technical requirements that are not present in most of the State statutes, in respect to conviction, and that is the criticism that our friend and our colleague on the committee, the gentleman from Wisconsin [Mr. NELSON], who has just interrupted me, makes of the bill—it is not drastic enough. The point I make is that we undertake in this provision to assert a principle and provide a law to prevent the unfair discrimination in sales in interstate commerce, and that that principle has been adopted in 21 States of the Union, and adopted because of the practice and unfair methods of these great and powerful corporations which are driving out competitors and destroying independent companies all over the country to such an extent that the people of those States in their sovereignity as States have asserted their authority, as far as it is within their power to assert it, and those are the people who represent no special interests, but who are represented by you and the membership of this House, and who are demanding legislation on the part of Congress.

Mr. MORGAN of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. MORGAN of Oklahoma. This section provides, as the gentleman knows, that this discrimination in price, in order to be unlawful, must be done with the intent or purpose to destroy or wrongfully injure a competitior. Is it not a fact that of all of these State statutes in the Union there is only one, the State of Louisiana, where that phrase is used, that in all of the other States this discrimination in price to be unlawful must be made to establish a monopoly, or to substantially lessen competition, or something of that kind, while there is only one——

Mr. FLOYD of Arkansas. No; I do not admit that, and I hope the gentleman will argue that proposition in his own time. I can not admit that. I am insisting upon this, not that this is a literal copy of the statutes of the States, or any of them, but that great abuses have grown up in this country by great and powerful corporations underselling in local communities in order to destroy competitors, to drive out competition, and to acquire monopolies; and if the gentleman will read the decisions of the courts in the great cases that have been already decided, like the American Tobacco Co. case and notably the Standard Oil case, he will find that this practice of discrimination is one of their favorite methods of suppressing competition and of building up these huge monopolies. The Standard Oil Co., incorporated in New Jersey, was given the right in its charter to operate not only in this country but throughout the world.

Mr. COOPER. Will the gentleman permit a question?

Mr. FLOYD of Arkansas. Certainly.

Mr. COOPER. It is the same question I asked the gentleman from North Carolina [Mr. WEBB] yesterday and I would like to have the gentleman from Arkansas answer it. I make it without any desire to criticize, but simply for the purpose of obtaining information.

Mr. FLOYD of Arkansas. What is the question?

Mr. COOPER. In section 2, in the proviso beginning in line 7, page 21, there is an express authorization of discrimination, as I understand it——

Mr. FLOYD of Arkansas. I do not so understand it.

Mr. COOPER. I will ask the gentleman to read it with me, beginning with line 7 of the proviso——

Mr. FLOYD of Arkansas. I do not have to read it.

Mr. COOPER. Let me finish, please, my question, as it will take but a moment. This proviso says:

Provided, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality—

Now, here is the important thing—

or quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation.

Now, my question is this: Two dealers in a town buy from the same wholesaler. One retailer is a large concern, and the other is a poor man with a small store. The large concern buys several carloads of a product. It gets the product for less than its small competitor, who buys only a half carload, and the large retailer pays less rates for transportation on the railroad than his small competitor pays who buys in less-than-carload lots. So the large retail concern, buying of the wholesaler and getting not only goods but transportation also at a less price than its smaller competitor, is permitted under this proviso an opportunity to practice unrestricted cutthroat competition and ruin the smaller dealer.

Mr. FLOYD of Arkansas. Now, I desire to answer the gentleman from Wisconsin frankly and fairly. That proviso authorizes nothing. Any man under the laws that exist to-day can do any of those things. It is a common business practice, practiced everywhere, and it has been practiced everywhere for ages. We simply leave the law as it is in that respect.

Mr. COOPER. If the gentleman will permit another interruption, I remind him that this proviso does not prohibit discrimination. It expressly authorizes it.

Mr. FLOYD of Arkansas. I desire to answer the gentleman's first question before I get to a second one. We leave the law as it is as to the things mentioned in the proviso. We are drafting a criminal statute, which some gentlemen who have discussed its provisions heretofore in this debate and many outside of this Chamber have regarded as exceedingly drastic. We make it a high crime under the law to discriminate in price by methods and evil practices described, but we have not attempted in this provision or anywhere in this bill to make it a crime for a man to carry on any legitimate and customary practice that the business world has recognized and followed for centuries, other than those methods and practices herein specifically condemned. The things mentioned in the provisos are authorized by existing law, and we do not forbid them. We did not intend to forbid them, and we do not believe they ought to be forbidden. The statutes of most States to which I have alluded make the same exceptions, and, if I am not badly mistaken, they occur in the statutes of the State of Wisconsin, from which the gentleman comes.

Mr. NELSON. Not as to the quantity, but on a different basis entirely.

Mr. COOPER. Will the gentleman permit another interruption?

Mr. FLOYD of Arkansas. I do not desire to devote too much time to this particular section, as there are many sections in the bill.

Mr. COOPER. The question I asked goes to the vitals of this whole question. We can not in this connection discuss anything more important.

Mr. FLOYD of Arkansas. What is the question? I agree to that.

Mr. COOPER. The gentleman says they did not intend to prohibit anything that the business world has authorized——

Mr. FLOYD of Arkansas. No; I did not say that; the gentleman misunderstood me. We did not intend to prohibit business methods which are mentioned in that exception, but we do prohibit other practices further on in this bill which we consider evils that the business world has recognized and practiced extensively, but, we believe, to the detriment of every small dealer in this country and to the detriment of the entire country.

Mr. COOPER. Then, will the gentleman answer this question? Does not this proviso expressly permit——

Mr. FLOYD of Arkansas. We leave the law as it is.

Mr. COOPER. But expressly permit a discrimination as between purchasers in large quantities who get their goods at a less price and transportation at a less price—a discrimination which will enable them in their discretion to crowd out the smaller man, as they do now.

Mr. FLOYD of Arkansas. I do not want the gentleman to put words in my mouth. It does no such thing. The provision is in plain language and seeks to prevent dealers from lowering the price of commodities in different sections and communities by unfair discrimination with the intent and purpose to destroy, ruin, or injure the business of a competitor. That is a recognized evil extensively practiced by great and powerful concerns to drive out competition and destroy competitors, which results to the serious detriment of the general public, and has been demonstrated to be a most effective means in acquiring a monopoly.

It does that and nothing more, and is not intended to do anything more. If there are other evil methods and practices that ought to be condemned and corrected, we leave it to the distinguished gentleman from Wisconsin [Mr. COOPER] and his colleague on the committee [Mr. NELSON], who has filed a minority report, to bring forward appropriate amendments here and debate them before this House, and we have left the bill open to amendment under the rule, so that anyone can tack on any amendment to it that can secure the necessary votes to sustain such amendment.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. FLOYD of Arkansas. Just for a moment. I have already taken too much time on this section.

Mr. GRAHAM of Illinois. In regard to the question of the gentleman from Wisconsin [Mr. COOPER], he intimated or stated in the question that this dealt with the question of transportation in such a way as to make transportation cheaper when large quantities were transported than when smaller quantities were transported. Is there any such provision as that?

Mr. FLOYD of Arkansas. He is in error about that. If the quantity of goods should be larger, and if the railroad company should make a reduction there might be some remission of cost of freight there. But that is a matter concerning which we leave the law as it is. We have not undertaken to disturb that condition. We have left that to be determined by the Interstate Commerce Commission, and have not undertaken to deal with the particular question.

Now, gentlemen, we have been confronted with many questions, and——

Mr. KELLEY of Michigan. May I ask just a question before the gentleman leaves that?

Mr. FLOYD of Arkansas. Certainly.

Mr. KELLEY of Michigan. Now, as I understand you, if it can be proven that there is intent to destroy or injure a competitor, the person charged with the offense could not fall back on this proviso and say that he was saved because he was permitted to make a different price for different amounts of goods?

Mr. FLOYD of Arkansas. That would be a question for the jury. If you could prove the intent, and that he was discriminating for this specific purpose, he would be guilty.

Mr. KELLEY of Michigan. Although the proviso says——

Mr. FLOYD of Arkansas. If he were doing it merely in conformity with the purposes of the proviso, and not for the purpose of wrongfully injuring or destroying a competitor, he could not be guilty.

Mr. KELLEY of Michigan. There would be no presumption of the mere intent in the fact that he has shipped to one person at cheaper rates than to another? That leaves it wide open for discrimination.

Mr. FLOYD of Arkansas. We require the Government, in order to sustain conviction, to prove a specific case of wrongful intent and wrongful purpose. If by any circumstance the accused party can show that the lowering of the price was not unlawful discrimination, was not done for the specific purpose and with the wrongful intent of destroying or injuring a competitor, he would not be guilty under the provision of this section.

Mr. SUMNERS. Will the gentleman from Arkansas yield?

Mr. FLOYD of Arkansas. I yield to the gentleman from Texas.

Mr. SUMNERS. In drafting this bill, have not you merely recognized the fact that it costs less money for articles when sold in large quantities than when sold in small quantities, and in that sense it costs the man who is making the sale more money to sell in small quantities, and that he may receive a larger profit in the aggregate than by selling it in small quantities? Is not that the same principle recognized in fixing railroad rates? For instance, a man in shipping a carload of nails, the man who gets a carload gets a cheaper rate than the man who gets only one keg?

Mr. FLOYD of Arkansas. Mr. Chairman, I am attempting to make an outline of this bill under general debate. We will have unlimited debate under the five-minute rule, and I would consider it a courtesy if I might be permitted to proceed to give my views of several of the important provisions of this bill; and at the end of the time I will be glad to answer any questions, if I have any time left. If not, we will have the freest debate under the five-minute rule, and I can do so then. I do not mean by that to ask Members not to ask any questions, but I hope when it comes to discussing controverted matters and controverted points that you will leave those matters for consideration to a later period in the consideration of the bill.

Mr. FESS. As many of us are students trying to get at the truth of the matter, we would like to ask the questions from the man who has made a study of it, purely for information.

Mr. FLOYD of Arkansas. I shall be glad to answer such questions if I can.

Mr. FESS. I am beclouded yet on this point. I recognize it is an economic principle to allow a smaller price for large quantities. That is recognized the world over. But the question with me is whether you are curing the thing you want to cure by putting it on the basis of proving intent.

Mr. FLOYD of Arkansas. We are curing what is a recognized evil. You will bear in mind this is supplementary legislation to the Sherman antitrust law. You will bear in mind it is made an offense punishable by fine of not exceeding $5,000 and imprisonment not exceeding a year, or both. And your committee, following out the suggestions of the President in his message, intended not to disturb that which was not evil, not to disturb business any more than was necessary, in order to correct certain great evils and notorious practices that exist in this country to the detriment of the general public.

Mr. BATHRICK. Will the gentleman yield on that score?

Mr. FLOYD of Arkansas. Yes.

Mr. BATHRICK. The Sherman antitrust law would not prevent discriminations in communities within the State, would it?

Mr. FLOYD of Arkansas. This provision, if enacted into law, will prevent discriminations in sales in interstate commerce.

Mr. BATHRICK. But not in communities wholly within the State?

Mr. FLOYD of Arkansas. No; not to discriminations wholly within the State.

Mr. BATHRICK. It will not?

Mr. FLOYD of Arkansas. Not at all.

Mr. HAMILTON of Michigan. I simply wish to ask the gentleman one question, and I will not interrupt him again. After all, does not this section perpetuate in law the scriptural proposition that—

For he that hath, to him shall be given: and he that hath not, from him shall be taken away even that which he hath.

It is just the same proposition we have been operating under for several years?

Mr. FLOYD of Arkansas. Not at all.

Mr. HAMILTON of Michigan. I would like to have the gentleman dwell on that.

Mr. FLOYD of Arkansas. I will answer that question most emphatically in the negative. This is to carry into transactions in interstate commerce prohibition of certain practices that have caused the utter ruin and destruction of hundreds and thousands of prosperous small business men by great and powerful corporations through unfair practices. The States have been more active than the Federal Government, but the fact is that in these 21 States that have adopted these laws most of them were enacted in 1911, 1912, and 1913. You have heard of a division in the great Republican Party between the insurgents—now called Progressives—and the Republicans, have you not? Let me tell you the origin of it. It is due to a difference in regard to this character of legislation. The Progressive Republican stands for regulation and curbing of these trusts, and our old friends, the "standpatters," stood pat until all the popularity they ever had slipped away, and until in the last election they carried only two States. Their failure to enact legislation to curb and destroy monopolies and trusts was largely responsible for the division in their ranks which resulted in their defeat.

Mr. McKENZIE. Will the gentleman yield for a short question?

Mr. FLOYD of Arkansas. I would ask the gentleman to let me go on. There are 23 sections in this bill, and I can not devote all my time to one section. However, I will yield to the gentleman.

Mr. McKENZIE. I will be very brief. Do I understand you to say that a corporation, for instance, in Illinois, engaged in selling goods all over the United States, would be subject to the provisions of this law for any violation of it, except in the State of Illinois?

Mr. FLOYD of Arkansas. No.

Mr. McKENZIE. I thought so.

Mr. FLOYD of Arkansas. Everywhere in the State of Illinois, if it is engaged in interstate commerce; but if it is not engaged in interstate commerce, then it would not be under the inhibitions of this statute.

Now, that brings me to the question of power, and I especially desire to consider this question in connection with the next section of the bill. I want to read from the Northern Securities case, 193 United States Reports, page 335:

By the express words of the Constitution Congress has power to "regulate commerce with foreign nations and among the several States, and with the Indian tribes." In view of the numerous decisions of this court there ought not at this day to be any doubt as to the general scope of such power. In some circumstances regulation may properly take the form and have the effect of prohibition. In re Rahrer, 140 U. S., 545; Lottery case, 188 U. S., 321, 355, and authorities there cited. Again and again this court has reaffirmed the doctrine announced in the great judgment rendered by Chief Justice Marshall for the court in Gibbons v. Ogden (9 Wheat., 1, 196, 197) that the power of Congress to regulate commerce among the States and with foreign nations is the power "to prescribe the rule by which commerce is to be governed"; that such power "is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution"; that "if, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to these objects, the power over commerce with foreign nations and among the several States, is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States"; that a sound construction of the Constitution allows to Congress a large discretion, "with respect to the means by which the powers it confers are to be carried into execution, which enable that body to perform the high duties assigned to it, in the manner most beneficial to the people"; and that if the end to be accomplished is within the scope of the Constitution "all means which are appropriate, which are plainly adapted to that end, and which are not prohibited are constitutional."

Again, in the case of the Northern Securities Co. *v.* United States (193 U. S., 237 and 238), the court says:

Those who were stockholders of the Great Northern and Northern Pacific and became stockholders in the holding company are now interested in preventing all competition between the two lines, and as owners of stock or of certificates of stock in the holding company they will see to it that no competition is tolerated. They will take care that no persons are chosen directors of the holding company who will permit competitions between the constituent companies. The result of the combination is that all the earnings of the constituent companies make a common fund in the hands of the Northern Securities Co. to be distributed, not upon the basis of the earnings of the respective constituent companies, each acting exclusively in its own interest, but upon the basis of the certificates of stock issued to the holding company. No scheme or device could more certainly come within the words of the act—"combination in the form of a trust or otherwise * * * in restraint of commerce among the several States or with foreign nations"—or could more effectively and certainly suppress free competition between the constituent companies. This combination is, within the meaning of the act, a "trust," but if not, it is a combination in restraint of interstate and international commerce, and that is enough to bring it under the condemnation of the act. The mere existence of such a combination and the power acquired by the holding company as its trustee constitute a menace to and a restraint upon that freedom of commerce which Congress intended to recognize and protect and which the public is entitled to have protected. If

such combination be not destroyed, all the advantages that would naturally come to the public under the operation of the general laws of competition, as between the Great Northern and Northern Pacific Railways Cos., will be lost and the entire commerce of the immense territory in the northern part of the United States between the Great Lakes and the Pacific at Puget Sound will be at the mercy of a single holding corporation, organized in a State distant from the people of that territory.

The court in the case of Addyston Pipe & Steel Co. *v.* United States (175 U. S., pp. 228, 229) says:

In Gibbons *v.* Ogden (9 Wheat., 1) the power was declared to be complete in itself and to acknowledge no limitations other than are prescribed by the Constitution.

Under this grant of power to Congress that body, in our judgment, may enact such legislation as shall declare void and prohibit the performance of any contract between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent interstate commerce—and when we speak of interstate, we also include in our meaning foreign commerce. We do not assent to the correctness of the proposition that the constitutional guaranty of liberty to the individual to enter into private contracts limits the power of Congress and prevents it from legislating upon the subject of contracts of the class mentioned.

The power to regulate interstate commerce is, as stated by Chief Justice Marshall, full and complete in Congress, and there is no limitation in the grant of the power which excludes private contracts of the nature in question from the jurisdiction of that body. Nor is any such limitation contained in that other clause of the Constitution which provides that no person shall be deprived of life, liberty, or property without due process of law. It has been held that the word "liberty," as used in the Constitution, was not to be confined to the mere liberty of person, but included, among others, a right to enter into certain classes of contracts for the purpose of enabling the citizen to carry on his business. Allgeyer *v.* Louisiana (165 U. S., 578); United States *v.* Joint Traffic Association (171 U. S., 505, 572). But it has never been, and in our opinion ought not to be, held that the word included the right of an individual to enter into private contracts upon all subjects, no matter what their nature and wholly irrespective, among other things, of the fact that they would, if performed, result in the regulation of interstate commerce and in the violation of an act of Congress upon that subject. The provision in the Constitution does not, as we believe, exclude Congress from legislating with regard to contracts of the above nature while in the exercise of its constitutional right to regulate commerce among the States. On the contrary, we think the provision regarding the liberty of the citizen is, to some extent, limited by the commerce clause of the Constitution, and that the power of Congress to regulate interstate commerce comprises the right to enact a law prohibiting the citizen from entering into these private contracts which directly and substantially, and not merely indirectly, remotely, incidentally, and collaterally, regulate to a greater or less degree commerce among the States.

We can not so enlarge the scope of the language of the Constitution regarding the liberty of the citizen as to hold that it includes or that it was intended to include a right to make a contract which, in fact, restrained and regulated interstate commerce, notwithstanding Congress, proceeding under the constitutional provision giving to it the power to regulate.

Again, in same case, pages 230, 231, the court says:

In the Debs case (158 U. S., 564) it was said by Mr. Justice Brewer, speaking for the court: "It is curious to note the fact that in a large proportion of the cases in respect to interstate commerce brought to this court the question presented was of the validity of State legislation in its bearing upon interstate commerce, and the uniform course of decision has been to declare that it is not within the competency of a State to legislate in such a manner as to obstruct interstate commerce. If a State, with its recognized power of sovereignty, is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limits of that State has a power which the State itself does not possess?"

What sound reason can be given why Congress should have the power to interfere in the case of the State, and yet have none in the case of the individual? Commerce is the important subject of consideration, and anything which directly obstructs and thus regulates that commerce which is carried on among the States, whether it is State legislation or private contracts between individuals or corporations, should be subject to the power of Congress in the regulation of that commerce.

The power of Congress over this subject seems to us much more important and necessary than the liberty of the citizen to enter into contracts of the nature above mentioned, free from the control of Congress, because the direct results of such contracts might be the regulation of commerce among the States, possibly quite as effectually as if a State had passed a statute of like tenor as the contract.

The liberty of contract in such case would be nothing more than the liberty of doing that which would result in the regulation, to some extent, of a subject which from its general and great importance has been granted to Congress as the proper representative of the Nation at large. Regulation, to any substantial extent, of such a subject by any other power than that of Congress, after Congress has itself acted thereon, even though such regulation is effected by means of private contracts between individuals or corporations, is illegal, and we are unaware of any reason why it is not as objectionable when attempted by individuals as by the State itself. In both cases it is an attempt to regulate a subject which for the purpose of regulation has been with some exceptions, such as are stated in Mobile County *v.* Kimball (102 U. S., 691, 697), Morgan *v.* Louisiana (118 U. S., 455, 465), Bowman *v.* Chicago & N. W. Railway (125 U. S., 465), Western Union Telegraph Co. *v.* James (162 U. S., 650, 655) exclusively granted to Congress; and it is essential to the proper execution of that power that Congress should have jurisdiction as much in the one case as in the other.

It is indeed urged that to include private contracts of this description within the grant of this power to Congress is to take from the States their own power over the subject, and to interfere with the liberty of the individual in a manner and to an extent never contemplated by the framers of the Constitution and not fairly justified by any language used in that instrument. If Congress has not the power to legislate upon the subject of contracts of the kind mentioned, because the constitutional provision as to the liberty of the citizen limits, to that extent, its power to regulate interstate commerce, then it would seem to follow that the several States have that power, although such contracts relate to interstate commerce, and, more or less, regulate it. If neither Congress nor the State legislatures have such power, then we are brought to the somewhat extraordinary position that there is no authority, State or National, which can legislate upon the subject of or prohibit such contracts. This can not be the case.

The court, in same case, pages 233 to 235, further discussing the case, has this to say:

The remark in Railroad Co. *v.* Richmond, 19 Wall, 584, that it was never intended that the power of Congress should be exercised so as to interfere with private contracts not designed at the time they were made to create impediments to interstate commerce, when read in connection with the facts stated in the reports, is entirely sound. * * *

There is no intimation in this remark that Congress has no power to legislate regarding those contracts which do directly regulate and restrain interstate commerce. The inference is quite the reverse, and it is plain that the case assumes if private contracts when entered into do directly interfere with and regulate interstate commerce, Congress had power to condemn them. If the necessary, direct, and immediate effect of the contract be to violate an act of Congress and also to restrain and regulate interstate commerce, it is manifestly immaterial whether the design to so regulate was or was not in existence when the contract was entered into. In such case the design does not constitute the material thing. The fact of a direct and substantial regulation is the important part of the contract, and that regulation existing, it is unimportant that it was not designed.

Where the contract affects interstate commerce only incidentally and not directly, the fact that it was not designed or intended to affect such commerce is simply an additional reason for holding the contract valid and not touched by the act of Congress. Otherwise the design prompting the execution of a contract pertaining to and directly affecting, and more or less regulating, interstate commerce is of no importance. We conclude that the plain language of the grant to Congress of power to regulate commerce among the several States includes power to legislate upon the subject of those contracts in respect to interstate or foreign commerce which directly affect and regulate that commerce, and we can find no reasonable ground for asserting that the constitutional provision as to the liberty of the individual limits the extent of that power as claimed by the appellants. We therefore think the appellants have failed in their contention upon this branch of subject.

The constitutionality of State statutes preventing these unfair discriminations has been upheld by the Supreme Court. Our contention is that the power of Congress, in the domain of interstate commerce, is as absolute as the power of the State over its intrastate commerce.

Now, I desire to take up next, in connection with this proposition, section 4 before I take up section 3, because it is more nearly related to this particular subject. Section 4 is the most misunderstood section of this bill, apparently. I hear every day of someone writing from somewhere to Members of Congress complaining that section 4 prohibits exclusive selling agencies. It not only does not do so, but it does not deal with that subject. It does not touch it. A man can establish an agency under the provisions of this bill and make any kind of a contract with his agents, on any terms upon which his agents shall sell his goods, that he sees proper to make. He is not affected by the provisions of this section.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. WILLIS. In the gentleman's opinion, how would this section affect the small producer who is not able to maintain independent agencies as the large combinations are? I ask that question because the objection has been brought to my attention by small manufacturers.

Mr. FLOYD of Arkansas. Yes; and it has also been brought to our attention. The object of this section is to break up the power of giant monopoly and to liberate and free every small dealer in this land and put him in a position of independence in which he can do business in competition with any other business man in this country. This exclusive or tying contract is one of the most effective instrumentalities of monopoly that was ever devised or has ever existed. It can not be justified in morals, and the whole effect of it is monopolistic. I know we have had many arguments to the contrary, many suggestions that we should leave out this provision in order to protect the small man, and we have had many men high up in business to contend for that. But, gentlemen, it is a fallacy, and I think I can demonstrate to you that it is a fallacy. This provision is to the effect that it shall be unlawful for any person to sell in interstate commerce—to sell or lease in interstate commerce—goods, wares, or merchandise on the condition or understanding that the party purchasing or leasing shall not deal in the commodities of another who is a competitor.

Now, take the first person who makes that exclusive contract. So far as the merchant is concerned that he makes it with, he handles only the commodity of the contracting party. If it is in a city of 50,000 inhabitants or 300,000 inhabitants, there is only one place in that city where you can get that commodity, and you can not get at that store any competing article because, under the terms of this contract, he has agreed not to sell any competitive article. Now, I believe in giving every man the utmost liberty of contract concerning his own property. Hence we refuse to tie the hands of the man who is simply acting

as an agent. But when a manufacturer has sold his goods and has received the money, the full price therefor, what right has he in morals, what right ought he to have in law, to make it a condition of that contract that that particular merchant shall not deal in the commodities of another producer and competitor?

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from New Jersey?

Mr. FLOYD of Arkansas. Yes.

Mr. TOWNSEND. The gentleman is making a speech in which we are all interested. Inadvertently he allows his voice to fall to a colloquial tone.

Mr. FLOYD of Arkansas. I thank you. I will try to avoid that.

Mr. FOWLER. Mr. Chairman, will the gentleman yield there for a moment?

Mr. FLOYD of Arkansas. Yes.

Mr. FOWLER. I am much interested in your able discussion, but I have a concrete example in my home town, wherein a wholesale merchant sold only to one retail merchant and would not sell to any other merchant in that town. Does this bill deal with that feature?

Mr. FLOYD of Arkansas. Absolutely; and section 4 is intended to prohibit that very thing, if it is made a condition of the contract that he will not deal in the commodities of a competitor.

Mr. FOWLER. Excuse me. The gentleman did not catch my point. I guess I did not make myself clear. For instance, the Douglas Shoe Co. manufactures a very good shoe. It sells to one firm only in each town where its goods are sold and refuses to allow any other man to handle them. I want to know if this bill covers that question.

Mr. FLOYD of Arkansas. If he refuses on the condition that a man who purchases the shoes will not deal in the goods of a competitor, this reaches him. But if he does not put any such condition in the contract, it does not reach him.

Mr. FOWLER. Suppose other merchants in the town wanted to handle the shoes. Would the Douglas Shoe Co. be justified in refusing to supply these merchants?

Mr. FLOYD of Arkansas. You will have to ask the Douglas Shoe Co. about that.

Mr. FOWLER. I am only referring to the Douglas Shoe Co. as an example. I am not picking it out.

Mr. FLOYD of Arkansas. They make what is called an exclusive or tying contract. That is, a manufacturer goes to a merchant in a town and agrees with him that if he will handle his goods exclusively and enter into a contract that he will not handle the goods of any other competitor in his line of business he will sell him the goods at a lower price and will give him a rebate at the end of a certain time or take back the remnant of the goods if he fails to sell them, exacting of the purchaser full payment for the goods, and then refusing to allow him to sell in that store the commodities of any competitor.

Now, the evil of this practice to the merchant is that it ties his hands. He can not supply his customers. He has one commodity, and perhaps his customers do not like that commodity, but would like something in the same line. Take breakfast food, for instance. He may make an exclusive contract with the local merchant to handle Corn Flakes on condition that he will not handle any other breakfast food. If a customer does not like Corn Flakes, he will have to do without other breakfast food or go to some other store. The result is that the retail merchants complain that the mail-order houses are destroying them by competition, and that the big department stores are doing likewise. It is true. Why? Because big business has tied the hands of the little merchant with exclusive contracts, and he can not supply his customers. Hence he loses his customers and fails.

Mr. HARDY. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. HARDY. It seems to me the question of the gentleman from Illinois [Mr. FOWLER] propounds the reverse of the situation covered in section 4. In section 4, as I understand, the bill provides that no seller of an article shall prohibit the buyer from buying a competitive article; but there is another evil that grows up, that sometimes the large manufacturer sells to one individual and refuses to sell to any other. Now, section 3 seems to cover that condition as to mine products.

Mr. FLOYD of Arkansas. It does, but only as to mine products.

Mr. HARDY. And requires the seller of mine products to sell to anybody who wants to buy.

Mr. FLOYD of Arkansas. It does as to mine products only.

Mr. HARDY. Why not extend that provision to other products?

Mr. FLOYD of Arkansas. When I get to discussing section 3 I will be glad to answer that. I am discussing section 4 in connection with this proposition.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. GREEN of Iowa. Why does not the gentleman answer the gentleman from Illinois, when he asks whether a man may be permitted to sell to only one person, that in section 2, at the close of it, you have expressly authorized a party to select his own customer, excepting only coal dealers?

Mr. FLOYD of Arkansas. I told the gentleman that unless he makes this exclusive contract there is nothing to prevent a manufacturer dealing exclusively with one person or one person dealing exclusively with one manufacturer.

Mr. GREEN of Iowa. In fact, you expressly authorize it.

Mr. FLOYD of Arkansas. We have not prohibited it, and it is lawful now. I will not let the gentlemen who criticize this bill put me in any such attitude as that. There are in this country a vast number of recognized business practices and customs, and when we pick out one which we deem an evil practice the gentleman can not put me nor my committee in a false attitude by saying that we are authorizing what has existed from time immemorial. We are simply not prohibiting it. We are leaving it as it is.

Mr. BARKLEY. Will the gentleman yield there for just a question?

Mr. FLOYD of Arkansas. I yield to the gentleman from Kentucky.

Mr. BARKLEY. Taking these two sections together, am I correct in interpreting the two together to mean this, that the Douglas Shoe Co., for instance, could select one shoe merchant in a given city and sell the Douglas shoe exclusively to that one merchant, provided their contract did not provide that that shoe merchant could not purchase shoes from the Robinson-Brown Shoe Co. or the Hamilton Shoe Co., or any other shoe company that might desire to sell him goods?

Mr. FLYOD of Arkansas. That is correct. If the gentleman will permit me to discuss this question without further interruption I shall be gratified, as I have some other matter here which I would like to discuss before I conclude. I think I can answer all these questions and give you the whole situation much more clearly if you will let me finish my remarks and ask your questions afterwards.

Mr. BARKLEY. That is perfectly agreeable to me.

Mr. FLOYD of Arkansas. Then I shall be glad to answer questions. Under the testimony introduced at the hearings it was shown that this tying or exclusive contract is one of the greatest means of monopoly, and it is a growing one. We have been told that it is forbidden by the Sherman law already, but in one of the decisions of the circuit court of appeals Judge Sanborn holds that it is not forbidden; and then we are told that you can not invade the right of contract; that it is an evil, but you can not prohibit it. But the Supreme Court of the United States has answered that question, and holds, in the Northern Securities case and also in the Addyston Pipe & Steel Co. case, already cited, that in exercising the power over interstate commerce we can forbid certain contracts, and that in doing so we are not interfering with or depriving either party to such contract of his constitutional rights as a citizen.

Mr. GREEN of Iowa. Will the gentleman please give the title of the case in which Judge Sanborn has held as the gentleman has stated?

Mr. FLOYD of Arkansas. I shall be pleased to do so. In the case of Whitwell against Continental Tobacco Co. et al. Judge Sanborn held that the restriction of their own trade by defendants to those purchasers who declined to deal in the goods of their competitors is not a violation of the Sherman Antitrust Act. This case is reported in volume 125, Federal Reporter, page 454.

Mr. MORGAN of Oklahoma. Mr. Chairman——

Mr. FLOYD of Arkansas. I hope the gentleman will not interrupt me at this time. I decline to yield at this point.

The CHAIRMAN. The gentleman from Arkansas declines to yield.

Mr. FLOYD of Arkansas. I desire to show to the House some of the workings of this system. The shoe industry of this country is one of the greatest industries in America, and yet it is in evidence before our committee, and not controverted, that 98 or 99 per cent of all the shoe machinery used o uppers in the United States is not sold by the Shoe Machinery Company, but owned by it and leased to the shoe manufacturers in the United States on exclusive contracts, on condition that if the shoe manufacturer uses any piece of machinery

of like kind, manufactured by any other concern in the United States, then, under the terms of the lease, the Shoe Machinery Company is given the right to take out of the factory every piece of their machinery, the effect of which would be to bankrupt the manufacturer and close his factory.

I am glad that last evening the gentleman from Massachusetts [Mr MITCHELL], a Representative in this House from the State of Massachusetts, and a member of the Judiciary Committee, and who formerly served in the legislature of that State, spoke in support of this provision. What would be the liberty of the citizen if our business was all run upon that principle? No man would own his own shop. Go into some large shoe manufacturing establishment in St. Louis or Cincinnati. The machinery used there is leased from a trust and is not owned by the manufacturer. Although his business amounts to millions of dollars, yet the hands of the manufacturer are tied by an unsconscionable contract that if he patronizes a competitor by buying any piece of machinery used for a like purpose they will withdraw all of their leased machinery from his factory. Who can stand for such a contract as that? Congress has the power to make it unlawful. Let us do it.

Now, let us take another illustration which is most complete and interesting.

Mr. FESS. Before you leave this, may I ask a question?

Mr. FLOYD of Arkansas. Yes.

Mr. FESS. I wonder if this law does forbid the things we are trying to reach? Is there any danger that a concern like the Douglas shoe factory will establish its distributing points all over the country and not pass title to the shoes? Is there anything in that?

Mr. FLOYD of Arkansas. No; not a thing in the world, in my opinion. I have been through the shops and recognize the evil of this system. I walked through the shops in St. Louis and had the machines pointed out to me by a friend of mine, who stated that he was paying the worth of the machines as a royalty, but that he could not say a word, he could not buy a competitive article, he could not replace them with cheaper machinery because the company supplying them had some machines that were absolutely essential, and if he did they would take all the machines out under the terms of their contract and destroy his business and bankrupt him as they and other concerns who engage in this practice or system have destroyed hundreds and thousands of business men all over the country.

I call attention especially to the testimony of Mr. Rogers, an attorney who appeared before us in regard to the motion-picture business. I am not going to take your time to read you all that Mr. Rogers said, but I wish to call your attention to the testimony which begins on page 470 of the hearings. I quote, in part, as follows:

STATEMENT OF GUSTAVUS A. ROGERS, ESQ., OF NEW YORK, N. Y.

Mr. ROGERS. My reason for appearing before your committee is that I thought if I should recite to you some of the difficulties that my firm encountered as counsel for a concern in New York City which had been previously interfered with by the trust, so called, which is now being prosecuted under the Sherman Antitrust Act by the United States Government in an equity suit, in the eastern district of Pennsylvania, that the experience that my client had might give you a practical idea of some of the existing difficulties, and indicating strongly the necessity for adopting the provisions recommended or presented in the bills of Judge CLAYTON, supplemented, possibly, by several suggestions that I will make to you.

The suit that I refer to is the suit of the United States Government against the Motion Picture Patents Co. and other defendants, generally the defendants in the suit are known as the Motion Picture Trust.

I think that the presentation of the situation and a recital of the circumstances under which that combination was effected, and its operations, will probably be as illustrative as anything else I could say to you of what is required in the way of an antimonopoly act. I think it is as illuminating as any case that will be called to your attention throughout your deliberations. I think I say that advisedly, because in this instance you not only have the presence of a combination of firms and corporations engaged in dealing in an important commodity, but you have the question presented of a combination of competing or correlated or interrelated or dependent patents into one holding company. You have a combination of manufacturers who, at the time of the creation of this combination, manufactured possibly 95 per cent of the entire commodity, and you have an organization created by this combination, by the manufacturers, as a selling agency for the combined output of all these manufacturers, and you have present a situation which shows that this combination, within a period of a few months after its organization, drove out of business, by means to which I shall call your attention presently, every one of the customers who had dealt with the manufacturers with the exception of my client, and how he was able to stay in business I shall show you in a few moments. They not only drove these customers out of business, but turned over to this sole selling agency company all the business in that particular industry.

I do not want to burden you with this matter, except as it is important to demonstrate how quickly a combination can do something that is utterly impossible for an individual ever to accomplish in a lifetime.

Up to the spring of 1908 the industry was absolutely open and without restriction. The motion-picture films were made and manufactured and sold as unpatented articles. The dealer in the film—perhaps I ought to interpose here and speak for a moment about the film itself. The film itself which is commercially used is a celluloid film strip, consisting of a reel of approximately 1,000 feet in length. These different positives are printed from the negative taken with the camera; they are duplicate prints, in analogy representing positive photographs made from the negatives.

These reels of films were sold in the market. Anybody who wanted to purchase them would go to the manufacturer, make his bargain with him, and buy his film and do as he pleased with it. He might sell it or lease it for exhibition purposes. He could export it and do as he wanted with it. The projecting machine by which this film was projected on the screen was, prior to the spring of 1908, sold as an unpatented article, and there were thousands of them sold—several thousands, in any event.

In the spring of 1908 the Edison Co. at that time had already been defeated in the courts on a patent which was known as the Edison film patent, and under which Edison claimed that he was the inventor of motion pictures and consequently entitled under his patent to dominate the entire art. He had been defeated in that claim by the United States Circuit Court of Appeals for the Southern District of New York, and there was no mistake about the decision of that court. It declared his claim absolutely invalid in that respect.

I was reciting the conditions as they existed in December, 1908, when the combination was first formed. These men were given the alternative of either taking the license agreement as it was drawn or going out of business entirely, because they could not get a supply of films anywhere else.

After some protest and considerable reluctance they finally concluded that they had no alternative except to sign the agreements, and the agreements were signed.

But, instead of permitting the business to be done by the entire 150 companies, that number was arbitrarily reduced to 100.

Mr. NELSON. There were 100 rental companies?

Mr. ROGERS. One hundred rental companies. Having gotten the field in that shape, the manufacturers then, within a very short time thereafter, about a year later, organized their own company, known as the General Film Co., and the avowed purpose of that company was to go into the rental business, and it was incorporated as a paper corporation, and the first thing that company did was to begin a campaign, immediately after its creation, to drive out of business every one of these hundred companies then in existence, and they succeeded, because in November, 1911, every one of these rental companies had been driven out of business with the exception of my client, and my client to-day is the only one—my client is known as the Greater New York Film Record Co.—it is the only company in the United States, and when you say the United States you mean practically in the entire world, as I shall demonstrate—that gets the output of any of these 10 manufacturers, excepting their own selling company, the General Film Co.

From this brief and short extract from the testimony it will be observed that at the beginning of this trouble a few years ago there were 10 or 12 manufacturers engaged in making motion-picture films. There were 150 concerns selling throughout the United States. The films were not patented; they were merely a transformation and improvement on the old magic lantern of our boyhood days. Mr. Edison invented some kind of a device in regard to the films that enabled him to secure a patent at the United States Patent Office. That patent was held invalid. They got all the manufacturers together and formed a license company, known as the Licensed Manufacturers. All the manufacturers consolidated, and then they notified the 150 concerns that were purchasing and distributing the films throughout the country to gather together at a meeting. At this meeting they were notified that they must purchase all their supplies thereafter from this film company; that they must reduce the number of exchanges to 100. They protested, but the manufacturers were all in the combine. They had to agree to the arrangement because it was the only source of the films, so they had to yield, and 50 out of the 150 voluntarily went out of business. They ran for about one year under that arrangement. This new film company furnished or leased the entire films used by the 100 companies. Then they made a remarkable contract. They furnished the films on a contract of lease that required them to be returned at the end of seven months, but provided that in lieu of the return of the film they had issued to them under the lease they might return any old film on hand. Of course, if a dealer turned in an old film which he owned, he lost that, and after a time he was required to turn in the film that he had leased. At the end of the year the 100 distributors had nothing in their control except the leased films, having voluntarily surrendered the old films which they owned. When the film company got them in that condition they formed what they called the General Film Co., an exclusive leasing company, one consolidated company that distributed all the films manufactured by the Motion Picture Patents Co.

Mr. NELSON. Will the gentleman yield?

Mr. FLOYD of Arkansas. For a question.

Mr. NELSON. Under this law could not they have refused any but this one customer?

Mr. FLOYD of Arkansas. No; I think not. I do not like to be interrupted in the midst of my narrative.

Mr. NELSON. I simply wanted to ask the gentleman if they had not the right to select their customers.

Mr. FLOYD of Arkansas. That is not pertinent to what I am discussing. Now, at the end of the year they notified those that they were friendly with that they had better sell out, and they notified the others that on and after a certain date no more films would be furnished them under the terms of their con-

tract. Thus arbitrarily they put out of business every concern save and except one, the one represented by Mr. Rogers.

One of these men had a theater in New York, costing him $75,000, and was doing a profitable business. He was notified that on and after a certain day his contract would be canceled. He went to the State courts. Now, bear in mind that the purchasing company was willing to pay the current uniform price. They refused to lease. He went into the State courts in 1907 or 1908 and secured an injunction against the film company. The case was finally carried to the court of appeals, which decided that the State court was without authority in the case. He then induced Attorney General Wickersham to bring a suit under the antitrust law, and the Attorney General induced the parties to make an agreement to furnish that one concern with films during the pendency of the lawsuit, and the suit is still pending.

That is the system and that is the way that it destroys competition. That is the way it builds up a monopoly. I ask you to read the story, for I have given only a brief outline of it.

Mr. J. M. C. SMITH. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes; for a brief question.

Mr. J. M. C. SMITH. If a person has a patented shoe-manufacturing machine, does not he have the right now to attach such conditions to the use of the machine, and has not the Supreme Court so held? Has it not held that they can make conditions as to the purchase of material necessary to use the machine? Does this law prevent them from making or leasing a patented machine with those conditions?

Mr. FLOYD of Arkansas. That is on a different proposition, if I understand it.

Mr. J. M. C. SMITH. Does this bill cover it?

Mr. FLOYD of Arkansas. No; we did not undertake to deal with the question of resale prices. This bill would prevent a tying or exclusive contract of every kind. This is intended to prevent contracts on condition that the purchaser or lessee will not deal in goods or wares of a competitor in the same line of business. I think this would prohibit a contract—if a machine was sold or leased—that attachments would have to come from that concern.

Mr. J. M. C. SMITH. Whether patented or not?

Mr. FLOYD of Arkansas. Whether patented or not. The patent law gives a man the right to the exclusive sale of a commodity in the first instance, and it is in the power of Congress to regulate the sale of patented articles when they pass out of the hands of the original owner into commerce, the same as of unpatented articles. There is no distinction, although the representatives of monopoly claim there is a difference, and appeared before our committee and endeavored to induce us to pass a law that would annul the decision of the Supreme Court in the O'Donnell case and other like cases, wherein the court has held that a patentee has no right or control of the property after he had sold it, and that contracts to that effect are in violation of the Sherman Antitrust Act.

Mr. J. M. C. SMITH. After he has sold it, but in case he leased it he still has the right to fix the condition by which it shall be used.

Mr. FLOYD of Arkansas. Not if this becomes a law.

Mr. J. M. C. SMITH. I thank the gentleman. That is what I wanted to find out.

Mr. FLOYD of Arkansas. It is to prevent that very thing. The circuit court of appeals in this case holds that that is not in contravention of the Sherman law now, and that is very high authority, and we propose to write it in the statute and make it an unlawful contract. The Supreme Court, in the Northern Securities case, and in the case of Addyston Pipe & Steel Co. against United States, and in other cases, has held that wherever Congress in its wisdom sees fit to prohibit contracts that are deemed in restraint of trade in interstate commerce, it is within the power of Congress to do so.

Mr. BRYAN. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. BRYAN. The gentleman referred to the unpatented film a moment ago, and called attention to the fact that the owner of an opera house in New York City was denied the use of this film, and that thereby his business was about to be taken away, and that the Attorney General under the present Sherman law succeeded in causing the film company to furnish films to this man until a certain suit was determined.

Mr. FLOYD of Arkansas. During the pendency of the suit.

Mr. BRYAN. Is it not a fact that if this law had been on the statute books the Attorney General's hands would have been tied by this provision in section 2:

And provided further, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

And section 3 refers only to mines. Would not this law entirely validate the act of the company in refusing the gentleman in New York?

Mr. FLOYD of Arkansas. No; that law has no application to the case. If this law had been on the statute books, it would not have been in the power of the film company to destroy the business of 150 flourishing concerns.

Mr. BRYAN. Could not the film company, under the proviso I have just read, say to any man in New York City, "You can not buy my films"?

Mr. FLOYD of Arkansas. Absolutely they can say that now, and we do not propose to prevent any manufacturing firm from saying that, except as to mines, and I will explain that later. But we do propose to say by this provision that men, by making unconscionable contracts, by making contracts affecting competitors, which they have no right in morals to make, and ought not to have in law, shall not longer build up a monopoly in this country by such nefarious practices and methods and destroy other worthy business men who are striving to build up their respective industries. As the President said in his admirable message on trusts and monopolies, we are not the enemies of business in proposing this legislation, but we are the friends of every honest man engaged in business. We do not propose by this legislation to destroy or injure business, but we are endeavoring as conscientious men, engaged in a great cause, to untie the hands of business men in this country that have been shackled for years by the greed of monopoly. [Applause.]

Mr. BRYAN. Mr. Chairman, I realize that, but the gentleman does not claim by his argument that this bill would help his man in New York?

Mr. FLOYD of Arkansas. I will be frank and say that I do not clearly understand the gentleman's point.

Mr. BRYAN. The gentleman in his argument does not mean to claim that this act would help this man in New York, referred to by him, who was in the unfortunate position of owning an opera house, and needing films, because this provision I have read says that the seller of the films shall have the right to select his own customer. Under the present law the gentleman has stated that the Attorney General was able to give relief, but I say, or at least it seems the way I read it, this law would tie the hands of the Attorney General, and he could not give relief, because the film company would say, "Your law says that I have the right to select my customer, and, Mr. New Yorker I do not select you." Under that what could the man in New York or the Attorney General do?

Mr. FLOYD of Arkansas. But if the film company had not by unfair and unjust and dishonest means and by this practice destroyed the business of 150 other film companies, that man would have had 150 exchanges to have purchased his films from, and could have been independent of the General Film Co. which refused to furnish films to him.

Mr. KELLEY of Michigan. The passage of this bill then presupposes the destruction of the film company, or the dissolution of it?

Mr. FLOYD of Arkansas. It presupposes the dissolution of monopoly, and to give the independents an opportunity to do business in this country upon fair and equal terms. That is the purpose of this provision.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. FESS. I understand that in the moving-picture business now 95 per cent of the films are distributed by three companies. They have exhibitors throughout the country, and they buy from whatever manufacturer they desire. The business, however, has largely gotten into the hands of the distributors. Will the gentleman's bill touch that situation at all?

Mr. FLOYD of Arkansas. Absolutely; it is intended to prevent that, and to prevent those exclusive monopolies that are built up by this system. If you destroy the power of monopoly any man can do business independently.

Mr. FESS. If they make their own exhibitions, I mean. The men who distribute the films and have control of them may have their own exhibition houses in every city. The gentleman is not touching that, is he?

Mr. FLOYD of Arkansas. The Sherman law will destroy them if those facts are established, and there is a suit pending. They will be dissolved by the Sherman law. This is to prevent that company or any other company by any such wrongful means putting out of business men who are engaged in legitimate enterprise, depriving them of their property by these unconscionable and damnable contracts that the people of the United States and the Congress of the United States ought to condemn everlastingly in this free country of ours. And it ought not to be a question of party. It ought not to make any difference whether a man is a Democrat, a Republican, or a Progres-

sive when it comes to dealing with those powers of wealth and greed and monopoly that have wrecked hundreds of empires in the past. Men ought to rise to the high ground of patriotism and with courage do their duty. [Applause.]

Mr. FESS. The gentleman did not take it from my question that I asked him what I did in a partisan way. I simply wanted the facts.

Mr. NELSON. Then, why did not the gentleman permit some Republican to be upon the subcommittee? [Applause on the Republican side.]

Mr. FLOYD of Arkansas I did not have the make-up of the subcommittee or the full committee. I am an humble member of the committee and perform as best I can whatever duties that are assigned to me.

Mr. NELSON. But the gentleman is a fair and honest member of the committee and can——

Mr. FLOYD of Arkansas. This suggestion—a little party quibble injected into the consideration of a great question—ought to be beneath the dignity of my able and distinguished friend from Wisconsin.

Mr. NELSON. Mr. Chairman, if I may interrupt the gentleman just at this point——

Mr. FLOYD of Arkansas. Not for that purpose. I say to the gentleman I am not responsible for the make-up of the committee and I can not explain that question. I state frankly the gentleman is not a member of the subcommittee. I state frankly that the chairman, Mr. CARLIN, and myself were the only members of the subcommittee. Why, I can not answer, because I do not know and never sought the position assigned to me as a member of the subcommittee. I have tried to do my duty in this as in every other position assigned to me by those in charge of great matters, both on the committee and in the House, and I am here upon this measure as much a representative of what I conceive to be for the best interests of the Progressives and Republicans as I am for what I conceive to be to the best interests of the Democracy; and I want every man in this House to understand my personal attitude. [Applause.] So much for No. 4. Now, just briefly I want to revert to section 3 simply to say that section 3 was inserted because we believed that in handling products of mines the owner or operator ought not be permitted to exercise that control or to secure a monopoly which might result in serious detriment to the general public. It is a concession in the interest of the public, so that we believe that the mine operator who handles coal should not be permitted to withhold his coal at his pleasure from customers.

The God of nature stored these great resources in the earth and we believe those who make the laws ought to deal with them in a different way from things like patented commodities or manufactured articles that are the work and product of men's hands. And this is in the interest of the manufacturers, too, because the evidence shows that many giant monopolies have been built up by owning both the manufacturing concerns and the mines and favoring the concern in which they were interested to the detriment and the ruin of the independent manufacturers who are struggling along for existence in the same kind of industry.

Mr. AVIS. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. I will yield for just one question.

Mr. AVIS. I want to say to the gentleman that I am not impugning the gentleman's motives in any way in regard to this matter——

Mr. FLOYD of Arkansas. The only thing that is worrying me is that my time is limited, and I think I can make a more consecutive argument by dealing with the several questions as I desire to deal with them if I may be permitted to go along without interruption.

Mr. AVIS. I only wanted to ask the gentleman with reference to section 3, and, as I said, I do not impugn to the gentleman any bad motives. I know the gentleman's motives are of the very best, and that the other members of the committee are actuated by the same motives, and the criticism embraced in the question I desire to propound, if at all, is a criticism of their judgment and not of their motives. Now, I come from a coal-producing section and knowing something of the coal business and knowing that there are 6,000 independent bituminous coal operators in that country, I want to ask the gentleman if the committee or any member thereof can point to one single abuse committed by any one of the bituminous coal operators of this country, or can the committee say to this House that they heard from any one of the 6,000 operators engaged in this industry before drawing this section?

Mr. FLOYD of Arkansas. I can not go into details to answer that question further than to say that the provision was inserted in this bill and generally met with the approval of men from all parts of the country who commented upon it.

Mr. AVIS. Does the gentleman know, or was the evidence before the committee, that instead of there being an underproduction of bituminous coal in this country there is an overproduction, and that the bituminous coal of this country is being sold and delivered, including freight, in New England at prices less than at the pit mouth at Cardiff, Wales?

Mr. FLOYD of Arkansas. I will state very frankly I do not recall whether any operators engaged in the mining of bituminous coal in West Virginia appeared before our committee or not, and I can not answer that question; but let me suggest to the gentleman, if he has facts that will tend to show this provision is wrong, let him secure time and present them. The bill is open to amendment. We have done the best we could with it, and we have brought it back to the House, and we submit it to you. We open wide the opportunity for amendment, and if it is wrong, and it can be demonstrated that it is wrong, we will not resist an amendment.

Mr. AVIS. If the gentleman will permit another short question, I will not trouble the gentleman any more——

Mr. FLOYD of Arkansas. I thought I answered the gentleman's question as to that particular locality.

Mr. AVIS. I thought perhaps the committee had in mind some abuse, and I want to ask the gentleman if his committee knew of a single abuse on the part of the bituminous operators of this country which they had in mind in the preparation of this section?

Mr. FLOYD of Arkansas. The gentleman asks about bituminous coal?

Mr. AVIS. Yes; more particularly.

Mr. FLOYD of Arkansas. I will tell the gentleman what I said at the outset. I can not answer details of that sort; but we did have abundant evidence before our committee that those who control the production and mining of coal do so to the detriment of the public.

Now I desire to pass to section 5. Section 5 is simply a reenactment of the provisions of section 7 of the Sherman law, so as to make it applicable to the provisions of this bill. Section 6 provides—and I desire to discuss this section briefly—that where the United States institutes a suit and proceeds to final decree against an unlawful combination under the terms of section 4 of the Sherman Act that the final judgment or decree may be used as evidence in a suit by a private litigant against such corporation.

Mr. HAMILTON of Michigan. Will the gentleman allow me to ask him one question, for information?

Mr. FLOYD of Arkansas. Yes; one question.

Mr. HAMILTON of Michigan. Does this section 3, referring to mines, cover oil and gas?

Mr. FLOYD of Arkansas. We so understand it.

Mr. HAMILTON of Michigan. Are there decisions——

Mr. FLOYD of Arkansas. Yes; and if the gentleman desires to insert such an amendment he will have opportunity to do so. We understand that it does.

Mr. HAMILTON of Michigan. I assumed that the gentleman's committee had gone into that with very great care.

Mr. FLOYD of Arkansas. Now, I have made inquiries and I have heard very little objection to this provision, and will be glad if you would hear our position on that. Many combinations have been dissolved under the Sherman law by the decree of the United States courts. The proceedings were lengthened out for years, and at the end of the suits they were adjudged by the courts to be unlawful combinations, and yet parties who had been injured by the unlawful acts of those corporations were without redress. This proposes to suspend the statute of limitations during the continuation of such suits, and at the end of the suit, if the Government obtains a decree, or a decree is obtained, provides that that may be used in evidence in behalf of the private suitor in a suit for damages, under section 7 of the Sherman law and under the corresponding section of this bill.

Mr. SCOTT. Will the gentleman yield?

Mr. FLOYD of Arkansas. Briefly, for a question.

Mr. SCOTT. I will be very brief. I notice that this section provides that in case of an adjudication in an antitrust suit to be brought by the United States, involving the Sherman law, that the judgment in the United States case shall be conclusive evidence either for or against the defendant in any subsequent suit brought under the antitrust law by individuals:

Mr. FLOYD of Arkansas. Against that particular corporation covering the period of that suit.

Mr. SCOTT. Yes. Now, what I want the gentleman to explain is this: Assuming that under section 5 here a corporation has been guilty of a violation of the antitrust law, entered into a great conspiracy, and has damaged me, we will say, in the sum of $10,000 or $20,000, and I bring suit against this corpo-

ration. After issue is joined I find I am confronted with this plea, that 60 days before, in a suit to which I had not been a party, a district judge sitting in equity had decided and rendered a decree to the effect that this corporation had not been guilty of a conspiracy.

Mr. FLOYD of Arkansas. I hope the gentleman will not take my time, but will ask the question.

Mr. SCOTT. This section says that that judgment or decree shall be conclusive evidence against me. Is that the gentleman's understanding?

Mr. FLOYD of Arkansas. Conclusive evidence in your favor if the judgment is against the corporation, but if the corporation has won its suit, conclusive evidence against you; yes, sir.

Mr. SCOTT. Then what becomes of my constitutional right, both of a trial by jury and of due process of law?

Mr. FLOYD of Arkansas. I do not think that interferes with your constitutional right. It simply relates to the decree and its admissibility as evidence. You can bring your suit. You can try it on the evidence adduced and before a jury. It affects nothing but the evidence in that suit and the law in that suit.

Mr. SCOTT. No. The fact is conclusive against me by that decree.

Mr. FLOYD of Arkansas. The fact in that suit.

Mr. SCOTT. Which was the conspiracy that was the cause of action.

Mr. FLOYD of Arkansas. It might be the state of facts proven had no relation to your cause of action.

Mr. SCOTT. But I am assuming this particular conspiracy is the one I am declaring upon.

Mr. FLOYD of Arkansas. Suppose the gentleman will pass that for the present. Take it up under the five-minute rule. I will be glad to debate it with him then. But I am trying to give you an outline of this bill for your information, and we have brought in a rule giving the greatest opportunity for debate under the five-minute rule. I hope the gentleman will permit me to proceed. That section simply provides—and it is based upon the broad ground of public policy—and these suits are brought in behalf of the whole people of the United States—that when a decree is obtained against an unlawful combination that the decree may be used in private suits brought against the defendant corporation. And I desire to state for the benefit of the Members of the House that very little objection has been urged to that provision before our committee. Some of the best constitutional lawyers that have been before that committee have never questioned for one moment its constitutionality.

Now, I must hurry along, and I desire to take up briefly section 7, which is the next section, in connection with sections from 15 to 23. These are the labor sections of this bill, and I want to detail to you briefly what is accomplished by them. Now, I will be glad to have your attention, gentlemen, because I desire to discuss quite fully these labor sections of the bill.

There is a general impression among some, it seems, that section 7 is the labor section of the bill. That is only one of the labor sections of the bill. The sections from 15 to 23 relate exclusively to labor questions, and I desire to explain them, and then take up section 7 in conclusion and show you just what the labor provisions of this bill do, and explain the meaning and effect of section 7 and also its importance and scope.

During the Sixty-second Congress two bills relating to labor—what is known as the Clayton anti-injunction bill and what is known as the Clayton contempt bill—were passed in the House. Both passed the House, and I will give you the vote on each of the bills. Minority reports were filed against them by distinguished members of the committee, who were able lawyers, but when the injunction bill was voted on in the House only 31 votes were cast against it in the whole House, including Republicans, Progressives, and Democrats. When the bill giving right to trial by jury in contempt cases was voted on in the same Congress only 18 votes were cast against it in the whole House. We have placed those two bills, which passed the House, as stated, and which afterwards were indorsed at the Baltimore convention by the Democratic Party, bodily in this bill, with only slight amendment to section 15, to make it conform to equity rule 73 of the Supreme Court of the United States, since adopted by that court. What do we give labor in these several provisions? I will tell you what labor gets in the sections from 15 to 23.

United States courts are prohibited from issuing injunctions against persons on account of their ceasing to perform any work or labor—one of the things for which Federal courts in the past have issued injunctions in labor disputes.

Second. From issuing injunctions to prevent laborers from recommending, advising, or persuading others by peaceful means so to do.

Third. To enjoin laboring men from attending at or near a house or place where any person resides or works, or carries on business, or happens to be, for the purpose of peacefully obtaining or communicating information, or peacefully persuading any person to work or to abstain from work.

That is a thing for which laboring men from time to time have been enjoined by different Federal courts.

Fourth. Or from ceasing to patronize or to employ any party to such dispute.

This is another thing for which laboring men have been repeatedly enjoined, and which we regard as an abuse of the injunction writ.

Fifth. Or from recommending, advising, or persuading others by peaceful means so to do.

Another thing for which laboring men have been enjoined.

Sixth. Or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value.

A monstrous thing to think of, but, according to the testimony of William B. Wilson, now Secretary of Labor, who testified before our committee at the last Congress that he, as secretary of one of these organizations, was enjoined during a strike from paying those sick benefits by the Federal courts. This prohibits for the future such outrageous injunctions being issued against any laboring man or labor associations.

Seventh. Or from peacefully assembling at any place in a lawful manner and for lawful purposes.

That is a thing that ought never to have been denied to any citizen in America—a guaranteed constitutional right—but a thing which the Federal courts, by the use of the injunctive process, have repeatedly enjoined laboring men from doing.

Eighth. Or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

In other words, this puts laboring men upon the same equality under the law with every other citizen, and requires the same cause of action; requires an injunction in a case growing out of a labor dispute to be issued upon the same evidence as in any other case where a labor dispute is not involved. The injunction provisions of this bill give to labor a bill of rights on eight different propositions, in which, by the abusive practices of injunctions in the past, they have been harassed in numerous cases and often imprisoned.

Not only that, but it requires notice and forbids blanket injunctions. The provisions in the second bill give to laboring men the right of trial by jury in cases of indirect contempt, where the acts complained of would constitute criminal offenses under the law. And right here I want to call your attention to one significant thing. In the decision rendered by the Supreme Court in the Gompers case a few days ago you will find a strong intimation given by the justice delivering the opinion that the trial of these cases by jury is more satisfactory than by courts.

Now, those are the labor provisions. We bring them to you. They have been indorsed by this House. They have been specifically indorsed by our party. They have been adhered to and observed by many of the courts. But there is one additional provision which I will take up now, because it is new. It was not in the Clayton bill at the last Congress, and, so far as I know, it has never been in any other bill pending before this Congress. I refer to section 7 of the bill. I will explain to you briefly how that provision got into this bill.

The Democratic platform at Baltimore declared specifically in favor of the injunction bill passed in the Sixty-second Congress; declared for the right of trial by jury in contempt cases; and declared in favor of legislation that would differentiate and distinguish labor and farmers' organizations from other organizations, saying, to use the language of the platform, that they should not be deemed or considered unlawful combinations in restraint of trade under the Sherman law. But it did not declare for any specific exemption from the Sherman law. Bear that in mind.

Now, on December 6, 1913, I believe it was, Mr. Gompers, the head of the American Federation of Labor, appeared before the Committee on the Judiciary of the House and made a plea for additional legislation in behalf of labor organizations. He read the Democratic platform; he read the Progressive platform; he alluded to the Republican platform, saying that its declarations for labor were nil. Then he made a speech, and I desire to quote from it and read it into the RECORD, because I think it is worthy of going into the RECORD. It is whispered now, since some people have become dissatisfied with this provision, that

there is nothing in his contention. I think there is. I quote from Mr. Gompers:

Gentlemen, under the interpretation placed upon the Sherman antitrust law by the courts, it is within the province and within the power of any administration at any time to begin proceedings to dissolve any organization of labor in the United States and to take charge of and receive whatever funds any worker or organization may have wanted to contribute or felt that it is his duty to contribute to the organization.

Mr. WEBB. Are there any suits pending in the courts now looking to this end, Mr. Gompers?

Mr. GOMPERS. There are no suits now pending; but an organization of workingmen, the window-glass workers, was dissolved by order of the court under the provisions of the Sherman antitrust law, charged with conspiracy as an illegal combination in restraint of trade. And while *that* organization was dissolved by action of the court, yet it created no furor, for this reason: I have no desire to reflect upon the men who are in charge of that organization as its officers and representatives, but it was, in my judgment, supine cowardness for them not to resist an attempt of the dissolution of their associated effort as a voluntary organization of men to protect the only thing they possessed—the power to labor.

Mr. WEBB. Have you any case where a labor organization has been dissolved simply because they themselves united in asking or fixing a certain wage and went no further in uniting with the manufacturers?

Mr. GOMPERS. I can not tell you, sir, about that. But that is the very essence of the life of the organization. What I want to convey is this, that of these 30,000 or more local associations of workingmen, what we call local unions of workingmen and workingwomen, probably more than two-thirds have agreements with employers. As a matter of fact, I think that every observer and every humanitarian who knows greeted with the greatest satisfaction the creation of the protocol in the sweated industries of New York City and vicinity which abolished sweatshops and long hours of labor, and the burdensome, miserable toil prevailing, and established the combination of employers and of workmen and workwomen by which certain standards are to be enforced, and no employer can become a member of the manufacturers' association in that trade unless he is willing to undersign an agreement by which the conditions prevailing in the protocol will be inaugurated by him. Yet, under the provisions of the Sherman antitrust law that association of manufacturers has been sued, I think, for something like $250,000, because it is a conspiracy in restraint of trade.

What I mean to say is this: I am perfectly satisfied in my own mind that the Attorney General of this administration, the Attorney General of the United States under the present administration, is not going to dissolve or make any attempt to dissolve the organizations of the working people of this country. I firmly believe that if there should be any of them, any individual or an aggregation of individuals, guilty of any crime, that the present administration would proceed against them just as readily, and perhaps more so, as any other; I am speaking of the procedure against the organizations themselves and the dissolution of them. But who can tell whether this administration is going to continue very long, or whether the same policy is going to be pursued; that is, the policy of permitting these associations to exist without interference or attempts to isolate them? Who can tell? What may come; what may not the future hold in store for us working people who are engaged in an effort for the protection of men and women who toil to make life better worth living? We do not want to exist as a matter of sufferance, subject to the whims or to the chances or to the vindictiveness of any administration or of an administration officer. Our existence is justified not only by our history, but our existence is legally the best concept of what constitutes law. It is an outrage; it is an outrage of not only the conscience; it is not only an outrage upon justice, it is an outrage upon our language to attempt to place in the same category a combination of men engaged in the speculation and the control of the products of labor and the products of the soil on the one hand and the associations of men and women who own nothing but themselves and undertake to control nothing but themselves and their power to work.

Mr. FLOYD. I want to see if I understand your position. If I understand your position under the existing status of the law as determined by the Federal courts, if the Attorney General should proceed to dissolve any of your labor organizations they could be dissolved. Is that your proposition?

Mr. GOMPERS. Yes, sir.

Mr. FLOYD. And that your existence, therefore, depends upon the sufferance of the administration which happens to be in power for the time being.

Mr. GOMPERS. Yes, sir.

Mr. FLOYD. What you desire is for us to give you a legal status under the law?

Mr. GOMPERS. Yes, sir.

Mr. FLOYD. So you can carry on this cooperative work on behalf of the laborers of the country and of the different organizations without being under the ban of the existing law?

Mr. GOMPERS. Yes, sir.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question just there?

Mr. FLOYD of Arkansas. Yes.

Mr. HAMILTON of Michigan. Just at the beginning of Mr. Gompers's testimony did I understand he stated that there was an organization of employers in New York City who issued a protocol in relation to the employment of labor? I did not quite catch the meaning there.

Mr. FLOYD of Arkansas. No. That association was not dissolved, but a reference was made to the association of glass-workers that was dissolved.

Mr. HAMILTON of Michigan. The other was not?

Mr. FLOYD of Arkansas. No, sir. Mr. Gompers was speaking of the excellent work of the other organization, which was not dissolved.

Mr. HAMILTON of Michigan. He claimed that it could be dissolved?

Mr. FLOYD of Arkansas. Yes; he claimed that it could be dissolved. And anyone who has read carefully the decisions of the Supreme Court in the Standard Oil case and in the American Tobacco case and other leading cases decided by the Supreme Court, as a lawyer, must realize that Mr. Gompers's contention is correct.

If you find a court with the facts to sustain a conspiracy in restraint of trade and the courage to do it in a proper case, it is within the power of the court to enter a decree of dissolution. You can see what such a decree would do for labor organizations. When the Standard Oil Co. was dissolved there were millions of property which the equity court, under the rules of procedure, exercising its equity jurisdiction, was required to protect and conserve, and this property formed a nucleus around which a new organization was formed to take over the property and continue to operate, and the same with respect to the American Tobacco Co. But for what were those great combinations dissolved? For being combinations and conspiracies in restraint of trade. The inanimate thing known as "a combination" can do nothing. It acts through agencies, through living human agencies, that make the unlawful contracts, do the unlawful acts, perform the things that they are doing in violation of law; and if an industrial corporation and its agents have so violated the Sherman law, they can be dissolved. And who can gainsay the proposition that if individual members of labor organizations should do unlawful things and enter into unlawful contracts and enter into conspiracies in restraint of trade, the same power that dissolved the Standard Oil Co. and the same power that dissolved the American Tobacco Trust can dissolve the labor organizations, with this more disastrous effect—there being no nucleus of property around which to gather the fragments of the association, they would go to the four winds and be out of existence. And yet I am sorry to say that I have been told that there are those who contend that the committee has done nothing for labor by incorporating this provision in the bill. We are giving labor associations a legal existence and declaring their operations legal by this provision. We are taking them out from the ban of the present law to the extent that in future they can not be dissolved as unlawful combinations. Their existence is made lawful and they are given a legal status.

In other words, recognizing and believing as a committee that the plea made by Samuel Gompers, the head of the great American Federation of Labor, was a just plea, well founded, in the light of past decisions, and that those great organizations of workingmen ought not to be considered and classed as unlawful combinations per se and ought not to be subjected to the same rule applied to industrial corporations or to be dissolved by court decree, we have incorporated section 7 in this bill, declaring legal labor and other organizations named therein.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed 1 hour and 59 minutes.

Mr. FLOYD of Arkansas. Gentlemen, I am sorry that my limited time has not permitted me to go into a discussion of other important features of this bill, but under the five-minute rule we will have ample opportunity to do so.

I should like to take up the question of interlocking directorates and the provision relating to holding companies. I should like to take up other provisions of the bill; but in the time allotted me I have only touched upon some of the more vital features of this great piece of legislation proposed in the interest of the American people generally, the labor provisions, constituting, as they do, a great bill of rights for labor, sections 2 and 4 furnishing a bill of rights and equity to every independent small dealer in this country. In conclusion, let me say we submit this bill as the result of an earnest effort on the part of the Judiciary Committee to carry out the will of the House in framing a bill which we trust will meet with the approval of the House, and we hope the approval of the country.

I thank you for your patient attention. [Applause.]

Mr. NELSON. Mr. Chairman, the ranking Member on the Republican side is absent and has asked me to take charge of the time during his absence. I will yield to myself 30 minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 30 minutes.

Mr. NELSON. Mr. Chairman, with other minority Members, I shall support the first part of the present so-called antitrust program, the creation of an interstate trade commission. I do so with pleasure, because in its preparation the minority was granted recognition. It is a definite legislative measure, and, on the whole, this commission, with additional powers, may prove a beneficial agency for the final solution of the trust evil.

It is with a deep sense of disappointment that, for the same reasons reversed, I can not give my support to the bill now before us. It comes from the committee of which I have the honor of being a member. I have the highest personal esteem for the gentlemen of the subcommittee who framed the bill.

These gentlemen, but for a powerful restraining hand, have the ability and, I believe, the patriotic desire to construct a far better law; and I had hoped that we all could prepare and support a measure that would reflect credit upon the committee and redound greatly to the welfare of the country.

Mr. SLOAN. Will the gentleman yield?

Mr. NELSON. Yes.

Mr. SLOAN. What restraining hand does the gentleman refer to? Is not this House free to do what it sees fit, and may not its Members exercise their own privileges and prerogatives?

Mr. NELSON. The gentleman has evidently not been reading the newspapers.

Mr. SLOAN. I recognize in the gentleman a greater authority, and I appeal to him.

Mr. NELSON. The gentleman must know from the discussion to-day that a subcommittee was appointed, consisting of three very able Democrats. No Republican was given any recognition on that subcommittee; and if we may rely on the newspapers they were constantly in consultation with the President on all the details of the bill, and they are carrying out his instructions.

Much as I wish to act with my colleagues on the committee, I must truthfully state my views of this bill. It was conceived in the spirit of partisanship and molded in every detail by the motive of political expediency. It is not constructive legislation upon broad principles but by arbitrary selection, nor by positive and certain enactments but by vague and undefined exceptions, and does not bravely grapple with the giant evil of monopoly itself, but turns to its manifestations and unrelated side issues. Finally, it is doubtful whether the harm that will result from this bill will not outweigh the small amount of good some of its provisions might accomplish.

It will be a matter of extreme regret, I feel certain, to every American citizen, irrespective of politics, who takes a large and patriotic view of this whole subject that the party intrusted with power has failed so completely to measure up to the great opportunity and the sacred duty of the hour. Instead of devoting itself to the sincere solution of the problem of our day and generation, it has weakly yielded to the spirit of political expediency and truckling compromise, by way of inaction if not reaction. Before the last election the party pointed to the pathway of duty. It bravely asserted that "a private monopoly is indefensible and intolerable," and this was its platform pledge:

> We favor the vigorous enforcement of the criminal as well as the civil law against trusts and trust officials, and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

There was a ring of genuine truth in that proclamation, and there was patriotism in that pledge, and it appealed to the American people. Private monopoly is intolerable, and competition must be restored as the working basis of our national life. Competition offers, in my opinion, the best environment for the advancement and the welfare of mankind in the individual initiative, the individual independence, and the individual responsibility.

We should now have the courage and foresight of statesmanship. We may yet be master of our country's future; but if we trifle, halt, or compromise too long competition, now greatly endangered, may never be restored, and then what—socialism?

No nation is so great that it can safely overlook the law of consequence. None are so blind as they who will not see. There are those who look upon socialism as a menacing evil, but what are the signs of the times? Is there no significance in the rapid progress that socialism is making both in the United States and abroad? Socialists sit in the cabinets of Italy, France, and Norway, and they are the strongest political party in Germany. In the United States Socialist gains have kept pace with the increase in the number and power of the trusts. For President of the United States in 1912, 1,000,000 American citizens voted for a radical Socialist. We can not safely ignore the principle of cause and effect. As surely and rapidly as the properties of all the people pass into the hands of a few trust magnates, public sentiment, rapidly forming, when once fully aroused, will multiply the socialistic vote as a protest against monopoly privilege. And the day when the people must choose between public ownership of trusts for the benefit of all and the private ownership of the trusts for the privilege of the few, will witness the final triumph of socialism in this country. Therefore we should act in our days of grace, while we are yet masters of our national destiny; but will this compromise measure before us now, this mere marking time, remove the cause, the special monopoly privilege of levying tribute manifested in the high cost of living, and thus prevent the much-dreaded social change in the conditions of our national life?

REGULATED MONOPOLY.

Some well-meaning theorists imagine they see a place of escape, a permanent middle ground, in a state of regulated monopoly. But they are merely deceiving themselves. They say that the trusts are more efficient and can produce more cheaply. They urge that the dangers of oppression may be removed by regulation and that the principle of concentration in industry under regulated monopoly will result in benefit to all the people. But these fond hopes and fancies are fallacious.

TRUSTS NOT EFFICIENT.

The trusts have not been efficient. The source of their success has been the unfair tactics employed against the independents and the monopoly privileges they have enjoyed. No trusts show cheaper cost of production than do the smaller independent plants. The explanation lies near at hand. When a concern grows so large that the men at the head can not possibly be familiar with every angle of the business, gross inefficiency results. The element of personal management so essential to business success disappears. In the interest, therefore, merely of cheaper production, it is desirable that the trusts should be destroyed.

PRICE FIXING.

Nor is regulation of monopolized industry practicable. In the pathway toward regulated monopoly there are many immovable rocks. The foremost is price fixing. With the specter of the cost of living before us we can not permit monopolies to charge prices at will. But in fixing prices the Government must do justice to all interests alike. It must take into consideration the values of these great properties, the rights of the owners, the needs of the consumers, the returns to the farmer for his raw materials, the wages of the laborer in the mills, and many other important matters. The problem is, as may be seen at a glance, a stupendous impossibility.

Fixing prices calls for commissions. How many—1 or 800? Able men who have given this point special study say that there would have to be a separate commission, at least, for each line of business. What a mire of bureaucratic government we would run into! Think of the arbitrary power of such commissions!

CORRUPTION.

Then, too, there are other accompanying evils. Big business to protect profits will go into politics; a small increase in prices will mean millions of extra profits; and in consequence we would always have present the grave danger of political and official corruption.

BUSINESS STAGNATION.

Regulated monopoly is likely to mean not only bad government but business stagnation. When commissions allow monopolies regular fixed profits, whether they be 6 per cent or 10 per cent, the keen incentive for making improvements in the processes of manufacture will disappear. Efficient or not, they will earn the same regular dividends.

PUBLIC OWNERSHIP.

The final consideration in regulating monopoly is that it will inevitably lead to socialism. Under regulation, if prices are high, candidates and parties will bid for votes on the plea of reducing the cost of living. Regulation may then lead to confiscation, and socialism is at hand. On the other hand, if prices are not reduced, there will be the increasing demand for public ownership. To compromise with monopoly is to end in socialism.

THE TEST OF LEGISLATION.

Difficult as the problem of restoring competition may seem, it presents no such insurmountable obstacles as lie in the pathway of regulated monopoly. As a Nation, with the Sherman law unrepealed, we are committed to competition. This bill, or any trust bill, must be measured by the standard of its efficiency to restore competition. There can be no satisfactory compromise. Monopoly in every form must be made impossible. Any measure which falls short of this is but a makeshift and not a thoroughgoing solution of this great evil.

THE CHANGE IN PROGRAM.

The President of the United States, a profound student of history, before his election saw plainly the duty of the hour, and I even now believe that he really desired to assail this evil with all the power of his great office, but after the tariff bill had been passed it became evident that the cost of living had not come down and that business was rapidly approaching a standstill. There were signs of panic in the air, and if not in the country there was a real panic among Democrats in Congress. There was a lively fear of a possible overturning of the

political equilibrium. Thinking that readjustment of our currency system would restore public confidence, the party in power rushed through Congress its money bill, and still there was business paralysis.

It was evident to a close observer of current events that the party in power would not have the courage to grapple with the trust problem in dead earnest, but what was it to do? It had to steer between Scylla and Charybdis, betrayal of public confidence in deserting its trust program or so disturbing the big business interests that a panic might be precipitated in all its dreadful reality. Then it was that political expediency caused a sudden change in party program.

A PREDICTION.

Six months ago in magazine articles I pointed out just what would take place, and the expected has come to pass. Among other things this was said:

In this situation the easiest road is that of compromise—to pass some halfway measures and then try to make the people believe that the country has been relieved from the thraldom of the trusts. There is much talk of going slow. It is proposed to pass a few bills, such as making the penalties of the Sherman law personal and abolishing interlocking directorates, so as to make a showing of reform, but not seriously disturb Wall Street. It behooves the people to watch closely coming events. This is a time when words count for less than results.

At the same time the hope and sincere wish was expressed that the President would play the part of David and slay the Goliath of private monopoly.

ASSURING BIG BUSINESS.

But the President, yielding to the pressure of political expediency, in his trust address to Congress sounded the keynote of compromise when he told big business in honeyed words that "the antagonism between business and Government is over," that in its place "an atmosphere of accommodation and mutual understanding" has been ushered in. Vice President Marshall said, "What we need is much agitation and little legislation." Senator HOKE SMITH said, "Readjustments can be made peaceably and litigation will not be required." And Chairman CLAYTON assured big business interests that "nothing radical" would be done.

THE SUBCOMMITTEE.

To make certain of this, as chairman of the Committee on the Judiciary he appointed two Democratic members to act with himself as a subcommittee in the preparation of a trust program. This partisan subcommittee, in frequent consultation with the President, prepared three tentative bills. It was quite evident that Chairman CLAYTON'S promise was made good. These bills did not alarm the trusts; they did disturb small business men.

SUGGESTIONS OFFERED.

Extensive hearings were granted upon these tentative bills. Representatives of small business associations appeared to protest against the arbitrary manner in which their methods of doing business were interfered with. Thoughtful students of the trust problem—men like Louis D. Brandeis, Samuel Untermeyer, Albert H. Walker, and others—showed clearly that these bills would not be effective in restoring competition. Numerous excellent suggestions were offered to make them really effective means for destroying private monopoly.

PARTISANSHIP.

When hearings were concluded this partisan subcommittee presented a consolidated bill. It did not avail itself of the many helpful suggestions that had been made, dropped out the teeth in the definitions bill, and added some new provisions dealing with holding companies, farmer and labor organizations, and the use of injunctions in labor disputes. No Republican had any part whatever in the preparation of the bill. The partisan subcommittee worked behind closed doors. Not a change was made without its consent. The full committee reported the bill to the House by a strictly partisan majority. So evident, in fact, was the partisanship that no member of the minority cared to take any part in the final vote. From beginning to end, it may be said with perfect accuracy, this bill was conceived in a spirit of partisanship and molded in every detail by the motive of political expediency. [Applause on the Republican side.]

COMPROMISE.

The compromise character of this measure is apparent in every provision. It is a tight-rope performance with the fears of Wall Street balanced against the demands of the people. Hence its vagueness, its exceptions, and its side issues. Its various sections resemble certain signs which as you read them from the front say one thing, but when you read them from the side or the rear say something wholly different.

In the minority views I presented as a member of the Committee on the Judiciary a detailed analysis of this bill was made; here I shall point out only generally how it carries water on both shoulders in the effort to please plutocracy and at the same time placate the public.

TEETH IN SHERMAN LAW.

The first part deals with two unfair methods of competition—discrimination in price and the making of exclusive contracts. They are the remnant of the first attempt of the learned doctors on the subcommittee to equip the Sherman law with a full set of teeth, so as to repair the supposed ravages of the Supreme Court's rule of reason in the Oil and Tobacco cases. In the course of the hearings, however, the crude workmanship of the subcommittee was made so apparent that when the consolidated bill reappeared from the secret workroom of these conservative "trust busters" there were only two teeth left. These were not to be inserted in the Sherman Act, but were to constitute, so to speak, independent fangs, with which to threaten and to harass little business.

DISCRIMINATION.

The section dealing with price discrimination presents an interesting exhibit of the skill of these trust-law draftsmen in so writing the provision that it shall appear fair on its face to the public at large and yet shall not materially disturb the well-known practices of big business. To the public it apparently prohibits all discrimination between different individuals and communities, but upon examination we find various loopholes carefully provided for the benefit of the big fellows. Thus discrimination is not prohibited in bids and offers for sale.

Discrimination may be made in the time and manner of delivery of goods, in more lenient terms of credit, or in any other terms of sale except those of price. Even discrimination in price is permitted, unless it can be shown to have been made with the intent of wrongfully injuring or destroying the business of a competitor. The selling of goods cheaper at home than abroad is expressly authorized. Then there is the proviso that discrimination may be made on account of the "grade, quality, or quantity" of the commodity sold. Does anybody believe that a trust can be successfully prosecuted when it is allowed to discriminate on account of the quantity sold? Finally, the trusts are permitted to select their own customers. This means that they may altogether refuse to deal with anybody they wish to crush. No form of discrimination could be worse, but by this bill it is expressly legalized.

EXCLUSIVE CONTRACTS.

The section dealing with exclusive contracts has the same vice of uncertainty. It apparently prohibits exclusive contracts, but if they are made with nominal agents or bailees the trusts may readily evade the law. This bill says sellers shall not make exclusive contracts, but it also says that sellers may select their own customers. Interpreted in the most favorable light possible, the effect of this section will be to prohibit open and aboveboard contracts, but leaves open the means of accomplishing the same result through an undeclared and unexpressed understanding between the parties.

Mr. HARDY. Will the gentleman yield?

Mr. NELSON. Yes.

Mr. HARDY. I want to see if I understand the gentleman. Does the gentleman mean by the remark he made a moment ago that if you give the Douglas Shoe Co. the right to sell its goods to only one person in a town you might thereby just as well give them the right to require that person to agree not to buy from anybody else except the Douglas Shoe Co.?

Mr. NELSON. Indeed, when I have the right to say to you that you can not be my customer, I can in my own mind prescribe the conditions under which I will refuse to make you my customer.

Mr. HARDY. In other words, if you agree that you will sell to me alone, it will be equivalent to my agreeing that I will buy from you alone.

Mr. NELSON. Yes; but the manufacturer must not make an outright contract with you. A man does not need to be hit on the head with a crowbar in order to grasp an idea or a suggestion.

Mr. HARDY. I do not think you need to make any further contract than that you will sell only to me, in order to induce me to buy only from you.

Mr. ADAIR. I want to ask the gentleman, does he believe that this law should go far enough to compel the Douglas Shoe Co.—as reference has been made to that company—to sell to everyone who would buy of that company in the same town? Do you not believe the company should have the right to make some particular firm or store its customer and give that customer the exclusive right to sell the Douglas product in that particular town?

Mr. NELSON. Answering the gentleman, I would say that I would be just to all. I would not discriminate. But we have here the gentleman saying to the mine owners, "You must sell

to all," and we have them saying to other than mine owners, "You may select your customer." I would make the rule either one way or the other. I would be fair, and not arbitrary.

Mr. BEALL of Texas. How would the gentleman state the rule about that?

Mr. NELSON. If I had to state the rule about that I would be fair to all, and I think we are coming to that, when big business concerns have no right to say they will not sell to any customer who offers to pay cash.

Mr. ADAIR. You would be in favor, then, of a provision in this bill which would make it impossible for the manufacturer of any particular article to refuse to sell that product to anyone who wanted to buy it.

Mr. NELSON. If he offered cash for the commodity, I see no reason why the manufacturer should be permitted to refuse.

Mr. ADAIR. And on the same terms, and so forth.

Mr. NELSON. Now, on that question I want to say this, that having had no opportunity to participate in the preparation of this bill, so far as action of the subcommittee is concerned, and at any time only the merest pretense of opportunity, which amounted to listening to the hearings and seeing gentlemen on the other side offer some amendments to their bill, the Republicans and minority members have had nothing to do with it. Therefore we have not formulated a program, and we are not responsible for the program. If the gentleman wants to know what I would do, I would have taken, as the Committee on Interstate Commerce did, representatives of all parties, and then sought to legislate, along the lines of principle, for equal treatment for all, and not pick out the mine owner as the man who must sell to anybody, and then leave all the rest to have the right to select their own customers.

Mr. HARDY. Along that line, will the gentleman tell me whether there is any real difference in the situation of a mine owner, producing ore from the earth, and any other maker or producer as to any rights that the one should have and the other should not have to select his customers? In other words, why should section 3 apply to mine owners only?

Mr. NELSON. You heard what the eloquent and conscientious gentleman from Arkansas [Mr. FLOYD] said, and I wish to give him full credit, for he is an industrious, painstaking, and conscientious member of the Committee on the Judiciary. Yet I heard no such evidence before the committee that would cause me to say why they should select arbitrarily the mine owner. I see no reason at all for the discrimination.

Mr. ADAIR. I am interested in what the gentleman is saying and was trying to get information.

Mr. NELSON. I am very glad to give it to the gentleman if I have it.

Mr. ADAIR. Take an illustration. Here is a man who manufactures a certain kind of refrigerator that is his own idea of what is best. He goes through the country into the various cities and towns and establishes agencies for its sale with one merchant in a town, and that merchant probably spends more than his profits in one or two years in advertising that kind of a refrigerator, hoping to build up a business in that particular kind of a refrigerator that will make him some money in the future. Now, does not the gentleman think that a manufacturer should have the right to select his customer in the various towns to sell this particular kind of a refrigerator to, and does not the gentleman believe under such circumstances that it would be wrong to compel him to sell to any man in the town who sought to buy?

Mr. NELSON. The gentleman has asked me a controverted question as to which is the more for the public good, the right of the manufacturer to arbitrarily select his exclusive customer or to give the power to refuse to sell to a customer which tends toward monopoly. My own judgment is that in legislating on this question we ought first to destroy the monopoly before we go below and interfere with the everyday business practices. I would leave that open for the future.

Mr. ADAIR. It is a business practice?

Mr. NELSON. It is a business practice, and in many cases it works to the interest of the public to introduce a special article, but, of course, it may also be abused. That is a controverted question.

Mr. HARDY. Will the gentleman yield?

Mr. NELSON. Certainly.

Mr. HARDY. That is what this bill has done; it has left it open, has it not?

Mr. NELSON. I think not by leaving it in the power of the manufacturer to select the customer.

Mr. HARDY. You leave it as it is now.

Mr. BRYAN. Will the gentleman yield?

Mr. NELSON. Yes.

Mr. BRYAN. Under the present broad terms of the Sherman antitrust law persons engaged in selling goods, wares, merchandise in commerce are forbidden from selecting their own customers if such forbidding becomes a restriction in restraint of trade. Under this law persons engaged in selling goods, wares, and merchandise in commerce are absolutely protected in selecting their customers whether the agreement be in restraint of trade or not.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. NELSON. Mr. Chairman, I yield myself 10 minutes more.

MACHINERY.

The machinery provided by the bill for the enforcement of the antitrust law does really nothing to make certain that dissolutions of trusts shall be real and not merely nominal. A repetition is still possible of the sham dissolutions of the Oil and Tobacco Trusts, which boosted trust stocks enormously but did nothing to bring down prices. As in the Tobacco case, the independents and interested States are still denied the opportunity to intervene to protect their rights. Little is done to make the antitrust laws self-enforcing. There is no way to compel an unwilling Attorney General to act. The Sherman law, despite its excellent provisions, has failed to prevent the rapid increase of trusts, because Attorneys General, for reasons of political expediency, have not enforced it in all its effectiveness. This bill does the least possible to improve its machinery so as to make it self-enforcing and readily available for the adequate protection of the public welfare.

ESTOPPEL.

The committee points with much pride to the provision of this bill to make it easier for independents to recover damages for losses sustained through the unlawful actions of the trusts; but when this bill is read, it will be noted that not only may the decrees in Government suits be pleaded against trusts, but also in their favor. Although the independents have never had their day in court, they are absolutely bound by any feeble compromise the Attorney General may make. And can we be certain that no compromises will be made in the future? Only recently a compromise was arranged by the Attorney General with the American Telegraph & Telephone Co., under which it retained an almost complete monopoly of the telephone lines of the country. Other dissolutions by consent are reported to be in progress. Do these compromises and this bill, which allows trusts to plead these decrees in their favor, safeguard the rights of the independents? In thus dividing the loaf between them, which gets the bigger end—the independents or the trusts?

PENALTIES.

No part of this bill has been so much extolled by its authors as the section that pretends to make guilt personal. The people are told that, instead of fining corporations, hereafter the trust magnates will be put in jail. But trust magnates have no cause for alarm. This bill plainly says, in effect, that they shall be subject to fine and imprisonment only when they can be conclusively shown to have personally done any of the acts forbidden by the antitrust laws. This is now the law. Trust magnates heretofore have so rarely gone to jail, because Attorneys General, for reasons of political expediency, have not asked for prison penalties, or because judges have suspended sentence. Why is it that under this administration the Mellen indictment has been allowed to run along for 18 months, and is anybody ever to be brought to trial? This bill still permits judges to suspend sentence. The prison penalties of the Sherman law are left as they were, and the maximum fine is still $5,000. Think of a $5,000 fine for the average American trust.

HOLDING COMPANIES.

This bill is represented to us as hereafter prohibiting holding companies; but big business knows that it expressly does not apply to holding companies already organized. Moreover, this bill makes the test of a holding company's illegality not whether it has potential power to lessen competition, in substance held to be the law in the Northern Securities case, but instead it introduces a new element, and a dangerous one, whether the holding company actually uses that power with the effect of substantially lessening competition. Upon this test the Northern Securities case would probably have gone against the Government, and it will hereafter be exceedingly difficult to prove that a holding company is illegal.

We are told also that a great reform is accomplished by the prohibition of interlocking directorates. But this part of the bill has no great terrors for Wall Street. It is merely an annoyance. Instead of dealing with the real evil, the interlocking control of competing corporations, which grows out of common stock ownership, it deals only with one manifestation of

this evil, the acting of the same men as directors of two or more corporations. The common stock ownership is allowed to continue. The interlocking control may still be exercised through dummy directors, voting trusts, or in any other manner than that of interlocking directorates. The trusts have not taken alarm at this bill, because they know that, though interlocking directors are prohibited, competition will not be restored while common stock ownership is undisturbed. To the legitimate, independent business men of the country, however, this section represents a needless and unjustifiable interference with business ability and freedom.

FOR LABORER AND FARMER.

This bill also contains a provision which is represented to the farmers and workingmen as righting a great wrong. It is pretended that the organizations of the toilers of the land formed to better their conditions of life are no longer to be treated as if they were trusts; but, again, upon closer examination of the bill we find the truth. The partisan subcommittee, in fact, rejected the demand of organized labor that its activities shall be exempted from the antitrust laws. Farmer organizations are legalized only when they do not have capital stock and are not conducted for profit. This makes impossible cooperative buying or selling by farmer organizations. Public-spirited men appeared before our committee to plead that nothing should be done to check the movement of cooperation among the farmers; but the partisan subcommittee, acting, no doubt, after consultation with the President, would not consider any proposition exempting from the antitrust laws farmer organizations that have capital stock or are conducted for profit. Congress sent a commission to Europe to study methods of encouraging cooperation among the farmers. The Department of Agriculture is constantly urging the farmers to cooperate; but this trust bill, claimed to be framed in the interest of the farmers, refuses to legalize such cooperative efforts to better their market conditions.

The farmers are waking up to it. Here is a telegram that I received from a farmers' organization in my State an hour ago:

MADISON, WIS., *May 22, 1914.*

Hon. JOHN M. NELSON,
House of Representatives, Washington, D. C.:

Our society, 12,000 strong, is counting on you at this time to champion the cause of agriculture in Wisconsin, which has already suffered from tariff legislation, by leading in enacting laws favorable to cooperation. Be sure to provide in impending antitrust legislation for free and unhampered cooperation in assembling, grading, standardizing, packing, storing, and marketing farm products. Agriculture must be permitted to do its business cooperatively; and business can not be done without capital. Would not a general provision permitting all cooperative business activities where all profits above operating expenses are returned to the patrons, producers, and consumers solve the problem? Anyway, it must be solved to save our greatest and most important industry in effecting economies in distributing and to protect consumers from unlimited exploitation.

CHAS. A. LYMAN,
M. WES. TUBBS,
D. O. MAHONEY,
Legislative Committee Wisconsin State Union American Society for Equity.

Time will not permit me to discuss more fully the provisions of this compromise measure. Sufficient has been said to bring out its real character.

THE SMALL BUSINESS MAN.

Mr. Chairman, what will be the effect of the enactment of this legislation upon the life and happiness of the American people? Will the small business man, the merchant, and the independent manufacturer receive this act with joy? There are no such indications. The small merchant, with his back against the wall, fighting for his very existence, came to the committee and through his representatives plead for relief against the crushing power of concentrated capital in the form of chain stores and department stores and big monopolies. What have you given him in this bill? Absolutely nothing. The independent manufacturer asked for larger business freedom. He may have mistaken his remedy, but what relief do you afford him in this measure? You arbitrarily place upon his business new restrictions that are vague, indefinite, and full of tempting loopholes. You burden, harass, and annoy needlessly independent, honest business. Surely the small business man, the merchant, and the manufacturer will not bless you for your efforts.

ORGANIZED LABOR.

Organized labor, representing millions of our countrymen who live by the toil of their hands in the sweat of their brows, have asked you to relieve them of being classified with capital. Their labor is part of their life, inseparable from them; and they have told you truly that it was not the intent of the framers of the Sherman law to classify their organizations with monopolies. It was organized labor that helped to put the administration into power. It asked for bread, but you gave it a bone. You pretend to exempt the workingmen from the law, but they know that your language is empty and meaningless, and that they are still subject to all its pains and penalties. Already their murmur of protest is being heard, but the President, so the press reports, will not allow you to give them relief.

THE FARMER.

The great army of farmers—will they thank you for this legislation? Not at all. They do not love you overly much now. You turned them over in your tariff bill to the tender mercies of competition with foreign countries. Through their representatives and organizations they joined labor in asking that the products of their toil be not classified with capital. Organizations of farmers are not trusts, no more than unions of laborers, and the Sherman law was not intended to apply to them. Farmers have acted separately and individually heretofore, and in consequence the return for their toil has been a pittance. Our progressive farmers everywhere are beginning to understand the value of acting together. Evidence was presented to the committee that East and West, North and South the farmers are cooperating to buy in larger quantities and to secure better prices through collective bargaining, but this bill puts this movement of the farmers under the ban of the law.

THE CONSUMER.

The consumers, your special protégés of the past, what of them? How they love you for reducing the high cost of living! You said it was due to the tariff; but has the cost of living come down? It was not the tariff, and you know it now. It was monopoly privilege; the power of the trusts to levy unjust tribute. Now, though you have the power, you weakly compromise. Will the consumers praise this measure? No; like lukewarm water they will spew it out of their mouths with disgust.

WALL STREET.

This bill is satisfactory only to Wall Street. You may have placated organized plutocracy temporarily. Big business appears to be satisfied, because you have done nothing. But you know that this bill will not stand the test of time. Many of you realize this, but you dare not run counter to the wishes of your master in the White House. You fear that the people will misunderstand your attitude if you go against the President. Do you not realize that his power is due to the confidence of the people in the sincerity of his promise to destroy private monopoly? When the people learn that it is the truth—what the Wall Street bankers are saying—that "the President is the most conservative force in Washington," the party responsible for this craven compromise will reap the whirlwind. You were intrusted with the fullest power. You had an unequaled opportunity; but when the time came you lacked the courage for a thoroughgoing solution of the great monopoly problem. You have disturbed everything; you have settled nothing. As one who with others began the fight against monopoly privilege and special interests and for the rule of the people and the rights of all more than 20 years ago and has followed the fight up to this moment, I say to you your action will not meet with public approval. The people will come to understand your unpardonable temporizing policy. Men who will not compromise for the sake of political expediency will take your place of power. The great fight between the mass of the American people, seeking to restore competition, and the privileged class, still retaining monopoly control, will go on, and it will end only when it is indeed made "impossible for private monopoly to exist in the United States." [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAINEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ANTITRUST LEGISLATION.

The committee resumed its session.

Mr. KELLY of Pennsylvania. Mr. Chairman, I yield 35 minutes to the gentleman from Ohio [Mr. SHERWOOD].

Mr. SHERWOOD. Mr. Chairman, the bill to supplement existing laws against unlawful monopolies reported by the distinguished chairman of the Judiciary Committee, Mr. CLAYTON, of Alabama, should command the support of every Member of the House. It is the mature product of the master minds of that great committee. It has received very careful consideration after a full hearing of all interests involved in our complex industrial system. It has both paternal and patriotic features. It is paternal in the guaranty of the civil rights of the great army of industrial workers, and the right to organize for mutual betterment and moral health. It is patriotic, because it involves the spirit of justice and a reverence for our Constitution and laws among the men and women who do the world's work. The impression has gone to the country that the proposed amendment to section 7, suggested by the representatives of organized labor, is too radical. This amendment is in harmony with the purpose explicitly stated when the so-called Sherman antitrust bill was under consideration, almost a quarter of a century ago.

The history of that very important legislation is needed to illuminate and instruct all persons and parties and organizations, because that record proves conclusively that it was the intention of the framers and proponents of this law to exclude organized labor from its provisions. This was well understood by the framers of the national Democratic platform adopted in Baltimore July 3, 1912. Here is the well-considered plank of the national platform touching this vital matter:

> The expanding organization of industry makes it essential that there should be no abridgement of the right of the wage earners and producers to organize for the protection of wages and the improvement of labor conditions, to the end that such labor organizations and their members shall not be regarded as illegal and combinations in restraint of trade.

The proposed amendment to section 7 is intended to carry out in letter and spirit the declaration of the Baltimore platform. Speaking as an individual, I desire to state that when this bill is under consideration during the five-minute rule an amendment will be offered which will probably allow section 7 in the bill to stand intact, with an improving sentence to make that section more lucid.

The claim is set up now by the opponents of this amendment that it is class legislation. This amendment is proposed as a protecting shield to about 30,000,000 of human beings in the United States who do the work of our ninety-five millions. If this is class legislation, how about the one hundred and forty millions appropriated this year for the Navy? How many of the 30,000,000 of wageworkers who are taxed on everything they wear and consume get any benefit out of this one hundred and forty millions? None worth mentioning, except the skilled workers in the navy yards. How many of the 30,000,000 of workers will get any benefit out of the two and a half millions of profit to the Armor Trust in the two-battleship program of 1914? How many skilled laborers will get any benefit out of the twenty-five millions voted for good roads? Is there anywhere concealed in this twenty-five millions of nebulous beneficence any benefit to any discouraged laborer out of a job? On the other hand, will he not find Jordan a harder road to travel?

How does this proposed amendment compare as class legislation with the $400,000 we recently voted out of the Federal Treasury for experiments in the eradication of cattle ticks? Have we reached a point in the evolution of our progressive civilization when the elimination of cattle ticks is more vital than the civil rights of the citizen?

We appropriated $200,000 this session of Congress to enable the Secretary of Agriculture, who is not a farmer, to give his views to the farmers on the marketing of farm products. And when this item was passed in a jiffy there was not an orator on this floor who would make an exclamation point that it was class legislation.

We appropriated this session $331,080 for the scientific investigation of insects and bugs and the Mediterranean fruit fly, and it went through the House in less than 10 minutes, with no question that insect legislation is class legislation. Yet, when the men and women who produce all the material wealth of the country ask for the protection of their civil rights, and do not ask for a dollar from the Federal Treasury, the claim is made that it is class legislation.

How does this proposed amendment compare as class legislation with the $500,000 voted slap-dab out of the Treasury for the eradication of hog cholera? Is it possible that we have statesmen on this floor who believe that the health of hogs is more precious than the health and betterment of the men and women whose labor and welfare are the dependable factor in the prosperity of the country?

Everywhere around the world where the benign doctrines of the Christian church find a lodgment in human hearts men and women believe that God created man for higher aims and a better destiny than the stupid and unthinking hog, whose head is always on a level with his belly. God made man erect, with head and heart above his belly, and the men of work, in brain and muscle, whose achievements and genius have made all there is of material value in this much vaunted and glorified Republic should have as much consideration in this historic Chamber as insects and hogs. [Applause.]

The preliminary history of this law is very valuable and illuminating. It proves that in the very conservative times of a quarter of a century ago, when the recognized leader of the conservatives in the Senate—John Sherman, of Ohio—was promoting this antitrust legislation, it was not even hinted, so far as I can learn, that the exemption of labor organizations from the provisions of the law was class legislation. Hence a review of this law is vital to this debate.

SHERMAN ANTITRUST LAW, 1890.

On February 28, 1890, Fifty-first Congress, Senator Sherman, of Ohio, introduced his antitrust bill in the Senate. It was referred to the Committee on Finance. On March 22, 1890, the Committee on Finance introduced a substitute for the Sherman bill. On March 25, 1890, Senator Morgan, of Alabama, moved to commit the bill to the Judiciary Committee; it failed to carry on a vote of 16 ayes to 28 nays. On March 25, 1890, Senator Sherman offered a proviso to be added at the end of the first section of the bill, as follows:

> *Provided*, That this act shall not be construed to apply to any arrangements, agreements, or combinations between the laborers, made with a view of lessening the number of hours of labor or the increasing of their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture, made with a view of enhancing the price of agricultural or horticultural products.

The amendment was agreed to in the Senate without any opposing votes.

On March 26, 1890, Senator Stewart, of Nevada, made the following comprehensive statement:

> The original bill has been very much improved, and one of the great objections has been removed from it by the amendment offered by Senator Sherman (for Senator George), which relieves the class of persons who would have been first prosecuted under the original bill without the amendment.

Senator Stewart then added:

> The bill ought now in some respects to be satisfactory to every person who is opposed to the oppression of labor and desires to see it properly rewarded.

Labor was first prosecuted under the Sherman law, and that law has since been applied more generally to labor than against the monopolies it was intended originally to restrain.

I have in my hand a list of 101 cases where Federal judges have issued injunctions against labor organizations. This table has been carefully prepared, and I will print the same in connection with my remarks, showing the title and number of each case.

Mr. ADAIR. Were they all under the Sherman antitrust law?

Mr. SHERWOOD. All after the adoption of the Sherman antitrust law.

The amendment to the act above referred to was made while the Senate was sitting in Committee of the Whole. On March 27, 1890, discussion of the bill was resumed upon the proviso exempting farmers' organizations and trade-unions from the act. The debate that day on that subject is worth more than passing attention. Senators Hoar, Edmunds, George, Sherman, and many others participated. Finally Senator Walthall, of Mississippi, moved to refer the bill and the amendment to the Committee on the Judiciary with instructions to report to the Senate within 20 days. The motion carried by a vote of 31 ayes to 28 nays.

On April 2, 1890, the bill was reported to the Senate by the Committee on the Judiciary, but the Sherman-George amendment, which had been agreed to in Committee of the Whole on March 25, was not included in the bill. Nevertheless Senators in charge of the measure assured representatives of farmers' organizations and the trade-unions that under no possible construction would the judiciary include such organizations under the provisions of the act.

On April 8, 1890, the antitrust bill passed the Senate, as reported by the Committee on the Judiciary, by a vote of 52 ayes to 1 nay. It passed the House on June 21, 1890, and was approved July 2, 1890.

THE LITTLEFIELD ANTITRUST BILL.

On April 7, 1900, in the Fifty-sixth Congress, Representative Littlefield, of Maine, introduced bill H. R. 10539 for the purpose of amending the Sherman Antitrust Act, approved July 2, 1890. On June 2, 1900, while the bill was under discussion in the

House of Representatives, the following exception by Representative Terry, of Arkansas, was added to the bill by a vote of 260 ayes, 8 noes, 76 not voting:

Nothing in this act shall be so construed as to apply to trade-unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed.

The bill was then passed with this amendment added by a vote of 274 ayes, 1 no, 70 not voting. The bill was sent to the Senate, but no action was taken by the Senate.

AMENDMENT TO SUNDRY CIVIL BILL.

On June 2, 1910, in the Sixty-first Congress, while the sundry civil appropriation bill was before the House of Representatives in Committee of the Whole, Representative Hughes, of New Jersey, offered the following amendment to the section making appropriations for the enforcement of the antitrust law:

Provided further, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in the furtherance thereof not in itself unlawful.

The amendment carried by a vote of 82 ayes to 52 noes.

On June 9 1910, the Senate, by a vote of 74 ayes, 16 noes, decided to strike the Hughes amendment from the sundry civil bill.

On June 21, 1910, the conferees of the House were directed, on motion of Mr. Hughes, "that the House do further insist on its disagreement, and that the House conferees be instructed to refuse to agree with the Senate." It carried by a vote of 154 ayes to 105 noes, 12 answering "present," and 119 not voting.

On June 23, 1910, Chairman Tawney, of the conferees, moved "to recede and concur," which meant that the House agree with the Senate and strike the Hughes exemption proviso from the bill. A very animated debate followed, but the motion by Representative Tawney carried by a vote of 138 ayes to 130 nays, 16 answering "present," and 105 not voting. This vote was one of the most important ever taken in the House of Representatives. This action estranged organized labor from the Republican Party, then in control of the House of Representatives.

It is not pertinent to this debate to bring the record down to date. It is sufficient to know that the question has been before Congress for over 24 years, and is still unsettled, and that it is vital to settle it now and to settle it right.

This is supposed to be a Government of law, and a Government guaranteeing the civil rights of the humblest of its citizens. Some magazine writer, a student of sociology, recently wrote:

We have escaped from a despotic government by a king. We have realized, after many centuries, that a king is only a man. Are we going to permit the growing up a despotic government by the judges? Are they not only men?

It may be added that the despotism of a king, or one man, is of the same odious force and flavor as the despotism of a judge or a bench of judges.

The recent decision of the Supreme Court of the United States in dismissing the long-protracted case against Samuel Gompers and his associates of the American Federation of Labor has been cited on the claim that additional protective labor legislation is now unnecessary. But the Supreme Court did not decide any question vital to labor. As stated by a labor journal:

This blessed week the celebrated case was taken by the ear, as it were, and gently led to a side door of the Supreme Court and let out into the street—and on a technicality. Not much was settled save that three very good men were not martyrized, for that dear old statute of limitations was invoked as a means of ridding the Supreme and other courts of a back-action situation, which was easy to dispose of with credit to the defendants, but which was full of embarrassments to the courts after the fellow Wright—now in limbo on impeachment charges—had put it up to the courts to sustain his Dogberry decision, or reverse the decision and make the courts ridiculous.

The Journal of Labor of May 15, 1914, published in Atlanta, Ga., gives in a few words all that this Supreme Court decision means. I quote from an editorial:

The United States Supreme Court has without question dodged the great fundamental issues of whether (1) there shall be free speech in this country; (2) whether there shall be a free press in this country; (3) whether or not judges of the courts may usurp the functions of the legislative body and make law in their chambers by usurping power not authorized by statute and enjoining or restraining working people from the full exercise of their normal, personal, and inherent rights, thereby abusing and misusing the otherwise beneficent injunction writ.

As stated in the above paragraph, the Supreme Court has decided no fundamental question vital to labor.

The encroachments of the Federal judiciary, masquerading as the oracles of immutable law, upon time-honored rights guaranteed by organic law, is responsible for a large part of the popular agitation and unrest among the workers. In milder form these outrageous edicts of some of our Federal judges, notoriously Justice Wright, are patterned after the infamous Jeffreys, who voiced the aggressions of the Stuarts which led to the uprising of the Roundheads under Oliver Cromwell.

Call it evolution or revolution or what you will, a better and broader estimate of civil rights and duties has taken possession of the American people. It is the evolution of intelligence, based upon the assumption that they who toil and till should share in the harvest; that the workers in mines and mills, in steel and wool and cotton, should have a living wage and the right to organize, as all business and professional men and all religious and civic societies organize, in order to better their condition. All good men and good women are interested in improving the condition of the wageworkers. It is injustice and oppression that creates anarchy and fosters revolution. This is an ethical as well as an economic question. And now, in the presence of the anarchy and bloodshed in Colorado, in northern Michigan, and West Virginia, is the time to make a calm and diligent inquiry into the causes which provoked these deplorable conflicts. What do the records of the Federal courts disclose in injunction cases since the enactment of the Sherman antitrust law? I have here the record of 101 cases in which injunctions on labor cases have been granted. In the case of the Danbury Hatters the contention lasted for 10 years, commencing September 15, 1903, and ending January 24, 1913, resulting in a judgment with court costs against the hatters of $232,240.

Let me cite another notorious case that has excited more criticism and aroused more antagonism among the industrial classes than any case in the entire history of the Federal jurisprudence of the United States. On December 23, 1908, Samuel Gompers, president of the American Federation of Labor; Frank Morrison, secretary; and John Mitchell, president of the Mine Workers' Union, were sentenced to imprisonment by Justice Wright, of the Supreme Court of the District of Columbia, for contempt of court, upon the charge that they violated the terms of an injunction granted on petition of the Buck's Stove & Range Co., of St. Louis. As this case involves such rank injustice, I propose a brief review of some of the salient judicial atrocities. In pronouncing sentence upon these labor leaders Justice Wright exhibited such a malignant spirit and used such violent language and showed such alarming symptoms of pathognomonic hysteria that even as cautious and conservative a journal as the New York Evening Post referred to him editorially as exhibiting "an excess of heat and indulging in turbid rhetoric." [Laughter.]

This ill-tempered judicial harangue occupied 2 hours and 20 minutes, and only ceased when the judge had exhausted his vocabulary of invective. Then he emitted the following: "It is the judgment of the court that you, Frank Morrison, be imprisoned in the jail of the District of Columbia for a term of 6 months; you, John Mitchell, for a term of 9 months; you, Samuel Gompers, for a term of 12 months."

HONORED MEN JUDICIALLY PERSECUTED.

These three conservative officials of the industrial workers of the United States, all law-abiding citizens, left the presence of this cruel judge in silence. For thirty-one times Samuel Gompers has been elected president of the American Federation of Labor, covering a period of 31 years. All this time he has been constantly in the limelight, and during all these years of his wearing work for the weary workers there has never been even a suspicion against his honesty or his fidelity among the workers. He has always stood for law and order. He has opposed strikes and has for the past decade favored peaceful arbitration. He has opposed arraying labor against capital. He has devoted the best part of his robust life to every humane movement for the moral and physical betterment of his fellow workers.

Did Judge Wright give the law and the facts in this case? No; he did neither.

The first amendment to the Constitution reads as follows:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the rights of the people peacefully to assemble to petition the Government for redress of grievances.

Mr. QUIN. Will the gentleman yield?

Mr. SHERWOOD. How much time have I got, Mr. Chairman?

The CHAIRMAN. The gentleman has 10 minutes remaining.

Mr. SHERWOOD. I will yield to the gentleman from Mississippi.

Mr. QUIN. Does not the gentleman think, to keep down judicial tyranny, we ought to stop the life tenure for judges—to elect them instead of appointing them for life?

Mr. SHERWOOD. I do not believe that in a Republic there should be any official, high or low, appointed for life. [Applause.]

THE JUDGE AND THE CONSTITUTION.

In commenting on this section Justice Wright said:

So, with respect to the inhibition against abridging the freedom of speech and of the press, the Constitution nowhere confers a right to speak, to print, or to publish; it guarantees only that, in so far as the Federal Government is concerned, its Congress shall not abridge it, and leaves the subject to the regulation of the several States, where it belongs.

In other words, this judge holds that a sacred right, guaranteed by the Constitution, that the supreme lawmaking power of the United States has no right to even abridge or modify, can be annulled by an inferior Federal judge. He asserts that the guaranteed rights of a citizen, that the supreme lawmaking power has no right to even abridge, "is subject to the regulation of the several States, where it belongs," and, further, this limber-minded judicial pettifogger says "the Constitution nowhere confers a right to speak, to print, or to publish." It strikes me that any mature citizen with as much gray matter in his cerebrum as a gray goose will understand that when the Constitution inhibits the abridgment of free speech that, by clear implication, it confers a right to speak, to print, or to publish. Justice Wright held in this case that a judge may do by injunction what Congress is prohibited from doing by legislation. Can there be any doctrine more dangerous to individual rights and personal liberty than this? It is an infamous doctrine, and a Federal judge holding such views is unfit to hold any judicial office.

SOME VALUABLE OPINIONS.

I am glad I am not alone in sounding a danger signal on the many and glaring usurpations of our Federal judges. These numerous and drastic injunctions against the workers have aroused much popular indignation and called forth severe criticisms from lawyers, jurists, and students of sociology. I quote a few specimens. In October of 1907 Justice Moody, late of the Supreme Court of the United States, said:

I believe in recent years the courts of the United States, as well as the courts of our own Commonwealth (Massachusetts), have gone to the very verge of danger in applying the process of the writ of injunction in disputes between labor and capital.

Hon. Thomas M. Cooley, president of the American Bar Association, said:

Courts with their injunctions, if they heed the fundamental law of the land, can no more hold men to involuntary servitude for even a single hour than can overseers with a whip.

Judge M. F. Tuley, of the appellate court of Illinois, used these words:

Such use of injunction by the courts is judicial tyranny, which endangers not only the right of trial by jury, but all the rights and liberties of the citizens.

Gov. Sadler, of Nevada, said:

The tendency at present is to have the courts enforce law by injunction methods, which are subversive of good government and the liberties of the people.

Prof. F. J. Stimson, of Harvard University, one of the greatest legal authorities, in his new work on Federal and State Constitutions, after citing many authorities, says:

These are sufficient to establish the general principle that the injunction process and contempt in chancery procedure, as well as chancery jurisdiction itself, is looked on with a logical jealousy in Anglo-Saxon countries as being in derogation of the common law, taking away the jurisdiction of the common-law courts and depriving the accused of his trial by jury.

Judge John Gibbons, of the circuit court of Illinois, declared that—

In their efforts to regulate or restrain strikes by injunction they (the courts) are sowing dragons' teeth and blazing the path of revolution.

Why is it that far more consideration is given in England to the rights of the wageworkers than in the United States? Let me quote from a recent law of the British Parliament:

Be it enacted by the King's Most Excellent Majesty and with the consent of the Lords, spiritual and temporal, and the Commons in Parliament assembled, by the authority of the same: It shall be lawful for one or more persons, acting on their own behalf or in behalf of a trades union, in contemplation of a trade dispute, to attend peacefully and in a reasonable manner at or near a house or place where a person works or carries on business if he attend for the purpose of persuading any person to work or to abstain from working.

This in the land of King George, the hereditary successor of George III.

How do the descendants of the patriotic sires of the American Revolution like the comparison between the English "trades-dispute law" and the injunction record of our Federal courts, denying even the liberty of free speech to the American worker?

Shall the workers of the United States be compelled to turn for light and hope from democracy under an elective President across the Atlantic to the Government of a hereditary King?

Neither in England nor Germany nor France could the arrest and punishment of labor leaders of the type and conservative conduct of Samuel Gompers and his associates ever have been tolerated. Samuel Gompers is the ablest, most experienced, and most conservative labor leader around the world. Less radical than any of the labor group in the English Parliament or the German Reichstag or the Chamber of Deputies in France, he has for nearly half a century opposed strikes and boycotts and has given his best and most arduous efforts to prevent both and to reconcile the conflicts between capital and labor in order to promote the prosperity of both.

Labor demands and has the right to demand that laws be enacted making a fundamental difference between labor power and property. Labor power is not property, because it can not be separated from the laborer. It is personal. It lives only in the life of the worker and ends with his death. It can not be transferred like property. The Century Dictionary defines "labor" as follows:

Physical or mental effort, particularly for some useful or desired end. Exertion of power for some end other than recreation or sport.

Property is the product of labor applied to some substance of intrinsic value when perfected by labor. It is transferable, can be inherited, and does not die when the person who owns it or produced it dies.

What organized labor is now seeking is the assistance of Congresses and courts to restore the English common-law definition of property and restricting the jurisdiction of all courts of equity to its legitimate limitations, as it was universally recognized at the time of the adoption of the Constitution.

What recourse have any people, even under a Constitution guaranteeing civil rights to all alike, when they find themselves in the clutches of judges, appointed for life, who are deaf to popular appeals for justice, and whose official edicts, however cruel and unjust, can not even be modified by Congress, the supreme lawmaking power? [Applause.]

I submit as an appendix to my remarks the following—101—decisions of Federal courts on labor cases where injunctions have been issued, conspiracy charged, and alleging that the antitrust law was violated—all copied from the records of the Federal courts:

Allis-Chalmers Co. *v.* Reliable Lodge (111 Fed. Rep., 264; U. S. Labor Bul. 38, p. 183).
Allis-Chalmers Co. *v.* Iron Molders' Union No. 125 et al. (150 Fed. Rep., 155; U. S. Labor Bul. 70, p. 734; 166 Fed. Rep., 45; U. S. Labor Bul. 83, p. 157).
Aluminum Casting Co. *v.* Local 84 of International Molders' Union of North America et al. (197 Fed. Rep., 221).
American Steel & Wire Co. *v.* Wire, etc. (90 Fed. Rep., 608).
Armstrong Cork Co. *v.* Anheuser Busch Brewing Co. (1914).
Arthur *v.* Oakes (63 Fed. Rep., 301).
Atchison, Topeka & Santa Fe R. R. Co. *v.* Gee, Cir. Ct. Southern District Iowa (139 Fed. Rep., 582; 140 Fed. Rep., 153).
Bender *v.* Local Union 118, Bakers' Organization (34 Wash. Law Repr., 574; U. S. Labor Bul. 67, p. 894).
Barnes, A. R., & Co. *v.* Berry (156 Fed. Rep., 72; U. S. Labor Bul. 74, p. 259; 157 Fed. Rep., 833).
Beck et al. *v.* Railway Trainmen's Protective.
Besette *v.* Conkey & Co. (194 U. S., 324; 24 Sup. Ct. Repr., 665).
Blindell et al. *v.* Hogan et al. (54 Fed. Rep., 40).
Boutwell et al. *v.* Marr et al. (42 Atl. Repr., 607).
Bowels *v.* Indiana Railway Co. (62 N. E. Rep., 94).
Boyer et al. *v.* Western Union Telegraph Co., C. C. E. D., Missouri (124 Fed. Rep., 246).
Buck Stove & Range Co. *v.* American Federation of Labor (35 Wash. Law Rep., 797; U. S. Labor Bul. 74, p. 246).
Buck Stove & Range Co. *v.* American Federation of Labor (36 Wash. Law Rep., 822; U. S. Labor Bul. 90, p. 124, and No. 86, p. 355).
Buck Stove & Range Co. *v.* American Federation of Labor—Court of Appeals of District of Columbia (37 Wash. Law Rep., 154; U. S. Labor Bul. 33, p. 169; 31 Sup. Ct. Rep., 492; U. S. Labor Bul. 95, p. 323; 40 Wash. Law Rep., 412; U. S. Labor Bul. 112, p. 155).
Brewing & Malting Co. *v.* Hansen (Seattle) (144 Fed. Rep., 1011; U. S. Labor Bul. 68).
Barnes, A. R., & Co. *v.* Chicago Typographical Union (83 N. E. Repr., 932; U. S. Labor Bul. 76, p. 1016).
Barnes, A. R., & Co. *v.* Berry (157 Fed. Rep., p. 883; U. S. Labor Bul. 76, p. 1019).
Boyer et al. *v.* Western Union Telegraph Co. (124 Fed. Rep., 246; U. S. Labor Bul. 50, p. 202).
Callan *v.* Wilson (127 U. S., 540–555).
Carter et al. *v.* Fortney et al. (170 Fed. Rep., 463; also 172 Fed. Rep., 722).
Central District & Printing Tel. Co. *v.* Kent (156 Fed. Rep., 173; U. S. Labor Bul. 74, p. 256).
Coeur d'Alene Con. Min. Co. *v.* Miners' Union of Wardner, Idaho (51 Fed. Rep., 260–267).
Commonwealth *v.* Hunt (4 Metcalf's Rep., 111).
Conkey (W. B.) Co. *v.* Russell et al. (111 Fed. Rep., 417).
Construction Co. *v.* Cameron et al. (80 N. S. Rep., 478).
Contempt—nature of proceedings, appeals, Gompers et al. *v.* Buck Stove & Range Co., Court of Appeals of the District of Columbia (37 Wash. Law. Rep., p. 708; U. S. Labor Bul. 86, p. 355).
Campbell et al. *v.* Johnson (167 Fed. Rep., p. 102; U. S. Labor Bul. 82, p. 682).
Carter et al. *v.* Fortney et al. (170 Fed. Rep., p. 463; U. S. Labor Bul. 86, p. 370).
Casey *v.* Typographical Union (45 Fed. Rep., 135).
Delaware, Lackawanna & Western Railroad Co. *v.* Switchmen's Union of North America (158 Fed. Rept., 541–690; U. S. Labor Bul. 77, p. 389).
Donovan et al. *v.* Penn Co. (26 Sup. Ct. Rept., 91; U. S. Labor Bul. 63).
Debs, In re Petitioner (158 U. S., 564).

Doolittle and United States (23 Fed. Rep., 544–547).
Doolittle and United States v. Kane, supra, re Higgins (27 Fed. Rep., 443).
Farmers' Loan & Trust Co. v. The Northern Pacific Railroad Co., C. C. E. D. Wisconsin (60 Fed. Rept., 803).
Frank et al. v. Herold et al. (52 Atl. Rep., 152).
Fordahl v. Hayde (82 Pac. Rep., 1079).
Garrigan v. United States (163 Fed. Rep., 16; U. S. Labor Bul. 79, p. 961).
George Jonas Glass Co. v. Glass Blowers' Association (54 Atl. Rep. 567; 79 Atl. Rep., p. 262; U. S. Labor Bul. 95).
Glass Co. v. Glass Bottle Blowers (66 Atl. Rep. 593; U. S. Labor Bul. 72, p. 629; 79 Atl. Rept., 262; U. S. Labor Bul. 95, p. 312).
Goldfield Consolidated Mines Co. v. Goldfield Miners' Union 220 et al. (159 Fed. Rep., 500; U. S. Labor Bul. 73, p. 586).
Gray v. Trades Council (97 N. W. Rep., 663).
Guaranty Trust Co. v. Haggarty (116 Fed. Rep., 510; U. S. Labor Bul. 43, p. 1291).
Hammond Lumber Co. v. Sailors' Union of the Pacific (149 Fed. Rep., 577).
Hitchman Coal & Co. v. Mitchell (172 Fed. Rep., 963; U. S. Labor Bul. 87, p. 686).
Hopkins v. Oxley Stave Co. (83 Fed. Rep., 152; 83 Fed. Rep., 912).
Huttig, etc., Co., Fuette et al. (163 Fed. Rep., 363).
Illinois Central Railroad v. International Association of Machinists (190 Fed. Rep., 910; U. S. Labor Bul. 98, p. 495).
In re Debs, petitioner (158 U. S., 564).
In re Doolittle and United States (23 Fed. Rep., 544–547).
In re Doolittle and United States v. Kane, supra, re Higgins (27 Fed. Rep., 443).
In re Lennon (166 U. S., 548).
Irving v. Joint District Council, United Brotherhood of Carpenters, etc., United States Circuit Court of Southern District of New York (180 Fed. Rep., p. 896; U. S. Labor Bul. 92, p. 289).
Iron Molders' Union No. 125, of Milwaukee, v. Allis Chalmers Co. (166 Fed. Rep., 45; U. S. Labor Bul. 83, p. 157).
In re Reese (107 Fed. Rep., 942).
Jensen v. Cooke (81 Pac. Rep., 1069).
Jersey City Printing Co. v. Cassidy et al. (53 Atl. Rep., 230).
Jonas, George, Glass Co. v. Glass Blowers' Association of United States and Canada et al, court of chancery of New Jersey (54 Atl. Rep., p. 567; U. S. Labor Bul. 48, p. 1124).
Knudsen et al. v. Benn et al. (123 Fed. Rep., 636; U. S. Labor Bul. 50, p. 205).
Kargis Furniture Co. v. Local Union No. 131 (75 N. E. Rep., 877).
Keegan-Pope Motor Car Co. v. Keegan (150 Fed. Rep., 148; U. S. Labor Bul. 70, p. 757).
Kemmerer v. Haggerty (139 Fed. Rep., 693).
Kolley et al. v. Robinson et al. (187 Fed. Rep., 415).
Lawlor v. Loewe et al. (187 Fed. Rep., p. 522; U. S. Labor Bul. 96, p. 780; 148 Fed. Rep., 924; U. S. Labor Bul. 70).
Loewe v. Lawlor (28 Sup. Ct. Repr., 301; 130 Fed. Rep., 833; 142 Fed. Rep., 216; 148 Fed. Rep., 924; U. S. Labor Bul. 70, p. 710, and 75, p. 622).
Loewe et al. v. California Federation of Labor (139 Fed. Rep., 71, and 189 Fed. Rep., 7[illegible]).
Loewe v. Lawlor (208 U. S., 274).
Lennon, In re (166 U. S., 548).
Lindsay & Co. v. Montana Federation of Labor et al. (96 Pac. Repr., p. 127; U. S. Labor Bul., 78).
Mackall v. Ratchford et al., C. C. D. W. Va. (82 Fed. Rep., 41).
March v. Bricklayers, etc. (53 Atl. Rep., 291).
Mobile & Ohio Railroad v. E. E. Clark et al. (May, 1903).
Montana Federation of Labor et al. v. Lindsay & Co. (96 Pac. Repr., p. 127; U. S. Labor Bul., 78).
National Telephone Co. of West Virginia v. Kent (156 Fed. Rep., 173; U. S. Labor Bul. 74, p. 256).
National Fireproofing Co. v. Mason Builders' Association (169 Fed. Rep., 259; U. S. Labor Bul. 84, p. 427).
Newport Iron & Brass Foundry v. Moulders' Union (1904).
O'Neil v. Behanna (37 Atl. Rep., 843).
Otis Steel Co. (Ltd.) v. Local Union No. 318, Cleveland, Ohio (110 Fed. Rep., 698; U. S. Labor Bul. 40, p. 638).
Oxley Stave Co. v. Coopers' International Union of North America (73 Fed. Rep., 695).
Pickett v. Walsh (78 N. E. Rep., 753).
Pope Motor Car Co. v. Keegan (150 Fed. Rep., 148; U. S. Labor Bul. 70, p. 757).
Pope Motor Car Co. v. J. H. Stitart or Stelert (June 9, 1906).
Rocky Mountain Bell Telephone Co. v. Montana Federation of Labor (156 Fed. Rep., 809; U. S. Labor Bul. 78, p. 804).
Reese, In re (107 Fed. Rep., 942).
Reinecke Coal Mining Co. v. Wood et al. (112 Fed. Rep., 477; U. S. Labor Bul. 41, p. 856).
Southern Railway Co. v. Machinists' Local, No. 14, et al. (111 Fed. Rep., 49; U. S. Labor Bul. 39, p. 496).
Shine v. Fox Bros. Manufacturing Co. (156 Fed. Rep., 357; U. S. Labor Bul. 74, p. 244).
Southern California Railway v. Rutherford et al., C. C. S. D. California (62 Fed. Rep., 796).
State v. Stockford (38 Atl. Rep., 769).
State v. Coyle, Oklahoma (130 Pac. Rep., 316).
Southern Railway Co. v. Machinists' Local (111 Fed. Rep., 49).
Thomas v. Cincinnati, New Orleans & Texas Pacific Railway Co., C. C. S. D. Ohio, N. D. (62 Fed. Rep., 669).
Thomas v. Cincinnati, New Orleans & Texas Pacific Railway Co., In re Phelan, C. C. S. D. Ohio, W. D. (62 Fed. Rep., 803).
Toledo, Ann Arbor Railroad v. Arthur and Railroad Companies (54 Fed. Rep., 730).
Toledo, Ann Arbor Railroad Co. and Northern Michigan Railway Co. v. Pennsylvania Railroad Co. (54 Fed. Rep., 738–746).
Union Pacific Railway Co. v. Ruef, United States Circuit Court for District of Nebraska (120 Fed. Rep., 102; U. S. Labor Bul. 47, p. 267).
Underhill v. Murphy, Typographical Journal of August 15, 1901 (174 —).
Union Pacific Railway Co. v. Ruef (120 Fed. Rep., 102).
United States v. Agler (62 Fed. Rep., 82).
United States v. Cassidy (67 Fed. Rep., 698).
United States v. Debs et al. (64 Fed. Rep., 724).
United States v. Elliott (62 Fed. Rep., 801; 64 Fed. Rep., 27).
United States ex rel. Guaranty Trust Co. of New York v. Haggarty et al., C. C. N. D. W. Va. (116 Fed. Rep., 510).
United States v. Shipp, the Farmers' case (27 Sup. Ct. Repr., 165; 203 U. S., 563).
United States v. Kane (23 Fed. Rep., 748).
United States v. Patterson (53 Fed. Rep., 605–641).
United States v. Sweeney (95 Fed. Rep., 434).
United States v. Weber et al. (114 Fed. Rep., 950).
United States v. Workingmen's Amalgamated Council of New Orleans et al. (54 Fed. Rep., 994).
Vegalahn v. Guntner (167 Mass., 92).
Western Union Telegraph Co. v. Boyer et al. (124 Fed. Rep., 246; U. S. Labor Bul. 50, p. 202).
Wabash Railroad Co. v. Hannahan et al. (121 Fed. Rep., 563; U. S. Labor Bul. 49, p. 1374).
Weber et al. (114 Fed. Rep., 590; U. S. Labor Bul. 43, p. 1295).
Waterhouse et al. v. Comer (55 Fed. Rep., 149).

Mr. VOLSTEAD. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman and gentlemen of the committee, it has been my desire and purpose to discuss this bill in detail. The Committee on the Judiciary, of which I am a member, has given a great deal of time, taken much testimony, and worked with much diligence in its preparation. There are some items in this bill that are worthy of commendation; but taking the bill as a whole and all sections covering it I am quite sure that it would be unwise to enact it into law. With the conditions as they exist in the business world as a result of legislation heretofore enacted, my judgment is that the consideration of this subject ought to be left to the next session of Congress, or, better yet, to a future Congress, before it is finally considered. At this time we ought to give every opportunity to business to revive, if possible, and to get on its feet—adjusting itself, if it can, to the legislation that this Congress and the last Congress enacted into law.

For the reasons stated, Mr. Chairman, I can not support this bill. I would like to do so because of the high regard I have for the members of the majority of the Judiciary Committee that reported this bill. The distinguished chairman who leaves us, the gentleman from Alabama, Mr. CLAYTON, has rendered to that committee distinguished service, and he has left it with the love and esteem of every member of it. Now, we have succeeding him one of our ablest and most splendid Members, the gentleman from North Carolina [Mr. WEBB]. With Judge CLAYTON and Chairman WEBB, the two members of the committee that have worked most assiduously, and perhaps had more to do with the actual writing of this bill, have been that splendid lawyer and statesman, the gentleman from Arkansas, Judge FLOYD, and the no less able and distinguished gentleman from Virginia, Mr. CARLIN. But regardless of my high regard for these colleagues of mine on this great committee, and of their sincerity of purpose, there is much in it that ought to be left out. I would like for an opportunity to discuss it in detail, but, as I said, I can not do so at this time because of being compelled to leave Washington this evening on account of sickness. I commend to the House the diligence of the Judiciary Committee, and especially of the subcommittee of the majority which wrote this bill. I can not commend the result of their work, this so-called antitrust bill, and my advice to the House is to defeat the bill for the best interests of the Nation.

Mr. Chairman, as a member of the Judiciary Committee, I gave long and diligent consideration and study to the antitrust laws upon the statute books, with due regard as to what the needs might be as to amending same at this time. My views are expressed in the minority views, part 2, of the Report 627, which in part says:

> The antitrust laws on the statute books at this time have been carefully considered by the Supreme Court and judicially interpreted through a period of 24 years, and if properly enforced are believed by us to strip corporations and trusts of any power to injure or oppress.
>
> No possible good can come from constant interference with business. It is our belief that business should have a rest from further legislation and be given an opportunity to adjust itself to the environment created by the existing antitrust laws as the same have been interpreted and are now being administered.
>
> The proposed legislation contains many new phrases and sets up new standards, all of which would require a period of years of interpretation by the courts before their full meaning can be definitely known by the business world.
>
> It is very undesirable to bring about such a period of uncertainty and doubt to worry and harass the business of the country.

Our industries and business are now in a turmoil and making every possible effort to get along under the existing Democratic tariff laws. Conditions are very bad almost everywhere. The results of the tariff law are apparent to all and can not be successfully denied.

Mr. Chairman, my judgment is that the American people have and will continue to suffer enough during this administration on account of laws it has already enacted. Let the antitrust laws remain as they are for proper enforcement and interpretation and do not let us add further trouble by enacting

this bill. It will do no good and will do much harm to honest and legitimate business, now sorely pressed.

Comparing business conditions for the period from October 1 to April 1 of the present year with a like period of last year, we find that the imports under Democratic tariff were $13,000,000 greater than under the Republican tariff. More work for the foreigners. Less work for Americans. But the cost of living is higher now than when we had America for Americans.

Take another instance—materials used by manufacturers. During the period mentioned we find that under the Democratic tariff we imported $48,000,000 less than we did under Republican tariff. This is due to the fact that the foreign manufacturers are making the finished articles now and sending them to this country, to the disadvantage of our American manufacturers. This makes less work for our people and more for the foreigners. What about the two tariff laws for the same period as revenue producers? We find that during the first six months of that law—from October 1, 1913, to April 1, 1914—the customs receipts were $140,000,000. During the same period last year they were $165,000,000. During the same period the excess of expenditures for this year over receipts was $37,000,000. During the same period last year the excess of receipts over expenditures was $7,500,000. These figures show conclusively that the protective tariff is not only better for the American manufacturers and the American wage earner, but is also a better producer of revenue. In other words, it makes plain to all who want to know the truth that the Democratic idea of the tariff is disastrous to this country. What are the figures as regard foreign-manufactured goods imported into this country? The increase in imports of November, 1913, over that of November, 1912, was $2,000,000. The increase of imports in December, 1913, over December, 1912, was $7,000,000. The increase in January, 1914, over January, 1913, was $4,000,000. The increase in February, 1914, over February, 1913, was $5,000,000. The increase in imports of March, this year, as compared with March of a year ago, amounts to $8,000,000 to the credit of the foreigners. Now, look at the figures for exports of the same month. The exports in March, 1914, were $133,000,000; the exports in March, 1913, were $183,000,000. What does this show? That the goods we sold in foreign markets for the month of March this year decreased $50,000,000, as compared with March of last year. The figures also show that the imports greatly increased for the same month. How can anyone truthfully say that this Democratic tariff law benefits this country in any particular?

Men engaged in the productive enterprises of our own country stand idle while others engaged in similar enterprises in foreign countries are supplying our markets. The farmers find the products of other countries in the market which they have supplied during the entire period of our country's history. It would be impossible to exaggerate the demoralized conditions into which you have thrown our domestic affairs.

Our conditions at home are discouraging and depressing to laboring men and business men in every section of our country. Conditions at home are bad, but you have humiliated and made us ridiculous in the face of the world by your foreign policy—or perhaps I should say by your want of a foreign policy.

You are surrendering our right to control our own affairs in Panama to England and other nations that may claim any rights there. You are giving to Colombia greater rights in the use of the Panama Canal than you assert for the people of our own country, and giving that country $25,000,000 as a gratuity, and, besides, making an abject apology for taking the steps that made the construction of the canal possible. You are simply incompetent to manage the affairs of a Nation as great as ours. Your policies, while attractive in theory, can not be made to work out in practice. There has not been such a deplorable condition in our country since you were in full power 16 years ago. Speed the day when you shall surrender the reins of government to more competent hands, when the sound doctrine of a Republican protective tariff shall again be put upon the statutes, and also when a firm foreign policy shall be again our honored boast.

The deplorable and humiliating conditions in which we now find our country is too bad. It shames our pride in our great United States, the "land of the free and the home of the brave." It also hurts us to see want and suffering in this "land of plenty." Everybody feels it—cities and country. Farmers lose $65,000,000 alone this year from free importation of corn. Free meat, free butter, and so forth, add to his loss. But no one gets these articles any cheaper, do they? Five hundred thousand dollars a day is the loss to textile workers. Disaster faces every business and industry in this country, with the exportation of merchandise falling off $7,434,586 in a single month, and the imports of merchandise increasing for the same month, as compared with that of one year ago for the same month, April, to the amount of $26,446,263. We are sending less of our goods abroad and buying more from foreigners, and we should also remember that the figures here given tell only the beginning of the workings of this Democratic tariff law. Here are some more figures with regard to the goods manufactured abroad and brought here ready for consumption:

Imports of merchandise ready for consumption in March, 1914, showing increase compared with imports in the same month in 1913.

Products.	1914 values.	1913 values.	Increase.	Per cent increase.
Aluminum, manufactures of	$168,000	$60,767	$107,233	176.4
Watches, and parts of	317,329	205,280	112,049	54.5
Cotton cloths	1,402,071	721,902	680,169	94.2
Stockings	417,473	241,455	176,018	72.8
Other knit goods	366,251	44,675	321,576	719.8
Linen yarns	95,248	55,958	39,290	70.1
Fruit and nuts	4,012,244	3,088,108	924,136	29.9
Glassware	768,349	498,674	269,675	54
Cutlery	272,460	146,979	125,481	85.3
Tin plate	185,130	23,298	161,832	694.6
Leather and tanned skins	1,556,342	635,669	920,673	144.8
Gloves	990,977	755,242	235,735	31.2
Paper, and manufactures of	2,529,933	1,783,048	746,885	41.8
Manufactures of silk	3,695,975	2,694,608	1,001,367	37.1
Vegetables	1,423,939	960,857	463,082	48.1
Wool:				
Class 1	5,253,229	2,681,544	2,571,685	95.9
Class 2	616,845	383,638	233,207	60.7
Class 3	2,086,013	1,197,512	888,501	72.6
Woolen cloths	1,396,910	328,974	1,067,936	324
Dress goods	740,928	225,973	514,955	227
Wearing apparel	170,480	165,087	5,393	3.2
All other manufactures of wool	772,544	95,617	676,927	707
Total	29,218,670	16,994,865	12,223,805	71.9

Let me call attention to a few of the increases. For instance, on manufactures of aluminum the increase is 176.4 per cent. The increases on cotton cloths are 94.2 per cent. The increase on other knit goods is 719.8 per cent; on tinplate, 694.6 per cent.

On leather and tanned skins there is an increase of 144.8 per cent; on woolen cloths an increase of 324 per cent; on wearing apparel an increase of only 3.2 per cent; on dress goods an increase of 227 per cent; on all other manufactures of wool an increase of 707 per cent. The total average increase of goods ready for consumption during the month of March, this year, over the month of March, 1913, is 71.9 per cent. Then people wonder why so many of our mills are closed. People are asking why so many of our laboring men are out of employment. These figures tell the story. In the report of the Secretary of the Department of Commerce, just made, he states the value of the finished manufactures imported in six months. According to this report, there was imported in six months under the new tariff, from October 1 to April 1, of finished manufactures $228,000,000, against $215,000,000 in the same period last year, an increase of $13,000,000, which would represent a loss to American labor of more than $2,000,000 a month in wages.

The value of manufacturers' material imported in the first six months of the new Democratic tariff law is $469,000,000, against $517,000,000 last year. In other words, our labor worked with $50,000,000 less raw material during the last six months than last year.

The value of the manufactures exported in the first six months of the new tariff law decreased from $582,000,000 to $541,000,000, a loss in American trade of $41,000,000 in the last six months, or a little less than $8,000,000 a month to American labor.

These startling figures illustrate the unwisdom of recent tariff changes and call loudly for a reassertion of the historic policy of protection to American industry and labor.

Mr. VOLSTEAD. Mr. Chairman, I yield 20 minutes to the gentleman from West Virginia [Mr. AVIS].

Mr. AVIS. Mr. Chairman and gentlemen of the committee, I want to confine my remarks to the probable effect of section 3 of the bill under consideration on one of the greatest industries of this country, namely, the bituminous-coal industry. In discussing this question I wish to say to you gentlemen that I do not approach the discussion from a partisan standpoint, but I approach it with the sincere belief that if section 3 becomes a law it will destroy the small mine owner and the small producer of the United States engaged in the bituminous-coal industry. Section 3 reads as follows:

That it shall be unlawful for the owner or operator of any mine or for any person controlling the product of any mine engaged in selling its product in commerce to refuse arbitrarily to sell such product to a responsible person, firm, or corporation who applies to purchase such product for use, consumption, or resale.

You will note that I have emphasized the words "or resale." The presumable purpose of the Judiciary Committee, as expressed in its report, among other things, is to accomplish the following:

The design is to prevent those who have acquired or may acquire a monopoly or partial monopoly of mines from discriminating against certain manufacturers, railroads, or other persons who need the products of the mines in carrying on their industry.

And in another part of the report is found the following language:

By its enactment into law we make it impossible for mere ownership of mines to enable the owners or those disposing of the products thereof to direct the disposal of such products into monopolistic channels of trade. It will liberate from the power of the trust every small manufacturer who is compelled to go into the open market for his raw material and every person who desires to purchase coal for use or for resale to those who desire to purchase for use or consumption, and will afford to every such manufacturer an opportunity to purchase same for cash wherever offered for sale in commerce. The section expressly forbids the mine owner or person controlling the sale of the product of the mine to arbitrarily refuse to sell such product to any responsible purchaser, and thereby prevents the mine owner or operator from giving the preference to another and rival dealer in the disposal of such product.

Now, I am convinced, gentlemen, from what has been said here upon the floor, not meaning to impugn the motives or good faith of the committee, because I feel sure the committee is trying to do what it thinks is best for the people and the industries of our country, that section 3 was inserted in the bill without full knowledge or consideration of the past or present condition of the bituminous-coal industry.

In the first place, there is no such thing as a monopoly of the bituminous-coal industry of this country. The large number of persons and corporations engaged in mining bituminous coal prevents a monopoly of that industry. The only coal industry that I have ever heard mentioned as being in the class of monopolies is the anthracite-coal industry.

Do you know that, at this time, there are over 3,500 separate and distinct persons and concerns in this country operating over 6,000 bituminous and semibituminous coal mines? Not only is this true, but not much more than 50 per cent of the coal lands of this country are owned by the men who operate the mines thereon. As a matter of fact, the great majority of the small operators and producers, and a large number of the big operators and producers, lease the lands upon which their respective mines are established and pay royalties therefor on their respective productions.

The amount of capital invested in the soft-coal mines of this country in 1909 was $1,062,000,000. The number of miners engaged in this industry is nearly 600,000. The principal bituminous coal-producing States are Pennsylvania, West Virginia, Illinois, Ohio, Indiana, Alabama, Colorado, Kentucky, Iowa, Kansas, Wyoming, Tennessee, Virginia, and Washington. The output of the mines is worth about $450,000,000 per annum. Of this amount, over $300,000,000 is paid out in wages and salaries each year.

No country in the world enjoys such cheap fuel as the United States. At this time we are shipping coal from West Virginia and placing it in the New England market, after paying the freight charges of more than $2.10 per ton, at a less price than it is sold at the pit mouth at Cardiff, Wales. There is an overproduction instead of an underproduction of bituminous coal, and, due to the present bad business conditions existing throughout the country and the great competition in this business, since the 1st of January of this year the coal mines of West Virginia have not run on an average of over two to two and one-half days a week. I am informed that conditions are similar in other States.

Competition is so great and has been so severe for the past five years that Mr. E. W. Parker, of the United States Geological Survey, in an address delivered before the American Mining Congress at Philadelphia last October stated that the profit on coal in the States of West Virginia, Illinois, Indiana, and Ohio for the year 1909 did not net 1 per cent on the capital actually invested in the plants in the four States. Business conditions in this country to-day are certainly much worse than they were in 1909. In the past 10 years railway freights, labor, and supplies used in the mines have advanced more than 50 per cent, taxes have about doubled, and other conditions pertaining to mining, brought about by State legislation, have gone toward increasing the cost of production; whereas the price of bituminous coal to-day is no higher than 8 or 10 years ago. In fact, coal is selling to-day at a lower price than at any time during the past 10 years.

Why, then, should coal be singled out for special legislation, conditions be made impossible, and the business be more demoralized? It would be far better for us to extend a helping hand to those engaged in and dependent upon this industry, so that the coal fields of the country could be conserved and profit enough be made to enable the mine owners to pay better wages to and to throw more safeguards around the men working in the mines.

You must remember that the price of coal at the mines is but a small part of the ultimate cost to the consumer, and experience has taught us that the public has suffered more because of the "middlemen" than from those engaged in mining coal.

Section 3 is vicious, drastic, and sweeping. In my humble opinion its operation will work greater hardships than those it professedly seeks to relieve, will prove detrimental to the mining interests of the country, and will upset and make worse existing conditions, now certainly bad enough.

The small coal producer can not afford to maintain selling agencies throughout the country. He may have a superior quality of coal that he is producing, and, as you gentlemen may know who live in mining sections, there are as many different qualities of bituminous coal and as many uses to which it may be put as there are grades of and uses to which timber or cotton may be put.

Assume that I am a small operator engaged in producing coal in the State of West Virginia.

In passing I might call your attention to the fact that there are nearly 900 coal mines in the State of West Virginia devoted to the production of coal and the making of coke, which give employment to 73,000 coal miners. West Virginia produces about one-sixth of all the bituminous coal produced in this country, and upon the coal industry of that State nearly one-third of its population depends for its livelihood. The great majority of the mines in West Virginia are owned by persons or companies whose capital is not large. This is true of the coal mines generally throughout the United States. A majority of the mines in West Virginia will not average over 400 tons production per day.

Assume further that I have a superior quality of coal that I carefully mine and prepare for the market. I am trying to specialize, and my trade and business have been built up on the quality, preparation, and reputation of my coal. My output is limited. In securing my labor and in making my expenditures I am compelled to look to the future. I have four or five regular customers who have been dealing with me for years and of whose custom I am reasonably assured. Suppose that some competitor, a big corporation, with whose coal my coal is competing in some particular market, desires to injure my trade or the reputation of my coal or to deprive me of my regular customers. If this section becomes a law, I would be compelled to sell to him such portion of my output as he should apply for. I would be required, upon demand, to turn over my production to him, to work me or my coal such injury as he might elect. What is to prevent him, under this section, coming and saying to me, "I want to buy your entire output this year," and thus leave me without coal to supply any of my customers?

Mr. TALCOTT of New York. Do you think that refusal would be an arbitrary refusal to sell to competitors?

Mr. AVIS. I think, in view of section 2 of this bill, it would be. Under the circumstances just detailed, I should certainly enjoy the freedom of contract and have the right to prefer the customers whose trade I have secured by years of work and the expenditure of large sums of money; but it is provided in section 2 of this bill—

That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

It is thus expressly provided that a mine owner can not and must not select his own customers.

What is meant by the words "refuse arbitrarily"? The extent of the evil of section 3 depends largely upon the words "refuse arbitrarily" and "responsible person, firm, or corporation." Yesterday, in asking questions of the gentleman from North Carolina [Mr. WEBB] relative to this section, I called his attention to the fact that the word "arbitrarily" had only been defined in one case—a West Virginia case. The court held that "arbitrarily" meant "without any reason therefor." There is also an English decision that holds that the word "arbitrary" means "not supported by fair, solid, and substantial cause, and without reason given."

Any mine owner can give a reason for refusing to sell his product. If any reason is sufficient, then the section will only be useless and unavailing. If the section means that a mine owner must give a sufficient reason for his refusal to sell his product, the language of the section is uncertain, indefinite, and confusing, and the evil effects thereof can be appreciated at a glance, because of the uncertainty of the construction that may be placed thereon by the courts.

Just look at the dangers that a mine owner will be exposed to. Some dealer might make application to him for the purchase of his product. The dealer might be perfectly responsible financially, but at the same time might be unreliable in other ways, or might have some ulterior motive and might intend to treat his coal unfairly. The mine owner might be doubtful as to his purpose and refuse to sell him his product for a reason, that to the mine owner was a good one, but which was not satisfactory to the dealer. What will the dealer do? He might immediately institute a criminal prosecution against the mine owner and expose him to the danger of a year's imprisonment in jail, or a fine of $5,000, or both; and might also bring a civil suit against him for three times the amount of damages the dealer may claim to have sustained.

Mr. FESS. Will the gentleman yield?

Mr. AVIS. Certainly.

Mr. FESS. One of the things that puzzles me in this section is that we all know there is a wide difference between purchasers. One may be just as responsible as the other, but he may be tardy in the payment of his bills. He may allow his paper to go to protest, and one of the quickest ways to bring that kind of a man to time is to refuse to sell him under the present law, but what would you do under this law?

Mr. AVIS. Undoubtedly, that is true. That is one of the difficulties here. The words "refuse arbitrarily" are not only dangerous, but the words that you refer to—"responsible person, firm, or corporation"—are almost as dangerous. Who is a "responsible person, firm, or corporation"? What is meant by "responsible"? "Financially responsible" is not sufficient. A person may be perfectly responsible financially, but he may be my competitor; he may be unprincipled; he may want my coal for some unfair purpose; he may want to control my output; he may want to sell it under an incorrect name or substitute it for other coals or other coals for it. In that sense he is not a "responsible" person.

Mr. BOOHER. Will the gentleman yield?

Mr. AVIS. I will.

Mr. BOOHER. I would like to ask the gentleman if he thinks it would be an arbitrary refusal to sell coal in circumstances such as detailed by the gentleman from Ohio [Mr. FESS] in the question that he just asked you?

Mr. AVIS. Hardly; but——

Mr. BOOHER. Now, here is a man, according to his statement, who is known to be slow in his settlements; he permits his paper to go to protest, and he comes to you to buy your property, but you say to him, "I can not sell to you; you are poor pay; your paper goes to protest." Is that an arbitrary refusal that would haul a man into any court on earth?

Mr. AVIS. I say frankly to the gentleman that in itself I do not believe it would be. But who is to determine as to the responsibility of the person who applies to purchase? What kind of responsibility is meant?

Mr. FESS. Will the gentleman yield there?

Mr. BOOHER. Certainly.

Mr. FESS. Would not he be a responsible dealer, with plenty of ability to pay, and yet would not pay until he was forced to do so?

Mr. BOOHER. That would be one of the strongest reasons why it would not be arbitrary. If he had abundant resources and was abundantly able to pay and would let his paper go to protest, he ought not to be trusted by anybody. A man has to protect himself in business necessarily. I want to understand this section, because I think it is a very important one. Now, in the case you illustrated you mined your coal, you put it out and got it ready for sale, and you had your customers who took all your coal.

Now, you say, "Suppose a dealer comes to me and offers to buy all my coal. Under this section I am bound to sell to him. My refusal would be arbitrary." Do you think that that would be an arbitrary refusal?

Mr. AVIS. I think so, under the provisions of this section and section 2 of the bill. I can not escape that conclusion.

Mr. BOOHER. You have mined your coal for us, and you have said to the other gentleman who came, "My coal is all sold. I promised it to Mr. Smith and Mr. Jones and Mr. Brown." Now, tell me how it could possibly be considered an arbitrary refusal for you to sell your coal to us instead of to the man who came to buy that coal?

Mr. AVIS. I am glad the gentleman asked the question, and if his position is correct—and I assume that his question states his position—then section 3 is absolutely futile and unavailing in view of what the committee has stated that it seeks to accomplish. The committee has stated in reporting upon this section that the very purpose of it is to compel the mine operator to sell to the first responsible person, firm, or corporation who applies to purchase his product and not to discriminate against such person, firm, or corporation for some favorite customer that he may have. If you are aiming at an abuse, that abuse must be the abuse of discrimination. If you are aiming at, as suggested, the big corporations that control the output of certain mines and refuse to sell, say, copper to certain manufacturers, then the section will be unavailing if they are permitted to say, "We will reserve our product for Mr. Smith or Mr. Brown or Mr. Jones," as the case may be.

Mr. BOOHER. Is not the object of the committee here the prevention of monopoly? Or do you say you have to put your whole supply in the hands of some big dealer? Is not that the thing they are trying to avoid here?

Mr. AVIS. I think so; but this section will aid the big dealer, and instead of destroying monopoly—and I am with the gentleman on that score, for I am just as much opposed to a monopoly of the coal business as anybody else is in this House—I believe and prophesy in all sincerity that this section will destroy competition, produce bankruptcy, and in time create monopoly if it is enacted into law, with the knowledge that I have of the coal business.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. AVIS. Certainly.

Mr. FESS. I would like to have the opinion of the gentleman as to the latitude of the word "arbitrary." If this particular deal or that particular deal is not arbitrary, who will say whether it is arbitrary or not?

Mr. AVIS. That is what I would like to know. As I said a few moments ago, I believe the evil effects of the section depend largely upon the construction which will be placed upon the words "refuse arbitrarily." It is a dangerous thing to leave the words open without any definition of their meaning. If we take the ordinary and common definition of "arbitrary" and the definition that has been given by the courts, the word means "without any reason"; and if it means without any reason, section 2 of the bill will be useless and will amount to nothing, because every mine owner can give some reason for a refusal.

Mr. FESS. Now will the gentleman yield to me?

Mr. AVIS. Certainly.

Mr. FESS. Is it not true that the one feature of the Sherman antitrust law that has given most trouble is the feature of the "rule of reason"—the question of what is reasonable and what is not? It has been in litigation ever since the time the word was used.

Mr. AVIS. Yes. I think the majority of the Judiciary Committee is trying to overcome some alleged defect of the Sherman antitrust law; but in this instance, instead of overcoming any of the alleged defects of the Sherman antitrust law, it is my opinion and that of the coal producers from whom I have heard—and I have had letters from a large number of them who operate in West Virginia—that section 3 will eliminate or destroy every small coal producer and dealer in this country, and will ultimately build up a monopoly of the coal business.

There are three classes of coal companies. To the first class belong the large companies which have tonnage sufficient to place their product in the different markets which they can reach, and they have sales departments with branch offices located in all of the large distributing centers, and in this way are not forced to employ agents to sell their coal on commission, or brokers who do likewise. Such large companies, therefore, are in a position to accept orders from anybody who may come to them in the respective territory in which they are located.

To the second class belong the companies which sell part of their product to their own representatives in certain markets, and which may give to an agent or broker, who may sell on commission, territory in which they sell a certain number of thousands of tons during the year. The sales which this class of companies may make direct are not restricted in any way, excepting by tonnage to supply orders, or by reason of doubt as to the payment for the coal, but in such territory as they give over to an agent, similar to the territory in the New England States which it given over to agents, it is not within the power of such selling company, under present conditions, to accept orders from anybody else within that particular territory.

To the third class belong the companies whose tonnage is not large, and which are not able to establish offices and put their own salesmen on the road to make sales, which are entirely dependent upon what is known as the agent or broker to contract for their tonnage, which sell the same on commission; and the coal companies which have a few certain customers to whom they directly sell, and it is the third class which will likely

be destroyed by the provisions of section 3 of the bill, for agents or brokers will not make contracts with the mine owners unless they are given certain territory to sell in.

The great majority of those engaged in the mining of coal are men who have come from the ranks, men who secured their knowledge of coal mining by practical experience. A great number of these men have no knowledge of the sales end of the business.

There is a wide difference between the mining end and the sales end of the business. The people at the mines are not in touch with the peculiar and varying market conditions, and in the majority of cases when they have attempted to market their product they have not been successful. These mine owners are almost entirely dependent upon agents, brokers, or dealers, and these agents, brokers, and dealers are responsible for the expansion of the industry.

For instance, the jobber in Chicago, covering the West and Northwest, can sell West Virginia coal in that territory to much better advantage than the producer could. His traveling expenses are less; he is closer to his trade; and the trade itself prefers to buy nearer home. But if the jobber has to send men out all over his territory to work up a trade for any particular coal; if he has to advertise and circularize it, only to find, what would be possible under section 3 of this bill, that the consumer or a rival jobber or the operator himself could take that business away from him, then, indeed, there would be no incentive for him to push any particular grade of coal or to try to expand the market for the coal of any particular State.

The agents and brokers selling on commission, and particularly the small dealers throughout the country, could be driven out of business under this bill. Their customers could apply directly to the mine owners and compel them to sell to them, if responsible, and could thereby eliminate such dealers, agents, and brokers. This would be destructive to the coal dealers of the country who have given years of their lives to the upbuilding and development of their business and have large sums of money invested therein.

The CHAIRMAN (Mr. TAGGART). The time of the gentleman has expired.

Mr. AVIS. May my time be extended? May I have further time?

Mr. VOLSTEAD. How much time does the gentleman desire?

Mr. AVIS. I would like to have about 15 minutes, if I may.

Mr. VOLSTEAD. Very well. I will yield to the gentleman 15 minutes.

The CHAIRMAN. The gentleman from West Virginia is recognized for 15 minutes.

Mr. AVIS. Now, what will this result in? Suppose that I am a small coal operator; that a dealer is representing my coal in a certain territory in which, at great expense of labor and money, he has built up a trade. What, under this section, will prevent the trade he has built up from coming directly to me, and thus deprive him of the fruits of his labor in that territory? In any event, what is to prevent a large competitor from eliminating me as a factor in that particular territory by buying up my entire output, either by himself or through some other person or agent? Those are some of the evils that are to be met if this section becomes the law.

Another thing I want to impress upon you is——

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. AVIS. Yes.

Mr. HARDY. I suppose the gentleman would concede that if he could present to any court the facts that the purpose of this buyer to whom you refuse to sell was simply to eliminate you, your refusal would not be held to be arbitrary?

Mr. AVIS. Absolutely; but how can I show that? I can not look into the gentleman's breast and know what motives actuate him when he applies to purchase my coal. Again, the section will be unavailing if I am to have the right to question your motives when you offer to buy my coal. And there is no more reason why the coal industry—I am referring to the bituminous-coal industry—should be selected for such special legislation than the timber industry or any other industry. It is true that coal is a natural product, but no more so than timber, no more so than cotton and wheat. I will concede that if the industry were in the hands of a monopoly it would not only be our right but it would be our duty to pass laws to prevent a monopoly of that kind; but when the coal business is in the shape that it is in to-day, when very few, if any, of the men engaged in producing coal have made a dollar during the last year—and I doubt whether more than a very few of them have made anything in the past five years—why make it criminal for the small producer to endeavor to survive? Why force him into bankruptcy because he can not compete with his large competitor, who has selling agencies of his own to dispose of his product? You can readily see that if I am a small operator and my customers are likely to be taken away from me, and I can not prefer them this year over some other applicant, as has been expressly provided by this bill, I will not know what orders I will be assured of next year. If I am deprived of my customers this year by one man who buys my whole product or, say, by a half dozen men who in times of strikes or scarcity of coal are not regular customers, and who buy my entire product, what am I going to do next year for customers? I will have to go out into the market and scramble for new customers and if I am a small operator, with a small margin of capital upon which to work, and can not promptly secure orders, I will have to go to the wall, and there will be no redress for me.

Mr. HARDY. Would you not be in better shape if other business were placed in the same category with you? I take it that if you could present to the court the fact that you were necessarily required to refuse to sell to one customer because you had other customers whom you had agreed to supply, you could not be held to be arbitrarily refusing to sell. But would you not be in a little better shape if section 3 were amended so as to make it apply to all business?

Mr. AVIS. I do not know. I have not thought of that. I know this, that section 2 provides that if I am engaged in interstate coal business I can not select my own customers.

Mr. HARDY. Except upon the theory that your business is already a monopoly.

Mr. AVIS. There is no one who charges a monopoly of the coal business. Living for 25 years, as I have, in a coal region, I have absolutely never heard of a single abuse that this section is stated to be aimed at. And I ask any gentleman within the sound of my voice to recall an instance when a responsible buyer or a responsible dealer could not purchase bituminous coal. The man who mines the coal and takes the risks must have the right, as long as he has no monopoly, to prefer and to discriminate in favor of his own customers, and to arbitrarily, in some instances, refuse to sell his coal to others.

Mr. TAGGART. How can a coal dealer be damaged if he is simply compelled to sell his product at the market price? You say there is an overproduction. Would it not help it out some if some one had a right to take your output and lay down the money for it?

Mr. AVIS. I will answer the gentleman's question by an illustration, if he will pardon me. Suppose the gentleman from Texas [Mr. HARDY] is a large coal operator. Suppose that I am a small mine owner and have a certain number of customers. What is to prevent the gentleman from Texas, whose coal is in competition with my coal, sending his agents to me and buying my coal for this year, and when my customers find that I can not supply them, what do they do? They will go to some operator or dealer who can supply them, and they will probably be lost to me for the future.

Mr. TAGGART. Will the gentleman yield for a further question right there?

Mr. AVIS. Yes.

Mr. TAGGART. Up to date we have said nothing about the price. I presume the gentleman had in mind the market price, as everyone else did. But if you had contracted to deliver your whole output to me, then you have a right to refuse the gentleman from Texas.

Mr. AVIS. The Constitution of the United States, in my opinion, would protect the obligation of such a contract. But I am talking of a case where the contract is not made and where I simply hope that the man who has been my customer for years will continue to give me his trade, and where he has been taken away from me by some person purchasing all of my coal and preventing me from supplying him. Now, will the gentleman permit me to answer him further by asking a question? The gentleman is a lawyer, is he not?

Mr. TAGGART. I have been charged with that.

Mr. AVIS. All right. Now, why should not the gentleman be required to furnish his services to the first responsible bidder? Why should the gentleman be permitted to select whom he will serve or not serve as an attorney any more than a coal operator, unless he has a monopoly of that business?

Mr. TAGGART. My services are not one of the products that nature has furnished, to begin with.

Mr. AVIS. I hope nature had something to do with it. [Laughter.]

Mr. TAGGART. Well, I have observed cases where nature seemed to have fallen short.

Mr. AVIS. That is doubtless true.

Mr. TAGGART. Anyhow, we will not bandy words over that. This section of the bill is intended——

Mr. AVIS. Will the gentleman please confine himself to a question, unless he can give me a little more time.

Mr. TAGGART. I will put it interrogatively. Is not this section intended to correct this particular abuse, to relieve persons who absolutely must have coal, and who have been arbitrarily refused by those who produce the coal?

Mr. AVIS. I think the answer to that question would come better from the gentleman. I know of no such abuse. Does the gentleman know of any such abuse?

Mr. TAGGART. I do not come from a coal region.

Mr. AVIS. But the gentleman comes from a coal-consuming region. Do you know of a single instance, or can any member of this committee point to a single instance where a responsible buyer could not get coal if he wanted it?

Mr. TAGGART. If that is the situation, there will never be a case under this section, if that happy condition continues.

Mr. AVIS. I am afraid the gentleman is not acquainted with the sharp competition that exists in the coal business in this country. And I want to say, in this connection, that a late report issued by the United States Government shows that the average selling price of soft coal at the mines in the United States is $1.15 a ton. On the other hand the same report shows that the Government is operating a mine in one of the Western States—I do not recall whether it is in one of the Dakotas or Nevada—and it is costing the Government $1.65 a ton to get out its coal.

The competition is so sharp and so severe that the mines have not for years been running full time. My remarks are directed to bituminous coal, for I know nothing about the anthracite coal region. I believe I did call attention to the fact that Mr. E. W. Parker, of the United States Geological Survey, stated that in 1909 the coal industries of Indiana, Illinois, Ohio, and West Virginia combined did not make but 1 per cent on the capital invested. I mention these things to show that there is no monopoly of the soft coal industry, and that the mine owners should be given the right to select their customers.

The coal business of the country is entitled to at least a little consideration. Let me call attention to one effect of the present tariff law. Prior to the acquisition of the Hawaiian Islands by the United States those engaged in commerce between Hawaii and the United States had the right to secure the cheapest transportation possible. The result was that they availed themselves of the cheapest transportation, and if a Japanese ship or a British ship or an American ship, or whichever ship offered them the cheapest transportation, they patronized that ship.

We have a law that requires that all commerce between the United States and Hawaii shall be carried in American bottoms. Now, we had a protective duty on coal of 45 cents a ton. That permitted us to ship and sell coal to Hawaii. What has the Democratic majority done? By your taking off all the duty on coal and admitting it free we have absolutely lost the Hawaiian market to our coal, and it is now supplied by Australia in British bottoms.

Mr. WEBB. Will the gentleman yield?

Mr. AVIS. Yes.

Mr. WEBB. The gentleman understands that the law of which he complains was made by the Republican Party, compelling passenger and freight traffic between the ports of the United States to be carried in American coastwise vessels. When we took over Hawaii a public official ruled that the Hawaiian Islands were a part of the coast of the United States, and did the very thing the gentleman complains of.

Mr. AVIS. Neither the Republican Party nor a Republican official ruled that the gentleman's party should take off the countervailing duty on coal so that American coal could not compete with Australian coal. That is what the gentleman's party did, and we can not now put a ton of coal in the Hawaiian market.

Now, I want to read, in connection with my remarks, portions of a letter received by me from a most distinguished gentleman of West Virginia, Mr. Edward W. Knight, who has given years of study to the coal business. I desire to call attention to the fact that he is one of the leading Democrats of that State. I wrote him about section 3, and he replied as follows:

> If it is the purpose of the bill to prohibit all preferences and discrimination by sellers of the products of mines as between customers or persons desiring to become customers, whether consumers or middle men, that purpose is both unfair and dangerous.
>
> Mining and selling of coal is not a business in the nature of public service; if it were, it would and should have, among other things, the right of eminent domain, which has always been denied by the courts, notwithstanding some legislative attempts to relieve hardships by undertaking to give rights of ingress and egress, drainage, etc., over the lands of others. Nor is mining monopolistic in its nature; certainly soft-coal mining is not.
>
> In the absence of a monopolistic character and of protection by a fixed schedule of prices binding sellers and buyers there is neither necessity for nor justice in such regulation of the business as is practiced with respect to carriers, telegraph companies, water companies, etc.
>
> The coal producer, like other merchants, has always discriminated, and I think must always be permitted to discriminate between customers or would-be customers. The best prices are given and should be given to the customer who buys the largest quantity or pays most promptly, or who buys at a time of year when business otherwise might be slack, or who makes a contract for a year or a term of years. Similarly in times of strike or shortage of product from other causes the coal producer usually gives and should be permitted to give preference to his old customers and to customers whose business would be most hurt by shutting down or whose shutting down would cause public inconvenience, such as manufacturing industries requiring continuous operation and water works, lighting and traction companies. It would be most unfair to require a coal producer to sell coal to a person who has never before been his customer, who is brought to him only by an emergency, and who will not be his customer again except under a similar emergency, when he knows or anticipates that the same coal is wanted by a concern that has been his customer for years and which he desires to continue to supply. It would be most unfair also to require a producer of coal to sell his coal to a competitor in order to enable the competitor to take a contract or to supply a contract already taken, which would perhaps prevent the seller from bidding on that particular contract or from taking other contracts for himself. An enterprising dealer might secure a contract and prevent the price being lowered by competition by taking the precaution to insist on buying the output of probable competitors for the contract for one or two months, preventing them from bidding on the contract and leaving them after losing the contract to look elsewhere for the disposing of their output for the remaining 10 or 11 months of the year.
>
> I have known business men of ample financial responsibility, but whose reputations were such that a producer who valued his reputation and that of his coal would not want to have his coal sold by or through them; yet such a dealer under the proposed law might force such sale. A small amount of superior coal in the hands of an unscrupulous man habitually dealing in an inferior coal might seriously injure the reputation of the involuntary seller of the superior coal and aid in defrauding the customers of the unscrupulous dealer—

How many men in this House can tell the difference between one kind of bituminous coal and another? And yet there is all the difference in the world—

> Also such a law might lead to most reckless and harmful dealing in "futures." A man of small responsibility might take contracts with the intention of filling them by virtually condemning the necessary coal if prices during the time of performance should be low and of not filling the contract if prices should be high. It would result in a complete demoralization of market conditions and put a premium upon business immorality. And the law would inevitably be taken advantage of by speculators in times where high prices were anticipated to the disadvantage both of more conservative producers and merchants and of the consumers.
>
> Finally such a law would practically prevent the maintenance of exclusive agencies. There is nothing else that is so vital a factor in the extension of a business to new markets as the establishing of exclusive agencies, whether they be middle men selling on commission or a branch office or agency of a producer or a principal selling agent. In either case the extension of a business in new territory means large expenses in the way of office rent, employment of salesmen, solicitors, clerks, etc., and advertising. It is the custom to protect the person incurring such expense by giving him the exclusive right of handling the product within his territory. And it would be most unfair to permit a coal dealer who is pushing the sale of one coal and who finds a customer who will not purchase his coal, but desires a coal handled through another dealer with an exclusive agency to insist upon a sale being made through him, depriving the exclusive agent of the other coal of the reward of his time, labor, and expense. In this aspect the bill would be paralyzing in its effect upon efforts to extend business and increase competition in any given territory.
>
> If the reasons which I have above indicated as possibly dictating a refusal to make a sale, or a discrimination between customers, and other reasons which might be given if this letter were not already too long, which might appeal to the honest judgment of a fair-minded business man, would justify him in refusing to make a sale, then the bill is not so objectionable. But in such case, it seems to me, that the bill would be a useless one, since the existing antitrust act suffices to punish an attempt at monopoly or the restraint of trade or elevations of prices by corrupt agreement in respect to any article of interstate commerce, and gives any party thereby injured an ample right of action.
>
> I have not considered the constitutionality of the section, which seems to me open to grave doubt, but for the practical reasons given the act seems an unjustifiable attempt to interfere with a private business—a business which has none of the privileges or benefits enjoyed by public-service corporations, and either vicious or useless.

I hope, under the circumstances, that the Members of the House will give this matter serious consideration before they further injure an industry which gives employment in my State alone to 73,000 coal miners and on which nearly one-third of the people of West Virginia depend, and an industry which is fraught with many financial risks to the mine owner and with many personal risks to the men who dig and mine the coal and face untold dangers underground.

When you take into consideration the many perils and dangers which the men who dig and mine the coal daily face, they should be the best-paid laborers in the world; and nothing should be done by Congress which would even tend to injure or cripple the industry in which they are engaged or lessen their opportunity for better wages and living conditions.

I will be glad to furnish the gentlemen in charge of the bill with a great number of letters pointing out some of the evils of this section. The gentlemen from whom I have received such letters had not heard of this section until I called their attention thereto. I did not know that such a section was in the bill until I came across it a few days ago, and I immediately com-

municated with those who produce the coal in my district and asked their opinion thereon. Without exception, every man who has written to me about this section is bitterly opposed to its being made a law.

Mr. PLATT. Will the gentleman yield?

Mr. AVIS. Certainly.

Mr. PLATT. I have received one or two letters that lead me to think that some people have the idea that this section is aimed against the retail coal dealers, so that a customer who was not satisfied with their prices could go directly to the mine and purchase coal.

Mr. AVIS. Yes; this section will not only injure the mine operator, but the dealers as well. The coal dealer who has gone to great expense to acquire a yard and teams and the other necessary paraphernalia, and to work up a trade by personal solicitation and expensive advertising, can be eliminated either by the mine owner or his customers, because if this section becomes a law his customers can purchase directly from the mine owner and the mine owner will be compelled to sell directly to such customers.

For this further reason I think the gentlemen in charge of this bill should not insist upon the passage of this section, and if they are going to insist upon its passage and are going to leave the words "refuse arbitrarily" therein they should at least define them so that the mine owner will not be left to guess what may happen to him if he is prosecuted or sued in the courts for any refusal which he may in self-defense be compelled to make to sell his product upon demand.

And you can see why. As I stated before, if I were a mine owner every person to whom I might refuse to sell my coal, however good the reason might be to me, would have the right not only to institute a criminal prosecution against me, but he would have the right to bring a civil suit for what he claims to be threefold damages. Therefore you can see the dangers and perils to which a man who is engaged in the business of mining coal may be exposed.

Mr. FESS. Will the gentleman permit one more question?

Mr. AVIS. Certainly.

Mr. FESS. I am president of a college. We buy a great deal of coal. We always buy from dealers at home. Suppose I send to you directly for the amount of coal I want. Can you refuse to sell to me, although you do not know what my standing is?

Mr. AVIS. I do not know. That is what I want to know. Upon whom is placed the burden of determining whether the person who applies to purchase coal or other minerals is a responsible person or not? The seller? Is he to determine whether the person is responsible or not? Under this bill I can not determine.

Mr. FESS. I live in western Ohio, and the gentleman lives in West Virginia. I buy West Virginia coal, and I desire to buy it directly from the gentleman. I send you an order for it. What is your responsibility if you refuse to fill the order?

Mr. AVIS. I am subject to a possible $5.000 fine and to a year's imprisonment, or both, and I am subject to threefold damages if any ensue.

Mr. BARTLETT. Does the gentleman think it is the province of Congress, under the power to regulate commerce, to regulate these particular contracts which do not in effect impede commerce or create a monopoly?

Mr. AVIS. I do not.

Mr. BARTLETT. Is it not taking away from the citizen the right to make a contract to sell a product where he makes no effort either to monopolize or impede or interfere with commerce?

Mr. AVIS. I am glad the gentleman asked me that question.

Mr. BARTLETT. In other words, unless a man so uses his own property as to injure others the freedom of contract exists in this by reason of the constitutional guaranties. Now, to say arbitrarily that you can not, when you are not undertaking to have a monopoly and have not a monopoly, when you do not undertake to interfere with commerce but simply to make a contract for the sale of a product, does the gentleman think Congress, under what is known as the commerce clause of the Constitution, can limit and restrict that privilege of the citizens to contract?

Mr. AVIS. I do not think so. I think that the freedom and right of citizens to contract in regard to their property can only be limited or restricted by Congress in some instances. If the contract or contemplated contract is for an unlawful purpose, Congress can lawfully legislate; otherwise I think such legislation is unconstitutional. I have not attempted to discuss the constitutionality of the section. This section does not prevent one competitor from absorbing another competitor, or competitors, but in effect permits and legalizes such absorption. In the Northern Securities case the Supreme Court of the United States held that one competitor could not absorb another competitor, and that if he did he violated the provisions of the Sherman antitrust law.

Mr. BARTLETT. The purpose of that holding company, the Northern Securities Co., was for the purpose of interfering with commerce and destroying competition.

Mr. AVIS. Absolutely; and that is the point that I am making about this section, that it will permit one competitor to absorb another competitor, although the Supreme Court of the United States has held, not only in the Northern Securities case, but in the Standard Oil and Tobacco cases, that such absorption is unlawful.

Mr. BARTLETT. But unless we change the present antitrust law that law as construed by the Supreme Court would prevent that.

Mr. AVIS. But this will conflict with that and then where will we be?

Mr. BARTLETT. At sea.

Mr. AVIS. If this bill becomes a law, we will not know which is to apply to and govern sales to competitors of an entire output, the Sherman antitrust law or this law; and for that reason, and others already given, I believe that the small mine owners of this country, upon whom several hundred thousand of our laboring men depend, and from whom for every ton of coal mined labor receives an average of about 80 cents, will be left in uncertainty and doubt.

Mr. BARTLETT. I was not applying this solely to coal, I desire to say.

Mr. AVIS. My remark was addressed more particularly to coal because I know something about coal and I do not know so much about other minerals.

Mr. TALCOTT of New York. Will the gentleman yield for a question?

Mr. AVIS. Certainly.

Mr. TALCOTT of New York. I understood the gentleman to say that the prohibition of the Constitution against contracts applies to legislation by Congress——

Mr. AVIS. I do not understand the gentleman's question.

Mr. TALCOTT of New York. I understood the gentleman to say a moment ago that he did not think Congress had certain rights in regard to contracts.

Mr. AVIS. In regard to certain contracts.

Mr. TALCOTT of New York. The gentleman does not think the prohibition of the Constitution relates to legislation by Congress, does he?

Mr. AVIS. I do. As citizens we have certain inherent and vested rights, and under the fourteenth amendment of the Constitution, Congress can not deny the right or freedom of contract as to private property, unless such contract is against public policy or for some illegal or unlawful purpose.

Mr. BARTLETT. That is not under the fourteenth amendment, but under another provision of the Constitution.

Mr. AVIS. I said the fourteenth amendment. I am glad the gentleman corrected me. I meant the fifth amendment, which provides that no person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Chairman, when the currency bill was considered in the Democratic caucus I endeavored to have adopted an amendment prohibiting the interlocking of directorates in financial institutions. The caucus, in its wisdom, determined to refer this and similar amendments to the Democratic members of the Judiciary Committee with instructions to prepare and report a bill extending this prohibition to corporations engaged in interstate commerce, as well as financial institutions. Thereafter the President of the United States, in his message to Congress, urged the enactment of legislation along these lines, and in accordance with the direction of the caucus and the suggestion of the President, the Judiciary Committee has reported the bill now under consideration. In the time which I shall devote to the discussion of this measure I shall refer only to the provisions of section 9, the enactment of which into law will, in my opinion, do more than any other provision of the bill to destroy the concentration of credit which has hobble-skirted business and will restore competition and liberty of business in this country. This section is divided into three paragraphs. If I correctly understand the first paragraph, it is founded upon the old and well-established principle in equity that a trustee can not deal with himself. It provides that no person engaged as an individual or as an officer or director of a corporation in selling equipment, materials, or supplies to a railroad or other common carrier shall act as a

director or officer of such railroad or common carrier—in other words, that no man can deal with himself under different names. Certainly no one can question the righteousness of such a provision. No man should act as buyer and seller at one and the same time. If an individual acting as an officer of a railroad company is permitted also to act as an officer of a corporation selling supplies and equipments to that railroad, then the corporation in which he has the lesser interest is in danger of suffering at his hands. In the case of a private corporation, it can only result in loss to the stockholders; and in the case of a public-service corporation, it is certain to result in loss to the public in lessening improvements and restricting the service. No honest man wants to occupy this inconsistent relationship, and no dishonest man should be permitted to do it.

The second paragraph provides that in any city of more than 100,000 inhabitants no bank shall have as a director or other officer or employee a person who is a private banker or director or officer or employee of another financial institution located in the same place. It also provides as to financial institutions not located in the same place that no person shall be a director, officer, or employee of two banks either of which has deposits, capital, surplus, and undivided profits aggregating more than $2,500,000. From the provisions of this paragraph mutual savings banks are exempted; and having in mind existing conditions, it also provides that a director, officer, or employee of a bank may be a director, officer, or employee of not more than one other financial institution, where the entire capital stock of one is owned by stockholders in the other.

The prohibition of this paragraph is founded upon the old and well-established principle that where their interests conflict no man can serve two masters. This system of interlocking directorates in financial institutions which has developed during the last 20 years, entirely indefensible as it is, has done more than all else to make possible the menacing concentration of credit in the hands of a few men. The man who controls the credit of the country can, if he desires to do so, control the country and the people who live in it. The control of financial power made possible by this system, together with the directorates held by the same men in the great insurance companies, common carriers, and industrial corporations, has resulted in the placing in the hands of a small group of men the power to say who shall and who shall not secure credit for the development of our great natural resources, and thus to decree the life or the death of business enterprises.

Mr. CLINE. Will the gentleman permit me to ask him a question?

Mr. BYRNES of South Carolina. Certainly.

Mr. CLINE. Do I understand from that section that a man could not be a director in a trust company and in a national bank and State bank?

Mr. BYRNES of South Carolina. The provision specifically exempts a banking corporation the entire stock of which is owned by the stockholders of another bank. My construction of it is that under the provision of this section a trust company operated in connection with a national bank, where the entire stock of the trust company is owned by stockholders of the national bank, would not be affected by this law.

Mr. CLINE. That goes directly to my inquiry.

Mr. BYRNES of South Carolina. It is especially exempted from it.

Because of this condition we have the third paragraph of this section, providing, substantially, that no person shall be a director in two corporations engaged in interstate commerce either of which has capital, surplus, and undivided profits aggregating more than $1,000,000, if such corporations are or have been competitors, so that the elimination of competition by agreement between them would constitute a violation of the antitrust law.

The effect of this last paragraph will be to minimize, if not actually destroy, monopoly and open the door of opportunity to the American of intelligence and energy who has until this time been obstructed and restricted in his endeavors to develop business enterprises against the opposition of monopolies. We are told that the so-called "unscrambling of eggs" which must result from the enforcement of this law will injure the industrial corporations, because there will not be a sufficient number of competent men to properly manage the industries of the country. Upon its face this criticism is not only unfounded but is a reflection upon the intelligence and ability of American business men. For every director who will be forced to resign a directorate in any one of the great corporations of the country there will be found ten men equally as well equipped to direct the affairs of the corporation in the interest of the stockholders; and, having an undivided interest in the particular corporation which he assumes to direct, the stockholders are sure to benefit.

The responsibility of directors will be increased, and the elevation to such a position of responsibility of a man whose activities have been heretofore restricted merely to carrying out the wishes of others must result in an impetus to business.

This contention that the banks will be injured by this legislation is not supported by the testimony of Mr. Reynolds, president of the Continental Commercial Bank of Chicago. When he was before the Pujo committee he stated:

Q. Do you approve of the identity of directors or interlocking directors in potentially competing institutions?
A. No, sir; personally I do not believe that is the best policy. That is the reason I am not a director or stockholder in any corporation that deals with us. There is not a day that I am not invited and do not have the opportunity to do it. It has been my theory of the proper method of banking to adhere to that policy.
Q. You have found that you could succeed in that way, too, have you not, Mr. Reynolds?
A. That is true as to whatever we have done. Some people would say that we have been successful. I am a little modest in that direction.
Q. Have you not the largest deposits in the country?
A. With one exception, at any rate; yes.

The enactment of this legislation, applying only to the larger banks, will result in the voluntary adoption by the smaller banks of the policy prescribed by law for the larger banks.

Mr. COOPER. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. COOPER. Would the section about which the gentleman is speaking prohibit, for example, a railroad company from hiring a construction company, the officers of which are also the railroad company's officers, to construct a line of railroad?

Mr. BYRNES of South Carolina. Of which its officers were members?

Mr. COOPER. Yes.

Mr. BYRNES of South Carolina. Where a director or officer of the company which contracts to sell supplies, material, or equipment to a railroad is an officer or director of such railroad it is a violation of this section.

Mr. COOPER. I have in mind an instance where four or five men sat on one side of a table as officers and directors of a railroad company and made a proposition for the building of a branch line of railroad, and then stepped around to the other side of the table, agreed to the proposition, and contracted with themselves as officers of a construction company.

Mr. BYRNES of South Carolina. I would say to the gentleman that under the provisions of this section that would be a violation of the law.

Mr. COOPER. That branch line of road was a little more than 100 miles long and was built for the Central Pacific Railroad Co. The Patterson Commission, appointed by President Cleveland, found that to build that branch line cost only about $3,200,000, but that the Central Pacific Co.'s officers paid the construction company more than $8,000,000 for the work—a difference and profit of $5,000,000 and more, which really came from the United States Treasury.

Mr. WEBB. This section would absolutely break that up.

Mr. BYRNES of South Carolina. It would make it a violation of the law.

Mr. COOPER. I refer to a contract of the Central Pacific Co. with the Pacific Construction Co.

Mr. BYRNES of South Carolina. This legislation, in my opinion, will also result in the reduction of the number of directors upon a board. As a result of the merger of many small corporations into a few large ones the number of directors have been increased in all of the great corporations. For instance, among the financial institutions, the National City Bank, of New York, has 24 directors and the National Bank of Commerce has 40. The consensus of opinion among financial leaders testifying before the Pujo committee was that the smaller boards would be more effective, and certainly the rearrangement would leave no ground for the objection that as a result of this legislation it would be impossible to find a sufficient number of competent men to act as directors.

The minority members of the Judiciary Committee conclude their report with the suggestion that the Sherman Act now forbids interlocking directorates in its general provision against monopolies in restraint of trade, and, therefore, needs no reenforcement. These gentlemen can not possibly believe that the provisions of the present law could effectively destroy or lessen this concentration, else, in view of the fact that before the Pujo committee this concentration and control was admitted by those really responsible for it, the Department of Justice under the Republican administration would have taken steps to remedy the condition. They criticize the bill as being unscientific because of its arbitrary limitations of the application of the law to the large corporations, and at the same time they bewail the fact

that the enactment of this legislation will endanger the smaller corporations more than the larger ones. I agree that the elimination of competition between corporations doing business in a town of less than 100,000 inhabitants, or between industrial corporations having a capital stock of less than $1,000,000, is as wrong in principle as such conduct on the part of corporations in larger cities with larger capital; but this law is aimed at corporations which have been or are likely to do that which is hereby forbidden, and in the smaller cities and by the smaller corporations it is exceedingly unlikely that there will be formed any effective monopoly eliminating or lessening competition.

There may be isolated cases, but they will be exceptions and not the rule, and legislation must be enacted for the purpose of remedying the rule and not the exception. Again, we must recognize that in complying with the provisions of this section during the two years succeeding the passage of the bill many changes will have to be effected in the business world, and in the accomplishment of this legislation it should be our desire to restrict as far as possible the inconvenience to business. There is now no necessity to inconvenience the small corporation. Should it happen that those who spend their time seeking to evade the law hereafter devise some plan whereby the small corporation shall be effectively used to secure the same concentration of credit and control of business which has been effected by the present system in the larger corporations, then Congress can easily amend this bill so as to include in its provisions all corporations subject to its jurisdiction.

The minority of this committee, in the concluding paragraph of their report, express doubt as to whether the necessity for this legislation is so great as to justify the elimination of men of wide experience as directors. It would not have been surprising had they expressed this opinion two or three years ago, but in view of the testimony before the Pujo committee, not of muckrakers but of the so-called financial leaders themselves, it is difficult to conceive how any man can now doubt the extreme necessity for this legislation. So gradual has been the growth of this system of interlocking directorates, and so accustomed had we become to the control of our institutions being exercised by a few men, that when it was asserted there existed a concentration of credit amounting practically to a monopoly it was branded as demagoguery, and I am frank to say was received by me with little credence. But during my service as a member of the Pujo committee, I learned from the documentary evidence and from the testimony of financial leaders alleged to constitute the group in control of the credit of the country that 180 men hold 385 directorships in 41 banks and trust companies having total resources of $3,832,000,000 and total deposits of $2,834,000,000; 50 directorships in 11 insurance companies having total assets of $2,646,000,000; 155 directorships in 31 railroad systems having a total capitalization of $12,193,000,000 and a total mileage of 163,200; 6 directorships in 2 express companies and 4 directorships in 1 steamship company having a combined capitalization of $245,000,000 and a gross annual income of $97,000,000.

These same men hold 98 directorships in 28 producing and trading corporations having a total capitalization of $3,583,000,000 and total gross annual earnings in excess of $1,145,000,000; 48 directorships in 19 public-utilities corporations having a total capitalization of $2,826,000,000 and total gross annual earnings in excess of $470,000,000. In all, these 180 men hold 746 directorships in 134 corporations, having total resources or capitalization of $25,325,000,000.

We were told how private banking concerns, such as Morgan & Co. and some of the great trust companies acted as the fiscal agents of the railroads, controlling the issue and sale of securities. In the case of the Southern Railway the Morgan interests, under a voting trust, name the trustees, who deal with Morgan & Co., bankers, as fiscal agents for the sale of the securities of that railroad. Thus for all purposes they are able to deal with themselves, and it is small wonder that within the last 20 years no dividends have been paid upon the common stock of this railroad. Indeed, holding in their hands as they have the power to deal with themselves in fixing the price at which the securities shall be sold and the commissions they will receive for such sale, it is a tribute to the self-restraint of these gentlemen that they have allowed so much of the earnings of this railroad to go to the development of its property. At the same time, information as to the manner as to which the railroad issues are handled should be of interest to State legislatures when in their efforts to regulate a railroad they are confronted with the argument that legislation would amount to confiscation because the stock of the railroad has for years paid no dividends.

The sincerity of such pleas should be tested by an investigation of the manner in which its securities are sold. The bankers controlling the railroads control its securities. As directors in the large insurance companies, they can direct the deposits of funds of the insurance companies in banks in which they are interested. With these funds they can purchase the securities of the railroads in which they are interested at prices fixed by them, and then they can turn around and sell the same securities as investments to the insurance companies controlled by them at their own prices.

Now, it is difficult to understand how any man can believe that this state of affairs should be permitted to continue if it be within the power of Congress to abolish it by legislation. It is true that the late Mr. Morgan in his testimony before our committee could not see anything wrong in this system, but many of his associates disagreed with him. Mr. George F. Baker, one of his partners, a man second only to Morgan in the power he has wielded in the financial world, stated to our committee that this concentration of credit had gone "far enough," because in the hands of the wrong man "it would be very bad." It is only natural that every man should be satisfied with his own control and believe that it is for the best interest of all concerned, especially when that control has resulted in the accumulation by him of a vast fortune; but in view of the recent disclosures before the Interstate Commerce Commission of the manner in which the assets of the New Haven Railroad Co. were dissipated while that railroad was under the guidance and domination of Morgan & Co., there may be justification for doubt on the part of some of the stockholders of that railroad and of the public as to whether or not this control is now in the hands of the right men. For my part I do not believe that it is right that such vast power, carrying with it the control of the happiness of men, should be concentrated in the hands of any one man. When Mr. Baker, interested as he is, can bring himself to say that it has gone far enough, we ought to be justified in saying that it has gone too far. Since the report of our Money Trust committee, recommending legislation similar to that contained in this bill, Mr. Morgan, who succeeded his father as director of many enterprises in which they were interested, has voluntarily resigned from a number of directorates, explaining that he did so because of the change of sentiment on the part of the public as to such dual and inconsistent relationships. He was mistaken in believing that the sentiment of the public had changed. It has only awakened to the existence of this condition of affairs.

In our investigation we could not ascertain that either in England, France, or in any other country has this system of interlocking directorates been found a necessity to insure the proper administration of the affairs of financial institutions. In fact, the law prohibits the participation of brokers and bankers in their councils, on the theory that as those interests are likely to be dealing with the banks they should not be permitted to be represented on both sides of the bargain.

The laws on that subject are as follows:

Bank of England: Bankers, brokers, bill discounters, or directors of other banks operating in England are excluded as directors. (S. Doc. 405, p. 10.) Custom has enacted that the directors should never be chosen from the ranks of other banks. They are generally taken from the merchant firms and accepting houses. (S. Doc. 492, p. 67.)

Bank of France: Regents (directors) are chosen only from the commercial and industrial classes. The consulting discount committee is composed of 12 merchants and manufacturers. (S. Doc. 405, p. 190.)

National Bank of Belgium: The governors and directors can not be on the board of any other bank. (S. Doc. 400, p. 227.)

Russian banking law: No person is allowed to be a member of the board of management of more than one bank. (S. Doc. 586, p. 16.)

Union Bank of Scotland: No banker or stockholder is eligible as a director. (S. Doc. 405, p. 158.)

Commercial Bank of Scotland: Directors must not be directors of any other bank. (S. Doc. 405, p. 174.)

If instead of the continuance of this system, which in the opinion of Mr. Reynolds is "a menace," in the opinion of Mr. Baker has gone far enough, and in the opinion of the public has gone too far, we should return to the healthful rivalry prevailing in these countries, we will do much toward solving the business problems which confront us.

The Democratic Party has for years advocated the levying of tariff duties for revenue only, the enactment of a currency law, and such a revision of the antitrust laws as would destroy monopolies and restore competition. During this Congress we have given to the people a new tariff law, which has demonstrated the fallacy of the Republican argument that protection is necessary to the preservation of our industries. We have enacted a new currency law, which the Republicans promised to the people for years but failed to enact, and which is hailed by the country at large as the greatest constructive piece of legislation enacted in years, and now we propose to complete our program by the enactment of this antitrust legislation. So well considered that it will not disturb any corporation administered by men who believe in the fundamental principle of honesty in business and having in view the elimination of monopolies and the restoration of healthful competition, it is

certain to result in the promotion of the prosperity and happiness of the people. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, in connection with the bill now under consideration I desire to submit, for the thoughtful consideration of the Members of this House, two letters, which I will ask the Clerk to read, from Mr. John L. Boyd, of Knoxville, Tenn.

He is one of the large and successful coal operators of the eastern Tennessee field, is a man of high character, and any statement he makes is entitled to the respectful consideration of the Members of this House who desire the enactment of legislation which will be fair and just to the business interests of the country.

Mr. Boyd has always affiliated with the Democratic Party, and, I believe, voices the sentiment of the business people of the country in his objections to the pending measure.

I join him in protesting against the passage of this unwise, unjust, and unnecessary bill. Big as well as little business in this country should be given a rest.

The Clerk read the letters, as follows:

THE PROCTOR COAL CO.,
Knoxville, Tenn., May 13, 1914.

Hon. R. W. AUSTIN, M. C.,
Washington, D. C.

DEAR SIR: Many of your friends here, including myself, would like to know your attitude in respect to the proposed Clayton antitrust bill, which I understand is offered as a substitute for the Sherman antitrust law, and what are the prospects of its passage.

We look on it as a great menace to business generally, and we are very much in hopes it will not become a law.

Section 2 is in a sense almost confiscatory; at least it deprives the seller of any commodity of the exercise of his judgment in legitimate transactions, in that it provides that any person engaged in commerce who shall, either directly or indirectly, discriminate in prices between different purchasers of commodity in the same or different sections, shall be guilty of a misdemeanor and punishable by fine. This is giving to the purchaser of a small quantity the same price, rights, and privileges as a purchaser of large quantities, etc.

Section 3 makes it unlawful for the owner or operator of any mine to refuse to sell its product to a responsible person, firm, or corporation who applies to purchase such product, thus leaving the matter of responsibility subject to dispute.

These two sections, in my opinion, are productive of trouble and complication in business transactions, and will provoke no end of litigation. We may decline to sell a person, firm, or corporation on the grounds that from our viewpoint he or it is not responsible, and which at present would end the matter, but under the law as proposed he would have the right to bring suit against us, and if it should be proven that he is responsible, contrary to our investigation, then we would be guilty of a misdemeanor and subject to fine and imprisonment, etc., as provided for.

The main force of the bill, it appears, is against the business interests of the country and in favor of those who do not furnish employment to labor. The prohibition of interlocking directorates may be justified as attempting to curb vast monopolies and prevent the abuses that have resulted from such relationship, in respect to large concerns, but if applied generally and to small corporations, including banks of reasonable size outside of reserve centers, would disturb business generally and would involve a complete reorganization of a vast number of corporations, and in my opinion would work untold injury. The proposed bill is drastic and, as stated, is practically confiscatory.

Thanking you in advance for such attention as you may see fit to give this communication, I am,

Yours, truly,

JNO. L. BOYD.

THE PROCTER COAL CO.,
Knoxville, Tenn., May 21, 1914.

Hon. R. W. AUSTIN, M. C.,
Washington, D. C.

DEAR SIR: I have read the proposed Clayton bill, and if I have not grossly misconstrued it, it is one of the most dangerous measures that has been offered, and so radical a departure from the customs and methods of business generally as would involve a complete reorganization in all lines and demoralize generally not only in my line of business, say, production of coal, but in all lines. For instance, certain sections provide that it shall be unlawful and subject to fine or imprisonment or both for a discrimination in price as between persons in the same community or different communities. This would require every wholesale and jobbing house to sell its goods to the consumer at as low price as it sells to the retail merchants. The factory or producer would violate the law for a refusal to sell its manufactured product to the consumer at the same price that it sells to the jobber or dealer. The coal companies, the iron producers, lumber manufacturers, and, in fact, all classes of commodities, supplies, etc., would have to be sold to the small consumer at the same price the large railroad companies pay for such goods in large quantities.

Another section provides that it shall be unlawful and subject the violator to fine or imprisonment or both, for a refusal to sell any person who is responsible who applies to purchase. The manufacturer or seller might not be able to determine exactly the responsibility, and the results would be a suit for damages, besides the part the Government would take in respect to the violation. In short, as I view it, the effect would be to eliminate the wholesale houses, jobbers, and dealers, and reduce the business through the country to transactions between producers and actual consumers.

I believe you appreciate the fact that if the producers through the country were reduced to transactions with consumers only that no calculation could be made as to the extent of operations, because no contracts could be made for quantities that would allow operations of mills, factories, etc. The prices would necessarily have to be advanced in order to cover the cost of doing business under such methods to the extent finally, I believe, the cost to the consumers would be equally as high, if not higher, than from the middleman or distributor.

The general plan seems altogether impracticable. The business of the country has been built up for the last century on a principle that allows the manufacturer and seller to select its customers, exercise its judgment in respect to responsible trade advantages, etc., that this proposed law will entirely overthrow.

There is practically an endless chain of valid objections and disadvantages that might be mentioned to the general plan of the Clayton bill, and if I have interpreted correctly the intent of the measure I confess that I am unable to see anything but disaster in its operations.

Yours, truly,

JNO. L. BOYD.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Kansas [Mr. HELVERING].

Mr. HELVERING. Mr. Chairman, the specific work before us at the present time is to crystallize into legislation the last of the three most important pledges which we have made to the American people. In doing this we are at the same time offering to our friends in all parties the opportunity to show that their promises were made to be kept. We are practically all agreed as to the evils of trusts and of combinations; the people of the country are united in the determination that there must come a readjustment of conditions in the business world, and that this can be brought about only by a return to normal conditions and the elimination of the abnormal which have been brought into existence through the greed for gain and have continued to exist only by reason of legislative neglect.

The evils complained of have grown up quite often in a quasi-legal manner; special privilege had the power to have and to hold the best of legal advice and was able to live within the letter of the law while continually violating its spirit. It has taken time for us to realize by experience the loopholes in law which gave the opportunity for its violation, and we are now engaged in the work of legislating along the line which experience has demonstrated to be necessary.

In his address at the joint session of Congress, on January 20, President Wilson said:

> It will be understood that our object is not to unsettle business or anywhere seriously to break its established course athwart. On the contrary, we desire the laws we are now about to pass to be the bulwarks and safeguards of industry against the forces who have disturbed it. What we have to do can be done in a new spirit, in thoughtful moderation, without revolution of any untoward kind.

And that is exactly the spirit by which the Democratic Party is actuated. We would encourage every legitimate industry of the Nation and we can best do this by insuring to them fair play. We may, and undoubtedly will, harass the feelings of those who work illegitimately, but that is essential. Criminal laws are enacted, not because all men are criminals, but because honest men, and society in general, must be protected against the dishonest. Such laws are essential for the protection of society, and we believe that the legislation now under consideration is equally essential if we are to restore business to the plane of justice, throw down the bars which are keeping out the intelligent youth of the land from the field of opportunity, and give to the American people the protection which is essential if they are to be masters of their own destiny.

In closing the address before referred to, President Wilson said:

> I have laid the case before you, no doubt, as it lies in your own mind, as it lies in the thought of the country. What must every candid man say of the suggestions I have laid before you, of the plain obligations of which I have reminded you? That these are new things for which the country is not prepared? No; but that they are old things, now familiar, and must, of course, be undertaken if we are to square our laws with the thought and desire of the country. Until these things are done, conscientious business men the country over will be unsatisfied. They are in these things our mentors and our colleagues. We are now about to write the additional articles of our constitution of peace, the peace that is honor and freedom and prosperity.

In the desire "to square our laws with the thought and desire of the country" let us proceed to analyze the conditions which demand action on our part; be fair with those who differ with us on the questions involved and honestly and candidly discuss the legislation before us with a desire to have it so perfected that it will meet the necessities which have arisen and do so without danger to the business of the country or the bringing of undue hardship on legitimate industry.

There are those who profess to believe that the combinations called trusts are, in the main, good and are essential in the development of our resources.

They would have us believe that the present-day concentration of industry is in harmony with economic development and business efficiency; that by combination economy or production is secured and that the general public shares in the benefits accruing.

Also, that unrestrained competition is wasteful and destructive of human energy.

Theoretically, these propositions are correct; but in practice they fall down lamentably.

Once competition is crushed out, then the need of economic management and progressive methods is no longer so essential. The market for the inventor becomes one in which there is little, if any, competition, and as a natural result the incentive to spur on the inventor no longer exists.

Likewise, the destruction of competition leaves in the market but a single force or a minimum of forces actuated by a common and a selfish motive. Monopoly has the power to dictate to the producer of the raw material which it must buy, and it has the power to dictate to its labor the wage it will pay for the only commodity labor has to sell, and at the same time it is the absolute dictator of the price which the consumer must *pay for the output of* the monopolies. Such a centralization of power is a menace to the well-being of all, and, carried to its logical conclusion, it means the enslavement of the masses, the closing of the door of opportunity, and the centralization of all of the wealth earned by the brain and brawn of the American people in the hands of a few monopolists.

Let us see how monopoly is judged by those who can speak from experience of the evil which it has brought upon us.

The president of the Investors' Guild, in a memorial issued in November, 1911, has this to say:

It is a well-known fact that modern trade combinations tend strongly toward constancy of process and products and by their very nature are opposed to new processes and new products originated by independent inventors, and hence tend to restrain competition in the development and sale of patents and patent rights and consequently tend to discourage independent inventive thought, to the great detriment of the Nation and with injustice to inventors, whom the Constitution especially intended to encourage and protect in their rights.

That is an arraignment which is based on known facts and can not be controverted. Monopoly is fatal to invention and ever stifles initiative. Whereas there was in the past every incentive for the young man who had a new idea, to-day his market is limited to a field in which there is no competition, and even when he does invent something of obvious value it may never see the light of day, for its purchaser may find it more profitable to put it away unused rather than to alter machinery and processes. The man with a monopoly does not need to encourage efficiency and improvement, for his profits are assured, even if he never makes progress.

In line with the foregoing, and to show to what extent monopoly prevents efficiency, I would quote the following from the Engineering News:

We are to-day something like five years behind Germany in iron and steel metallurgy, and such innovations as are being introduced by our iron and steel manufacturers are most of them merely following the lead set by foreigners years ago.

We do not believe this is because American engineers are any less ingenious or original than those of Europe, though they may, indeed, be deficient in training and scientific education compared with Germany. We believe the main cause is the wholesale consolidation which has taken place in American industry. A huge organization is too clumsy to take up the development of an original idea. With the market closely controlled and profits certainly following standard methods, those who control our trusts do not want the bother of developing anything new.

We instance metallurgy only by way of illustration. There are plenty of other fields of industry where exactly the same condition exists. We are building the same machines and using the same methods as a dozen years ago, and the real advances in art are being made by European inventors and manufacturers.

How justifiable in the face of such testimony is the conclusion drawn by President Wilson:

I am not saying that all invention has been stopped by the growth of trusts, but I think it is perfectly clear that invention in many fields has been discouraged, that inventors have been prevented from reaping the full fruits of their ingenuity and industry, and that mankind has been deprived of many comforts and conveniences, as well as the opportunity of buying at lower prices.

It is my firm belief that monopoly does not secure economy of production, and the authorities quoted would go to show that my contention is right. Contending, then, that monopoly is indefensible as an economic proposition, as well as an ethical and moral one, the question arises, What is the best method to be pursued to eliminate evils complained of and bring the business of the country back once more to a safe and sound basis?

THE RADICAL IDEA.

There are those who would have us take a radical stand, and that we are not prepared to do. Because evils have grown up coincident with the growth of the trusts, and often directly traceable to them, they would have us run amuck and destroy. They forget that in order to do this the punishment will fall upon more of the innocent than of the guilty, for those who have brought evil upon us were cunning enough to provide for their own future, and in many cases they have taken the kernel, leaving the responsibility and the empty shell in the possession of innocent investors.

We want to punish, where we can locate guilt, and we want to punish individuals rather than corporations. But it would be neither seemly nor wise for this great lawmaking body to permit itself to be carried to extremes and legislate along the line of revenge. I stand with the President, who has so well put it in this language:

Constructive legislation when successful is always the embodiment of convincing experience and of the mature public opinion which finally springs out of that experience. Legislation is a business of interpretation, not of origination; and it is now plain what the opinion is to which we must give effect in this matter. It is not of recent or hasty opinion. It springs out of the experience of a whole generation. It has clarified itself by long contest, and those who for a long time battled with it and sought to change it are now frankly and honorably yielding to it and seeking to conform their actions to it.

We will not go far astray if we follow the conclusions drawn by President Wilson in the paragraph quoted. The legislation before us interprets the experience of the generation. It presents a remedy for the economic evils which have sprung up as the result of the destruction of competition. This legislation would cure, while our radical friends propose a surgical operation which usually kills. We prefer to cure and utilize for the general good the life we save rather than to kill and put upon the people an extra burden of economic waste.

HONOR DEMANDS LEGISLATION.

A study of the foreign trade of the United States will convince that we are a world power to be reckoned with. The development of this trade means prosperity and permanent prosperity, for it means the continuous employment of our producers in shops and in factories. How essential, then, it is that we, as a Nation, should cultivate this field and permit nothing to mar the friendly relationship upon which international trade is founded.

Within the past two years this country has fallen in the estimation of the people of many foreign countries, and the cause of this is directly traceable to the greed of financiers who were more concerned with the acquirement of wealth than they were with the legitimacy of the means employed to secure it. The manipulation of the finances of the Frisco Railroad resulted in loss to many of the residents of France, who were inveigled into investing in it at the very time when those on the inside knew that failure could not be prevented. The manipulation of the properties of the Boston & Maine and the New York, New Haven & Hartford roads has intensified the bitterness engendered, and it is not without reason that foreigners look upon us with suspicion. In every national act we have shown to the world our desire to be fair and just in our dealings with nations and our wish to lead only in the paths of righteousness and enlightenment. But the acts of individuals whose only aim seems to be the acquisition of wealth, regardless of ethics or morality, can easily sweep away that which it has taken years of square dealing to build up. This we must legislate against. We must do so if we are to protect our own people, and we are obligated to do it if we wish to win and hold the respect of the world. I believe that House bill 16133 will go far in the direction of remedying the evils complained of, and, so believing, I shall take pleasure in voting for it.

ADVANTAGES OF PROPOSED LEGISLATION.

Regulation of the issuance of stocks and bonds under the authority of the Interstate Commerce Commission is a provision the necessity of which has been made manifest. It protects legitimate corporations, safeguards the investors and gives assurance as to the future financing of railroads so that dividends will be paid only on honest investment.

It provides for a trade commission, which will act as an active aid to the Department of Justice; will investigate and give publicity to the business of the various corporations; will see that the mandates of the courts are carried out and that there shall be actual observance of law, instead of an attempt to keep to the letter while violating the spirit.

It will prevent price discrimination in all of the territory of the United States, and thereby destroy one of the most effective methods ever used to break down competition. States have attempted such legislation, but their work could not reach the real evil, as big corporations could well afford to maintain a lower price within the jurisdiction of any State if by so doing a competitor could be driven out of business. With the passage of House bill 15657 this practice will be absolutely prohibited, for the same price will have to govern in every State, plus, of course, the difference in cost of transportation.

It will make it unlawful for the owner or operator of a mine or for a person controlling the sale of the product of a mine to refuse to sell to a responsible person who wishes to purchase. This eliminates the evils arising from the monopolization of coal and iron lands and lessens the powers which the monopolies now possess by the exclusive ownership or leasing privileges of such mines.

It prohibits exclusive and "tying" contracts, an evil which has contributed much to the cost of farming, as well as being

a heavy burden to those engaged in many other lines of business. "Tying" contracts help to create a monopoly in local markets, and by so doing they are instrumental in determining an excessive price which the consumer must pay to the exclusive agent. Under this system farming implements have long been marketed, not at a fair profit on cost but on a profit based on the needs of the consumer.

It provides for the punishment of personal guilt, and thereby will, to a great extent, be preventive of guilt. Time has demonstrated that the greatest weakness in our law comes from the punishment of corporations and the neglect to locate and punish personal guilt. By penalizing corporations it is often the case that innocent investors are the real sufferers, while the guilty parties are free to again violate the law, in the hope that they might escape detection. By enforcing penalties against responsible individuals we put at work an element which will aid in the enforcement of the law, for fear of a jail sentence is often effective where less drastic methods fail.

It puts an automatic force at work to aid in making the law effective by providing that on conviction of violation of its provisions a corporation can be sued by all who suffered damage by its illegal acts; that threefold damages can be collected, as well as the costs of the suits, and that the evidence secured by the Government to gain a conviction can be offered as conclusive evidence by the parties claiming damages. It must be plain that few corporations will care to run the risk of pursuing illegal methods knowing that they will make themselves liable, not merely to dissolution, but for the payment of damages to all parties injured.

It will abolish the evils of holding companies and put an end to interlocking directorates, twin evils which have been largely responsible for the power of monopoly and to which I shall refer later on.

And it will, to an appreciable extent, put an end to the abuse of the writ of injunction which has worked so much injustice in the past.

There is not one of the changes and reforms specified which has not been demanded by the people. There is not one of them which will work a hardship to legitimate business. We are here not to destroy, but to build; not to harass, but to aid; not to impede, but to help in progress; and while here and there may be found those who will protest that the legislation will hamper them or interfere with personal rights or personal liberty, it will be found that in almost every case the complaint comes not from those who wish sane personal liberty, but rather from those who have profited by unbridled license and who desire no interference with their opportunities to exploit the American people.

NEED FOR REGULATING STOCK AND BOND ISSUES.

Seven years ago the Interstate Commerce Commission called attention to the advisability of having governmental regulation of stock and bond issues. No attention was paid to the recommendation. Last year, after concluding its investigation of the New Haven, the commission once more made recommendations as follows:

No student of the railroad problem can doubt that a most prolific source of financial disaster and complication to railroads in the past has been the desire and ability of railroad managers to engage in enterprises outside the legitimate operation of their railroads, especially by the acquisition of other railroads and securities. The evil which results, first, to the investing public, and finally to the general public, can not be corrected after the transaction has taken place; it can be easily and effectively prohibited. In our opinion the following propositions lie at the foundation of all adequate regulation of interstate railroads:

1. Every interstate railroad should be prohibited from spending money or incurring liability or acquiring property not used in the operation of its railroad or in the legitimate improvement, extension, or development of that railroad.

2. No interstate railroad should be permitted to lease or purchase any other railroad, nor to acquire the stocks or securities of any other railroad, nor to guarantee the same, directly or indirectly, without the approval of the Federal Government.

3. No stocks or bonds should be issued by an interstate railroad except for the purposes sanctioned in the two preceding paragraphs, and none should be issued without the approval of the Federal Government.

It may be unwise to attempt to specify the price at which and the manner in which railroad stocks and securities shall be disposed of; but it is easy and safe to define the purpose for which they may be issued, and to confine the expenditure of the money realized for that purpose.

I regret that while our committee had under consideration the amending of the law governing this commission it did not provide the legislation requested in the first and second recommendations quoted above. However, we go even further than the recommendation of the commission in providing for the supervision of the stock and bond issues. I firmly believe that it is the part of wisdom to do this; that it will give protection to investors, largely put an end to the flotation of water, and will be of benefit to every legitimate corporation, because the general public will have the assurance that a commission in which we all have faith has investigated the reason for such issue of stock or of bonds and gives its approval of the same. Further than that, the enforcement of such a provision will give us a better standing abroad with those who desire to put their money into American investments, for they will know that this great Government of ours is on guard and that there is a curb placed on the activities of those who would, if they could, market illegitimate securities.

OLD-FASHIONED HONESTY.

It is to be deplored that the rascality of men in positions of responsibility has wrecked so many of our best public utilities, but if we make full use of the lessons learned by bitter experience then can we gain by our loss and give protection to our people to-day and to the generations yet to come.

We have to some extent departed from old-fashioned ideals of common honesty and the justice upon which all of our actions should be based. In so far as we have done this, public confidence has been lost and suspicion holds sway. It would pay us to cultivate better ideals and learn a lesson from those who have placed personal integrity above aught else.

John M. Forbes, of Boston, conceived and built the Burlington Railroad. It was an honest road, built by an honest man, and one who used honest methods. In the modern world of finance Mr. Forbes would find no place. He would be classed as "old fashioned," "out of date," and an "old fogy." He had certain fixed rules by which he governed his personal conduct, and at an early date in his career he said:

I am unwilling to run the risk of having the reputation of buying from a company in which I am interested.

To-day we are discussing the necessity for legislation designed to vitalize the moral philosophy of Mr. Forbes and crystallize it into law. To-day men are eagerly anxious to run the risk of the imputation which Mr. Forbes resented, and we, with the knowledge that we are here to safeguard the rights of our people, are eager to put up barriers to prevent such iniquitous practices. We prevent public servants from dealing with themselves, prevent all Government employees from buying from companies in which they are interested, and in every way strive to remove all suspicion from those who hold a public trust. So it is that these men who are quasi public servants must be prevented from engaging in practices which are open to suspicion, even if they should be so morally blind as to desire to so engage. Mr. Forbes would not when he could, and we propose that representatives of high finance shall not if they would.

BAD FOR THE GENERAL PUBLIC.

We learn from the reports of the Stanley and of the Pujo committees that interlocking directorates practically control the bulk of the business of the country. That militates against efficiency, and the general public has to foot the bill.

In the first place, these men can not give the attention needed to the various branches of business which they are supposed to direct. Efficiency and success requires specialists, and yet here we are at the mercy of a ring of "Jacks of all trades" who subordinate everything to personal gain. The important contracts of the various companies are let to directors interested. Economy is supplanted by graft, and the gross earnings are often so manipulated that while the public is forced to pay for poor service and inefficiency, nevertheless the money so exacted never reaches the stockholders of the corporations, but is grabbed by directors who are in position to skim the cream so that none is ever distributed in the way of dividends. Read the history of the financial operations of the Frisco, the Rock Island, the Boston & Maine, and the New York, New Haven & Hartford lines and note how the stockholders have suffered in common with the communities served by the roads. Only the favored few on the inside were able to harvest a profit.

It is the stockholders and the general public who always suffer. Take the case of the New Haven road. For nearly six years the world of finance knew that ruin was inevitable, and those on the inside took to their cyclone cellars until the storm had passed. Of the New Haven stockholders, 10,474 are women and 10,222 hold only from 1 to 10 shares each. The directors, men high in banking circles, knew, but they never attempted to open the eyes of the stockholders. Many of them unloaded their own holdings in time and left the innocent purchasers to hold the sack, so that when the crash came it was mainly women in moderate circumstances and the estates of widows and orphans which had to bear the brunt of losses brought about by criminality, mismanagement, and high finance.

WORKING IN THE WRONG WAY.

The cause of failure of so many of the properties managed by banker directors can be easily traced. Such properties have been managed with an eye to present-day profits, present-day stock dividends, and selfish interest, rather than with an

eye to the upbuilding of the properties and the safeguarding of the rights of the communities served by such corporations. As a result the shippers of the country are to-day paying interest on watered stocks and on investments which were pure graft. The business of the country is penalized because of the evil practices of the past, practices which law can not now reach and for which punishment can not be doled out. The railroads demand higher rates in order to be self-sustaining, when in many instances the money is needed to pay interest on fictitious or misapplied capitalization. If the increase is not granted, then business is paralyzed, and if it is given, then there is no hope of our country escaping similar demands in the future, unless we safeguard ourselves by enacting legislation along the lines suggested.

The men who have made fortunes by the indefensible practices complained of have long since "got out from under." The overissue of stocks are largely held by innocent investors—by the estates of the helpless innocent and in the hands of honest but misguided investors. We can not penalize them for the evils brought on by others, and while it may be said that we are by the proposed legislation locking the stable door after the horse has been stolen, we are in reality following the path of wisdom in locking the door, so that no more shall be stolen. By throwing safeguards around the present and the future we are taking the only possible step for the protection of the present and the future, and we harass no legitimate investment, but rather do we increase the faith of the investor, build up confidence which has been weakened or destroyed by vicious practices, and substitute healthy conditions in the business world instead of the diseased conditions which have brought to us decay and disaster.

INTERLOCKING DIRECTORATES.

The country is practically united in the belief that most of the evils complained of can be traced to the vicious source of interlocking directorates, and ever since the report of the Pujo committee focused the attention of the people upon the extent to which such community of interests controlled the business health—the very business life—of the Nation, the demand has been insistent that legislation be enacted to effect a cure.

As Louis D. Brandeis logically puts it:

The practice of interlocking directorates offends laws, human and divine. Applied to rival corporations, it tends to the suppression of competition and to violation of the Sherman law; applied to corporations which deal with each other, it tends to disloyalty and to violation of the fundamental law that no man can serve two masters. In either event it tends to inefficiency, for it removes incentive and destroys soundness of judgment. It is undemocratic, for it rejects the platform, "A fair field and no favors," substituting the pull of privilege for the push of manhood. It is the most potent instrument of the Money Trust. Break the control so exercised by the investment bankers over railroads, public-service and industrial corporations, over banks, life insurance and trust companies, and a long step will have been taken toward attainment of the New Freedom.

The deductions of Mr. Brandeis are strongly supported by the known facts. The report of the Stanley committee on the Steel Trust showed that the few men who control the Steel Trust are directors in 29 railroad systems, with 126,000 miles of line (more than half the railroad mileage of the country), and are also directors in many steamship companies. Through all these alliances the Steel Corporation controls transportation, not merely as carriers but as the largest customers of steel. These same men are directors in 12 steel-using street railway companies, including some of the largest in the world. They are directors in 40 machinery and other steel-using companies; in many gas, oil, and water companies, extensive users of iron products; and in the great wire-using telephone and telegraph companies. The aggregate assets of the companies controlled by these few men exceeds $16,000,000,000.

It can be plainly seen that by such control these men can catch the general public "a-comin' an' a-gwine." As producers of steel they sell to themselves as consumers, and are also in position to give to themselves, through their influence as railroad directors, special favors in transportation, when they can successfully hide from the scrutiny of the Interstate Commerce Commission. It needs no argument to convince that by the use of such power practical competition is made an absurdity. The Steel Trust is supreme in its sphere, and the legislation proposed is absolutely necessary if we are to look for relief.

It is to the report of the Pujo committee, however, that we must go if we are to get an insight into the wonderful ramifications of interlocking directorates. From this we find that two New York banks—the National City and the First National—with the Morgan firm, constitute the inner group of the Money Trust. George F. Stillman is the power in the National City and George F. Baker in the First National. The resources of the National City are about $300,000,000, those of the First National about $200,000,000, and while we do not know the resources of the Morgan firm, we have reason to believe that their deposits alone aggregate some $162,500,000.

Mr. Baker is, or was until recently when he saw the handwriting on the wall, a director in 22 corporations having, with their many subsidiaries, resources or capitalization of $7,272,000,000. Further than that, the directors of the bank which he dominates are directors in at least 27 other corporations, with resources of $4,270,000,000. So we see that this First National Bank has representation on the boards of 49 corporations, with aggregate resources of $11,542,000,000.

Here are a few of the companies in which Mr. Baker had influence, either as voting trustee, executive committeeman, or director; the list was prepared by Mr. Brandeis:

First. Banks, trust and life insurance companies: First National Bank of New York; National Bank of Commerce; Farmers' Loan & Trust Co.; Mutual Life Insurance Co.

Second. Railroad companies: New York Central lines; New Haven; Reading; Erie; Lackawanna; Lehigh Valley; Southern; Northern Pacific; Chicago, Burlington & Quincy.

Third. Public-service corporations: American Telegraph & Telephone Co.; Adams Express Co.

Fourth. Industrial corporations: United States Steel Corporation; Pullman Co.

Mr. Stillman is a director in 7 corporations, with assets of $2,476,000,000, and the National City Bank, which he dominates, has directors in at least 41 other corporations which, with their subsidiaries, have an aggregate capitalization and resources of $10,564,000,000.

The members of J. P. Morgan & Co.'s firm hold 72 directorships in 47 of the largest companies of the country.

Here is what the Pujo committee found in regard to the members of the firm of J. P. Morgan & Co. and the directors of their controlled trust companies and of the First National and the National City Bank. They hold:

One hundred and eighteen directorships in 34 banks and trust companies having total resources of $2,679,000,000 and total deposits of $1,983,000,000.

Thirty directorships in 10 insurance companies having total assets of $2,293,000,000.

One hundred and five directorships in 32 transportation systems having a total capitalization of $11,784,000,000 and a total mileage—excluding express companies and steamship lines—of 150,200.

Sixty-three directorships in 24 producing and trading corporations having a total capitalization of $3,339,000,000.

Twenty-five directorships in 12 public-utility corporations having a total capitalization of $2,150,000,000.

In all, 341 directorships in 112 corporations having aggregate resources or capitalization of $22,245,000,000.

And, as Mr. Brandeis succinctly puts it, $22,000,000,000 is more than three times the assessed value of all the property, real and personal, in New England. It is nearly three times the assessed value of all the real estate in New York City. It is more than twice the assessed value of all the property in the 13 Southern States. It is more than the assessed value of all the property in the 22 States, north and south, lying west of the Missouri River.

And all of the power represented by this wealth is lodged in the hands of a few men. Can anyone doubt the danger which such concentration permits? Can we stop to inject partisanship into a discussion over methods proposed to wipe out such danger? It is useless to say that the power represented will never be used to the detriment of the American people. We could admit all that, even when we have had innumerable object lessons to show that the power has been so used; but even if it were in the hands of men in whom we all had implicit confidence, it is too great a power to be concentrated—it affords too great a temptation to frail humanity.

But the Money Trust is not content to operate within a limited field. Its tentacles reach out and grasp the activities and the resources of the Nation, wherever these activities and resources offer opportunity for gain. Take the case of Boston, and it is typical of practically every large city in the Union. The banking firms of Lee, Higginson & Co. and Kidder, Peabody & Co. practically control the National Shawmut Bank, the First National Bank, and the Old Colony Trust Co., with resources of $288,386,294, fully one-half of the banking resources of Boston. The directors of these banks are also directors in 21 other banks and trust companies, and all together they are practically in control of 90 per cent of the total banking resources of the city. In fact, 33 out of 42 banking institutions in Boston are interlocked, and these have aggregate resources of $590,516,239, which is about 92½ per cent of the aggregate banking resources of Boston.

HOW THEY DO ABROAD.

Contrast the condition existing in New York, Boston, and, in fact, the entire country, with those in the older nations in Europe, and what do we find? The Bank of England, the Bank of France, the National Bank of Belgium, and the leading

banks of Scotland all exclude from their boards persons who are directors in other banks. By law, in Russia no person is allowed to be on the board of management of more than one bank.

Such is the practice in countries where conservative methods rule. Here we have thrown conservatism to the winds, and a few men have by combination gained the power to make every activity of the people contribute to their selfish gains. The laborer is exploited; the farm owner has to pay an unnecessary toll all along the roads leading from his fields to the consumer; at every corner we are held up to pay a tax levied either by monopoly or vicious practice; and as a natural result the earnings of 99 per cent of the American people of the United States are subtracted from, to the end that the money reservoirs of less than 1 per cent may be filled with the proceeds of unjust tribute.

In the legislation now before us we offer to you the opportunity to cure the evils which bear so oppressively on your people and on mine. Will you join with us in legislating to the end that we shall travel along the road which the experience of other nations has demonstrated to be safe? We are not proposing to you any innovation; we bring forward no experiment and ask for your approval of it. Other countries have deemed it inadvisable to permit of combination which is a standing menace. You can see by the reports of the Stanley committee and of the Pujo committee to what extent such combinations are in effect to-day. Is it not better for you to join with us in curing while we can rather than to wait until the patient is dead and the people of our common country are industrial slaves?

NEED OF A TRADE COMMISSION.

In his recommendations in the message of last January President Wilson suggested the formation of a commission as an instrument of information and publicity and as a means of securing and disseminating the knowledge needed to correct evils in the business life of the Nation.

Such a commission is provided for in House bill 15613. The bill proposed lodges in this commission the authority now vested in the Bureau of Corporations, but at the same time it gives to this commission new powers, the need of which have been proved by experience. To a large extent this commission will have independent power and authority, and the bill removes entirely from the control of the President and the Secretary of Commerce the investigations conducted and the information secured. Hereafter this commission will have power to make investigations on its own initiative and make public such information as it deems best.

An abstract of the annual and special reports of each corporation, which reports are made obligatory by this legislation, must be made public by this commission. The faithful observance of such requirement can not but have a salutary effect. It gives to the investor an authentic guide as to the condition of corporations; shows to the public the physical condition, earning capacity, and expenses of all such corporations, and with this information available there is a protection given which can not help but be an important factor in eliminating unnecessary loss.

Speaking of the laws governing trusts, on January 1, 1896, Attorney General Harmon said:

> If the Department of Justice is expected to consider investigations of alleged violations of the present law or of the law as it may be amended, it must be provided with a liberal appropriation and a force properly selected and organized. * * * But I respectfully submit that the general policy which has hitherto been pursued of confining this department very closely to court work is a wise one, and that the duty of detecting offenses and furnishing evidence thereof should be committed to some other department or bureau.

In this legislation we are striving to act upon the suggestion and recommendation made by Attorney General Harmon more than 18 years ago. Since that time we have had three Republican Presidents, and for 14 of these years the Republicans have had absolute control of all branches of the Government, but it remained until the time when the Democrats secured full control before any attempt was made to provide constructive legislation to secure the things needed to make antitrust legislation effective.

It has been during the period from 1896 to 1910 that the trusts came to be a real force to reckon with in the United States. Under Republican rule they have waxed fat and have been encouraged by the party in power. They were looked to to finance Republican campaigns, were potent factors in fastening high protection upon us, and through their union with the banks and the insurance companies of the United States they have been able to hold all legitimate business of the country at their mercy. To-day it is claimed that 50 men in the United States control 40 per cent of the wealth of the country. Such a condition of affairs is intolerable. It is a menace to the well-being of every man, woman, and child in the country. We clipped away part of the power of these combinations when we revised the tariff and put the industries of the Nation on a competitive basis; we further emancipated the people when we enacted currency legislation and took away from the trusts the opportunity to manipulate the earnings of the people for their own advantage and for the undoing of the real owners of the deposits. Now we have the opportunity, by the enactment of House bills 15613, 15657, and 16133, to remove the last of the obstacles which remain to prevent competition; and when we do this we will have kept our promises to the American people and made possible the return of an era in which there will be a fair field and no favors for either the big or the little fellow—a field on which special privilege will not be allowed to trespass.

THE DEMOCRATIC WAY.

Some there are who do not believe that we go far enough in the powers which we delegate to the proposed trade commission in the bill introduced. If they had their way, they tell us that they would insist upon clothing this commission with judicial powers—the power to not only hunt up evidence, but also the power to try, condemn, and inflict punishment.

It is somewhat strange, but in nearly every case we find that such suggestions and denunciations of the measure reported comes from those who are or have been affiliated with the party which was in power for 16 years, and who in all that time witnessed the rapid and steady increase of the pernicious practices complained of without making one effort to put an end to them.

For my part I am convinced that a danger even greater than that which we seek to guard against would menace the American people if we were to place in the hands of this commission the powers demanded. It would mean a centralization of authority such as this country has never seen. It would put into the hands of a few men power to hold up the industries of the country, and in the hands of the wrong men it could be used to hold in office any party in power which might be base enough to use the machinery provided.

Here we give to this commission ample power to investigate on its own authority or on request of the Government. It has the right to go into the accounts, business, and all activities of the combinations under its control, and when illegal acts are discovered then the Department of Justice is furnished the material on which to base action, and it would be compelled to take action on the behest of this commission or else be discredited before the country.

That surely furnishes ample power for the protection of the American people, while at the same time it safeguards the rights of legitimate business and protects it from the attacks of any partisan commission. It is the Democratic way. Out of power, we denounced centralization and fought every effort made to clothe bureaus or commissions with authority which could be used for partisan advantage. In power, we are consistent and we refuse to permit of a centralization of power which might inure to our advantage. It is our aim to protect legitimate business, not to harass it; to provide the means to run down illegitimate practices and to root them out. Under the authority granted by this legislation we have the power to gain the ends desired by our people. Anything less would be unsatisfactory; anything more would be dangerous.

WITH MALICE TOWARD NONE.

The Democratic Party has no quarrel with legitimate business, and never has had. The message of President Wilson in January was one of reassurance, and in that spirit it was accepted by the world of business. He voiced the opinion of the American people that competition must be restored; that indefensible methods had been employed by the combinations known as trusts, and that legislation was needed in order to safeguard the American people, as a whole, and the business of the Nation, little as well as big. The necessity for such legislation has been admitted by the platforms of all political parties. We were agreed as to the existing evils which required remedying; we disagreed only as to remedies. The President pointed out the things which, in his opinion, needed our attention, and the responses from all sources showed remarkable accord with his views. The plain citizen favored legislation suggested because he looked to see it put an end to practices which he had denounced; the small manufacturer and business man indorsed the message, for it gave to him hope for the future, and while the men who had profited by the evils complained of could not be expected to grow enthusiastic over prospective legislation which would do away with their illegitimate gains, nevertheless they realized that the

American people, long sorely tried, would not be content under further oppression.

It is in the spirit breathed by President Wilson that our committees have acted in preparing and presenting the bills before us. It is in that spirit that we, as Democrats, are considering the legislation. We have no quarrel with wealth honestly acquired, nor with profits legitimately secured. But we would be faithless as Representatives did we not demand that a stop shall be put to monopoly and that no business shall be so big that it shall be greater than our laws or superior to our control. Equal rights and equal privileges we are prepared to grant to all. To give less would mean that we are false to the teachings of the founders of our party; to give more would mean that we are embarking in a policy of giving special privileges from which we hoped to derive partisan advantage. Within our confines we have a market for the products of most of our American industries. By tariff legislation we have paved the way for the opening up of new markets which will give opportunities for the expansion of our industries. By currency legislation we provide for the legitimate circulation of money along natural lines; for the aiding of our foreign trade by means of branch banks abroad and by means of bank acceptances. Out of this legislation is bound to come vast benefit to American industries, and in the resulting benefit all of our people will share. Now, we lay down the command that business must be conducted fairly, legally, and in the open. The legitimate business man will welcome legislation which so provides, and with the illegitimate we can not afford to compromise. Our duty is to act equitably and in the best interests of our constituents. That I believe we are doing in supporting these measures, and with their enactment will result the fulfillment of three of our most important pledges to the people—revision of the tariff, reform of the currency system, and the elimination of trust evils. It is a wonderful program of legislation to be compressed within two years, and if we accomplish it, it will be because we have an administration which kept the faith and a Congress which has recognized but one master—the American people.

A WORTHY LEADER.

President Wilson has pointed out the road on which we are traveling to-day—the road to the new freedom. Keen in intellect, strong in his faith in the American people, and swayed only by an honest desire to be an instrument of service, his evident sincerity and honesty of purpose has broken down opposition and won for him a niche in the affections of all who admire honesty, courage, and truth. He realizes better than any man in modern public life the value of the victories of peace, and while he is militant in battling for the right, yet ever are his weapons those of light and truth. As I contemplate his career since he came into the arena of politics; as I analyze his career as governor of New Jersey and as President of the United States and note the patience, faith, and sublime courage always in evidence, there comes to my mind a poem by John Greenleaf Whittier, the lines of the last two verses of which well serve as a portrait of the man. They run:

The truths ye urge are borne abroad
By every wind and tide:
The voice of nature and of God
Speaks out upon your side.

The weapons which your hands have forged
Are those which heaven have wrought—
Light, truth, and love; your battle ground
The free, broad field of thought.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States, by Mr. Latta, one of his secretaries, informed the House that the President had approved and signed bills and a joint resolution of the following titles:

On May 16, 1914:

H. R. 15503. An act authorizing the appointment of an ambassador to the Republic of Chile; and

S. 4553. An act to authorize the appointment of an ambassador to Argentina.

On May 21, 1914:

S. 5552. An act to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914.

On May 22, 1914:

S. J. Res. 139. Joint resolution to authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement; and

S. 5066. An act to increase the authorization for a public building at Osage City, Kans.

ANTITRUST LEGISLATION.

The committee resumed its session.

Mr. SWITZER. Mr. Chairman, it is certainly remarkable that the majority of the great Judiciary Committee, bringing in this bill for the purpose of supplementing the Sherman antitrust law and strengthening it, and to suppress monopoly and to prevent unfair discrimination, have in the very first two sections of their bill been guilty of gross, rank, unfair discrimination against hundreds of men living in my district engaged in the bituminous-coal-mining industry. The only justification I have heard so far given for this act is that God put the mineral in the earth. That was the statement of the gentleman from North Carolina [Mr. WEBB], the gentleman from Massachusetts [Mr. MITCHELL], and the gentleman from Arkansas [Mr. FLOYD]. They said that it was unlike a product that came forth from the factory, that evolved from the brain and labor of some man in a manufacturing plant. I can not get the distinction in my mind. It seems to me that God also caused the timber to grow from the earth as much as putting the mineral into the earth. There has been more talk about the Lumber Trust in this country than there has been about any Coal Trust, I think, in the last 20 years, and I can not understand why this exemption or provision or, as you might call it, proviso in section 3 should not apply to the lumbermen.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Texas?

Mr. SWITZER. Yes.

Mr. GARNER. Will the gentleman vote for the bill if amended so as to include the words "products of the forest"?

Mr. SWITZER. I will not say so now. [Laughter.] I am giving you my reasons for being against this bill.

Now, let us see about this matter. I do not know very much about the bituminous-coal-mining industry. I do not know very much about metalliferous mining. But on my short visit up into the State of Michigan last winter I found that it took a very bright, active brain and a great deal of labor to go away down into the earth and there drill and blast out the rock that contains the copper and take it to the surface and run it through those great crushing machines, and finally transport it to the lake, where there is abundance of water, and after recrushing and grinding it in the stamping mills, using 15 tons of water on every ton of rock, eliminate and separate the copper from the rock, and then put it through a smelting plant.

If that is not as much a manufactured product as the product of a man who, with a ax, cuts down a tree and then runs it through a sawmill and cuts it into lumber, then I do not know anything about the manufacturing business. Which requires the greater exercise of brain or the greater amount of labor—the product of the metalliferous mine in northern Michigan and in Montana or the product of the sawmill of the lumbermen in North Carolina, in Maine, or in Arkansas?

Now, I am not accusing these gentlemen of doing this deliberately, but you know we all work along the lines of least resistance, and I find that a Representative with a good many poor constituents can howl long and loud for a heavy tax on large incomes without having any fear of trouble with his constituency. [Laughter.] So it is with the gentlemen when they bring in a bill here that discriminates against the mine owner and operator. Having no mining industries in their own districts, except perhaps one or two instances, of course they know they will not have much trouble at home. If they put into this bill provisions affecting the lumbermen and the other people that ought, on the same theory, to be in here, there would be such a howl go up all over this country that you would not hear any more demands to enact antitrust legislation at this session.

Now, gentlemen, I happen to live in a district where one of the main industries is coal mining. I am not myself interested in the mining industry. I was interested in it at one time to my sorrow. That industry in my native county has not been very much developed. But I got interested in the industry in an adjoining county, as I say, to my sorrow; and as to the mine that I was interested in some years ago there is no danger of your hurting it. It has gone up the flume, and my investment has gone with it; and for that reason, of course, I have considerable sympathy for the small coal operator or mine operator in southeastern Ohio who is struggling at this time for an existence. I can corroborate the statement of the gentleman from West Virginia [Mr. AVIS] with the evidence of a great many mine operators, and I believe a majority of the small mine operators there have been carried along by bankers and have been in the last few years almost hopeless bankrupts. There are at least 50 independent mines in my district more or less engaged in interstate commerce, and hundreds of persons

are interested in those mines. There are two or three large companies, like the Sunday Creek Coal Co., that have mines in my district, and the Superior Coal Co., that has a large investment. The situation to-day is that the laborers, the coal miners, are out of employment. There are five or six thousand of them out in my district and about 45,000 of them out in the State of Ohio. I see by a newspaper that they are asking 5 cents per ton more on the run-of-mine basis under a law that has been enacted in Ohio than the operators will at this time agree to pay. They are probably entitled to it; at least they are certainly entitled to a living wage. The mine owners and operators say that under the business conditions at present prevailing in this country they can not pay it. The miners are out of employment—they are out on a strike and receiving strike benefits. I think one week's benefits to those miners in Ohio will exhaust their whole strike-benefit fund in their Local No. 5. It will require $150,000 or $200,000 every week to pay the benefits if these 45,000 remain out on strike, which will have to be borne by the labor organizations of this country.

Now, with this condition existing, with the families of these men suffering, and with the operators saying that they can not afford to pay a living wage, as demanded by these coal miners, I am asked here to vote for a measure that seems to me is bound to impose further burdens and greater hardships upon the coal operators and mine owners in my district and throughout the State of Ohio, and which will further embarrass them and possibly deter them from acceding to the demands of the miners and thereby greatly prolong the suffering of thousands of men, women, and children throughout my State.

And why this unjust discrimination?

Recollect, these men are not only subjected to all the prohibitions contained in section 2 of this bill, but by section 3 you say they must not arbitrarily refuse to sell their product to any responsible person who applies to purchase same. That proposition has been ably discussed by the gentleman from West Virginia [Mr. AVIS].

I think he has made a fair and thorough explanation of that. I will not undertake to go into details of the coal and copper industries, because I really do not know much about the details of either. But there is one thing stated here that I do not believe to be true. I do not believe that section 3 applies to the local coal dealers and distributors to the ultimate consumers in the various States. It reads in this way:

That it shall be unlawful for the owner or operator of any mine or for any person controlling the product of any mine engaged in selling its product in commerce to refuse arbitrarily to sell such product to a responsible person, firm, or corporation who applies to purchase such product.

"For the owner or operator of any mine or for any person controlling the product of any mine." Therefore your law will not reach the coal dealer in the city or village unless that coal dealer happens to control the entire product of some mine. I do not think it is as far-reaching as some gentlemen here have suggested, and I think there is where gentlemen receive the impression that trust prices obtain in the coal trade. It is these local coal dealers in the large cities and towns who clique together and raise the price. [Applause.]

The copper content in the Michigan rock is usually only from 15 to 20 pounds to the ton, some of it running as high as 35 pounds. At the present prices the copper in a ton of rock yields from $2.25 to $5. This rock is drilled by compressed air and after it is blasted down it is hoisted thousands of feet to the surface of the earth by means of heavy cables and expensive machines.

Then it goes to the stamping mills and smelters, as I have just narrated, and all this involves a heavy expense. It can readily be seen that this rock is worked on a very narrow margin of profit, requiring hundreds of tons of rock to be taken daily out of the ordinary mine to pay the daily operating expenses. Many of these companies have been for years operating at a loss, but with the hope of striking a rock having a sufficient copper content to be worked at a profit.

It seems to me that the provisions of sections 2 and 3 of this bill will tend to discourage the operations of the exploration mines, and either drive out of business the mines now paying small dividends or compel their employees to take a very much less wage.

What is true of the copper industry is equally true of the bituminous-coal industry. If the small independent mine operator can barely exist and every few months witnesses some of them in bankruptcy at a time when they have the utmost freedom of contract, what will become of them when you impose the harassing and uncalled-for annoyances provided for in section 3 of this bill? Suppose you harness up in the same way the farmers, the manufacturers of the thousand and one things in this country, the lumbermen, and all those who are to some extent engaged in shipping commodities in interstate commerce, do any of you think you would be returned to Congress after such a law became effective?

With no mine owner or operator representing either metalliferous or coal mines heard before this committee, and it certainly would have been the part of wisdom to have had extensive hearings of both, and a committee absolutely ignorant of the conditions obtaining in metalliferous mining and the larger portion having no knowledge whatever of the coal-mine industry, we find them blindly imposing restrictions on the freedom of these persons to enter into contracts when they do not dare to impose like burdens on those engaged in industries which they do know something about.

Our Democratic friends go about enacting this sort of legislation just as if they were enacting a tariff law. I suppose it is force of habit and they can not help it. But I would think the results already being reaped by the Underwood tariff bill would cause them to at least want a little light as to the existing conditions of our metalliferous and coal mines before reporting the proposed legislation.

The copper mines of northern Michigan have natural ventilations and are not bothered with gas and dust to the extent of causing dangerous explosions.

These serious difficulties to some extent confront all bituminous coal miners, but some of them are confronted by greater difficulties of this character than others. The small, independent coal operator has also to compete with the large operator, frequently more favorably situated, with natural conditions respecting the mining of the coal in his favor, and advantaged by up-to-date electrical mining machinery, which would be too expensive an equipment for the small plant.

There are numerous lines of investigation in the production and marketing of coal that the committee could have pursued with great profit, and have given a vast amount of valuable information to this body in their report, and which would have enabled us to at least intelligently vote on this proposition.

But the various branches of the metalliferous mining industry should have been accorded a full hearing as well as the branches of the coal industry.

Sections 6 and 8 contain some objectionable provisions, ably pointed out by Mr. VOLSTEAD, of Minnesota, and it seems to me that he has clearly shown that the enactment of these sections as they now stand materially weakens the law it is so much desired to have strengthened.

There is a widespread desire throughout the country to have Congress adjourn, and I have no doubt but that this sentiment will be suddenly and greatly augmented if we pass this bill as it now stands.

Mr. WEBB. I yield to the gentleman from Missouri [Mr. DICKINSON]. [Applause.]

Mr. DICKINSON. Mr. Chairman, I am heartily in favor of this antitrust legislation and expect to give my support to the pending bill to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and known as House bill 15657. I am inclined to believe that the bill as presented to the House by the Judiciary Committee, with an invitation for proper amendments, needs some amendment, at least in some sections. The law ought to be strong enough to cover every violation sought to be reached by this class of legislation.

The country is entitled to an efficient antitrust law to reach the evils complained of, and in addition thereto an intelligent and courageous court in every section of the land; not only a strong law, but an efficient court to sit in judgment upon the violations of the law. And besides the law and the court, in order to make the law effective, it must have honest, able, willing, and courageous officials desirous of and ambitious to enforce the law. The law and the courts may be without criticism, but there can be no enforcement of this law unless the violators thereof be brought to the bar of justice. The administration of the law is all important, and the people have often justly complained of the failure of its prosecuting officers to perform their full duty to the public and make effective the law of the land. But you may have the law and the courts and officers fully equipped, honest and anxious to discharge every duty, but it is important and necessary to bring the violator of the law within the process and jurisdiction of the court, and I want at this time to call attention especially to section 10 of the bill which provides—

That any suit, action, or proceeding under the antitrust laws against a corporation may be brought not only in the judicial district whereof it is an inhabitant, but also in any district wherein it may be found—

and especially to the last clause thereof.

It is possible that the committee has by its language, under the decisions of the courts, used words that are sufficient, but

I doubt it, and, in my judgment, this section ought to be amended. It provides that suit may be brought not only in the judicial district where the corporation is an inhabitant, but also in any district wherein it may be found. It seems to me the last clause ought to be amended. If so, the committee having charge of the bill should prepare and present a proper amendment thereto. Take, for instance, a New Jersey corporation or a corporation of any other State. It is an inhabitant of the State where it is incorporated. Its principal business may be done beyond the borders of that State or district of which it is an inhabitant. Its wrongs and violations of law for which it should be held amenable may have been committed in districts other than the judicial district whereof it is an inhabitant.

Mr. FESS. Will the gentleman yield?

Mr. CULLOP. Will the gentleman permit a question there?

Mr. DICKINSON. Not now; let me finish, and I will be glad to answer any questions.

To repeat, a corporation may be an inhabitant of one State or district, but its principal business may be outside thereof, and its wrongs and violations of law, for which it should be held amenable, may have been committed in districts other than and far removed from the judicial district whereof it is an inhabitant; and, in fact, it may do no business whatever in the State of its incorporation or the judicial district of which that State is a part. These great business concerns take out their incorporation papers and become inhabitants of the States desired or convenient to them because of more liberal laws to corporations and also because they do not desire to do business there, but elsewhere beyond its borders and possibly for the purpose of avoiding jurisdiction elsewhere.

But you say you give jurisdiction in any district where the corporation may be found. How are you going to find a corporation, for the purpose of jurisdiction, except by express words of statute law? I grant you may be able to find its officers, agents, or employees for the purpose of service of certain process, but is that a finding of the corporation so as to give jurisdiction as to the place of suit or trial? Jurisdiction is given by express statute. Why not at the end of the section, after the word "found," add other words, such as "doing business, or violating the provisions of this law, or wherever it may do business or where its agents, officers, or employees may be found," or other appropriate language. A dozen suggestions may be made in the way of amendment. Whenever the cause of action arises there should be jurisdiction provided for action and trial. I prefer that the committee in charge of the bill prepare and offer its own appropriate amendment. But the language ought to be extended sufficiently to reach every contingency, so that these concerns may be sued in that jurisdiction where they commit the wrong, where the acts complained of may be committed, where the officers, agents, or employees, acting for their master corporation, may be found setting aside the law, and where the witnesses are easily obtainable, and not leave the section so that those who have suffered damages at the hands of a corporation shall be compelled to bring suit in the remote State or district of which the corporation is an inhabitant by virtue of its incorporation therein, having selected that remote State for its home, while it goes forth in remote sections of the country, and where its greed for unlawful gain willfully disregards the rights of others and boldly sets aside the provisions of the law.

Immense fortunes are made by selfish interests in defiance of the law and because of the fact that they are beyond the law. Great combinations band together, and, conducting their business by unlawful means in restraint of trade, drive out all independent competition and then mercilessly rob the public.

Cruel monopoly has bid defiance to the law, the courts, and executive power. It has sought to restrain and to delay the enactment of appropriate and effective legislation. It has sought to control the courts by placing its own agents and attorneys in the seats of justice, so that its judgments and decrees be not unfriendly to them. It has sought to fill the executive places with minions of their own, so that the processes of the courts might be under their control. It has at times bid defiance to State and Federal authority and has played one against the other, in order that they may escape punishment for their ill deeds. They sometimes want the law to be weak and obscurely written and leave it for the courts to construe, so delay may come while they continue to pursue their own hard methods, and then would have friendly courts write decisions, wherever possible, along the lines of their own contention.

The time has come for action, for the enactment of law so clear and so plain that he who runs and reads may understand, a law so definite and certain that its meaning can not be misunderstood nor misconstrued. The conscience of the country is aroused; the demand for constructive law is imperative; no delay will satisfy the public, and the people speak to-day through a determined Executive, who asks for a great antitrust law, that will be sufficient and strong enough to reach every violation of law, and so written that speedy justice may be dealt out to those who would violate it.

There is an unrest in the country. The many have toiled too long for the benefit of the few. Special interests have controlled the industries of the country and fattened thereon; corporate power born in remote States have seized the wealth in other States, bid defiance to State authority, crushed down labor, produced conditions of war, destruction of life, while the helpless have cried out in vain for justice. The people are reaching out for their rights, and will have them and will take no excuse for delay. They want promises made, to be fulfilled where possible.

It is true we have revised the tariff and taxed large incomes. We have given the country a great currency law, election of United States Senators by direct vote of the people, extended the powers of the Interstate Commerce Commission, provided for physical valuation of railroads, and passed many other wholesome laws desired by the people. But they want more; they want business unshackled and trust domination brought to an end; they want freedom of action in their struggle for better conditions; and they call upon Congress and the power of the Government to free them from the grasping and arrogant exercise of heretofore unrestrained power of greedy monopoly. I hope and believe that the Judiciary Committee will accept every reasonable amendment, that will strengthen the bill wherever needed, and that a real and effective antitrust law will be passed by Congress and become a law of the land.

Mr. WEBB. May I ask the gentleman from Minnesota [Mr. VOLSTEAD] if he has any further speakers for this afternoon.

Mr. VOLSTEAD. No; I have not.

Mr. WEBB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and other bills under the special order of the House, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMILTON of Michigan, for 10 days, on account of important business.

To Mr. AUSTIN, for 2 days, on account of important business.

To Mr. PADGETT, for 10 days, on account of important business, and as a member of the Board of Visitors to the Naval Academy.

THE CIVIL SERVICE.

The SPEAKER laid before the House the following message from the President of the United States, which was ordered printed and referred to the Committee on Reform in the Civil Service:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, the Thirtieth Annual Report of the United States Civil Service Commission for the fiscal year ended June 30, 1913.

WOODROW WILSON.

THE WHITE HOUSE, *May 23, 1914.*

LETTERS THANKING MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR WEDDING GIFTS.

The SPEAKER laid before the House the following letters received by him:

CORNISH, N. H., *May 9, 1914.*

MY DEAR MR. SPEAKER: I was distressed that before we left Washington I did not have an opportunity to express to you and the Members of the House of Representatives my very deep appreciation of the beautiful wedding present and of the generous sentiments that prompted it. I have rarely seen a more wonderful and striking set of silver. It will always be associated not alone with the happiest event of my life but also with this intensely interesting period of our country's history in which you and your associates of the House are playing such a conspicuous part. Please convey to the Members of the House and the committee of which Mr. MANN was chairman my warmest thanks and deepest appreciation; and believe me,

Very sincerely, yours,

ELEANOR WILSON MCADOO.

SHOREHAM HOTEL,
H STREET NW. AT FIFTEENTH,
Washington, April 27, 1914.

MY DEAR MR. CLARK: Mr. FLOOD and myself appreciated so much the beautiful silver service which you and other Members of the House sent us as a bridal present.

We particularly appreciated the letter accompanying the gift.

I hope soon to have the pleasure of thanking you in person.

Sincerely,

ANNA P. FLOOD.

EXTENSION OF REMARKS.

Mr. THOMPSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House joint resolution 168.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD on House joint resolution 168. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the House now adjourn until 11 o'clock on Monday, when we shall take up the pending legislation under the rule.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House adjourn until 11 o'clock next Monday, to take up the pending bill and to modify the rule to that extent.

Mr. DONOVAN. Mr. Speaker, what is the object of trying to evade the mandate of the rule? Why not have a night session and get through with this business?

Mr. WEBB. One reason is that we have no one who is ready to speak to-night.

Mr. DONOVAN. Then read the bill. If you have nobody to talk, proceed with the measure.

Mr. WEBB. It is Saturday night, and the House has been working hard all the week.

Mr. DONOVAN. I am going to object, Mr. Speaker. Why do they not read the bill? They are all intelligent Members. They bring in a rule here and then, like children, come in a few hours afterwards and want to change it.

Mr. BARTLETT. Let me say to the gentleman from Connecticut that the only effect his objection will have will be to bring the House back to-night and then adjourn after five minutes, because the rule provides that the House shall not sit later than 11 o'clock. It can adjourn after a session of five minutes.

Mr. DONOVAN. Not unless some one makes a point of no quorum.

Mr. FOSTER. Mr. Speaker, may I inquire of the gentleman from North Carolina if it is the intention of the committee to use all of the 16 hours allowed by the rule for general debate?

Mr. WEBB. It is the intention to, but I will say frankly that it will probably hasten the conclusion of the general debate if we adjourn now until Monday.

Mr. FOSTER. Will the gentleman say that it is likely to do so?

Mr. WEBB. I think it is. I doubt if all the time will be used on our side, and I think the gentleman from Minnesota says it will be so on his side.

Mr. FOSTER. Can the chairman give us some idea about what time will be used?

Mr. WEBB. On our side I do not think that we will require more than three hours on Monday.

Mr. VOLSTEAD. I do not think that we will occupy more than three hours on this side. Progress has been made more rapidly than we expected. There are some parties that want to speak on the bill yet.

Mr. DONOVAN. Mr. Speaker, if the chairman of the committee will agree to cut down the time for general debate 5 hours—make it 11 hours—I will agree. There is so much demagogism and buncombe in the debate. Why, Mr. Speaker, you listen to the Republicans and you would think it was something dangerous to the country, and yet to-night here they are nearly all absent. That great man from California, who was so eloquent in his appeal to patriotism, and his associate Member, Mr. KAHN, gone for two or three days. Then there is that great barrister from Pennsylvania, who is said to have a greater reputation than any other lawyer on the hemisphere—it seems that the public business does not interest him. He had a few remarks to make and then hied himself back to Pennsylvania.

Mr. FESS. Will the gentleman yield?

Mr. DONOVAN. I shall be delighted to.

Mr. FESS. I want to ask the gentleman if what he says is true about the discussion of the antitrust law, if it is not also true that every speech that has been made has been made upon the bill?

Mr. DONOVAN. I think so. Now, if the gentleman from North Carolina will agree to cut down the debate to 11 hours, I will withdraw my objection.

Mr. GARNER. The gentleman from North Carolina says that he will only want about three hours additional on Monday, and the gentleman from Minnesota says that he will, on that side, only want three hours. Can we not, by unanimous consent, limit the debate to 6 hours?

Mr. WEBB. At this stage of the debate I can not agree to that.

The SPEAKER. The gentleman from Connecticut objects, and the Chair will appoint the gentleman from Connecticut [Mr. DONOVAN] to preside to-night as Speaker pro tempore.

Mr. FOSTER. Mr. Speaker, how much time remains for general debate?

Mr. DONOVAN. Mr. Speaker, in order to avoid presiding over this deliberative body I withdraw my objection. [Laughter.]

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that instead of taking a recess until 8 o'clock the House now stand adjourned until 11 o'clock a. m. Monday next. Is there objection?

Mr. BARTON. Mr. Speaker, reserving the right to object, I simply want to make the observation, the Republican side having been pointed out as not being present, that there are only about 20 Members present on that side, and if that challenge comes again from that side there is going to be a quorum here to do any business.

Mr. BARTLETT. We can adjourn without a quorum.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none, and the House stands adjourned, by unanimous consent, until Monday next at 11 o'clock a. m.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House stood adjourned until Monday, May 25, 1914, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DANFORTH, from the Committee on the Judiciary, to which was referred the bill (H. R. 13722) to relieve Congress from the adjudication of private claims against the Government, reported the same with amendment, accompanied by a report (No. 707); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 16099) to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," reported the same without amendment, accompanied by a report (No. 708); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill, H. R. 12070, reported in lieu thereof a resolution (H. Res. 524), referring to the Court of Claims the papers in the case of the trustees of the Davenport Female College, accompanied by a report (No. 705); which said resolution and report were referred to the Private Calendar.

Mr. UNDERHILL, from the Committee on War Claims, to which was referred the bill (H. R. 1405) for the relief of Frank W. Tucker, reported the same without amendment, accompanied by a report (No. 706), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PROUTY: A bill (H. R. 16783) providing for taxation of and fixing the rate of taxation on inheritances, devises, bequests, legacies, and gifts in the District of Columbia, and

providing for the manner of payment as well as the manner of enforcing payment thereof; to the Committee on the District of Columbia .

By Mr. HAWLEY: A bill (H. R. 16784) to authorize the construction and maintenance of a dike on South Slough, Lane County, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Wisconsin: A bill (H. R. 16785) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for the filing with the Interstate Commerce Commission by telephone and telegraph companies of their rates, fares, and charges for the transmission of messages; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: A bill (H. R. 16786) providing for extended leave of absence to employees in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: A bill (H. R. 16787) to pension the survivors of certain Indian wars from 1865 to January, 1891, inclusive, and for other purposes; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16788) granting an increase of pension to Frances E. Hammond; to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 16789) granting an increase of pension to Mrs. John McKintosh Kell; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 16790) granting an increase of pension to James R. Harris; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 16791) for the relief of the heirs of Caswell Battles; to the Committee on War Claims.

By Mr. DOOLITTLE: A bill (H. R. 16792) granting an increase of pension to William W. Graham; to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 16793) to correct the military record of George M. Barry; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 16794) granting a pension to Mary Pease; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 16795) to reimburse the owners of the schooner *Thomas W. H. White;* to the Committee on Claims.

By Mr. HOXWORTH. A bill (H. R. 16796) granting a pension to Mary E. Harris; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16797) granting an increase of pension to Virginia Craddock; to the Committee on Pensions.

Also, a bill (H. R. 16798) for the relief of T. N. Duvall; to the Committee on War Claims.

By Mr. KEY of Ohio: A bill (H. R. 16799) granting an increase of pension to Eber B. Priest; to the Committee on Invalid Pensions.

By Mr. J. R. KNOWLAND: A bill (H. R. 16800) granting an increase of pension to George R. Harrison; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 16801) granting a pension to Bridget A. Owens; to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16802) to correct the military record of David R. Callen; to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 16803) granting an increase of pension to Ezra M. Heald; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 16804) granting a pension to Josiah C. Dodds; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16805) granting an increase of pension to Stephen Konicka; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16806) for the relief of heirs of Nathan Pumphrey; to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 16807) granting a pension to Sarah E. Tally; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16808) granting a pension to Smith Webb; to the Committee on Pensions.

Also, a bill (H. R. 16809) for the relief of David Speakman; to the Committee on War Claims.

Also, a bill (H. R. 16810) for the relief of the heirs of John C. Browder; to the Committee on Military Affairs.

My Mr. BYRNES of South Carolina (from the Committee on War Claims): Resolution (H. Res. 524) referring the bill (H. R. 12070) for the relief of the trustees of the Davenport Female College to the Court of Claims; to the Committee of the Whole House.

By Mr. GARNER: Resolution (H. Res. 523) authorizing the Clerk of the House to pay to Hattie Miller, widow of John Miller, late a laborer of the House, an amount equal to six months of his compensation, and a sum not exceeding $250 to defray the funeral expenses of said John Miller; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of protest against the practice of polygamy in the United States from various citizens of the following cities: Frankfort, Kans.; Portland, Oreg.; Morning Sun, Iowa; Mount Vernon, S. Dak.; Stewart, Wyo.; Newton, Kans.; East St. Louis, Ill.; Irvington, N. J.; Philadelphia, Pa.; Wheeling, W. Va.; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of J. L. Ressler, Sandom Searle, C. H. Suder, John M. Lohn, Gust Connering, L. A. Plummer, E. F. Henry, Charles L. Grove, William Fitt, L. D. Culp, J. D. Grove, J. F. Irvin, W. G. Griffith, Austin Griffith, A. L. Hirsistiul, B. E. Shaw, H. Courter, W. P. Sharp, D. W. Shaffer, D. F. Warfel, G. W. Mayer, D. M. Davis, Waldo Griffith, A. P. Noore, C. W. Kuhn, C. I. Phillips, A. Speicher, J. E. Grahams, D. W. Long, J. M. Uhler, E. E. Pringle, H. Phillips, H. Caldwell, Ed H. Lehr, F. W. Scott, Joseph P. Lotz, J. E. Barbour, L. Barkhimer, William H. Tiekerill, W. H. Miller, Irvin Plummer, Alfred Vivian, Earl Timms, J. B. Hileman, A. W. Pringle, J. H. Ott, all of Conemaugh, Pa., favoring national prohibition; to the Committee on Rules.

Also, petitions of E. J. Wayer, William H. Jones, William D. Mitchell, T. R. Jones, T. H. Whitehead, Robert J. Cooke, William C. Elms, G. E. Livingstone, Robert M. Emigh, William J. Elms, all of Patton, Pa., favoring national prohibition; to the Committee on Rules.

Also, petitions of F. S. Yoder, Robert E. Ellenbergh, G. G. Penrod, H. Bumgardner, E. Wirick, Charles Reighart, John Gillman, H. S. Yoder, A. M. Gramling, H. E. Jennings, R. Razer, George Logue, John C. Myers, E. Gramlinger, G. W. Gillman, William Yoder, William Gaughnaur, John L. Cummins, Arch Cummins, G. G. Fyock, James Lohn, F. S. Thompson, Robert Wise, D. E. Huffman, E. I. Baumgardner, all of South Fork, Pa., favoring national prohibition; to the Committee on Rules.

Also (by request), petitions of sundry citizens of Cambria County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BAKER: Petition of 970 citizens of Burlington County, N. J., favoring national prohibition; to the Committee on Rules.

Also, petition of 17 voters of the second congressional district of New Jersey, protesting against national prohibition; to the Committee on Rules.

Also, petitions of citizens of Burlington County, N. J., and members of the Thilow Baraca Class, of Palmyra and Riverton, favoring national prohibition; to the Committee on Rules.

By Mr. BALTZ: Petition of sundry citizens of the twenty-second congressional district of Illinois, protesting against national prohibition; to the Committee on Rules.

By Mr. BARTLETT: Memorial of Georgia Federation of Woman's Clubs and Georgia Division of the United Daughters of the Confederacy, upholding the President's policy relating to Mexico; to the Committee on Foreign Affairs.

Also, petition of W. A. Davis, Julius B. Willis, Julius Sanders, and 200 other citizens of Macon, Ga., protesting against national prohibition; to the Committee on Rules.

Also, petition of Mrs. R. J. Taylor, E. D. Lomax, and J. W. Martin, and 400 other ladies of Macon, Ga., protesting against woman suffrage; to the Committee on the Judiciary.

By Mr BEALL of Texas: Petitions of 390 citizens of Dallas, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. BRITTEN: Memorial of Lady Washington Circle, No. 15, Ladies of the Grand Army of the Republic, protesting against any change in the flag; to the Committee on Military Affairs.

By Mr. BRODBECK: Petitions of residents of York city and county, Pa., protesting against the adoption of prohibition measures; to the Committee on Rules.

Also, petition of 23 citizens of Paradise Township and 421 citizens of York Springs, Pa., favoring national prohibition; to the Committee on Rules.

Also, memorial of York (Pa.) Federation of Trade Unions, relative to Colorado mining conditions; to the Committee on Mines and Mining.

By Mr. BROWNING: Petition of 25 citizens of Camden, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Missouri (by request): Resolutions from various citizens of Franklin County, Mo., protesting against the adoption of a constitutional amendment providing for national prohibition; to the Committee on Rules.

By Mr. CONRY: Petitions of 373 citizens of the fifteenth congressional district of New York, against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petition of 477 citizens of the third California congressional district, against national prohibition; to the Committee on Rules.

Also, petition of the Methodist Episcopal Church South, of Winters, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of two citizens and residents of Sacramento, Cal., protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the Methodist Church, Napa, Cal., praying for favorable consideration of the Hobson national prohibition resolution during the present session of Congress; to the Committee on Rules.

Also, petition by Rev. William Thompson, of Esparto, Yolo County, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition by seven citizens and residents of Nevada County, Cal., protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition by the Loyal Sons Class of the First Christian Church of Stockton, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition by the Methodist Episcopal Church, of Tracy, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition by eight citizens and residents of Stockton, Cal., in favor of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE: Petition of Wisconsin Commandery Military Order of the Loyal Legion of the United States, favoring passage of Senate bill 392, relative to pay of noncommissioned officers of the Civil War; to the Committee on Military Affairs.

Also, petitions of A. Klingenstein and others of Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. DERSHEM: Petition of 61 citizens of Mount Union, 55 citizens of Mifflinburg, 35 citizens of Huntingdon County, and the Perry County Sabbath School, representing 12,000 workers and scholars, all of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of 18 citizens of the fifth congressional district of Pennsylvania, against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of 18 citizens of the fourth congressional district of Connecticut, against national prohibition; to the Committee on Rules.

By Mr. DOOLITTLE: Petition of Epworth League officers and voters of Marion, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. DRUKKER: Petition of citizens of Paterson, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Memorial of Wisconsin Commandery Military Order Loyal Legion of the United States, favoring passage of S. 392, relative to pay for noncommissioned officers of the Civil War; to the Committee on Military Affairs.

Also, petition of 28 citizens of North Freedom, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. FLOOD of Virginia: Petition of 125 citizens of New Hope, 200 of Waynesboro, 200 of Eagle Rock, Va., favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Petition of Walter T. and Arthur J. Wilson, of Salem, Mass., protesting against national prohibition; to the Committee on Rules.

Also, petition of Miss Henriette M. Drieser, of Haverhill, Mass., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. GOEKE: Petition of F. E. Reynolds and 35 others, citizens of Wapakoneta, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GORMAN: Petition of F. C. McGreggor and 102 other citizens of the third congressional district of Illinois, protesting against national prohibition; to the Committee on Rules.

By Mr. GOULDEN: Petitions of 207 citizens of the twenty-third congressional district of New York, against national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petitions of sundry citizens of Philadelphia, Ariel, Bernice, and Mildred, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of A. H. Ostrander, of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. GREENE of Vermont: Petition of Rev. Frank Place and other residents of the first congressional district of Vermont, for national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HAMMOND: Petitions of 24 citizens of Iona, 1 of Trosky, and 1 of Chandler, Minn., protesting against national prohibition; to the Committee on Rules.

Also, petition of 37 citizens of Amboy, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of John Cahoon, G. A. Langston, D. N. Woolley, and 26 other voters of Salt Lake County, Utah, protesting against national prohibition; to the Committee on Rules.

Also, resolution of the Germanic Ladies' Club, of Salt Lake City, Utah, against national prohibition and the Hobson amendment; to the Committee on Rules.

Also, petition of the Federated Woman's Christian Temperance Union of Ogden, Utah, for the passing by the Senate and the House of the joint resolutions providing for national prohibition; to the Committee on Rules.

Also, memorial of 500 citizens of Brigham City, Utah, upholding the President in his policy with Mexico; to the Committee on Foreign Commerce.

Also, petition of Mrs. Elizabeth A. Haywood, Mrs. Elizabeth M. Cohn, and other citizens of Salt Lake City, Utah, favoring woman's suffrage; to the Committee on the Judiciary.

Also, petition of Local Union No. 193, Union Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of America, Salt Lake City, Utah, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

By Mr. HULINGS: Remonstrance of 18 voters of Elk County, Pa., against the national prohibition amendment; to the Committee on Rules.

By Mr. KELLY of Pennsylvania: Petition of 1,217 citizens of Turtle Creek and Young Men's Christian Association of Wilmerding, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petitions of Adolph Yangar, A. F. Yuagar, Hugo Yangar, Christian Christiansen, B. Roguis, and J. E. Gardiner, of Providence, R. I., against national prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Protests from residents of Oakland, Berkeley, and Alameda, Cal., against the passage of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

By Mr. LESHER: Petitions of sundry citizens of Berwick, Bernice, and Mildred, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of M. Papikos, of Hartford, Conn., opposing national prohibition; to the Committee on Rules.

By Mr. McCLELLAN: Protests of 8 residents of Hudson, N. Y., against national prohibition; to the Committee on Rules.

Also, protests of 23 residents of Kingston and other towns in Ulster County, N. Y., against national prohibition; to the Committee on Rules.

By Mr. MITCHELL: Petitions of Finnish Congregational Church and 42 citizens, of Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

Also, petition of 76 citizens of Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

Also, petitions of John J. Kenney, of Newton, and Joseph Bauer, of Walpole, Mass., protesting against national prohibition; to the Committee on Rules.

By Mr. MOTT: Petition of Wisconsin Commandery Military Order Loyal Legion of the United States, favoring passage of Senate bill 392, relative to pay, etc., of noncommissioned officers of the Civil War; to the Committee on Military Affairs.

By Mr. J. I. NOLAN: Petition of Laundry Workers' Union, No. 20, of San Francisco, Cal., protesting against national prohibition; to the Committee on Rules.

Also, protest of Mr. Albert T. Jestadt, 3414 Army Street, San Francisco, Cal., and 133 other citizens of San Francisco, Cal., against the passage of House joint resolution 168, Senate joint resolution 88, and Senate joint resolution 50, relative to national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of 116 voters of the eighteenth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. POU: Petition of citizens of Louisburg, N. C., protesting against national prohibition; to the Committee on Rules.

Also, petition of 18 voters of Wake County, N. C., protesting against national prohibition; to the Committee on Rules.

By Mr. RAINEY: Memorial of the Methodist Episcopal Church of San Jose, Ill., protesting against polygamy in the United States; to the Committee on the Judiciary.

By Mr. RAKER: Letters from Revs. Henry Mata, Boonville, Cal.; J. B. Holmes, Petaluma, Cal.; C. E. Smith, Paradise, Cal.; and Hugh Baker, of Soulsbyville, Cal.; and from Messrs. J. D. Sweeney, of Red Bluff, Cal., and C. J. Burrell, Will C. Chew, and David Ralston, of Corning, Cal., favoring national prohibition; to the Committee on Rules.

Also, letter from C. F. and Ellen Kirby, of San Rafael, Cal., favoring the Bryan bill, providing for the operation of all the coal mines of the country by the Government; to the Committee on Mines and Mining.

By Mr. SCULLY: Petitions of citizens of Middlesex County, N. J., protesting against national prohibition; to the Committee on Rules.

Also, petition of Local Stelton, New Jersey Socialist Party, protesting against conditions in coal mines of Colorado; to the Committee on Mines and Mining.

By Mr. SINNOTT: Petition of 23 citizens of Klamath County, Oreg., favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Memorial of the Tailors' Industrial Union, No. 392, of Milwaukee, Wis., deploring conditions in Colorado mining district; to the Committee on Mines and Mining.

By Mr. STEDMAN: Petition of citizens of the United States, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of Associated Mercantile Interests of America, Bemidji, Minn., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SWITZER: Petitions of business men of Manchester, Rorden, Piketon, Seaman, and West Union, Ohio, favoring passage of House bill 5308, relative to mail-order houses tax; to the Committee on Ways and Means.

By Mr. TALCOTT of New York: Petition of 100 voters of the thirty-third New York congressional district, protesting against national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Memorial of Scandinavian Temperance Society of Moline, Ill., favoring national prohibition; to the Committee Rules.

Also, memorial of Moline (Ill.) Woman's Club, favoring appropriation for use of the Children's Bureau; to the Committee on Appropriations.

Also, petition of F. R. Bruce of New Boston, Ill., favoring the passage of the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

By Mr. TREADWAY: Petition of voters of Lee, Mass., favoring national prohibition; to the Committee on Rules.

SENATE.

MONDAY, *May 25, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, from everlasting to everlasting Thou art God. A thousand years in Thy sight are but as yesterday when it is past, and as a watch in the night. Thou dost not count the short span of our human existence as the measure of Thy purpose in human life.

We come to Thee this morning with sad hearts because another one of the sweet ties of human friendship has been broken. A man respected and loved among us has been called to the great beyond.

We thank Thee for those qualities of heart and mind that made him a high and patriotic statesman, a devoted friend, a lover of little children, honored by his State, respected by his fellow citizens, loved by those who knew him best.

The mystery of life is again presented to us. We ask, who is sufficient for these things? We turn our faces to Thee, O God of grace, and pray that Thou wilt still lead us on.

We commit to Thee with our sympathy and love that inner circle of friends of the dead Senator, whose hearts are too tender at this hour even for the touch of human sympathy, and pray that they may feel the healing touch of the great sympathizing divine friend. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
Washington, May 25, 1914.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day and directed that the Journal of the proceedings of Saturday last be read.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF SENATOR WILLIAM O. BRADLEY.

Mr. JAMES. Mr. President, it becomes my sad and painful duty to announce to the Senate the death of my distinguished colleague, Senator BRADLEY, who passed away at 9.45 o'clock last Saturday night in this city.

He came to this Chamber with the greatest honor that his native State could bestow upon him. He had the distinction of being the only member of his party who was ever honored with the governorship and the Senatorship of the great State of Kentucky.

He was one of the most genial of men and a prince among his fellows. He was a distinguished lawyer, a great orator, and a profound statesman. His followers in Kentucky idolized him, and they will love his memory as they loved him during his life. He will be greatly missed by his colleagues in this Chamber, as he will be mourned by his thousands of followers and friends in his beloved State. At some future time I shall ask the Senate to set apart a day to pay tribute to his memory and to his distinguished services to his State and to his country.

I send to the Secretary's desk the following resolutions and ask that they be read.

The PRESIDING OFFICER. The Secretary will read the resolutions offered by the Senator from Kentucky.

The Assistant Secretary (Henry M. Rose) read the resolutions (S. Res. 374), as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. WILLIAM O. BRADLEY, late a Senator from the State of Kentucky.

Resolved, That a committee of 14 Senators be appointed by the Vice President to take order for arranging the funeral of Mr. BRADLEY.

Resolved, That as a further mark of respect his remains be removed from his late home in this city to Frankfort, Ky., for burial in charge of the Sergeant at Arms, attended by the committee, who shall have power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The PRESIDING OFFICER. The Chair appoints as members of the committee provided for in the second resolution the Senator from Kentucky, Mr. JAMES; the senior Senator from New Hampshire, Mr. GALLINGER; the junior Senator from Wyoming, Mr. WARREN; the junior Senator from North Carolina, Mr. OVERMAN; the senior Senator from Utah, Mr. SMOOT; the senior Senator from Indiana, Mr. SHIVELY; the senior Senator from New York, Mr. ROOT; the junior Senator from Indiana, Mr. KERN; the senior Senator from New Jersey, Mr. MARTINE; the junior Senator from Washington, Mr. POINDEXTER; the junior Senator from New York, Mr. O'GORMAN; the senior Senator from New Mexico, Mr. FALL; the junior Senator from Arizona, Mr. SMITH; and the junior Senator from New Jersey, Mr. HUGHES.

Mr. JAMES. Mr. President, I move as a further mark of respect to the memory of the distinguished Senator that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 11 o'clock and 7 minutes a. m.) the Senate adjourned until to-morrow, Tuesday, May 26, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 25, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the universe, Father of all souls, dispenser of all good, strengthen our faith, encourage our hopes, and bring us closer to Thee, that with clear minds, warm hearts, and ready hands we may push forward in every good work and departing leave the world a little better that we have lived and wrought. Freely we have received, freely may we give.

Admonished, by the death of one of the congressional household, of the brief tenor of life, to work while it is yet day, for the night cometh when no man can work; comfort, we beseech Thee, the colleagues, friends, and bereaved family by the blessed hope of the life immortal and prepare us all for the change inevitable, that we may be ready when the summons comes to go forward to whatever awaits us in the dispensation of Thy providence. In the spirit of Him who said, "I am the resurrection and the life." Amen.

The Journal of the proceedings of Saturday, May 23, 1914, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GARRETT of Tennessee, until June 5, on account of important business.

To Mr. HULL, for five days, on account of important business.

To Mr. MCKELLAR, for five days, on account of important business.

To Mr. DIES, for two weeks, on account of sickness.

RESIGNATION OF A MEMBER.

The SPEAKER. The Chair lays before the House the following letter from Hon. HENRY D. CLAYTON, which the Clerk will report.

The Clerk read as follows:

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 23, 1914.

Hon. CHAMP CLARK,
Speaker of the House of Representatives, United States.

MR. SPEAKER: I have this day tendered to the governor of Alabama my resignation as a Representative in the Congress of the United States from the third congressional district of Alabama, to take effect on Monday, May 25, 1914.

Respectfully, HENRY D. CLAYTON.

The SPEAKER. Of course no action has to be taken on that.

NOMINATION AND ELECTION OF SENATORS.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the disagreeing votes of the two Houses on the bill S. 2860, and before the request is submitted I would like to say that I feel quite sure it will not consume two minutes of time to dispose of this matter.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

CONFERENCE REPORT (NO. 709).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 2860, an act providing a temporary method of conducting the nomination and election of United States Senators, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 4, and agree to the same.

That the House recede from its amendment numbered 3.

W. W. RUCKER,
R. F. BROUSSARD,
W. D. B. AINEY,
Managers on the part of the House.

T. J. WALSH,
ATLEE POMERENE,
WM. S. KENYON,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The Senate receded from its disagreement to the House amendments numbered 1, 2, and 4, and the House receded from its amendment numbered 3.

W. W. RUCKER.
R. F. BROUSSARD.
W. D. B. AINEY.

The SPEAKER. Is there objection to the request for the present consideration of the conference report? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, the statement does not indicate what the different amendments are. Will the gentleman briefly state at least what amendment No. 3 is?

Mr. RUCKER. Amendment No. 1 was one in which the House inserted the language "not heretofore made." Amendment No. 2 was the amendment in which the House struck out the words "the case of," a mere change of language. In amendment No. 3 the House struck out the words "in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State," and substituted for those words "the same as that provided for the nomination and election of governor of such State."

The House recedes from that amendment for the reason that the Senators with whom we have talked quite fully state that that particular language involved in the Senate bill had been carefully considered in committee and also in the Senate, and they preferred that language. Amendment No. 4 is a new section added by the House, fixing the three-year limitation in this law. The Senate agrees to all the amendments except the one I speak of.

Mr. Speaker, I ask that the conference report be agreed to.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PRINTING AND BINDING (COMMITTEE ON ELECTIONS NO. 2).

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Louisiana [Mr. BROUSSARD] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 525.

Resolved, That the Committee on Elections No. 2 be authorized to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

ANTITRUST LEGISLATION.

The SPEAKER. Under the rule the House resolves itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657, and other bills. The gentleman from Tennessee [Mr. HULL], who has been acting as Chairman, has been called unexpectedly to Tennessee, and the Chair appoints his colleague, Mr. BYRNS of Tennessee, to preside.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657, the antitrust bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. WEBB. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. TAGGART], a member of the committee.

Mr. TAGGART. Mr. Chairman, it is not my purpose to make an extended speech on this bill. The bill has been under consideration for a long time and has been very ably and exhaustively presented to the committee. What I may say might not add to the light that has been thrown upon it, but I will occupy the time allotted to me in presenting at least some of the features of the bill.

I was deeply impressed by a speech made on this bill before the committee on Saturday by the gentleman from Wisconsin [Mr. NELSON], a member of the committee, and especially with what he said as to the growth of socialism and the reasons why socialism grows. It seems to me that the gentleman is deeply impressed with the fact, or, rather, with the fear, if American business becomes consolidated into the hands of great and

nation-wide business concerns, able to cater to the entire market in any line, that the greater the consolidation the easier it would be to take over those lines of business by the Government should socialism finally prevail.

If each line of business is accumulated into one concern, there will be less resistance to the confiscation of it. If property is finally to be absorbed by the Government, it would add greatly to the convenience of those who hold that socialism is the solution of American industrial questions to have all business monopolized as much as possible before it is taken over.

There is a note of warning—of solemn warning—in what was said by the gentleman from Wisconsin. He has criticized this trust bill and has said that it will not prevent a further consolidation and monopoly of business, and therefore that it still remains as an encouragement to socialism. Strange as it may seem coming from a member of the Republican Party, and a distinguished and able one, the gentleman from Wisconsin has the sentiment of him who cried, "Lay on, Macduff!" He has criticized us for not being more drastic in our provisions for curbing big business in the United States. What has a party come to when one major general is shouting "Halt!" and the other major general is ordering us all to charge the breastworks?

Mr. MANN. Will the gentleman yield for a question?

Mr. TAGGART. I will.

Mr. MANN. Is not that the situation on the Democratic side on this bill in reference to a number of things in it?

Mr. TAGGART. Well, now, I have not observed that there was any such disagreement as that on the Democratic side in reference to this bill.

Mr. MANN. If the gentleman will be here under the five-minute rule, he will observe that.

Mr. TAGGART. I observe that the distinguished gentleman from Illinois [Mr. MANN] is borrowing trouble.

Mr. MANN. Why, we were informed, if the gentleman will permit, by the gentleman who now holds the House in the hollow of his hand so far as business is concerned, the chairman of the Committee on Rules, that he proposes to strike out one of the most important provisions in this bill and insert something else in it.

Mr. TAGGART. I beg leave to say that the mysterious gentleman referred to by the gentleman from Illinois did not make such a statement as that or anything quite having that meaning, but he did say that a provision in section 7 of this bill would be submitted to this House for amendment under the five-minute rule, and that everybody in this House would have the free and full privilege of voting on it as he chooses.

Mr. MANN. Oh, he stated in a colloquy with me that they proposed to amend the bill and change it in that respect, and that they had the votes to do it.

Mr. TAGGART. Well, this is the House of Representatives, and the time has come when the House of Representatives is sufficiently reformed so that it will work out its will if it has the votes to do a certain thing. There was a day here when it had the votes to do things and was not permitted to do things.

Mr. MANN. That is the case now as to prohibition and woman suffrage.

Mr. TAGGART. Do you wish to express your enthusiasm for both of those great measures at this time? [Laughter.]

Mr. MANN. I am willing to vote upon them if you will give us the chance.

Mr. TAGGART. The gentleman from Illinois will have a golden opportunity when the time comes. [Laughter.]

Mr. MANN. I am afraid not.

Mr. TAGGART. Yes. There is something strange when there is a marshal commanding "Forward!" like Blucher on one side of the House, and on the same side of the House a Fabius who is willing to continue his retreat. You remember the lines that were written by Macaulay about the sack of Rome, where—

"Heaven help him!" quoth Lars Porsen, "and bring him safe to shore,
For such a gallant feat of arms was never seen before."

And there was a difference of opinion on a ground very much like that existing among you gentlemen now, for another shouted—

"Curse on him!" quoth false Sextus, "and let the villain drown;
But for this stay ere close of day we would have sacked the town."

This represents the difference here, at least on one side of the House, and if there is any difference on our side of the House that difference is represented by those who are willing to open this bill to the entire House, free from caucus action, free from all restraint, and call upon every Member of the House to vote upon every section of it as he sees fit——

Mr. GARNER. A thing you never had before under a Republican administration.

Mr. TAGGART. Yes; and I wish to say right here that in all the trust bills introduced in the whole history of this House such a privilege as that was never granted to the House of Representatives before.

Mr. FESS. Mr. Chairman, will the gentleman yield at that point?

Mr. TAGGART. I will.

Mr. FESS. I wondered why it was necessary to have a caucus action on the currency question and on the tariff question, and not have it upon this question. Is there anything in this question that is less important than the other two?

Mr. TAGGART. I do not know that there is anything less important in this than in the other two, but there is less of a variety of opinion upon this than there was on the other two.

Mr. FESS. That means that caucus action is not to be held where there is not a variety of opinion?

Mr. TAGGART. The caucus action should be had in the discussion of those bills where the party is practically unanimous except as to details. With respect to those measures that are not party measures, like this one is not, but which is a national measure, part of it indorsed by practically the entire House of Representatives, there is no necessity for a caucus. There is a measure in this bill that had but 18 votes against it in a former Congress. There is another measure in this bill that had but 31 votes against it in a former House, and, in fact, the entire House of Representatives was practically unanimous with regard to the most important provisions of the bill in the Sixty-second Congress, and I dare say is practically unanimous now.

Why should any man's notions as to what should be placed in this bill, as if it were a commercial proposition like the tariff, be tied up by caucus action? The tariff is a commercial proposition—a proposition very much like bargaining over the counter of a store as to whether you will pay 35 cents or 40 cents for an article. Men would never agree about the tariff unless they first got together and discussed the matter fully.

In these matters that are rooted in the liberty of the American citizen I want to say that the Democratic Party is practically unanimous, and if there is anything that distinguishes a Democrat from his brother it is because he wants to extend more liberty to the American citizen.

Mr. FESS. Then, you indorse the caucus action on certain kinds of bills and oppose it on other kinds of bills? Is that it?

Mr. TAGGART. I think caucus action is wise on certain kinds of bills, and I think that caucus action is unnecessary on other bills. It is not deciding between wisdom and unwisdom, but between what is necessary and what is unnecessary.

Mr. FESS. And the lack of diversity on this bill is the reason why you did not have caucus action on it?

Mr. DONOVAN. Mr. Chairman, I would like to know who has the floor. Who has the 15 minutes? [Laughter.]

Mr. TAGGART. I am yielding to the gentleman from Ohio——

Mr. FESS. For the information of the gentleman from Connecticut. My point was—because the gentleman from Kansas [Mr. TAGGART] seems absolutely fair—why is it necessary to have caucus action on certain great measures and not on others? Is caucus action a necessary evil?

Mr. TAGGART. Now, the gentleman seems to throw the word "evil" in there gratuitously. It seems as though the gentleman regards a caucus as an evil, and is asking me what measure of evil there might be in caucus action on anything. Does the gentleman regard caucus action as an evil? If he does, I wish to say that the history of the gentleman's party is a compendium of the record of evil. [Laughter and applause on the Democratic side.]

Mr. FESS. I hope the gentleman will understand——

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Ohio?

Mr. TAGGART. Yes.

Mr. FESS. That I am not holding a brief for any political party, past or present. I am trying to get light on this measure.

Mr. TAGGART. I am glad to say that no one rejoices in your conversion more than I. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FLOYD of Arkansas. Mr. Chairman, I yield five minutes to the gentleman.

Mr. TAGGART. I would like to have 15 minutes more time.

Mr. FLOYD of Arkansas. I yield to the gentleman 15 minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for 15 minutes more.

Mr. TAGGART. Mr. Chairman, this Government was founded to promote the liberty of the individual. The Constitution was drafted for the individual, not in his organized capacity but

in his individual capacity. The great American ideal is the free, untrammeled citizen, at perfect liberty under law to work out his own destiny and to succeed in that line of endeavor for which nature has fitted him best. The fathers who drafted the Constitution and who founded this Government lived on the verge and seashore of what Daniel Webster called "a fresh, untouched, unbounded, magnificent wilderness," practically unexplored, and uninhabited except by settlers in their little log houses, who tilled their farms and who lived in peace and comfort. There was then not a great manufacturer in the New World; perhaps there was not a manufacturing institution or a business house in which as many as a hundred persons were employed.

The Constitution, therefore, was not drafted as a law merchant, or primarily with the view of having business regulated. All the power that we have, and to which we are trying to give expression in this bill and other similar measures, is contained in 17 words in the Constitution:

The Congress shall have power to regulate commerce * * * among the several States and with the Indian tribes.

No other line or word in the Constitution adds to the power of Congress in dealing with the greatest concern of the American people at this hour, the greatest commercial people the world has ever known. But that Constitution had in it a bill of rights, a guaranty to every citizen of the same rights as every other citizen under the flag.

When this country grew to be the greatest of all commercial nations, and with the means of communication perfected, business began to fall into the hands of powerful combinations, and they, in the exercise of their power, denied and crushed out the rights of other citizens to do business in this country. Where a citizen started in to compete with them in the same line they spent their resources and sold goods at a loss, for the purpose of underselling him and compelling him to leave the business that was dear to his heart and in which he proposed to engage as a vocation during his whole life. The individual liberty to go where he pleased, to be a free man, to worship as he pleased, and all those other personal things that were mentioned in the Constitution remained to him; but he did not have what the nature of things gave him when the Constitution was adopted. He did not have the privilege and the right of working out his own destiny under his own flag as he thought he had the right to do.

The States were first to take these matters under consideration. I have the happiness here to say to-day that the State of Kansas was the first State in the Union to pass, in 1905, an act forbidding discrimination in price in different communities and localities within the confines of that great State, having 81,000 square miles. This was brought about through the operations of a great coal-oil company which had undertaken to monopolize the entire market for its product in that State, and which sent out its agents to follow up and waylay its rivals in business and destroy their business by underselling them and by selling its product at less than its product was worth. As a part of my remarks I will insert that portion of the Kansas statute which puts a penalty on discrimination in price in different localities in the State:

ACT OF 1905.

1. Any person, firm, or corporation, foreign or domestic, doing business in the State of Kansas and engaged in the production, manufacture, or distribution of any commodity in general use, that shall intentionally, for the purpose of destroying competition, discriminate between different sections, communities, or cities of this State by selling such commodity at a lower rate in one section, community, or city, or any portion thereof, than is charged for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom, shall be deemed guilty of unfair discrimination. (L. 1905, ch. 2, sec. 1; G. S., sec. 5162.)

This statute has been followed substantially in as many as 18 States of the Union. Uniformity of price is required throughout the State, the cost of transportation being equalized and taken into consideration.

There was no statute of the United States dealing with this subject, and in section 2 of this bill we have provided what has been enacted in so many States of the Union. As a part of my remarks I insert the section:

SEC. 2. That any person engaged in commerce who shall either directly or indirectly discriminate in price between different purchasers of commodities in the same or different sections or communities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, with the purpose or intent to thereby destroy or wrongfully injure the business of a competitor, of either such purchaser or seller, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

Criticism was made here the other day by gentlemen who called attention to the proviso in the second section—

That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation.

Did any gentleman expect that we would make a statute that would require a uniform price regardless of the grade or quality of the thing sold? Even if it was within the power of Congress to enact a statute of that kind the statute would be worthless. It would be denying the fact that things have different values, and no legislative body can fix real value of any article or the relative value of different articles. The way to look at it is to consider what would be the case if we provided otherwise.

The criticism was made that inasmuch as quantity is mentioned here this bill will give liberty to sell large quantities at a lower relative price than small quantities, which will render the bill meaningless and incapable of enforcement. Suppose we enacted that a can of corn shall be sold at the same relative price as a carload of canned corn. Would you vote for a provision of that kind? If you did, you would then indeed destroy the meaning of the bill and render it absurd. The meaning of the bill is that if in one place in this country they sell a carload of any given commodity at a lower and discriminating price than they sell a carload of the same commodity at another place in this country, the cost of transportation being equalized and considered, then they are guilty under this law. That is the meaning of it.

Mr. FESS. Will the gentleman yield there?

Mr. TAGGART. I will.

Mr. FESS. Suppose a small producer of canned corn, such as would be in my part of the State, wanted to open a market in Washington or in some city where he had no market. Would he be allowed to sell at a less price on the initiation of the contract, in order to get an opening, than in any other part of the United States where the cost of transportation would be the same?

Mr. TAGGART. There would be no exception made in a case of that kind. If he was making a superior article of canned corn, which of course they do in your district——

Mr. FESS. Certainly.

Mr. TAGGART. The corn would have to speak for itself. He would not be allowed to give it away for the purpose of taking the market away from somebody else.

Mr. FESS. Now, will not that be an advantage to the great producer, who has his agents everywhere, as against the small producer of the same article?

Mr. TAGGART. Why should it be?

Mr. FESS. Because he has advertising methods by which he can get his article before the community in a way in which my man can not.

Mr. TAGGART. The large producer has that advantage now, has he not? He has the same advertising methods now; and he not only has that advantage, but suppose there was some great canning company practically catering to the entire trade of the United States. If your friend in Ohio should undertake to initiate his trade in any community, he would perhaps find that he was followed up by an agent of this great company, who would give away canned corn until your man was forced out of business, and under the present law he could do it. If he had not established an agency in that State he could do it, under the present interstate-commerce laws of this country, even in a State where they require uniformity of price.

Mr. FESS. My point is this: Is there not a possibility under this section to favor the great producer as against the small producer, the thing you are trying to prevent?

Mr. TAGGART. I grasp just what the gentleman means, and it is this: That a small producer, who has some money and a great deal of enthusiasm, desires to go into the markets of the United States and by offering his wares at a cheap price introduce his product in certain neighborhoods.

Mr. FESS. Yes; that is the idea.

Mr. TAGGART. And give the people notice that after 60 or 90 days he will charge a higher price, but for the purpose of introducing it he will first sell it at cost or below cost. That has been a practice in the United States that has been engaged in ever since the interstate commerce began. What right has he to do that? [Applause.]

It would seem as though a well-meaning person or firm, desiring to introduce a new and superior article, ought to be

encouraged. Possibly a reasonable time for advertising an article, by selling it at a low price, ought to be provided in the bill. When the bill is submitted to the Committee of the Whole House a full opportunity will be given to amend this section.

Section 4 of the bill will afford relief to retail dealers, who are now required by wholesalers to handle certain articles exclusively and become sole agents for certain goods. These retailers have complained that they are injured by conditions imposed upon them by wholesale firms, and that their trade is limited and embarrassed. While the contracts that they are obliged to make to sell certain articles exclusively and refuse to sell competing articles of the same kind may be wholly void, the people engaged in big business, who sell to these retail dealers, are able to enforce these contracts by refusing to supply the retail dealer any more of the same kind of goods if he should carry in his stock certain competing articles. This section does not prohibit sole agencies, as those who have not read it carefully have said that it does. A manufacturer of any article can employ a sole agent to sell that article wherever he pleases. A sole agent simply represents his principal. What it will prevent is compelling an independent dealer to become a sole agent for any article, by oppressing him commercially, if he chooses to buy and sell what he pleases. Abundant evidence was brought before the committee that great firms that lease machinery and supplies, and by the terms of the lease seek to compel, and do compel, the people who lease the supplies and machinery to patronize these firms exclusively. The manufacturer who is in the grip of this class of people has no liberty at all. This kind of oppression will be effectually prohibited by this bill.

Section 6 arms the Department of Justice and the courts of the United States with a new and formidable weapon to prevent and punish the crimes of destructive business. Under the provisions of this section when a suit is brought against a party by the United States and a final judgment is rendered against the defendant, showing that the defendant has violated the Sherman antitrust law, or any antitrust law, the record of that judgment can be put in evidence in a suit against the same defendant for damages that may be brought by any private individual, and the judgment so introduced will be considered conclusive evidence that the defendant had violated the antitrust laws, and the only question for the jury to decide will be the amount of damages that the plaintiff ought to recover.

A great many suits have been brought against trusts by the United States and many trusts have been dissolved. Some few have been punished, but the people whose business they destroyed have been practically without a remedy. When this bill becomes a law, the person who willfully destroys another person's business will do so at his peril. Damages can be recovered and the claim for damages will not be outlawed by the statute of limitations during the time that the United States is proceeding against the offending party. The Government can subpœna witnesses from any place in the Union and require their personal presence. Not alone will an offending corporation be punished, but any director, officer, or agent, who shall have authorized or shall have done any of the prohibited acts shall be held to be guilty.

The bill is framed for the purpose of liberating business and not for the purpose of injuring or destroying any business. Its great purpose is to protect small business from big business, and to compel all business to be conducted honestly.

In the Sixty-second Congress two bills relating to labor were passed in the House—the anti-injunction bill and the contempt bill. Although they were vigorously opposed by some of the Republican minority on the committee, there were but 31 votes against the anti-injunction bill and only 18 votes against the bill that provided for trial by jury in cases of indirect contempt. Both of these bills are included word for word in this bill, comprising sections 15 to 23, inclusive. Now, I do not propose to talk about the rights of labor. This would be, to my mind, a narrow view of the subject. We are not legislating for citizens simply because they belong to any organization or because they describe themselves or they may be described by any distinctive term or combination of words. I do not wish to appeal to men of a certain class or to convey the impression to them that I am pretending to represent them exclusively. This never was, and never ought to be, and I hope never will be, the position taken by any representative of the American people. We who are here represent them all. The whole people have particular respect for all classes of men who work earnestly and faithfully to bear the burden of modern civilization and the tremendous labor that is the glory of American life. In these nine sections are contained a charter of liberty and a bill of rights for the whole American people. The people of this country are not satisfied to have their sense of justice expressed wholly through the decisions and the decrees of a group of judges with a life tenure of office. While many of these men are of the highest character and interpret the law fearlessly as it has been provided for them, there are those among them who have made a different use of their tremendous power and who have earned the reputation of being the wisely selected and faithful guardians of big business. These provisions will come as a relief to the conscience of every wise and thoughtful Federal judge in the whole land. These sections will establish and make plain the simple rights that men have enjoyed for ages. The following are the rights that shall not be disturbed by the process of any Federal court when this bill becomes a law:

First. No injunction shall run against persons because they have ceased to perform any kind of work or labor.

Second. Courts are prohibited from issuing injunctions to prevent persons from recommending, advising, or persuading others to cease the work that they are doing.

Third. The right peaceably to assemble, guaranteed by the Constitution, must not be interfered with by any injunction to prevent persons from assembling peacefuly at any place in a lawful manner and for lawful purposes, although the meeting may be had at or near a house or place where any person resides or works or carries on business or happens to be if the purpose of the meeting is peaceful and merely for the purpose of obtaining or communicating information or persuading any person in a peaceful manner, either to work or abstain from work.

Fourth. People will not, under this bill, be enjoined from ceasing to patronize or to employ any party to a dispute or controversy between employer and employee, or from giving to or withholding from any person engaged in such a controversy, any money or thing of value that they see fit to give.

Fifth. A controversy between employer and employee is shorn of its distinctive character by this bill. It has been treated in a class by itself in certain Federal courts. Courts have issued process in a controversy when the same courts would hold that it would be unlawful to issue such process in a case which was not a controversy between employer and employee. In other words, the acts of men in the case of a dispute, although they may be peaceful, have been considered in a different light than their ordinary acts. Under the provisions of this bill no one shall be enjoined from doing any act or thing in the case of a dispute or while a controversy is pending which would be a lawful act if there were no controversy.

Sixth. The right of trial by jury for the offense called contempt of court, which is not committed in the presence of the court, is fully and effectually provided for in this bill. It is strange but true that courts and lawmakers have sharply distinguished between violations of positive law and violations of the orders and decrees of courts. In the case of one charged with a violation of the criminal law, especially a felony, a trial by jury has been the undisputed birthright of the English-speaking people of the world for more than a thousand years. But during all those centuries in the case of violating the order of the court, the offending person has been fined or imprisoned at the will and by the verdict of one man sitting on a bench. What reason has there been for this distinction? If there ever was any reason, the representatives of the American people are now ready and willing to declare, and do declare that that reason has ceased to exist.

This bill does not license destruction or interfere with the power of courts to prevent injury to persons or property. It simply provides that courts shall not unreasonably nor arbitrarily exercise that power. We are not so conservative as the English are, and yet a short time ago the British Parliament passed an act covering a phase of labor disputes that has been considered unlawful heretofore and has been the subject of particular attention in United States courts. The new British law is as follows:

> It shall be lawful for one or more persons, acting on their own behalf or in behalf of a trades-union, in contemplation of a trade dispute, to attend peacefully and in a reasonable manner at or near a house or place where a person works or carries on business, if he attend for the purpose of persuading any person to work or to abstain from working.

The bill we have prepared is a measure for the whole people. Under its provision no business will fail, except in so far as it is seeking by unfair and unlawful means to destroy a competing business. Honesty is encouraged and protected; dishonesty restrained and punished. Property and business are not abandoned to the mob and the rights of the citizen are not left solely in the hands of the autocrat of the bench. The Committee on the Judiciary, after a full and fair hearing of every person who chose to be present, took the middle course between these extremes, and with whatever measure of ability they had, pre-

pared this bill, for the consideration of Congress and on behalf of all the people. Should its provisions fall short of justice they can be amended. Should they work injustice, they can soon be remedied, but ever and always let us keep before us that the humblest individual beneath the flag has an equal right to work out his destiny under the law in the way he chooses, and that the work of his life must be protected from those who from selfish motives would do him injury.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2256. An act for the relief of James M. Campbell.

The mesage also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. WILLIAM O. BRADLEY, late a Senator from the State of Kentucky.

Resolved, That a committee of 14 Senators be appointed by the Vice President to take order for arranging the funeral of Mr. BRADLEY.

Resolved, That as a further mark of respect his remains be removed from his late home in this city to Frankfort, Ky., for burial, in charge of the Sergeant at Arms, attended by the committee, who shall have power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased Senator the Senate do now adjourn.

That in compliance with the foregoing the Presiding Officer had appointed as said committee, Mr. JAMES, Mr. GALLINGER, Mr. WARREN, Mr. OVERMAN, Mr. SMOOT, Mr. SHIVELY, Mr. ROOT, Mr. KERN, Mr. MARTINE of New Jersey, Mr. POINDEXTER, Mr. O'GORMAN, Mr. FALL, Mr. SMITH of Arizona, and Mr. HUGHES.

ANTITRUST LEGISLATION.

The committee resumed its session.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman from Iowa [Mr. GREEN] 20 minutes.

Mr. GREEN of Iowa. Mr. Chairman, I trust that anything I may say in discussing this bill will not be treated as invidious criticism of the members of the committee who reported it. I have the highest opinion for the learning, the zeal, and the industry of these gentlemen. I have made a considerable study of this question, and my study has only forced upon me the sense of the enormous difficulties which confronted them when they prepared the bill. With all this, I will have to say that I have been considerably disappointed in the bill and the report which accompanied it. But perhaps I ought not to have been, when there was added not only to the natural difficulties with which the gentlemen were confronted the pressure of political necessity which required them to bring in a bill which would meet some partisan exigency, and in accordance with the direction of a particular person, I ought not to be surprised that the committee has failed, as I think they have, to bring in a proper bill.

The gentlemen who have spoken on the other side, and particularly the distinguished gentleman from Kansas [Mr. TAGGART] who has just taken his seat, have entirely misunderstood the trend of the criticisms upon this side. We do not object to this bill because it is too drastic; we object to the bill because it adds nothing to the law which precedes it and simply confuses and confounds men who are undertaking to do business under it. I am speaking now solely of the new provisions in the bill and not of the provisions which were already law by virtue of court decisions or statutes already enacted.

I object to this bill at this time, not because it adds too much power to the present law but because it detracts from and emasculates the Sherman law which is already on the statute books; not because it gives additional force and efficiency to the law we now have, but because it takes away in important respects the powers given to the Government in the law now on the statute books.

I object to it, further, because they have undertaken to add to a law which was clear and precise in its form provisions which are in some respects of doubtful constitutionality, and in one respect absolutely unconstitutional. They have done this by bringing in what I call a political bill, because Members on this side have not been asked to assist in its preparation. In this respect they have done very differently from the framers of the original Sherman law. I suppose everyone is aware that the original Sherman law was not prepared by Senator Sherman.

Mr. BARTLETT. Only the title.

Mr. GREEN of Iowa. Only the title, as the gentleman from Georgia states. After Senator Sherman had prepared and introduced a bill in the Senate, a substitute was prepared by Senator Reagan, of Texas, which undertook, in something the same form as the bill now before us, to define specifically the offenses which might come under its provisions. After that bill had been considered the committee finally brought out a substitute for the Reagan bill. It is sometimes supposed that the bill known as the Sherman law was in fact prepared by Senator Edmunds; but the real fact, as now known, is that it was prepared by Senator Hoar. I never had an opportunity of listening to Senator Hoar, but those who have heard him speak and those who study his writings know that he possessed in a remarkable degree a faculty of clear, accurate, and comprehensive expression such as was probably possessed by no other man in public life of his day, and it is doubtful if his powers in this respect have ever been equaled in our legislative history.

The Sherman law is a model of clearness and of brevity and a marvel in comprehension. Somebody has said that it was like a universal joint in machinery—it can be pointed in any direction and will work in any manner the party using it sees fit. The trouble we have had with the growth and development of trusts under the Sherman law is not from any defect in the law itself, but from failure of its administration, which has arisen partly through an unwillingness to enforce the law from dread of the special interests, and partly because of defects in the administrative powers of the courts.

I have been surprised, upon consideration of the bill now before us and of the report of the committee, that neither here nor in the report accompanying the bill does anyone set forth how the Sherman law has failed to reach the evils which are claimed to exist under the present law. There are no citations to any cases; there are no particular facts pointed out as to which it is claimed that the Sherman law can not and does not reach any wrong which is alleged to prevail.

Mr. BARTLETT. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. BARTLETT. Has there been any case brought under the Sherman law, except one, where the present law as applied to the corporations, where the corporations have been convicted of violating the Sherman law, where the court has not upheld the law, except the Knight case, which failed for want of jurisdiction?

Mr. GREEN of Iowa. I would say that the Knight case failed because it was not properly presented to the court.

Mr. BARTLETT. But it went off on a question of jurisdiction.

Mr. GREEN of Iowa. The gentleman is entirely correct. I wish to consider more particularly the provisions of this bill now before the House, and as I am now discussing it in an informal manner I will welcome any questions or interruptions.

Mr. FESS. Mr. Chairman, will the gentleman yield for an interruption?

Mr. GREEN of Iowa. Yes.

Mr. FESS. I think for the matter of the RECORD, to show that this was nonpartisan, the gentleman ought to state that it was unanimously adopted in the Senate and, I think, only one vote recorded against it in the House.

Mr. GREEN of Iowa. The gentleman is referring to the Sherman law?

Mr. FESS. Yes.

Mr. GREEN of Iowa. I had intended to mention that fact. It was discussed and adopted entirely in a nonpartisan way, and the vote upon it was almost unanimous, lacking only one vote, as the gentleman from Ohio has correctly stated.

I shall not have time to refer to all of the provisions of this bill to which I object, but I will call attention, first, to section 2, which provides, among other things, that any person engaged in commerce who shall discriminate in price between the purchasers of commodities with the intent and purpose thereby to destroy or wrongfully injure the business of a competitor, the purchaser and the seller shall be guilty of a misdemeanor. I would like to inquire what case there is that has ever held that actions of that kind are not punishable under the Sherman law as it now stands? An act such as is described in this section is clearly an attempt to monopolize business.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BARTLETT. That species of monopoly and combination and trust, an effort to break down a competitor, is one of the earmarks of monopoly and violates the law and was pointed out in the celebrated Tobacco case as being evidence of violation of the law.

Mr. GREEN of Iowa. The gentleman has expressed very forcibly a matter to which I intended to refer, and very correctly.

Mr. FLOYD of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. I yield with pleasure to the distinguished gentleman from Arkansas.

Mr. FLOYD of Arkansas. I am not able to point out to the gentleman where that has ever been held not to be a violation of the law, but it has never been held to be a violation of the Sherman law, and, in my opinion, such act of discrimination is not within the purview of the Sherman law as it now exists. The gentleman can not cite a case in which it has been so held. It is an instrumentality which has been used by different corporations, referred to by the courts as evidence tending to show that the corporation has been guilty of a violation of the Sherman law; but the single transaction, the act of discrimination, taken alone, condemned in that section, has never been held by a court in any decision to be a violation of the Sherman law.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman is quite correct as to the decisions, but at the same time it has been repeatedly held by the courts that such a transaction is one of the indicia and evidences of violations of the Sherman law. Section 2 of the Sherman law expressly states that every person who shall monopolize or attempt to monopolize or combine or conspire to monopolize any trade or commerce, and so forth, shall be subject to its provisions. If the gentleman means to say that these acts which he has described in section 2 of the bill are not done with intent to monopolize, and that he intends to make criminal acts which do not interfere with competition or tend to monopolize, then I will agree with him; but, otherwise, I am compelled to disagree.

Mr. FLOYD of Arkansas. Mr. Chairman, I will state to the gentleman that the object of that section is to strike down the practice that has been referred to by the courts in decisions in antitrust cases as one of the instrumentalities used in buiidlng up monopolies in this country, and I want to state further——

Mr. GREEN of Iowa. I hope the gentleman will pardon me, but my time is slipping by, and I am not going to be able to reach some matters I want to speak of particularly.

After the provision making these matters subject to penalty it was found necessary to add a number of provisos. These exceptions necessarily afford an opportunity to evade the Sherman law, which reached everything covered by this section, in so far as it interfered with competition, without any provisos. The law as it stands is sufficient, and section 2 of the bill will merely weaken it through these provisos.

I wish also to speak of section 3, which provides in part as follows:

> That it shall be unlawful for the owner or operator of any mine or for any person controlling the product of any mine engaged in selling its product in commerce to refuse arbitrarily to sell such product to a responsible person, firm, or corporation who applies to purchase such product for use—

And so forth.

As has been observed, this applies simply to the owners of coal and other mines. It does not apply to persons who are operating in other natural products, such as lumber, timber, and articles of that kind. The fourteenth amendment to the Constitution provides that no State shall deprive any citizen of the equal protection of the law. Of course, this amendment applies only to the States, but it has never been held or contended, so far as I know, that the Constitution gives the Federal Government the right to deprive any citizen of the equal protection of its law. Of course, classifications can be made under the criminal law, where such classifications are not made arbitrarily; but what reason is given for selecting the coal miners or coal dealers under this provision? Why should not those who deal in lumber, those who own the forests, as well as those who control the mines, be subject to similar provisions, and what authority can gentlemen cite, giving Congress power to arbitrarily select certain individuals without any reason therefor and make them subject to penalty?

Mr. METZ. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. METZ. While we are trying to get at monopoly here, and have in mind oil and coal, and so forth, does not section 2 practically put every business house, every dealer in any kind of goods, in the same category with those big corporations, with this exception, that he can choose his own customers?

Mr. GREEN of Iowa. Oh, no.

Mr. METZ. Oh, yes. It fixes the price.

Mr. GREEN of Iowa. I think I did not fully understand the remarks of the gentleman from New York.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. FESS. Does it not discriminate against the small producer rather than to put him on an equality with the large producer, who can send his men to represent his goods everywhere, while the small man can not, and therefore how is he going to get into the markets?

Mr. GREEN of Iowa. I think the gentleman has correctly stated an objection to the bill, and if the gentleman from New York [Mr. METZ] is correct, it would be an additional reason why this provision is of doubtful constitutionality.

Mr. METZ. I agree with the gentleman. I think it is of doubtful constitutionality.

Mr. GREEN of Iowa. Mr. Chairman, I see my time is passing rapidly, and I can only briefly refer to section 4. The distinguished gentleman from Arkansas [Mr. FLOYD] spoke of some decision which made necessary the enactment of this provision, but did not have the decision with him at the time he spoke, and I have not been able to find it since. In so far as acts covered by section 4——

Mr. FLOYD of Arkansas. If the gentleman will permit an interruption, the gentleman will find the decision in volume 125, Federal Reporter, page 454. It is the case of Whitwell against the Continental Tobacco Co. et al.

Mr. GREEN of Iowa. What kind of a case was it?

Mr. FLOYD of Arkansas. It was a case brought under the antitrust law, in which the court holds that kind of a contract is not in violation of the Sherman Act.

Mr. GREEN of Iowa. Well, I do not have time to discuss this matter fully, but if the framers of the bill wished to prevent the holders of a patent from putting restrictions upon the sale or lease of the patented article, we ought to have a separate and distinct bill for that purpose. Reference is made to a decision of a lower Federal court. If the decisions of the lower Federal courts stood, there would not be much left of the Sherman law.

Mr. FLOYD of Arkansas. Will the gentleman permit me right there?

Mr. J. M. C. SMITH. Will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman from Michigan.

Mr. J. M. C. SMITH. I desire to ask the gentleman whether or not he thinks section 4 applies to patented articles at all. It says persons engaged in commerce. It does not make any difference, it does not say it should be a patented article that he is handling, but simply says it shall be a matter of commerce.

Mr. GREEN of Iowa. The gentleman calls attention to one of the vital defects of this provision. I am not prepared to say, and I doubt whether any gentleman is prepared to say definitely it would apply to such a case as the gentleman mentions. I now yield to the gentleman from Arkansas.

Mr. FLOYD of Arkansas. The gentleman refers to the decision cited by me as one rendered by a lower court? The decision rendered was in the United States circuit court of appeals by Judge Sanborn, in the case of Whitwell against the Continental Tobacco Co. et al., and can be found in volume 125, Federal Reporter, page 454.

Mr. GREEN of Iowa. The gentleman certainly is aware that that is not the highest Federal court.

Mr. FLOYD of Arkansas. It is a Federal court of very high authority, the highest next to the Supreme Court.

Mr. GREEN of Iowa. Mr. Chairman, before taking my seat I desire to refer to the provisions of section 6. There can be, as I said, no possible question but what the provisions of this section are unconstitutional. It provides that when a decree has been rendered in a suit commenced on behalf of the United States under the antitrust laws that—

> said judgment or decree shall, to the full extent to which such judgment or decree would constitute in any other proceeding an estoppel as between the United States and such defendant, constitute in favor of or against such defendant conclusive evidence of the same facts, and be conclusive as to the same questions of law in favor of or against any other party in any action or proceeding brought under or involving the provisions of any of the antitrust laws.

The effect of this decision is such that if some third party should commence a suit for damages under the Sherman law he might find himself bound by a decree in an action brought by the United States against the same party, which holds that the Sherman law has not been violated. In such event, the party who wishes to commence his suit will find that he is estopped and precluded without having his day in court, without having any opportunity to be heard, without having any opportunity to present his evidence. The gentleman from Georgia has referred to the Knight case, in which the Sherman law was invoked, but where the case was dismissed with the findings of fact and conclusions of law that the Sherman law had not been violated. If the provisions of section 6 had then been in force and effect the parties who afterwards successfully maintained

a suit for damages against the Sugar Trust would have in all probability found the decree in the Knight case standing like a stone wall in their way. I have no hesitation in saying this provision is unconstitutional, and I feel confident that it will not be in this bill when it is finally enacted into law.

Mr. BARTLETT. Will the gentleman permit a question?

Mr. GREEN of Iowa. I will.

Mr. BARTLETT. What effect does the gentleman think it would have simply to make it prima facie evidence? This bill makes it conclusive evidence, to which the gentleman has referred. Now, what effect would it have to say that the findings between the United States Government and the corporations should be affirmative evidence of a violation of the law to be rebutted by the evidence?

Mr. GREEN of Iowa. I will answer the gentleman by saying I think that the words "in favor of," which precede the word "defendant," ought to be stricken out. The defendant has had his day in court. He has had his opportunity to be heard. It is proper that the decree should constitute a final estoppel as against him, but not as against some third person who was not a party to the original action and has had no opportunity to present his case.

Now, I wish to speak briefly in reference to section 8. It is the provision with reference to holding companies. It states:

SEC. 8. That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share, capital of another corporation engaged also in commerce, where the effect of such acquisition is to eliminate or substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to create a monopoly of any line of trade in any section or community.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. Twenty-five minutes, and the gentleman has five minutes remaining.

Mr. GREEN of Iowa. Every gentleman in the House who has made a study of the law applicable to this subject is aware that the creation of a holding company for the purpose of eliminating competition has been held to be a violation of the Sherman law, but if this section is enacted we will have to go further than to secure a conviction under the law. It provides at the bottom of page 25—

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition.

In the Northern Securities case it was held that the mere potential power to bring about a monopoly or effect a lessening of competition was sufficient to bring the contract under the provisions of the Sherman law, but under provisions that we have in this bill it will be necessary to show that some step was actually taken in the way of preventing or lessening competition before the law will apply. This section is another instance where the law as it now stands is not strengthened, but weakened.

In the few minutes I have remaining I wish to speak very briefly with reference to section 12. This is the so-called "personal guilt" section, in which the committee seemed to take a special pride, and yet I have no hesitation in saying that it adds to the burden imposed upon the prosecutor by the law as it now stands. In other words, it will be more difficult to convict or bring about the conviction of any person under this section than it is now under the Sherman law. The Sherman law is personal in its provisions; it applies to persons as well as corporations. There is no difficulty in making guilt personal under it. Section 12 provides—

That whenever a corporation shall be guilty of the violation of any of the provisions of the antitrust laws, the offense shall be deemed to be also that of the individual directors, officers, or agents of such corporation

It does not provide and could not provide in any constitutional way that the mere fact that a corporation has been found guilty should also establish the guilt of some official or director. This probably was in the mind of the gentlemen who prepared this section, and they found it necessary to add thereto—

Any director, officer, or agent who shall have authorized, ordered, or done any of such prohibited act shall be deemed guilty of a misdemeanor.

It follows that, under the provision of this section, the corporation must first be convicted. After the corporation is convicted the individual must be convicted, and, finally, after two convictions, the guilt is made personal.

Mr. GORDON. Do you claim that you can not prosecute the individual in a separate indictment without first prosecuting the corporation under the language referred to?

Mr. GREEN of Iowa. So far as the provisions of this section are concerned, I do. If it does away with the provisions of the Sherman Act this would be necessary, because it expressly so states.

Mr. CAMPBELL. I would like to ask in what way can the corporation violate the law except through its managing officer?

Mr. GREEN of Iowa. It can not; and the provisions of the Sherman law consequently apply to them where they have actually taken part in the violation of the law.

Mr. CAMPBELL. I was going to follow that and then ask if the Sherman law does not cover the case, if it is rigidly enforced, as it now stands upon the statutes?

Mr. GREEN of Iowa. If it is enforced at all, it covers it?

Mr. CAMPBELL. Yes.

Mr. GREEN of Iowa. This section only applies to a director, officer, or agent who shall have actually authorized, ordered, or done some of the prohibited acts, not of this section but of the antitrust laws. But whenever such facts are shown they become a crime under the Sherman law itself, and we have no need for this section whatever.

Mr. SLOAN. Will the gentleman yield?

Mr. GREEN of Iowa. With pleasure.

Mr. SLOAN. Under that statute the officer who neglected to do the act he should have done and permitted the violation of the law is not covered in that statute, is he?

Mr. GREEN of Iowa. Very clearly not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. I will ask for five minutes more.

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes additional.

Mr. GREEN of Iowa. I have not time to go over this bill as I would like; but I have shown, I think, with reference to these sections which are new, that instead of giving any additional force to the Sherman law they actually detract from its provisions and make it more difficult of enforcement. The criticisms we make upon this side are not because this law is not sufficiently drastic. We criticize because it adds little or nothing to the law as it now stands, because it confuses business and confounds business men by provisions that are indefinite, uncertain, and of doubtful legality or absolutely unconstitutional. Do gentlemen think they can make a decree stand against a person who was never a party to the original action? Do they think that they can single out one particular kind of merchants and leave out other kinds who stand in exactly the same position? Do they think it strengthens the law to enact definitions and then follow the definitions with a number of provisos? What we need, and what we ought to have—what we must have to stop the growth of monopoly in this country—is further provisions in reference to the effect which decrees shall have when enacted. I have introduced a bill which provides that in the case of a violation of the Sherman law the courts must impose a jail sentence. I think that would have some effect, but I do not think that that would accomplish the desired result by itself. The only way in which we can ever stop the growth of monopolies is by requiring all corporations engaged in interstate commerce to take out a Federal license, and then providing that when an action in equity is commenced and it is found that the defendants are violating the law an order shall first be issued restraining them from any further violation. It then should be provided that in event the order is violated not only that the officers of any offending corporation shall be in contempt of court, but also that the corporation itself shall forfeit its license to do interstate business.

Mr. J. M. C. SMITH. Is it not the idea of the gentleman that the bill is not drastic enough?

Mr. GREEN of Iowa. I do not want the present law weakened in any particular. The bill does reach the deficiencies in the present system.

Mr. J. M. C. SMITH. It was your idea that it is not drastic enough, I take it from what you said.

Mr. GREEN of Iowa. I do not know what the gentleman calls drastic. What I want is something that will make the present law more efficient; but I think this bill will weaken it in many respects.

Mr. J. M. C. SMITH. If the gentleman would get some of the letters that I have, he would think it is murder in the first degree.

Mr. GREEN of Iowa. Well, business men are more excited about what this law will accomplish than they need to be. There is not anything in it except a general disturbance of business, as I view it. It will not go beyond the Sherman law in any of the respects that I have mentioned.

Mr. TOWNER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. TOWNER. As the gentleman has shown, in section 12 there is an absolute reduction of the possibility of making guilt personal, is there not?

Mr. GREEN of Iowa. There is.

Mr. TOWNER. Because under the provisions of section 12, in order to prosecute an individual as an officer of the corporation who has authorized a violation of the law, it can only be done if the corporation has been indicted and convicted. and then must follow the indictment or conviction of the individual?

Mr. GREEN of Iowa. The gentleman is correct if you proceed under this section and not under the old Sherman law.

Mr. TOWNER. Is not this a later expression of the law?

Mr. GREEN of Iowa. It was so intended.

Mr. TOWNER. And if it passes, will it not be, in effect, a repeal of all of the other laws with regard to those matters?

Mr. GREEN of Iowa. The gentleman states one of the many points where it will introduce confusion with reference to law which is now well settled.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GREEN] has again expired.

Mr. FLOYD of Arkansas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below.

S. 2256. An act for the relief of James M. Campbell; to the Committee on Military Affairs.

DEATH OF SENATOR WILLIAM O. BRADLEY, OF KENTUCKY.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a resolution which the Clerk will report.

Mr. DONOVAN rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. To object, Mr. Speaker; to object to the consideration of the resolution.

The SPEAKER. It does not require unanimous consent.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution No. 526.

Resolved, That the House has heard with profound sorrow of the death of the Hon. WILLIAM O. BRADLEY, a Senator of the United States from the State of Kentucky.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 16 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

The SPEAKER. The Chair appoints the following committee on the part of the House to attend the funeral: Mr. JOHNSON of Kentucky, Mr. STANLEY, Mr. SHERLEY, Mr. HELM, Mr. THOMAS, Mr. CANTRILL, Mr. FIELDS, Mr. ROUSE, Mr. BARKLEY, Mr. LANGLEY, Mr. AUSTIN, Mr. KAHN, Mr. GREEN of Iowa, Mr. J. M. C. SMITH, Mr. SWITZER, and Mr. JOHNSON of Washington.

ADJOURNMENT.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to; accordingly (at 12 o'clock and 25 minutes p. m.) the House adjourned, under the order previously made, until to-morrow, Tuesday, May 26, 1914, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2319) to transfer Capt. Armistead Rust from the retired to the active list of the United States Navy, reported the same with amendment, accompanied by a report (No. 710), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARLIN (by request): A bill (H. R. 16811) to authorize the Washington & Old Dominion Railway Co. to acquire by purchase or condemnation the land and property necessary for terminal facilities and trackage in the District of Columbia, at or near Thirty-sixth and M Streets NW.; to the Committee on the District of Columbia.

By Mr. MOTT: A bill (H. R. 16812) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, and as further amended by an act approved June 15, 1906, and an act approved June 25, 1910; to the Committee on the Judiciary.

By Mr. ALEXANDER: Joint resolution (H. J. Res. 270) authorizing the Secretary of Commerce to have taken specimens of the Pribilof Islands fur seal as specimens for the collections of the National Museum; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULLOP: A bill (H. R. 16813) granting an increase of pension to James A. Harper; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 16814) granting an increase of pension to Amelia Brundage; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 16815) granting a pension to William Matthews; to the Committee on Pensions.

Also, a bill (H. R. 16816) granting an increase of pension to John G. Warner; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16817) granting an increase of pension to John Hill; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 16818) granting a pension to Robert C. Bay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16819) granting an increase of pension to William Hahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16820) granting a pension to John Firth; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16821) for the relief of Brig. Gen. John C. Hartigan; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 16822) granting an increase of pension to Thomas H. Caley; to the Committee on Invalid Pensions.

By Mr. STEDMAN: A bill (H. R. 16823) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16824) for the relief of the heirs of Abraham Elrod; to the Committee on War Claims.

By Mr. ADAIR: A bill (H. R. 16825) granting an increase of pension to Joseph Funk; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Owatonna, Minn.; Fort Bragg, Cal.; Los Angeles, Cal.; Cincinnati, Ohio; Washington, Iowa; Peoria, Ill.; Boston, Mass.; Fargo, N. Dak.; Kansas City, Mo.; Bauer Falls, Pa.;

Libertyville, Ill.; Good Hope, Ill.; and La Crosse, Kans., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), memorial of the Jacksonville (Fla.) Board of Trade, protesting against the proposed change of the headquarters of the Florida customhouse district from Jacksonville to Tampa; to the Committee on Ways and Means.

Also (by request), memorial of the Commercial Club of Kansas City, Mo., relative to pending antitrust bills; to the Committee on the Judiciary.

Also (by request), memorial of a mass meeting of Scandinavian citizens of Helena, Mont., favoring national prohibition; to the Committee on Rules.

Also (by request), memorial of sundry citizens of Franklin County, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. BARTLETT: Petition of A. Block, Holmes Reddy, and others, of Macon, Ga., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Georgia Division, United Daughters of the Confederacy, favoring return of the cotton tax to the States; to the Committee on War Claims.

Also, petition of the Savannah (Ga.) Chamber of Commerce, relative to antitrust bills; to the Committee on the Judiciary.

Also, petition of Mrs. A. C. Carswell and 200 other ladies of Georgia, and D. B. Sandford and 20 others, of Macon, Ga., favoring national prohibition; to the Committee on Rules.

By Mr. CRAMTON: Protests of John Biewer and 19 other voters in St. Clair County, Mich., against the adoption of House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures; to the Committee on Rules.

Also, protests of 30 voters in Macomb County, Mich., against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petitions of 173 citizens and residents of the third California district, protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petitions of 17 residents of the third California district, protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of Frank P. Young, of Vallejo, Cal., in favor of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition by Cora Alta Dobson, of Stockton, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of 4 citizens and residents of Sacramento, Cal., protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of Rev. H. V. Moore, of the Methodist Episcopal Church South, of Sacramento, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of Rev. F. M. Washburn and his congregation, the Congregational Church of Suisun, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of Ancil Hoffman, of Sacramento, Cal., protesting against the adoption of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

Also, petitions of 8 individual drug companies of Stockton, Cal., asking for the favorable consideration of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of 7 individual drug companies of Sacramento, Cal., in favor of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of 69 citizens and residents of the third California district, protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

By Mr. DALE: Petitions of sundry citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of 18 voters of the fourth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. DILLON: Memorial of the Zion Evangelical Church, of Aberdeen, S. Dak., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of South Dakota, protesting against national prohibition; to the Committee on Rules.

By Mr. FINLEY: Petitions of F. W. Pate and D. H. Lang, of Chesterfield County, S. C., against national prohibition; to the Committee on Rules.

By Mr. HAY: Petitions of sundry citizens of Rockingham County, Va., protesting against national prohibition; to the Committee on Rules.

By Mr. HOXWORTH: Petition of sundry citizens of the fifteenth Illinois district, protesting against national prohibition; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petition of various voters of the second congressional district of Washington, protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of South Carolina: Petition of William Doll and others of Laurens, S. C., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the New England Coal Dealers' Association, of Boston, Mass., protesting against certain sections of House bill 15657; to the Committee on the Judiciary.

Also, petition of John Greenwood, of Central Falls, R. I., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Sylvester Bros. Co., of Seattle, Wash., favoring passage of House bill 15988, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. McCLELLAN: Petition of 72 citizens of Sullivan County and various voters in the twenty-seventh New York congressional district, protesting against national prohibition; to the Committee on Rules.

By Mr. METZ: Petition of various voters of the tenth congressional district of New York, protesting against pending prohibition legislation; to the Committee on Rules.

By Mr. RIORDAN: Papers to accompany a bill (H. R. 10986) granting a pension to Andrew Houlihan; to the Committee on Pensions.

By Mr. SLOAN: Petition of 68 citizens of the fourth congressional district of Nebraska, protesting against national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Papers to accompany House bill 16661, for increase in pension of John R. Lucas; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: Individual petitions from 41 citizens of Hennepin County, Minn., protesting against proposed prohibition of manufacture, sale, and importation of alcoholic beverages; to the Committee on Rules.

By Mr. TALBOTT of Maryland: Petitions of sundry citizens of Maryland, against national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petitions of Harry Ainsworth, president of Williams, White & Co., of Moline, Ill., and the Root & Vandervoort Engineering Co., of East Moline, Ill., protesting against the passage of the antitrust bills; to the Committee on the Judiciary.

Also, petition of Ralph W. Lamont, of Rock Island, Ill., relative to House bill 15657; to the Committee on the Judiciary.

Also, petition of the Mercer County (Ill.) Medical Society, protesting against Nelson amendment to the Harrison antinarcotic bill; to the Committee on Ways and Means.

Also, petition of the Women's Civic League of East Moline, Ill., protesting against abolishing of half-and-half plan in District of Columbia; to the Committee on the District of Columbia.

By Mr. TAYLOR of Arkansas: Petition of 110 citizens of Wilmar, Ark., favoring national prohibition; to the Committee on Rules.

Also, petitions of 21 citizens of Pine Bluff, Ark., protesting against national prohibition; to the Committee on Rules.

Also, petition of the traffic bureau of the Chamber of Commerce of Pine Bluff, Ark., protesting against further extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. VOLLMER: Petitions of George L. Wheeler and 85 others, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all prohibition measures introduced in Congress; to the Committee on Rules.

Also, telegrams of Henry Pahl and 110 other citizens of Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all prohibition measures introduced in Congress; to the Committee on Rules.

By Mr. WALLIN: Petition of 160 voters of the thirtieth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. WILSON of New York: Petition of 24 voters from the third congressional district of New York, protesting against national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *May 26, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou dost not confine Thyself in the revelations of Thyself to the forms of human speech. Thou hast not been discovered by the unassisted human intellect. Thou art more to us than a reasonable deduction. Thou dost speak to the hearts of men. Thy revelations have come to us in forms of mercy, and of love, and of patience, and of long suffering. Thou art still our God as Thou hast been the God of our fathers, and we lift not only our minds to Thee but our hearts. We pray that our whole life may be under the control of the will of God and in all our speech and action may we set forth the presence and power of Thy spirit in our lives. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
Washington, May 26, 1914.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day and directed that the Journal of yesterday's proceedings be read.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. STONE and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators.

The message also transmitted to the Senate resolutions of the House on the death of Hon. WILLIAM O. BRADLEY, late a Senator from the State of Kentucky.

The message further announced that the Speaker of the House had appointed Mr. JOHNSON of Kentucky, Mr. STANLEY, Mr. SHERLEY, Mr. HELM, Mr. THOMAS, Mr. CANTRILL, Mr. FIELDS, Mr. ROUSE, Mr. BARKLEY, Mr. LANGLEY, Mr. AUSTIN, Mr. KAHN, Mr. GREEN of Iowa, Mr. J. M. C. SMITH, Mr. SWITZER, and Mr. JOHNSON of Washington the committee on the part of the House to attend the funeral of the deceased Senator.

PANAMA CANAL TOLLS.

Mr. LANE. Mr. President, I should like to announce that on Friday next at any time that is proper I should like to make an address on the tolls question.

Mr. WEEKS. Mr. President, I wish to announce that on Friday, May 29, at the close of the morning business and following the remarks of the Senator from Oregon [Mr. LANE], I shall address the Senate briefly on the Panama Canal tolls repeal bill.

DONIPHAN'S EXPEDITION INTO MEXICO.

Mr. STONE. Mr. President, I have in my hand a very beautifully written and interesting account of the celebrated expedition led by Gen. Doniphan from Missouri into New Mexico and on to Chihuahua, old Mexico, and other points during the Mexican War. It is not very long, but is out of print. It was written by Mr. John T. Hughes, a member of the celebrated regiment or brigade led by Gen. Doniphan. I ask that it may be printed as a public document of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Mr. NORRIS. Before that is acted upon, I think we ought to have a quorum present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Hitchcock	Lee, Md.
Bankhead	Clapp	Johnson	McLean
Brady	Clark, Wyo.	Jones	Martin, Va.
Bristow	Crawford	Kenyon	Nelson
Bryan	Culberson	Kern	Norris
Burton	Gallinger	La Follette	O'Gorman
Catron	Gronna	Lane	Page
Perkins	Simmons	Sutherland	Vardaman
Pittman	Smith, S. C.	Swanson	Weeks
Ransdell	Stephenson	Thompson	White
Shafroth	Sterling	Thornton	Williams
Sheppard	Stone	Tillman	Works

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is unavoidably absent on business of the Senate.

Mr. JOHNSON. The Senator from Georgia [Mr. WEST] is necessarily absent on important business. I make this announcement for the day.

Mr. SHEPPARD. I wish to announce the unavoidable absence of the Senator from West Virginia [Mr. CHILTON] and his pair with the Senator from New Mexico [Mr. FALL].

Mr. KERN. I desire to announce the unavoidable absence on business of the Senate of the Senator from Kentucky [Mr. JAMES], the senior Senator from New Jersey [Mr. MARTINE], the Senator from Arizona [Mr. SMITH], and the Senator from North Carolina [Mr. OVERMAN].

Mr. GALLINGER. I announce the unavoidable absence of the Senator from Utah [Mr. SMOOT] on business of the Senate.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum of the Senate is present. The Senator from Missouri asks unanimous consent for the publication of a certain document, the title of which he will state.

Mr. STONE. It is entitled "Doniphan's Expedition." It is historical, of course. It is an account of Gen. Doniphan's expedition during the Mexican War in what is now New Mexico and on into Chihuahua, Durango, and other parts of Mexico, where he joined his forces with those of the American Army.

Mr. GALLINGER. I will ask the Senator was it an expedition during the War with Mexico, more than half a century ago?

Mr. STONE. Yes.

Mr. CATRON. Doniphan's expedition.

Mr. GALLINGER. Doniphan's expedition?

Mr. STONE. Doniphan. It is a beautifully written book, by John T. Hughes, who was an officer of the regiment. The book is out of print. It contains 144 pages.

Mr. GALLINGER. Was it printed by the Government, I will ask the Senator?

Mr. STONE. It was not. It was written by Mr. Hughes and printed a good long while ago. I was looking for the date. I do not find it on the title page.

Mr. GALLINGER. We have been in the habit recently of referring such matters as a rule to the Committee on Printing, and as a member of that committee I would suggest to the Senator if it goes there I will exert myself to have it reported out at an early day.

Mr. STONE. Of course, if it is desired to have it referred I will not press for immediate action.

Mr. GALLINGER. I think that is the better procedure.

Mr. STONE. Very well.

The PRESIDING OFFICER. The matter will be referred to the Committee on Printing.

Mr. STONE. I trust the book will not get lost. It will not be possible to replace it.

Mr. GALLINGER. We will try to take care of it, I will say to the Senator.

The PRESIDING OFFICER. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

Mr. GRONNA. I have a letter from Rev. C. F. Strutz, secretary of the Dakota Conference of the Evangelical Association, which I ask to have read.

There being no objection, the letter was read and referred to the Committee on the Judiciary, as follows:

ZION EVANGELICAL CHURCH,
803 Sixth Avenue SE., Aberdeen, S. Dak., May 16, 1914.

Hon. A. J. GRONNA, *Washington, D. C.*

ESTEEMED SIR: On the above date the following resolution was unanimously adopted by the Dakota Conference of the Evangelical Association at its thirty-first annual session, held at Kidder, S. Dak., May 14 to 17, 1914. Said conference embraces North and South Dakota and a section of Montana and represents about 40,000 German-Americans:

"Resolution.

"*Resolved*, That this conference is in favor of the passage of the Sheppard-Hobson resolution now before Congress for a constitutional amendment prohibiting the manufacture and sale of alcoholic beverages, and we call upon our Senators and Representatives in Congress to use their influence to secure its early adoption."

We German-Americans are not all in favor of license and "personal liberty," but resent the effort that is being made by the liquor interests to create the impression that the German-Americans are the unanimous champions of the liquor traffic. We regard such an insinuation a gross insult to a large number of our best citizens and emphatically enter protest.

Hoping that the above resolution will receive due attention at your hands, I beg to remain,

Yours, for happy homes and a sober citizenship.

C. F. STRUTZ,
Secretary of Dakota Conference.

Mr. GRONNA presented a petition of sundry citizens of Bartlett, N. Dak., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. JOHNSON presented a memorial of Local Union No. 69, International Brotherhood of Stationary Firemen, of Millinocket, Me., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Baptist Christian Endeavor Society and a petition of the Win One Bible Class, of Millinocket, Me., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PITTMAN presented memorials of sundry citizens of Nevada, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of C. B. Brazier, William H. Dickmeyer, G. A. Ankenbruck, and 115 other citizens of Fort Wayne and Indianapolis, in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. JONES presented memorials of sundry citizens of Renton, Newport, Spokane, Tacoma, Vancouver, Bellingham, King County, Seattle, Enumclaw, Everett, North Yakima, Aberdeen, Pasco, and Okanogan, all in the State of Washington, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Spokane, Opportunity, and Aberdeen, all in the State of Washington, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of sundry citizens of New York, praying for national recognition of the services rendered by Dr. Frederick A. Cook in the discovery of the North Pole, which were referred to the Committee on the Library.

He also presented a petition of the National Woman's Christian Temperance Union, of New York City, N. Y., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. TILLMAN presented a memorial of sundry citizens of Laurins, S. C., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented the memorial of Dr. Ernest R. Pike and sundry other citizens of East Woodstock, Conn., remonstrating against the passage of the so-called antinarcotic bill, which was ordered to lie on the table.

He also presented a petition of the Connecticut State Association of Letter Carriers, by John L. Counihan, of Norwich, Conn., secretary, praying for the enactment of legislation providing for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. WEEKS presented memorials of sundry citizens of Lynn, Fair Haven, New Bedford, Springfield, Boston, Holyoke, Roxbury, Worcester, Lowell, Westport, Roslindale, Dedham, Cambridge, Dracut, Randolph, and Newton, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the Federation of Churches of Braintree and of sundry citizens of Lee and Fitchburg, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Charlotte, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Fort Wayne, Ind., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. O'GORMAN presented memorials of sundry citizens of New York City, Buffalo, Jamestown, Albany, Schenectady, Syracuse, Brooklyn, and Ithaca, all in the State of New York, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of the United Irish-American Societies of New York City; of Abraham Lincoln Branch, American Continental League, of Cohoes; and of Admiral Stewart Branch, American Continental League, of New York City, all in the State of New York, remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented memorials of sundry citizens of Bridgeport, Southport, East Haven, Westville, Waterbury, New Haven, Hartford, Meriden, Milford, North Branford, Wilson, Hartford, New Britain, and East Hartford, all in the State of Connecticut, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Equal Franchise League, of Bedding, and a petition of sundry citizens of Moodus, in the State of Connecticut, praying for the adoption of an amendment to the Constitution to grant equal suffrage to women, which were ordered to lie on the table.

He also presented a petition of the Connecticut Piano Dealers' Association, praying for the enactment of legislation to prevent discrimination in prices and to provide for publicity of such prices, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Connecticut State Association of Letter Carriers, remonstrating against the enactment of legislation authorizing the closing of first and second class post offices on Sunday, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Common Council of Stamford, Conn., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. BRANDEGEE presented petitions of the Young Men's Christian Association of Connecticut, and of sundry citizens of Eastford, Conn., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Norwalk, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. CRAWFORD presented memorials of sundry citizens of Dell Rapids, Sioux Falls, and Rapid City, all in the State of South Dakota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of McCook County, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented memorials of sundry citizens of Dallas, Waco, San Antonio, Runge, Galveston, Houston, Fort Worth, and Fort Bent, all in the State of Texas, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hillsboro, Tex., praying for national prohibition, which was referred to the Committee on the Judiciary.

NATIONAL PROHIBITION.

Mr. SHEPPARD. I send to the desk a resolution adopted by the Southern Baptist Convention at Nashville, Tenn., May 14, which I ask may be read.

The Secretary read as follows:

Resolved, That we, the Southern Baptist Convention, representing the white Baptists of the South, numbering more than two and a half millions, in annual session assembled on this the 14th day of May, 1914, in the city of Nashville, Tenn., do hereby heartily and unanimously favor national constitutional prohibition and will do all within our power to secure the adoption of an amendment to the Constitution forever prohibiting the sale, manufacture for sale, importation for sale, exportation or transportation for sale of intoxicating liquors for beverage purposes, or foods containing alcohol, in accordance with the joint resolution introduced in the United States Congress by Congressman RICHMOND PEARSON HOBSON and Senator MORRIS SHEPPARD.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Texas a question. It has been reported in the newspapers during the last few days that the joint resolution which was prepared and introduced by the Senator in this body and by Representative HOBSON in the other House had been abandoned in the House for at least this session. Can the Senator give us any information about the matter?

Mr. SHEPPARD. I do not think the report is true; in fact, I am sure it is not true. The proposed constitutional amendment has not been abandoned.

Mr. SUTHERLAND. Has it been abandoned for this session?

Mr. SHEPPARD. If it has been, I know nothing of any such action having been taken or contemplated.

Mr. SUTHERLAND. Then, does the Senator from Texas understand that it is not to be pressed in the other House at this session?

Mr. SHEPPARD. I do not so understand.

Mr. SUTHERLAND. The Senator from Texas, then, understands that it will be pressed in the other House?

Mr. SHEPPARD. So far as I know, it will be pressed in the House, and I know that I desire to press it in the Senate, and intend to do so.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5570) to increase the appropriation for the erection of an immigration station at Baltimore, Md., reported it with an amendment and submitted a report (No. 552) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 3988) for the purchase of a building and lot as a mine rescue station at McAlester, Okla. (Rept. No. 553);

A bill (H. R. 14242) to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa. (Rept. No. 554);

A bill (H. R. 11254) to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak. (Rept. No. 555); and

A bill (H. R. 11747) to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn. (Rept. No. 556).

Mr. SWANSON, from the Committee on the Library, to which was referred the concurrent resolution (S. Con. Res. 22) authorizing the appointment of a committee of Congress to attend the unveiling of a monument to President John Tyler at Richmond, Va., asked to be discharged from its further consideration and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

Mr. REED, from the Committee on Manufactures, to which was referred the bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, reported it without amendment and submitted a report (No. 557) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 5660) granting an increase of pension to James E. S. Pray (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5662) providing for the collection of tolls from vessels passing through the canals at St. Marys Falls, and for other purposes; to the Committee on Commerce.

By Mr. BRADY:

A bill (S. 5663) appropriating the sum of $100,000 for the construction of a system of wagon roads on the Coeur d'Alene Indian Reservation, in Kootenai County, Idaho, and providing the manner in which said appropriation shall be expended; to the Committee on Indian Affairs.

By Mr. JONES:

A bill (S. 5664) relating to use of mails in effecting fire insurance, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. SWANSON:

A bill (S. 5665) to authorize the use of the property of the United States at Mount Weather, near Bluemont, Va., as a summer White House; to the Committee on Public Buildings and Grounds.

A bill (S. 5666) for the relief of Lucy A. Hughson, administratrix;

A bill (S. 5667) for the relief of Dr. S. W. Hobson; and

A bill (S. 5668) for the relief of the estate of Martin Matthew, deceased; to the Committee on Claims.

By Mr. PERKINS:

A bill (S. 5669) for the relief of the retired officers of the Navy who were retired for physical disability incident to the service when due for promotion to the next higher grade; to the Committee on Naval Affairs.

By Mr. LA FOLLETTE:

A bill (S. 5670) to authorize the Secretary of the Interior to establish the town site of Odanah, Wis., on the La Pointe or Bad River Reservation, and for other purposes; to the Committee on Indian Affairs.

By Mr. McLEAN:

A bill (S. 5671) granting an increase of pension to Walter H. Hutchinson (with accompanying papers); and

A bill (S. 5672) granting an increase of pension to Harriet M. Marks (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 5673) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 5674) confirming the title of Hannah Robinson to certain lands and authorizing and directing the issuance of patent therefor; to the Committee on Indian Affairs.

By Mr. THORNTON:

A joint resolution (S. J. Res. 150) providing for the taking for purposes of illustration of 30 specimens of Pribilof Islands fur seal from the collection of the United States National Museum; to the Committee on Fisheries.

MARINE HOSPITAL RESERVATION, CLEVELAND, OHIO.

Mr. BURTON. I introduce a bill which I desire to have properly referred. It is for the sale of a portion of the ground belonging to the Marine Hospital at Cleveland, Ohio. I am not sure to what committee the bill should be referred—whether to the Committee on Public Lands or to the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. The bill will be read by title.

The bill (S. 5661) to provide for the sale of a portion of the United States Marine Hospital Reservation at Cleveland, Ohio, was read twice by title.

Mr. SWANSON. Such bills when they appertain to naval lands usually go to the Naval Committee and when they appertain to military lands to the Military Committee. Is this reservation under the jurisdiction of the Navy Department or of the War Department, I will ask the Senator from Ohio?

Mr. BURTON. The marine hospital is under the jurisdiction of the Treasury Department.

Mr. SWANSON. In that case I think the bill should be referred to the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment ratifying the conveyance by John Teopil and his wife, Susan, to John Robinson, of the west half of the southwest quarter of section 26, township 18 north, range 18 east, of the Willamette meridian, Washington, and so forth, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

ASSISTANT CLERK TO COMMITTEE ON NAVAL AFFAIRS.

Mr. TILLMAN submitted the following resolution (S. Res. 377), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs be, and it is hereby, authorized to continue the employment of an assistant clerk at $1,440 per annum, to be paid from "miscellaneous items" of the contingent fund of the Senate, until July 1, 1914.

INTERNATIONAL TRIBUNAL OF ARBITRATION.

Mr. SUTHERLAND. I submit a resolution (S. Res. 376), which I ask to have read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 376) was read and referred to the Committee on Foreign Relations, as follows:

Whereas on the 4th day of April, 1908, there was concluded between the United States and Great Britain a convention to continue for the period of five years thereafter by which it was agreed among other things as follows:

ARTICLE 1.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States and do not concern the interests of third parties.

ARTICLE 2.

In each individual case the high contracting parties before appealing to the Permanent Court of Arbitration shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that such special agreements on the part of the United States will be made by the President of the United States, by and with the advice and consent of the Senate thereof; His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing Dominion of the British Empire to obtain the concurrence therein of the Government of that Dominion;

Such agreements shall be binding only when confirmed by the two Governments by an exchange of notes; and

Whereas on the 21st day of February, 1914, the said convention was by the high contracting parties renewed for a further period of five years thereafter; and

Whereas by the convention concluded at the Second International Peace Conference, held at The Hague in 1907, to which convention the United States and Great Britain were both parties, it was agreed among other things that—

"In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the contracting parties as the most effective and at the same time the most equitable means of settling disputes which diplomacy has failed to settle"; and

Whereas it was further provided in the said convention that—

"The permanent court is competent for all arbitration cases, unless the parties agree to institute a special tribunal"; and

Whereas a dispute now exists between the United States and Great Britain as to the interpretation of certain provisions of the Hay-Pauncefote treaty, concluded between the United States and Great Britain on the 18th day of November, 1901, respecting the authority of the United States to relieve, in whole or in part, the ships of commerce of its citizens from the payment of tolls which may be exacted from the ships of commerce or of war of other nations or the citizens of other nations for the use of the Panama Canal:

Resolved, That the President be, and he hereby is, requested to open diplomatic negotiations with the Government of Great Britain with a view to the conclusion of a special agreement between the United States and Great Britain for the appointment of an impartial international tribunal of arbitration and for the submission to and the determination by such tribunal of such dispute.

RATES ON SUGAR.

Mr. RANSDELL submitted the following resolution (S. Res. 375), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Interstate Commerce Commission be, and it hereby is, requested to transmit to the Senate the transcript of testimony taken before the commission in the matter of application of R. H. Countiss, agent, in behalf of transcontinental carriers, for relief under the provisions of the fourth section, with respect to rates on sugar from points in California and other States to Chicago, Ill., now pending before the commission.

COMMITTEE SERVICE.

On motion of Mr. KERN, it was

Ordered, That FRANCIS S. WHITE, junior Senator from Alabama, be appointed chairman of the Committee on Revolutionary Claims, to fill the vacancy occasioned by the death of Senator Bradley.

AGRICULTURAL APPROPRIATIONS—CONFEREE.

Mr. CHAMBERLAIN. Mr. President, the other day I was appointed one of the conferees on the Agricultural appropriation bill, but I find that my duties with the Commerce Committee in the consideration of the river and harbor bill are taking up all of my time. I therefore ask to be relieved from further service as one of the conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, the Senator from Oregon will be excused from further service, and the Chair appoints the Senator from South Carolina [Mr. SMITH] to fill the vacancy.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on May 25, 1914, approved and signed the following acts:

S. 65. An act to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910;

S. 1243. An act directing the issuance of patent to John Russell; and

S. 5289. An act to provide for warning signals on vessels working on wrecks or engaged in dredging or other submarine work, and to amend section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States."

INTERNATIONAL CONGRESS ON NEUROLOGY (H. DOC. NO. 997).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

In view of a provision contained in the deficiency act of March 4, 1913, that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law," I transmit herewith, for the consideration of the Congress and for its determination whether it will authorize the acceptance of the invitation and the appropriation necessary to defray the expenses incident thereto, a report from the Secretary of State, with accompanying papers, being an invitation from the Government of Switzerland to that of the United States to send delegates to an International Congress on Neurology, Psychiatry, and Psychology, to be held at Berne, Switzerland, from September 7 to September 12, 1914, and a letter from the Department of the Interior showing the views of that department with regard to the proposed congress and recommending an appropriation of not to exceed $500 to defray the expenses of participation by the Government of the United States.

WOODROW WILSON.

THE WHITE HOUSE, *May 26, 1914.*

SIXTH INTERNATIONAL DENTAL CONGRESS (H. DOC. NO. 998).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

In view of a provision contained in the deficiency act approved March 4, 1913, that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law," I transmit herewith for the consideration of the Congress and for its determination whether it will authorize the acceptance of the invitation a report from the Secretary of State, with accompanying papers, being an invitation from the British Government to that of the United States to send delegates to the Sixth International Dental Congress, to be held at London from August 3 to 8, 1914, and a letter from the Department of the Interior showing the favor with which that department views the proposed gathering.

WOODROW WILSON.

THE WHITE HOUSE, *May 26, 1914.*

POST-OFFICE EMPLOYEES.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution (S. Res. 373) submitted by Mr. JONES on the 23d instant, as follows:

Resolved, That the Postmaster General be directed to transmit to the Senate the following information:

1. The names, ages, and length of service of those employees in the department in the District of Columbia and in the post office in Washington City who served in any war of the United States and who have been demoted, discharged, or resignations called for since March 4, 1914.

2. The rating of efficiency of each of such employees on March 4, 1914, and the rating with which they were credited at the date of demotion, discharge, or when resignation was called for.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE CALENDAR.

The PRESIDING OFFICER. Morning business is closed.

Mr. GALLINGER. Mr. President, I rise for the purpose of appealing to the Senate to devote the time from now until 1 o'clock to the consideration of the calendar. There never has been a time in my experience here when we have had one-half as many bills accumulated on the calendar as we have now. There are between two and three hundred bills and resolutions, and we could dispose of a good many of them before the morning hour closes if we were permitted to take up the calendar.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

Mr. GRONNA. Mr. President, I was about to ask unanimous consent to take up a certain bill on the calendar; but since the

Senator from New Hampshire [Mr. GALLINGER] has asked to take up the calendar, I shall forego the request. I hope we may reach the bill in the regular order.

The PRESIDING OFFICER. The calendar under Rule VIII is in order. Is it the wish of the Senator from New Hampshire to proceed to the consideration of the first bill on the calendar?

Mr. GALLINGER. Mr. President——

Mr. JONES. Mr. President, I simply desire to say that I had given notice that I should submit some remarks on yesterday; and the junior Senator from Louisiana [Mr. RANSDELL] was to speak to-day. He understands that I am to come in ahead of him. I have no objection personally to going on with the calendar, but I do not know just how he will feel about delaying his speech in that way.

The PRESIDING OFFICER. The Chair understands that the request is to proceed with the calendar only until 1 o'clock.

Mr. JONES. Yes; and I have no objection to that myself; but the Senator from Louisiana understands that he is to come in to-day right after the conclusion of my address. He may not like to be delayed as long as this course would delay him.

Mr. KERN. Mr. President, may I ask the Senator whether there is any difficulty about both speeches being made between the hours of 1 and 6 o'clock?

Mr. JONES. I do not know. I shall take probably about two hours or two hours and a half. I understand the remarks of the Senator from Louisiana are to be at least that long. As I said, it makes no difference to me; but he and I had that understanding about my coming in, and I do not know whether he would like to be delayed so long as that.

Mr. KERN. I will ascertain later.

The PRESIDING OFFICER. The Chair understands three Senators have given notices for to-day. The calendar under Rule VIII is in order at this time.

The first business on the calendar was the bill (S. 1240) to establish the legislative reference bureau of the Library of Congress.

Mr. GALLINGER. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement was announced as next in order.

Mr. CLARK of Wyoming. Mr. President, that bill was put over, I think, and the following joint resolution, at the request of the Senator from Utah [Mr. SMOOT], the last time the calendar was under consideration. Neither of the Senators from Montana is here. I do not want to object to the consideration of the bill, but I call attention to that fact. I think under the circumstances this bill and the following one had better be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. GALLINGER. I ask that the joint resolution be passed over.

The PRESIDING OFFICER. It will be passed over.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. BURTON. I ask that that bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

RIGHT OF WAY NEAR ENGLE, N. MEX.

The bill (S. 3112) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., was considered as in Committee of the Whole.

The PRESIDING OFFICER. The bill has been twice read in full.

The bill had been reported from the Committee on Public Lands with amendments, on page 1, line 8, after the word "Dam," to strike out "and as the consideration for such conveyance there shall be continuously furnished to said railway company from the water impounded above Elephant Butte Dam, now under construction by the Reclamation Service" and insert "and as the consideration for such conveyance the railway company shall be permitted to take from the water impounded above Elephant Butte Dam, now under construction by the Reclamation Service," and, on page 2, line 8, after the word "month," to insert the following proviso: "*Provided*, That neither the United States nor its successors in interest shall be held liable for or obligated to supply the water hereinbefore described, but in the event that the United States or its successors in interest shall abandon the use of the land upon which the said Atchison, Topeka & Santa Fe Railway has its said right of way for a reservoir site as herein contemplated, said right of way so far as the same may be conveyed to the United States hereunder shall revert to the said railway company," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized to receive on behalf of the United States from the Atchison, Topeka & Santa Fe Railway Co. the conveyance of so much of said company's pipe-line right of way from a point near Engle, N. Mex., to the Rio Grande River as will be flooded by the Elephant Butte Dam; and as the consideration for such conveyance the railway company shall be permitted to take from the water impounded above Elephant Butte Dam, now under construction by the Reclamation Service, and which will flood such right of way, such quantity of water as the Secretary of the Interior may find to be necessary for the operation of said company's railway, but not exceeding 30,000,000 gallons of water per month: *Provided*, That neither the United States nor its successors in interest shall be held liable for or obligated to supply the water hereinbefore described, but in the event that the United States or its successors in interest shall abandon the use of the land upon which the said Atchison, Topeka & Santa Fe Railway has its said right of way for a reservoir site as herein contemplated, said right of way so far as the same may be conveyed to the United States hereunder shall revert to the said railway company.

The amendments were agreed to.

Mr. REED. Mr. President, who introduced the bill?

The PRESIDING OFFICER. The bill was introduced by the junior Senator from New Mexico [Mr. CATRON], and reported from the Committee on Public Lands.

Mr. REED. I have here a note that was handed me, stating that the senior Senator from Colorado [Mr. THOMAS] is interested in the bill and desires to have it go over until his return.

Mr. CATRON. I will state that the senior Senator from Colorado [Mr. THOMAS] has agreed with me to waive his objection and let the bill go through. His colleague will inform the Senator from Missouri that that is the fact.

Mr. REED. Just one moment. Mr. President——

Mr. CATRON. Unless the Senator has changed his course, that was his agreement with me. I do not know what he may have done in the last few days.

Mr. REED. In view of the request that has been made of me, although I dislike very much to delay the matter under the statement of the Senator from New Mexico, I feel that I ought to ask to have the bill go over for one day until I can ascertain whether the senior Senator from Colorado has changed his mind since he saw the Senator from New Mexico.

Mr. CATRON. The chances are about a thousand to one that we will not get at it any more if it goes over for a day.

Mr. REED. Oh, there will be another opportunity.

The PRESIDING OFFICER. The bill will be passed over.

Mr. KERN. Mr. President, the junior Senator from Louisiana [Mr. RANSDELL] was not in the Chamber when the calendar was taken up. I learn from him that he will be seriously inconvenienced if not permitted to go on with his speech within reasonable bounds. Therefore I ask unanimous consent that the proceedings under the calendar be suspended.

Mr. GALLINGER. Mr. President, I have no interest in a single bill on the calendar, and I have no desire to urge its consideration. I regret that the Senate has permitted the calendar to become so voluminous as it is. Under the circumstances, I think the request that the unfinished business should be laid before the Senate is a proper one; and hence I shall not insist upon considering the calendar.

Mr. SHIVELY. Mr. President, inasmuch as this notice has been given, I agree that the Senator from Louisiana should be permitted to go forward now and make his speech, but I venture the hope that immediately after the conclusion of his speech we may return to the calendar.

Mr. O'GORMAN. Mr. President, that can not very well be done, because three Senators have given notice of an intention to address the Senate to-day. I do not think an effort should be made to take up the time of the Senate to-day with the consideration of the general calendar. I am sure the Senator from New Hampshire would not have made the request if he had been aware that three speeches were to be made to-day.

Mr. GALLINGER. I certainly would not have made it, and I very gladly concur in the suggestion of the Senator from Indiana.

Mr. SHIVELY. I was unaware of it, too; but I do not think anyone will contend that there has been a disposition to consume time unduly on the calendar.

Mr. REED. Mr. President, a moment ago I asked to have Senate bill 3112 laid over until to-morrow. I withdraw the objection, and am willing that it shall be considered now. I have seen the colleague of Senator THOMAS.

Mr. CATRON. I ask that the consideration of the bill may be resumed.

Mr. ASHURST. Mr. President, of course I shall not object to the request for unanimous consent which has been made by

the distinguished Senator from Indiana; but I must say that before I can give unanimous consent I shall ask the Senate to consider a couple of bills that I have reported, and which have been on the calendar for some time. The calendar must be reached sooner or later.

Mr. GALLINGER. Mr. President, the bill in which the Senator from New Mexico is interested was before the Senate, and the objection has been withdrawn, so it ought to be considered.

Mr. CATRON. I ask that it be now taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3112) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SWANSON. Mr. President, the junior Senator from Indiana [Mr. KERN] has asked unanimous consent that the further consideration of the calendar be dispensed with and that we proceed with the speeches of which notice have been given for to-day. I note that notices have been given for Thursday. Friday has been left vacant so far as any notice to address the Senate is concerned. It would seem to me that we ought to have an understanding that next Friday—for which no notice has been given, as I understand—the calendar will be taken up and considered.

The PRESIDING OFFICER. The Chair will state that two notices have since been given for Friday.

Mr. SWANSON. Has any notice been given for Saturday?

The PRESIDING OFFICER. Not so far as the Chair has heard.

Mr. SWANSON. I think, then, it would be well for the Senate to have an understanding that next Saturday we will take up the calendar. The congestion of the calendar is very great.

Mr. KENYON. Saturday will be Memorial Day.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Indiana?

Mr. SWANSON. I do.

Mr. KERN. I suggest to the Senator that there is a general sentiment that the calendar ought to be taken up, and I think there will be no trouble about taking it up at the very first opportunity.

Mr. SWANSON. The opportunity is generally dispensed with by notices being given. I think the calendar is a very important matter. Every Senator has bills on it, and I will ask an understanding that next Monday we shall take up the calendar and devote the entire day to its consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana [Mr. KERN] that further proceedings under the calendar be dispensed with, and that the unfinished business be laid before the Senate?

Mr. GRONNA. Mr. President, unless we can have an understanding that at some time in the near future we will take up the calendar, I must object. There are hundreds of bills pending before the Senate that ought to be passed, and unless we can fix a day when the business of the Senate will be taken up, much as I dislike to do so, I must object.

The PRESIDING OFFICER. An objection is heard.

Mr. KENYON. I will ask the Senator from Indiana why we should not take up the calendar at evening sessions and get through with it.

Mr. KERN. I should be very glad to do that.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. I move that the Senate proceed to the consideration of the unfinished business, the Panama Canal bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. JONES. Mr. President—

We favor the exemption of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

That is a provision from the national Democratic platform, 1912.

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest, honest men, who intend to do business along those lines, and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

That is an extract from a speech delivered during the campaign of 1912 by the then candidate for the Presidency, Mr. Wilson.

A party that violates its platform pledges is unworthy, and deserves the scorn of honest men. * * * When my party acts, whether its actions be right or wrong, so long as I remain a member thereof, I shall steadfastly support its platform demands.

That is an extract from a speech made by Representative HENRY, chairman of the Committee on Rules of the House of Representatives, one of the leaders of his party in that body.

If a man after election finds that his platform contains something which he can not honestly support, what ought he to do? * * * He should resign and let the people select a man to do what they would have him do. * * * A platform is binding upon every honest man.

That is an extract from a speech delivered by Hon. William J. Bryan, Secretary of State under the present administration.

Mr. President, Congress is confronted with the most amazing proposition that has been presented since the foundation of the Government. The repeal of a law is demanded that has not yet gone into effect and which was indorsed by practically every one who sought the suffrage of the people in the last election. Those who declared when the law was passed that our action was well within our treaty rights are now arguing most strenuously that we violated our treaty obligations. Others who voted to exempt our coastwise ships from the payment of tolls after weeks of discussion, and with no suggestion that such exemption was a subsidy, now vociferously condemn such action as a vicious subsidy to a hated monopoly. With Huertaan ingenuity reasons of the most diverse kind are sought and given to sustain the claim of England and discredit our own rights. When driven from one position another is taken inconsistent with the former until we are so bewildered with the kaleidoscopic changes of views and inconsistent positions that we do not know whether one who is for repeal this minute may not be against it the next. I am reminded of a verse like this:

It wriggled and twisted and turned about
Until the beholder was left in doubt.
Whether the snake that made the track
Was going south or coming back.

That we have not violated any treaty obligation by the exemption of our coastwise ships is so plain to me that I can not comprehend how anyone can take a different position. Those on the other side may look at this situation in the same way. In what I say, however, I want it distinctly understood that I do not question the intelligence, the motive, the sincerity, or the patriotism of anyone who does not agree with me, and however strong may be the language used by me it does not apply to the individual in any way, but simply expresses feebly how the action taken or proposed appears to me. As simply and as plainly as possible I am going to try to express my views on a question that I consider of the most far-reaching importance economically and as involving the very independence and sovereignty of the Nation itself, conceding to those who differ from me the same devotion to justice and national honor that I claim for myself. If my language should seem strong, it is not so strong as I feel or as I would like to use.

I would say nothing to wound or grieve the President. His is the most trying position in the Republic. Upon his action, his word, his decision, may depend the happiness of our people, the prosperity of the Nation, and the lives of its citizens. As that tremendous responsibility bears down upon him and he realizes his own weakness and his own fallibility it is no wonder that the burden seems more than he can bear. He should have the sympathy, aid, and assistance of every one of us, and he will get it if he will take it. I know he wants to do what is right; I know he is striving with all his power to promote the welfare of the people; I know he is patriotic, but I also know that he is not infallible and that his life's work has not been such as to fit him for wise action and a safe decision upon many of the problems that he must meet. I want it understood by him and by all that I impute to him the sincerest motives and the loftiest purposes, although I may condemn in unmeasured terms the action his judgment may have led him to take or recommend. The consequences of unwise action may be disastrous, and yet the motives be the purest and highest.

We own a strip of territory 10 miles wide across the Isthmus of Panama. We bought it from the Republic of Panama and paid for it out of the Treasury of the United States. All sovereignty over it was expressly granted to us forever. Through it and entirely within it we have constructed the Panama Canal to connect the waters of the Atlantic and the Pacific and furnish a great water highway for the ships of the world. It has cost us practically $400,000,000. It will cost us from $10,000,000 to $20,000,000 a year to maintain and operate it. We also are obligated to protect, maintain, and defend it.

This canal is ours and entirely within our territory. This is conceded by all.

Two years ago, preparatory to the opening and use of this great canal, Congress, after the most careful consideration and full discussion, passed a law under which the vessels of the United States engaged in the coastwise trade are permitted to pass through the canal without the payment of tolls. Every phase of the question—foreign, economic, and political—was discussed and weighed before we passed it. Our action was deliberate and open. The President approved the act and filed a strong statement upholding the legal right to enact it. Practically everybody accepted it as a wise policy.

It is true that some of those who opposed the passage of this law urged its repeal from time to time, but they were not taken seriously. An election was held subsequent to the passage of the act. No issue was made against it. In fact all parties declared themselves for it, and all the leading candidates for the presidency declared publicly in favor of it. No one thought for a moment that the representatives of the people who had been elected upon the express approval of the action of Congress in passing this law would so far forget their representative capacity as to violate their professions, forget their promises, and defy the almost unanimous wish of the people and vote for the repeal of this law without giving the people an opportunity to say whether they desired this done or not.

The President of the United States, notwithstanding his professions in the campaign, notwithstanding the unequivocal declaration in his party platform, has solemnly asked Congress to repeal this law. Why? The people have a right to know why, and we, their representatives, should tell them why, and why we vote for its repeal if we so vote. The very principle of representative government is at stake. If those selected to represent and legislate for the people deliberately repudiate the issues upon which they were selected, then representative government is a farce.

Under the circumstances it would seem that anyone urging the repeal of this law should present strong and weighty reasons for such action. In asking Congress to repeal a law which it had passed and which he had approved, we have a right to expect that the President would state fully and clearly the reasons which impelled him to change his mind and ask us to retrace our steps so deliberately taken. Has he done so? The people have great confidence in the President, and so have I. They believe him to be honest, sincere, and patriotic; so do I. They do not believe him to be infallible; nor do I. They will follow him when he is right; so will I. They will forsake him when he is wrong, and so will I, except that when he is face to face with an enemy of our country, and then I will be with him, right or wrong. We expected, and the people expected, the reason for this action to be given in his message. What does he say?

He says, "in my judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view." That is all on that ground. No reason is given, no fact is stated to show why it is wrong. Should we not have the reasons and the considerations that led him to a conclusion directly opposed to his public declarations to the people when soliciting their support? He declared it then to be economically wise, and gave good reasons for that judgment. Surely, the people are entitled to his reasons for his change of view if we, as their representatives, are not.

Then he says this exemption "is, moreover, in plain contravention of the treaty with Great Britain." That is a strong statement from one who took a directly opposite position only a year ago. He was mistaken then, or he is mistaken now, and the very fact that he has taken both positions refutes the statement that it is a plain violation of the treaty, because we must assume that he was sincere in taking the other position as we must assume that he is sincere now. If it is now so plainly contrary to the terms of that treaty, would it not have been fair and just for him to point out how he came to take the opposite position before and wherein it is so plain now? With all due respect, I think so. The mere dictum of President Wilson is no more convincing than the contrary position of candidate Wilson.

I have come to state to you a fact and a situation.

Then he says:

Whatever may be our differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

This is an amazing statement in view of the actual facts. If made by anyone other than the President of the United States, it would be most severely characterized. The President does not state a fact when he says the meaning of this treaty is not debated outside the United States, and that its language is given but one interpretation and that against us. Not only in other countries but in England itself, where self-interest would naturally incline the people against us and our contention, this question has been debated and men of high character and great ability have dared to declare that our action is not contrary to the treaty.

Mr. C. A. Hereshoff, a noted English writer on international law, says:

There is no evasion of the rule of equality where all foreign vessels are subject to the same duties and liabilities under similar circumstances. The treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic and coastwise commerce and in the use and enjoyment of its own property as it saw fit. No such restriction could have been in view in adopting "as the basis for neutralization" a rule that the canal should be free and open to vessels of commerce and of war of all nations on terms of entire equality. It would be absurd for the United States to solemnly declare that its own vessels of war might openly and freely navigate its own landlocked waterways and enjoy the privileges that belong to the Nation as a sovereign power in the use of its own territory. The use of the words "vessels of war" shows plainly that the word "vessel" as used refers only and exclusively to those of all nations other than those of the United States, and that the word "nations" was restricted to foreign nations; that is to say, nations foreign to the United States.

Edward S. Cox-Sinclair, in the London Law Review of November, 1912, closes a carefully written article as follows:

To sum up, it is reasonably arguable:
(a) That the United States can support its action on the precise words of the material articles of the treaty; that its case is strengthened by reference to the preamble and context; and that its case is difficult to challenge on the ground of general justice.
(b) There is no international obligation to submit the construction of its legislative act to any process or arbitration.
(c) That any aggrieved party has an appropriate and impartial and a competent tribunal in the Supreme Court of the United States.

Mr. Butte, the German jurist, said:

From the standpoint of abstract justice the pretension of Great Britain that she should be put on the same footing as respected the use and enjoyment of the Panama Canal as the United States seems presumptuous.

Count Reventlow, the noted German authority, says:

That the United States had a right to construe the treaty as Taft did can not be doubted.

Certain Italian deputies, of the Italian Government, are quoted as follows:

The Duke de Cesaro:

As a matter of strict justice, no nation, treaties or no treaties, has a right to exact the repeal of the exempting clause as long as the United States does not oppose the granting of a subsidy by a European Government to its ships using the canal.
On the other hand, no European nation could prevent the United States from granting a subsidy equal to the yearly total of canal tolls it pays to each company. From my viewpoint, the attitude of a nation exacting such a repeal is inexplicable.

Enrico Bonnaro said:

Italy considers the exemption clause as purely of an internal character. For this reason is not interested in its repeal. Besides, Italy considers the chief duty of any nation is to develop its own marine.

Mr. Timascheff, Russian minister of trade, is quoted as saying:

I consider the repeal of the clause in question to be most unfair to the people of the United States, considering the fact that they have furnished the money for the undertaking for the purpose of getting their own merchandise through the canal for their greatest benefit.

Then the President says that in all other countries a construction different from ours is given. Why do not they quote those of other countries who question our position? I have looked in vain for such quotations. It is significant that none are disclosed.

The President then says:

The large thing to do is the only thing we can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood.

Our position is not everywhere questioned; it is not everywhere misunderstood. Those nations interested are great, powerful, and intelligent. They claim their rights and more, and they expect us to claim ours. They know that they look at this matter from their standpoint, and they expect us to look at it from our standpoint. If they can get more than they are entitled to they will take it; and if they think we are giving it to them to get their good will, or from fear or servility, they will secretly despise us, and look about to see where they can exact something else from us. The "large thing" for us to do is to stand firmly for our rights and the rights of our citizens; and our right to do so will not be questioned or misunderstood anywhere, but our action in doing so will command regard and respect.

Again, he says:

We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and the redemption of every obligation without quibble or hesitation.

This is an amazing declaration. We never acquired a reputation for generosity by giving up our rights, but by adhering firmly to them and conceding to others their rights. No nation can secure the respect of other nations by confessing that it is wrong when it believes it is right. The interest of the Nation in this case is the interest of its citizens, and the nation that gives away the rights of its citizens in order to secure a reputation for generosity will secure nothing but the contempt and ridicule of other nations and peoples and be pointed to with scorn and jeers. A reputation bought at such a price is too dear for a self-respecting people to pay, even at the behest of a President whose honesty of purpose, purity of motive, and ardent patriotism no one will question.

He concludes this most remarkable message with a request for the passage of this bill—"I ask this of you"—and a confession of his inability to deal with some unknown and mysterious "matters of even greater delicacy and nearer consequence * * * I shall not know how to deal with other matters * * * if you do not grant it to me in ungrudging measure." That is all. What are these matters of "greater delicacy and nearer consequence"? We can not find out. That side of the Chamber does not know. The Speaker of the House of Representatives, and a Democrat who should be in the confidence of the President, says he does not know what they are. The Senator from Missouri, chairman of the Committee on Foreign Relations of the Senate, does not know of any such delicate matters—and if there were any he surely would know of them. In fact, he says there are none. The Senator from Georgia [Mr. SMITH], said to be the spokesman of the administration on this floor, does not know. The honorable Secretary of State gave out a long statement a short time ago supporting this repeal proposition, but in it he did not refer to or even hint at any of these delicate matters. He knows of none, and if there were any surely he would know of them. We are entitled to know of these matters of nearer consequence, if any there be. We have to do with foreign relations. We would be glad to aid the President with advice and counsel and any other proper assistance that we could give. Surely if he had good reasons, he would acquaint us with them. Surely he would give them to his party associates and leaders, anyway. He has not.

The only conclusion that we can come to, that we are forced to, is that there are no such matters. A study of this message forces one to the conclusion—the only charitable one that can be reached—that the President believes his word, his request, his demand, is enough, and all he deems necessary is to say to Congress, "Repeal this law simply because I want it done," and why he has reversed himself and why he wants it done is left to speculation, in which we must not indulge if we would preserve our respect for and confidence in the wisdom of the President. The Democratic majority refuses to call for any information, and none of the resolutions introduced for that purpose have been reported one way or another.

We are urged to repeal this law on the ground of national honor. The high moral sense of the people is appealed to. Senators beat their breasts, lift their eyes to high heaven, and with outstretched hands appeal for the preservation of the national honor. They know the scrupulous regard the American people have for their honor. They are most jealous of it and would sacrifice all to maintain and uphold it, and hence it is sought to secure strength or support for this proposition by appealing for the preservation of the national honor. By their vehemence our friends confess that their cause is without merit. What right have they to assume that we are not just as jealous of the national honor as they? What right have they to intimate that because we do not believe as they do that we are regardless of our country's honor? Why do they call us hypocrites and Pharisees because their views are not followed? Why are we charged with insincerity and injustice because our views do not accord with theirs? Why do they insinuate that we are not following our honest convictions when we vote against repeal? Why do they intimate that we are controlled by railroad prejudices? Why do they charge that our action is based on our hatred of some country or people rather than upon honest conviction? Away with these vulpine insinuations and intimations. Let your cause rest or fall upon its merits. We are as patriotic as you are. We are as jealous of our country's honor as you are. We are as true to our honest convictions as you are. We would have our country maintain its obligations at whatever cost, and you have no right to arrogate to yourselves all devotion to the fulfillment of our treaty obligations.

You would maintain the national honor by an unconditional surrender; we would maintain it by insisting upon what we believe to be clearly our rights. You would maintain it by granting demands without considering whether they are right or wrong, so as to acquire a reputation for generosity; we would maintain it by a wise and firm insistence upon our own rights while generously dealing with others and giving to them all that they are entitled to in law or equity. You would maintain our honor by granting the unwarranted and unjust demands of foreigners, regardless of the promises you have made to our own people; we would maintain it by complying with all reasonable demands consistent with keeping faith with our own people. You resolve every doubt and seek every reason against our own people; we frankly confess that we seek every possible reason in support of our own citizens and resolve every doubt in favor of our own country. This is not discreditable; it is not dishonorable; it is not repudiation. Agreements with nations are to be kept, regardless of consequences; but covenants with our own people should also be held sacred and their rights maintained.

What is it that we are asked to do? It is an astounding act. I doubt if the people have fully grasped its significance; and when they do, there will such a wave of indignation sweep over the land that those who have proposed it will be literally overwhelmed. We are asked to confess that we deliberately violated a solemn treaty obligation. We are asked to acknowledge that the Congress of the United States and the President of the United States were so regardless of the national honor that they boldly, knowingly, and deliberately passed a law that is in "plain contravention" of a solemn treaty with a friendly nation. To uphold the Nation's honor we are asked to confess its dishonor. What could be more humiliating? What could be more dishonorable. What action on our part could more discredit us among the nations of the earth? What sort of a reputation would that give us? Do this thing, and we will merit the scorn and ridicule of every self-respecting people. If it was not in plain contravention of our treaty, we should not convict ourselves of dishonoring the Nation by repealing a law asserting the Nation's rights and maintaining our sovereignty over our own property and our domestic trade.

I have received a few letters—a very few—from people in my State urging the repeal of this law on the ground that it is in violation of the Hay-Pauncefote treaty, and in every case they put it upon the ground that it violates the plain terms of that treaty. I am satisfied they have not studied it. They have simply taken some of the words of the treaty that are quoted by those who favor the repeal and who take certain words from the context and give them the meaning which they have when standing alone, and from this argue that the treaty has been violated. That we have not violated a treaty by this legislation ought to be reasonably certain from the character and ability of those who have sustained our right to pass it. Our right to pass this legislation without violating any treaty is sustained by Theodore Roosevelt, a President of the United States, and a man of scrupulous honor, wide learning, and lofty patriotism; by William H. Taft, a President of the United States, and a lawyer of the greatest ability and a man of wide diplomatic experience; by Woodrow Wilson, a candidate for President of the United States on the Democratic ticket, and a man of the highest character and a scholar of great learning; by Richard Olney, former Secretary of State and a lawyer of great ability and a man of much learning and wide experience; by Philander C. Knox, a United States Senator, former Attorney General, and Secretary of State, and a lawyer of splendid ability; by the House of Representatives; by the Senate of the United States by a vote of 44 to 11; by every Democratic Senator that voted upon the proposition; by the Democratic convention, in which were many of the present Democratic Senators and the present Secretary of State, William J. Bryan; by the Progressive Party in its platform; by the Republican Party through its leaders; by 13,000,000 American voters; by international lawyers of England, Germany, and other countries of world-wide reputation for learning and ability. This array of character, learning, ability, and patriotism ought to convince anyone that there must be some basis for the claim that we have the right to make this exemption, and that in doing so we do not violate any treaty and have not dishonored ourselves.

What more is needed? We could safely stop right here and let the matter rest.

The Hay-Pauncefote treaty does not apply to the Panama Canal; it was never intended to apply to it, because its construction was not contemplated and there was no thought of the con-

struction of a canal through territory belonging to the United States when the treaty was entered into by the two Governments. Conditions under which the Panama Canal was constructed are wholly different from the conditions existing at the time of the making of the treaty and of those contemplated by the treaty. While it was thought that the United States might construct the canal itself, there was no thought that it would be constructed through its own territory, but the whole thought was that it would be built through the territory of another jurisdiction under lease or some concession in the nature of a lease.

Admitting for the sake of argument that England had some rights under the Clayton-Bulwer treaty that formed a consideration for the Hay-Pauncefote treaty, she had no rights that could form the basis of a consideration for affecting the Panama Canal, because the Clayton-Bulwer treaty did not in any way affect or have in mind the territory traversed by the Panama Canal. The Clayton-Bulwer treaty did not by any possible construction affect any territory or country except Nicaragua, Costa Rica, the Mosquito Coast, and Central America; and there is no reason whatever for contending that the Hay-Pauncefote treaty covered any territory beyond that included in the Clayton-Bulwer treaty. Panama was no part of Central America. It was a part of Colombia, and Colombia is and was a part of South America, and always has been so regarded. French parties had attempted to construct this canal. They had concessions, and no one knew but that they would eventually build the canal. This was the situation contemplated by the Hay-Pauncefote treaty. That situation was entirely changed in the canal that was built. No route was secured or taken in Nicaragua, Costa Rica, the Mosquito Coast, or in any part of Central America, but the United States bought the rights of the French company and its property.

Panama seceded from Colombia and sold to the United States a strip of her territory 10 miles wide across the Isthmus of Panama and transferred to it all of her sovereignty over the same forever, and through that territory the United States built this canal. We are entirely within our rights and within the policy followed by Great Britain herself in insisting that by reason of the wholly changed conditions the Hay-Pauncefote treaty does not and can not be made to apply to the Panama Canal. Suppose when we acquired the Panama strip we had acquired the entire territory from the southern boundary of the United States to the southern limits of the Panama Canal Zone and our sovereignty had been extended over this whole territory: is there anyone who with reason could contend that we could not then have constructed a canal wherever we pleased, free from the control of Great Britain? And yet our control of the territory through which it would pass would have been no more secure under those circumstances than it is now.

England invoked this rule in her own defense when she was accused by the European powers with violation of the neutrality provisions of the Suez Canal convention. In a convention of the powers a protest was made against the action of Great Britain, and Lord Pauncefote, the joint author of the Hay Pauncefote treaty, stated the position of Great Britain as follows:

> That Egypt having become British territory since the construction of the canal and the agreement between the powers, Great Britain could not be bound by the neutrality provisions adopted, so far as they affected Egypt, because it was a recognized principle of international law that treaties are only operative so long as the basic or fundamental conditions upon which they are based continue, and that in the event of a fundamental change, such as a change of sovereignty of the soil, any nation which is a party to such treaty could honorably contend that it was inoperative as to her newly acquired territory.

Apply this language to the conditions with which we are now concerned and England has no basis for her claim.

If Great Britain could make such a claim regarding the Suez, how does it happen that we lose our "reputation for generosity" for making this claim with much greater reason?

We are not legally or morally bound under the Hay-Pauncefote treaty to observe its stipulations, even if it can by any possible stretch of the imagination be conceived to embrace this canal, because the treaty-making power was without jurisdiction to limit, restrict, or affect the use of this canal and the territory through which it passes. Not only the canal but the territory through which it passes is the property and territory of the United States. This treaty purports to limit and affect not only our use of the canal itself but it purports to restrict, limit, and affect our use of the territory through which it passes, which Great Britain herself concedes to be our territory. The Constitution of the United States, which should control us in our action rather than the demands of any foreign country, and which should be recognized as controlling the action and authority of the respective branches of the Government, expressly provides:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

This is a specific and definite grant to Congress—not the treaty-making power—and no branch of the Government can invade that authority, and if it attempted to do it such attempt would be void and of no obligatory force. If it can be held that the Hay-Pauncefote treaty is applicable to the Panama Canal and Zone, it must be assumed that it was entered into by both parties with the full knowledge of this constitutional provision, and Great Britain clearly understood that any stipulations in this treaty could not "affect" the property of the United States without the action of Congress itself and that Congress was under no obligation, legal or moral, to pass the rules and regulations agreed upon by the treaty-making power, the same being beyond its jurisdiction. The treaty is not self-executing. Congress must act and Congress is free to act as it may deem wise and beneficial. This was known to Great Britain, too, and to all nations, and neither she nor they can complain if Congress acts within its powers.

Tucker, in his work on the Constitution, says:

> In favor of the extreme claim of power for the President and Senate it has been urged that a contract between the United States and a foreign nation must be conclusive against all departments of the Government, because it is a contract; but the answer to this contention is obvious and conclusive. It involves the petitio principii by assuming that the contract is complete though it trenches upon the power of the other departments of the Government without their consent. And if it be further urged that foreign nations know no party in the contract on the part of the United States except the President and Senate the answer is equally conclusive that if our Constitution requires the consent of the departments to a treaty of the nature referred to the foreign nation is bound to take notice of that fact, and can not claim a completed obligation in the absence of the consent of the other departments. The maxim upon this subject is familiar: Qui cum alio contrahit vel est, vel debet esse, non ignarus conditionis ejus. And if it be further urged that this is too refined a doctrine to regulate our delicate relations with foreign powers the answer is that the treaty-making power of the Crown of Great Britain, where it involves a concession of the clear and absolute power of Parliament, has never been recognized as valid by the English Government and has never been enforced. The Queen may make a treaty to pay $10,000,000 to the French Government, but unless Parliament appropriates the money the treaty will be ineffectual. * * * We may suggest a further limitation: A treaty can not compel any department of the Government to do what the Constitution submits to its exclusive and absolute will. * * * We have seen from the Constitution that all bills for raising revenue shall originate in the House of Representatives, to which the Senate may or may not assent, and the President may veto; but if the President and Senate have the power to regulate the system of taxation and revenue by treaty without the consent of Congress then the House of Representatives, which, by the terms of the Constitution, is made the originating body for such bills, without whose primal action the President and Senate can have no voice whatever in the matter, is to be excluded from any consent to the terms of the treaty of the President and Senate, who, by the constitutional method, are not entitled to act at all until the House of Representatives has inaugurated a bill. * * * These results demonstrate the fatal disturbance of the equilibrium of the Constitution which would arise from any such construction as would give the President and Senate the right by treaty with a foreign power to regulate the internal concerns of the country.

Congress has acted. It has made the rules which it deemed wise for the use of our property. We did not believe we were violating any treaty obligation when we passed that legislation and we do not think so now. We are asked, however, to repeal that legislation, and the question is presented in such a way that if we do repeal it the world will take our act to be a confession that we have been guilty of deliberately violating our treaty obligations and a confession that we can not hereafter repeal this repealing act if we find it to have been unwise. Our duty is plain, our course clear. If in his message the President had not declared that our act was in violation of our treaty obligations, and that all nations so regarded it, but had asked for its repeal on economic grounds and because it would be wise to do it on account of our peculiar diplomatic relations, we could have acted then without putting ourselves in a position to foreclose future action, but the issue is now a far greater and more far-reaching one. The real issue now is not what ought we to do, but what must we do. If the exemption is a violation of the legal obligations of a treaty, we must repeal it. That ends it. If we have shackeled ourselves for all time to come, we must bear our chains and meekly submit to be dragged in the dust of England's commercial chariot, because of the incompetence and stupidity of our own diplomats and statesmen.

Mr. President, the very unwisdom of the course we are asked to follow is enough in itself to raise a doubt as to its necessity, and I should resolve such doubt in favor of our own people and our own interest. The wise course, the just course, and the patriotic course is to allow the action taken by a preceding Congress and approved by our President to stand. Let us give the world to understand that these were wise and just men and that we are not going to brand them as faithless to our treaty obligations. Let us affirm their assertion of our right to deal with our own property as we see fit, and then in the future we can determine upon its merits whether it is economically wise to maintain this policy or not. To admit our lack of power now makes us subservient forever to England's shipping power

and the transcontinental railroads, to assert and maintain it preserves to us the power to do in the future whatever may be found to be wise.

No man knows what conditions will come from the completion of this great enterprise. It will change the currents of the world's commerce. It has practically lifted continents from their places and put them thousands of miles nearer the sources of supply and demand. New highways of trade will be evolved and new problems of tremendous import and far-reaching consequence will arise to be solved. It will be little short of folly and criminal neglect if we do not preserve for our people the right to deal with this great commercial agency and these great and important questions so far as they relate to our domestic trade as to them may seem wise. We can not excuse ourselves by shifting the responsibility to the President and accepting his word as to what is best to be done. The responsibility of legislation is ours. We can not escape it, we can not shift it, and we will be held responsible for our action by those who have intrusted us with power but who will have the opportunity in the near future to withhold that power from us and send those here who will truly represent them upon this great legislative matter.

Let us now discuss the Hay-Pauncefote treaty itself, assuming that it is applicable to the Panama Canal, and see whether by any reasonable construction we have violated its letter or spirit in passing the law we are asked to repeal.

I can not hope to present this matter so clearly or so conclusively as others have done, but I am going to try to show in my feeble way from the Hay-Pauncefote treaty itself and the circumstances surrounding it that our right to make this exemption is perfectly clear and unquestionable; in fact, that to do otherwise is discrimination against us.

The Hay-Pauncefote treaty with England was entered into in 1901. To my mind there is no ambiguity in this treaty when its terms are construed in the light of the conditions surrounding its framing and acceptance and in the object to be attained.

For almost a century a canal connecting the Atlantic with the Pacific had been the dream of the maritime world. When it was deemed probable there was no thought of its being built by other than private enterprise, energy, and capital. In 1850 the Clayton-Bulwer treaty was entered into between England and the United States. I shall not go into the reasons for this treaty. They are wholly immaterial and are interesting only as matters of history. That is not the treaty to be construed, and it is to be considered only so far as it may throw light upon the Hay-Pauncefote treaty. Under this treaty neither Great Britain nor the United States could build this canal, but they were to give their support and protection on equal terms to any third party that might build it.

Years passed. No canal was built. Every effort failed. It became evident that no canal would be built without the aid and assistance of the United States. It had even entered the minds of many that this canal, if built at all, would have to be built by the United States itself. While England's conduct had clearly nullified and made obsolete the Clayton-Bulwer treaty, and while she had abandoned it—all of which has been so clearly shown by the late lamented senior Senator from Kentucky [Mr. Bradley] in one of the most comprehensive, eloquent, and masterly speeches ever delivered in the United States Senate—the United States did not insist upon taking a course consistent with this view, but in an orderly way proceeded to negotiate a new treaty under which it could build this canal either directly or by lending its support, credit, and assistance. England wanted the canal built. She was really more interested than anyone else. Hers would be the greatest benefit arising from its construction. It gives her a direct route to and from Australia and her island possessions. It gives her a shorter route to large world markets to which her ships will carry the products of her looms, mills, and factories. In case of war, requiring her navies to pass through the canal, she will have access to it upon equal terms with any other nation unless she should be at war with us. Her great colony to the north of us will be specially favored and her products will be given a new market in our seaport cities. More than half of the world's shipping flies her flag, her ships plow every sea and enter every harbor, and the benefit to her people and her interests is incalculable.

The Hay-Pauncefote treaty was made in 1901. Theodore Roosevelt was President and John Hay was Secretary of State, two men whose intelligence and patriotism can not be questioned and whose approval is a guaranty that American interests and rights were fully protected and whose fame will be dimmed and patriotism slurred if this legislation is passed.

The Hay-Pauncefote treaty, if applicable at all, must be construed in the light of present conditions, even if they were not contemplated when the treaty was entered into. If not it does not apply at all. As a matter of fact, there was no thought of the United States owning the territory through which the canal would pass. Provision was made for a change of sovereignty, but that evidently had reference to a change to some power other than the United States and after the canal was constructed, and had in mind the common changes of Government in the Central American countries. The territory does belong to the United States. It is the sovereign of the territory. This is conceded by England. Lord Grey says:

> Now that the United States has become the practical sovereign—

And so forth.

He also admits that the treaty must be construed in the light of this relation when he says, continuing:

> His Majesty's Government do not question its title to exercise belligerent rights for its protection.

This because of its subsequently acquired sovereignty.

Furthermore, this treaty must be construed upon the basis of the sovereignty and ownership of the United States of the canal and Canal Zone and the limits of the Constitution upon the treaty-making power, or else it can not apply at all. Those who insist that the treaty applies to the present conditions must do so with full knowledge of the limits upon the treaty-making power of the United States, and that Constitution, as I have already said, expressly provides that Congress—not the treaty-making power—shall have power to dispose of and make all rules and regulations affecting the property of the United States. The treaty-making power could not enter into any agreement disposing of or limiting the sovereignty of the United States in any of its then property or in any to be thereafter acquired, and it could not make any rules or regulations respecting it that would be binding legally or morally on the United States, and if any such action was or has been taken it would not become binding until ratified and carried into effect by the Congress.

Congress has expressly negatived the idea that we have disposed of or given up any of our authority and sovereignty over this canal and has asserted its authority to take such action as it deems wise over our own domestic trade. Even if it was intended that the treaty should affect our domestic trade Congress has refused to ratify that intention as it had a perfect right to do and England can not complain, because she accepted the treaty with full knowledge of the constitutional limitation.

Let us construe, then, briefly and simply the treaty affecting this canal and by which our obligations must be measured and determined in the light of the changed conditions and on the basis of our ownership and sovereignty over the canal and Canal Zone.

The preamble to this treaty is often referred to, but it is no part of the treaty in any sense whatever. It is a mere recital of what it is desired shall be accomplished by and under the treaty and does not in any way control or affect the terms or articles of the agreement, except as it may throw light upon the purposes to be accomplished. Three purposes are expressed in this preamble. The desire to facilitate the construction of a canal connecting the Atlantic and the Pacific, the removal of any objection that might arise under and by virtue of the Clayton-Bulwer treaty, and the construction of this canal under the auspices of the United States without impairing the "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty and then follows the treaty by the terms of which these purposes are to be attained. This is the treaty we are to construe, and we are to gather its meaning from its terms and not from outside understandings or conditions which apply to another treaty alone.

Article 1 of the treaty, and the first agreed stipulation in it, says:

> The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

Nothing ambiguous, nothing uncertain about that. The Clayton-Bulwer treaty is abrogated, set aside, wiped out, done away with, and is not to be considered at all in determining the rights of the parties under the present treaty. Even article 8 is not excepted or carried into the present treaty, notwithstanding this is claimed by some. The Hay-Pauncefote treaty measures our rights and obligations, and not the treaty of 1850. The rights of Great Britain and other nations are to be determined by this treaty and by no other, and while a consideration of the Clayton-Bulwer treaty, the facts that led up to it, and its continuance or its abrogation may be of great historical interest, they do not fix or determine the obligations of the United States nor the rights of Great Britain, and much of the learned discussions that we have had is really not applicable at all.

The second article of the treaty is an agreement or stipulation binding upon both parties to the effect that the canal may be constructed under the auspices of the United States either di-

rectly or indirectly and subject to the provisions of "the present treaty"—mark you, not the provisions of the Clayton-Bulwer treaty—"the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal."

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. O'GORMAN. I suggest the absence of a quorum.

Mr. JONES. I do not wish the Senator to suggest the absence of a quorum.

Mr. O'GORMAN. The Senator does not mind if I yield to my own wishes in the matter, I hope?

Mr. JONES. I do not think I can prevent the Senator from doing so.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Martin, Va.	Smith, S. C.
Bankhead	Dillingham	O'Gorman	Stephenson
Brady	Gallinger	Page	Sutherland
Brandegee	Hitchcock	Perkins	Thompson
Bristow	Johnson	Pittman	Thornton
Bryan	Jones	Ransdell	Tillman
Burton	Kern	Reed	Vardaman
Catron	Lane	Shafroth	Walsh
Chamberlain	Lee, Md.	Sheppard	Williams
Chilton	Lewis	Shively	
Clark, Wyo.	McLean	Simmons	

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. KERN. I desire to announce the absence of the following named Senators, who are out of the city in attendance on the funeral of the late Senator from Kentucky, Mr. BRADLEY: The Senator from Kentucky [Mr. JAMES], the Senator from New Jersey [Mr. MARTINE], the Senator from North Carolina [Mr. OVERMAN], and the Senator from Arizona [Mr. SMITH]. I also desire to announce that the junior Senator from New Jersey [Mr. HUGHES] is absent on official business. This announcement may stand for the day.

The PRESIDING OFFICER. Forty-two Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The Secretary called the names of absent Senators, and Mr. WHITE answered to his name.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is out of the city on business of the Senate; also that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent.

Mr. LODGE and Mr. LA FOLLETTE entered the Chamber and answered to their names.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. ROBINSON, Mr. MCCUMBER, and Mr. NORRIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. KERN. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

ELECTION OF SENATORS.

Mr. WALSH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2800) providing a temporary method of conducting the nomination and election of United States Senators, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 4, and agree to the same.

That the House recede from its amendment numbered 3.

T. J. WALSH,
ATLEE POMERENE,
WM. S. KENYON,
Managers on the part of the Senate.

W. W. RUCKER.
R. F. BROUSSARD,
W. D. B. AINEY,
Managers on the part of the House.

Mr. WALSH. I move that the conference report be adopted.

Mr. SHAFROTH. Mr. President, I wish the Senator from Montana would explain the features of the report.

Mr. WALSH. The changes are very simple.

Amendment No. 3 need not be adverted to, because the House has receded from it.

The House inserts as amendment No. 1 the words "not heretofore made," so that the act will not apply to nominations of candidates which have been heretofore made. It appears that in one or two States nominations have already been made. It is not intended to disturb those.

The next change is a mere verbal one. The words "the case of" are taken out in line 10, page 2.

Mr. SHAFROTH. I will ask the Senator whether, under the bill as it is now proposed to be passed, there is any such thing as a convention for the purpose of nominating candidates for the office?

Mr. WALSH. That is all regulated by the State statutes. If the State officers are nominated by convention, the Senators are nominated in the same way.

Mr. SHAFROTH. This bill applies only in the event of vacancies, as I understand.

Mr. WALSH. No.

Mr. SHAFROTH. Is it to apply in the case of nominations of candidates coming up regularly?

Mr. WALSH. Yes; regularly.

Mr. SHAFROTH. What is the mode of procedure prescribed by the bill?

Mr. WALSH. Just that which is prescribed by the State statutes, if there are any, for the nomination and election of State officers. The United States Senators will be nominated and elected in exactly the same way.

The last amendment, numbered 4, provides:

That this act shall expire by limitation at the end of three years from the date of its approval.

There would seem to be no particular reason for this amendment, but it was insisted upon by some Members of the House; and for the purpose of expediting the passage of the act the Senate conferees decided to acquiesce in that insistence, believing that the act will have subserved its purpose within the time mentioned, anyway.

Mr. SUTHERLAND. Mr. President, section 1 of this bill is clearly permanent in its character. It reads:

That at the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people for the term commencing on the 4th day of March next thereafter.

We have a provision in the law with reference to the election of Members of the House of Representatives which fixes a uniform time for the holding of elections, and of course there ought to be a law of the United States fixing a uniform time for the election of Senators, and I can not understand upon what theory the fourth amendment proposed by the House should have been accepted. It applies to the entire act:

SEC. 3. That this act shall expire by limitation at the end of three years from the date of its approval.

I would have no objection if that were limited to what follows section 1. Section 1 is permanent, and if it should expire at the end of three years, that section or something like it ought to be reenacted by Congress.

Mr. WALSH. The suggestion made by the Senator from Utah is entirely pertinent and the observation quite appropriate. The Senator knows the character of opposition which was made to the bill in this body. It was likely to be asserted with such vigor in the other branch that the passage of the bill would be imperiled, and the conferees felt that it would be wiser that we should accede to what seemed to be the necessities of the case and secure a speedy passage of the act, depending upon future legislation to take care of the point to which the Senator adverts. Of course, the first section is permanent in its character, and some legislation of that kind ought to be in force, but I apprehend that there will be no difficulty in taking care of that when the time comes.

Mr. SUTHERLAND. Can the Senator tell us whether, if the Senate should disagree to the fourth amendment and send the bill back to conference, there would be any likelihood of the House conferees receding?

Mr. WALSH. I dare say we might propose an amendment to it to the effect that the provisions of section 2 only should so expire, in the hope that that perhaps would be acceptable, but the conferees did not think it advisable to delay the matter.

Mr. JONES. Mr. President, I suggest that the consideration of this conference report is likely to take some little time, and I think it would be better that it should go over. The Senator

from Louisiana [Mr. RANSDELL] is very anxious to take the floor and proceed with his speech.

Mr. SUTHERLAND. I think it will take only a moment longer. I suggest to the Senator from Montana that it is quite worth the while to send the bill back to conference with the understanding that the Senate will accept an amendment modified as the Senator suggests; that is, making it apply to the portion of the bill following section 1.

Mr. WALSH. If the Senator from Utah really feels that we ought to make the effort. I shall be very glad to have the Senate conferees undertake to accomplish the change, although my own idea about it is that we had better accept the conference report as it stands and take care of the situation at a later time.

Mr. SUTHERLAND. I hope the Senator from Montana will not do that, because the first section is permanent, as the Senator himself thinks. We ought to deal with it now rather than postpone it to a time at the end of three years. Unless the Senator from Montana objects. I will move that the Senate further insist upon its disagreement to the fourth amendment and request a further conference.

Mr. WALSH. With instructions to endeavor to limit the effect of amendment 4 to section 2?

Mr. SUTHERLAND. Yes.

Mr. WALSH. Very well; I will be glad to have the bill go back to conference and make a further effort.

The PRESIDING OFFICER. The Senator from Montana withdraws his motion for the adoption of the conference report and the Senator from Utah submits a motion.

Mr. SUTHERLAND. I move that the Senate disagree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill; further insist on its disagreement to the amendments of the House; ask a further conference with the Senate on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Utah.

Mr. STONE. I should like to inquire of the chairman of the committee having this matter in charge if there is likelihood of much delay in the further conference? It is very important that the bill should be disposed of at this session.

Mr. WALSH. I may say to the Senator from Missouri that I hope to be able to submit a further report by to-morrow.

Mr. STONE. Very well.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Utah.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. POMERENE, and Mr. KENYON conferees on the part of the Senate at the further conference.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. JONES. The provision which I have just read fixes the status of the United States. It takes it apart from the other nations of the earth and places it in a position by itself. It establishes its status as the owner of the canal, and this article also eliminates Great Britain entirely from any connection with the canal that is to be constructed under this treaty. She has no control over it, no obligation toward it, no liability for its protection, operation, maintenance, or use. If the United States should construct such canal directly, she would be the owner of it and should enjoy all the rights incident to such ownership, and her right to provide for its regulation and management was made exclusive. If rights incident to ownership did not mean that she could use it as an owner and treat her own in its use as she pleased, what does it mean? What sort of ownership is that which gives you no rights of ownership?

The only other article in the treaty which is of the nature of an agreement between the parties is article 4, by which—

> It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Note that the general principle of neutralization referred to in this article does not make mention of the principle of neutralization established in article 8 of the Clayton-Bulwer treaty, but seems to refer to the general principle of neutralization as generally understood in international law, and it is also significant that care is taken to confine the application to the obligations under "the present treaty."

These are substantially all of the terms of the treaty involving the two parties to it. The remaining article is not in the nature of an agreement between the two parties, but it is a statement upon the part of one of them, the owner of the canal, as to how the canal shall be managed and used; it is a statement of the rules adopted solely by one of the parties, the owner, for the use of the canal by all nations that would observe such rules. It provides for the neutralization of the canal and its use so as not to impair the "general principle" referred to in the preamble and embodied in article 8 of the Clayton-Bulwer treaty, and, when construed as I construe it, does exactly what that article provided for; and for the purpose of comparison and as aiding in a clear understanding of this article 3, I give here briefly the provisions of said article 8.

ARTICLE 8.

> The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulation, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Under this article Great Britain and the United States agree to extend their protection by treaty stipulation to any other practicable communications by canal or railway across Central America. As a consideration for their joint protection the parties owning or constructing the canal or railway should impose no charges except those approved as just and reasonable by them. The canals or railways were to be open on equal terms to citizens of Great Britain and the United States because both Governments were under equal obligations toward the owners of such canals or railways, and this is an important point to remember. The canals and railways were also to be open to the citizens of other countries upon the same terms as to the citizens of Great Britain and the United States if such countries were willing to grant equal protection to such canals or railways. In other words, equal rights and privileges in any such canal or railway were accorded to all who incurred equal obligations. The general principle of article 8 and all through the Clayton-Bulwer treaty affecting the use of any canal or railway that might be constructed under it was that equal treatment went with equal obligation. That is provided for in article 3 of the present treaty, and that "general principle" is carried out only by permitting the exemption which it is sought to repeal. Nowhere in the Clayton-Bulwer treaty is there any limitation on the owner and builder of the canal. He is free to act as he sees fit. He could treat his own ships as he desired. The only restriction was that those nations giving aid and affording protection would insist on equal treatment, the one with the other, and that the charges to them should be just and reasonable.

We are now prepared to interpret article 3 of the Hay-Pauncefote treaty in the light of conditions as they exist and the terms of this treaty as they are. Private ownership in the canal is out of consideration. The United States is the party that has built it. The United States is the sole and undisputed owner not only of the canal but of the territory through which it passes. Neither Great Britain nor any other power has or can have any control over the canal or of the charges for its use. Neither Great Britain nor any other power is or can be under any obligation toward the canal. In fact, England insisted that she should be free from all responsibility. It must be protected, maintained, operated, controlled, and managed by the United States alone. Under the "general principle" of the Clayton-Bulwer treaty only the nations affording protection to the canal secured any special rights. Therefore the nations now under no obligations and affording no protection are entitled to no special consideration. Under that "general principle," if no protection was afforded the owner, he could treat all nations alike, because all were on the same basis. He could use his property as he saw fit.

If Nicaragua had built the canal and Great Britain and the United States had given it their protection under the Clayton-Bulwer treaty, would anyone contend that Nicaragua could not treat her own ships as she saw fit? Surely not. The United States has stepped into the place of Nicaragua, and if section 8 of the Clayton-Bulwer treaty is brought into the Hay-Pauncefote treaty, it does not apply to the owner of the territory through which the canal passes, and Great Britain's concession

that our ownership changes the status as to five of the rules surely concedes also the other one, even though it may work to the injury of some British interest.

It is strange that Great Britain concedes everything that can be conceded without doing her or her interests any harm, and that she insists upon everyting that is of benefit to her no matter how injurious to the United States, and it is stranger still that there are those who hunt for reasons to sustain her claims and refute our own. The United States purchased the rights of the French company for $40,000,000, acquired the land from Panama for $10,000,000 and a large annual payment, and has spent $400,000,000 in the construction of the canal. She will spend millions for its fortification in order to protect it against all nations, including herself, if the construction our friends give to the treaty is correct. She must maintain, operate, and defend it, and bear every obligation and discharge every responsibility toward it through all time. No other nation has done a thing toward it or will do a thing except use it. The United States must pay $15,000,000 or more a year for its maintenance, and if the charges collected for the service rendered do not pay this, it will be her loss and the loss of the people of the United States. Under the Clayton-Bulwer treaty there were no restrictions and no limitations on the owner of the canal. He could use it as he pleased. If he had the protection and support of Great Britain and the United States, they expected equal treatment, not the treatment the owner might accord to himself or his own ships or the ships of his citizens, but equal treatment between themselves and reasonable charges, and only other nations assuming equal obligations were to have equal treatment. Now, the United States being in a position never contemplated by either of these treaties, being the owner of the canal and the territory through which it passes, has all the rights and privileges of the owner under the Clayton-Bulwer treaty, and is under no obligations other than to extend to all nations using her canal and observing the rules which she herself has prescribed, in order to secure equal treatment and reasonable charges in and for the use of a canal toward which they have not contributed a cent, and toward which they are under no obligation to afford any protection. Under the Clayton-Bulwer treaty the nations getting benefits had to bear expense and obligations; here they get the benefits without any expense or obligation, and yet they complain.

England's whole course in connection with this canal has been outrageous, despicable, and dishonorable. She had no just claim in the first instance as a basis for the Clayton-Bulwer treaty. She violated and utterly disregarded that treaty when made, and it should have been abrogated long ago. Now, regardless of the changed conditions, she has the effrontery to claim that while the fact of sovereignty does not relieve us from the obligation and expense of protecting the canal it does release us from the observance of the five rules, but does not release us from the first one, under which her benefits are the same and our position made more humiliating and helpless. It is all right for the change of ownership to relieve her in the case of the Suez Canal, but it is a breach of faith to insist that a like change shall relieve us. She is an adept in the art of diplomatic bluffing, and it looks as if she were going to win out with us. She does not care what her reputation for generosity is so long as she can reap commercial advantage and promote her shipping interests. Insistence for her citizens of every claim they make does not make an outcast of England, but increases her influence and commands respect. Neither Great Britain nor any other nation can afford or is under any obligation to afford any protection to this canal, and therefore the United States is acting exactly within this "general principle" when it affords its own citizens the use of this canal on such terms as it sees fit and gives to the citizens of all other nations equal treatment, the one with the other. Furthermore, as the owner of the canal, there is no limitation on its power to treat with its own under the "general principle" referred to.

Under the treaty itself and under the existing conditions the United States stands in front of its canal upon its own territory facing the nations of the world and says to them, "Here is my canal, built by me in my own territory. I will maintain, operate, and protect it. You are under no obligations toward it. You have no responsibility for its protection and are put to no expense for its construction. I shall treat you all alike in its use, and to insure equal treatment I am going to adopt certain rules to govern its use by all those observing such rules. If you want to use it, observe these rules or stay out." This is the viewpoint from which article 3 must be interpreted, and when so interpreted it is reasonable and clear, and every provision and rule of it can be given its literal meaning.

Article 3 starts out as follows, and this is always omitted by those who are contending that we have dishonored ourselves by deliberately violating the "plain" terms of our treaty; and yet no correct interpretation can be given by omitting these words and giving them due consideration:

> The United States adopts as the basis of the neutralization of such ship canal the following rules.

That is to say, the United States adopts the rules, not the United States and Great Britain, but the United States alone, the owner of the canal. These rules are to be looked to entirely for the neutralization and the carrying out of the "general principle" referred to in the preamble. We do not go to article 8 of the Clayton-Bulwer treaty to determine what to do, but these rules contained in "the present treaty" control and guide us.

This rule fixes the status of other nations; and as article 2 fixed the status of the United States, takes her from among the other nations of the earth, and places her in a position by herself, so article 3 fixes the status of the other nations of the earth and puts them in a class by themselves as the users of the canal under certain rules which they must observe which have been made and fixed and promulgated by the owner of the canal.

They square exactly with said article 8 only when construed as we construe them. Here is the first rule adopted by the United States governing the use of its property:

> The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

This is the rule which we are charged with violating. What is the basis for this charge? The words "all nations" are quoted, and we are asked, "Do they not include the United States?" and the answer is, "Of course they do." And this is the means by which the people are deceived and by which they are led to believe that their nation has dishonored itself. I received a letter a few days ago from a good citizen of my State, and a most intelligent one, in which he said:

> There is really no doubt about the meaning of the treaty. It is very plain English. If treaties are made to be carried out, let us carry out this one. Do not let the honor of the United States be touched by saving a few dollars. We gave our word to pay off the money borrowed during the Revolution. We did so. Let us maintain the same standard.

I venture to say that he had not read all this rule. He had read some statement or editorial saying that rule 1 of article 3 said the vessels of "all nations" should pay just and equitable charges and, of course, he could not understand how these words would not include the United States.

In fact, he sent me, along with his letter, a clipping from a paper quoting an editorial from the St. Louis Republic. This editorial illustrates the method pursued by many of those who advocate the repeal of this law. The editorial starts out in this way:

> Nothing could be simpler than this canal-tolls question. Here is what we promised:
> "The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise."

The trouble with this quotation is that it is not correct. There has been left out the important clause "observing these rules." This editorial goes on to say we need no diplomatic correspondence, we do not need any international lawyers, we do not need any outside interpretation to determine what this provision means; yet in this very quotation it leaves out one of the very important provisions of the rule and thereby changes the very meaning of it. Was the editor of the Republic ignorant of this important clause, or did he omit it deliberately?

I have here also, bearing on the same method of presenting the matter to the people, and showing why it is that the people are really deceived in regard to this matter, an editorial from the Boston Herald, in which it says, after suggesting that there is a strong sentiment in favor of exempting our own ships:

> How can this preference be given? The readiest answer is, Simply put no tolls on American ships; pass them through free, and levy charges only on the foreigners. From this easy expedient the United States is debarred by the Hay-Pauncefote treaty, which provides that the canal shall be "free and open to the vessels of commerce and of war of all nations," "on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect to the conditions or charges of traffic or otherwise."

Leaving out again the important phrase, the qualifying clause, "observing these rules."

The rule is not made for the United States; it is made by the United States. It is made not to govern it in the use of its canal, but to govern it in its treatment of other nations in their use of the canal. The canal is not open and free to the vessels of all nations, but it is free and open to the "vessels of all nations observing these rules." It is absurd to suppose that the

United States would make rules to govern itself in the use of its own. It could use its own as it saw fit. It would be subject to no rules of its own making. It could use its own one day in one way and the next day in some other way. It could charge its citizens one rate one day and another rate the next, and no one could prevent it. If this rule applies to the United States, suppose it should violate it? What punishment would it inflict upon itself? Would it exclude its ships from the use of the canal? If so, for how long? Suppose it should persist in violating this rule, would it declare war against itself and send one fleet out against the other? Suppose it provides that its coastwise ships shall pay $1.25 a ton on going through the canal and that its ships in the foreign trade shall pay $5 per ton on going through, what steps would it take to prevent such manifest inequality? It is absolutely and ridiculously absurd to say that this rule was made for the United States by the United States, and, if possible, it is more manifestly absurd as we examine and analyze further the terms of this rule.

In this connection I want to call attention to a suggestion that has come to me from one of my correspondents. He says:

> Under this article the United States adopts certain rules that are to be observed by other countries. How is the United States going to ascertain whether other countries are going to observe the rules or not? Is it going to wait until some exigency arises where the rule is actually violated or not violated, observed or not observed, or is the United States going to prescribe some way by which nations, before they begin the use of this canal, shall indicate to the United States that they expect to observe these rules?

Now, that is a reasonable suggestion. It seems to me that it will be reasonable and proper and necessary that the United States shall say to the nations of the earth, "Those of you that signify in a certain way that you are going to observe these rules may pass through the canal on certain conditions."

Now, if the United States does that, will it be required to go through the idle formality of notifying itself that it expects to observe rules that it has made for the use of its own canal?

What is the purpose of this particular rule? It is to carry out the "general principle" mentioned in the preamble; that is, to insure that all nations with equal responsibilities shall have equal treatment. This, as I have said, exempts the United States from its operation, because the entire burden is on the United States. The rule is made for all those nations who have no burdens in connection with the canal.

The canal is to be free and open to what? To the "vessels of commerce." These words, standing alone and taken in their literal meaning, would, of course, include vessels in the domestic or coastwise trade as well as vessels in the foreign trade, but when used in a treaty must be understood to refer to commerce between the two countries and as dealing with foreign relations and foreign trade alone. Each nation would be presumed to reserve to itself, as they always have done, the regulation of its domestic trade, and unless it should be otherwise expressly provided it must be presumed that this expression referred entirely to vessels of foreign commerce. This is common sense. This has been the holding of the Supreme Court of the United States in the case of Olsen against Smith, in One hundred and ninety-fifth Supreme Court Reports, so often quoted in this debate. The court says:

> Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply, without discrimination, to all vessels engaged in such foreign trade, whether domestic or foreign.

It is attempted to avoid the force of this decision by suggesting for the first time that trade from port to port through the canal is not coastwise trade, on account of the distance necessary to go. The statute defining coastwise trade does not limit it by distance, but declares that trade from port to port is coastwise trade. That was the law at the time of the treaty. That was fully understood by all. Only the extreme exigencies of the case developed this idea in the great mind of the honored Senator from New York, and it simply illustrates the straits to which our friends who advocate this repeal are reduced in finding something to support and justify their position.

This has been the holding of Great Britain itself for more than three-quarters of a century. Letters are read from Mr. Choate and Mr. White stating that it was understood that coastwise as well as other vessels were included, but they do not say that the matter was discussed at all, and surely our representatives in making this treaty would not abandon or overturn a domestic policy that we had followed since the foundation of the Government without some discussion. To assume any such action would impute to them grave, even criminal, neglect of the interests of their country, and it is a humiliating confession that they make now. How or why did they have such understanding if it was not discussed at all? and it certainly was not discussed, or they would say so. "Vessels of commerce and war." Vessels of war mean battleships, cruisers, torpedo boats, and so forth, the property of the Nation itself, its instrument of defense and of offense, and not the property of individuals. They are put on exactly the same basis as vessels of commerce, and no amount of quibbling can construe it otherwise. Whose "vessels of commerce and war"? All nations'? No; but the vessels of commerce and war of "all nations observing these rules." These last three words are often omitted by those who insist that the United States is bound by this rule. Why are they omitted? Through ignorance, carelessness, or for the deliberate purpose of deception? They are essential to a correct understanding of the rule. They show that the United States is not included, because it would be senseless for the United States to require itself to observe any rules adopted by itself for the use of its own property. It can use its own as it sees fit, and needs no rules to govern it in the use of its own. No owner ever makes rules for the government of himself in the use of his own. It would be a stupid thing to do. He could change any rule that did not suit at any time.

If John Smith should put up a sign on a gate to a road through his farm saying "all persons paying 25 cents may pass through here," would anyone be so simple or so foolish, if you please, as to contend that John Smith would have to pay that sum whenever he used the road? Of course not. If the editor of the Washington Herald would declare that "all persons reading my paper shall pay 1 cent," would he contend that when he took a copy from the press that he would have to pay himself a penny? And so when the owner of property prescribes rules for its use those rules are never understood as applying to himself, but to others, and there is no reason in following a different rule of construction here. If we do follow a different rule, it leads to improbable, absurd, ridiculous, indefensible, and preposterous results. A battleship is a vessel of war and must pay tolls just the same as a vessel of commerce; and if we charge tolls on a battleship of England, then if this rule applies to the owner of the canal, to the United States, the maker of the rules, we must pay to ourselves tolls on our battleship when it goes through. What can be more absurd? It is so absurd that our friends on the other side, some of them, say it is foolish to contend that we must pay for our battleships. If the rule does not apply in one instance to the United States, how or with what reason can you say that it applies in another? When you make this concession you concede the whole contention. Vessels of commerce and vessels of war are treated exactly alike if language means anything at all. Is it conceivable that the Government of the United States has been guilty of such monumental folly as to purchase territory and build in it a canal at a cost of $400,000,000, and then can not use it for its own vessels, its own warships, without the payment of tolls? To confess this is to confess our inability to protect our own interests and to show that we need a guardian to protect us from our own stupidity. But this is not all. This rule provides that these vessels shall use the canal "on terms of entire equality, so"—note this—"that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic"—again note this—"or otherwise." If "such nation" includes the United States, then if you charge its vessels tolls there is a discrimination against it, because it will not only have to pay the same tolls as other nations, but it has all the burdens and responsibilities of protecting and defending the canal from which other nations are free. In other words, this rule is violated if tolls are charged the United States.

Again, it also provides that there shall be no discrimination against the citizens or subjects of such nation in any way. This provision is violated if you impose tolls upon the vessels of the citizens of the United States, because they have furnished the money for the building of the canal, and they must furnish the money to protect and defend it; and if, in addition to this, they must pay the same tolls as other people, they must bear a greater burden than the people of any other nation. Thus it is that to apply this rule to the United States makes it absolutely ridiculous, indefensible, and wholly unenforceable, while to take it in a reasonable way, as a rule prescribed by the owner of a

great property to govern its use by all nations observing it, brings about absolute equality of treatment to such nations and fulfills to the letter that "general principle" which permeated the Clayton-Bulwer treaty and which it is declared in the preamble to this treaty is not to be impaired, and which would be impaired by any other construction. I assert most positively that only by exempting the United States from the observance of these rules do you comply with the "general principle" of equality which is insisted upon. "The charges must be just and reasonable." Does this apply to the United States, to the owner? Is it possible that the United States must protect itself against itself? Why would it impose upon itself unjust and inequitable charges?

The remaining five rules clearly relate to the neutralization of the canal, and by no twisted reasoning can be made to apply to the United States; and yet, if anyone insists that rule 1 applies to the United States, they can not avoid the consequences of applying the other rules to the United States. All the rules are in one article and must be applied alike or the whole treaty fails.

Rule 2 says that the canal shall never be blockaded, and so forth. No nation ever blockades its own ports, and why should the United States say that it shall never blockade its own property? Suppose it should do so, would it send out another fleet to drive away the blockading fleet in order that the Nation might keep faith with itself and observe this rule? You say, "How absurd!" And yet you can not escape the absurdity if you contend that the rule applies to the United States; and if you say it does not, then you must admit that none of the rules apply to the United States.

Under rule 3, if we are at war with another power, if the rule applies to us, as it surely does not, any war vessel of ours in the canal, in addition to paying tolls under rule 1, could not take on any more provisions or stores than might be strictly necessary and it would have to hasten through just as rapidly as possible. No matter if we are in our own territory, under our own flag, and within our own sovereignty, we must hurry through and go out upon the high seas as if the canal and territory about it were alien country. Is it possible to take a position more disgracefully humiliating than this? And yet this must be the position of those who insist that these rules apply to the United States. Is not this giving up a sovereign right to say that our own ships can not stay within the limits of our own territory as long as we want them to?

Again, if we are at war, we can not under rule 4, if it applies to us, embark or land troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance, and then we must proceed on our way as rapidly as possible. It is idle to suppose that a self-respecting people will tolerate such a construction when they are fully advised. We can not stop in our own canal; we can not land our troops on our own soil! The people of this country will never assent to such a contention.

But these are not all the humiliating things we are required to do by those who include the United States in "all nations." Rule 5 says that its provisions shall apply to the waters within 3 marine leagues of either end of the canal, and if we are at war our battleships shall not stay in these waters for more than 24 hours at any one time, but we must hoist anchor and leave our own territory. If a battleship of our enemy has left we can not follow for 24 hours. If an enemy's fleet is out in front and one of our warships has arrived it must hasten on through and go out of its own territory and away from its own flag to certain destruction. The application of these rules to the United States would place us in a humiliating, cowardly, pusillanimous, and intolerable situation.

Rule 6 is absolutely silly and asinine as applied to the United States, and would be a fit product only of a lunatic asylum. It would prohibit us if at war from attacking or injuring the canal or any of the works in connection with it. If any rule is needed to prevent us from attacking and injuring our own property, then, indeed, the sooner we turn our affairs over to England or some other power the better it will be for us, if not for mankind. These last five rules are so manifestly absurd when applied to the United States and lead to such ridiculous conclusions that it is generally conceded that they do not apply to the United States because of her ownership and sovereignty, but when this is conceded rule 1 falls, because it is a universal rule of treaty construction that if a part falls it all falls.

Mr. President, I have analyzed this treaty from the standpoint of present conditions and the present situation. I do not question the judgment, ability, sincerity, integrity, or patriotism of those who do not agree with my construction when I say that to my mind any construction that requires us to charge tolls on our vessels on going through this canal is senseless, absurd, foolish, unpatriotic, and un-American, and in "plain contravention" of the terms of the treaty itself. When I say that I simply express but feebly how it appears to me. However, we do not need to depend upon our construction to defend our action. Great Britain herself, through her representative, has practically admitted that we have the right under the treaty to do what we have done when he says in the letter of A. Mitchell Innes, under date of July 8, 1912:

> As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken.

Why need we quibble and finesse to find some way to show that we have violated a treaty when the other party practically admits that we have not and that we are within our rights in what we have done? We have by law confined this exemption to our coastwise vessels only, and it will be time enough for Great Britain to complain when that law is violated and the vessels exempted are not confining themselves strictly to the coastwise trade. I think the suggestion that we would not enforce our laws was an actual and gratuitous insult, and it should have been resented. It should not be overlooked that the distinction regarding the coastwise trade made by the learned Senator from New York never occurred to the British representatives. If it had, they would surely have suggested it.

Mr. President, I want to call attention at this point to what appears to me to be the real situation with reference to the contention of Great Britain. They have practically admitted in their note to this Government that if we confined our exemptions strictly to the coastwise trade, they could make no objection. If we do that, they have no cause of complaint; if we fail to do it, then arises any cause of complaint they may have which could then be submitted to any tribunal that the two Governments might agree upon or to the court, or in some other way than by our absolutely repealing the law which they in effect concede, if we confine it to this strict purpose, we had a perfect right to pass. Why are we falling over ourselves to undo something which in fact they admit we had a right to do, but which they fear we may not really carry out.

Mr. President, we have the right to do what we have done. No contract has been broken, no obligation violated. The Nation's honor has not been impaired. Its sovereignty has been upheld and its rights maintained. To repeal this law now and under the circumstances is to confess ourselves dishonored in the eyes of the world and cowardly. Did we think we were right when we made this exemption? Surely. Did we not then consider everything that is presented now? What new light has been thrown upon any point? Why do Senators confess by their votes now that they voted ignorantly then or deliberately dishonored their country and their people? Both votes can not be right. The people will demand an explanation. It is noble to confess a fault and repair a wrong; it is ignoble to admit a fault when faultless or to surrender a right through fear. Good will purchased through humiliating concessions is not lasting and will soon be followed by contempt and aggression.

The President asks us to do "the large thing" by granting the demands of England whether "right or wrong." That course would dishonor the Nation, humiliate our people, barter our sovereignty, and bring upon us the just contempt of the world. I know the President meant well, but neither men nor nations can act on that theory and maintain their own self-respect or the respect of others. A firm and just insistence by the Nation upon its rights will cultivate good will, command esteem, and promote peace.

But we are doing "the large thing" by England and the world now. We are doing more for her and more for the nations of the earth than any people have done for others since the "morning stars sang together." We have completed the most stupendous work since the world's creation at tremendous cost in money, toil, and human life. We are going to protect and maintain it and permit the nations of the earth to use it without asking them to repay the cost of its construction. In fixing the charges for its use we take into account our coastwise trade going through it and fix the charge on foreign ships upon exactly the same basis as if we charged such ships for going through. We do not expect for many years to receive from the charges fixed the cost of operation and maintenance. Whatever we do not receive is simply a gift to them. Then we further do "the large thing." We do not exempt our ships in the foreign trade, as we have a perfect right to do and as we ought to do, but we charge them exactly the same rate that we charge to other ships. England should be the last nation on earth to complain at our action in exempting our coastwise ships. She will get the great, the large benefits from this canal.

Her ships will reap the benefit of this great work, and that she is complaining now and insisting upon more favors shows how tenaciously and persistently she looks after the rights and interests of her citizens. While I am amazed at her effrontery, I can not help but admire her devotion to the complaints and demands of her subjects. Yes; we are now doing "the large thing" in heaping measure and neither honor nor right call upon us to do more.

Does the President think that if we grant this demand it will end England's claims? Surely not; and yet I fear he does. If so, he is greatly mistaken. She has given us fair warning, and I want the people of the country to know what to expect if this humiliating surrender is completed. They will then know how to gauge the devotion of their selected representatives to their welfare and interests. Sir Edward Grey, in his note of November 14, 1912, says:

> Animated by an earnest desire to avoid points which might in any way prove embarrassing to the United States, His Majesty's Government have confined their objections within the narrowest possible limits.

What points has England not presented that would embarrass us? How considerate! What magnanimity! Objections confined to the narrowest limits! Grant this demand, and we may expect another. What is our wise course? Stand upon our just rights, and let her other demands be presented for such consideration as they deserve, unembarrassed by the concession of this unjust demand.

There is another instance of England interpreting a provision in her own interests that is enlightening, in view of the contention by her and her friends regarding the treaty under consideration. In the Panama Canal act there is a provision under which railroad and trust owned and controlled ships can not use the Panama Canal. That provision was inserted to insure the use of this great waterway in the interest of the people, and on the assumption that we could do so not only because we had a right to as the owner of the canal, but also because it was a provision without discrimination, and a just and proper restriction. What does England say about this provision? In the letter of Sir Edward Grey, he says:

> His Majesty's Government do not read this section of the act as applying to or affecting British ships, and they therefore do not feel justified in making any observations upon it. They assume that it applies only to vessels flying the flag of the United States, and that it is aimed at practices which concern only the internal trade of the United States.

Note that they concede that railroad-owned ships may pass through the canal in the internal trade of the United States, notwithstanding the view of the Senator from New York. It never occurred to them that railroad-owned ships passing from one port on the Atlantic to another port on the Pacific were not engaged in the coastwise trade, and they concede that we can prohibit our railroad-owned ships from going through the canal from one port to another on the ground that it affects internal trade. If we can prohibit ships from passing through the canal because it relates to an internal matter, then we can permit them to go through upon any terms that we may deem wise, just, and proper.

Legislation that prevents the use of the canal by American ships is not objected to because it relates to the internal trade of the United States, but legislation relieving our ships from some burdens, even though affecting only our internal trade, is objected to if by any possibility English ships, by reason of their geographical location and situation, may be at a disadvantage. But this is not all, and here is the secret to this whole trouble and the activity of England: "If this view is mistaken and the provisions are intended to apply under any circumstances to British vessels, they must reserve their right to examine the matter further and to raise such contentions as may seem justified." No suggestion of giving up anything to get a reputation for generosity. That is not England's way. In other words, England contends that we have the power to exclude our own railroad, trust controlled ships from our canal, but Canadian Pacific Railroad owned ships—that is what "under any circumstances" means—must be permitted to use the same. If we repeal our toll-exemption law and thereby admit the control of England over our own canal, she will then insist upon the ships of the Canadian Pacific Railroad being permitted to go through, and we can not help ourselves, because, "right or wrong," we will have to grant the request in order to do "the large thing" and to preserve "our reputation for generosity." Then our own transcontinental railroads will come to Congress and say, "Is it fair, is it just, is it American fair play to exclude us from the use of our own canal and permit our foreign rivals to use it?" What answer can be made to such a plea? Talk about "insidious lobbies"! In deep and devious ways it has hidden itself behind the representatives of Great Britain, and our honest, patriotic President, unfamiliar with the mainsprings of England's diplomacy, has failed to discover it, and has been unwittingly led into a course that is wholly unjustifiable and un-American and which will lead to the sacrifice of American interests and American sovereignty. The American people were much gratified at the action of the last administration in insuring the use of this canal for the benefit of the people, and they will surely hold to a strict account any administration that turns it over to the use and control of the railroads, and especially without a struggle. That is what repeal means now. That is the real issue. That is what England is after, and that is what the American people will not permit when they have a chance to express themselves upon it.

We are told by some who ought to know better that the ships that would be benefited by this exemption are railroad or trust owned ships, and this is urged as a reason for its repeal. The Commercial Appeal, of Memphis, says, referring to our coastwise law:

> Under this privilege the seacoast ships long ago formed themselves into a trust and became part of the railroad transportation system. It will be seen that more than 90 per cent of the tonnage of the seacoast ships that would benefit by free tolls through the canal either belong to the railroads or are in a shipping consolidation.

The editor of this paper—and this editorial is quoted with apparent favor by others—either deliberately tries to deceive his reading public or else he is woefully ignorant. If he had read the law signed by a Republican President, he would find that these very ships, ships owned by the railroads and ships owned or controlled by a trust, not only can not use the canal free but they can not use it at all. If the contention of Great Britain, which is really the contention of the railroad-owned ships, is sustained, this class of ships will use the canal and it will not make any difference to them what the tolls are; they will be powerful enough not only to throttle all competition but they will simply pass on to the public whatever tolls they have to pay, and the very thing this editor condemns will come about by the policy he advocates. Furthermore, if Canada's railroad-owned ships go through the canal and we exclude our own, then we violate the rule we have laid down by discriminating against our own ships and our own citizens. What are we going to do about it? Is it possible that we can not exclude our own railroad and trust owned ships from our own canal if we want to do it and think it best? Is it possible that we have bargained away that right? If you repeal this law, you can not consistently shut them out without violating rule 1. These ships belong to our citizens. If rule 1 applies to us, we can not exclude them, because that would be discrimination.

I contend that rule 1, as I say, does not apply to us, and that we can shut out our own railroad-owned and trust-controlled ships. Is it possible this argument is presented, this movement inaugurated, by the wise, sagacious, keen minds behind the railroads for the very purpose of putting us into a position where they can say to us, by and by, "You have decided that rule 1 applies to you and your own citizens, therefore you can not shut us out, because that would be a discrimination against us and your own citizens and your own interests"? There would be no answer to such a suggestion if we decide that rule 1 applies to us.

It is urged that as all the people have contributed to the construction of the canal those directly using it should contribute toward its maintenance. That would be true if they would eventually bear the burden, unless a greater benefit is received by allowing them to pass through free. To determine this we should not lose sight of one of the great purposes of this canal. The people desired to build this canal not for glory but for benefits. They feel that it is a great defensive agency in time of war and a great protective agency in time of peace—a protection against extortion by the railroads. You read the debates in Congress from the beginning of the agitation for the building of this canal and you will find that it was urged as a competitor of the railroads in the interest of the people, and you will find it charged from time to time that the greatest agency in opposition to the building of any canal was the railroads. Why? Because they knew that a free and untrammeled waterway would be a sure and efficient regulator of transcontinental rates and insure to the people reasonable charges not only in the canal but over the railroads for the transportation of their products and goods. They opposed it, they delayed it, they put it off on one excuse and another just as long as possible. It was finally entered upon, and the people began to feel that they were going to have water competition to perfect and complete the imperfect regulation of the Interstate Commerce Commission. It began to appear as if the railroads had lost out, but they are resourceful. They are powerful. They have the best and the keenest minds in the country to advise and direct. Finding they

could not prevent the building of the canal and threatened with being prohibited from using it in such a way as to throttle competition, they opposed by every means in their power the legislation prohibiting railroad-owned ships from using it. The proposition for no toll charge was pending at the same time, but this did not worry them. There was no talk of subsidy then. They bent every energy to defeat Congress in its attempt to preserve the canal for independent competition. They failed. Then they directed their efforts toward placing every burden upon the use of the canal they could. They wanted to weaken it; to destroy its efficiency.

They know that every burden placed upon it diminishes its effectiveness as a competitor just to that extent. They know that every charge placed upon the shipping using the canal diminishes its competitive power to that extent and allows them to keep their rates at a higher level. So the plausible argument is presented that as the whole people have paid for the canal those who use it should contribute to the Treasury for its maintenance. This sounds well, but how will it work? These ships will pay the tolls to the Government, of course. Then what will they do? They will charge them up as operating expenses and collect from their customers, and their customers will collect from their customers, the people, and the people who were to receive such wonderful benefits pay the bill. Water transportation rates are kept up by just the amount of the tolls, because they are an absolutely fixed and definite charge for all. Do not the people pay the labor charge, the operating expenses? Surely. Then how do they hope to escape a charge for tolls? Surely there is no magic in the word "tolls" by which they escape. This is not all. Not only do those who transport by water pay more by reason of the tolls, but those who transport by the railroads also have to pay more, and where $1 goes into the Treasury for the relief of the people $3 are taken from their pockets in increased transportation charges. In other words, when you charge tolls to avoid giving ships a subsidy you give a far greater subsidy to the railroads. It is said, however, that these tolls will be paid out of the profits. There are no profits until operating expenses and fixed charges are paid. They will no more be taken out of the profits than will the wages of the sailors. If a vessel owner taking his ship from Seattle to New York has to pay $19,000 on passing through the canal, is there anyone so simple as to think that he will not include that sum in the fixing of his rates? Of course he will, because every other ship has to do the same thing. This plea to get money from these ships for the Treasury will result in taking it from the people and in further mulcting them by higher railroad rates. Of course, the railroads want that. We are here to look after the interest of the people. To impose tolls is not in the people's interest even if any considerable number think so, and their ultimate interest should be our highest aim.

What will be the result if we do not charge tolls? What benefits will accrue? We will get lower water rates and, in my judgment, lower and more steady rail rates. Of course the ships that use the canal will get all they can. That is natural. If there are not enough to do the business their rates will be high. This will attract others. New and more ships will be built, and with more ships will come lower rates, just as have come more railroads and lower rates. Ships will more surely come, however, because there is a track free for all, and it is inevitable that the charges will be brought down to a basis of fair profit after deducting the fixed charges, and those rates must be lower less the fixed charges. This, it seems to me, is in accord with common sense and business experience.

This exemption is objected to because our coastwise ships have a monopoly of the coastwise trade. They have, and they have had it from the foundation of the Government, and we have given it to them because we have thought it the best and the wisest policy and of the greatest benefit to the people. I believe in it. It has given to us the only merchant marine that we have, and it is the only policy that will keep that merchant marine for us. It has a monopoly of that trade, but that trade is so great that it will sustain such a large merchant marine that the competition within it is or would be sufficient to keep the rates down if the shipping can be kept out of control of the railroads. We placed a provision in the canal act under which power is given to the Interstate Commerce Commission to destroy this control, and I hope that it will be done. If this shipping is in a combination we have a law under which it can be dissolved. Unless you are prepared to abandon our coastwise policy, then you can not oppose this exemption, because that policy should be uniform throughout all of our coastwise trade. If the trade between New York and Galveston is to be confined to coastwise ships and permitted to enter harbors which we have improved and pass through canals which we have constructed without the payment of tolls, why may not the ships carrying the coastwise trade between Galveston and San Diego, San Francisco, Tacoma, and Seattle enter our harbors and pass through our canals free of tolls?

We of the Pacific coast have thought that we are a part of the United States. We have been doing our part toward the maintenance of the Sault Ste. Marie Canal that the products of Iowa, Minnesota, the Dakotas, Illinois, and Missouri might have the great benefit of water transportation to the markets on the Atlantic. We have not urged that you should pay tolls. Do you think it fair that you should have this benefit from a canal built with the money of all the people and then deny to us the benefits of a free canal for our trade and our products? You can not afford to do it even if you have the power to do it. This Government rests upon justice and fair treatment, and injustice and unfairness will not long be tolerated. You can not maintain a coastwise policy that applies in one way to one section of the country and in another way to another section.

Some say that free tolls is not of general benefit, but affects the trade of particular sections. This is a narrow view to take, and if applied impartially would stop all development under Government encouragement. This may help the Pacific coast more directly than any other part of the country, but our prosperity means greater prosperity for other sections, and especially to the Middle West. We purchase great quantities of the products of Nebraska, Kansas, Iowa, Missouri, and other States. If we are prosperous, we buy more, and that benefits the people of those States. If we are not prosperous, you suffer.

In 1908 the people of the State of Washington bought the following amounts of farm products from the States named:

Nebraska	$6,375,000
Wisconsin	9,850,000
North and South Dakota	500,000
Iowa	4,060,000
Kansas	2,475,000
Minnesota	5,800,000
Ohio	5,000,000
Indiana	4,000,000
Illinois	8,750,000

All of these farm products we may, and I hope some day will, raise in our own territory. I have no doubt but that our purchases to-day, with an increased population, are far greater than they were in 1908. If we raise these farm products, or if we are unable to buy by reason of lack of prosperity, and cut off this market from your people, it certainly will affect you greatly. This simply illustrates how one section of the country depends upon another, how the prosperity of one section depends upon the prosperity of another section, and how a benefit that comes to one section can benefit another section.

The Soo Canal is no direct benefit to us. We would be better off, so far as our wheat is concerned, if your wheat had to pay tolls, but we do not ask that unless you are going to insist on putting a burden on our coastwise trade through a Government canal. If it is fair for us, it would be fair for you. Would you support a proposition to impose tolls on the ships going through the Soo so that the Treasury might be reimbursed? If the ships alone would pay, why not do it?

But a great light has burst upon the vision of many. Their eyes have been opened, and they see a great octopus, which many of them took to their arms most innocently two years ago. This exemption is a terrible subsidy. What must the people think of many of their Representatives who, selected because of their learning and wisdom, and many of them because they have been denouncing octopuses for many years, and who seem to be able to spy one out on the slightest provocation, innocently took this most terrible of all and fastened it upon the people? Not only that, but when they were assembled for the purpose of telling the people what they favored they gleefully and clearly indorsed this hideous thing and then went out into the campaign and sought to be selected to represent the people, and as one thing commending them to the people they pointed to this great act of theirs, and not until they were elected to office were their eyes opened to what they had imposed upon the people. Their eyes are opened now, or they think they are. They are mistaken. The railroads have thrown dust in their eyes, and they do not know it. They are honest and sincere in their belief, I grant it, but that they are ignorant and mistaken we have good reason to believe. They have confessed that at one time they did not recognize the octopus, and they are likely to be mistaken again. That platform that was such a sacred compact with the people has turned to be nothing but "molasses to catch flies."

Mr. President, if this is a subsidy, then every man on this floor is in favor of a subsidy and has often voted for it. We spend millions of dollars every year to maintain waterways that have cost us over $700,000,000 for improvement, and yet we

permit our ships to use these improved waterways without charge, and no one cries "subsidy." On the contrary, some of those who cry "subsidy" the loudest most zealously seek these subsidies. It is just as much a subsidy to exempt ships from the payment of the expense of maintaining the Soo Canal, the Celilo Canal, the locks on the Ohio, and our other waterways as it is to exempt our ships passing through the Panama Canal. You may quibble and differentiate all you will, but you can not alter the fact. We spend hundreds of thousands of dollars every year for lighthouses, life-saving stations, beacons, and other aids to navigation, and thousands of dollars for their maintenance, and make no charge on account of them. If this is not a subsidy, then the exemption it is sought to repeal is not a subsidy. These expenditures benefit especially the navigation companies. It is proposed to spend millions of dollars in aid of road improvement—largely for the benefit of autoists—and our friends will be strongly in favor of it. Will they propose to establish tollgates along the highways so improved and maintained, in order that the Treasury may be reimbursed? Of course not; and yet not to do so is to grant a subsidy to those who use these roads if this exemption is a subsidy. In the agricultural appropriation bill which we just lately passed you spend for the farming industry millions of dollars, and not a cent of it will come back to the Treasury. Millions of this money will go to particular lines of agricultural work and be of no direct benefit to any other. This is a direct subsidy paid out of the Treasury to a particular industry, especially if your contention with reference to it is correct. You expect nothing to come back to the Treasury. It is a subsidy pure and simple. You vote for it and cry for more. Your Postmaster General says that our Government is paying $50,000,000 a year more for carrying second-class mail than it receives. If this canal exemption is a subsidy, then this exemption to the distributers of second-class mail matter is a subsidy. I saw an editorial the other day in a magazine of a great publishing company denouncing this exemption as a subsidy, and yet that same company gets its magazines carried at hundreds of thousands of dollars less than cost. That is a subsidy if this exemption is. You do not seem to be falling over yourselves to stop this subsidy.

The New York World sneeringly says that you might as well ask that your letter be carried free as to ask that ships go through the canal free, and yet it does not object to the subsidy it receives through our postal laws. There is a great movement on foot now to carry a letter for 1 cent, and there may come a time in the no distant future when we may carry letters free, not as a subsidy, but for the general good.

Last year this Government paid out over $600,000 for delivering country newspapers free. Are those who so viciously denounce this exemption as a subsidy taking any steps against this latter subsidy? I hear of none. Are any of the papers that denounce exemption urging on Congress to pass a law requiring them to pay the full cost of carrying and delivering their publications? Not at all. You provided in your tariff bill—you Democrats—that the shipping industry should be favored above other industries and the material for the building of ships should come in free of duty. If this exemption is a subsidy, then this exemption from duty is a subsidy. Your tariff bill also contained a provision giving a rebate of 5 per cent in the duties on goods imported in American ships. If this exemption is a subsidy, then this rebate is a subsidy. Ah, gentlemen, you have been reveling in subsidies, if this exemption is a subsidy, so much and so long that you do not know one when you see it.

But these are not subsidies. They are aids to industry or the release of burdens on business in the interest of the people and for the general welfare. No government can be carried on without them. Different communities receive different benefits and bear lesser burdens and the aggregate results are productive of happiness and prosperity. So it is with this exemption. It is not a subsidy in any sense of the word. No shipowner is paid a single cent out of the Treasury. That is not disputed. He gets no direct benefit. Whatever benefit he gets comes from the use of the canal without having to pay, just as the other interests above referred to get the benefit of the money spent in their behalf without paying. They will act in exactly the same way, too. Does the owner of the country paper that is delivered free determine what the cost of delivery is and charge that up to his patrons? Certainly not. He pays no attention to the cost of delivery, but serves his patrons the best he can, and if he has a competitor his charges are based upon his actual expenses and the people served get the benefit of the free delivery.

When freights are fixed for carrying products through the Soo, do the shipowners figure what the Government pays for maintenance or what they should pay in tolls and add it to their charges? Certainly not. They think nothing of it. They fix their charges without taking that into consideration at all and through competition the people served get the benefit from such exemption. So it will be with the shipping through the canal. In fixing their charges they will not take into account anything except their expenses. The exemption will not be thought of. If competition is sharp, the people will benefit by the exemption in lower rates, and that is what we want and that is the justification for this exemption in addition to the absolute right which the people of one section and industry have to equal treatment with other sections and the same industry.

To impose tolls on the ships is more certainly a subsidy to the railroads than is exempting ships from tolls a subsidy to them. Put tolls on the ship, and, as I have already said, the people will pay such tolls, and in addition the railroads will keep their rates higher, and this means a greater burden on the people.

Why are some people so afraid of benefiting, or subsidizing, if you please, our own shipping when they seem to care nothing for subsidizing foreign shipping? The four hundred millions spent in building the canal is certainly a subsidy to foreign shipping and foreign industries. Our shipping in the foreign trade will get no benefit, because we have none; none to speak of. No one urges such charges as will repay our people the money it has cost to build the canal. In fact, for many years we will be out many millions of dollars each year for repairs, maintenance, interest, and operating charges that we will never get. That is a subsidy to foreign shipping. It is strange to me that we cheerfully and without criticism give to foreigners what we condemn as vicious for our own. If I have favors and encouragement to bestow, I prefer home interests to foreign interests.

They talk of combinations and trusts in the domestic shipping, but what of the trusts and combinations in foreign shipping? The Alexander report to the House of Representatives shows that practically all of the foreign lines are in trusts and controlled by agreements.

Here, Mr. President, I wish to read, so that it may be in the RECORD, a paragraph from this report on page 415 under the title "Recommendations relating to water carriers engaged in the foreign trade." It is a report made by a committee of the House of Representatives which spent a great deal of time investigating the conditions of foreign shipping:

> The facts contained in the foregoing report show that it is the almost universal practice for steamship lines engaging in the American foreign trade to operate, both on the inbound and outbound voyages, under the terms of written agreements, conference arrangements, or gentlemen's understandings which have for their principal purpose the regulation of competition through either (1) the fixing or regulation of rates; (2) the apportionment of traffic by allotting the ports of sailing, restricting the number of sailings, or limiting the volume of freight which certain lines may carry; (3) the pooling of earnings from all or a portion of the traffic; or (4) meeting the competition of nonconference lines. Eighty such agreements or understandings, involving practically all the regular steamship lines operating on nearly every American foreign trade route, are described in the foregoing report.

Oh, Mr. President, while we are so fearful of giving a benefit to some home trust or home combination let us be careful that we do not confer a greater benefit upon foreign trusts and foreign combinations. It is strange that our friends seem to be so friendly to foreign interests, trusts, and combinations; they do not hesitate to assist them. If we must aid a trust, I prefer to aid a domestic trust rather than a foreign trust every time.

Mr. President, the real question is not, should we impose tolls upon our coastwise ships on going through the Panama Canal, but must we do it? Must we tax our people whether we deem it wise or not? If, under the circumstances surrounding us now, we repeal the law which we deliberately passed, we say to the world—and the world will so understand our action—that we admit that we violated a treaty and that hereafter we must impose this toll. We can not repeal this act and again exempt our ships without stultifying ourselves and bringing upon us the contempt of all the world. If we find that it is economically injurious, there is no remedy. We are helpless. For all time to come our people are taxed, whether they will or no, for the benefit of the Canadian Pacific and the Tehuantepec Railways and the transcontinental lines of our own country. Must we, a free and independent people, tax our internal trade and continue that tax forever whether we deem it wise or not? Must we tax our ships going through our canal, built through our own territory, carrying our own trade, no matter how injurious or undesirable it may be? If we must, then we are not sovereign of our own. We have ceased to be an independent, free-acting people. What we have secured and maintained by war we have lost in peace.

Mr. President, if this exemption is illegal, if we must impose the same tolls on our ships that we do on others, then we never

can relieve ourselves from this tax. If our contention is correct, and if we maintain our position and assert our right, either to impose or to relieve our ships from this tax, as we see fit, then at any time hereafter when we consider it wise to do so we can impose such tax as we please upon our coastwise shipping. The supreme issue to be determined at the close of this debate is whether or not we can act as we deem wise and best, now and in the future, or whether we must bind ourselves and our people with a perpetual tax upon our coastwise shipping through the Panama Canal.

Some propose that if we find this injurious we can repay directly to our shipping what they have to pay as tolls. Not if we must get England's consent, and that is what we would have to do. She gives us fair warning in her note that she would hold this in violation of the spirit of the treaty, and, while admitting that as a general proposition we have a right to do as other nations do and subsidize our shipping, she will contend that under the Hay-Pauncefote treaty we can not favor the particular ships going through the canal.

I want the Senate to note this, because it seems to me that many of those who have discussed this proposition heretofore have overlooked the fact that England does not concede our right to repay by direct subsidy the charges that we may impose upon ships going through the Panama Canal.

In the Innes note, after admitting our general right to subsidize our shipping, he says:

> But there is a great distinction between a general subsidy, either to shipping at large or to shipping engaged in any given trade, and a subsidy calculated particularly with reference to the amount of user of the canal by the subsidized lines or vessels. If such a subsidy were granted it would not, in the opinion of His Majesty's Government, be in accordance with the obligations of the treaty.

In other words, Senators, if we endeavor to repay to our ships that pass through the Panama Canal the tolls which we impose upon them by reason of our treaty, Great Britain will say, "You are violating the spirit of the obligation of that treaty, and you have no right to do it," notwithstanding the fact that England, France, Germany, Spain, and every other nation on the face of the earth that may use this canal, except ourselves, subsidize their own ships, and there is nothing in the treaty to prevent their paying a direct subsidy with reference to this canal; yet Great Britain contends that we have so bound ourselves that we can not even repay as a subsidy the charges collected from our ships in going through the canal. She will pay hers, other nations will pay theirs, but we can not, because we have bound ourselves not to do it.

This is substantially confirmed in Sir Edward Grey's note, which I think I will read so that it may be in the RECORD:

> If the United States exempt certain classes of ships from the payment of tolls the result would be a form of subsidy to those vessels which His Majesty's Government consider the United States are debarred by the Hay-Pauncefote treaty from making.

There you have it. Wriggle, twist, squirm as we may, England would hold us as in a vise. We are bound hand and foot as far as our dealings with our own ships going through our canal are concerned. Does anyone doubt if we go to remitting our tolls that England will object and claim that it is in violation of the treaty? And if we admit now that we can not exempt them, will we not have to admit that repaying them is simply a subterfuge and unworthy of a civilized nation? If we have no right to exempt them, England's contention is correct. It is more dishonorable to attempt to do something indirectly rather than directly, and I can not appreciate that high sense of honor that vehemently contends that we can not exempt our shipping but does not blush at the suggestion to take the money with one hand and pay it back with the other.

Much is attempted to be made out of the fact that what is known as the Bard amendment was voted down by a vote of 43 to 27 when the treaty was pending for ratification. That amendment expressly provided that our coastwise trade should be exempt from tolls. Practically every Senator who was then in the Senate states that this was done in the belief that such amendment was unnecessary. This contention is in accord with reason, judgment, and patriotism. No attention is paid to subsequent construction of the treaty provisions. The contention that we have the right to make this exemption has since been sustained by the great majority of our great lawyers, statesmen, and diplomats. Two years ago the Senate construed the treaty in the same way and by a vote of 44 to 11, after free and open discussion, decided that we had this right and not a single Democrat voted against it. That action of the Senate should set at rest any doubt as to the meaning of the vote on the Bard amendment.

The Panama Canal act, which it is sought to amend, was one of the most important acts of a long list of those enacted during the last Republican administration in the interest of the people. In addition to providing for the government of the Canal Zone it contained some of the most far-reaching and progressive provisions for the control of railroad and water transportation for the people's benefit that have ever been placed upon the statute books. It extended the powers of the Interstate Commerce Commission far beyond anything that had been dreamed of, by giving it the power (1) to establish physical connection between rail and water carriers, (2) to establish through routes and maximum joint rates over rail and water routes, (3) to establish maximum proportional rates by rail to and from the ports to which the traffic is brought or from which it is taken by the water carrier, and (4) to require any railway company entering into an arrangement with any water carrier for the transportation and handling of business from any port to any other port in the United States, or to any foreign country, to enter into any similar arrangement with all water carriers from that port.

In order to meet certain problems and conditions that had arisen from the apparent control of water competitors by certain railroad lines, and to prevent such control, we empowered the commission to divest the railroad companies of all such control, whether by ownership or otherwise, where the same appeared to be injurious to the people, and in order to insure the freedom of the Panama Canal from such railroad control and to guarantee its effectiveness as an untrammeled water competitor of the railroads, we absolutely prohibited the use of that canal by ships owned, operated, or controlled by the railroads. For the purpose of further insuring the use of this canal by free, independent, and competitive water lines and shipping, we prohibited the use of the canal to trust owned or controlled ships. So far as legislation could do we provided for a canal to be used wholly and exclusively for the benefit of and in the interest of the public. In view of the provisions, what must we say of those claims and assertions made by those favoring this repeal, that this exemption will be and is solely in the interest of trust and railroad owned and controlled ships? Such statements are made ignorantly or with the deliberate purpose to deceive, and are inspired by that insidious lobby that the President has failed to discover.

The provision prohibiting the use of the canal by railroad-owned ships was strenuously opposed by the railroads, and very naturally so. They not only wanted to use this canal with their money-making agencies in connection with their roads, thereby converting it from a canal into a railroad for all practical purposes, but they knew that if their ships were excluded the result would be the construction of independent ships and the establishment of independent shipping lines for this trade and the establishment of real competitive water transportation. They knew that there would be such competition among these new ships and lines that rates would be reduced to the lowest possible limit, and that they would have to meet this competition on goods that could be transported by water as well as by rail. This would benefit the people of the whole country. They failed. Congress excluded railroad ships. It offered an encouragement to the building of new ships by exempting them from the payment of tolls and extending to this internal waterway the same rights and privileges that we have extended to all other waterways. The people rejoiced. They believed that their hopes had been realized and that the most perfect agency possible for the just regulation of transcontinental rates had been provided. It remains to be seen whether these hopes are to be blasted under the leadership of those who rejoiced with the people in their rejoicing and who would never have been intrusted with power if the people had thought or known that this legislation would be largely nullified and, to all intents and purposes, a subsidy given to the railroads. To impose tolls is a discrimination in favor of the railroads, disguise it as you will, and especially in favor of the Canadian Pacific and the Tehuantepec.

Mr. President, the Democratic Party may have the power now to say that one section of the country shall have the benefits of a certain system and that another section shall be denied those benefits. It may have the power to apply one law to one section and another law on the same subject to another section, but the American people are a just people, and they will not long intrust with power those who would perpetuate such outrageous injustice.

The people of the Pacific coast have for many years paid tribute to the transcontinental railroads. They have for many years been urging an isthmian canal. They expected one that would bring relief from the burdens they have so long borne, not one that would fix those burdens in perpetuity. They feel, and feel intensely, that the repeal of this law will be a glaring and unjustifiable discrimination against them and their industries. They for years have been paying their share toward the improvement of our harbors and waterways un-

grudgingly, without expecting or receiving any very great direct benefits. They have contributed their part toward the construction of the Panama Canal, and they had a right to expect that they would receive some benefits from it not received by those who have contributed nothing toward its construction They feel that they have a right to equal treatment in a domestic waterway that will be of benefit to them just as the great interests tributary to the Soo Canal get free benefits from it, and they can not characterize too severely those who would be so jealous of the claimed rights of the citizens and interests of a foreign power and directly discriminate against its own. They would not complain if they thought our treaty obligations require this sacrifice on their part, but they insist they do not; and they further insist that there should at least be no weak, abject, unconditional surrender to demands of such great consequence.

We produce great quantities of fruit, fish, hay, grain, and lumber. We want to bring them to the great markets of the East. They want them. The long distance we have to come to reach those markets should be a sufficient handicap in favor of similar products on the Atlantic coast, but it seems not; and it is now proposed to impose upon our products at the Panama Canal what is equivalent to a tariff upon the products of one section of our common country on their being brought into another section of that country. What reason is given? The ships that use the canal should pay part of the cost of running it. In this case they say the ships will pay and the consumers will not have to pay any increase by reason of such charge. They took a tariff of $1.25 per thousand off of the Canadian lumber coming into this country, because, they said, the consumer had to pay it, and to take it off would relieve him.

Now, they would put on what is equal to about $1.50 per thousand on American lumber when it enters an American canal and say that the consumer will not have to pay it. The course of reasoning that leads to the conclusion that if you place $1.25 per thousand upon the lumber of the foreigner the consumer will have to pay it, and yet if you place $1.50 upon the lumber of the domestic producer the consumer will not have to pay it is strange, mysterious, and beyond me. In the case of the foreigner you take a tax off to afford relief to the American consumer, while in the case of our own people you put a tax on for the benefit of the consumer.

The people of the Pacific coast already are at a great disadvantage in the matter of shipping facilities with our neighbors to the north. Their products are substantially the same as ours. They want to get the same markets that we seek. They can carry their products to our markets in foreign ships of any flag, with any kind of crew working under any sort of conditions. We can send our products to our markets only in American ships, with crews as provided by law and working under conditions prescribed by our laws, conditions which we would not change. The result is that our foreign neighbors can get their lumber into the Atlantic markets at about $3 per thousand less than we can, and other products in proportion. Impose tolls on us for passage through our canal and you perpetuate this disadvantage.

I want to call the attention of the Senate to the views of some of our people across the line as to the effect of the repeal of this exemption law upon their industries. I have here an extract from the Vancouver (British Columbia) Province, a newspaper, in which they say:

British Columbia lumbermen, hoping to invade the New York market and that of Buenos Aires, are looking forward to the great pageant parade to be held here on June 12 as a means of bringing their lumber wares to the attention of the Atlantic coast and South American buyers. Mr. Harry G. Hayes, who has been appointed by the lumbermen to take charge of their parade at the time of the pageant, pointed out this morning that following the opening of the Panama Canal there was no reason why British Columbia should not capture a large share of the lumber trade of the east coast.

At the present time Washington mills competing against the southern yellow pine interests manage to dispose of a large quantity of Douglas fir every year on the Atlantic coast, selling both in New York and Buenos Aires by cargo as well as shipping overland by car to points in the Eastern States. Although at the present time the British Columbia mills do practically no cargo shipping at all to the east coast and sell comparatively few carloads to the eastern American towns, Mr. Hayes believes that as soon as the canal is opened for commercial business the mill owners of this Province will be placed in a splendid strategical position from a trade point of view.

BRITISH SHIPS CHEAPER.

British bottoms are cheaper on charter than American boats, he points out, and Seattle and Tacoma can not, under American maritime regulations, use British bottoms for carrying shipments to New York. This will mean that Vancouver can ship cargoes to New York cheaper than Washington cities will be able to do through the canal.

* * * * * * *

The net result will be, he points out, that both British Columbia and Washington shippers will be aided by cheaper transportation, and through their ability to use British bottoms the lumbermen of this Province will have an extra advantage over their fellow shippers of Douglas fir in Washington State.

Then I have here a copy of a letter written by the Home Securities Corporation, limited real estate, timber, timber loans, and investment securities, 503-504 Yorkshire Building, Vancouver, British Columbia, March 25, 1914, addressed to George H. Holt, 431 South Dearborn Street, Chicago, Ill. I will read one paragraph of this letter:

If the act providing for the exemption from Panama Canal tolls of American coastwise vessels is repealed, it will be possible to deliver British Columbia timber to the Atlantic seaboard several dollars per thousand cheaper than United States Pacific coast lumber products, due to the lower rate at which foreign ships can carry lumber as compared to American ships, which under present laws are required to carry freight from any American port to any other American port.

Mr. President, we of the Pacific coast had no right to expect such treatment. I protest against it. It is unfair, unjust, discriminatory, and un-American, and contrary to that policy which we have followed for more than 100 years without serious question.

Mr. President, much self-congratulation is indulged in by our Democratic friends over the record they think they have made. They are telling the people of what wonderful things they have accomplished during the year and a half that they have been in control. I do not blame them for getting all they can out of anything they have done, nor are they to be censured for trying to make the country believe that they have made a great record of achievement and constructive legislation. In my judgment the record could not be much worse than it is. Congress has been in continuous session more than a year. What has been done? A tariff law has been passed under which the great prosperity turned over by the Republicans has been checked and in many industries destroyed. Going works have been halted, new enterprises have been abandoned, business is depressed everywhere, labor has lost employment, mills have closed, and the damage inflicted upon the country and its enterprises through Democratic policies is the first we have had since the last Democratic administration turned over to the Republican Party a bankrupt Treasury and a prostrated country. Imports of foreign production are increasing, while exports of American products are decreasing, and with all this none of the promised benefits have come to our people. Wherever the cost of living has been reduced, if at all, it has been done at the expense of and to the injury of some American industry, and generally the American farmer. What its ultimate results will be no one can tell, but there is every indication that the results that have always followed a revenue tariff law will come from this one and that the country will pay in bitter experience for its change in governmental policies.

A currency law has been passed which it is hoped will be an improvement upon the previous system, but the indications are that it will develop into a great political machine, and if it does the disaster that will come to the country will be beyond measure.

The Alaska railroad bill, which I most heartily approve, has been passed, and it is the only measure of any importance that has been enacted that, in my judgment, deserves commendation and will reflect credit on the administration.

These are the only bills of any special importance that have been passed after 14 months of continuous session.

Mr. President, I wish to call the attention of the Senate and of the country to the fact that since the 1st of January, while in continuous session, only one legislative act of any considerable importance—the Alaska railroad bill—has been placed upon the statute books by this administration.

This is the record of accomplishment, but it is not the whole record. The civil-service system has been attacked at every opportunity, and provisions of law have been enacted striking down this most efficient system of government. Wherever possible the spoils system has been followed to the detriment of the public service. More planks of the Democratic platform have been repudiated than have been fulfilled. The main effort seems to be to repudiate rather than to fulfill, and notwithstanding the promises of that platform it apparently has been a means of getting in on rather than to be followed.

The promise of economy has been wholly disregarded and appropriations have been made far in excess of any previous administration by many millions of dollars. Offices have been increased, not reduced. None of the unnecessary offices denounced in the platform and on the stump have been abolished, but new ones have been created. Appointments have been made in Alaska and the District of Columbia of nonresidents as if no declaration against such a policy had ever been made.

Every effort is now being put forth and every influence exerted to repeal the toll-exemption law, which was especially commended in the platform and by its candidates while on the stump, and the result will be the nullification of the main provisions of the Panama act inserted for the protection of the people by the Republican Party.

You have signed a treaty with Colombia apologizing for a prompt, wise, statesmanlike, and fully justifiable act in the interest of the world's progress, and you have agreed to pay to her $25,000,000 of blackmail money and have given her ships rights in our canal which you claim can not be given our own. Thank God such a treaty can not be ratified except by a two-thirds vote of the Senate, and the people will not elect a Senate that will ratify such an infamous bargain.

Conditions in Mexico are going from bad to worse. We are in Mexico over a dispute between this Government and a puny individual, and we can not come out until order and stable government are brought to that distracted, chaotic, and bandit-ridden nation. Every day's delay now, in my judgment, means the loss of many precious lives and the expenditure of millions of treasure. The more prompt and energetic the action now the fewer lives will be lost and the less expenditure incurred. We are the laughing stock of the nations and a jeer and a byword in diplomacy, not so much because of our legislation but by reason of the incompetence and inexperience of our executive officers.

That is your record. You may be satisfied with it. From a political standpoint I am, but I wish it were better for the people who must suffer.

Gentlemen, make the most of your opportunity. Your power will soon cease. The great majority of the people will not allow the minority to rule very long, especially when it rules by policies so strongly opposed by the majority. In 1916 the majority will be together not only in principle but in the voting booths of the country. They will be together for principles rather than following men. Those who believe in the maintenance of the civil service; those who believe in legislation for the benefit, health, and comfort of children, women, and labor and the general improvement of social conditions; those who believe in the necessity for a protective tariff system for the prosperity of the country, the encouragement of labor, and the development of our industries; those who believe in the uniform application of our laws to every section of the country; those who believe in a firm, just, and dignified attitude toward all nations and who insist that this Government must and will do as it deems wise and best with its own property, its own territory, and its own domestic concerns will act, talk, and vote together under the leadership of that man who will best represent and exemplify the demands and sentiments of the people, and there can be no doubt of the result. The Democratic Party will be overthrown and the party under which this country has prospered as no other nation on the face of the earth, under which every great statute on the books to-day for the benefit and uplift of our people has been enacted, and under whose leadership the honor of the Nation has been upheld and the respect and esteem of the world secured will be reinstated, and the Republican Party will be continued in control until the people must again learn by sad experience.

Mr. President, the request of the President to repeal this law is the most amazing, unwarranted, audacious, humiliating, and un-American demand ever made of an independent coordinate legislative body of self-governing people. Amazing because made unexpectedly and without any demand or sentiment whatever from our own people; unwarranted because the alleged and supposed facts upon which it is based do not exist, other countries have not protested, England asked arbitration and not repeal, and no matters of delicate or nearer consequence exist that depend upon its repeal; audacious because contrary to party declarations, public professions, and the almost unanimous verdict of the people, and made upon the legislative body without reason or argument, but as a request or demand; humiliating because it requires a confession of the deliberate violation of a treaty and the spoliation of a nation's honor by the Congress and the President; and un-American because it involves an unconditional and inexcusable surrender of the rights of the American people and the sovereignty of the Nation. If we heed the demand of the President, we will, in the opinion of the world, confess that we have no right under the treaty to pass such legislation, and we surrender, so far as we can, for all time our right to do so. We may do this thing, but the American people will not have their rights foreclosed in this way. They approved this legislation. We propose to repeal it without their request and without their consent and against their will. We have no moral right to do it. We do not here represent ourselves; we do not here represent the Executive; we are the representatives of the people. The rights and powers that we have are their rights and powers, not ours. They expect us to uphold their rights rather than seek to give them a reputation for generosity at the expense of their vital interests. This question does affect their vital interests and the patriotic sentiment of the country. If party platforms and campaign pledges are repudiated and this law repealed without giving the people an opportunity to express their views upon an issue that has never been submitted to them, we will have to answer in the forum where the people's voice and will must be heard and heeded.

Repeal this law and the Democratic Party must answer for it before every constituency in the land. Repeal this law now and the people will reaffirm their right of control over their own property and their own territory and their right to determine the treatment that shall be accorded their domestic trade, and I want to warn the nations of the world that the people will again write this exemption upon the statute books. They will settle this question, and they will settle it right. Nations are moved largely by the same influences and impulses that affect individuals, and act very much in the same way. They represent the aggregate natures and dispositions of their individual citizenship. The individual who cringes before another and yields his rights uncontendingly, in the hope of securing good will and favor, loses his rights, secures the contempt of his aggressor, and becomes a prey to the selfishness of his neighbors. Yielding our rights and the rights of our citizens at the behest of England without contest, without even protesting, sacrificing the interest of our citizens to secure her approbation, abandoning our domestic policy to secure her assistance, only lessens her good opinion of us and makes us the laughing stock of nations both weak and strong and the victim of their covetousness and cupidity. Instead of securing a reputation for generosity, we will be regarded as weak, servile, and fawning. Help, assistance, and a reputation for generosity bought at such a price are a weakness. National respect is secured by the firm insistence upon the rights of your Nation and your citizens no less than by the scrupulous observance of treaty obligations, and if this Nation has lost the respect and confidence of the nations of the earth it is by reason of a weak, uncertain, vacillating policy in our treatment of foreign problems, and not by our disregard of treaty stipulations. England to-day commands the respect and admiration of the world because of the protection she affords her citizens and the tenacity with which she insists upon their rights. We might profit by her example.

The Senator from Connecticut [Mr. MCLEAN] in a most interesting speech urges that we repeal the law and arbitrate the question at issue. This is a strange position. If we repeal the law there is nothing to arbitrate. England has secured all she wants. We have given up all we have. Even if a moot case could be presented to a board of arbitration, but little attention would be given our claim in view of our open confession that we have no right to make the exemption. It would be like going into court having solemnly acknowledged your cause to be unjust and the result would be the same. This question ought not to be made the football of American politics. This law should stand as it is until our rights are passed upon by some tribunal in which we have confidence. Unless we are to insist upon our clear rights, provision should be made for testing this question before the Supreme Court of the United States, a tribunal whose decision all would cheerfully accept as final. Or let us request the Executive to submit a proposal for arbitration before a tribunal in whose verdict we would have confidence. This would not be difficult. A treaty modeled after that submitted by the last administration would result in a fair and a just verdict. We asked England to arbitrate. She said she was willing to arbitrate. Why did not this administration take that course? This is left to speculation and conjecture.

Here I want to read an extract from the letter of the British minister bearing upon this particular point. Here is a letter from Sir Edward Grey in which he says:

> But they recognize that many persons of note in the United States, whose opinions are entitled to great weight, hold that the provisions of the act do not infringe the conventional obligations by which the United States is bound, and under these circumstances they desire to state their perfect readiness to submit the question to arbitration if the Government of the United States would prefer to take this course.

Then he made a suggestion that is significant, especially in view of the action taken by this administration. Those who think that to repeal this law would not commit us absolutely and forever to the fact that the passage was a violation of the treaty should note this language by Sir Edward Grey:

> A reference to arbitration would be rendered unnecessary if the Government of the United States should be prepared to take such steps as would remove the objections to the act which His Majesty's Government have stated.

In other words, if we would repeal the law, then there would be no reason for arbitration further. Now, what did our Government say about arbitration? What was the suggestion made before this administration came into power? Here is what Secretary Knox said:

> If it should be found as a result of such examination—

That is, an examination into the facts, about which some question seems to have been raised—

If it should be found as a result of such an examination on the part of Great Britain that a difference of opinion exists between the two Governments on any of the important questions of fact involved in this discussion, then a situation will have arisen which, in the opinion of this Government, could with advantage be dealt with by referring the controversy to a commission of inquiry for examination and report in the manner provided for in the unratified arbitration treaty of August 3, 1911, between the United States and Great Britain.

In other words, both Governments before this administration had come into power had committed themselves as being willing to arbitrate this question. Why is it that this administration proposes not to arbitrate but to surrender absolutely and without question on a question of such great importance to us and our domestic policy if it is not willing to insist upon what the vast majority of our people believe we are clearly entitled to?

Repeal this law now and the people will rewrite it and insist upon it until it is accepted by all, or some such method followed to determine our rights. This is the only way to maintain our dignity before the world and preserve our self-respect and honor. The abject confession, the self-abasement, and self-degredation which is now asked of us is more than any nation or people can grant, and the American people will not tolerate it on the part of its representatives. Honor can not be maintained by dishonor; rights can not be preserved by surrender.

Mr. President, glowing eulogies of John Hay have been uttered during this debate by those seeking the repeal of this law. He deserves all that can be said of him. He was one of our greatest statesmen and a most loyal patriot. While firm for the fulfillment of our national obligations and devoted to peace, he was intensely American. To repeal this law for the reason that we had no right to pass it would, in my judgment, reflect upon his intelligence, question his patriotism, and sully his fame. He would not be hunting reasons and relying on quibbles to destroy the Americanism of this great enterprise. He has spoken. His own words show his attitude toward this canal. They refute the suggestions of those who would use his great fame and high character to bolster up a theory that would deprive us of a fair, just, reasonable, and American control of this richest American heritage. In transmitting the treaty to Congress he said—and these words present the whole case of the Republic, and before them all quibbles and fine-spun theories and far-fetched reasoning vanish like frost before the rising sun:

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed, it is exclusively the property of the United States, and is to be managed and controlled and defended by it.

I have here an article dealing with the purely legal question of our right under the Hay-Pauncefote treaty to exempt our coastwise ships from the payment of tolls, prepared by former United States Judge George Donworth, a lawyer of Seattle and one of the leading lawyers of our State. I ask that it may be printed as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

IS THE STATUTE EXEMPTING THE COASTWISE VESSELS FROM PAYMENT OF TOLLS FOR THE USE OF THE PANAMA CANAL IN VIOLATION OF THE HAY-PAUNCEFOTE TREATY?

[Memorandum by George Donworth, of Seattle, Wash.]

Probably no section of the country will suffer more than the State of Washington from the proposed repeal of the statute exempting coastwise vessels from payment of tolls for the use of the Panama Canal. Our great product, lumber, should be allowed to reach the markets of the East without unnecessary burdens, and we feel that not only as to this product, but as to all other articles of commerce between this State and the markets of the East, the canal, built by American genius and American money, should be utilized as far as possible for the benefit of the American people.

Some advocates of the repeal take the position that the tolls exemption violates the Hay-Pauncefote treaty, and must be abandoned from the standpoint of national honor, while others frankly admit that the treaty permits the exemption, but favor a repeal on other grounds of policy.

There is so much at stake in both phases of the question that it is to be hoped those who take the latter view will at least not vote for an outright repeal without embodying in the repealing statute a positive declaration of the right of the United States to restore the exemption whenever it sees fit. In view of the President's message and the legal argument on the construction of the treaty made by most of his supporters, the passage of the repealing act without some such reservation will forever estop us not only on the question of free tolls, but on the question of the right to use the Canal Zone as a base in time of war, as hereinafter pointed out.

In article 2 of the treaty it is agreed that the canal may be constructed directly by the Government of the United States, and that this Government, subject to the provisions of the treaty, "shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal."

Article 3 begins with the statement that "the United States adopts" certain rules. It is to be noted in the outset that the effect of this language is to recognize the canal as the property of the United States, and that this Government "adopts" certain rules for its regulation. The language does not say that Great Britain and the United States jointly adopt any rules. The canal is recognized as belonging to the United States, with all the incidents of such ownership, subject to the provisions of the treaty, one of the provisions being that this Government adopts certain regulations. These regulations should therefore be construed in the same manner as regulations adopted by any nation regarding its own property are construed. The general recognition of the canal as the property of the United States, with all incidental rights resulting therefrom, applies to all questions. That is to say, the presumption on all questions is in favor of the right of the United States to legislate as it sees fit, and such legislation is valid unless it contravenes some one of the rules which by the terms of the treaty "the United States adopts."

The argument of our opponents is based upon subdivision 1 of article 3, which states that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges and traffic or otherwise."

The treaty speaks for itself that the restriction as to terms of equality is "so that there shall be no discrimination against any such nation." The prevention of discrimination is the gist of the provision. That was the object to be attained. Great Britain has no right to complain of anything under this clause which does not amount to a discrimination. As her vessels are barred in any event from the coasting trade, no exemption freeing from tolls our vessels while engaged in the coasting trade can possibly violate this provision.

The argument of our opponents on this point proves too much. If we admit their argument as valid, we must allow Great Britain to dictate many other changes in our local laws. For instance, the existing treaty of commerce and navigation with Great Britain, that of 1815, provides in the second article that "no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels." (See Compilation of Treaties in force 1904, p. 309.)

The language of this clause is much clearer than the language of the Hay-Pauncefote treaty, in that the 1815 treaty expressly refers to vessels of the United States instead of vessels of all nations. Nevertheless, United States vessels engaged in the coasting trade are exempt from the payment of State pilotage charges. A British vessel arriving at the port of New York is subject to pilotage charges. So is an American vessel arriving there from a foreign port. But an American vessel engaged in the coastwise trade—that is, arriving from an American port, even Porto Rico or Hawaii—is free from these charges. (Huus v. New York & Porto Rico S. S. Co., 182 U. S., 392.)

The Supreme Court distinctly holds that there is no just ground for the claim of discrimination in regulations which favor our coastwise shipping as against other shipping, notwithstanding the treaty of 1815. (Olsen v. Smith, 195 U. S., 332.)

No nation, so far as known, has ever protested against this discrimination in favor of the coasting trade. In many other respects the coasting trade is favored by our statutes. In fact, the favoring of the coasting trade by statute has been so uniformly a part of the policy of the United States since the foundation of the Government that it would be difficult to enumerate all the instances of such favoring. The clause of the 1815 treaty above quoted is far stronger in support of the right of the British vessels to exemption from pilotage charges in the port of New York than is the disputed clause in the Hay-Pauncefote treaty in support of the claim of impropriety of free toll's for coasting vessels in the canal.

A treaty should be so interpreted as to give effect to the object designed; and for that purpose all of its provisions must be examined in the light of attendant and surrounding circumstances. (Roes v. McIntyre, 140 U. S., 453.)

Now, the attendant and surrounding circumstances in the making of the Hay-Pauncefote treaty include the historical attitude which the United States had always taken with reference to its coastwise trade. The circumstances also include the fact that the only consideration which Great Britain furnished for our engagements in the Hay-Pauncefote treaty was the annulment of the Clayton-Bulwer treaty, the canal itself being built entirely by funds contributed by the American people. Another circumstance to be borne in mind is the definite position which the American Government had declared and pursued for years with reference to such a canal. For instance, in the message of President Hayes to Congress, March 18, 1880, he said:

"An interoceanic canal across the American Isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States and between the United States and the rest of the world. It would be the great ocean thoroughfare between our Atlantic and our Pacific shores and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relation to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety are matters of paramount concern to the people of the United States. No other great power would under similar circumstances fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare." (Messages and Papers of the Presidents, vol. 7, p. 586.)

It is inconceivable that America should have surrendered for no definite consideration except the abrogation of a defunct treaty the rights and interests so clearly pointed out by President Hayes or that Great Britain should ever have thought so.

Discrimination being the only thing covenanted against, there can be no just ground for claiming a violation of the treaty by a regulation which imposes no tolls on vessels engaged in a class of trade which is prohibited on any terms whatever to the ships of Great Britain and other foreign countries.

What is the real ground of Great Britain's complaint? The real grounds are:

First. The Canadian Pacific Railway, which wants to reduce the effect of the competition of the canal to a minimum; and

Second. The commercial ambitions of the citizens of British Columbia, who feel that in their commercial rivalry with the cities of our Pacific coast they have much to gain and nothing to lose by burdening as much as possible the coastwise traffic of those cities.

As to the railroad, no one, I suppose, will for a moment claim that it is entitled to be heard in the matter. In fact, it keeps in the back-

ground. It has no direct interest in the question of discrimination in toll charges for ships passing through the canal. Its indirect interest is the same as that of the American transcontinental railroads. The interest of both is in favor of making the canal a failure. No argument from the point of view of those whose interest is inimical to the success of the canal deserves any consideration whatever. The treaty must be presumed to have intended that the canal should be a success, not a failure.

The citizens of British Columbia will gain much by imposing the burden of tolls upon American vessels using the canal in the coastwise trade, but the advantage which they will derive is merely the advantage which any competitor gets from handicapping his rival. Of course the proposed enactment would not reduce the charges on ships bound to or from British Columbia by one penny. It would merely add burdens to American ships doing business with Washington, Oregon, and California. The British Columbia lumbermen, by reason of being able to use foreign bottoms, will be able to transport their lumber to ports in the Atlantic States at a much lower rate than the Puget Sound lumbermen, and if this handicap is not in part counterbalanced by free tolls, the British Columbia lumbermen will have an advantage that will be insuperable. It is no answer to say that if they have this natural advantage they are entitled to retain it in the use of the canal. No natural advantage that they have will be in the slightest degree interfered with by the tolls exemption on our coastwise ships. The charges on their ships are a constant factor in either case. To admit that the treaty prevents us from encouraging our own shipping in a line of business not open to them is to convict the President and Senate who approved and ratified this treaty of stupidity. It should be axiomatic that as the citizens of British Columbia have no right to engage in the coasting trade, they are not concerned legally in any question affecting the tolls on American vessels so engaged any more than they are concerned in any other condition prescribed for the conduct of the coasting trade.

The situation in a nutshell is that the foreign competitor (the British Columbia lumberman) having no interest in the coasting trade or the tolls charged therefor, asks the United States to raise the cost of conducting the coasting trade so that he, the foreign competitor, may take away the trade from his American rival.

If the lumbermen of New Brunswick and Nova Scotia should protest under the treaty of 1815 against admitting lumber-laden vessels from the State of Maine to enter the port of New York without paying pilotage charges, they would have a far stronger case legally and morally than the British Columbia lumbermen have as to the canal tolls.

The fact that citizens of the United States can by means of coasting vessels transport goods under specially favorable conditions from one port to another in the United States has never been considered a discrimination against a foreign port which by means of foreign vessels ships or desires to ship the same class of goods to the same American port. Is Nova Scotia discriminated against because our vessels engaged in the coasting trade can carry coal from Philadelphia to the Boston market, whereas different laws apply to like shipments from Nova Scotia to Boston? Does the treaty of 1815, above quoted, require us to give the same rights to ships arriving from a foreign port as to ships arriving from one of our own ports? By no means. There can be no such thing as discrimination unless the party claiming to be injured has the right to do the thing concerning which the alleged advantage is conferred. If there is any discrimination at all, it goes back to the original prohibition against foreign ships engaging in the coasting trade. If that prohibition stands, all the rest is mere detail, a variation in degree and not in kind.

In construing statutes aimed to prevent discrimination the principle above suggested is invariably applied. For instance, the national banking act, United States Revised Statutes, section 5219, prohibits the taxation of the shares of national banks at any higher rate than other moneyed capital in the hands of individuals. From the beginning the Supreme Court has held that although the word "discrimination" does not occur in the statute, the obvious intention of Congress was to prevent the States from discriminating in matters of taxation against national bank shares. Consequently, that court has frequently held that it is immaterial what rate of taxation is imposed by the States on moneyed capital that does not come into competition with national banks. The expression "other moneyed capital," though general in terms, is restricted by the obvious purpose of the statute to moneyed capital which is in competition with that invested in national banks.

"The result seems to be that the term 'moneyed capital' as used in the Federal statutes does not include capital which does not come into competition with the business of national banks, and that exemptions from taxation, however large, such as deposits in savings banks or of moneys belonging to charitable institutions, which are exempted for reasons of public policy, and not as an unfriendly discrimination as against investments in national banks, can not be regarded as forbidden by the Federal statute." First National Bank *v.* Chapman (173 U. S., 205, p. 214); also First National Bank of Aberdeen *v.* Chehalis County (166 U. S., 440); National Bank of Commerce *v.* Seattle (166 U. S., 463); Commercial National Bank *v.* Chambers (182 U. S., 556).

Some of our opponents urge that the exemption of coastwise shipping from payment of tolls amounts to a discrimination because it increases the burden of all other ships not so exempted. This is an a priori statement of a purely dogmatic character, as it can not be known at present whether the aggregate amount of all tolls at the rate imposed will or can reimburse the United States for the cost of operation and a fair interest on the investment. The best-informed opinion seems to indicate that the canal will be operated at a loss, even though tolls be levied on all ships of every character passing through it. Whether such will be the case or not can be positively determined only by experience. After the lapse of a reasonable time it will be possible to demonstrate whether an equitable distribution of the entire cost of operation and interest upon all ships would have resulted in a lower rate of tolls than that imposed upon British and other foreign shipping. If experience shows that the entire receipts of the canal plus an amount equal to the remitted tolls on coastwise vessels would still be less than the operating expense plus interest, no nation can truthfully say that it has been overcharged. If the United States sees fit to operate the canal at a loss, no one can claim to be injured if it makes that loss greater by exempting certain of its shipping with which foreign nations do not compete

If, on the other hand, experience should prove that a fair return on the investment and the operating cost are more than equaled by the toll receipts plus the potential receipts remitted on coastwise vessels, then for the first time will the British and foreign shipowners have the right to complain. If that situation arises, the United States Government will certainly deal equitably and fairly with the situation in exact accordance with the treaty, though even then it will not be known how many coastwise ships would have used the canal if tolls had to be paid.

The Supreme Court has frequently refused to hold a rate or charge invalid for the reason that it may prove to be in excess of the amount needed for raising a certain revenue.

In Patapsco Guano Co. *v.* Board of Agriculture (171 U. S., 345), where the validity of an inspection charge levied under State authority was attacked on the ground that the charge was excessive (State inspection fees being limited by the Federal Constitution to the amount required for the enforcement of the State inspection laws), the court said (p. 354): "If the receipts are found to average largely more than enough to pay the expenses, the presumption would be that the legislature would moderate the charge." The same opinion quotes from the case of Neilson *v.* Garza (2 Woods, 287), and approves the language of Mr. Justice Bradley in that case, as follows:

"How the question whether a duty is excessive or not is to be decided may be doubtful. As that question is passed upon by the State legislature when the duty is imposed, it would hardly be seemly to submit it to the consideration of a jury in every case that arises. This might give rise to great diversity of judgment, the result of which would be to make the law constitutional one day and in one case and unconstitutional another day in another case. As the article of the Constitution which prescribes the limit goes on to provide that all such laws shall be subject to the revision and control of Congress, it seems to me that Congress is the proper tribunal to decide the question whether a charge or duty is or is not excessive. If, therefore, the fee allowed in this case by the State law is to be regarded as in effect an impost or duty on imports and exports, still, if the law is really an inspection law, the duty must stand until Congress shall see fit to alter it. Then we are brought back to the question whether the law is really an inspection law. If it is, we can not interfere with it on account of supposed excessiveness of fees."

Under the treaty the United States is to fix the tolls and charges, and the presumption is—in fact, it is a certainty—that if experience, the only guide, proves them to be excessive, they will be promptly and adequately reduced and due reparation made to any injured party.

In Knoxville *v.* Knoxville Water Co. (212 U. S., 1), where the water company was asking the court to enjoin the enforcement of a municipal ordinance fixing water rates, the court said:

"Where the case rests, as it does here, not upon the observation of the actual operation under the ordinance, but upon speculations as to its effect, based upon the operations of a prior fiscal year, we will not guess whether the substantial return certain to be earned would lack something of the return which would save the effect of the ordinance from confiscation. It is enough that the whole case leaves us in grave doubt. The valuation of the property was an estimate, and is greatly disputed. The expense account was not agreed upon. The ordinance had not actually been put into operation; the inferences were based upon the operations of the preceding year; and the conclusion of the court below rested upon that most unsatisfactory evidence, the testimony of expert witnesses employed by the parties. * * * If hereafter it shall appear, under the actual operation of the ordinance, that the returns allowed by it operates as a confiscation of property, nothing in this judgment will prevent another application to the courts."

In Willcox *v.* Gas Co. (212 U. S., 19), where the Consolidated Gas Co. of New York was attacking the validity of a statute reducing gas rates in the city of New York, the court said:

"Upon a careful consideration of the case before us we are of opinion that the complainant has failed to sustain the burden cast upon it of showing beyond any just or fair doubt that the acts of the Legislature of the State of New York are in fact confiscatory. It may possibly be, however, that a practical experience of the effect of the acts by actual operation under them might prevent the complainant from obtaining a fair return, as already described, and in that event complainant ought to have the opportunity of again presenting its case to the court."

It is clear, therefore, that where the contention is that charges are too high, as claimed in the Patapsco case, or that they are too low, as claimed in the gas and water cases hereinbefore cited, the Supreme Court of the United States recognizes that experience is the only guide to relief, and that in all doubtful cases interested parties must await the actual results before applying to the courts for a change. No doubt the same principle is recognized and applied in the courts of Great Britain.

If this is the rule applied in ordinary cases to public-service corporations where the experience of similar corporations throws much light upon the probable earnings and expense, how much stronger is the reason for applying the rule to the greatest improvement ever undertaken by man, where all calculations as to expenses and earnings must be problematical and conjectural.

Suppose an act be now passed enabling anyone who claims that the tolls-exemption statute has caused him damage by taking away or impairing a right secured by the Hay-Pauncefote treaty to bring suit for damages against the United States in the Court of Claims, with the right of appeal by either party to the Supreme Court; could any such damages be recovered? Let those who answer this question affirmatively consent to put it to the test. If we must show our good faith by concession while Great Britain shows hers by insistence, the passage of such an act should certainly cover the ground. We believe we are right, and, the matter being one of domestic policy, we adhere to our course until shown to be wrong. In the meantime, if anyone suffers by our act, we will indemnify him.

All that has been said so far holds true, whether or not the expression "any nation" in article 3 of the Hay-Pauncefote treaty includes the United States, since the exemption of coastwise shipping does not amount to a discrimination as to other nations, all of them being prohibited from engaging on any terms in the coastwise trade. When it comes, however, to the question of the meaning of those provisions of article 3 which relate to war and naval operations, involving the highly important question of the national defense, it becomes necessary to consider whether "any nation" includes our own. The canal is owned by the United States. The Canal Zone is ours also, so far as concerns all the world, this Nation having all rights of sovereignty and government therein. The treaty, therefore, is to be construed like any other treaty granting rights to other nations. It in terms states that this Government possesses all rights growing out of the construction and ownership of the canal, with the added qualification that these rights are "subject to the provisions" of the treaty. There can be no doubt that this means that this Nation possesses every right which it has not parted with, just as is the case with the rights of government exercised in our domestic national territory. How can it be fairly claimed in such circumstances the nation possessing all governmental and sovereign rights "adopting" certain rules meant to refer to itself by the expression "any nation"? It must not be forgotten that it is the United States

which "adopts" the rules, not the United States and Great Britain jointly. The selection of this unusual form of language indicates a purpose, and full effect must be given to it.

It can not be conceded that the United States is required by the treaty to grant the same rights to a belligerent with whom it may be at war as it exercises for itself. If we concede that "any nation" includes the United States, the canal, instead of being an aid to our national defense, will become a detriment.

Paragraph 5 of article 3 practically defines the canal as including the waters within 3 marine miles of either end, substantially the entire width of the Canal Zone. Is it possible that in case we have war with a foreign nation, say, with an ally of Great Britain, that the latter country may insist that we refrain from all military and naval operations in the Canal Zone not permitted to our enemy; that we may police the canal, but must police it impartially for our enemy and for ourselves?

In the treaty of 1903 between the United States and Panama, by which the concession for the canal is granted, it is provided in article 25 that Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific and Caribbean coasts of the Republic, but this is declared to be "for the better performance of the engagements of this convention, and to the end of the efficient protection of the canal and the preservation of its neutrality." Article 23 of the same treaty permits to the United States certain military and naval operations, but this right also is to be granted "for the safety or protection of the canal."

Now, if we admit that "any nation" in the Hay-Pauncefote treaty includes the United States, what are we going to do when we are involved in war with a foreign power, possibly an ally of Great Britain? Must we then neutralize the Canal Zone and permit it to be exposed to the treacherous act of our enemy because of the construction now placed by Great Britain upon the expression "any nation"? Must we escort our enemy's battleships and torpedo boats and submarines on their errand of destruction against our ships and our harbors?

If this Government is required, in answering these questions, to take the altruistic and broad view, at the same time conceding to other nations the right to take the selfish and narrow view, how can we hope to have the treaty interpreted justly in times of stress and bitterness such as prevail during a great war?

This position is in no way weakened by the second sentence of paragraph 2 of article 3 of the treaty, stating that the United States shall be at liberty to maintain military police along the canal to protect it against lawlessness and disorder. This sentence was inserted by this Government to avoid the claim that the sentence immediately preceding would prohibit the fortification of the canal. The two sentences in paragraph 2 of article 3 are to be read together, and the second is merely inserted to avoid an improper interpretation of the first. Both sentences are subject to the general declaration in article 2 that the United States Government shall have and enjoy all rights arising from the ownership and control of the canal except as otherwise provided in the treaty.

It is said that the good faith of this Nation is now in question by reason of its exemption of coastwise shipping from payment of tolls. Is our international reputation for good faith to be improved by admitting the charge of bad faith? We have in this country a tribunal that enjoys as high a reputation as any tribunal on earth for the settlement of controversies. Our Constitution and system of government make it the final arbiter of disputed questions concerning the interpretation of Constitution, treaties, and statutes. Our good faith can be abundantly shown by enacting such legislation as will permit any person, alien or citizen, who feels himself aggrieved by the free-tolls provision, to begin and maintain a suit in our courts, with the right of appeal to our highest tribunal. We should not submit to foreign arbitration any question affecting the terms on which our coastwise trade, in which foreigners are not interested, shall be carried on. By parity of reasoning we should not surrender our just convictions and our settled policy on this subject under threat of the accusation of bad faith.

To repeal the tolls exemption under existing circumstances can not fail to amount to an interpretation of the treaty by the political department of the Government. Such interpretation will be forever binding upon the courts. (Latimer *v.* Poteet, 14 Pet., 4.)

In considering this vitally important question we must not overlook the fact that the statesmen of Great Britain have invariably looked with a biased eye upon the carrying trade of the world. It is unnecessary to refer to the British navigation laws prior to the Revolution, which were a potent cause of the difficulties between Great Britain and the Colonies. After independence was established the statutes of Great Britain continued to be framed so as to secure, as far as possible, a monopoly of the shipping of the world for British owners.

An extremely interesting historical review of the British and American navigation laws is found in the opinion of Mr. Justice Wayne, in Oldfield *v.* Marriott (10 How., 146). The eminent justice there says that the freedom now accorded to the shipping of the different nations in foreign ports throughout the world is due to the initiative of the United States, which forced from a reluctant British Government changes in the navigation laws of that country. The principle of reciprocal rights between shipping of the different nations was not adopted by Great Britain until the initiative of the United States forced her to do so. This reciprocity has never been extended to the coasting trade, and if the pending statute repealing free tolls on coastwise American shipping is enacted, it will be the first time that a purely domestic policy of this country has been changed at the dictation of a foreign power.

The British statesmen of a century ago—as pointed out by Mr. Justice Wayne, supra—did not like the new policy which the United States then adopted. This Nation, however, did not deem that fact of sufficient importance to induce it to recede from a course that seemed to it right and proper. Neither our self-respect nor the respect of other nations was lost by adhering to an American policy.

It is not necessary in the slightest to question the good faith of the British ministry in the present difference of opinion. They are actuated, however, by a point of view which is the growth of many centuries, a point of view which regards the sea as the special sphere of the British nation, and can not understand how any people can do anything on the sea on terms not entirely satisfactory to that nation. Its statesmen treat as immaterial the overwhelming circumstance that this canal has been built by another people, who have exclusively furnished for the achievement their own genius, their own money, and their own statesmanship. If there is a narrow view, all the traditions of the past should not be disregarded in the endeavor to ascertain where it is found.

Mr. JONES. I have refrained from taking up the matter of shipping development and the steps that Great Britain has especially taken to promote her foreign shipping on every occasion, but I have here an address delivered by Mr. A. R. Smith, an expert on shipping and shipping laws, which I also ask to make a part of my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

MR. SMITH'S ADDRESS.

What possible interest has an organization of business men in the city of Lawrence, in the State of Massachusetts, in the subject of our merchant marine? Would you say a sentimental interest, only? During the first half of the past century and a quarter the name and the fame of Massachusetts extended to the uttermost ends of the earth. The incomparable ships built in its shipyards were both the envy and despair of foreign rivals. They and the flag that they carried commanded respect in every port of the known world. As a Massachusetts man I spent several years afloat in different parts of the world in American ships. The history of the golden era of the American ship—long before my time—warms my blood and arouses my pride. But, like a bucket of cold water dashed in my face, comes the realization that Massachusetts men are not to-day summoned to the launching or the sailing of a matchless clipper ship; but, on the contrary, they are invited to the obsequies of the remnant of what remains of a once powerful and prosperous industry. In that industry Massachusetts led all other States, and the records of its ships are unequaled in the annals of history—they outranked anything that ever sailed the seas. They shed imperishable renown upon the United States, those magnificent clippers of a bygone era.

Your immediate and pressing interest in the American merchant marine lies in this: Our manufacturers have outstripped production; our people do not and can not consume all we make. We must find and hold and develop foreign markets that will absorb our surplus, or else mills and factories must shut down and hundreds of thousands of skilled men will be compelled to seek employment in trades in which they are unskilled. We can not depend upon the iron-hand copper-fastened foreign shipping trust to find and hold and develop markets for us. We must have our own ships—there is no escaping it.

Eighteen years ago I had reason to believe that the Senators and Representatives in Congress from Massachusetts would lead in restoring American ships to the seas, but during the intervening years I have bitterly realized that "hope deferred maketh the heart sick."

Just 18 years ago the Massachusetts Republican State convention made this declaration in the platform it adopted in the spring of that year:

"We have always given protection to our shipbuilders. In late years we have neglected to protect our shipowners. We believe the time has come to return to the policy of Washington and Hamilton, which, by discriminating duties in favor of American bottoms, secured 90 per cent of our carrying trade to American ships, and which if now restored would again revive our shipping and cause American freights to be paid to Americans."

That Massachusetts declaration led to the adoption of this similar declaration in the platform adopted in 1896 by the Republican national convention at St. Louis:

"We favor restoring the early American policy of discriminating duties for the upbuilding of our merchant marine and the protection of our shipping in the foreign carrying trade, so that American ships—the product of American labor, employed in American shipyards, sailing under the Stars and Stripes, and manned, officered, and owned by Americans—may regain the carrying of our foreign commerce."

And in his letter accepting his party's nomination for the Presidency the late President McKinley indorsed that declaration in this unqualified and ringing statement:

"The policy of discriminating duties in favor of our shipping which prevailed in the early years of our history should be again promptly adopted by Congress and vigorously supported until our prestige and supremacy on the seas is fully attained. We should no longer contribute directly or indirectly to the maintenance of the colossal marine of foreign countries, but provide an efficient and complete marine of our own. Now that the American Navy is assuming a position commensurate with our importance as a nation, a policy I am glad to observe the Republican platform strongly indorses, we must supplement it with a merchant marine that will give us the advantages in both our coastwise and foreign trade that we ought naturally and properly to enjoy. It should be at once a matter of public policy and national pride to repossess this immense and prosperous trade."

The Republican Party has never repudiated, but it has always evaded, that pledge. Foreign shipping interests are strong and influential—American shipping interests are weak and impotent. Foreign Governments will resent any legislation that would permanently restore American ships to foreign trade. It is not regarded as "worth while" to risk arousing foreign resentment. Then the alleged difficulties in the way of terminating existing trade treaties are too many, although each such treaty in express terms provides for the honorable withdrawal of either party to it; and it is further alleged that "the dangers of retaliation" are so great as to discourage the undertaking. Many of the most influential of our forefathers opposed the principle of discriminating duties, which they nevertheless adopted to serve the people's interests. Republicans, at least, profess to believe in the principle of discriminating in favor of American products that are subject to foreign competition. Our land industries are powerful and influential enough to secure Republican adherence to that principle, an influence that our maritime interests lack, and which may therefore be safely disregarded.

Since those stirring statements I have quoted were so valiantly uttered the tonnage of ships entering our seaports from ports from foreign countries has more than doubled, and the value of our foreign commerce is two and one-half times as great as 1896. For every additional ton of American shipping that has entered 18 foreign tons have entered.

And the protection of American shipbuilders alleged in the opening sentence of the Massachusetts discriminating duty declaration was nothing, in fact, but a hollow sham. It was based upon the denial of American registry to foreign-built American-owned vessels. In the Panama Canal act of August 24, 1912, the right of American register is granted to foreign-built American-owned ships, and in the 20 months that law has been in operation not one foreign ship has been placed under American register, which proves that American register possesses

no value in our foreign trade. It had a value when our laws, both in import duties and in tonnage dues, favored ships under American register, laws that were suspended more than 60 years ago. Then our shipbuilders were protected. But with the suspension of those discriminatory laws the protection ceased. Foreign ships now enjoy every privilege under our laws in American foreign trade that American ships enjoy. And foreign ships are free from the fatal disadvantages that ships under American register are subject to in foreign trade. Naturally, in such circumstances, the American owner of a foreign ship under a foreign flag keeps her there.

For 50 years a certain class of Americans have contended that the solution of the American shipping problem would be found in the free admission of foreign vessels to American register—that if American citizens were permitted to buy ships wherever they could be bought most cheaply, regardless of where they were built, there would be so large an accession of cheaper-built foreign ships to our registry as to give them the carriage of the larger part of our foreign commerce. That beautiful theory has "taken the count" since the Panama Canal act was passed.

The advocates of "free ships" have been so dumfounded and so deeply chagrined at the utter failure of their "cure-all" remedy for the ills suffered by American shipping that they actually propose to retrieve themselves by throwing open the domestic trade of the United States to foreign vessels. This will be the crowning infamy in the long list of legislation that has driven American ships from foreign trade—to destroy the last remnant of American maritime interests, shipbuilding and shipowning, by turning our domestic carrying over to ships built by foreign shipbuilders.

One time there was a humane Dutchman who noted that his more pretentious neighbors had had the tails of their dogs cut off. It was the fashion to have tailless dogs. Now, this Dutchman wanted to be in the fashion, but he didn't want to hurt his dog—he didn't want to hurt it any more than was necessary to give the dog the badge of aristocracy, to make his mongrel fashionable. And so, in the goodness of his heart and in order not to inflict too much pain upon his dog, he cut off his tail an inch at a time, so as not to hurt it too much. Now, that is the humane manner by which Congress proposes to go about the destruction of American shipping in domestic trade—an inch at a time "won't hurt so much." My idea of the way the thing will be done is this: First, foreign-built American-owned vessels will be admitted to what is called "the coast-to-coast trade"; that is to say, the trade between the Atlantic and Pacific coasts of the United States. Next, foreign-built American-owned vessels will be admitted to the trade between the United States and Alaska, and Hawaii and Porto Rico; and finally the whole coast trade of the United States will be thrown open to foreign-built American-owned ships. As soon as that policy begins, our people will cease to have any vessels built in the United States. Our shipyards will go into bankruptcy, and such warships and Government vessels as are hereafter required may, for a time, be built in such of our navy yards as may be adapted for such work. Presently all Government vessels that are not war vessels will be built abroad, because foreigners will build them more cheaply than American builders, and finally we will either give up the idea of having any more warships or an American Navy or else the enticements of greater cheapness of foreign construction will induce our Government to have its warships built abroad, like Turkey and China have theirs built.

After that it will only be a short step to the admission of foreign vessels under foreign flags to any part of our domestic carrying. The question will be properly asked, Why not, if it is right to permit foreign vessels to engage in it? The idea is that foreign ships do our foreign carrying more cheaply than our ships could do it, and that, therefore, it is economically advantageous for us to let foreigners do it. This is not the real reason foreign ships do our foreign carrying, but it is the popular belief. If it accurately stated the case, however, and it should transpire that foreign ships could do our domestic carrying more cheaply than our American ships could do it, why should not the same reasons for allowing foreign ships to do our foreign carrying suffice for allowing them to do our domestic carrying?

That is precisely what we are coming to. It is intended that *eventually* ships built in foreign countries, of foreign materials, by foreign workmen, owned, officered, and manned by aliens, shall do our domestic carrying.

Of course this will probably be done gradually on the theory that it won't hurt so much as if done all at once. We shall end up by being fashionable, even if we get at it only an inch at a time.

During the many years that foreign ships—chiefly British—have been engaged in driving American ships out of foreign trade, our domestic carrying, this suddenly discovered "monopoly," was being permitted to do it all with American ships. The foreign ship was busy getting possession of our foreign trade, and its owner was not working to secure our domestic carrying. But of late years the foreigner has gone as far as he seems able to do in our foreign carrying, but he isn't content to remain satisfied at that—not at all. He now aspires to do our domestic carrying, and he is very likely to succeed. I think you are entitled to some proof that this danger is imminent, and the proof is really so abundant that one is perplexed as to which he will choose. Our present commissioner of navigation was appointed to that office by President Cleveland 21 years ago, and long acquaintance with him enables me to say, and I am pleased to say, that he is a man of exceptional ability and attainments. In his annual report of three years ago—1911—he discusses the Panama Canal tolls question a great deal more fully than I have any idea of doing to-night, and he takes this position: That foreign nations will probably reimburse their ships for the tolls they pay in passing through the Panama Canal, and that if tolls are levied upon American vessels and not repaid to them by the Government, American ships will achieve the very unique distinction, in time, of being the only ships that use the Panama Canal that themselves pay for using it. With that explanation I want to quote a little from his 1911 report to the Secretary of Commerce, as follows:

"If they are named as the sole American direct contributor to the cost of the canal, the conclusion will be inevitable that Congress has decided definitely for some years to come that shipping must shift for itself, regardless of consideration which may be shown to other industries, for a tariff can not be framed without intentional or unintentional favors.

"The present statutory reservation of the coasting trade between Atlantic and Pacific ports to American vessels will not alone suffice to create the shipping needed for the coasting trade through the canal, for that reservation could not be regarded as longer secure in the face of a decision by Congress to select American navigation alone to bear the direct burden of supporting a canal military in its first great purpose and for the general welfare in its second. Only the most venturesome capital would trust itself to shipbuilding and shipowning for canal purposes. This hesitation is already noticeable, compared with foreign preparations for the use of the canal. If it shall continue, the canal will be opened to business confronted with insufficient American shipping to carry any large volume of miscellaneous trade between our Atlantic and Pacific coasts, except between New York and San Francisco and Hawaii. Unless American ships from the time the canal is open to trade are forthcoming in adequate numbers to carry on satisfactorily the trade between numerous ports on the two coasts, a demand wellnigh unanswerable will arise from both coasts for the admission of foreign-built ships to this trade, either under their own flags or under the American flag by registry.

"A deliberate conclusion to tax directly American shipping for the canal points to an ultimate surrender of shipbuilding. Already confined almost wholly to our own coasts, American shipping under the taxing proposition will have a diminishing share in canal trade as it now has in foreign trade."

The Commissioner of Navigation said a great deal more, equally pertinent, but this serves to give some of his argument. You can understand very clearly that, even although for nearly a century our laws reserved the carrying between American ports to American vessels, and although for 20 months it has been declared that American coastwise vessels may pass through the canal free of tolls, that if there is serious danger of cheaper foreign vessels being admitted to the carrying between our coasts, and if tolls are to be charged after all, those radical changes would tend to seriously upset whatever calculations shipowners might make based upon existing law. And that is precisely the position American shipowners are placed in. Existing law invites them to build for the canal for domestic trade. But if they do build for domestic trade, depending upon a continuance of existing law, and the law is radically changed to their injury, it might actually ruin them. And if they hesitate to build enough vessels because of these threatening dangers, and it should transpire that more traffic should offer than there were domestic vessels available in which to carry it, the very dangers that are dreaded would be likely to encompass them—a case of being damned if they do and damned if they don't.

Quite a number of bills are pending in Congress to admit foreign vessels to our coastwise trade, some more drastic than others, and there is a growing sentiment in Congress to destroy the "monopoly" now enjoyed by American vessels in our domestic trade. The second act of the First Congress in 1789 imposed a tax of 50 cents a ton on foreign vessels engaging in our domestic trade for every time they entered an American port, and 6 cents a ton once a year on American vessels in coastwise trade. That drove foreign vessels out of our domestic trade. But in 1817 it was provided by law that foreign vessels should not carry cargoes between American ports. No one now alive is in any way even remotely responsible for those early laws, sanctioned by Washington and Hamilton, Madison and Jefferson, which gave to American vessels this "monopoly," first, by discrimination by law, and later by direct prohibition by law as regards foreign vessels. Since then, for Americans to engage in our domestic trade they have been compelled to have their vessels built in the United States at a cost considerably higher than they would pay if the ships were built abroad, and the cost of running ships in our domestic trade under the American flag is very much higher than the cost of running foreign vessels under foreign flags. You will be able to see, therefore, how a change in the laws would admit much cheaper foreign vessels to our coast trade, vessels much more cheaply operated than our vessels, would affect ours.

About a year ago Chairman ALEXANDER, of the Committee on Merchant Marine and Fisheries of the House of Representatives, said to me: "The admission of foreign-built vessels to the coastwise trade of the United States I regard as the most imminent danger now confronting the maritime interests of the United States." We had been talking about the failure of the free-ship provision of the Panama Canal act, and he had told me that he had been personally assured by a member of the leading American shipbuilders that they did not object to the admission of foreign vessels to American registry for foreign trade. I was greatly amazed, and I said so, and I asked him how he explained it. His reply to that was that when a man is confronted with the immediate necessity of a major operation he is but little concerned with the possible danger of a minor operation only remotely possible. What he meant by that was this: For a dozen or more years American shipbuilders have ceased to build ships for foreign trade, except in the rarest instances. All the ships built for our foreign trade, in fact, are foreign built, and run under foreign flags. So the American shipbuilder figures that he will not be seriously hurt by being positively barred from the building of ships for foreign trade when he is already barred, to all intents and purposes, from building for that trade. But his existence as a shipbuilder rests upon his being able to build for domestic trade. If foreign vessels are admitted to that, the effect will be to put our shipyards out of business, except for the flimsiest and smallest kind of vessels, vessels that can not be transported across seas. And it is precisely that danger that a year ago the chairman of the committee of the House of Representatives to whom maritime matters are referred told me he believed was the most imminent danger that confronts American maritime interests.

If Chairman ALEXANDER was right a year ago, the time for the blow to fall upon our shipbuilders is just that much closer at hand than it then was. Every straw that was capable of indicating which way the wind was blowing with respect to the sanctity of our domestic shipping has indicated its violations through the admission of foreign-built vessels; all of the tendencies of the times and all of the indications in and about Congress point unerringly that way. It is one of the things that is "on the cards."

The scenery has all been painted, the settings are all made, and the stage is almost ready for the curtain to rise. The actors have all carefully memorized their parts and they are now ready to act them. For a hundred and twenty-two years almost no objection has been made to the reservation of our domestic carrying for American vessels. There has been no charge during those 122 years that it is a "monopoly"; but during the past 2 years it has suddenly been discovered that the vessels engaged in our domestic carrying constitute a "monopoly." Is it not somewhat singular that it is only during the past two years that we have become aware that this is a "monopoly"? As the time draws near for its destruction we shall learn more and more clearly, what we have been too dull to realize for a century and a quarter, that not only is our domestic shipping a "monopoly," but it is an odious, a grasping, greedy, insufferable "monopoly." Adjectives will multiply until we regard this "monopoly" with horror. We have been told that its agents have haunted the halls of Congress, attempting to shape legislation, but there is no proof. Presently no one will want proof; everyone will want this "monopoly" crushed. Then we shall learn, in fact we are already learning, that the only effective way to crush it is to admit foreign vessels to compete with it. If you want to destroy a thing, discredit it. Owners of ships in domestic trade are charged with seeking to obtain by stealth a "subsidy" that they could never openly

obtain. Exemption from tolls is now popularly defined as "a masked subsidy," a "disguised subsidy." Since the foundation of the Government Congress has appropriated $791,000,000 for river and harbor improvements, for construction of canals and locks, and no vessel has even been taxed a dollar for using them. It is not yet charged that the vessels that use our improved rivers and harbors, our canals and locks are "subsidized." If necessary, though, to sustain the growing belief that exemption from Panama Canal tolls is a "subsidy," why exemption from tolls for using our other rivers and harbors, locks and canals will be also called a subsidy. The free use of highways made at public expense and bridges built at public expense we shall soon learn give a subsidy to those that use them when they are exempted from tolls. The ruthless purpose is to discredit our domestic ships, because the time is ripe to destroy them.

CONFLICTING VIEWS.

It doesn't matter that shipowners have never asked for exemptions from tolls at Panama in either coastwise or foreign trade; they must be charged with "secretly plotting and scheming to secure exemptions," which means subsidy. Our weak, impoverished, unorganized, vacillating, and divided shipping interests must be held up to public view as a monstrous thing, stuffed and coated with money, and greedily and insatiably seeking more. The people must believe that it is a dangerous "monopoly" seeking a "bald, naked, shameless subsidy"—nothing else will fill the bill.

After that picture of our domestic shipping interests has been held up to public gaze long enough and the people are thus able to see for themselves that this is a "monopoly seeking a subsidy" and that therefore there no longer is doubt of it, that will be the time to introduce St. George, the dragon slayer, and quite willing, you may be sure, George will be to slay this unspeakable monster. If a new "monopoly" grows up in place of the old one, and it happens to be a British monopoly, our domestic carrying may then forever feed and fatten it, because then things will be as they should be—as it is now intended they shall be.

In a speech delivered in the United States Senate only last week by Senator TOWNSEND of Michigan, he saw the handwriting on the wall, and read it aright. He said:

"The only shipping monopoly is that which is engaged in our foreign trade, floated in foreign bottoms, flying foreign flags, and over which our Government has no control. The only merchant marine of which our country can boast is that engaged in our domestic commerce, and some Senators would destroy that by admitting to our coastwise traffic, without let or hindrance, the merchantmen of England and of other countries, and that policy will soon be urged by foreign sympathizers after the pending action is taken; indeed, it is now urged by some. What is our coastwise merchant marine to which free passage of the canal is now given? It is the fleet of boats built, owned, and operated in the United States and under laws enacted by Congress. They must be built in American yards according to regulations assuring healthful, sanitary conditions. They must be manned by American seamen, who are paid American wages. Such of them as are suitable can be secured by the United States in case of war. They furnish competition with the railroads, and thereby do more to secure reasonable transportation rates than all the efforts of railroad commissions, State or national. When the canal tolls bill was before the Senate Committee on Interoceanic Canals it was shown by competent witnesses that the wages paid to employees on boats flying the American flag was 4 to 10 times the wages paid on foreign boats. It was further shown that combinations clearly in restraint of trade existed among foreign ship companies and that none existed among American shipowners."

Just a fortnight ago I had the pleasure of addressing the Haverhill Board of Trade on this subject, and I pointed out to them what the conduct of our foreign commerce involved in dollars and cents. There are 7,000,000 tons of ships, worth $500,000,000, now doing our foreign carrying. The ordinary life of a modern ship is computed at 20 years; so, during the next 20 years existing tonnage will be replaced by 7,000,000 tons of new ships, costing $500,000,000; and if our foreign commerce increases as rapidly in the next 20 years as it has in the past 20 years, another 7,000,000 tons, worth $500,000,000 additional, or 14,000,000 tons of ships, worth a billion dollars will be engaged in our foreign carrying. To-day the ships in our foreign trade earn $350,000,000 in freights, passengers, mails, and express; insurance on cargoes and hulls costs $125,000,000 more; and the exchange on the money used in buying our $4,278,000,000 worth of foreign commerce probably costs $50,000,000—say that the conduct of our foreign commerce now costs $500,000,000 annually, and that 20 years from now it will cost a billion of dollars a year, or an average of $750,000,000 a year, a total of $15,000,000,000 in 20 years.

Fifteen billions of dollars! That is what the conduct of our foreign commerce is likely to cost the United States in the next 20 years. If we owned the ships that did our foreign carrying, that $15,000,000,000 would be paid to us, and remain in the United States. We would have the 14,000,000 tons of ships and the $15,000,000,000 at the end of 20 years. If foreigners own the ships, they will receive the $15,000,000,000, so that at the end of 20 years we shall own neither the 14,000,000 tons of ships nor the $15,000,000,000. Our foreign commerce will have enriched our foreign rivals and we shall be $15,000,000,000 poorer than we need be. In time of war perhaps a considerable portion of the foreign tonnage will be used against the United States—our present commercial rivals will grow rich in times of peace and be fortified in merchant ships, trained and experienced seamen, for the national defense in time of war, while we shall remain weak upon the seas. This is why foreign nations pay their merchant ships in subsidies, subventions, bounties on navigation and construction, naval-reserve retainers, and in other ways upwards of $50,000,000 a year largely to capture and to hold our foreign carrying.

But what is $50,000,000 a year to the nations whose ships earn $450,000,000 a year for the shipowners, insurance companies, and bankers of those nations? And all the while those nations have, as a reserve in time of need, those merchant ships and their officers and men to draw upon for the national defense. You see, that $50,000,000 a year in subsidies, subventions, bounties, and the like, constitute an insurance to the nations that pay it.

So much for our foreign trade. And now as to our domestic trade. The United States Census Bureau only occasionally takes a census of the total tonnage of vessels in the United States and we have an undocumented tonnage of vessels that average 600 tons each not mentioned in the annual statistics of our documented tonnage, and by documented I mean the vessels that are recorded at our customhouses. The two last censuses that disclosed the total tonnage in the United States were taken in 1889 and in 1906, respectively. In 1906 there were 37,321 vessels, of 12,893,429 gross tons, valued at $507,973,121, with a gross income of $294,854,532, employing 140,029 men, to whom were paid $71,636,521. These vessels carried 265,545,804 tons of freight and 366,825,663 passengers. There was a great increase over 1899. Applying to the 20 years succeeding 1906 the same percentage of growth as during the preceding 17 years, the merchant marine of the United States in 1926, documented and undocumented, would be over 21,000,000 tons, valued at $863,600,000, whose annual earnings would amount to $589,709,064. It is the vast domestic shipping of the United States to-day that gives this country second rank among maritime nations, as we have a bare million tons of ships in foreign trade, and these will disappear rapidly, probably, and be replaced with foreign ships.

Let me tell you that the only reason we have a shipping in foreign trade even worth speaking of is because of an ocean mail subsidy act, passed in 1891, and so weak and inconsequential in operation as not to have been repealed. And yet, during the 22 years that preceded its enactment, there was no increase in our steam tonnage in foreign trade, while during the succeeding 22 years American steam tonnage in foreign trade increased three and one-half fold, from 200,000 tons to nearly 700,000 tons. When the existing ocean mail act is repealed our steam shipping will disappear from foreign trade.

Do you think that the foreign shipping interests, that exert such a powerful influence at Washington, will permit that ocean mail act, that gives a modicum of encouragement to American shipping in foreign trade, to much longer remain upon our statutes? Do you think that the foreign shipping interests that have decreed the destruction of our domestic shipping will allow anything to remain upon our statutes that in the least degree helps to sustain our tonnage in foreign trade? No, no; it is on the cards to destroy American shipping in foreign and in domestic trade, root and branch. It is a shipping that too strongly menaces the maritime supremacy of the nations that covet the carrying that it now does, and let me tell you how.

I have spoken of the time-honored policy under which the domestic carrying of the United States has been reserved for American ships—from the time of Washington and Adams, Jefferson and Madison. Each time the United States has acquired new territory, like Louisiana, Florida, Texas, California, Alaska, Hawaii, and Porto Rico, the domestic navigation laws have been extended to the trade between the United States and these new possessions. Three times our domestic navigation laws were extended to the trade with the Philippines, and three times it was postponed, the last indefinitely. But in respect to all other trade between the United States and its possessions, contiguous or noncontiguous, its carrying is confined by our navigation laws to American vessels.

When our navigation laws were extended to our trade with Alaska, Hawaii, and Porto Rico it necessitated the building of precisely the same kind of ocean-going vessels as are built for foreign trade for this new domestic trade. This was disquieting enough to the foreign maritime nations that had almost completely driven our ships out of foreign trade—to find us coming back, as it were, into possession of ocean-going ships, for domestic carrying. It created uneasiness, because a menace to foreign shipping domination was growing up here. The number of vessels engaged in our domestic trade—the enrolled vessels of the United States—have increased but about 2 per cent since the Spanish-American War, but their tonnage has increased 75 per cent, and this is as true of our vessels on the Great Lakes as of those on the coasts. Now, with the opening of the Panama Canal, the opportunity for the building of large numbers of additional ocean-going ships in the United States for the carriage of our coast-to-coast trade has very greatly increased. If unchecked, this can have but one result—we shall presently begin the building of ocean-going ships for foreign trade again. What before was an annoyance now becomes an actual menace to the foreign shipping intrenched in our foreign carrying. Do you wonder that the foreign shipping interests, so influential at the seat of our Government, have determined that now is the time to destroy American shipping in all trades, before it realizes the danger that confronts it, before it can prepare to fend off the assault?

ARGUMENTS THAT CONTRADICT.

And this explains all of the dreadful and horrible things that we have so recently learned regarding our domestic shipping—that it is a monopoly, and that it is seeking a subsidy through tolls exemption at Panama. We are learning, too, that there will be no appreciable reduction in freight rates through the Panama Canal between our Atlantic and Pacific coasts. We are told that the remission of $125,000 a year in tolls on a 5,000-ton ship making 10 round trips through the canal would not affect freight rates a particle—that it would only enrich the shipowner just that much more. The whole theory of economics is upset to sustain the ridiculous and illogical position of those who can not and will not see any benefit to American domestic commerce through the opening and use of the Panama Canal, who insist that they see in it merely a means for further enriching the monopoly that now controls our domestic carrying—that is to say, American vessels. We are told that it will be the policy of the ships that run between the Atlantic and Pacific ports of the United States to merely cut the transcontinental rail rates sufficient to fill their ships with cargoes—no more.

Then we shall be told that the only way to break this monopoly will be to admit foreign vessels to competition with domestic vessels in this coast trade, because foreign ships will be able to carry cargoes for so much less than American ships will do it. You might think that there was a high moral standard that owners of foreign ships live up to that American owners of ships ignore. If American ships will not substantially reduce their freight rates between the coast, what assurance have we that foreign ships will do so? If it is the practice of all carriers, whether rail or water, to tax commerce "all that the traffic will bear," how will the admission of foreign vessels to our coast-to-coast trade remedy matters one particle?

It is pointed out that foreign ships can carry so much more cheaply than American ships do that the cheaper foreign ships will capture all of the lumber trade between the two coasts. That is to say, it will be British Columbia lumber, and not Washington, Oregon, and California lumber, that will be brought to our eastern markets; that foreign ships will be able to carry from British Columbia to ports of the United States, and by barring them from carrying between Washington, Oregon, and California ports and eastern ports of the United States there will be no new business for the Pacific coast.

One might think that owners of American vessels were vampires, that would suck the last drop of blood from the people of the United States, and that owners of foreign vessels are angels of light who could under no circumstances whatever be persuaded to take any advantage of American shippers; that the sole hope of American shippers lies in the admission of foreign vessels to our coast-to-coast trade; that despair will seize upon our shippers if our coastwise navigation laws are not changed; that shippers will derive no benefits from the opening of the Panama Canal unless foreign vessels are admitted to the coast-to-coast trade. The unspeakable villainy contemplated by the

monopolistic domestic vessel owners is only equaled by the unimpeachable honor and integrity of foreign vessel owners. It is actually to such depths of depraved and ridiculous reasoning that the implacable enemies of American shipping are willing to descend, in the belief that the American people will be completely humbugged by them.

We have given up almost all of our foreign carrying to foreign vessels, and what have they done to it? So monopolistic has been their methods that for three years the Federal courts of the United States have been taking evidence presented by our Department of Justice against foreign vessel owners whom our Government charges with violating the antitrust laws of the United States, and which these foreign vessel owners claim they are not amenable to. And the Committee on the Merchant Marine and Fisheries of the House of Representatives spent two years in investigating the foreign rings, pools, combines, and conferences that control foreign carrying, not alone of the United States, but of the world. And it is to these ruthless violators of our antitrust laws, these combines, pools, rings, and conferences of foreign shipowners, that we are asked to turn over our domestic carrying to save it from our domestic "monopoly."

This is the way Senator WESLEY L. JONES, of Washington, in a speech last September in the Senate of the United States, described the foreign shipping monopoly that now controls the foreign carrying of the United States and seeks to gain control of the domestic carrying of the United States as well:

"Trusts, combinations, pools, and conferences have been established, and through these rates are controlled, territory distributed, and business apportioned. Certain lines are given a certain territory; a certain number of ships are allotted to certain ports and the number of voyages limited, and they dare not exceed them under severe penalties arbitrarily but effectively enforced; freight rates are fixed and uniform; passenger receipts are pooled and distributed according to definite agreements; shippers are restricted to certain lines and certain ships on penalty of not being able to secure any shipping facilities whatever; rebates are given on condition that shippers will use no other lines; discriminations are practiced toward certain interests, and especially toward great combinations and powerful interests like the Standard Oil, the Steel Trust, and the International Harvester Trust; 'fighting ships' are maintained for the sole purpose of crushing and driving out of business any independent lines of ships; and the development of the markets and trade of their respective countries is very naturally favored as against our own."

That is what now controls our foreign carrying; it is to that combination that we must at present look to seek out foreign markets for our increasing surplus of manufactures; it is upon such ships, so controlled and dominated, that we must depend to hold these foreign markets for our exports; and it is to those ships and combinations and pools that we must look for the enlargement of the foreign markets of the United States, so that as our surplus products increase we shall be sure of a foreign market for their absorption.

Don't you think we would better depend upon ships of our own to search out and to find and to hold and to develop foreign markets for the growing surplus products of the United States, rather than to trust-controlled foreign ships that deny that our Federal courts have any jurisdiction over them, ships that may at will abandon our trade and leave us without the means of carrying our exports to foreign markets?

And don't you think that before we turn over our domestic carrying to such a graceless and merciless combination of foreign ships we had better pause? Have the foreign ships deserved the foreign carrying of the United States that we have allowed them to absorb? Does the record they have made in foreign trade justify our turning over to them our foreign carrying?

We need merchant ships of our own, their experienced and trained masters, officers, and seamen, as a resource of defense, a secondary reserve for our Navy—we need them for cruisers, troop ships, colliers, ammunition ships, hospital ships, repair ships, dispatch boats, and for a great variety of uses in time of war—they and the trained and experienced men that navigate them. Other nations are paying $50,000,000 a year to make sure that they shall have merchant ships, their masters, officers, and seamen, whenever they require them. Is there any nation that is more exposed to invasion from sea, more exposed to attack from the sea, than the United States? Not one. Our foreign commerce ranks third among the nations of the world, and our domestic commerce far surpasses that of any other nation. Shall we not hold our domestic commerce for our own ships, as we have always held it? Is the policy that we have steadfastly and unwaveringly held to in respect to our domestic carrying to be given up now? And is it to be given up to foreign ships that are absolutely and completely controlled by a world-encircling monopoly such as I have described? Are we to pay for the building of 14,000,000 tons of foreign ships in the next 20 years, and pay them $15,000,000,000 for the conduct of our foreign commerce, and remain weak upon the sea, where we need to be strong, for the national defense? I ask you to very seriously think it all over.

Mr. JONES. I also submit a letter written to me by Mr. A. R. Smith, as follows:

THE CITIZENS' NEW YORK HARBOR IMPROVEMENT COMMITTEE,
New York, April 18, 1914.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Ever since in 1854 Great Britain ostensibly threw open her coastwise carrying to the ships "of all the world" her people have covetously, greedily, intently kept their eyes fixed upon the coastwise carrying of the United States. They intend to have it, and they are likely to have it. They thought the United States would at once follow their magnanimous (?) example 60 years ago and throw open its coastwise carrying to the ships of "all the world," when translated into understandable English intended to mean British shipping. In the course of 60 years foreign shipping has captured a fraction of 1 per cent—only a fraction of 1 per cent—of British coastwise carrying. That Britons regard as ample justification for their capturing all but a fraction of 1 per cent of the coastwise carrying of the United States, and there are not a few Americans (?) who share that view.

So far nothing has interrupted the steady growth of the domestic shipping of the United States along the coasts and upon the Great Lakes. By the time the new Welland Canal is completed our domestic carrying will have been thrown open to foreign—merely another name for British—carrying, and foreign—that is to say, British—shipping will supersede American shipping upon the Great Lakes, just as it has in foreign trade. By that time foreign—British—shipping will have absorbed the great bulk of our coast carrying. What Britons started out to accomplish 60 years ago they are likely to succeed in accomplishing before the final adjournment of the Sixty-third Congress.

Have you noticed that since the Frye "ship-subsidy bill," otherwise known as the ocean mail act, of 1891, went into effect that the average proportion of the foreign commerce of the United States carried in American vessels has been just 10 per cent—no more? That seems to be, but it is not as far as foreign (British) shipping is able to go in driving American ships out of foreign trade. Because, when the full iniquity of that "subsidy" act of 1891 dawns upon the minds of the antisubsidists in and out of Congress, and it is realized that the "honor" of the Democratic administration is involved in its "repeal," since that party is so resolutely opposed to all subsidies, it must be manifest to you that the Frye subsidy bill of 1891 will follow the inexorable course of everything mundane and walk the plank. Then the remaining 10 per cent of American foreign carrying, so long and so audaciously—indeed, so iniquitously—enjoyed by American ships, will follow the other 90 per cent, and foreign shipping will then have considerately "relieved" American ships of any further concern or interest in American foreign carrying. Having, however, reached a sort of a "check" 20 years ago in the delightful pastime of chasing American ships from foreign carrying, the insatiable appetites of Britons were but whetted to undertake the overthrow of an odious and detestable "monopoly"—that engaged in the coastwise carrying of the United States. At that time the people of the United States did not realize, indeed, they were quite unconscious of, the "monopoly" in domestic carrying they had coddled and preserved by law since 1817; in fact, since 1789. The "monopoly" which George Washington, Thomas Jefferson, James Madison, and Alexander Hamilton all thought it desirable to create—the reservation of our domestic carrying for domestic carriers—and which has remained, in fact, almost a century and a quarter unnoticed and unopposed, it is now proposed to destroy. And it is "on the cards" to have its destruction play directly into the astute but insatiable British maw, a maw that but grows greedier upon what it feeds. The first step in the direction of destroying this "monopoly", this odious and iniquitous monopoly, is to discredit it in the minds of the American people. That accomplished, its destruction merely awaits the pleasure of the executioner.

The Spanish-American War for a time interrupted the plans of driving American vessels out of our domestic carrying. Indeed, the United States even went so far as to "extend" the coastwise laws of the United States to its trade with Alaska, Hawaii, and Porto Rico. But when it was similarly proposed to "extend" the coastwise laws to the trade with the Philippine Islands, and even provided for two or three times, each time the time for such "extension" going into effect was "postponed," the last time indefinitely. Thus our trade with the Philippines, contrary to the trade of the United States with all of its other noncontiguous possessions, is not "coastwise," but, on the contrary, it is foreign; that is to say, British.

The extension of the coastwise trade of the United States to its overseas possessions necessitated the building in the United States of ocean-going ships for its carriage, the building, in the United States, of precisely the same type of vessel that is used in foreign carrying. Now, when Great Britain reached what she had regarded as the end of the building of ocean-going vessels in the United States, for the United States to resume the building of ocean-going vessels for domestic carrying was a piece of impertinence as insulting as it was alarming to "the mistress of the seas." Why, if that should be tolerated, the first thing we knew ocean-going ships would be building in the United States for foreign trade, and Great Britain would have her work to do all over again—that of driving American ships out of foreign trade.

Perhaps you may not have noticed that you would have to go back to 1886—think of it, 1886—a matter of 27 years, to find a year when the tonnage of American vessels in foreign trade was as great as it was in 1913. Do you think Great Britain intends to tamely submit to that? If you do think so, it only goes to show that you don't know Great Britain.

And if you want to find a year when American ships in foreign trade carried as valuable a part of the foreign trade of the United States as it did in 1913, why you have to go back to the year 1861—a matter of 52 years. Now, you know it is "straws that show which way the wind blows." This development has been insidious, and it is probable that that Frye ocean mail "subsidy" act of 1891 is the real cause of it. Should you longer wonder at the fate of the Frye ocean mail "subsidy" act of 1891? The eyes of the world are being opened to the fact that the United States is in the grasp of a hideous coastwise "monopoly," and an ocean mail "subsidy." Can the antisubsidy administration and its virtuous followers in Congress too quickly purge the United States of these iniquities? Well, I should say not. Watch them. If they loiter at all in accomplishing the work, why there is Great Britain, and her good friends in the United States, always ready and willing to stimulate their efforts by the mention of "monopoly," which will cause the raising of one foot, and then "subsidy," which would cause the raising of the other, and thus progress will be assured.

I don't suppose that you have noticed, either, that the "enrolled" tonnage of the United States—the substantial vessels in domestic trade—which was very little greater in 1898, the year of the Spanish-American War, than it was in 1865, has almost doubled in the years that have succeeded 1898? Well, it is so. Mind, I didn't say that the number of vessels had doubled, because they have increased only 2 per cent, but the tonnage has increased about 80 per cent. You see what that means, don't you? It means that the 80 per cent increase in the tonnage of our domestic, or, rather, our "enrolled," vessels has been largely due to the necessities of the trade of the United States with its noncontiguous possessions. It may surprise you to know that that same trade of the United States to-day, with its noncontiguous possessions, has only been exceeded in value a half a dozen times during all of the years that preceded 1843.

And then along comes this Panama Canal, again requiring—who knows how many—ocean-going "domestic" vessels for its conduct. If Great Britain was incensed before, she is outraged now, and clearly her partisans, in and out of the United States, show it. She and they are justly indignant. The situation is intolerable. Just to think, when Great Britain had succeeded in driving American ocean-going ships off the seas, that they should sneak into existence through "domestic carrying." What a travesty on "domestic carrying." Of course such domestic ships are a "monopoly," and of course they are seeking a "subsidy" in the way of exemption from Panama Canal tolls. Of course they are disgraceful. Isn't it plain that the suspicions of the American people have been pretty thoroughly aroused regarding this "domestic monopoly"? What wonder, then, that Members of Congress are daily introducing bills for the admission of foreign—that is to say, British—vessels to our domestic carrying? Is it not about time to apply the

"snickersnee" to the throat of this monstrous "monopoly," lest it grow to proportions that Great Britain wot not of?

You see, it is this way: By insisting that our coastwise vessels pay tolls for passing through the Panama Canal Great Britain realizes, even if we do not, that it will have a tendency to increase freight rates between the coasts. The people on both coasts—very gently, but insidiously, assisted—are beginning to realize that freight rates between the coasts will not be as low as they had anticipated, and the more tolls can be made to put them up the better for the scheme working overtime just now. Now, what is the best way to make freight rates between the coasts as low as it is possible to make them? Government regulation of our coastwise carrying? Not at all. The establishment of a Government-owned line of ocean-going steamships precisely adapted to the needs of our coast-to-coast trade? Possibly. But the "sure" way to get the rates to the minimum and to keep them there, of course, and the only sure way, is to admit foreign—which means British—ships to the trade. There would be no doubt of it then. Now, that is what we are going to be told more and more as the days go by and as the free-ships-in-coastwise-trade bills increase in Congress. You see, if foreign vessels can be admitted to the trade between the coasts, then the strongest argument for exempting coastwise vessels from tolls will have been destroyed. Then it would be a discrimination in favor of such foreign (as well as American) vessels as engaged in coastwise trade, a discrimination not to be permitted as to American, however tolerable it may be as regards Panama or Colombia, vessels.

So it must be clear to you that before this domestic Frankenstein is permitted to grow to any larger "monopolistic" proportions we shall have to call upon "St." George to kill the "dragon" by putting his ships into the trade. While that would be the end of the maritime interests of the United States—lock, stock, and barrel—it would also be the end of the "monopoly" this country has harbored lo these 124 years.

Just in passing it might be proper to remark that Great Britain will not care who writes our Declarations of Independence, so long as she with her ships is permitted to do our carrying, foreign and domestic. If it grows into a "monopoly" under the "red ensign," won't it be a holy one?

Respectfully, yours, A. R. SMITH.

Mr. RANSDELL. Mr. President, few questions have arisen upon which there has been such a diversity of opinion as the Panama tolls problem. At the same time scarcely any question in our political history has been so fully and widely discussed. On both sides are arrayed men of national reputation, and it must be acknowledged that the Hay-Pauncefote treaty admits of honest differences of opinion. However, before proceeding with my argument, I wish to lay down a proposition of law indorsed by eminent jurists of international reputation and confirmed by the statement of one of our ex-Secretaries of State. It is an admitted fact that the United States exercises actual sovereignty over the Canal Zone, which we acquired by virtue of our treaty with Panama in 1903. The Supreme Court of the United States, in Wilson *v.* Shaw (204 U. S., 33), decided that the sovereignty of the United States over the Canal Zone is the same as over any other part of the United States, and this same concession was made by Great Britain in her second note of protest.

SOVEREIGNTY CAN NOT BE LIMITED BY IMPLICATION.

It is an unquestioned legal principle that any provision of a treaty aiming to restrict the sovereign right of a nation must be clear and explicit, and any nation desiring to interpret a treaty so as to limit the sovereign attributes of another nation must prove its case beyond possibility of doubt. The sovereign rights of a free and independent State are not to be curtailed by any forced, doubtful, or even plausible interpretation of a disputed clause of a convention between nations, but the limitations to be imposed must be clearly and unequivocally authorized in the most positive manner by the treaty in question. In this connection let me quote from Mr. J. Hannis Taylor, who states, in his great work on International Law, page 397:

"As it will not be presumed that any State desires to divest itself of its sovereignty, its property, or its right of self-preservation, no such result can be established by implication. It must be clearly expressed."

The eminent British jurist, Mr. William Edward Hall, whose work marks an epoch in the development of international law in England, says in his book on this subject, page 166:

"If a dispute occurs between a territorial sovereign and a foreign power as to the extent or nature of rights enjoyed by the latter within the territory of the former, the presumption is against the foreign State, and upon it the burden lies of proving its claim beyond doubt or question."

ENGLAND'S CONTENTION A DEROGATION OF OUR SOVEREIGNTY.

Let us apply this well-established principle to the Panama tolls dispute. By denying our right to exempt our own vessels from tolls England and those who advocate her view are endeavoring to limit the sovereign rights of the United States over our own American vessels passing through an American canal dug through American territory at an enormous cost in money and the sacrifice of hundreds of American lives. It follows, then, logically that if England wishes to curtail our rights she can not base her contentions upon a disputed clause of the Hay-Pauncefote treaty which has been so variously interpreted by men of the highest character and great learning both here and in Europe, but she must prove her case beyond cavil or question. I can not emphasize this point too strongly. According to the principles enunciated by the most eminent American and British authorities on international law, the burden of the proof lies upon England and those who take her view, since she is attempting to restrict the sovereign rights of the United States. If England has acquired any rights by the Hay-Pauncefote treaty in derogation of our sovereignty, those rights must be clearly and unambiguously expressed, else the presumption is that they do not exist.

This idea is so well expressed by Mr. Philander C. Knox, Secretary of State under President Taft, in a statement published in the Washington Post on May 11, that I can not refrain from quoting his exact words:

"The principle of international law governing a claim in derogation of sovereignty being that no treaty can be taken to restrict the exercise or rights of sovereignty unless effected in a clear and distinct manner:

"First, let us look at the facts. The United States paid to Panama $10,000,000 for the zone itself; we have agreed to pay to Panama a yearly annuity of $250,000 forever; we paid to the French Panama Canal Co. $40,000,000 for its rights in the Isthmus; we are building the canal at a total expenditure of about $400,000,000; we alone are to meet the $25,000,000 which it appears to be now proposed to pay Colombia; we alone are expending untold millions necessary to fortify and protect the canal so that some belligerent, eager to secure the resulting advantage, may not destroy it; we alone are bearing the risk of losing all this investment as the result of some natural cataclysm, such as an earthquake, against which no human agency can secure us; we alone have stood for whatever of criticism has come from the manner of acquiring the Canal Zone—a criticism encouraged and fostered by the very class which now seeks to turn over to Europe as a gratuity the benefits of our action; we alone have put the lives of the flower of our Army engineers and of thousands of American citizens through all the hazards and dangers of fatal tropic maladies; and, finally, no other country has shared and does not propose to share one penny of this expenditure or any phase of any risk connected with our stupendous undertaking. Surely upon these facts there arises no necessary implication that Great Britain is entitled to the benefits of this colossal work on the same and identical terms as we, the owners, the builders, the operators, the protectors, and the insurers of the canal, or that she shall dictate how we shall treat matters of purely local national trade and commerce, or that we shall be denied the very rights in respect to our domestic commerce which she herself claims and exercises and which every other nation in the world possesses."

I now quote the Hay-Pauncefote treaty in full and invite its careful perusal:

HAY-PAUNCEFOTE TREATY.

"The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the 'general principle' of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

"The President of the United States, John Hay, Secretary of State of the United States of America;

"And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

"Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

"ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

"ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty,

the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance in the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

"Done in duplicate at Washington, the 18th day of November, in the year of our Lord one thousand nine hundred and one.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

One of the principal debatable points in paragraph 1, article 3, of the treaty is the phrase "vessels of commerce and of war."

It has been asserted by gentlemen favoring the repeal of the tolls exemption for our coastwise vessels that the expression "vessels of commerce" included all vessels of the United States, both those engaged in foreign and domestic commerce. Such is not my opinion.

OUR COASTWISE COMMERCE ALWAYS FOSTERED.

Coasting trade in maritime law is defined as "commerce and navigation between different places along the coast of the United States, as distinguished from commerce with ports in foreign countries." And "vessels plying coastwise are those which are engaged in the domestic trade, or plying between port and port of the United States, as contradistinguished from those engaged in the foreign trade, or plying between a port of the United States and a port of a foreign country."

Ever since the close of the Revolutionary War our American coastwise shipping has been especially favored. While for some years after the war foreign vessels were not absolutely excluded from our domestic traffic, this was merely for the sake of convenience, in order to give our own ships time to become naturalized, as it were, and to get out American papers, since before the war they were registered as British vessels. Even at that time, however, heavy duties were exacted from foreign ships that should engage in our coastwise trade, and, practically speaking, it was restricted to American vessels.

In 1817 a law was passed prohibiting any but American ships from engaging in the coastwise trade. The law has been religiously observed since its enactment nearly 100 years ago. Under the terms of this statute no foreign vessel has ever been allowed to carry any merchandise or other commodities from one American port to another; and though our once large marine engaged in the foreign trade has constantly diminished, until now only 9 per cent of our foreign commerce is carried in ships floating the Stars and Stripes, and the flag of the Union is rarely seen in the foreign ports, except on one of our naval vessels or the pleasure yacht of some millionaire, we have developed a splendid fleet of coastwise vessels, which ply our rivers and canals, the Great Lakes, the Atlantic, the Gulf, and the Pacific, moving enormous volumes of freight.

Later we enacted section 158 of our navigation laws, which reads in part as follows:

"No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty if such vessel be licensed, registered, or enrolled."

By this we specifically exempted our coastwise traffic from all tonnage charges in our ports, while our foreign commerce and the commerce of other nations must pay a tonnage tax of 2 to 6 cents per ton.

In 31 treaties of commerce and navigation made with foreign countries between 1825 and 1887 we have made special mention of our coasting trade, since it is a universally prevailing custom among nations to distinguish between vessels of a nation and vessels of a nation engaged in foreign commerce. It will thus be seen that not only have we made special and favorable provisions for our coastwise traffic in our maritime laws, but in treaties with foreign nations we have also treated it separately. The presumption is, therefore, that coastwise vessels were not included in the Hay-Pauncefote treaty, because no mention of them was made, and that the expression "vessels of commerce" did not include our domestic vessels.

FAMOUS COURT DECISION.

In proof of this I submit the decision of the Supreme Court in the well-known case of Olsen *v.* Smith (195 U. S., 332).

The second article of the treaty of commerce and navigation of 1815 with Great Britain is as follows:

"No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels."

Surely the expressions "British vessels" and "vessels of the United States" are as comprehensive and sweeping as "vessels of commerce" in the Hay-Pauncefote treaty. It happened that at this time there was a Texas statute, article 3801 of the Revised Statutes, which provided that, among others, "all vessels of 75 tons and under, owned and licensed for the coasting trade in any part of the United States, when arriving from or departing to any port in the State of Texas" should be exempt from compulsory pilotage charges. Article 3800, however, provided that all vessels not exempted, which, of course, included vessels of the United States engaged in foreign commerce and vessels of foreign nations, should be forced to pay a pilotage charge on entering or departing from any port of Texas. In other words, the statute exempted our coasting trade from certain pilotage charges, but imposed these charges upon foreign vessels. It was contended by a British captain that this statute was in direct violation of our treaty of 1815 with Great Britain, and the case went to the Supreme Court of the United States.

There Mr. Justice White, now Chief Justice, delivered in part the following opinion:

"Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful

exemption of coastwise vessels created by State law concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels in such foreign trade, whether domestic or foreign." (Olsen *v.* Smith, 195 U. S., 344.)

This decision was rendered on November 28, 1904, and Great Britain has given tacit consent to this interpretation of "vessels of the United States" and "British vessels," since during the 10 years now elapsed she has not protested against the judgment of the Supreme Court. If, then, coastwise shipping is not included in the expressions "vessels of the United States" and "British vessels," how can it logically be said to be included in the much-disputed phrase "vessels of commerce"?

The essence of the decision of the Supreme Court is the fact that "such exemption does not operate to produce a discrimination against British vessels engaged in such trade."

Since, by law, American vessels are the only vessels that can engage in our coastwise traffic it is hard to see how we are discriminating against anyone in exempting them from tolls. Discrimination necessarily implies some one that is discriminated against, and since none but American vessels can engage in our domestic traffic, who is it that is discriminated against?

By the terms of the statute of the United States that I have already quoted American coastwise traffic has been exempted from tonnage charges for nearly 100 years, while a charge of 2 to 6 cents per ton is imposed upon all other vessels, including English ships. Great Britain has never asserted that this was a discrimination or that it violated the treaty of 1815.

ROOSEVELT SAYS TOLLS EXEMPTION NOT DISCRIMINATION.

Ex-President Roosevelt says, in a letter to The Outlook under date of January 18, 1913:

"I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway."

He might have added, "and some railways in the United States."

"Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are, and I hope and believe will always remain, on such good terms as Great Britain, to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind."

To summarize then: From the universal practice of our Nation as exemplified in our maritime laws for nearly 100 years, and in our treaties of commerce with foreign nations, and from the fiat of the Supreme Court of the United States, it is evident that the expressions "vessels of commerce" and "vessels of coastwise trade" do not include each other, that they are not synonymous, and that they each have a distinct meaning of their own. It follows, then, that "vessels of commerce" in the Hay-Pauncefote treaty did not include our coastwise vessels, and that therefore we are at liberty to exempt them from tolls if we so desire. As a clinching argument let me quote the language of Great Britain in her note to our State Department of July 8, 1912:

"As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken."

CONSTRUCTION OF SENATORS WHO RATIFIED TREATY.

In order to arrive at the meaning of the language of the treaty as construed by the Senate, one of the necessary parties to it at the time of its ratification, let us consider the facts in regard to the Bard amendment, offered when the first draft of the Hay-Pauncefote treaty was being considered by the Senate in 1900. In order to prevent any doubt on the subject of our coastwise traffic, Senator Bard proposed the following:

"The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade."

This amendment was defeated by a vote of 43 to 27. The proponents of repeal insist that this vote favors their construction, as it seems to make square issue on the point in controversy, but an analysis of the opinions of the Senators who participated in the treaty debates shows exactly the contrary. And the views of Mr. Roosevelt and these Senators must be accepted as the correct American construction of the treaty at the time of its ratification, for they were its joint authors and makers.

Senator LODGE, acting chairman of the Foreign Relations Committee, who had charge of the treaty during the illness of the chairman, Senator Davis, and who is now advocating the repeal of the tolls on economic and other grounds, said in the Senate on July 17, 1912:

"Mr. LODGE. * * * The question of canal tolls has arisen in connection with representations made by the Government of Great Britain in regard to our rights in fixing tolls. It so happened that I was in London when the second Hay-Pauncefote treaty was made, and, although the draft was sent from this country, that treaty was really made in London and should properly be called the Lansdowne-Choate treaty. I mention this merely to show that I had some familiarity with the formulation as well as the ratification of that treaty. When the treaty was submitted by the President to the Senate it so happened that I had charge of it and reported it to the Senate.

"The second Hay-Pauncefote treaty, as Senators will remember, embodied in substance the amendments which the Senate had made to the first Hay-Pauncefote treaty. England had refused to accept those amendments, and then the second treaty was made embodying in principle all for which the Senate had contended.

"When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase 'all nations.'"

And on the 20th of July, 1912, he continued:

"Mr. LODGE. While I am on my feet, if the Senator will allow me, there is one other thing I should like to say. I said in my remarks a few days ago that my personal view was that we had the right to exempt American vessels from tolls. I did not go into the matter. I took a somewhat active part in the two Hay-Pauncefote treaties, as they are called. I voted against the Bard amendment. I voted against it in the belief that it was unnecessary; that the right to fix tolls, if we built the canal or it was built under our auspices, was undoubted. I know that was the view taken by the then Senator from Minnesota, Mr. Davis, who was at that time chairman of the committee. I certainly so stated on the floor. * * * I had that same view in regard to this treaty. I was familiar with the work that was done upon it in London at the time when it was concluded there and finally agreed to, and I was very familiar with it here. Although, as the Senator from Georgia correctly said, the question was not raised at that time, I personally have never had any doubt that the matter of fixing the tolls must necessarily be within our jurisdiction; and when I referred to our going to The Hague as useless I did not mean because our case was not a good one. I meant because in the nature of things we could by no possibility have a disinterested tribunal at The Hague. It would be for the interest of every other nation involved to prevent our fixing the tolls according to our own wishes.

"Mr. POMERENE. Mr. President——

"The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

"Mr. SMITH of South Carolina. I yield.

"Mr. POMERENE. The Senator from Massachusetts has just expressed a reason for his vote against what was known as the Bard amendment. Can the Senator inform us as to whether that was the general sentiment prevailing at that time among the Senators?

"Mr. LODGE. I can only say, Mr. President, that that was the view of the chairman of the Committee on Foreign Relations, and it was my view; and, while I may be mistaken, I think on that vote the majority of the Senate followed the Committee on Foreign Relations."

The same idea expressed by Senator Lodge is affirmed by Senators Foraker, Butler, Perkins, Bard, Scott, Wellington,

Clapp, Turner, Dubois, Deboe, Kearns, Towne, Mason, Beveridge, Gallinger, Warren, Dillingham, and Burrows, 19 in all, who are a unit in the support of our right of exemption.

From the CONGRESSIONAL RECORD of July 17, 1912, I quote the following:

"Mr. CLAPP. In answer to the suggestions of the Senator from Vermont [Mr. PAGE], I will say that I think it was quite generally understood then that the reason for voting down the proposition to authorize the fortification in express terms was that under the treaty we had the right to fortify without that particular provision. I know I was here at the time, although I do not recall all of the speeches. But while some of us voted insisting in some instances that these things should be explicit and in others voting with the majority upon the ground that they were covered anyhow, I believe, both with reference to the coastwise trade and especially with reference to the question of fortification, that many of the votes cast against those express provisions were cast upon the theory that without them we nevertheless had the right to do them.

"Mr. O'GORMAN. That the provisions were unnecessary?

"Mr. CLAPP. Yes; that they were unnecessary."

During the recent debate on the Panama tolls a number of Senators who voted on the Bard amendment have expressed themselves concerning the construction they placed upon it, as follows:

Hon. Thomas R. Bard (ex-Senator from California):

"When my amendment was under consideration *it was generally conceded* by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment."

Hon. Albert J. Beveridge (ex-Senator from Indiana):

"When the first Hay-Pauncefote treaty was under discussion several Senators gave as reasons for voting against Senator Bard's amendment that it was unnecessary, because under the treaty, even as it then stood, we had a perfect right to exempt our coastwise shipping from payment of tolls.

"I voted for Senator Bard's amendment, not because I had any doubt upon the subject, but because the fullest possible American rights over the canal could not be stated too strongly for me.

"When the second Hay-Pauncefote treaty came up for consideration, so unanimous was the opinion of Senators that under the treaty our right over tolls was undoubted that Senator Bard did not even propose or offer his amendment again. Instead, he himself voted for the resolution advising the ratification of the treaty without amendment, which carried almost unanimously. This second Hay-Pauncefote treaty is the one now under consideration.

"From my recollection of the matter, I think it certain that the Senate would not have advised ratification if it had been seriously contended that the treaty denied us the right to favor our own coastwise vessels."

Hon. Fred T. Dubois (ex-Senator from Idaho):

"I was a Member of the Senate at the time of the ratification of the Hay-Pauncefote treaty and voted for its ratification. I recall the consideration of the treaty and the debate, and I entertained no doubt as to the meaning of the treaty. I did not myself, and I do not believe that my colleagues, generaly speaking, understood that this treaty in any way deprived the United States of the right to favor its coastwise trade or deprive it of what I consider the sovereign power to deal with its domestic commerce. In my opinion, had any such view prevailed the treaty would have been rejected."

Hon. Charles A. Towne (ex-Senator from Minnesota):

"I remember distinctly my own feeling about the matter at the time, which was that we retained under the treaty full sovereignty over the canal and over the incidents of its ownership and control, including the right to fortify and police it and to regulate its use by vessels of commerce, subject only to the condition that all other nations should be treated alike; and that this was the general understanding."

Hon. Thomas Kearns (ex-Senator from Utah):

"I am in thorough accord with the views of Senators Lodge, Bard, Clapp, Perkins, Davis, and others, and, was I fortunate enough to be a Member of the Senate at the present time, I would certainly support the idea of favoring our coastwise trade. I think it is a piece of imposition on the part of Great Britain to attempt to dictate what, if anything, we should charge for canal tolls to our own war vessels, transports, or coastwise ships. We built the canal with our money. We have a right to protect our own property and to use it for our own convenience, and I do not think we should be bound otherwise by any treaty obligations, except to give all foreign nations fair and just treatment, without discrimination, as one against the other."

PERSONAL LETTERS TO ACTORS IN DRAMA.

I wrote personal letters to all the Senators who voted on the Bard amendment who are living and had not expressed themselves, and, with the exception of two, those who replied said, in substance, that as they understood the treaty at the time it was before the Senate for ratification the United States had a perfect right to regulate its coastwise traffic as it saw fit, and that the idea conveyed by the Bard amendment in express terms was implied in the language of the treaty as finally adopted. Several of them stated in unequivocal language that such was the general understanding, and that the treaty would not have been ratified if it had been understood otherwise. I quote briefly from these letters as follows:

Ex-Senator Julius C. Burrows, of Michigan:

"At the time the Hay-Pauncefote treaty was under consideration in the Senate and as finally ratified it was my understanding and belief that under it the United States would have the right to exempt its coastwise vessels from the imposition of all tolls. Without such exemption, express or implied, the treaty could never have been ratified."

Ex-Senator Marion Butler, of North Carolina:

"The treaty would never have been ratified if there had been any doubt about our right, not only to exempt our coastwise vessels from paying tolls, but also to do anything and everything with reference to the canal that we saw fit, so long as we permitted other nations observing the rules laid down to use it on terms that were equal and fair to all. * * * It was also emphasized that the privilege which we granted to all nations to use the canal was a conditional privilege and limited to their compliance to these conditions, and that, therefore, we reserved the right to enforce these conditions or rules against other nations, and that there was no one else to enforce them but us, the builder and owner of the canal."

Senator J. H. GALLINGER, of New Hampshire:

"When the so-called Bard amendment was before the Senate I voted against it specifically and absolutely on the ground that I believed it to be unnecessary, holding to the view that under the treaty as it stood we had an absolute right to exempt our coastwise trade from the payment of tolls. No other construction could properly be put upon the treaty unless we reached the conclusion that the Panama Canal is not an American waterway."

Senator W. P. DILLINGHAM, of Vermont:

"Replying to your note of inquiry as to my attitude toward the amendment offered by Mr. Bard to the Hay-Pauncefote treaty proposing to specifically exempt our coastwise vessels from the payment of tolls, permit me to say that it was urged by most of those who participated in the debates that the proper construction of the treaty rendered the adoption of such an amendment unnecessary. I inclined to that opinion, and as the adoption of the amendment would have resulted in an undesirable postponement of the ratification of the treaty, I voted against it."

Ex-Senator George Turner, of Washington:

"The spokesman of the Foreign Relations Committee assured the Senators when the Hay-Pauncefote treaty was under consideration that that treaty plainly implied what the Bard amendment explicitly provided, and hence that the Bard amendment was unnecessary. My recollection is that I accepted that view as correct, but voted for the Bard amendment out of excess of caution and to foreclose any possible contention on the subject. * * * Some Senators were more apprehensive than others of specious but untenable contentions to be put forth by Great Britain in the future, and that apprehension was the occasion of the Bard amendment and of the support it received in the Senate."

Ex-Senator William E. Mason, of Illinois:

"I voted for the Bard amendment allowing coastwise trade, because when I first took up the question I thought it ought to go into the treaty, but upon examination of the question I became convinced that our coastwise and interstate business was not properly a subject to be managed by treaty, but that under the Constitution Congress alone could make laws regarding interstate commerce. And when, a year later, the matter came up the amendment was not even offered, as I remember it, because it was stated definitely, not once but many times, in executive session, that the question of the management of our coastwise trade was a matter for the people to determine on in the future."

Ex-Senator William J. Deboe, of Kentucky:

"I voted against said (Bard) amendment because I believed the United States had the authority and right to fortify and

regulate tolls of the canal without the amendment to the treaty. This was the general view of Senators at that time, and even by many who voted for the amendment. It was fully discussed by Senators in secret session. It was stated frequently that if the United States constructed the canal at its own expense it should have the authority and right to regulate tolls."

Ex-Senator G. L. Wellington, of Maryland:

"I voted against the amendment solely for the reason that I considered it entirely superfluous, being firmly of the opinion that the treaty plainly provided for the exemption of our coastwise vessels from the payment of tolls; that the Bard amendment was merely a repetition of what had already been set out in the treaty itself. I could not conceive for a moment that anything else was intended; if I had, I certainly would have voted against the ratification of the treaty. * * * I am convinced that this was the feeling of those who voted for the ratification of the treaty—not only those who voted for it, but those at the head of our Government at that time."

Senator GEORGE C. PERKINS, of California:

"Senator Davis, chairman of the Committee on Foreign Affairs, claimed that the treaty in no way interfered with our vested rights in regard to the coastwise shipping of the United States, and that the Bard amendment merely conveyed in explicit language, as you state in your letter, what was already plainly implied. At the time of the ratification of the Hay-Pauncefote treaty it was decided that it was unnecessary to so definitely set forth in regard to the exemption of coastwise vessels, and it was conceded by everyone that we had a perfect right to exempt our coastwise vessels from the payment of tolls if we desired to do so."

Ex-Senator J. B. Foraker, of Ohio:

"I remember clearly how I viewed the Bard amendment and why I voted against it. There were two grounds for my objection. The first, that the United States, being the owner of the canal, with all the rights of ownership, would have authority to do with respect to her own vessels in the matter of tolls whatever she might see fit to do. Therefore it was unnecessary to amend the treaty to authorize our Government to exempt from tolls any class of our vessels. * * * The second ground was that to specify that coastwise vessels might be exempted was to impliedly stipulate that vessels engaged in foreign commerce could not be exempted. * * * I did not at the time when the treaty was ratified regard the provision found in article 3, to the effect that the vessels of 'all nations' should be allowed to use the canal on terms of entire equality, as a limitation on the power of the United States."

Senator FRANCIS E. WARREN, of Wyoming:

"The amendment proposed by Mr. Bard * * * was rejected because it was held by a substantial majority of the Senate that the treaty itself did not contravene or restrict the right of the United States to regulate and manage the canal in the matter of charges for traffic in favor of coastwise vessels."

Ex-Senator Nathan B. Scott, of West Virginia:

"I voted against this (Bard) amendment because I thought under the terms of this treaty we had the right to exempt our coastwise vessels if we so desired. I thought the Bard amendment superfluous."

NO MORAL QUESTION INVOLVED.

These opinions from the actors in the drama, from the men who helped to make the Hay-Pauncefote treaty, who certainly must have understood what they were doing when they ratified it, show clearly that our coastwise commerce was not included, nor intended to be included, in the words "vessels of commerce." Every one of these men, and especially Senator LODGE, agree in thinking that the United States has a perfect right to legislate in regard to her coastwise vessels as she sees fit, although Senator LODGE, and perhaps some of the other gentlemen, may, on economic or other grounds merely, believe it unwise to give free passage through the canal to these vessels.

The much-mooted proposition that we have no moral right to exempt our coastwise shipping from tolls does not appeal to these Senators and ex-Senators who helped to make the Hay-Pauncefote treaty and without whose ratification it would never have existed. Moreover, a great many other eminent Americans agree with them and deny most emphatically that there is any moral question involved. Does anyone believe that such men as CHAMP CLARK, OSCAR UNDERWOOD, JAMES R. MANN, and VICTOR MURDOCK, who have been the unquestioned leaders of their respective parties in the House of Representatives for many years, and whose qualifications as honorable men none can deny, would have voted and labored hard against repeal if it involved moral turpitude and the violation of national honor?

Is it conceivable that Senator STONE, chairman of the Foreign Relations Committee, and an earnest advocate of repeal, would have stated in his recent speech in the Senate: "I was fully convinced in my own mind that the United States had the right under the very terms of the treaty itself, and without violating either the letter or spirit of that convention, to allow our coastwise vessels to pass through the canal free of tolls. * * * That was my conviction in 1912, and it is my conviction to-day," if there was any moral turpitude involved?

If we have no right to do it, would Senator O'GORMAN, whose stainless life and great reputation as a jurist of New York's highest court for many years has been an honor to his countrymen, favor anything which is a national dishonor? If we had no moral right to pass the exemption act in 1912, it is passing strange that a large number of the ablest and best men in the Senate and House are opposing repeal with all their might. Such a thought is monstrous. None of these men could be induced to do a dishonorable thing, and if we are morally bound by the treaty not to exempt our coastwise vessels from the payment of tolls, then it is dishonorable in us to exempt them.

Moreover, the only two living ex-Presidents of the United States, Roosevelt and Taft, are both opposed to the repeal of the tolls-exemption act, and both strongly of the opinion that we are not precluded by the terms of the Hay-Pauncefote treaty from handling our domestic commerce in our own way. Mr. Taft in his annual message to Congress, December, 1912, said:

"After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on the vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty."

And last, but not least, no Democrat ought to say that our grand old party in its last national platform, which appealed so strongly to the American people that they swept us into complete power in government, would have solemnly declared in favor of "exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal" if there were anything dishonorable or contrary to moral right in such a doctrine.

"ALL NATIONS" DOES NOT INCLUDE UNITED STATES.

Without attempting to enter upon a full and detailed discussion of the subject, I wish to call attention to certain facts in regard to the interpretation of the words "all nations observing these rules." At the very outset there is an obvious and necessary distinction to be drawn between the first Hay-Pauncefote treaty, that was submitted to the Senate February 9, 1900, and the second revised draft, that was finally ratified November 18, 1901. The first Hay-Pauncefote treaty provided for a joint protectorate to be exercised by the United States and Great Britain over the canal, by which they guaranteed to preserve and maintain a "general principle" of neutralization and adopt certain rules as the basis of such neutrality, which all other powers were to be invited to adhere to.

In the second Hay-Pauncefote treaty the idea is completely changed. In this treaty the United States alone, without Great Britain, "adopts" certain rules, upon the observance of which the use of the canal shall be dependent. Upon examining the treaty from the viewpoint of common sense, it seems logical that when a nation which by the terms of the convention "shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal," "adopts," lays down, makes certain rules in regard to the neutralization and use of its own canal, that there is a presumption that these rules do not apply to itself, but were intended for all other nations. A careful examination of these six rules which are quoted above in article 3 of the treaty seem to preclude the idea that the United States is included in the term "all nations."

If "all nations" means all nations, including the United States, then we have bound ourselves not to use the canal if we commit an act of war in it; that our vessels of war shall not revictual in it, and can not remain under the protection of the fortifications we have erected at a cost of $14,000,000; that we shall not embark or disembark our own troops; that we can not replenish the magazines of our battleships with powder and shot and shell to fight the battles of our Nation; that if our ships are hard pressed by a victorious enemy they shall not remain in the canal, but shall be compelled to leave within 24 hours, and that the day after the departure of our defeated squadron the fleet of the enemy shall steam unmolested by our frowning fortifications, past the yawning mouths of our cannon, through an American canal, under the protection of the American flag, to resume the pursuit of American vessels, or it may be to ravage with fire and sword the coasts of our great Republic. Such a thought is preposterous.

In answer to this objection Great Britain says through Sir Edward Grey:

"Now that the United States has become practical sovereign of the canal, His Majesty's Government does not question its title to exercise belligerent rights for its protection."

In other words, because we have secured sovereignty over the Canal Zone by virtue of our treaty with Panama, Great Britain contends that five of these rules—the five relating to belligerency—no longer apply to the United States, but that the first one remains in full force.

This is a distinction founded upon self-interest. It has no basis in fact. If it is a derogation of our sovereignty not to be able to exercise belligerent rights over the canal, then it is equally as much an invasion of our sovereign rights to say that we shall not treat our own vessels using the canal just as we see fit. If the last five rules do not apply to the United States, then it can not be said that the first one does apply. To say that we shall not pass our own vessels through the canal free of tolls is a clear derogation of our sovereignty. In my judgment it is evident that the expression "all nations" in rule 1 does not apply to the United States.

There is another reason that I wish to advance in support of the contention. If we assume for the sake of argument that "all nations" embraces the United States, then the sentence found at the end of rule 1, "Such conditions and charges of traffic shall be just and equitable," is useless and almost meaningless. If our own ships and those of foreign nations were to be on a par in regard to the conditions and charges of traffic, would there have been any necessity to demand that such conditions and charges should be just and equitable? If the United States had been compelled by the terms of the treaty to impose identical tolls on our own vessels and those of foreign nations, would there have been any danger of her demanding from our own and foreign ships an excessive, exorbitant, or unjust charge? Would we have imposed any charges that would not have been just and equitable to our own citizens?

As soon as we admit, however, that "all nations" means all nations except the United States, the expression becomes perfectly reasonable and intelligible. Its purpose was to prevent us from discriminating between the other nations using the canal, such as between England and France, or France and Germany, and so forth.

A TREATY CAN NOT AFFECT COASTWISE COMMERCE.

Mr. President, I now wish to present a phase of this question which has not yet been fully discussed during the debates on this bill. It goes to the very root of the question, and I invite the careful attention of the Senate and especially of its constitutional lawyers to my proposition.

It is contended by most, though not all, of the advocates of the bill under consideration that we are in honor bound to repeal the exemption clause of the Panama tolls act of 1912, because we pledged ourselves in the Hay-Pauncefote treaty to treat all commerce through the canal alike, and that if it is a hard bargain we must stand by it; that the laws of good morals and fair dealing between man and man and nation and nation compel us to comply with our solemn contract obligation.

Granting for the sake of argument that the contentions of the friends of repeal are true; granting that the framers of the Hay-Pauncefote treaty did intend to include the United States in the expression "all nations," which, of course, I do not admit; granting that the purpose of the Hay-Pauncefote treaty was that the vessels of other nations should enjoy perfect equality and identical treatment with the foreign and coastwise vessels of the United States; granting all this, I repeat for the purpose of argument only, I still contend that this treaty did not bind the United States, in so far as our coastwise commerce is concerned. In the argument here presented I shall assume that the claims of the opposition are correct, that the United States is included in the term "all nations," and that our coastwise commerce was intended to be regulated. Upon this hypothesis I shall argue.

Article I, section 8, of the Constitution provides, among other things, that Congress shall have power "to regulate commerce with foreign nations and among the several States and with the Indian tribes." Article II, section 2, provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur" (and a treaty is a compact or agreement between the rulers of two or more sovereign and independent nations). It appears from a casual reading of these two sections that the power to regulate commerce between the United States and foreign nations is, at least to some extent, concurrent between Congress and the Executive assisted by the Senate. It also appears that the right to regulate commerce among the several States, commonly designated as interstate commerce, is vested solely in the lawmaking power composed of the House of Representatives and the Senate. It is unnecessary for the purpose of this argument to discuss fully how far the President can make a treaty with a foreign country to regulate our trade relations and other matters of interest to the United States and the other treaty-making nation, and it will be readily admitted that a treaty between the United States and Great Britain for the regulation of foreign commerce passing through the Panama Canal is within the treaty-making power; that so far as the Hay-Pauncefote treaty sought to regulate the commerce of Great Britain in its use of the canal, and to guarantee that its use should be on terms of exact neutrality and equality with that accorded to all other foreign nations, it was valid, because the President under the Constitution, with the assistance of the Senate, had the required authority so to contract on those points.

There is not a single word in the Constitution which gives to the President any power whatsoever to affect, control, or regulate commerce between the various States of the Union either by treaty or otherwise, that right being plainly and specifically granted to Congress by the aforesaid section 8. It must be presumed, therefore, that the President and the Senate, well knowing they had no right to contract in relation to domestic commerce, did not attempt to do so when making the Hay-Pauncefote treaty, and that it relates solely to foreign commerce.

ENGLAND HAS NO INTEREST IN OUR INTERSTATE AFFAIRS.

The slightest consideration of this subject will show how illogical it would be for a foreign nation to become a party to our purely domestic affairs. What concern has England with the regulation and control of movements of freight, or police or quarantine regulations, by rail or water or otherwise between New York and Chicago, for instance, or St. Louis and Memphis, or Birmingham and New Orleans, or Portland and San Francisco, all of which are internal, interstate, and domestic? If the President should attempt by treaty with England to control trade, police, or quarantine relations between any of those interior points, it would at once appear that England was entirely without interest, and it would seem absurd for her to attempt to participate in a contract in which she had not the slighest concern. If that be true as to trade between these points, does not the same reasoning apply to the purely domestic traffic along our coast, as Boston to New York, Philadelphia to Baltimore, Charleston to Savannah, Pensacola to New Orleans, New York to Galveston, Charleston to San Juan, P. R., Norfolk to San Francisco, Portland to Honolulu, or Seattle to Sitka, Alaska, all of which is just as much a domestic affair, though conducted in ships, as in the case of rail communications cited above, for the coastwise laws prohibit any foreign country from carrying or handling any of our coastwise commerce, and England can no more engage in traffic by ships between these ports than in railroad movements between the interior points.

ROOT'S ATTEMPT TO DIFFERENTIATE BETWEEN KINDS OF COASTWISE TRADE.

The distinguished Senator from New York in his very able address to the Senate on the 21st admitted in substance that the Hay-Pauncefote treaty did not include "real coastwise trade," and says: "I should not question the right to treat that in a different way from the great over-sea trade that goes through that canal." He attempts to draw a distinction between what he designates as coastwise trade and the great over-sea commerce. Let me quote his exact words:

"Now, sir, I do not doubt that coastwise trade, real coastwise trade, is a special kind of trade, standing by itself, quite unlike the great over-seas trade. All countries, as a rule, treat their coastwise trade with special favor; they charge reduced rates for the privileges it has in their ports; and if any such real coastwise trade, any of the trade that has been known to the laws and treaties and navigators and traders time out of mind as coastwise trade, or cabotage, were to pass through the Panama Canal, I should not question the right to treat that in a different way from the great over-seas trade that goes through that canal. But, Mr. President, the real gist of this discrimination is not the discrimination between coastwise trade, properly so called, and other trade. No real coastwise trade will go through that canal. It is a thousand miles and more away from our coast. The trade that goes through it will be real over-seas trade, carried on by great ships, making long voyages—in its nature the exact antithesis to real coastwise trade.

"The trouble with this discrimination is the kind of trade which is included in this statute. The great over-seas trade, the trade from New York to San Francisco; from Portland, Me., to Seattle; from Philadelphia to Hawaii; from Baltimore to Alaska, in great ships plowing two oceans, great over-seas trade, although beginning and ending in American ports, is included by our statute under the term 'coastwise' and has the benefit of this discrimination."

This statement when analyzed is found to be about as indefinite as that of Mr. A. Mitchell Innes, chargé de affaires for Great Britain, who said, in his note of July 8, 1912, addressed to the Secretary of State:

"As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken."

COASTWISE COMMERCE MEANS ALL TRADING BETWEEN UNITED STATES PORTS.

I fail to see the force or logic in these statements of Senator Root and Mr. Innes. By admitting that "real coastwise trade" through the canal is entitled to "special favor" Mr. Root acknowledges the crux of the contention and admits his case out of court. We are either entitled to exempt all of our coastwise traffic or none. It is most unreasonable to say that a vessel plying from New York to New Orleans could pass through the canal free because of its coastwise character or could receive other favors, but that a vessel from New York to San Francisco must pay tolls and be treated as a foreign vessel. When American vessels are chartered and licensed for coasting trade no reservation is made as to what ports they shall enter, except that they be ports of the United States as contemplated by our navigation laws.

By coastwise commerce we mean the movement of freight or passengers by water from one port of the United States to another port of the United States which is by law strictly confined to vessels of the United States. Whether the distance be 500 miles, as from Boston to New York, or 1,900 miles, as from Philadelphia to Galveston, or 4,657 miles, as from New Orleans to San Francisco, it is still coastwise commerce, and the same principle applicable to one attaches to the other.

COASTING LAWS VERY EXPLICIT.

Section 4347, Revised Statutes of the United States, reads: "No merchandise shall be transported by water, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, either directly or by a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States."

Black's Law Dictionary defines "Vessels 'plying coastwise' as those which are engaged in the domestic trade, or plying between port and port in the United States, as contradistinguished from those engaged in foreign trade, or plying between a port of the United States and a port of a foreign country."

The leading case on this subject is that of *Huus v.* New York & Porto Rico Steamship Co. (182 U. S., 392), from which I quote:

"The words 'coasting trade,' as distinguishing this class of vessels, seem to have been selected because at that time all the domestic commerce of the country was either interior commerce or coastwise between ports upon the Atlantic or Pacific coasts, or upon islands so near thereto and belonging to the several States as properly to constitute a part of the coast. Strictly speaking, Porto Rico is not such an island, as it is not only situated some hundreds of miles from the nearest port on the Atlantic coast, but had never belonged to the United States or any of the States composing the Union. At the same time trade with that island is properly a part of the domestic trade of the country since the treaty of annexation, and is so recognized by the Porto Rican or Foraker Act. By section 9 the Commissioner of Navigation is required to 'make such regulations * * * as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Porto Rico on April 11, 1899 * * * and for the admission of the same to all the benefits of the coasting trade of the United States; and the coasting trade between Porto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States.' By this act it was evidently intended not only to nationalize all Porto Rican vessels as vessels of the United States and to admit them to the benefits of their coasting trade, but to place Porto Rico substantially upon the coast of the United States, and vessels engaged in trade between that island and the continent as engaged in the coasting trade. This was the view taken by the executive officers of the Government in issuing an enrollment and license to the *Ponce*, to be employed in carrying on the coasting trade, instead of treating her as a vessel engaged in foreign trade.

"That the words 'coasting trade' are not intended to be strictly limited to trade between ports in adjoining districts is also evident from Revised Statutes, section 4358, wherein it is enacted that 'the coasting trade between the territory ceded to the United States by the Emperor of Russia and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts.' * * * A provision similar to that for the admission of the Territory of Alaska was also adopted in the act to provide a government for the Territory of Hawaii (31 Stat., 141, sec. 98), which provides that all vessels carrying Hawaiian registers on August 12, 1888, and owned by citizens of the United States or citizens of Hawaii 'shall be entitled to be registered as American vessels, * * * and the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.'"

COASTWISE SHIPPING IS INTERSTATE COMMERCE.

If it was the intention of the framers of the Hay-Pauncefote treaty to include in its terms our coastwise commerce taken in its broad, general sense of traffic in American vessels from one American port to any other American port, a construction which I do not admit, then it was beyond the power and authority of the President and the Senate to include such a provision, and to that extent the treaty was null and void ab initio.

Interstate commerce is defined by the courts in many cases as "transportation of freight and passengers from one State to another, or through more than one State, either by land or water." The law books and law reports are literally filled with cases in which the courts have settled, beyond question, that Congress is vested with exclusive power over interstate commerce. "Interstate commerce by sea is of a national character within the exclusive power of Congress" (122 U. S., 326). "The right of intercourse between State and State is not created by the Federal Constitution, but was found to be existing by that instrument which gave to Congress the power to regulate it." (9 Wheaton, 1.)

Indeed, it may be said that the necessity for proper regulation of interstate commerce was the principal cause which led to the convention which gave us our present immortal Constitution, and the court was entirely correct in saying that the right of interstate commerce preceded the Constitution.

TREATY-MAKING POWER LIMITED.

Jefferson's Manual of Parliamentary Practice (N. Y., 1876) page 110, says:

"To what subject the treaty-making power extends has not been defined in detail by the Constitution, nor are we entirely agreed among ourselves. (1) It is admitted that it must concern the foreign nations, party to the contract, or it would be a mere nullity, res inter alias acta. (2) By the general power to make treaties the Constitution must have intended to comprehend only those objects which are usually regulated by treaty and can not be otherwise regulated. (3) It must have meant to except out of these the rights reserved to the States, for surely the President and Senate can not do by treaty what the whole Government is interdicted from doing in any way, and (4) also to except those subjects of legislation in which it gave a participation to the House of Representatives."

It is clear and undisputed that the House of Representatives must participate in legislation on interstate commerce, and beyond question matters relating to it come under the exception stated in clause 4.

In construing the Constitution we must consider its provisions collectively and thereby determine if any of its expressed clauses are modified by other clauses or implications. In this instance the power of Congress to regulate foreign commerce is modified by the treaty-making power, but there is no modification of the exclusive power of Congress to regulate interstate commerce.

Story, Cooley, Pomeroy, and others state that the treaty-making power is not supreme in its right to destroy the powers of Congress. Pomeroy says in his work on Constitutional Law, page 567:

"But I think it is equally certain that a treaty would be a mere nullity which should attempt to deprive Congress or the judiciary or the President of any general powers which are granted to them by the Constitution. The President can not by a treaty change the form of government or abridge the general functions created by the organic law."

An excerpt from Wharton's International Law Digest, volume 1, page 36, section 131a, is quoted in John Bassett Moore's Digest of International Law, volume 5, page 170, which reads as follows:

"That a treaty can not invade the constitutional prerogatives of the legislature is thus illustrated by a German author who has given to the subject a degree of elaborate and extended exposition which it has received from no writer in our tongue. 'Congress has under the Constitution the right to lay taxes and imposts as well as to regulate foreign trade, but the Presi-

dent and the Senate, if the "treaty-making power" be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution, Congress has the right to determine questions of naturalization, of patents, and of copyrights. Yet, according to the view here contested, the President and Senate, by a treaty, could on these important questions utterly destroy the legislative capacity of the House of Representatives. The Constitution gives Congress the control of the Army. Participation from this control would be snatched from the House of Representatives by a treaty with a foreign power by which the United States would bind itself to keep in the field an army of a particular size. The Constitution gives Congress the right of declaring war. This right would be illusory if the President and Senate could by a treaty launch the country into a foreign war. The power of borrowing money on the credit of the United States resides in Congress. This power would cease to exist if the President and the Senate could by treaty bind the country to the borrowing of foreign funds. By the Constitution, "no money shall be drawn from the Treasury but in consequence of appropriations made by law"; but this limitation would cease to exist if by a treaty the United States could be bound to pay money to a foreign power. * * * Congress would cease to be the lawmaking power, as is prescribed by the Constitution. The lawmaking power would be the President and the Senate. Such a condition would become the more dangerous from the fact that treaties so adopted, being in this particular hypothesis superior to legislation, would continue in force until superseded by other treaties. Not only, therefore, would a Congress consisting of two Houses be made to give way to an oligarchy of President and Senate, but the decrees of this oligarchy when once made could only be changed by concurrence of President and of senatorial majority of two-thirds.'"

HOUSE OF REPRESENTATIVES MUST PARTICIPATE IN INTERSTATE MATTERS.

Mr. President, this makes a wonderfully clear statement of the proposition. If the President and the Senate in making the Hay-Pauncefote treaty took control of our coastwise commerce, as is contended by the proponents of this measure, then the House of Representatives, whose Members are subject to recall at much shorter intervals than the Executive or the Senate, and to that extent may well be said to recognize with corresponding readiness the demands of the people, was deprived of any participation in one of the most important matters of legislation and statesmanship ever enacted since the birth of our Republic.

The Panama Canal was not built by treaty but by act of Congress. The statute authorizing it originated in the House of Representatives, which has annually for 10 years originated the vast appropriations necessary to carry on the giant work. The House of Representatives may be justly proud of its participation in all canal legislation, and be jealous of its prerogatives; and I am surprised that we have had so little protest against this attempt on the part of the Executive and the Senate to deprive the House of one of its most cherished and important powers, the right to participate, as it has done since the formation of the Government, in all matters relating to our domestic commerce.

The following paragraph is quoted from Mr. Henry St. George Tucker's article in the North American Review of April last on the treaty-making power:

"In 1814 the treaty of Ghent, carrying provisions as to duties on goods imported from Great Britain, was transmitted by Mr. Madison, as President, to Congress, recommending to them to pass the needed legislation. President Grant followed the same precedent during his term, and in July, 1867, by vote of 113 to 43, the House asserted its prerogatives again. A similar question arose in the Ashburton treaty for the settlement of the northeastern boundaries between Maine and the British possessions, and Mr. Webster deemed it prudent to gain the consent of Maine and Massachusetts to the settlement. These instances—and there have been many others which could be cited—are sufficient to show that the treaty-making power is not supreme in the sense claimed by many of its advocates, but that, like all other powers enumerated in the Constitution, it must not be used for the destruction of others, but in mutual cooperation with all powers equally supreme in their spheres. Each must be used for the development of the Constitution in its true spirit and interest; it must work out its own destiny in accordance with the maxim Sic utere tuo ut non alienum laedas."

WE HAVE MORAL RIGHT TO EXEMPT OUR COASTWISE SHIPS FROM TOLLS.

Mr. President, I have demonstrated beyond any reasonable doubt that if the makers of the Hay-Pauncefote treaty intended to include our coastwise commerce in its provisions they were exceeding their authority and hence it is a nullity in that respect; that the opponents of repeal are not violating any solemn contract, as has been alleged so often during this debate, but are standing by their just and legal rights; that the House of Representatives, a coordinate and coequal branch of our legislative system, was not a party to this treaty and is not bound by it; and that until Congress has acted in a constitutional manner we have a perfect right, legal and moral, without the slightest violation of any plighted faith or obligation of any kind, to exempt our coastwise commerce from the payment of tolls through the Panama Canal.

COASTWISE EXEMPTION ECONOMICALLY WISE.

Having shown that we have the right on our side, that we can without violating any principle make this exemption, the question arises, Is it wise and proper to do so entirely regardless of the treaty? I contend we should exempt these ships from tolls, that we should treat our own coastwise commerce through the canal just exactly as we treat that on our internal waters, which is also coastwise commerce. Why should there be one rule for the interior commerce on our canals, rivers, and lakes and another for that on the Atlantic, the Gulf, the canal, and the Pacific?

We will have expended on the Panama Canal for its purchase, construction, fortification, maintenance, and so forth, by the time it is completed, about $400,000,000, and for the purposes of this argument I assume its cost to be that amount. As good husbandmen it behooves us, if possible, so to use this costly property as to give a reasonable interest on the amount invested, and gradually secure the return of the principal, though it matters little if the principal ever be repaid, provided a fair interest is obtained. In determining our profits from the canal, we must consider two separate and distinct things—military and commercial.

MILITARY VALUE OF CANAL.

The canal would not have been constructed but for the necessity of concentrating our Navy, separated as are our Atlantic and Pacific coasts by 12,000 miles of sea around Cape Horn. It was practically impossible to mobilize the navy of one ocean into the other, and if we were to become really effective as a naval power it was imperative either to construct a canal at the Isthmus, thereby permitting the passage of our war vessels from ocean to ocean, or to build and maintain two separate and distinct navies at enormous cost, almost double the cost of one effective navy when the Panama Canal is completed. We had a graphic and most exciting instance of the necessity of this canal during our struggle with Spain in 1898, when the battleship *Oregon* made its wonderful voyage from San Francisco around Cape Horn, passing from the breezes of California through the fiery blasts of the Equator on to the frozen regions to the south, where the decks were covered deep with snow, thence northward, again across the Equator, and on with never-ending speed to participate in the glorious Battle of Santiago. For days the people of America held their breath in suspense and deepest anxiety for the fate of this great ship, and though it made the voyage safely and bore a gallant part in the battle everyone felt that the strain was too much, the danger too great, ever to be undergone again, and that we must provide for a quick, safe passage for our vessels across the Isthmus.

When men speak of the cold economic argument in this case they must not forget that one of the most important reasons, if not the controlling one, for constructing the canal was not commercial, but military, and in arriving at a just appreciation of the economic benefits to be derived from it we must not forget to credit it with the enormous military advantages as well as the great financial saving resulting from a very much smaller and infinitely less expensive but much more efficient Navy. A single first-class battleship costs about fifteen millions, and one of our highest military authorities recently said that the destruction of the canal, from a military viewpoint, would be more injurious to us than the loss of 20 battleships, representing $250,000,000 to $300,000,000 of actual cost. Therefore it is fair to say that the military advantages of the canal, calculated purely in dollars and cents, are equivalent to the cost of constructing 20 battleships, $300,000,000, plus the cost of maintaining them, which is estimated by the Navy Department at about $900,000 per annum for each ship, $18,000,000 for the fleet, and an amortization fund sufficient to replace them as they become useless. In other words, this military advantage will easily amount to between twenty and thirty millions a year. But not alone this. By practically doubling the efficiency of our Navy the canal will be a measure of the most terrific effectiveness in the preservation of peace. The better we are prepared for war the less chance is there of any nation attacking us. Hence it is quite possible that in the

future the canal may be the means of preventing us from being involved in a costly and bloody war.

CANAL A PAYING INVESTMENT.

The commercial benefits are approached from an entirely different angle.

According to the report of Prof. Emory Johnson on the Panama Canal Traffic and Tolls, page 208, the estimated coast-to-coast American shipping through the canal in 1915 will be 1,000,000 tons, and in 1925, 2,000,000 tons. American shipping carrying foreign commerce of the United States in 1915 is estimated at 720,000 tons, and in 1925 at 1,500,000 tons. Foreign shipping carrying commerce of the United States and foreign countries in 1915 will be 8,780,000 tons, and in 1925, 13,850,000 tons, or a total commerce in 1915 of 10,500,000 tons, and in 1925 of 17,000,000 tons. If no tolls are exacted on the coastwise shipping of the United States this would give a revenue of $11,400,000 in 1915 and $18,000,000 in 1925. It is the estimate of Prof. Johnson and also of Col. Goethals, builder of the canal (see hearings before House Committee on Interstate and Foreign Commerce in 1912, p. 411)—and I ask especial attention to this statement, because such an erroneous impression has grown up about the cost of maintaining and operating this canal in the military establishment—that the total cost of operating and maintaining the canal will be $4,000,000 per annum, to which is to be added the annual rental of $250,000 to Panama and about $950,000 a year for upkeep of the military establishment at the canal, which gives us a total annual expense for operation, maintenance, rental, and military establishment of $5,200,000. This is a very different sum from twenty-five to thirty million dollars annual expense, as many people have been saying. If we deduct this from $11,400,000 gross revenue in 1915, it leaves a surplus of $6,200,000 to be applied as interest on the cost of the canal, estimated at $400,000,000. In 1925 the gross earning, assuming that our coastwise vessels pass through free, will amount to $18,000,000. Deducting from this $5,200,000 for annual expenses, as above stated, we have net earnings of $12,800,000. Let us deduct from this $12,000,000, or 3 per cent on the $400,000,000 invested, and it leaves a balance of $800,000 to be applied to the sinking fund. These figures clearly show that during the very first year, without any charge whatsoever for our coastwise vessels, the earnings of the canal will pay all expenses connected with it and over 1 per cent interest on its cost, and that at the end of 10 years from the time of its opening it will be paying every cent of the annual cost of maintenance, plus 3 per cent interest, plus $800,000 to be applied to the retirement of the construction bonds. If we can be guided by the experience of the Suez Canal we may expect after 10 years from the completion of the canal to be paying out of the tolls collected on foreign commerce all costs of operation, maintenance, rental, and military upkeep, plus 3 per cent on the capital invested, plus a large annual amortization fund. It will be seen, therefore, if no economic credit be given to the military side of this case, the advantages of which are hard to calculate in money, though amounting to between twenty and thirty millions a year, as shown above, and none to the enormous saving in freight of at least $100,000,000 a year on transcontinental railroad rates, as appears later, the canal will pay handsomely as a purely commercial business proposition, even if all our coastwise vessels be permitted to use it free of tolls.

THERE IS NO COASTWISE MONOPOLY.

The statement has been repeatedly made on the floor of the Senate and elsewhere that our coastwise vessels are controlled by a shipping trust. The Alexander Report on Steamship Agreements and Affiliations has been quoted to the effect that 92 per cent to 94 per cent of our coastwise vessels are controlled by the railroads and two large shipping consolidations. The eloquent Senator from Georgia [Mr. SMITH] on April 24, CONGRESSIONAL RECORD, page 7760, stated, referring to this report, that "the names of all the companies and the agreements between the companies are printed, and the final conclusion is reached that, barring those ships controlled by the railroads, practically all the balance of the vessels engaged in coastwise transportation are controlled by two corporations."

It is inconceivable how this very able and usually accurate statesman has fallen into such egregious error and allowed his imagination to play such fanciful pranks with cold facts. He and others have sought to give the impression that the general public would receive no benefit from free tolls to our coastwise vessels, because they are so dominated by trust combines that there would be no legitimate competition; that the traffic would be charged every cent it could possibly bear, regardless of whether there were tolls or not; and that if tolls were remitted it would merely be an additional bonus to the already plethoric purses of the shipping octopuses.

I did not believe that these statements and the inferences therefrom were correct, but felt that the gentlemen who made them had fallen into honest error. I therefore gave the matter very careful study and investigation, and personally conferred with Dr. S. S. Huebner, who prepared the Alexander report, and Mr. George T. Chamberlain, Commissioner of Navigation.

In the Alexander report, page 369, in the chapter on steamship company affiliations on the Atlantic and Gulf coasts, we find this statement:

"On this leading water highway of American commerce practically all the large regular steamship lines are either controlled by railroads or are subsidiaries of one of two large shipping consolidations—the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines. * * * The steamers of the railroad-controlled lines, combined with those of the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines, number 199, or 84.7 per cent of the above-mentioned total for the 28 lines, and represent 516,055 gross tons, or 93.9 per cent of the foregoing total gross tonnage."

This appears to be the origin of the assertion that our coastwise traffic is controlled by a shipping trust. At the very outset it is to be noted that this statement applies merely to the regular lines on our Atlantic and Gulf coasts and not to those on the Pacific coast. It can not therefore be applied to our entire coastwise shipping. On page 347 of the Alexander report Dr. Huebner says:

"Important independent steamship lines make a more prominent showing in the Pacific coast trade than in any other division of our coastwise or inland commerce, and, aside from the Alaskan and Hawaiian trades, no important consolidations of water carriers seem to exist. Unlike the situation in the Atlantic and Great Lakes trade, the railroads control only two important lines."

I took up with Dr. Huebner in person his statement regarding the domination of 94 per cent of the regular lines on the Atlantic and Gulf coasts by the railroads and two shipping combinations, and he told me that his assertion had been misquoted and misinterpreted on the floor of the Senate. It referred merely to the *regular lines* on the Atlantic and Gulf coasts and not to the enormous number of *tramp steamers and other vessels* not in the regular lines.

According to the report of the Commissioner of Navigation for 1913, page 164, the total number of enrolled coastwise vessels on the Atlantic and Gulf coasts, including regular lines, tramp steamers, and so forth, was 8,389, their gross tonnage being 3,053,339 tons. Of the 8,389 vessels only *235* belong to the regular lines, and of the 3,053,339 total tonnage only *516,821* tons is comprised by these regular lines. Consequently, the tonnage of the regular lines constitutes only 18 per cent, or less than one-fifth, of the total tonnage, and of this one-fifth Dr. Huebner says 93.9 per cent, or 516,055 tons out of a total of 3,053,339 tons, is railroad or trust controlled. So much for the Atlantic and Gulf coasts.

Let us now examine conditions on the Pacific coast. The Report of the Commissioner of Navigation for 1913, page 164, states that the total number of enrolled coastwise vessels on the Pacific coast, including regular lines, tramps, and all other ships, is 1,264, totaling 591,644 tons. According to the Alexander report, page 405, out of these 1,264 vessels 106 are owned by the regular lines, and of the 591,644 gross tons 350,512 tons belong to the regular lines. The question immediately arises, What per cent of the regular lines on the Pacific coast is railroad or trust controlled? On page 405 of the Alexander report we find that of the 350,512 gross tonnage of the regular lines only 172,670 tons, or 49 per cent of the total line tonnage, is dominated by the railroads or shipping combinations. Therefore the tonnage of the regular lines constitutes 59 per cent, or about three-fifths, of the total Pacific-coast tonnage, and of this three-fifths Dr. Huebner says 49 per cent is railroad or trust controlled.

To summarize, then, the total enrolled coastwise tonnage of the Atlantic, Pacific, and Gulf coasts is 3,644,983 gross tons. Of this the regular lines make up 900,333 tons, which is not quite 25 per cent, or about one-fourth, of the total tonnage. According to Dr. Huebner, of these 900,333 tons comprised in all the regular lines combined, 688,725 tons, or about 76 per cent, are railroad or trust controlled. Therefore, of our entire enrolled coastwise tonnage of the Atlantic, Pacific, and Gulf coasts, amounting to 3,644,983 tons, 688,725 tons in all are railroad or trust controlled, or only 19 per cent of the whole. This is quite different from saying that practically our entire coast-

wise traffic is dominated by railroads and shipping combinations. The remaining 81 per cent is independent, free to engage in legitimate competition for the business of the coasts and the canal, and the result must be very active efforts to secure commerce and very cheap freights.

FEW TRUST-CONTROLLED VESSELS WILL USE THE CANAL.

There is another phase of the question to be considered. The gentlemen who make the assertion that practically all our coastwise shipping is trust-controlled appear to take it for granted that as soon as the Panama Canal is completed all of our coastwise vessels will use the canal; that the regular lines will abandon their established routes where they are making money for the sole purpose of going through the canal.

Beginning with page 58 of part 3 of the recent hearings before the Committee on Interoceanic Canals, there is inserted a table prepared by Mr. Chamberlain, Commissioner of Navigation, entitled "Probable canal steamers," which gives a list of steamers that will probably use the canal. I discussed this table with Mr. Chamberlain, and at my request he wrote me, giving the reasons why certain vessels would use the canal and why those plying on established routes on the Atlantic and Pacific Oceans would not use it. From this letter I quote:

"I think it quite unlikely that any considerable number of the steamship lines covered in the pages you mention (pp. 62–68) would abandon their present well-established routes to venture into the canal trade. For this reason the table I prepared under the direction of the Interoceanic Canals Committee was divided into two parts. The first (pp. 58–61) includes vessels which, in some instances are not unlikely to use the canal, if not regularly, at least on occasional voyages."

In the main, Dr. Huebner concurred with Mr. Chamberlain in believing that these ships would probably use the canal, and that those on well-established routes on the Atlantic and Pacific coasts would not use it. The ships now in use on the Atlantic, Pacific, and Gulf coasts, which include regular lines, tramps, and so forth, that will probably use the canal total 470,000 gross tons. According to Dr. Huebner and Mr. Chamberlain, the trust-controlled vessels likely to use the canal aggregate 167,000 tons, or about one-third of the whole.

The trust-controlled vessels are those of the Standard Oil Co. and its subsidiaries, the Girard Trust Co., and another small company operating miscellaneous cargo steamers. Dr. Huebner stated positively that the Atlantic & Pacific Steamship Co. (Grace Line) and the American-Hawaiian Steamship Co. were not dominated by the shipping combination, and in proof thereof referred to pages 184–187 and 363–365 of the Alexander report. The steamers of the Isthmian Canal Commission and the Panama Railroad Co. are Government owned. In regard to the miscellaneous cargo steamers or tramps, which Dr. Huebner had not investigated, Mr. Chamberlain expressed the opinion that none of them were trust controlled, with the exception of the Girard Trust Co. and another small line. To summarize, then, of the probable canal steamers, totaling 470,000 tons, 303,000 tons are independent and 167,000 trust controlled—two-thirds independent and one-third dominated by a combination. Plainly the statement that 94 per cent of our coastwise shipping is trust controlled has no basis in fact.

There is another point that I wish to bring out in this connection. Section 11 of the Panama Canal act of 1912 excludes from use of the canal all vessels in which railroads have any interest, and also the vessels of any company doing business in violation of the Sherman antitrust law. This will no doubt make the figures much more favorable than those given above, for surely many of the trust-controlled vessels in our coastwise trade are owned or controlled by railroads, which fact would exclude them from the use of the canal. Moreover, if they are not connected in any way with railroads, but engage in a combine or trust in restraint of trade, that, too, would exclude them from the canal. Omitting these railroad vessels and such as belong to objectionable trusts, it will be seen that only a very small per cent of the shipping which can actually use the canal will belong to a trust.

FREE ROADWAY MEANS INDEPENDENT COMMERCE.

As a general proposition it may be asserted that any transportation agency which is open and free to every citizen of the Republic, which is conducted over a free roadway, be it land or water, and which gives equal facilities at the terminals to everyone, can not possibly be a monopoly. How can there be a monopoly of freight carrying on a public road, where the peasant with his pushcart can compete with the farmer in his two-horse wagon, who in turn competes with the great auto truck, each on terms of absolute equality, so far as the right to use the road is concerned? How can there be a combine on our great rivers, improved at the expense of the National Government, owned and controlled by it, where the poorest man in his little canoe floats as free as the millionaire in his gilded yacht? How can there be a monopoly on the great Pacific, on our own American Canal, on the Gulf, and in the broad Atlantic, where everyone has the same right to compete for trade in a small or large way, as his means allow, and to receive fair and equal treatment in the harbors along our coast? It is perfectly clear that on a railroad, where the roadbed is owned by a single corporation, which controls it and can prevent its use by anyone, a monopoly is entirely feasible, for how can there be any competition if only one person or company is allowed to use the line? But the situation is entirely different with our highways and waterways, where I again say that monopolies are practically impossible. If I am wrong, however, and there be the vicious monopoly which haunts the dreams of many Senators, the way to control it is not by exacting tolls, but by strict enforcement, through the Interstate Commerce Commission, of the law prohibiting the use of the canal to railroad or trust-controlled vessels.

FREE ROADWAYS AND WATERWAYS NOT A SUBSIDY.

It is said that the exemption from tolls of our coastwise traffic through the canal would be a subsidy. I deny the charge. But if a subsidy, it is a justifiable and proper one. All subsidies are not bad. Subsidy is defined to be "a grant of money made by government in the aid of the promoters of any enterprise, work, or improvement in which the Government is to participate or which is considered a proper subject for State aid because likely to be of benefit to the public." It is estimated that the National Government, together with the States, counties, and municipalities has expended upward of a thousand million dollars in the construction of railroads through boundless forests, over marshy wastes, across vast expanses of desert, over great mountains, with the result that every portion of the Union is connected, that a marvelous growth has taken place in many sections inhabited by wild beasts and wilder men that could never have been developed without the aid of the iron horse, and the whole Nation has vastly increased in wealth and population in consequence thereof. Most of this aid was given many years ago, when we were young in years, comparatively few in number, when the necessity for public aid was imperative; and it was dictated by constructive statesmanship of the highest order. My own State of Louisiana was so impressed with the wisdom of increasing its railroad facilities in order to develop its waste places and splendid resources that on two separate occasions during the past 16 years constitutional provisions were adopted which exempted from all forms of taxation for a period of 10 years any new railroad or part thereof, constructed within a certain time, and great impetus was given thereby to railroad building. I believe that these expenditures, bonuses, and exemptions for railroads were in the main wise and beneficial. I am convinced that but for this aid and the consequent expansion of railroads our great Republic, now the marvel of the world, would still be in its infancy; and while there were some scandals in connection with railroad grants, bond issues, and so forth, the benefits far exceeded the evils that arose therefrom.

I have shown that there is no controlling monopoly, nor can there be any, in the coastwise trade through the Panama Canal. Can the friends of repeal and its chief beneficiaries—the transcontinental railroads both in the United States and Canada—show that there is no monopoly in the railroad transportation business? I assert without fear of contradiction that the railroads now control this business and regulate it very largely to suit themselves. I assert that whenever a toll of $1.20 per ton is imposed upon coastwise trade passing through the canal that freight charges will be increased by just that amount, not only on the comparatively small volume actually carried through the canal, but also on the vast business of the transcontinental railroads, many times as great as that through the canal. If we appear in our national bookkeeping to have earned $1.20 per ton, or $1,200,000 on the 1,000,000 tons of coastwise traffic, which it is estimated will pass through the canal next year, the American people will pay the coastwise vessels an increased freight rate for this 1,000,000 tons amounting to $1,200,000, and an increased freight rate to the transcontinental railroads fully ten times as much, or $12,000,000. Hence, where does the benefit come to us? We place in one pocket $1,200,000 collected in tolls from our coastwise ships, and we pay out of the other pocket in increased freight charges to the ships and the railroads $13,200,000, being losers thereby to the extent of $12,000,000.

FREE USE OF PANAMA CANAL NOT A SUBSIDY.

Continuing the subject of subsidy, let me suggest that the States and Nation expended last year on good roads $207,000,000; that there is a great good-road movement going on all over the Union which will probably do more to enhance the value of the Nation's property, to make people more satisfied with

farm life, and to cheapen the cost of living than anything within recent years. It is a relic of past ages to charge tolls on good roads, though I believe it is still done to a slight extent in some localities, and surely no one considers it a subsidy to permit the free use of good roads.

The Empire State of New York is now expending on its roads $100,000,000 and on its canal system $127,000,000, aggregating $227,000,000—more than one-half the total cost of the Panama Canal. This vast expenditure by a single State is made to benefit transportation not only for its own people but for the Nation, for the improvement of its great Erie Canal will cheapen freight very materially to and from the entire middle section of our country. No charge whatsoever will be made on these magnificent roads and canals. They will be as free as the wind that blows to every citizen. Can it be said that this is a subsidy? Can it be fairly argued that New York should expend $227,000,000 out of its own unaided resources to assist transportation, and yet the great Union can not extend the slight aid of free passage to our coastwise vessels through the Nation's ditch for the same purpose? The thought is unworthy of us.

Since the birth of our Republic we have spent $705,019,693 to improve all the Nation's waterways, with the idea that it was necessary to facilitate the movement of freight by water and to cheapen and regulate railroad rates. Most of these expenditures have been very effective, and the wisdom of our waterway policy is generally acknowledged. We have never charged tolls for the use of our harbors, rivers, and canals, and if any Congressman should propose such a thing he would be ridiculed into the shades of private life. There is no better settled and established policy of the Government than that we must improve every worthy watercourse in the Union the development of which is justified by the needs of commerce, that the expense thereof must be borne by the Nation, and that the waters must be open and free to all. Is this a subsidy? I do not so understand it; but if it be a subsidy, then surely it is a good subsidy.

We have expended over a hundred millions on the harbors and connecting channels of the Great Lakes, especially the Sault Ste. Marie and the Detroit River. These Lakes are international waters bordering foreign lands, just as do the great oceans. The Soo connects these foreign waters just as the Panama does the Atlantic and Pacific. There is a colossal commerce through the Soo. In 1913 it amounted to 57,000,000 net registered tons as compared with 18,000,000 tons through the famous Suez Canal—more than three times as great as the commerce through the Suez. Do we charge any tolls on this international canal at the Soo? Certainly not. And why? Because we have always believed it wise and proper to give the freest use of our improved waters to our commerce and not to put any obstacle or hindrance whatsoever in its way. If we are to charge tolls at Panama, there is the same reason for charging them at the Soo and on our other improved waters—just exactly the same, and it is impossible to differentiate between them. The Ohio and Mississippi have been and are now being improved, at a cost largely more than a hundred millions. Would the people who use these rivers consent to see tolls charged on their commerce? We are just completing the improvement of the Black Warrior, leading to the famous coal fields of Alabama, and providing for the delivery of its coal to Gulf ports, to the Panama Canal, to the world, at prices lower, perhaps, than any other coal in the Republic. Shall we charge tolls on the Black Warrior? Would it not prevent the very purpose of that great improvement? Shall the people of New Orleans, who are at this moment buying their coal from the Black Warrior fields at 75 cents per ton cheaper than ever before because of the canal line leading directly from the heart of the coal fields to the city, be required to pay tolls and be deprived of the benefit of that cheap coal? Perish the thought. And yet, if we must pay tolls through Panama, why not tolls on the Black Warrior, on the Mississippi, on the Ohio, on the Soo? Will New York also in self-defense be compelled to charge tolls on its canal? Let me again repeat that I can not draw the distinction between free roads and free waterways in the interior of the Union and a free waterway through Panama, a part of the Union, for the servants of the Union, and I do not believe anyone else can do so logically.

FOREIGN NATIONS PAY SUBSIDIES ON THEIR SUEZ CANAL COMMERCE.

For years it has been a well-established practice among many of the leading commercial nations to subsidize their ships passing through the Suez Canal. These subsidies were made either directly or indirectly for the purpose of paying the tolls, and sometimes were less, sometimes equal to, and often more than the toll charge. On page 15 of the report of the Commissioner of Navigation for 1911 we find some significant and pertinent information. In 1909 Russia appropriated $3,344,750 for the express purpose of paying the tolls of the merchant steamships of the Russian volunteer fleet through the Suez Canal. As the tonnage of that fleet in 1909 was 130,200 net tons, the Government grant was equal to $2.57 per net ton, or more than sufficient to pay not only the canal charges on the ship, but also on every man, woman, or child on board. The fleet of the British, Peninsular & Oriental Steamship Co., the largest using the Suez Canal, paid in tolls in 1910 £357,989, of which England paid by means of subsidies £297,143, or $1,435,200, about $1.15 per ton. Germany subsidized its principal line, the North German Lloyd, to the extent of $1,385,160 for its mail steamers to Asia and Australia passing through the Suez Canal. In 1910 this grant sufficed to pay all the tolls of that company and to leave a handsome margin of profit. Japan paid a subsidy of $1,336,947 to the Nippon Yussen Kaisha Steamship Co., whose steamers used the canal. In 1908 the largest French line using the Suez Canal, the Messageries Maritimes, was paid by the national Government the colossal subsidy of $2,145,232. In one year Austria paid out of her treasury all the tolls on a number of her steamers for 42 voyages through the Suez Canal besides giving them a subsidy of 4,700,000 crowns, or $854,100. Sweden in three years gave its ships using the Suez Canal 1,850,000 crowns, or $495,800, to pay the tolls on her vessels. Without further details it may be said that several other nations have given material subsidies to their vessels using the Suez Canal, and unless the position of these nations be entirely changed, which seems improbable, they will extend similar subsidies to their shipping through the Panama Canal. Already evidences of this fact exist.

In 1909 Spain passed a law authorizing an annual subsidy of $285,000 to a Spanish steamship line from Cadiz to the Canaries, Porto Rico, and Cuba, "thence through the Panama Canal to ports that the Government shall deem necessary." The Daily Consular Report of May 1, 1914, states that a measure has been introduced in the lower house of the Japanese Diet, proposing an annual grant of from $718,307 to $875,447 to the Nippon Yusen Kaisha Co., whose fleet will be the largest Japanese line using the canal. The Daily Consular Report of April 13, 1914, gives the information that a movement has begun in France to have one of the French lines through the Panama Canal subsidized.

It may be safely predicted that the other great maritime nations of the world will do likewise. What a position, then, will the United States be in with its maritime rivals paying the tolls for their vessels through the Panama Canal, or at least a very large percentage of the tolls, and we exacting the same rate from our vessels enjoyed by the foreign ships, and doing nothing to help them bear the burden! We are already in the humiliating position of having 91 per cent of our foreign commerce carried in ships bearing the flags of other nations and only 9 per cent in our own vessels. Shall we legislate in this bill to further reduce this American tonnage in American ships? Shall we discourage the American marine by enacting a law which we know in advance will be used by our rivals to crush us? For my part, not only would I exempt coastwise vessels from the payment of tolls, but also all other vessels flying the American flag and carrying foreign commerce, for I believe that we have the power under the terms of the Hay-Pauncefote treaty to regulate our foreign commerce through the canal in exactly the same manner that we regulate and control our vessels of war.

ECONOMIC ADVANTAGES OF WATER TRANSPORTATION.

I shall endeavor to show that the American people are interested in a direct personal way in the free passage of coastwise commerce through the canal. In order to do this let me give some examples of comparative freights by rail and water on existing traffic.

In this connection I wish to call attention to the map hanging on the wall, and suggest to you that if St. Louis be taken as a center and a 40 per cent rate be adopted, you will find that the red line which marks the area included within the 40-cent rate follows very closely the Mississippi River and the Ohio River. It is a graphic illustration of the effect of waterways, for just as soon as you leave the river the rates go up and go up very materially.

A study of the rates on railroads leading out of St. Louis affords striking evidence of the effect of waterways. Havana, Ill., is 159 miles from St. Louis, and Poplar Bluff, Mo., 169 miles distant, but Havana is on the Illinois River and has a first-class rate of 36.1 cents per 100 pounds, while Poplar Bluff is an inland town and has to pay 52 cents. The distance to Poplar Bluff is only 10 miles greater; the rate is more than 44 per cent higher.

Springfield, Mo., is 239 miles from St. Louis, while the distance to St. Paul is 593 miles. Springfield, Mo., being inland, pays 62 cents, while St. Paul, being on the Mississippi River, pays only 1 cent more—63 cents—for the greater distance. If the rate to Springfield, Mo., were the same per mile as the rate to St. Paul, Springfield would pay only 25 cents per 100 pounds instead of 62 cents. Vice versa, if the rate per mile to St. Paul were the same as to Springfield, Mo., the rate would be $1.54 instead of 63 cents.

Mexico, Mo., is 116 miles from St. Louis; Cincinnati, Ohio, is 339 miles. Cincinnati is on the Ohio River and boats can ply between St. Louis and that city, so the railroad rate on commodities of the first class to Cincinnati is 41 cents, while that to Mexico, Mo., is 43 cents. Cincinnati is almost three times as far away and has a rate of 2 cents per 100 pounds less than the town to which the steamboats can not run.

These rates were compiled by the Interstate Commerce Commission from the railway tariffs on file, and the distances were taken from the official railway guide.

The rate on salt by the carload from Portland, Oreg., to The Dalles on the Columbia River, the head of navigation, a distance of 88 miles, was $1.50 per ton after the locks were open on the river between these two points, while to Umatilla, 100 miles behind, the rate was $10 per ton. A dollar and a half per ton for 88 miles with water competition; $8.70 per ton without competition.

The general manager of the principal foreign steamship line entering Boston recently stated that freight rates caused by the largest steamships being used as a result of the deeper channel are about 50 per cent less than they were some 15 or 20 years ago when very much smaller steamers were engaged in the trade. This saving of one-half of the cost of ocean transportation at a great port like Boston, resulting from the deepening of the channel to a depth of 35 feet at a cost of about $6,000,000, is of vital importance to the entire Nation. It benefits the wheat grower of the Middle West, the cotton planter of the South, and everyone who imports or exports articles of commerce.

ENORMOUS SAVING BY SOO CANAL.

The total freight through the Soo Canal for 1913 was 79,718,344 tons, carried an average haul of 820 miles, at a cost of $44,380,865, the average rate of transportation per ton per mile being 0.68 mill.

According to the report of the Interstate Commerce Commission on statistics of United States railways for the year ending June 30, 1911, the latest year for which complete figures are available, the average rate per ton per mile received by the railways was 7.57 mills, or eleven times the water rate through the Soo. Preliminary statements for the year ending June 30, 1912, indicate that there was no material change in the ton-mile rate. This exceeds the Soo Canal rate by 6.89 mills, and if the freight which was carried through the Soo had been carried an equal distance by rail at the average railway rate for the years 1911 and 1912, it would have cost $455,128,688.70 more than was actually paid for its transportation by water.

It has been objected that this is not a proper comparison for the reason that a larger proportion of the freight handled by water consists of iron ore, coal, lumber, and other raw material than does freight carried by rail. There is some truth in this contention.

The Virginian Railway—and I am glad to see the Senators from Virginia in front of me—starting from a point near Charleston in the coal-mining regions of West Virginia and running thence to Norfolk, was built at an enormous expense with heavy cuts and fills and many tunnels in order to secure low grades and easy curves and consequent economy of operation. Its freight consists very largely of coal. In fact, it is probable that the proportion of low-grade freight on the Virginian Railway is greater than it is at the Soo, and its rate, which was 3.61 mills per ton per mile for the year ending June 30, 1911, is the lowest in the United States. Even if carried at this rate, which is more than five times the Soo rate, the freight of Lake Superior would have cost $191,419,000 more than was paid for its carriage by water.

There is a very large commerce of about 12,000,000 tons on the Ohio, which is now being canalized so as to give it a minimum depth of 9 feet throughout its entire length. When this improvement is completed coal on the Ohio and Mississippi south of Cairo can be conveyed at a cost of 0.4 mills per ton per mile, or 5 per cent of the average railroad rate, or 11 per cent of the lowest railroad rate. All heavy commodities will move at about the same rate. My authority for this statement is Col. William L. Sibert, member of the Panama Canal Commission and one of the most accomplished engineers on earth.

It appears from the foregoing, therefore, that the public derives incalculable benefit from the cheaper commerce carried by our improved waterways. No one can say what this really amounts to every year, but if the saving on the Soo alone in one year—bear in mind, Senators, the Soo carries only a portion of the Great Lakes commerce—is $191,000,000 as compared with the rate on the Virginia Railway, the cheapest in America, and four hundred and fifty-five millions as compared with the average railroad rates, it is fair to say that the annual reduction and saving due to these improved waters is considerably more than the entire seven hundred and five millions expended upon their improvement during our national life.

FREE PANAMA CANAL MEANS DOLLARS TO EVERY CITIZEN.

The same argument applicable to internal waterways generally applies to the Panama Canal. We should receive similar benefits and an enormous saving in our annual freight bill. If traffic on the Great Lakes, on the Columbia, on the Ohio, on the Mississippi, on the Black Warrior, and in great ports like that of Boston can be carried so very cheap compared with rail, there is no reason why they can not be carried at like rates through Panama, and beyond question they will be. The reduction in our national freight bills between the two coasts is bound to be very great whether we exact a toll charge or not, just as it would be very great on the Soo if we had to pay a toll, for instance, of 50 cents per ton on the commerce passing through it. But if the Government had exacted 50 cents per ton freight charge on the traffic through the Soo last year, it would have amounted to nearly $40,000,000, or practically as much again as the total freight charge paid by this commerce, which, as shown above, was $44,380,865. If this charge of 50 cents per ton had been added to the Soo freight, the rate instead of being 0.68 mill per ton mile would have been about 1.31 mills, nearly twice as much, and the American people, while collecting forty millions in tolls, would have paid out that amount in increased freight charges. The same thing would be true at Panama. A large number of vessels, many of them independent and operating on a competitive basis, will engage in our coastwise commerce through the canal, as I have fully explained heretofore. These vessels will be satisfied with reasonable returns on their investments, and in making their rates they will be compelled to add any toll that is exacted. It follows, therefore, that if no tolls be required, the freight will be less by just that amount.

The companies operating coastwise vessels will not be able to add to their profit the amount of the tolls exemption, because each company will need the advantage of every possible cent of lower freight rates to meet the rates of competing vessels. When the canal is opened there will be a tremendous increase of the number of our coastwise vessels, and each ship will be anxious to carry freight to its full capacity. Since there is no shipping trust, as I have demonstrated, the competition between the tramps and the regular lines, between company and company, between ship and ship, will be very keen, for all of them will be anxious to carry more and more freight, and by seizing every opportunity to develop and increase their traffic as much as possible. They will, therefore, offer every inducement to draw freight to them, and the best inducement is a low freight rate. Hence the consumers of the country will receive the benefit.

As a concrete instance, let us take lumber, a commodity which exists in very large quantities on the Pacific coast, and is becoming scarce along the Atlantic seaboard. The evidence of Mr. Ransom, a lumberman of Portland, Oreg., before the Committee on Interoceanic Canals, page 505 of the hearings, was that the present railroad rate from the northern Pacific coast to the Atlantic terminals, such as Boston or New York, is 75 cents per hundred pounds, which is approximately $24 per thousand feet on rough lumber, and less on the lighter grades. He states that the water rate through the canal will be 30 cents per hundred pounds, or $9.60 per thousand feet. His testimony is corroborated by Mr. Skinner, of San Francisco, who is also in the lumber business, and who states, on page 808 of the hearings, that his company now "have an offer of tonnage in cargo capacity of $9 a thousand feet from Puget Sound to New York or the east coast of Pennsylvania, if tolls are not assessed. If they are, the tolls are to be added to it." He also states that "at the same time a 30-cent rate was offered to St. Louis and Mississippi River common points, as against a 55-cent rate by rail. The rate to Mississippi River points, however, was made contingent on the establishment of a line with free tolls." There was a difference of opinion as to what amount a thousand feet of average lumber would pay with the tolls at $1.20 per net ton, and Mr. Teal, of Portland, Oreg., who is one of the ablest and purest men in the Nation, testifying

before the Interoceanic Canals Committee, page 929 of the hearings, estimates that it would be about 6 cents per hundred pounds, or $1.66 per thousand feet, which, I believe, is correct. This evidence proves that in any event there will be a net saving in freight from the Pacific to the Atlantic of from $12 to $15 per thousand feet, which is certainly a very material item; and if the tolls are collected this saving would be reduced by $1.66 per thousand feet; hence the consumer of lumber is interested in this question to the extent of $1.66 on every thousand feet of lumber he uses. How would this apply to a citizen of Washington desiring to construct a house in which 20,000 feet of lumber would be required? If there be free tolls, he could get his lumber at a reduction of $1.66 on each thousand feet, or $33.20 less than if tolls are charged. This is quite a saving to the citizen, and, though lumber has been used as an illustration, the same would apply to the innumerable articles exchanged in the course of trade between the two sections of our country, and a proper benefit would be derived on every one of them.

LOUISIANA'S VITAL INTEREST.

Mr. President, when the country was stirred with talk about an Isthmian Canal and all political parties indorsed the idea and speakers upon the hustings and in legislative halls made the welkin ring with the glory and pride of the great enterprise, no portion of our land was more enthused in its favor than the Mississippi Valley and the Gulf coast. The canal will benefit greatly every part of the Republic; but if one place more than another is to be aided by it, that place is the city of New Orleans, situated on the Mississippi River with its 16,000 miles of navigable waters, at the gateway to the Gulf. New Orleans will soon be connected by water with all the rivers of Texas, Louisiana, Mississippi, Alabama, and Florida by intercoastal canals running east and west from it and now in process of construction. New Orleans is not only the greatest waterway center in the Union but has exceptional railroad facilities, and beyond question it is destined to be the great mart of commerce for the interior section of the Republic in its relations with the Pacific coast of South and North America and the Orient. Not only is New Orleans intensely interested in this canal and everything that tends to make it great and useful, but all the cities of the Mississippi's imperial valley have the same interest. Prof. Emory Johnson says that 65 per cent of the westbound Pacific coast traffic originates in this valley. I thought when this measure was introduced, so fraught with friendship for railways and indifference if not active antagonism to the greatest artificial waterway on earth, that southern Senators and Representatives would be the very first to oppose it, would be the strongest advocates of our coastwise trade, and the most determined foes of repeal. It has been a great surprise and sorrow to me to find so many of them, aye, sir, the big majority, giving their voices to the support of a measure which I think is not only unpatriotic but seriously hurtful to the country, especially to the South. Mr. President, I have no alternative proposition to suggest. I believe that the law of 1912 should stand. It is right; it is wise; it is honorable. I feel as deep a sense of obligation to maintain the national honor as I do for my personal honor, but no question of honor or morality is involved. So many good men differ from me, however, that I would be perfectly willing to let this question be settled either by a national board of arbitration or, better, by the Supreme Court of the United States. I can never consent to repeal, for I consider it a relinquishment of one of our sovereign prerogatives at the behest of a foreign power, and that no obligation in law or morals requires me to yield.

Mr. SHIVELY. Mr. President——

Mr. WILLIAMS. I ask for the regular order, which is the unfinished business before the Senate.

Mr. SHIVELY. I hope the Senator from Mississippi will yield to me to prefer a request, which will take but a moment.

Mr. O'GORMAN. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. That requires unanimous consent, and I object.

Mr. O'GORMAN. Then, I move that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to.

ADDRESS BY PRESIDENT WILSON.

Mr. SHIVELY. I have a copy of the address of President Wilson delivered at the unveiling of the statue to the memory of Commodore John Barry, at Washington, D. C., Saturday, May 16, 1914. I ask that the address may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The address is as follows:

ADDRESS OF PRESIDENT WILSON AT THE UNVEILING OF THE STATUE TO THE MEMORY OF COMMODORE JOHN BARRY.

Mr. Secretary, ladies, and gentlemen, I esteem it a privilege to be present on this interesting occasion, and I am very much tempted to anticipate some part of what the orators of the day will say about the character of the great man whose memory we celebrate. If I were to attempt an historical address, I might, however, be led too far afield. I am going to take the liberty, therefore, of drawing a few inferences from the significance of this occasion.

I think that we can never be present at a ceremony of this kind, which carries our thought back to the great Revolution, by means of which our Government was set up, without feeling that it is an occasion of reminder, of renewal, of refreshment, when we turn our thoughts again to the great issues which were presented to the little Nation which then asserted its independence to the world; to which it spoke both in eloquent representations of its cause and in the sound of arms, and ask ourselves what it was that these men fought for. No one can turn to the career of Commodore Barry without feeling a touch of the enthusiasm with which he devoted an originating mind to the great cause which he intended to serve, and it behooves us, living in this age when no man can question the power of the Nation, when no man would dare to doubt its right and its determination to act for itself, to ask what it was that filled the hearts of these men when they set the Nation up.

For patriotism, ladies and gentlemen, is in my mind not merely a sentiment. There is a certain effervescence, I suppose, which ought to be permitted to those who allow their hearts to speak in the celebration of the glory and majesty of their country, but the country can have no glory and no majesty unless there be a deep principle and conviction back of the enthusiasm. Patriotism is a principle, not a mere sentiment. No man can be a true patriot who does not feel himself shot through and through with a deep ardor for what his country stands for, what its existence means, what its purpose is declared to be in its history and in its policy. I recall those solemn lines of the poet Tennyson in which he tries to give voice to his conception of what it is that stirs within a nation: "Some sense of duty, something of a faith, some reverence for the laws ourselves have made, some patient force to change them when we will, some civic manhood firm against the crowd;" steadfastness, clearness of purpose, courage, persistency, and that uprightness which comes from the clear thinking of men who wish to serve not themselves, but their fellow men.

What does the United States stand for, then, that our hearts should be stirred by the memory of the men who set her Constitution up? John Barry fought, like every other man in the Revolution, in order that America might be free to make her own life without interruption or disturbance from any other quarter. You can sum the whole thing up in that, that America had a right to her own self-determined life; and what are our corollaries from that? You do not have to go back to stir your thoughts again with the issues of the Revolution. Some of the issues of the Revolution were not the cause of it, but merely the occasion for it. There are just as vital things stirring now that concern the existence of the Nation as were stirring then, and every man who worthily stands in this presence should examine himself and see whether he has the full conception of what it means that America should live her own life. Washington saw it when he wrote his farewell address. It was not merely because of passing and transient circumstances that Washington said that we must keep free from entangling alliances. It was because he saw that no country had yet set its face in the same direction in which America had set her face. We can not form alliances with those who are not going our way; and in our might and majesty and in the confidence and definiteness of our own purpose we need not and we should not form alliances with any nation in the world. Those who are right, those who study their consciences in determining their policies, those who hold their honor higher than their advantage, do not need alliances. You need alliances when you are not strong, and you are weak only when you are not true to yourself. You are weak only when you are in the wrong; you are weak only when you are afraid to do the right; you are weak only when you doubt your cause and the majesty of a nation's might asserted.

There is another corollary. John Barry was an Irishman, but his heart crossed the Atlantic with him. He did not leave it in Ireland. And the test of all of us—for all of us had our origins on the other side of the sea—is whether we will assist in enabling America to live her separate and independent life, retaining our ancient affections, indeed, but determining everything that we do by the interests that exist on this side of the sea. Some Americans need hyphens in their names, because only part of them has come over; but when the whole man has come over, heart and thought and all, the hyphen drops of its own weight out of his name. This man was not an Irish-American; he was an Irishman who became an American. I venture to say if he voted he voted with regard to the questions as they looked on this side of the water and not as they affected the other side; and that is my infallible test of a genuine American, that when he votes or when he acts or when he fights his heart and his thought are centered nowhere but in the emotions and the purposes and the policies of the United States.

This man illustrates for me all the splendid strength which we brought into this country by the magnet of freedom. Men have been drawn to this country by the same thing that has made us love this country—by the opportunity to live their own lives and to think their own thoughts and to let their whole natures expand with the expansion of a free and mighty Nation. We have brought out of the stocks of all the world all the best impulses, and have appropriated them and Americanized them and translated them into the glory and majesty of a great country.

So, ladies and gentlemen, when we go out from this presence we ought to take this idea with us that we, too, are devoted to the purpose of enabling America to live her own life, to be the justest, the most progressive, the most honorable, the most enlightened Nation in the world. Any man that touches our honor is our enemy. Any man who stands in the way of the kind of progress which makes for human freedom can not call himself our friend. Any man who does not feel behind him the whole push and rush and compulsion that filled men's hearts in the time of the Revolution is no American. No man who thinks first of himself and afte.wards of his country can call himself a" American. America must be enriched by us. We must not live upon her; she must live by means of us.

I, for one, come to this shrine to renew the impulses of American democracy. I would be ashamed of myself if I went away from this place without realizing again that every bit of self-seeking must be purged from our individual consciences, and that we must be great, if we would be great at all, in the light and illumination of the example of men who gave everything that they were and everything that they had to the glory and honor of America.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 27, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 26, 1914.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

John L. Caldwell, of Fort Scott, Kans., to be envoy extraordinary and minister plenipotentiary of the United States of America to Persia, vice Charles W. Russell, resigned.

SECRETARY OF EMBASSY.

Post Wheeler, of Washington, lately secretary of the embassy at Rome, to be secretary of the embassy of the United States of America at Tokyo, Japan, vice Arthur Bailly-Blanchard, nominated to be envoy extraordinary and minister plenipotentiary to Haiti.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS OF THE ARMY.

The following-named first lieutenants of the Medical Reserve Corps for appointment as first lieutenants of the Medical Corps of the Army of the United States:

Charles Lewis Gandy, from May 6, 1914, vice First Lieut. Robert H. Gantt, who died June 10, 1911.

Alexander Watson Williams, from May 7, 1914, vice Capt. Reuben B. Miller, promoted June 22, 1911.

Louis Hopewell Bauer, from May 8, 1914, vice Capt. Charles A. Ragan, promoted July 14, 1911.

William Washington Vaughan, from May 9, 1914, vice Capt. Henry B. McIntyre, resigned January 10, 1912.

John Berwick Anderson, from May 10, 1914, vice First Lieut. Thomas J. Leary, resigned March 13, 1912.

Eide Frederick Thode, from May 11, 1914, vice Capt. William R. Eastman, promoted April 12, 1912.

Walter Paul Davenport, from May 12, 1914, vice Capt. James F. Hall, promoted April 13, 1912.

Harry Neal Kerns, from May 13, 1914, vice First Lieut. Rozier C. Bayly, honorably discharged May 16, 1912.

Robert Henry Wilds, from May 14, 1914, vice First Lieut. Morris H. Boerner, who declined his commission June 20, 1912.

Austin James Canning, from May 15, 1914, vice Capt. Raymond F. Metcalfe, promoted August 6, 1912.

Lanphear Wesley Webb, jr., from May 16, 1914, vice Capt. Edwin W. Rich, promoted August 7, 1912.

John Henry Hedley Scudder, from May 17, 1914, vice Capt. Robert L. Richards, resigned September 20, 1912.

Wilson Carlisle von Kessler, from May 18, 1914, vice First Lieut. Robert W. Holmes, resigned October 6, 1912.

John Murdoch Pratt, from May 19, 1914, vice Capt. Perry L. Boyer, promoted December 7, 1912.

Coleridge Livingstone Beaven, from May 20, 1914, vice First Lieut. Owen C. Fisk, retired from active service February 1, 1913.

William Guy Guthrie, from May 21, 1914, vice First Lieut. Harry B. Etter, resigned March 29, 1913.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. Albert H. Barkley, Coast Artillery Corps, to be captain from May 21, 1914, vice Capt. Richard P. Winslow, who died May 20, 1914.

Second Lieut. Joseph F. Cottrell, Coast Artillery Corps, to be first lieutenant from May 21, 1914, vice First Lieut. Albert H. Barkley, promoted.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named assistant surgeons in the Navy to be passed assistant surgeons in the Navy:

James G. Omelvena,

Jasper V. Howard, and

Lester L. Pratt.

Asst. Surg. Clarence C. Kress to be a passed assistant surgeon in the Navy, from the 5th day of October, 1913.

Eueidas K. Scott, a citizen of Oregon, to be an assistant surgeon in the Medical Reserve Corps of the Navy, from the 15th day of May, 1914.

Richard C. Reed, a citizen of South Carolina, to be an assistant paymaster in the Navy, from the 15th day of January, 1914.

Asst. Naval Constructor Paul H. Fretz to be a naval constructor in the Navy, from the 30th day of April, 1914.

John J. Brady, a citizen of New York, to be a chaplain in the Navy, from the 12th day of May, 1914.

POSTMASTERS.

MASSACHUSETTS.

John O'Hearne to be postmaster at Taunton, Mass., in place of William E. Dunbar. Incumbent's commission expired March 31, 1914.

NEW HAMPSHIRE.

Benjamin F. Roberts to be postmaster at Meredith, N. H., in place of James F. Estes, resigned.

PENNSYLVANIA.

Cornelius P. Reing to be postmaster at Mahanoy City, Pa., in place of David M. Graham, resigned.

VIRGINIA.

C. H. Willoughby to be postmaster at Jonesville, Va., in place of Joseph E. Graham, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26, 1914.

APPOINTMENT IN THE ARMY.

INFANTRY.

Joseph L. Donovan to be captain.

POSTMASTERS.

KANSAS.

Edgar G. Forrester, Wamego.

Louis A. Hamner, Belpre.

MICHIGAN.

Edgar W. Farley, Yale.

Patrick Kearns, Vulcan.

NORTH CAROLINA.

James A. Harrington, Ayden.
John R. Rankin, Gastonia.
Watson Winslow, Hertford.

PENNSYLVANIA.

James A. Cooper, Brockwayville.
Bernard J. Rountree, Haverford.
Lewis A. Snyder, Fullerton.

TEXAS.

George D. Armistead, San Antonio.

WISCONSIN.

Charles Donohue, New Richmond.
Charles Howard, Frederic.
James W. Moore, Watertown.
Noel Nash, Two Rivers.
John E. O'Keefe, Portage.
Alexander Richardson, Evansville.
Owen Sullivan, Hurley.

WITHDRAWAL.

Executive nomination withdrawn May 26, 1914.

W. A. Waddell to be postmaster at Cottonwood Falls, in the State of Kansas.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 26, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that under the dispensation of Thy providence the conditions prevailing among all classes of our people are better than ever before; that our system of education reaches a larger number and is better calculated to fit men for greater usefulness than ever before; that society is more solidified and has taken a higher moral standard than ever before; that the Bible has a stronger, deeper place in the hearts of men than ever before; that religion is saner and more diversified than ever before; that fatherhood and brotherhood are more potent because the Christ spirit is come into more hearts than ever before.

Continue Thy holy influence until all shall come into Thy nearer presence; for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

SIXTH INTERNATIONAL COMMERCIAL CONGRESS.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 264, authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of a joint resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the President be, and he is hereby, authorized to accept an invitation extended by the Government of the French Republic to the Government of the United States to participate by delegates in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held at Paris from the 8th to the 10th of June, 1914; and the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of participation by the United States.

With the following committee amendment:

Page 1, line 9, after the word "fourteen," strike out the semicolon and the words "and the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of participation by the United States," and insert a colon and the words "*Provided*, That no appropriation shall be granted for expenses of delegates or for other expenses incurred in connection with the said conference."

The SPEAKER. Is there objection to the present consideration of the joint resolution? It seems to the Chair that if this resolution is going to be passed at all it should be passed now, as the time is short.

There was no objection.

Mr. HARRISON. I ask unanimous consent that the resolution may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider the joint resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

The committee amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HARRISON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915, asked a conference with the House on the bill and amendments, and had appointed Mr. GORE, Mr. CHAMBERLAIN, and Mr. WARREN as the conferees on the part of the Senate.

ANTITRUST LEGISLATION.

The SPEAKER. The unfinished business is H. R. 15657. The House will resolve itself automatically into the Committee of the Whole House on the state of the Union, with the gentleman from Tennessee [BYRNS] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and other bills embraced in the special order of the House.

Mr. KELLY of Pennsylvania. Mr. Chairman, I yield 40 minutes to the gentleman from Michigan [Mr. MACDONALD].

The CHAIRMAN. The gentleman from Michigan is recognized for 40 minutes.

Mr. MACDONALD. Mr. Chairman, while I do not consider that this bill is framed to meet the trust problems at the proper angle, nor do I consider that the bill is provided with teeth to attack this enemy with the results designed to be accomplished by the Progressive bills, still, with what I consider certain necessary amendments, I am inclined to support this bill, because I believe it does take a step in the direction of accomplishing something toward settling our trust problems.

My Progressive colleagues who have spoken in this debate have ably pointed out the difference between the present Democratic program and the Progressive program, and I shall not dwell on that point. There are certain amendments that I think ought to be made to this bill. Some, I believe, will be made, and we shall probably hear them discussed at great length under the five-minute rule.

But the thing that impresses me particularly in this bill, and the thing that I find constantly coming up in every matter that vitally concerns us in our governmental problems, is the thing that overshadows everything else. That is the evidence found here of the immediate struggle that is going on between these great combinations of organized capital and the people. In this bill, try to conceal it as we may, we all know in our hearts that there is one important, great outstanding feature. That is the question as to whether this law shall be directed against the combinations of capital that it was designed to be directed against, or whether it shall be shifted, partially at least, and turned against the very people whom it was designed to protect. [Applause.]

A great deal of discussion has been going on pro and con for 24 years in regard to what class of people this antitrust legislation was directed against. The proposition is so simple that it seems absolutely ridiculous to think that there should be any doubt about it. The men who framed the first legislation of this kind that was put upon the statute books, the Sherman law, had no doubt as to whom this legislation was directed against, and they also, as shown by the debates at that time, were farsighted enough to realize that these great combinations against whom this legislation was directed would be shrewd enough, as they always are, immediately to turn the legislative guns that were trained upon them against the very people themselves.

Senator Sherman, the nominal author of the so-called Sherman law, at least had no doubt as to this question, and in the debate in the Senate, on March 24, 1890, Senator Sherman said:

Now, let us look at it. The bill as reported contains three or four simple propositions which relate only to contracts, combinations, agreements made with a view and designed to carry out a certain purpose which the laws of all the States and of every civilized community declare to be unlawful. It does not interfere in the slightest degree with voluntary associations made to affect public opinion to advance the interests of a particular trade or occupation. It does not interfere with the Farmers' Alliance at all, because that is an association of farmers to advance their interests and to improve the growth and manner of production of their crops and to secure intelligent growth and to introduce new methods. No organizations in this country can be more beneficial in their character than farmers' alliances and farmers' associations. They are not business combinations. They do not deal with contracts, agreements, and so forth. They have no connection with them. And so the combinations of workingmen to promote their interests, promote their welfare, and increase their pay, if you please, to

get their fair share in the division of production, are not affected in the slightest degree, nor can they be included in the words or intent of the bill as now reported.

Notwithstanding the disclaimer on the part of Senator Sherman and many others in the Senate at that time as to the class of people designed to be reached by that legislation, Senator George introduced an amendment at that time providing:

Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between the laborers, made with a view of lessening the number of hours of labor or the increasing of their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture, made with a view of enhancing the price of agricultural or horticultural products.

Although Senator Sherman and many others at that time emphatically stated that the language of the bill was plain without such an amendment, the amendment was finally incorporated in the bill as it passed the Committee of the Whole in the Senate. The bill was thereupon sent to the Judiciary Committee, and when it returned from the Judiciary Committee it was passed without this amendment, which had been stricken out in the committee as unnecessary.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. MACDONALD. Certainly.

Mr. BARTLETT. The original Sherman bill was considered and reported by the Finance Committee, but the last report upon the bill was from the Judiciary Committee.

Mr. MACDONALD. Yes.

Mr. BARTLETT. And upon that report Senator Hoar was heard, and he declared that the committee had considered that proposition and found it absolutely unnecessary to make any such amendment to the bill.

Mr. MACDONALD. I was about to say that and to quote what Senator Hoar said.

Mr. BARTLETT. I beg the gentleman's pardon; I did not mean to anticipate him.

Mr. MACDONALD. The bill introduced by Senator Sherman was considered in the Finance Committee. I have taken up the history of the matter after that report was made.

Mr. SHERWOOD. Will the gentleman yield?

Mr. MACDONALD. Yes.

Mr. SHERWOOD. The gentleman says that the amendment was stricken out in the committee; he means that it was not adopted by the Judiciary Committee.

Mr. MACDONALD. The amendment of Senator George, adopted in Committee of the Whole, was stricken out by the Judiciary Committee or was not adopted.

Mr. SHERWOOD. That is right.

Mr. MACDONALD. Senator Hoar, when the bill was being debated in the Senate, expressed the general attitude of the students of the question at that time in the following words, which leave no question possible as to the fact. Speaking in the Senate on March 27, 1890, Senator Hoar said:

When you are speaking of providing to regulate the transactions of men who are making corners in wheat, or in iron, or in woolen or in cotton goods, speculating in them or lawfully dealing in them without speculation, you are aiming at a mere commercial transaction, the beginning and end of which is the making of money for the parties, and nothing else. That is the only relation that transaction has to the State. It is the creation or diffusion or change of ownership of the wealth of the community. But when a laborer is trying to raise his wages or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the Government and the character of the State itself.

The maintenance of a certain standard of profit in dealing in large transactions in wheat or cotton or wool is a question whether a particular merchant or a particular class of merchants shall make money or *not*; but the question whether the standard of the laborer's wages shall be maintained or advanced, or whether the leisure for instruction, for improvement shall be shortened or lengthened is a question which touches the very existence and character of government of the State itself. The laborer who is engaged lawfully and usefully and accomplishing his purpose in whole or in part in endeavoring to raise the standard of wages is engaged in an occupation the success of which makes republican government itself possible, and without which the Republic can not, in substance, however it may nominally do in form, continue to exist.

I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements for the sake of maintaining and advancing their wages, in regard to which, as a rule, their contracts are to be made with large corporations who are themselves but an association or combination or aggregation of capital on the other side. When we are permitting and even encouraging that, we are permitting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself.

When, on the other hand, we are dealing with one of the other classes, the combinations aimed at chiefly by this bill, we are dealing with a transaction the only purpose of which is to extort from the community, monopolize, segregate, and apply to individual use, for the purposes of individual greed, wealth which ought properly and lawfully and for the public interest to be generally diffused over the whole community.

These words are not the words of anyone especially interested in organized labor. They are not the words of anyone who, as I heard it characterized on this floor the other day by a Democratic Member in addressing especially the Democratic side of the House, was "carried away by socialistic doctrine." These are the words of the late Senator Hoar, a distinguished Senator from Massachusetts, to whom I believe no one will deny the virtue of conservatism.

Mr. WEAVER. What Senator did the gentleman say?

Mr. MACDONALD. Senator Hoar, of Massachusetts.

Mr. BARTLETT. May I make a suggestion to the gentleman?

Mr. MACDONALD. Certainly.

Mr. BARTLETT. That the members of the Judiciary Committee which made the report did not deny the statement of Senator Hoar. The members of that committee were such distinguished men as Senator Edmunds, Senator Vest, Senator George, and various other men who at that time were not only great Senators but great lawyers.

Mr. MACDONALD. I thank the gentleman for his suggestion. I have here a collection of short extracts from the speeches that were made by various Senators at that time, including some of those that the gentleman from Georgia has mentioned—Senator Edmunds, Senator Stewart, Senator Teller, Senator Reagan, Senator George, and some others—all without any question agreeing that the bill as it was presented to the Senate for final passage left no doubt as to the fact that it was not intended to include fraternal orders, labor organizations, or farmers' alliances. I will insert these views of Senators in the RECORD.

[Senate, page 2729, March 27, 1890. Mr. Hoar.]

I said the object of this bill was to prevent the speculation in and engrossing of wheat and similar commodities. I did not speak in that connection of corporations. I said, in speaking generally of the lawfulness and propriety of laborers combining in the matter of wages, that the persons with whom they were to contract were very largely the corporations which were themselves nothing but a combination or aggregation of capital for that purpose. I made no such suggestion as that corporations were the persons aimed at by this bill. That was in a different connection.

[Senate, page 2606, March 25, 1890. Mr. Stewart.]

Again, suppose that the employers, railroad companies, and manufacturing establishments should say that labor should be put down to two bits a day. Suppose that capital should combine against labor, as it is very much inclined to do, and there should be a combination among the laborers which would increase the cost of production and increase the cost of all articles consumed. Suppose there should be a combination among the laborers to protect themselves from grasping monopolies; they would all be criminals for doing it.

[Senate, page 2562, March 24, 1890. Mr. Teller.]

I know that nobody here proposes to interfere with the class of men I have mentioned. Nobody here intends that by any of these provisions, either in the original bill or in any amendment, and I have only called attention to it to see if the efforts of those who have undertaken to manage this subject can not in some way confine the bill to dealing with trusts, which we all admit are offensive to good morals.

[Senate, page 2562, March 24, 1890. Mr. Teller.]

I want to repeat that I am exceedingly anxious myself to join in anything that shall break up and destroy these unholy combinations, but I want to be careful that in doing that we do not do more damage than we do good. I know how these great trusts, these great corporations, these large moneyed institutions can escape the provisions of a penal statute, and I know how much more likely they are to escape than the men who have less influence and less money. Therefore I suggest that the Senators who have this subject in charge give it special attention, and by a little modification it may be possible to relieve the bill of any doubt on that point.

Mr. BARTLETT. Will the gentleman yield for a question?

Mr. MACDONALD. Yes.

Mr. BARTLETT. The Supreme Court in the Danbury Hat case, when they began to consider the question of the congressional history, referred to the history of this bill in the Senate, but said that Congress had not excepted them and therefore they included them in the decision; but the history which the gentleman has read and the action of Congress was referred to by the court in its decision of the Danbury Hat case in 208 United States.

Mr. MACDONALD. There is no question about the legislative history of the matter. The construction that has been placed on the law, that has dragged these organizations into the purview of this matter, are court decisions and not legislation. The courts have legislated in this matter so far as putting into and bringing under the operation of this legislation classes of men that the legislators specifically did not intend to include and did not include in the bill.

In April, 1900, the Littlefield antitrust bill was introduced in Congress. An amendment there was again offered to the bill, exempting these organizations, as follows:

Nothing in this act shall be so construed as to apply to trades-unions, or other labor organizations, organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is performed.

The bill was passed with this amendment by a vote of 274 yeas to 1 nay, 70 not voting.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. Yes.

Mr. BARTLETT. Has the gentleman the vote on the amendment?

Mr. MACDONALD. Yes. The amendment was offered by Representative Terry, of Arkansas.

Mr. BARTLETT. Will the gentleman yield further?

Mr. MACDONALD. Yes.

Mr. BARTLETT. He was the minority Representative, the ranking Democratic Representative on the Judiciary Committee of the House, and he made the minority report, and recommended that amendment in the minority report, did he not?

Mr. MACDONALD. Yes. The amendment was added to the bill by a vote of 260 yeas, 8 nays, and 76 not voting. The bill then went to the Senate and incontinently died there; and it may be remarked in passing that the author of the bill, after this amendment was added to it, seemed to have lost interest in the matter.

On June 2, 1910, Representative HUGHES, of New Jersey, offered the following amendment to the sundry civil appropriation bill, which contained appropriations for the enforcement of the antitrust law:

Provided further, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or betterment of the condition of labor, or for any act done in furtherance thereof not in itself unlawful.

That amendment was agreed to by a vote of 82 yeas to 52 nays.

On June 9, 1910, the Senate, by a vote of 34 yeas to 16 noes, decided to strike the Hughes amendment from the bill. I ask especial attention of the committee to the history of this legislation, because it is not only vitally important as a matter of history, but it may be vitally important to the Democratic side of the House as a matter concerning the future of the party. On June 21, 1910, the conferees of the House were directed, on motion of Mr. HUGHES of New Jersey—

That the House do further insist on its disagreement, and that the House conferees be instructed to refuse to concur with the Senate.

On this motion the vote was 154 yeas to 105 noes, 12 answering present, and 119 not voting.

On June 23, 1910, Chairman Tawney, of the conference committee, moved to recede and concur, which meant that the House agree with the Senate and strike the Hughes exemption proviso from the bill. Upon this motion the vote was 138 yeas to 130 nays, 16 answering present, and 105 not voting.

Mr. Chairman, it has been said that the vote upon this agreement was the main cause of the loss of the House of Representatives to the Republicans in the succeeding Congress. However that may be, there is no question as to the vital consequence to the party brought about by reason of that vote. No one can read the history of this legislation, the proceedings in the courts, and public events surrounding it without being impressed with the forces that are moving in this matter—that are arrayed in this battle that is being fought. The National Association of Manufacturers under various aliases has been for many, many years past directing its activities in legislative matters almost solely to legislation of this kind.

I think it can be safely said that the public sentiment that has been molded in regard to this legislation—much of it absolutely false, much of it specious—can be charged to the influence of this organization under the domination of officers and agents who were not scrupulous as to their methods, as I shall show a little later, and as is amply shown by the recent investigation of lobbying activities in this House. The acts of these powerful organizations and their secret machinations were sordidly corrupt and unbelievably offensive to the dignity of Congress. They have, by years of labor in obtaining publicity upon these matters succeeded in making current a sentiment that has deceived many honest men in regard to legislation of this character. It has been characterized as, and the fact has obtained belief in some quarters that this is, class legislation. It is not class legislation in any sense that is improper, because antitrust legislation itself is class legislation. It is legislation directed against a class of men and corporations of great wealth in this country who have engaged in criminal operations against the welfare of the people and no other.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. Yes.

Mr. CLINE. Mr. Chairman, I notice in the history that the gentleman is giving of the vote on the Hughes amendment to the sundry civil appropriation bill and on the vote of the motion by Chairman Tawney to recede from the instructions that the House gave the conferees and agree with the Senate in striking out the amendment, that there was quite a radical change in the vote.

Mr. MACDONALD. Yes.

Mr. CLINE. Is the gentleman in possession of any information that would enlighten the House on the causes that led to that change?

Mr. MACDONALD. I will say to the gentleman from Indiana that I am in possession of a most remarkable piece of information on that point, and I will say further, before reading this, that if there is any Member of this House who has had any doubt in his mind about the existence, as a matter of fact, of the so-called "invisible government" in this country he needs only to read the hearings of your select committee on the investigation of lobbying activities to remove all doubt from his mind. Indeed, as a matter of fact, I think the letter that I am about to read, very comprehensive in its scope, practically tells almost the whole story itself, leaving very little to the imagination; but if you will take the trouble to read the hearings and the 4,000 letters that are published in connection therewith you will have no doubt left in your mind, not only as to the existence of that "invisible government" but as to its power, efficiency, and the actual results that it accomplished. Your mind will be changed, perhaps, in regard to some ideas you may have that lobbying activities mean mere petty corruption, individual venality on the part of Members of Congress. Indeed, you will probably find remarkably few cases of that kind, but you will find a great, gigantic system, that is almost inconceivable in the scope of its operations and its power to accomplish the things desired by those who father it. I ask the attention of the House particularly to the language of this letter, a letter that was written the day following the defeat of the Hughes amendment to the sundry civil appropriation bill, that being the amendment exempting labor organizations from the enforcement of the antitrust law, so far as the expenditure of the money appropriated in the sundry civil appropriation bill was concerned.

The letter was written by Mr. James A. Emery, then and now the chief lobbyist of the National Association of Manufacturers, operating in this particular case under the name of the National Council for Industrial Defense. The letter was written to Mr. John Kirby, jr., and bears date of June 24, 1910, and is found on page 2118 of Lobby Hearing Before House Committee, volume 3——

Mr. BARTLETT. Mr. Kirby at that time was president of the National Manufacturers' Association?

Mr. MACDONALD. Mr. Kirby at that time was president of the National Association of Manufacturers.

Mr. BARTLETT. I thought so.

Mr. MACDONALD. The letter is as follows:

JUNE 24, 1910.

Mr. JOHN KIRBY, Jr.,
514 Reibold Building, Dayton, Ohio.

MY DEAR MR. KIRBY: I had the pleasure of wiring you last night the news of victory on the Hughes amendment after the closest and hardest struggle of the session.

Returning here Wednesday morning from our New York meeting, an interview with the Colonel, Mr. Dwight, and Senator Heyburn showed the Senate to be determined, the House exceedingly weak. Mr. Gompers made his headquarters in the office of Representative CARY, of Wisconsin, in the House Office Building, and had something in the neighborhood of 100 aids about him making a persistent office canvass, petitions and memorials being piled in from every union source. I called at the White House, and being unable to see the President because of engagements, took the matter up with his secretary, who showed the greatest interest and declared he believed the President would take personal part in the fight, and this the President did Wednesday night.

In the meantime, after an hour's conference with Mr. Dwight, the whip of the House——

Mr. BARTLETT. That is, he was the Republican whip?

Mr. MACDONALD. Yes. [Reading:]

at his office the program was outlined and carried out to the letter. To the colonel was given a list of 14 names, some Democrats, some Republicans, who voted with HUGHES. He accomplished his work so successfully that of the 14 but 1 failed to either absent himself or vote with us yesterday. I communicated with Mr. Bird, requesting certain telegraphic assistance through his office, and this was carried out, with extensions suggested by himself, with splendid success. In the meantime we hammered the South and West, and while we changed but 2 southern votes on the roll call, 28 Democrats who voted with HUGHES on the last roll call remained away and were as good as votes for us. This demonstration of what our southern friends can do is most encouraging. Especial thanks are due to Capt. Chamberlain, of Chattanooga, the Georgia Industrial Association, who influenced the Savannah, Atlanta, and Columbia and New Orleans members, who did likewise with their Representatives.

At Mr. Dwight's request I called Wednesday night on Judge Madison, the insurgent Representative from Kansas, who formerly sat on the bench. It was felt that if he could be induced to speak on the floor on this subject it would exert a great influence over insurgent Republicans. After a long discussion he agreed to speak and was supplied with all the data which this office could give, and made, as you will see from the RECORD, a most effective speech. Indeed, the language of the debate was bolder and nobler than I have ever heard on the floor, both Tawney and Madison declaring they would leave their seats in the House before they would support such a proposal.

I can not emphasize too strongly the confidence with which HUGHES and the labor people approached this vote. We know from newspaper men that they had telegrams and statements prepared for distribution through the press, and that it was felt that if the House retained its position the Senate, after this last vote, would recede from its position. While I have an assurance of two Senators that they would fight this issue to a finish, I have also the best of authority for believing that the Senate conferees would have recommended the abandonment of their position if the House by a large majority had continued to insist upon the amendment.

The motion, as presented to the House, was that the House recede from its amendment and concur in the Senate amendment, striking out the Hughes proposal. On this motion the ayes were 138, noes 130, answered "present" 16, not voting 105. On Tuesday last the vote to insist on the Hughes amendment was 154 to 105. A majority of 49 was thus overcome, and we had 4 votes to spare, which were not used, the Speaker's vote and 3 Members who would have changed from not present to aye if necessary.

The debate on this subject is comparatively brief, but so instructive and educational, especially as the association was sharply criticized by Mr. HUGHES, the whole matter being presented as our fight, that I have ordered several thousand copies of the debate, as taken from the RECORD, for distribution. The number can be increased in accordance with any suggestion you may make. We can procure franks and distribute the matter as part of the CONGRESSIONAL RECORD free.

Adjournment is now expected Saturday, although a filibuster is under way in the Senate which may delay matters unexpectedly.

It might be well to consider this paragraph of the letter, in view of the urgent talk of immediate adjournment of this Congress:

Sore fears are also expressed that the President may be inclined to revive his injunction program if Congress is further delayed in adjournment, as he occupies a peculiarly powerful strategic position, the so-called "pork" bills being in his hands for signature, and, of course, no other subject is so dear to the Congressman as public buildings in his district, and he will do anything to get them. The best information at present is, however, that there is no danger in this matter unless Congress should be unduly and unexpectedly delayed in adjournment.

Very truly, yours,

JAMES A. EM.

(Copies to Messrs. Jarvis, Hanch, Schwedtman, and Bird.)

Now, Mr. Chairman, in view of this exposure to the open gaze of the forces which have always been directing their attention to opposition to legislation such as contemplated in this amendment, it might be well at this particular time, when we are about in a short time to have another vote upon exactly this same proposition, to look about us, to scrutinize our surroundings, and see if the same forces are at work now. We have made an investigation of the lobby activities, that is true, and we will soon be able to celebrate the anniversary of the cause that led to the investigation; but do you doubt that the forces who are exposed by this investigation are still here and still at work? Do you doubt that some other individual is occupying the same position and writing the same kind of letters that Mr. Mulhall and the other active agents of these forces wrote at that time? You probably will hear speeches upon the floor of this House characterizing the exemption of these organizations as class legislation and vicious, and probably Mr. Emery or some other gentleman connected with the same forces will write a letter characterizing that speech as one of the "boldest and noblest" efforts he has heard upon the floor. Some men may even say that they would rather leave their seats upon the floor than take a part in such a proposal; but if the history of the past is any criterion, some of the gentlemen may have an opportunity to leave their seats, as did some gentlemen in the past who took that position.

Now, Mr. Chairman, I am going to ask leave to extend my remarks by inserting some correspondence which I will not take the time to read to the committee; but I wish to call the attention of the committee to this first letter as an example of the methods of this organizaion in the molding of public opinion, which is one of the most important activities that this class of men have at their command. I will read just the brief preliminary statement, signed by Mr. James W. Van Cleave, who was president of the National Association of Manufacturers, just as an example of how publicity is used to influence public opinion in these matters. This is from the hearings before the subcommittee of the Committee on the Judiciary, United States Senate, volume 4, page 3777, and is marked "Emery Exhibit No. 10."

EMERY EXHIBIT NO. 10.

THE NATIONAL COUNCIL FOR INDUSTRIAL DEFENSE.

An object lesson.

A most interesting illustration of the power of public opinion is furnished in the following items of a recent incident.

The large majority of our newspapers will be just and fair, providing they are well informed. It is our duty to keep them and through them the public at large informed regarding our work. What in this case was accomplished through the Citizens' Industrial Association of St. Louis can be accomplished in every case and in every place—providing of course that we are right and go about it properly.

Our success in every case, local or national, in which we have concentrated our power properly should be accepted by our membership in a spirit of solemn thanksgiving instead of exultation, and with a conviction that our efforts will continually bring employer and employee closer together, to the benefit of both and of the American public and country. Copy of Republic mailed to you for your full information.

Please read the following carefully and let me hear from you.

JAMES W. VAN CLEAVE,
Chairman.

[Extract from editorial of the St. Louis Republic, the leading Democratic morning paper of St. Louis.]

DECEMBER 24.

The suit (Bucks Stove & Range Co. against the American Federation of Labor) was brought really at the instance of the Citizens' Industrial Association, which in respect of the employing forces represents even a greater degree of extremism and intolerance than does the leadership of organized labor.

[Mr. Van Cleave to the editor of the Republic.]

DECEMBER 25.

Mr. CHARLES W. KNAPP,
President and Editor St. Louis Republic, City.

MY DEAR SIR: I was very much surprised to read the following statement upon the editorial page of this morning's Republic. In discussing the sentence of labor leaders for contempt of court you say:

"The suit was brought really at the instance of the Citizens' Industrial Association, which in respect of the employing forces represents even a greater degree of extremism and intolerance than does the leadership of organized labor."

There is no foundation whatsoever for the statement that the suit in question was brought at the instance of the Citizens' Industrial Association. It was brought by the Bucks Stove & Range Co. in an endeavor to secure justice.

To say that the Citizens' Industrial Association represents intolerance and extremism is an attack upon every one of our 8,000 St. Louis members, which I, as president, can not let go unchallenged. Our organization consists of thousands of professional men, among them many ministers and lawyers, in addition to thousands of employers and employees. We have courted at all times and we are now courting the closest scrutiny of our work and of our principles. In justice to every member of this association I request that you give me the facts upon which you base your editorial expression. We invite the closest investigation, and after an impartial committee of one or two or three men has made such an investigation, if they can point out the slightest justice for calling us "intolerant" and "extremists," I shall resign as president of the association after advocating its disbandment.

It is your duty, as I see it, to either make good your charge or to retract it. For your information I send you herewith a handbook of the Citizens' Industrial Association, and I quote from among hundreds of indorsements contained therein the following few:

The Most Rev. John J. Glennon, archbishop of St. Louis, states in a letter:

"I would like to say that there are many sound features in your organization and that the many irritations produced in the industrial world by the labor unions tend to induce many people to accept all your principles with all that they imply."

The Right Rev. Daniel L. Tuttle, presiding bishop of the Episcopal Church in America, writes us:

"* * * These duties also press so that I am precluded from ranging myself in membership with you as I would like to do, and so am shut up to the course of simply assuring you of my hearty sympathy with you in your earnest effort to stand by 'liberty, public and private,' and to try reasonable ways to explain classes to each other and remove friction between them."

The Rev. Brother Constantine, vice president Christian Brothers' College, writes:

"Needless to say that I enjoyed your course of lectures. You have adopted an excellent method of instructing the people on some of the vital questions of the day. No thinking man can underrate the value of such teachings, as well as the beneficial results obtained. * * * Hoping that you will continue your excellent propaganda of good sound principles and correct views of our great social questions."

The Rev. Henry Stiles Bradley, pastor St. John's Methodist Episcopal Church:

"Allow me to wish for the Citizens' Industrial Association the largest success in its efforts to secure the observance of law and order and bring about industrial peace and good fellowship."

Rabbi Samuel Sale says:

"I take it that this association represents the party of the third part, and it is to be hoped that its activity all over our land may grow so strong as to put an effective stop to this internecine warfare, this enemy of organized, civilized society."

The Rev. Dr. S. Parkes Cadman, of Brooklyn, said:

"You are acting here not only for St. Louis, but for the country at large; and not only for the country at large, but for the world beyond. There is not a statesman or a thinker in Europe or in the Farther East who does not watch your progress with the keenest anxiety."

I might go on quoting indefinitely from the statements of men whose unbiased judgment can not be questioned, but the letter has already grown longer than I wanted it to be. I shall send copy of this communication to every member of our association, and I respectfully request that you print it in full.

Truly, yours,

JAMES W. VAN CLEAVE,
President.

[Comments from the Republic of January 2.]

CITIZENS' INDUSTRIAL ASSOCIATION MEMBERS EXPLAIN PRINCIPLES—MEN AND FIRMS IN ORGANIZATION DENY THAT THEIR ANTAGONISM TO CLOSED SHOP AND OTHER RESTRICTIVE POLICIES OF ORGANIZED LABOR ARE EXTREME OR INTOLERABLE—SYMPOSIUM OF LETTERS TAKES EXCEPTION TO EDITORIAL COMMENT IN THE REPUBLIC—MEMBERS OF BODY ACCEDE TO REQUEST OF PRESIDENT VAN CLEAVE AND DISAVOW ASSUMPTION THAT ASSOCIATION INSTIGATED SUIT AGAINST UNION LEADERS—EXPOSITION OF PURPOSES.

Below will be found a number of letters addressed to the Republic by members of the Citizens' Industrial Association of St. Louis, at the request of Mr. J. W. Van Cleave, president of the association. A letter of similar tenor from Mr. Van Cleave himself was printed in the Republic of the day following the day on which the editorial appeared, to which these letters refer, but these additional letters contain such a full and complete exposition of the aims and purposes of the Citizens' Industrial Association, as they are understood by those who constitute the organization, that they will be found both interesting and timely. The declarations so positively made that the association was not in any way back of the proceedings against Gompers, Mitchell, and Morrison, instituted by the Buck's Stove & Range Co., must be accepted as statements of fact within the knowledge of the writers. The Republic cheerfully accepts, also, the earnest denials that the Citizens' Association in its antagonism of the closed shop and other restrictive policies of organized labor intends either extremism or intolerance.

Other letters than those printed to-day have been received by the Republic from members of the Citizens' Association, but, being marked personal, or request made that they be not published, they are withheld.

[Editorial.]

THE CITIZENS' INDUSTRIAL ASSOCIATION.

The Republic is indebted to members of the Citizens' Industrial Association of St. Louis for a most interesting symposium which is given place in its news columns to-day. Its readers will doubtless recognize a similar obligation for the full explanation they are given of the aims and purposes the members of this organization have in mind.

These letters, sent to the Republic at the request of Mr. J. W. Van Cleave, president of the association, quite positively correct the erroneous assumption of the Republic that the suit against Gompers, Mitchell, and Morrison was brought at the instance of the Citizens' Industrial Association. The Republic cheerfully gives publicity to this correction and welcomes the opportunity to present the complete exposition of the principles and objects of the organization which these letters embody.

What the association aspires to accomplish is more effectively set forth in these very interesting communications than it possibly can be in any formal platform, and the reader will find them an emphatic disavowal of any wish to encourage extremism or intolerance.

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JANUARY 4, 1909.

Mr. CHARLES W. KNAPP,
Editor St. Louis Republic, City.

MY DEAR SIR: I desire to thank you for the effort made in your issue of Saturday, January 2, to correct some of the erroneous statements of your editorials with reference to the Gompers, Mitchell, and Morrison contempt proceedings, as well as to the Citizens' Industrial Association.

Your remarks regarding trial by jury for contempt are very illuminating in face of the statutes under the Constitution. You further say that—

"To bring Mitchell 'within the pale of the law,' for instance, the court quoted from Mitchell's book, 'Organized Labor,' to show that in it Mitchell counseled opposition to injunctions when they opposed anything lawful. The court also referred to the fact that Mitchell was the presiding officer at the miners' convention in January, 1906, when a resolution which made him in contempt of court was adopted. As that convention was held nearly a year before the injunction was applied for, and the book was written several years before, the pertinence of the allusions is not apparent, and only the utmost complacency would accept this part of the reasoning as sound."

It would seem that the reference to these matters was made only for the purpose of concealing and misstating them. Mitchell's views in his book were properly quoted as stated in 1903 and again in 1906, at a meeting of the Civic Federation in New York, to show his attitude and mind to all court orders.

The convention that you refer to was held in January, 1908, and the resolution which placed Mitchell in contempt of court was passed five weeks after the preliminary injunction had been granted, December 18, 1907.

However, as stated in the beginning, I feel well satisfied that you have made an honest effort to set the Citizens' Industrial Association right before the people of our city, and to correct the error contained in your editorial. The points referred to herein are not written for the purpose of continuing this discussion, but merely to call your personal attention to further errors in your editorial expression.

Very truly, yours,

J. W. VAN CLEAVE,
President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACDONALD. Mr. Chairman, I would ask the gentleman to yield me three minutes.

Mr. KELLY of Pennsylvania. I yield three minutes additional to the gentleman.

Mr. MACDONALD. Now, Mr. Chairman, in conclusion, there is really existing no doubt as to the propriety of in express terms exempting associations of this character—fraternal orders, organizations of labor, and farmers' organizations—from the provisions of this legislation directed against the trusts, and that being so I have no doubt in some form or other such an amendment will be made, and that being so there ought to be no evasion possible after the adoption of that amendment.

The amendment ought to be couched in such terms as to leave absolutely no doubt as to the meaning. There ought not to be evasive or technical terms used that would enable the party seeking delay in these matters to plausibly urge the submitting it to the courts for construction. It ought to be plain and simple. Every one of these amendments I have read, offered in the history of this legislation, has been plain and simple. It has said in so many words that this legislation shall not apply to these organizations, and you can not make it any plainer or more complete than by saying these words. Human labor is not a commodity, and the right to organize in such bodies is inseparable from the right of the individual as a member of society, as a citizen. If you mean to exempt these associations from this bill, exempt them and say in so many words that this legislation is not intended to apply to these organizations. Do not attempt to leave any loophole for the claim that while the existence of these organizations is not prohibited yet the courts may still hold the exercise of their vital functions unlawful. No subterfuge, no evasion, is going to satisfactorily accomplish anything. If you intend to exempt these associations, exempt them, and the place to do it and the time to do it is here and now. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CARLIN. Mr. Chairman, I am authorized to yield 15 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, the Baltimore platform has in it this paragraph:

Experience has proved the necessity of a modification of the law relating to injunction, and we reiterate the pledges of our platforms of 1896 and 1904 in favor of a measure which passed the United States Senate in 1896, relating to contempt in Federal courts, and providing for trial by jury in cases of indirect contempt.

Questions of judicial practice have arisen, especially in connection with industrial disputes. We believe that the parties in all judicial proceedings should be treated with rigid impartiality, and that injunctions should not be issued in any case in which an injunction would not issue if no industrial disputes were involved.

The expanding organization of industry makes it essential that there should be no abridgment of the right of the wage earners and producers to organize for the protection of wages and the improvement of labor conditions, to the end that such labor organizations and their members should not be regarded as illegal combinations in restraint of trade.

In the time at my disposal I shall not attempt to discuss the bill as a whole, but shall confine myself to those portions of it which deal with questions of labor organizations and other organizations not having capital stock and not organized for profit, and more particularly with reference to the use of injunctions in such cases and to the question of indirect contempts growing out of them, and referred to in the portion of the platform I have quoted. Much of the trouble between capital and labor from which society has been and is suffering has resulted from the tremendous strides made during the last three-quarters of a century in the invention and perfection of labor-saving machinery. As a result, the relations which formerly existed between employer and employee have been completely changed. The personal relations which existed in the olden time exist no longer.

In the past the employer frequently worked side by side with the employee, and even though he did not do that, he still maintained personal relations with those who worked for him. He knew them individually. He knew their conditions, probably knew their families and more or less of their necessities. If there was sickness in their family he knew of it, and doubtless felt and manifested more or less sympathy and kindness toward them.

The invention of labor-saving machinery has changed all this. The purchase of necessary machines for any given industrial concern, the placing of them, the housing of them, and equipping them for service required an amount of capital greater than one man possessed, or, at least, greater than one man, if he possessed it, cared to risk in a single enterprise. Thus a number of men were required, acting together, to equip and run such an enterprise. In order to avoid personal responsibility for the debts of the concern, corporations were organized, stock was issued to represent the value of the property. Often the stock was "watered" by issues far beyond the value of the property it represented, and sold to persons who never saw the concern, but who were led to believe they would get dividends on their investment.

In this way the modern corporation was substituted for the individual as the employer of labor. The owners of the property ceased to have personal relations with those employed. Agents were selected to superintend and manage the business. Those who did the work and those for whom it was done were utter strangers to each other. Personal relations practically ceased, and all feeling of human sympathy between them ceased, too. About the only interest the stockholder had in the concern was to get dividends on his stock. It mattered little to him whether those who did the work were well or ill, whether their families were properly provided for or badly provided for. Indeed, he knew nothing about these things. Interest on his investment in the form of dividends was the thing that appealed to him, and if the superintendent or manager did not produce those dividends the stockholder would naturally want some one who could and would do that substituted for him.

Thus it might be said that the invention of labor-saving machinery not only caused but compelled the organization of capital into corporations, and now many of these corporations have drifted together—have been combined into great, giant organizations of capital, thus removing the employers of labor further and further away from those who do the labor. In the fierce struggle for dividends the employer and the employed have drifted so far apart that now a condition of antagonism has too frequently taken the place of those former friendly relations.

I have said that what the stockholder in an industrial enterprise looks for is dividends and in the struggle for dividends experience has demonstrated in the past that one of the easiest and most certain ways to get the dividends was by wage reductions, but a wage reduction in one industrial concern logically, if not necessarily, leads to a wage reduction in competing concerns, so that to keep his place in the market the one who began

reducing wages would, after his competitors had done likewise, be compelled to make a further reduction.

In the matter of coal mining in my own State within my recollection I have known these conditions to actually prevail. A mine with poor natural advantages, with poor equipments, with inferior management, would find itself unable to compete in the market with mines far superior to it in all those respects. It could only continue to do business by reducing the price of mining, but when it did that its competitors, using that reduction as a lever, forced a similar reduction upon their employees.

The former was then driven to the necessity of a further reduction, which was followed by further reductions on the part of competitors, and thus the process continued until the price for mining coal in Illinois reached so low a level that those who followed that occupation could barely keep soul and body together. It reached a price as low as 30 cents for each ton which passed over a screen with openings large enough to let one-third or more of the coal pass through, the miners getting paid only for that which escaped across the screen.

There were but three courses left for them to pursue—they could starve, quit the business, or organize. They followed the example of capital, they massed their forces, they organized. Instead of moving and acting as individuals, they moved and acted as phalanxes. They had learned by bitter experience the wisdom of Franklin's advice to the colonists, "We must all hang together, or assuredly we shall hang separately." The necessity for union was absolutely forced upon them. They had no other recourse. They acted sensibly and accepted the situation.

The movement to organize unions, to substitute collective strength for individual strength in dealing with their employers at first met serious opposition, indeed, stiff resistance, not always so violent and disgraceful, however, as it is meeting to-day in Colorado and in Michigan.

In many parts of the country the movement was quite successful, and every candid man now admits that the ameliorated conditions of labor are almost entirely traceable to the effectiveness of those labor unions. But the end is not yet. The men who constitute the unions can not for a moment relax their efforts or break their lines.

I do not say that this is the best possible condition. I am not sure that the relations of employers and employees have taken the most fortunate direction. I think it were possibly better if industrial development had taken a different course; but it did not. It developed and is developing in such fashion that wealth—great wealth—and the power that goes with it are on the one side and great numbers and the strength that goes with numbers when they are united are on the other side. So long as these forces are free and nearly equally balanced it will probably work out all right. The struggle has been a bitter one, and in many sections of the country it is still a bitter one. It is, however, but a repetition of history, and when the struggle ceases in this form it will be renewed and waged along some other line. At least that seems to be the teaching of history.

At one time in the history of our race the war lord reigned supreme over the multitude. They were compelled to follow him and to fight for him and even to die for him. Whether his object was to rob his neighbor baron or to keep his neighbor baron from robbing him was a matter of no consequence to them. In either case it was their duty to submit to their superior's will.

After ages of conflict the many succeeded in depriving the few of this supreme power over their lives. But the scene only shifted; the war lord became transformed into the landlord, and those who formerly had fought for him now merely worked for him. He was the absolute owner of the one thing most necessary to their existence—the land. He permitted them to get a bare living as the result of their toil. The rest was for him. And all this he accomplished through control of the machinery that made, determined, and enforced the law.

For centuries the many struggled for a nearer approach to justice, for a more liberal reward for their toil, and little by little they succeeded. They wrung from their masters the right to own the soil they cultivated, so that now, even in Ireland, where this system existed in its most malignant form, landlordism is rapidly disappearing, and it will soon have entirely disappeared in the Old World. We should be careful that it does not reappear in the new. But the disappearance of the war lord and the landlord is no sort of guaranty that like things may not happen again. Indeed, I might say that once more the scene has only shifted, and that in our modern life the industrial lord is their descendant or successor, and that he is now dominating society and exploiting the multitude as surely as the war lord and the landlord did in their day. Nor will the struggle ever cease so long as man inhabits the earth; in some form or other it will probably go on. The selfish men, endowed with superior ability, will seek and will gain advantage over their fellows, and such advantage can only be met and offset by concerted action on the part of those whom they would exploit.

No wiser or more practical aphorism has been spoken by anyone than was uttered by Wendell Phillips when he said, "Eternal vigilance is the price of liberty." I wish men would take it more to heart. The time will never come when those who love equal liberty, who believe in equal opportunity, can rest on their oars, feeling that the battle is won.

This struggle between organized wealth and organized labor has now reached a stage where more than merely industrial affairs are at issue. The liberties of the American people are now seriously involved in it. Liberty with us is an orderly thing. It does not mean license. Indeed, mere license is the fatal enemy of liberty. As Dr. Brownson said:

> True liberty secures at once the authority of the State and the freedom of the individual; the sovereignty of the people without social despotism and individual freedom without anarchy.

This is the kind of liberty we want—orderly, regulated liberty, never forgetting that in the great charter of liberty—the Declaration of Independence—the order of importance runs, "life, liberty, and the pursuit of happiness," or, more briefly, property.

Life is the primary right; without it we can not enjoy the others. Liberty—that is, the right to be free from unlawful restraint—stands second, and properly so. The right of property occupies only third place. Have we not been transposing this enumeration, and putting property too near the first place?

Under our scheme of government, in the last analysis questions in dispute have to go to the courts for settlement. They are the final arbiters between disputants. Their decisions give trend and direction to our affairs, and the machinery which we have adopted for administering distributive justice has in it an ingredient which is invaluable in a political way as it is in a judicial sense. I refer to the jury system.

The acute struggle between organized wealth and organized labor has found its way to the courts, and there is some reason for believing that the courts, and more especially the Federal courts, consciously or unconsciously, have leaned too much to the side of organized wealth, to the side of property. In no other way is this more apparent than in the use—might I not say the abuse—of the writ of injunction and the use of the court's power to punish for contempt of its orders when the alleged contempts were committed out of its presence. The writ of injunction, which was originally intended and used to preserve and protect property and property rights, has of late been extended beyond its original purpose, and, in my judgment, beyond its legitimate purpose, and has been invading the field of the criminal law as well as of the common law.

The history of the world proves that the possessors of great wealth constantly strive for special privileges, and too often get them. Having obtained them, the possessors naturally object to dividing the advantage thus secured.

A certain gentleman whose wealth is so great that his laudable desire to die poor seems impossible of realization made a great deal of that wealth by exploiting labor. But when labor asked for an additional pittance out of the great tidal wave of dollars which swept into his coffers the request was contemptuously spurned and the Homestead strike which followed has helped to make history.

He was able to avoid the force of the law which should have hampered his action, and the law which favored his side of the controversy was not only availed of but stretched beyond its proper limitations. The same thing is happening to-day.

Hired thugs and assassins who should be in strict confinement, and hired private detectives who are most dangerous and unscrupulous fellows, at the suggestion of organized wealth are designated as officers of the law and necessarily given the discretionary power an officer of the law must have in performing his duty. Federal courts are appealed to for restraining orders to prevent the exercise of fundamental rights, and such orders are granted, at first with some reluctance and caution, but later with almost profuse liberality. Many of these restraining orders, in my judgment, are not within proper limits. They involve the principle that the right to labor is a property right, and can be dealt with in the courts as such, and therefore can be reached by the writ of injunction. In this, as I hope to show, lies an invasion of the rights of every citizen which, if followed and applied, would lead to the gravest and most dangerous form of tyranny. I do not believe this condition could ever have happened in this country, or would have been tolerated for a single moment but for some peculiar circumstances which are often overlooked. I think they are worth recalling at this time.

When these labor troubles first became serious a custom developed among employers of sending agents to those portions of Europe where unskilled labor was most plentiful and most easily obtained, where many of the people would be glad to emigrate if they only had money enough to pay their passage. These agents not only offered to pay their way to America, but to furnish them steady employment when they got here. Glad of the opportunity to get to this modern land of Canaan these people cheerfully entered into labor contracts covering periods of years, and thus bound up they were imported to the United States to take the places of striking workmen.

When their contracts expired, sometimes before, these people had learned that in America men had rights, and in their way they began to exercise those rights, and soon they passed from the stage of strike breakers to that of strikers.

As strike breakers they were kept together as much as possible; they were given little opportunity to associate with others or to learn the ways or the language of the country. They did not become a real part of the population among which they lived. They received no sympathy; they were the objects of contempt and even hatred, and so even when they passed to the stage of strikers there was little sympathetic feeling toward them. People generally remembered only what they had been, and when their employers succeeded in getting the courts to strain the law, to substitute equity law for criminal law in dealing with them, to strain the Constitution to fit what seemed an unconstitutional case, many people, I say, remembering only what these people had been and what they had done to others, thought, "Oh, well, they are only a bunch of foreigners who a little while ago were strike breakers, and it serves them about right." Few cared about an invasion of their rights, and so the precedent was easily established. Once established, it soon grew strong and lusty. Similar conditions are to-day paralyzing the governmental machinery of a great State to such an extent that it voluntarily abdicates its functions and surrenders the temporary exercise of them to the Federal Government. We can now see that it was a grave mistake to permit the sacrifice of the rights of those unfortunate immigrants, and that it would be not only a grave mistake but a crime to ignore the rights of these Colorado strikers of to-day because they are Greeks or Armenians or other foreigners who are alien to our ways and probably can not speak our language. When the rights of any man in America are invaded or sacrificed the rights of every man in America are endangered. Those who supinely look on while their neighbors' rights are being violated can not hope to long preserve their own.

The outrages which resulted from the importation of contract laborers brought about a salutary change in the law and resulted in the absolute prohibition of such immigration. But the change in the immigration laws did not change the practice as to the improper issuance of injunctions or improper punishments for alleged contempts. The camel had succeeded in getting his nose under the tent. Fortunately, perhaps, the evil kept on growing until public attention was riveted upon it and until the necessity for action became apparent to all right-minded, right-thinking people. Under this far-reaching injunctive power the Federal judge was wielding dangerous power; he was the law and the gospel and the prophets as well. He issued his ukase and then punished as for contempt anyone who, according to his view of the evidence, was guilty of violating it. Constitutional guaranties were brushed aside, trial by jury was ignored, and the same man whose order was supposed to be violated and whose dignity was thus invaded became both judge and jury. He heard the evidence; he determined the fact; he fixed the punishment; he spoke the first word and the last word, and from his conclusion there was no right of appeal.

Now, I lay down the proposition that there is no single factor in our system of Government more vital, more important to the people's liberties, than the jury system—than the right of trial by jury.

Mr. FESS. Would the gentleman yield there?

Mr. GRAHAM of Illinois. Very briefly; my time is short.

Mr. FESS. I want to ask one question.

Mr. GRAHAM of Illinois. Yes.

Mr. FESS. In referring to the abuse of the injunction principle that the gentleman is addressing himself to, does he regard the Debs case, specifically speaking, as a concrete example of the abuse of the system?

Mr. GRAHAM of Illinois. There are some things in the Debs case that illustrate the point I am making. The whole case would not illustrate it. But I do not care to discuss that, if the gentleman will pardon me. I can not afford to do it at this time.

Mr. FESS. Does this law correct that feature?

Mr. GRAHAM of Illinois. Well, it will not be very difficult, in my judgment, to add to it in such a way as to reach that feature, and I hope the addition will be made.

Mr. FESS. May I read one sentence?

Mr. GRAHAM of Illinois. Not in my time.

Mr. FESS. Does the gentleman decline to yield?

Mr. GRAHAM of Illinois. I have but a few minutes left, and I have some matters in my mind that I wish to speak of, and I hope the gentleman will forbear. I have only a few minutes left.

Mr. FESS. I beg the gentleman's pardon.

Mr. GRAHAM of Illinois. The jury system, I said, is the anchor of our liberties. From the earliest time nations that enjoyed a real system of jurisprudence separated the decision of questions of fact from the decision of questions of law.

Many a time in the history of the past have brave liberty-loving jurors stood between the people and judges who were venal or vicious and saved a victim from the vengeance of the Crown.

Under our system the courts are the sheet anchors of our liberties. If confidence in the integrity and impartiality of the law was lost the Republic could not long survive. But nothing tends more to preserve that confidence than the jury system. It is not a very difficult matter to apply the law to a given state of facts, but it is often difficult to ascertain what the real facts are.

Every wise system of jurisprudence recognized that it were better to have one set of men determine what the facts in a case are and another set of men to apply the law to those facts. The ancient Romans, who first gave the world a real system of jurisprudence, realized and adopted such a plan. They usually submitted questions of fact to laymen for decision, and that practice runs like a thread through the history of all English-speaking people. A great English jurist, Lord Camden, said:

> Trial by jury is the foundation of the British constitution; take that away and the whole fabric will soon molder into dust.

And this is even truer with us. The jury is even more necessary in popular governments than in constitutional monarchies.

The part which the jury takes in the administration of justice is a most important one. It brings the administration of justice home to the people themselves, and thus inspires confidence in the administration of the law. The jurors are chosen from the body of the people. Their neighbors know them personally and have confidence in their integrity. If they do happen to decide contrary to the judgment of their neighbors, it is called an error of judgment, and does not diminish public confidence in the honesty and integrity of the courts. Should a judge whom the people did not know render a similar decision it might, and probably would, be attributed to partiality or an even worse motive, and if repeated often would soon destroy that confidence in the administration of justice which is so essential to the stability of our Government. Those thoughtless or selfish persons who cry out against the jury system probably fail to realize how absolutely necessary it is as a political institution to the stability and permanence of the Republic.

True, juries sometimes make mistakes. But that is not quite the question. The real question is to reduce such mistakes to a minimum and to make it clear that they are only mistakes. Human justice is comparative, not absolute; it aspires to perfection with no hope of reaching it, and it is the judgment of many of our wisest and most experienced jurists that fewer mistakes are made in ascertaining the truth about the facts that are in dispute by twelve men from the ordinary walks of life than by one or even by twelve experienced lawyers or judges. As an eminent jurist has said:

> Juries take a common-sense view of every question according to the peculiar circumstances, whereas a judge generalizes and reduces everything to an artificial system formed by study.

Another of even greater experience says that judges are apt to acquire a habit of forcing cases into rigid forms and arbitrary classes.

Justice Miller, late of the United States Supreme Court, said in a public address that—

> Judges are not preeminently fitted over other men of good judgment in business affairs to decide upon mere questions of disputed fact.

Judge Dillon, a law writer of eminence and a jurist of more than national reputation, says:

> Twelve good and lawful men are better judges of disputed facts than twelve learned judges.

Few judges had longer or more varied experience with juries than the late Judge Caldwell, of the eighth Federal judicial circuit. After 35 years of experience, he said:

> It was because the people knew that judges were poor judges of the facts that they committed their decisions to a jury, and every day's experience confirms the wisdom of their action.

And Judge Cooley, whose writings illumine the Constitution and whose judicial decisions shed luster on the Supreme Court of Michigan, tells us that—

> Juries are better calculated to judge of motives, weigh probabilities, and take what may be called a common-sense view of a set of circumstances involving both act and intent than any single man, however pure, wise, and eminent he may be.

In a recent case reported in the One hundred and thirty-fifth Federal Reporter, page 1, the court says:

> The bench once accounted for familiar physical and mental conditions by witchcraft, and that, too, at the expense of the lives of innocent men and women. In that day it was said from the bench that to deny the existence of witchcraft was to deny the Christian religion. Juries would have done better. Then and now questions of fact were best tried by jury.

The right of trial by jury is considered so fundamental, so very important that in my own State and in many other jurisdictions a defendant in a felony case will not be permitted to waive his constitutional right to trial by a jury and submit the evidence to a judge or, indeed, to any number of judges.

In Illinois a man over 60 years of age is disqualified under the law to serve as a juror, although he would have 11 others to assist him, and their joint verdict is subject to review by the judge, and under the Federal practice the same rule must be applied to jurors in the Federal courts in that State.

But a Federal judge who may be more than three score years and ten, sitting to hear a contempt case, hears the evidence alone, determines the facts alone, passes judgment, and inflicts whatever punishment he pleases, although in statutory cases of similar character, where the maximum punishment is not as severe, he could not qualify as even one-twelfth of the jury. And when we consider that the defendant has an absolute right to have the verdict of the jury reviewed in a higher court, whereas no such right of review exists in contempt cases passed upon by less than one-twelfth of a jury, the dangerous character of the proceeding becomes more apparent.

Instances illustrating this danger might be multiplied indefinitely. I will cite only one:

In a case before a certain New Jersey judge, the defendant, a clergyman, testified that he paid to the complainant, an old lady parishioner of his, $1,000 in bills for certain real estate she had deeded to him. She denied the payment. There were some other circumstances in evidence bearing on the issue of fact between them. After considering the evidence, the judge declared that the clergyman was untruthful, and decided the case against him. On the identical testimony the case was taken to the court of errors and appeals. It was there decided by a unanimous court of 12 judges that the clergyman had not sworn falsely and that the testimony of the old lady was glaringly false, and the judgment was reversed.

A little later the same judge wrote an elaborate opinion in a divorce case which he tried, exhaustingly reviewed the evidence, declared the wife guilty of adultery, and granted the husband a divorce on that ground. The case was taken to the court of errors and appeals on the same evidence heard by him, and in a very able opinion written by Judge Vredenburg the judgment of the trial court was reversed and the wife's name saved from dishonor. Fifteen judges decided the case in the higher court, and in their opinion they say "her reputation under the proof is entirely without a stain or a blemish upon it."

The same judge, who was so absurdly wrong in these cases, afterwards tried, convicted, and sentenced some striking workmen for violating one of his own injunctions. Under the law the defendants had no right to appeal and had to abide by his decision. He alone heard the evidence, he alone decided the fact whether or not they were guilty of contempt of his order, and from his decision of the fact, whether right or wrong, the men had no appeal, no recourse. If his ability to weigh evidence and determine facts was no better in their case than in the others mentioned, what a gross outrage was probably perpetrated on these men in the name of the law; what a blow was given to popular confidence in the courts; what a wound was inflicted on the cause of real liberty!

How can a man subjected to such treatment feel that he stands equal before the law with those who obtained the order which was the foundation or the apology for his punishment?

How can he love such laws, and how can he love the country and the Government which tolerates them?

The Federal statutes contain a specific provision that any person who, by threats or force, obstructs or impedes the due administration of justice or endeavors to do so shall be fined not to exceed $500 or imprisoned not to exceed three months, or both. The defendant has a constitutional right to be tried by a jury under this law.

Such conduct, if proved, would only amount to contempt of court. But after a trial by a judge and jury of twelve men, three months is the longest punishment the court could inflict; but for violating an injunction order which forbade one to exercise the constitutional right of free speech or forbade him to walk on the public highway at a certain place, after a hearing before one man who is too old to be a juror, whose dignity is offended by a supposed violation of his order, and who for that reason alone would be subject to challenge as a juror, the accused might be—nay, has been—sent to prison for more than a year, and might in addition be fined thousands of dollars. Is it not monstrous?

Oh, but you say no judge would exercise such tyrannical power.

I answer, judges have closely approached it. And, besides, it is not enough to know that persons having such power have not used it; liberty-loving men want to know that no such power exists.

This bill secures that result. This bill provides for the determination of the facts in cases of indirect contempt by twelve competent jurors. This bill secures to the workingman equality before the law; it simply treats him as others are treated; under its provisions he ceases to become an outlaw because he protests against intolerable conditions by striking. It is a new bill of rights, a new charter of liberty, and marks the beginning of a new era in the emancipation of labor and in the practical application of the principles enunciated in the Declaration of Independence.

Mr. VOLSTEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GARDNER].

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] is recognized for 5 minutes.

Mr. GARDNER. It is my intention to vote for this Clayton antitrust measure in the hope that it will be remolded into proper shape in the Senate.

I am very much disappointed in the bill. It is loosely drawn and its meaning is so involved that useless lawsuits will be the result if it is not substantially changed in later stages. I had expected better results from the gentleman from Alabama, Mr. Clayton, the gentleman from Arkansas, Mr. FLOYD, and the gentleman from Virginia, Mr. CARLIN, the authors, as I am told, of this measure. I know that they are capable of far better work. I know that they intended to draw an effective bill. What we need are proper restraints on great combinations, not shackles on legitimate business. The authors of this bill have by no means presented a measure calculated to give us what we need.

The fact is that we have been in session continuously for 15 months. We have been trying to deal with an endless variety of subjects and our minds have become utterly flat, stale, and unprofitable. I confess that I am in that condition myself. My mental alertness, if I ever had any, has entirely lost its edge. If the first 15 months of Democratic rule has shown us nothing else, it has proved conclusively that it is better to have a short program thoroughly executed rather than to have a long program superficially polished off. [Applause.]

I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back 2 minutes.

Mr. VOLSTEAD. Mr. Chairman, I yield 30 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized for 30 minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, in the partial discussion of these bills there has come to the surface a peculiar condition at which I must express my surprise. I have the greatest respect for the gentleman [Mr. GARDNER] who has just addressed us; but when he says that he will vote for this measure as it is, hoping that the Senate will whip it into proper shape, it occasions in me much surprise.

The other day, when an amendment was offered to the bill for the creation of a trade commission, one of the gentlemen in charge said:

> It is dangerous to amend a bill when it is on its passage in the House. Your amendment is well conceived and probably should be embodied in this bill, but we will let that be done when it goes over to the Senate.

Has this body lost all deliberative legislative power? Are we bound by the report of a committee so that we dare not touch the language of a bill to change or modify it? Must we simply be a recording machine to place in the RECORD by our votes the expression of the Chief Executive, made through a chosen committee? Must we simply yield everything up to the power of caucus rule, which shall tell us "You must pass this measure as it is; and, having received the imprimatur of the caucus, it is dangerous to meddle with it on the floor of the House, for we do not know where amendments will lead us to or what changes they may effect in the whole legislation"?

I am surprised to think that this House of Representatives is incapacitated from considering fairly and calmly and deliberately any measure and attempting to effectuate any amendment that might be thought proper and wise to incorporate in it.

Mr. CARLIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Virginia?

Mr. GRAHAM of Pennsylvania. With pleasure.

Mr. CARLIN. I just wanted to interrupt the gentleman to advise him that there has been no caucus, so far as this bill is concerned, or on either of the bills now included in the rule.

Mr. GRAHAM of Pennsylvania. The distinction may be real, and I do not question the veracity of the gentleman from Virginia when he makes his statement; not for a moment. But my understanding of the situation is that there was a caucus which decided upon a program. I do not mean that it went so far as to determine everything in connection with these bills, but there was a policy adopted, and that policy is being pushed through this House without any change. You could not amend the trade-commission bill, no matter what the reason might be that lay at the root of your amendment.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. And I fear you can not amend this bill for the same reason, although I am led to hope, from the language of my colleague on the committee, the gentleman from Arkansas [Mr. FLOYD], that perhaps with respect to this bill, fraught as it is with so many things of vital interest to the business community and the citizens of the country, there may be opportunity given to amend some of these provisions; and it is with the hope that that may be done that I take the time and try the patience of the House to speak at all upon the measure, for if I had not that glimmer of hope I would remain silent, having expressed my views, so far as I am able to do so, in the minority report which is now before the Members.

Mr. BARTLETT. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Certainly.

Mr. BARTLETT. I will say to the gentleman that if he is laboring under the idea that there is any caucus action binding the Democratic Members to vote for this particular bill or to vote against all amendments, he is laboring under a mistaken idea; because there are some of us who intend to vote for some amendments that are to be proposed to this bill; that is, if they meet our judgment. [Applause.]

Mr. GRAHAM of Pennsylvania. That is a confirmation of the hope that is within me, and I am glad to have it confirmed from such a distinguished authority.

Mr. BARTLETT. I want to state to the gentleman that I am as loyal to the action of my party as any man in the House, and I do not understand that we are bound by anything except to vote to consider this bill as it is being considered and as it will be considered for amendment.

Mr. GRAHAM of Pennsylvania. For this information I am grateful, and I appreciate the fact that the gentlemen upon the other side are now free to vote for any amendment that may be offered to this measure; and there are many parts of it that require amendment before it shall be passed by this House I hope to see this information fructify and be illustrated by the votes which will speak louder than protestations of freedom when the time comes to express yourselves by your votes.

What is the object of this present legislation? We are told in the report of the committee that it is to supplement existing laws against unlawful restraints and monopolies, and for other purposes. If it were limited to those things which have been well considered by the courts and are now understood by the business world, then the measure might commend itself to our judgment and our approval. But there are new standards set up in this measure that are unknown to the antitrust laws of the United States which will require new interpretations at the hands of our courts and will plunge business into a condition of uncertainty and doubt for probably 25 years more.

The majority report contains the following quotation—I presume it is taken from the address of his excellency, the President, to this Congress:

> Additional articles in our constitution of peace, the peace which is honor and freedom and prosperity.

These provisions, expressed in this proposed bill, are thus denominated by the majority of our committee:

> Additional articles in our constitution of peace.

I would that they were, for then they could be voted for without hesitation or objection. I would that the very thought which seemed to dominate the message of the President was really true, that he recognized that big business, as it is called, had seen the handwriting upon the wall, that it had taken note of the power of the Government to control our industries, and that it had bowed its head before the authority of statutes and of courts. This was the message and proclamation of peace in which the President said:

> We now understand each other, and will henceforth go forward, aiding to bring about the finest condition of prosperity of which the country is capable.

Does this measure which is now under consideration illustrate any such purpose?

We are told that this bill is not designed to hinder or destroy business, but to help it. When you examine the provisions of the bill separately and study their application to business, can you honestly reach such a conclusion as that? It were more true to say that this bill is designed to harass and annoy small business, small corporations, and invade the freedom of business to an extent hitherto unparalleled in the history of legislation in this country.

No one questions the importance of this subject. No one can but feel that this is really a measure that ought to have our best and most serious thought. This whole subject of the regulation of monopoly, regulation of interstate trade, or, as the Constitution puts it, regulation of commerce, is now perhaps the most important subject and topic that may engage our attention.

I wish to read the words of a distinguished lawyer and statesman, and one who, while he was on the bench, exemplified that he was a most learned and competent judge. I quote from the recent article of ex-President Taft:

> The Federal antitrust law is one of the most important statutes ever passed in this country. It was a step taken by Congress to meet what the public had found to be a growing and intolerable evil in combinations between many who had capital employed in a branch of trade, industry, or transportation, to obtain control of it, regulate prices, and make unlimited profit. Whether Congress intended it or not—

I commend that portion of his remarks to the consideration of every Member of this House in connection with the question whether or not labor organizations should be exempted from the operation of this statute. There can be no doubt that the language of the statute on its face, by natural interpretation, must be applied as it stands to labor organizations and every other organization which by its combination may restrain trade or tend to create a monopoly.

> Whether Congress intended it or not—

He says—

> it used language that necessarily forbade the combinations of laborers to restrain and obstruct interstate trade.
>
> The statute therefore qualified three important phases of what we include in the general term "individual liberty"—the right of property, freedom to contract, and freedom of labor.
>
> In this law Congress used general expressions—"restraint of trade," "monopoly," "combinations," and "conspiracy."

And I interrupt the reading to comment that that is the true spirit and thought in legislation. Legislation is unscientific that attempts to deal with the details of every transaction that may come up. The purpose of legislation is to define in general and well-accepted terms something that is obnoxious to be a crime or illegal, and then leave it to the courts under the circumstances in every case to determine whether or not the law fits the facts. That is a question for the court and jury to answer, and the application of the law to the particular abuses that may be complained of, with its general definitions and terms, becomes a matter of ease and facility.

> It was passed in a country that recognized as controlling that customary law handed down to us from England, and known as the common law. It was drafted by great lawyers who may be presumed to have used those expressions with the intention that they should be interpreted in the light of common law, just as it has been frequently decided that the terms used in our Federal Constitution are to be so construed.

Mr. CULLOP. Will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Indiana?

Mr. GRAHAM of Pennsylvania. I yield.

Mr. CULLOP. Does not the gentleman think that the reason that statutes are now made specific in regard to certain things such as the gentleman has enumerated there is because the courts in rendering decisions have attempted to legislate instead of construing the law as it has been enacted?

Mr. GRAHAM of Pennsylvania. On the contrary, my personal experience in connection with the administration of the law in our courts leads me to believe that there is no fairer and no safer method of administering the law than to leave the question in each specific case, under proof of the facts, to be determined by the court and the jury. All this talk about legislation on the part of the courts is justified only in a few exceptional instances. I know of nothing that is more unfair and untruthful than that which has become seemingly a shibboleth of the party in a political contest when they cry out that the Supreme Court of the United States wrought into the antitrust law the idea of reasonableness. Any man that under-

stands the law, any man that practices the law, any man that follows the decisions of our courts, knows that the reasonable interpretation of the statutes is a part of the natural treatment that every court must give to it, and it is the only way in which human affairs can be administered with safety. [Applause.] And the writing of that was perfectly just, and it was not legislation; it was a proper interpretation of the statute. What else have we in the world, as Omar Khayyam says in his matchless verses, "but the light of reason" to guide us in our pathway through the mazes of this world? Reasonable interpretation! Why, that is law, logic, justice, and common sense. [Applause on the Republican side.]

Now, I wish in that connection to read a quotation from my very distinguished and able colleague on the committee, Mr. FLOYD, and I have read his argument in the RECORD with great interest, and do not hesitate to pronounce it as one showing great industry and great ability. I must, however, take exception to this:

The Progressive Republican stands for regulation and curbing of these trusts, and our old friends, the "standpatters," stood pat until all the popularity they ever had slipped away, and until in the last election they carried only two States. Their failure to enact legislation to curb and destroy monopolies and trusts was largely responsible for the division in their ranks which resulted in their defeat.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman 30 minutes more.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I wish to remind gentlemen that the first law written upon the statute books of my country, this famous antitrust law, was conceived in the brain of Republican Senators, written on the statute books by the votes of a Republican majority and signed by a Republican President. [Applause on the Republican side.] The first legislation upon this subject came from us. The loss to which my learned brother refers was bred in the Chicago convention, and resulted from a split in the Republican lines which gave to the Democracy an accidental victory by which, though in the minority in the Nation, they possess the majority of votes in this House and have filled the place of the Chief Executive.

Mr. TOWNER. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. TOWNER. Is it not further proof that the legislation in the States, which have brought about a reasonable control at least of the corporations of this country, was originated by Republicans and passed in Republican States before it was ever taken up or approved of by the Democrats in any way?

Mr. GRAHAM of Pennsylvania. I thank my colleague for calling attention to that. For if you take the 20 States that have passed antitrust legislation and read the record, you will find that it is largely Republican legislation that has written on the statute books these antitrust laws in reference to interstate-trade violations or the creation of monopolies.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BRUMBAUGH. However that may be in other States, it is not true in the State of Ohio.

Mr. GRAHAM of Pennsylvania. Well, Ohio has always been somewhat exceptional in its political history. [Laughter.]

Mr. BARKLEY. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. No; I am going on. I have not time enough now. If I have any time remaining, if the gentlemen will kindly reserve their questions, I will be glad to answer them.

Now, I am going to read a brief extract from the same distinguished statesman's address or lecture, because it is pertinent to what one is impressed with when one reads the debates in this House, and then I propose to refer to some speeches, not by the way of criticism but to make the suggestion as to how inappropriate much of the reasoning is and how inapplicable it is to the situation before us:

One difficulty in giving the public a clear understanding of the meaning and effect of the statute has been that it has been made a football of party politics, that shibboleths have been fabricated out of it without any clear understanding of the distinctions which the court has made, that results have been misrepresented and the superlatives of stump oratory have been substituted for a clear statement of the scope and operation of the law. Politicians have seized upon phrases that would attract the public eye, the meaning of which in the law they have not themselves understood, and have proposed amendments to accomplish purposes of a most indefinite character without knowing or caring how they were to operate, if only the pressing of the amendment gave them a ground for appeal for votes and for a claim to the gratitude of their constituents.

The statute dealt with a most difficult subject. The members of the Congress that passed it knew that it was a difficult subject. They made plain the object that they had in mind, and they used general expressions to accomplish it which they thought had had definition in existing law. The evil to be remedied was manifest, and they pursued the legislative course so often pursued before, of trusting to the learned, just, and equitable construction of the courts to effect their legislative intention.

I had purposed to review or refer to certain portions of the addresses which have been made on this measure, particularly by those supporting the report of the majority, but I shall not take the time. I cordially commend to my fellow Members the reading of the conclusion of the speech of the gentleman from Illinois [Mr. MADDEN] with reference to the effect that this bill is going to have on business. I noted the carefully prepared speech of the gentleman from Massachusetts [Mr. MITCHELL], and I wish to direct your attention for a moment to one or two thoughts in connection with his remarks. It was a quiet, dignified address. It was conservative, and such an address as one might expect from a gentleman of his knowledge and information. He says, however:

I have been a member of other legislative bodies, Mr. Chairman, in the days gone by, and I have never served upon any committee that sought, as this committee has sought, the light and the aid of counsel and the assistance of business men from every section of the country. Why, Mr. Chairman, we counseled with the minority Members upon the committee in the perfection of this bill. Why, Mr. Chairman, we prepared three tentative drafts of this bill, and I believe that every member of the committee, Republicans as well as Progressives, offered suggestions in connection with this legislation.

I respectfully dissent from the statement made by the gentleman with reference to the freedom that was given to the minority members to follow these bills as they were secretly prepared one after the other, and then flashed upon us as a whole; to the statement that we had an opportunity to make suggestions to them in order to reform what we thought was erroneous. On the contrary, three of our very distinguished and able Members framed these measures by and with the advice of the Executive of this Nation. Mr. Chairman, one of the things that grates harshly upon my sense of the proprieties in this legislative body is the intrusion of Executive suggestion and enforcement upon the acts of this deliberative body. [Applause on the Republican side.] I feel that the power of this House ought to be to originate and pass legislation.

The President may and ought to send us his suggestions from time to time in proper shape, or if he wishes to appear upon the rostrum and read them, then come and read them to us, but when that is done the power of legislation ought to be in the bosom or the heads of the men who are here on this floor representing their constituencies, and obligated by their oaths and by their duty to perform the legislative functions. But we have seen from the beginning to the end of this Congress the domination of the Executive power over this body, compelling legislation willy-nilly. Why, Mr. Chairman, men on this floor have said, when a measure was called to their attention, "Yes; I have not changed my mind upon it; when I voted for toll exemptions I agreed that it was right, it was not a subsidy, it was not a violation of the treaty." "Then, why do you not vote now against its repeal?" "Oh, I think I must follow the President—the President insists upon this."

I do not know how far the President insisted upon these several bills, but that they have come from him through this special committee, upon which there was not a single minority member, with his imprimatur thereon, I assert, and challenge contradiction. The gentleman from Massachusetts [Mr. MITCHELL] said further:

The President said, among other things:
"What we are purposing to do, therefore, is, happily, not to hamper or interfere with business as enlightened business men prefer to do it, or in any sense to put it under the ban. The antagonism between business and government is over."

Heaven save the mark! I have not yet seen in the proposed legislation any such truths declared or any such cessation realized. He then continues with the quotation from the President, as follows:

We are now about to give expression to the best business judgment of America, to what we know to be the business conscience and honor of the land. The Government and business men are ready to meet each other halfway in a common effort to square business methods with both public opinion and the law. The best-informed men of the business world condemn the methods and processes and consequences of monopoly as we condemn them, and the instinctive judgment of the vast majority of business men everywhere goes with them. We shall now be their spokesmen. That is the strength of our position and the sure prophecy of what will ensue when our reasonable work is done.

Mr. Chairman, are these measures the expression of the wishes of the great public? Out of a multitude of letters received let me read you two extracts. One is from the agent of a large number of cotton mills in the South, an important business man, whose word is veracity itself:

The attitude of the national administration, in my opinion, will result in greatly increased additions to the present bankrupt industrial enterprises of the recent past, and the result of this national legislation has certainly been to take away all inclination among business men and capitalists to do any more than routine transactions. Without an inclination to do business, I believe there can be no real prosperity in the country.

Further, I am firmly convinced that if the fundamental conditions of the generally abundant crops had not existed the discouragement and the depression into which the business world has been forced since the early commencement of the tariff discussion and the adverse national legislation there would have been, in effect, a practical panic, which I fear may still come upon us all unless business in general is given the rest which you advocate.

Among the cotton manufacturers in general, both North and South, with whom I come more fully in contact, the present question is not on what goods can we run our mills and make a profit, but how can we run our mills at the smallest possible loss and still not cause the operatives to be thrown out of employment. In the end, I believe, however, that a large proportion of the mills, both North and South, will have to shut down or else run only on part time, or else frankly tell their operatives that under the present conditions brought about through national legislation they will have to accept a largely decreased wage or else not work at all.

Mr. HOWARD. Mr. Chairman, will the gentleman yield for a question right there?

Mr. GRAHAM of Pennsylvania. I have not the time, really.

Mr. HOWARD. I would like to ask the gentleman who the author of that letter is?

Mr. GRAHAM of Pennsylvania. I have no objection to giving it, for the letter, while addressed to me personally, I do not consider a confidential communication. It is Mr. Henry A. Haines, of Haines, Morehouse & Woodford, of New York City.

Mr. HOWARD. The statement was so inconsistent with the facts that I thought the gentleman might put it in the RECORD, because these mills are running full time all the time.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, the gentleman's conduct in asking me to yield for the purpose of making such an expression as that is so inconsistent with ethics and high sense of honor that I pass it by without notice. [Applause on the Republican side.]

Mr. HOWARD. Oh, I withdraw the statement, then.

Mr. GRAHAM of Pennsylvania. Then I accept the gentleman's apology.

Mr. HOWARD. I said the letter, not the statement.

Mr. GRAHAM of Pennsylvania. I believe the statement to be true, and from my own personal contact with business men I find more murmurings of what is coming than the people who shut their ears are willing to admit. I can point to a dozen instances where that idea of disinclination to do anything is holding back. I can point to a dozen manufacturers, one of whom only on Saturday afternoon told me, "I am only trying to keep my organization together and run my mill without suffering too much loss." The competition that is coming to him and others will have its effect; and that effect, unless it is checked, is going to write upon the business of this country in many departments the word "disaster."

Mr. METZ. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I yield for a question.

Mr. METZ. Does not the gentleman know that there are hundreds of corporations, dozens of them, running at a positive loss to-day just to keep their help together?

Mr. GRAHAM of Pennsylvania. That is absolutely true.

Mr. METZ. Just to keep their help going and nothing else? [Applause on the Republican side.]

Mr. GRAHAM of Pennsylvania. No one but him who will not understand it, who does not wish to understand it, will assert the contrary.

Now, with reference to that which concerns the banking interests of the country, I have a letter here, signed by the Philadelphia Clearing House Association, and to it are appended the names of some of our best citizens, men of the highest character and integrity.

The letter is too long for me to read, but I am going to ask permission at the close of my remarks to extend it in the RECORD. I believe I have that permission; but it sets forth how the entire banking interests in a city that has not been accused of maintaining Wall Street or sustaining a Morgan, but a conservative city, where capital has been handled fairly for business interests, how these men tremble at the prospect of legislation which you propose with reference to banks, and they plead that they——

Mr. CARLIN. Will the gentleman give the date of the letters?

Mr. GRAHAM of Pennsylvania. Yes. The first one I read was under date of May 16, 1914, and the one which I have not read, but placed in the RECORD, is under date of May 22, 1914, and is as follows:

MAY 22, 1914.

To the COMMITTEE ON THE JUDICIARY,
House of Representatives of the United States,
Washington, D. C.

GENTLEMEN: Representing the associated national banks of the city of Philadelphia, all of which have joined the new Federal reserve system and subscribed their proportion to the Federal reserve regional bank, we respectfully ask careful consideration by you of those provisions of the bill now before you (H. R. 15657) relating to interlocking directorates between national banks, State banks, trust companies, and certain other corporations, and the elimination thereby of certain existent corporate features in banking of the most vital import to this community and to the banks thereof, as well as to those of all cities and larger towns.

The motive prompting the introduction of the interlocking directorate feature into this new statute, as we understand it, seems to be the hoped-for correction of certain abuses which it is alleged have crept into banking and more particularly into the extension of credit, and which it is further urged have curtailed competition.

In seeking to correct what has been claimed as an evil existing in one part of the country, a vital injury in the sum total may be done to the great mass of our banking institutions and to the community at large by the enactment of this law, and beyond that we believe irreparable harm will result to the regional bank system as a whole. This system should not be weighted down with unwise laws, but should be left to work out its problem untrammeled. By its merits it should attract the widest and strongest support—should draw to it through the advantages it offers every factor which makes for the larger success.

Here in Philadelphia through a long term of years we can not recall an instance in which interlocking directorates have prevented fair and reasonable competition or curtailed in any way the credit of any individual entitled to credit.

The act, as proposed, will affect many of our strongest boards of directors here in Philadelphia; in many instances it will practically destroy them. Many of these men are allied with vigorous trust companies and other important interests; these connections are not in competition in the proper sense of the word, but, on the contrary, are most helpful in promoting the general welfare of the banking community. A compulsory choice in these instances between a trust company and a bank will result in favor of the trust company, and thus weaken the management of many of the member banks of the regional system.

Can Congress afford to force this new legislation upon the country and lower the vigor and tone of the regional system at the start? This system has yet to be "tried out," and its success is not by any means beyond peradventure.

The national banks have with surprising unanimity entered this system, but neither you nor we should permit that fact to deceive us. Already there exists a feeling that later we may be disillusioned. Is it wise for Congress to add now any element which may increase the doubt and unrest which are in the thoughts of hundreds of bank managements not now able to measure the results of the Federal reserve act, and which managements have assented with the purpose of trying out the plan in all fairness to it and to themselves?

Bankers in considerable numbers in various smaller towns are quietly expressing themselves in this way. They can make no forecast at this time of the advantages or disadvantages which will or will not accrue to their locality. They have elected to enter the system, knowing they can later go over to the State system if they prefer.

The State systems are growing with rapid strides in many sections of the country, outstripping the national banks in number and prestige, while it is worthy of note that our State banks and trust companies are not overstrenuous in their efforts to adopt the regional plan. Does it not therefore behoove Congress and all real friends of the regional system to move in a manner calculated to attract to that system strong banks and the strong, trained men of the country, rather than to repel, and by legislating drive these men out of the managements in which they are needed? Does it not seem the part of business acumen that in the first days of this new Federal system a confidence should be generated that would weld together a great mass of strong banks and strong men rather than that timidity and alarm should disintegrate it in whole or in part?

The ranks of well-equipped bank directors will never be overcrowded; these men are born of experience—they are not overnight products.

One of the hard problems confronting the bankers of to-day is to select new directors for their banks—men who have the training, the influence, and the analytical equipment to insure the safe extension of credit and proper care of depositors' money.

The causes for the collapse of a multitude of banks in this country reveal that the great majority have been wrecked through bad loans—loans permitted or recommended by directors thoroughly honest, but lacking the trained ability to judge credits. It takes years of experience to make a safe credit man.

We earnestly urge that Congress most carefully balance this whole problem, and that in trying to remedy one evil (possibly overestimated) a condition shall not be created which shall be far more harmful.

We respectfully submit that it is unwise to harass the country with too many new experiments, phases, and standards at one time. Let this new banking system, which has so much of merit in it, not be weakened by trying out too many theoretical problems; if this occur, in the end the unexpected may happen, and we may see the whole system thrown into financial discord.

This act prohibiting interlocking bank directorates, if enacted into law, will do more to tear down and lower the tone of bank management in this country than anything which has occurred in all the years gone by.

We beg to suggest it is but fair to the clean, straight bankers of this country, who probably represent nearly 100 per cent of the profession, and who have all through these years transacted a strictly uplifting, legitimate, honorable business, that they be not forced to replace tried, efficient directors of influence with men of inexperience during a period in which the acid tests are being applied to the new banking system.

Respectfully submitted.

The Philadelphia Clearing House Association, Joseph Moore, jr., president; Jno. C. Boyd, secretary; L. L. Rue, J. R. McAllister, E. F. Shanbacker, Chas. S. Calwell, S. S. Sharp, Effingham B. Morris, W. G. Elliott, Joseph Wayne, jr., committee.

Now, when my learned friend read that extract from the President, and I give you, by way of contrast, the plaintive appeal that comes up from business, I ask you, if this committee is carrying out the language, the intent, and purpose of the presidential message, are they giving peace and rest to the business world? The keynote that runs through all these speeches, without enumerating them, is that the President said thus and so. We are writing into the law what the President desired. Now, the illustration—and I refer to the gentleman from Massachusetts only as a type of the use being inapplicable. He quotes three cases from the courts of Massachusetts, each

one of which relates to an instance where clearly the facts as stated forces the conclusion that it was a violation of the common law against monopoly and restraint of trade. Not one of his illustrations fits the single issue raised by the bill that is before this House. I wish I had time to refer to them and analyze them. Now, along the same line comes an illustration from my friend and colleague from Pennsylvania, where he speaks of the Colby mines. I said to myself when reading his illustration. Is it possible that a gentleman on the floor of this House would use an illustration like that and then say that that is a picture of the mining industry of this country? How far from the facts. I do not know whether the Colby incident is true or false. I assume that he would not have uttered it unless he had some foundation in fact for it, but I do know these figures are inapplicable to any mining institution or corporation of which I have the slightest knowledge, and I have knowledge of a very great many. Take the soft-coal industry of West Virginia. The royalties there run from 8 to 10 cents a ton, which are reasonable, as any sane man must admit. The cost of labor is 65 to 70 cents, and when the mine owner is able to get 10 or 15 cents profit on a ton for all the capital he has invested and the risk he runs, that is all the compensation he receives.

Now, the picture of the Colby mine incident stands out in sharp contrast with the truth. Let me clear away in a sentence one other thing. A good deal of time has been given to discussion of monopoly. Men's voices were mellowed. I fancied as I read those speeches I could almost hear the tremble in the voices and see tears in the eyes as they pictured this monstrosity of monopoly and restraint of trade. What has that to do with the question that we are considering? We have all, in our platforms, in our actions, in our votes, condemned monopoly and restraint of trade, and so let us start on an even keel. We are just as full of energy to destroy monopoly and to restrain trade as you or any other persons who have anything to do with legislation or the formation of our laws. All these things should be swept aside in the forum of our reason and we should take the language of this law and ask ourselves this question: Does this law add anything to the Sherman antitrust law that will be beneficial to the community, or does it create doubts which will make the business world uncertain, or does it run the risk of inflicting conditions upon the men in the smaller businesses that will destroy their hopes and probably destroy their enterprises? That is the single question. I have not the time now to do it, but I hope to advert to some of these things under the five-minute rule when we come to consider the question of amendment. Discrimination in prices, tying up by contracts, holding companies, interlocking directorates, those are the things that the committee have aimed their shafts at instead of doing what I said in the beginning—take the scientific principle of legislation, which is to define crime, and not attempt to legislate upon individual instances. The law against interlocking directorates, while there have been evils under that system such as the ones that are pointed out in the Pujo investigation, yet there is not one but can be reached under the Sherman antitrust law and destroyed—not one. Every evil that is pictured as flowing from interlocking directorates can be reached under that law.

Now, then, our committee stands in this position. If a man——

Mr. QUIN. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Not until I am through with this. If a man took a spade and struck another man over the head with it, crushing his skull and killing him instantly, in a frenzy of reform our Judiciary Committee meets and it passes a law saying that henceforth no man shall ever carry or use a spade. That would be about as logical as it is to say that henceforth there shall be no interlocking directorates because of the fact that in some instances the money power has controlled through interlocking directorates. On the general definition that whatever creates a monopoly or tends to create it, whatever is in restraint of commerce, is within the grasp of the law, an energetic prosecution can produce results that will destroy all these things without this singular kind of detail legislation.

Now, I have only a word or two to say in the balance of my time.

Mr. GORDON. Will the gentleman yield a minute?

Mr. GRAHAM of Pennsylvania. I really have not the time. I want to finish.

Mr. QUIN. Will the gentleman yield now?

Mr. GRAHAM of Pennsylvania. I wish the gentleman would wait.

Mr. QUIN. I do not want to interrupt you. I only want an answer to this.

Mr. GRAHAM of Pennsylvania. I have not the time.

The CHAIRMAN. The gentleman from Pennsylvania declines to yield.

Mr. GRAHAM of Pennsylvania. Take the case of discrimination in price, and I only want to say a few words about that. We ought as legislators to try as little as possible to invade the freedom of business. That is an axiomatic truth that ought to lie at the root of all legislation.

Some of us, I fear, are so eager to accomplish something that may look like being drastic reforms that we trample this primary principle under foot and pay no attention to it. It is a natural right of a man to fix prices for the commodities which he has to sell. It is a business liberty that ought not to be lightly taken from him, and I conceive of but two instances in which it ought to be regulated by law. One is when the exercise of a public right is concerned—a public-service corporation. The other is where a monopoly has been created and the welfare of the community is threatened by it. But this proposed legislation says that if he fixes a price here differing from the price he fixes yonder, and if it tends to injure or destroy a competitor, he is guilty of a crime. Competition, my friends, is war. Competition, if it means anything, is the taking from another what he has, through the avenue of trade. Your Supreme Court has said, the law as written has said, that competition is the normal and natural thing for which we must contend—it is the genius of our antitrust legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield 10 minutes more to the gentleman.

Mr. GRAHAM of Pennsylvania. Compete? Why, when something is ordered to be sold at auction, there you have competition. If you are endeavoring to make a contract and you invite bids, there you have competition—one bids at so much, and another bids at so much, in order to reach a result. But this drastic legislation, in my judgment, would destroy the liberty of business, and it would make a condition that would involve business in serious trouble. Take the man of large business, and say that his business is assailed at one point—we will say Chicago—and under this law he must lower his price all over the United States. He dare not meet competition in Chicago, which is his lawful right to do, in the place where he is assailed, but you put a handicap and burden upon him because he is big. God has made big men, big measures, big mountains, and lots of big things, and never put a single stamp of disapproval upon them. As long as they are confined within legal limits and are not monopolistic and do not restrain trade they are often the result and complement of success and genius and power, and they ought to be respected. [Applause.] But you are going to place upon them the handicap of saying that they must keep their prices at such a point or pay $5,000 and be incarcerated in jail. God help the liberty of business under such discrimination. [Applause.]

I could give you a dozen illustrations. Suppose a man is short of money and must have it. In order to get it he must sell quickly. He goes out and makes a price at which he sells, below the price at which he sells in other places. Would you put upon him the duty of selling the article at the same price everywhere? And that is what this act would do, namely, make him sell everywhere at the same price. Yes; but the committee says this must be done with the intent to wrongfully injure or destroy. And that word "wrongfully" was carried into the last edition of that statute—I do not know when, how, or under what circumstances; but it is there, and I accept it. It is an axiomatic truth and the law that every man is intended, or is presumed to have intended, the natural consequence of his act. Now, the natural consequence of my act, if I sell at a lower price and take business from my neighbor, is to injure him pro tanto. I injure him. And yet this question is to be left to a jury as to whether it is a wrongful injury or not. The peril of a business man thus exposed is very, very great. There are a thousand other instances of the same kind.

Take the tying-up contract paragraph. You destroy agency, except where you have an exclusive agent that does nothing else—and I believe that is consistent with the language of this act—but you take away from the business man the right, if he has a new commodity, to go into a place and say, "I wish you, sir, to take this and handle it for me. I wish to gain a foothold in this business community, and I will sell to nobody else if you will only sell for me." But because that man deals in other articles you take away from him and the seller the liberty of making such a contract which honorable methods time out of mind have consistently approved of.

Take your holding-company provision, and the only people that it will hurt will be the small holding companies. Three or four men are engaged, for instance, in mining coal in West Virginia. They have leases. They can not consolidate their

three companies, and yet the same group of men own every share of stock in those companies. It is their property. The whole three put together would not constitute a monopoly or restraint of trade, and no movement would be made against them. But you would forbid them from holding this stock in a holding company. You would forbid them from controlling it by interlocking directorates, and you leave them helpless, unless they put dummies in to look after their property. That is the position in which this bill places small business, and I tell you that the small business of the country runs up into hundreds of thousands of corporations, and every one of them would more or less be affected by this unscientific legislation.

I wish I could take up in detail the other provisions of this bill, but I have already consumed more time than I expected, and I will reserve what little individual criticism of specific sections I may have to make to the time when the bill itself is up for amendment. [Loud applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back four minutes.

Mr. CARLIN. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. HOWARD].

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] is recognized for two minutes.

Mr. HOWARD. Mr. Chairman, I would not consume a moment of the time of the House were it not for the fact that I would like to reply in my own time to the contents of a letter read by the gentleman from Pennsylvania [Mr. GRAHAM]. The letter I have reference to is the Haines letter, in which are contained certain statements as to the condition of the cotton-mill industry in the South.

I simply want to state that from my own knowledge practically every mill in my State and in my district now is in full operation. Some of them are running "night shifts," as they are called, and none of them has been suspended by fear of intended legislation [applause on the Democratic side] or by the action of the tariff upon these industries.

But my main object in injecting myself into this debate at this time is this: The gentleman from Pennsylvania, after I had stated that the letter of Mr. Haines was inconsistent with the facts, severely criticized me for injecting that into the RECORD. I very promptly withdrew it, as the gentleman seemed to be so jealous of congressional ethics, and said that I had grossly violated the ethics of debate. I want to say now and reassert that I did not intend to offensively inject myself into the gentleman's debate, but I do want to reiterate that every word of the statement made in that letter about the cotton-mill industry in the South is absolutely unfounded in fact. It is another of those Republican bugaboos that they find on the side of the road every time we seek to control big business in this country, which has run rampant over the people for the last 16 years under Republican rule. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GARNER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House that the President had, on May 25, 1914, approved and signed bills of the following titles:

H. R. 16508. An act making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes;

S. 65. An act to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910;

S. 1243. An act directing the issuance of patent to John Russell; and

S. 5289. An act to provide for warning signals on vessels working on wrecks or engaged in dredging or other submarine work, and to amend section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States."

ANTITRUST LEGISLATION.

The committee resumed its session.

Mr. CARLIN. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. WILLIAMS].

The CHAIRMAN. The gentleman from Illinois [Mr. WILLIAMS] is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Chairman, I listened with a great deal of interest to the very remarkable speech of the gentleman from Pennsylvania [Mr. GRAHAM], and would not in the brief time of 15 minutes undertake to reply to the argument which he advanced. But, with the indulgence of the House, I do desire briefly to refer to some of the thoughts which he expressed.

I assume that the gentleman from Pennsylvania is the spokesman of the Republican side of the House on this bill, and that their whole argument and case may be judged by what he had to say. I assume this not only because of the liberal time awarded him, but also by reason of the fact that the minority report, and the objections urged against this bill, is filed in the name of the gentleman from Pennsylvania.

I was not amused nor was I surprised at the very remarkable plea made by the gentleman in behalf of big business. Just such pleas and arguments have brought the Republican Party to the desperate straits in which it finds itself to-day. The whole argument of the gentleman is summed up very briefly in a few paragraphs in the minority views which are filed with the majority report. In the minority report I find in two or three paragraphs the whole contention relied upon by gentlemen on that side and elaborated by the gentleman from Pennsylvania. Here is one:

> The antitrust laws on the statute book at this time have been carefully considered by the Supreme Court and judicially interpreted through a period of 24 years, and if properly enforced are believed by us to strip corporations and trusts of any power to injure or oppress.

I want to tarry just here long enough to comment upon the thought expressed, that these laws have been in force 24 years, have been interpreted by the Supreme Court, and "if properly enforced are believed by us to strip corporations and trusts of any power to injure or oppress." I want to ask, and I wish some gentleman unfriendly to this bill, somebody on that side of this House, would answer this question: Why has not this law been properly enforced, and why do you now, after 24 years, have to come to the country and appeal for time in which to demonstrate its effectiveness and its force?

Now, it will not do to reply that the Democratic Party and the present administration have been charged with this responsibility. We will be now and in the future, I trust, for many years to come. What I charge is that for 16 years, at least, of the lifetime of the Sherman antitrust law there has been but very little effort, if any, made to enforce it upon the part of those who have been charged with responsibility and are to-day claiming credit for it and standing as its sponsors. Let me read further:

> The proposed legislation contains many new phrases and sets up new standards, all of which would require a period of years of interpretation by the courts before their full meaning can be definitely known by the business world.
>
> It is very undesirable to bring about such a period of uncertainty and doubt to worry and harass the business of the country.

Great solicitude for the business of the country, and it is in behalf of the business of the country that their plea for big business is heard. In that argument we find gentlemen seeking to delay or to defeat, if you please, the proposed bill.

Now, the gentleman criticized the fact that no amendments could be effected on the floor of the House. The gentleman from Pennsylvania [Mr. GRAHAM] went so far as to say that important amendments to this bill are necessary; but he and his colleagues filed a minority report without indicating or recommending a single amendment. The gentleman himself made a speech of one hour, and, except by general phrase, did not indicate nor propose a single amendment and afforded no light to this House as to wherein this bill is defective and requires amendment.

His whole argument is in keeping with the remark the other day by the distinguished gentleman from Illinois [Mr. MANN], the minority leader, when he said whether or not he would vote for the proposed amendment to section 7—the labor section—depended upon whether he could do more mischief to the Democratic Party by voting for or against the amendment. He used this language. I read from the RECORD of May 19:

> The bill contains this provision:
>
> "That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers, agricultural, or horticultural organizations "—
>
> And so forth. Some gentlemen desire to change that to provide that nothing contained in the antitrust laws shall apply to these organizations.

When interrogated by the gentleman from Texas [Mr. HENRY] whether he would vote for such an amendment, he evaded the question in every possible way until pressed, when he replied: "How I stand now will depend very largely upon whether I can make more mischief on your side of the House by voting one way or the other."

Has it comes to this—that the old Republican Party, which boasts of its 50 years of splendid history, shall determine public questions solely from party expediency and its leader vote for or against an amendment vital to the interest of labor, and determine that vote by the effect it may have on the political situation? Has it come to this—that the Republican leader has

so far lost his sense of propriety and patriotism that he will sacrifice the interests of labor for party gain and party advantage?

The whole argument of the gentleman from Pennsylvania [Mr. GRAHAM] along the same line was to criticize and condemn, without suggesting a single remedy or a single amendment that might be of use or benefit.

Let me read further from the minority report:

No possible good can come from constant interference with business. It is our belief that business should have a rest from further legislation and be given an opportunity to adjust itself to the environment created by the existing antitrust laws as the same have been interpreted and are now being administered.

Oh, what a plea! The Sherman Act has been on the statute books for a quarter of a century, during which time it has been ineffective or inoperative by reason of lax enforcement. I will not say that former administrations have been wholly void in their efforts to enforce the law, but I will say that the Department of Justice has not been very diligent in that direction. I will do the Republican Party the favor to say that the fault does not wholly lie in the failure to enforce the law. The law itself in many respects is weak and needs amendment. That is the very purpose of this bill, and I must contend that it does not come with good grace from those who have been responsible for the failure of the law in the past to oppose amendment on the pretext that it will disturb business. No one has any disposition to disturb honest industry or legitimate business, and such business can not and will not be disturbed by any effort to amend and render more effective the antitrust law. The kind of business that will take alarm and scamper to cover is the big offender, in behalf of whom appeals are made on this floor from that side of the Chamber, from which source such appeals have emanated since the birth of the Sherman antitrust law, and which appeals have done more than any other one thing to render the law ineffective and inoperative. We are now told, after this lapse of time, that business has just learned what the law means, and all that it asks is a further lease of time, a longer day of grace within which to conform and adjust itself to the law. I assume that it was immaterial what the law meant under the preceding administrations, and that business was not concerned to know what the law meant; but to the extent that the law is effective, it has become all at once very important, indeed, to business not only to know what the law means but to readily and properly conform and adjust itself to the law.

Mr. Chairman and gentlemen, I have heard much said in the course of this debate about the effect on business and business conditions throughout the country. You have heard letters read just now, by means of which the impression is sought to be left upon the House and the country that the Democratic Party has materially interfered with the business of the country. Now, I represent a State whose interests are largely agricultural. I represent in part the State of Illinois. I have seen much in the papers of late about the effect of our recent tariff legislation on prices, and to-day I procured from the Secretary of Agriculture some figures which I want to submit here in answer to the contention that the country is in need of a rest.

The argument which is urged here most strongly is that business needs a rest. Let me show you what Democratic legislation has done to disturb the business interests of the country. These figures speak louder than any language that I or others might employ.

I have here two columns of figures, one taken from the market reports of May 23, 1913, the other from the market reports of May 23, 1914, the corresponding date one year later. Here they are:

May 23, 1913, contract wheat for May in the Chicago market was 91 and 92 cents a bushel. In 1914, on the corresponding date, it was 97⅝ to 98 cents a bushel.

Now, after the tariff bill has been in operation all these months wheat is 7 and 8 cents a bushel higher in the Chicago market than it was one year ago.

Contract corn, May 23, 1913, 57¼ to 58½ cents per bushel. One year later, on the corresponding date of 1914, contract corn 69⅝ to 70 cents per bushel; that is, corn to-day is 12 cents a bushel higher than it was a year ago, before the tariff bill became a law.

Of all the extravagant statements and wild-eyed clamor which has been indulged in for political effect within my recollection the most silly and ridiculous has been the statements and arguments advanced that the American farmer through the Central West is about to be ruined by the importation of Argentine corn. That contention is the most absurd and nonsensical clap-trap that I ever heard emanate from intelligent sources. Anyone who has seen a sample of Argentine corn will reach the prompt conclusion that no danger of competition or rivalry can ever result from its importation. Its use could only be occasioned by necessity arising from a famine or shortage at home which would compel its substitution and use. Men do not import corn for fun, and it will only be brought to our markets when the price at home, because of a shortage of our own crop, is so great as to attract or induce it. A trivial amount of such corn has been brought to our ports within the last few months, but it has not found any ready demand and has not in the least affected the market price of the domestic article. The 10,000,000 bushels which within a few months have been imported is but a drop in the bucket, and had about as much effect on the market price as an extra steer butchered in the Chicago stockyards would have on the price of beef for the day. Our production of corn amounts to over two and a half billion bushels per year, and it is utter nonsense for anyone to urge or contend that the pitiful amount of 10,000,000 bushels more or less could affect the market price of so large a yield and production. The price of corn above quoted is a complete answer and refutation of all contention and argument that Argentine corn is a source of competition, menace, or danger to the American farmer.

Rye, May 23, 1913, 63½ cents per bushel; in May, 1914, 66 cents per bushel.

Cattle, May 23, 1913, beef steers, per hundredweight, $7.90 to $9.10; May, 1914, one year later, $8.40 to $9.50.

Sheep, in May, 1913, $5.25 to $8.25 per head; in May, 1914, $5.75 to $8.85 per head.

Live hogs, May 23, 1913, $8.15 to $8.75; May 23, 1914, $8.40 to $8.50.

These are some of the products of the American farm, and the price of every one of them is higher than it was one year ago.

I might here to advantage recall to the attention of gentlemen on the floor the argument urged in this Hall one year ago, when it was proclaimed with great force that we would ruin the wool industry in this country if we placed wool on the free list. We did not heed the warning, and are now gratified to bring to this House the assuring information that the industry is not ruined, and that not only sheep but wool is selling in the market to-day for a greater price than the same product sold for one year ago. Let some gentleman answer and explain this proposition in the light of the arguments advanced on that side of the Chamber last summer.

Mr. McKENZIE. Will my colleague yield?

Mr. WILLIAMS. Yes.

Mr. McKENZIE. My colleague does not contend that the lowering of the duty on these various products has caused the price to go up to the American farmer, does he?

Mr. WILLIAMS. No; I do not contend that, but this I do contend: While the price of farm products has gone up in every particular, the price of the finished product and the essentials of every man's table have gone down. Do you doubt it? Let me call your attention to these figures: One year ago the price of pork per barrel was $20.37½ to $20.50; to-day it is $19.90. While the price of hogs has gone up the price of pork, the finished product, has gone down. Lard was $11.10 a hundred pounds a year ago; to-day it is $9.95. Yet the price of hogs has gone up.

Short ribs were $11.50 to $12.12½ one year ago, while to-day they are $11.20 to $11.22½. While the price to the farmer has gone up, the price of the product for the poor man's table has gone down.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. WILLIAMS. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. I yield five minutes more to the gentleman.

Mr. MORGAN of Oklahoma. The gentleman said he would like to have some explanation of that fact.

Mr. WILLIAMS. Yes; but not in my time. If the gentleman has a question, I will answer it.

Mr. MORGAN of Oklahoma. May not that condition which the gentleman has explained be the result of the fact that the earning capacity of the great mass of the people is less now and they can not pay so much, and hence the price has gone down?

Mr. WILLIAMS. The gentleman's premises are false. The gentleman is assuming a thing that is not true. Wages to-day average higher than they did one year ago, and the facts and figures will prove it.

Mr. MORGAN of Oklahoma. One more question: Does the gentleman claim there are more people employed than there were one year ago, and does not that have some effect?

Mr. WILLIAMS. I can only speak for my own part of the country. There is no complaint there. Every man who wants work gets it. No men are seeking work, but employers are seeking help. That is true in the State of Illinois.

Now, let me call your attention to the prices of three or four more articles of table necessity in the New York market. Take sugar, for instance. There is reason for that. We took the tariff off sugar, and it is cheaper. May 21, 1913, it was 4.2 cents a pound, while to-day it is 4.1 cents a pound.

Coffee, Rio No. 7, May 21, 1913, was 11½ cents and May 21, 1914, it was 8¾ cents.

Tea, Formosa, May 21, 1913, was 14½ cents and May 21, 1914, 13½ cents.

Rice, May 21, 1913, 4⅛ cents; May 21, 1914, 4 cents.

These figures and articles can be indefinitely multiplied. Market prices to the American producer have increased; the average is higher than it was a year ago, and the prices of the necessities of life that must go to supply the table have decreased, and the general average is lower than it was a year ago. These are facts that I want somebody to answer. Until they are sufficiently answered no argument upon that side to the effect that we are disturbing business can affect the result or our duty with reference to this bill. [Applause on the Democratic side.]

Mr. WEBB. Mr. Chairman, I yield 15 minutes to the gentleman from Maine [Mr. MCGILLICUDDY], a member of the committee.

Mr. MCGILLICUDDY. Mr. Chairman, if the Democratic Party, in addition to tariff reform as exemplified in the Underwood bill and currency and banking reform as exemplified in the banking and currency bill shall pass these antitrust bills at the present session of Congress, it will have created more constructive legislation in one session of Congress than any other political party in the history of our country.

I have listened with much pleasure and profit to the argument of the gentleman from Pennsylvania [Mr. GRAHAM]. The burden of his song is that the small interests in this country will suffer if this bill is passed. That is an old-time trust argument. Whenever you touch monopoly and the trusts, their cry immediately goes up that you are not hurting them, but the small business interests of the country. Whenever you hear this tender solicitude on the part of the trusts for small interests and small business you can be pretty sure you are getting the probe on the right spot. When I heard our friend from Pennsylvania he had a suspicious look in his eye that while he was talking about the small interests he was really interested in something bigger than the small interests of this country. It is akin to another complaint that I have heard in this House against this bill. I heard a gentleman say here the other day that the Democrats were bringing this forward as a matter of politics, because the tariff bill did not reduce the cost of living and high prices in this country as they promised to do.

Now, if our political opponents undertake to state the Democratic position, I hold that they ought to do it fairly. The Democratic Party never said that under present conditions the reduction of the tariff alone would accomplish the desired reduction in high prices in this country. The tariff is only one of the prime causes of high prices. Monopolistic power and trust control of production and prices the Democratic Party realized as most potent factors in high prices, and promised the country to reform and correct them. The tariff, of course, is intimately related. In fact, the trust itself in this country is the legitimate child of high tariff. It developed from the tariff as direct as the fruit from the blossom. In relation to high prices the two are interlocking, and both must be treated before relief is obtained.

It is well for us to see exactly what the Democratic Party did say about that, and I quote from the platform of 1912:

> The high cost of living is a serious problem in every American home. The Republican Party, in its platform, attempts to escape from responsibility for present conditions by denying that they are due to a protective tariff. We take issue with them on this subject, and charge that *excessive prices result in a large measure from the high tariff laws* enacted and maintained by the Republican Party, *and from trusts and commercial conspiracies fostered and encouraged by such laws*, and we assert that no substantial relief can be secured for the people *without import duties on the necessaries of life are materially reduced and these criminal conspiracies broken up.*
>
> A private monopoly is indefensible and intolerable. We therefore favor the vigorous enforcement of the criminal as well as the civil law against trusts and trust officials, and demand *the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.*

The Democratic Party has revised the tariff downward in good faith with the people, precisely as that party promised that it would, and it is now on its way to fulfill its other great promise by the passage of this antitrust bill. It will fulfill it, and in the words of the Democratic platform, it will make it impossible for a private monopoly to exist in the United States.

I have listened to the attacks upon this bill from the Republican side of the Chamber. I find them in neither harmony nor agreement in the line of attack. If there was anything fundamentally wrong with the bill you can be assured that its opponents would have discovered it and united on a common ground of attack upon it.

If I felt there was any coherence in the Republican opposition to this bill I should have some fears about it, for I respect the arguments and I respect the integrity of our Republican friends; but I hear a portion of them, intelligent, patriotic men, telling us that this bill is too radical, that it goes too far, that it will be destructive, and I hear responding to it another portion of the same party, equally intelligent and patriotic, telling us that it is too neutral, too conservative, that it will not accomplish anything in the way of reform legislation. My belief is that if there was anything inherently wrong about the bill our opponents would be in substantial agreement in their grounds of opposition. They are not in harmony in opposition to the bill for the reason that they are unable to make common cause against it, and I am convinced that the bill as a whole is safe, practical, and rational, and that is precisely the kind of a bill the Democratic committee started out to frame.

No committee could construct a bill that would be satisfactory to everybody in the country. That is not to be expected. No group of men could write such a bill. It is not expected that this bill will correct every possible evil of trust conditions that oppress the people of this country. But that it is a long step in the right direction and will correct the great trust evils that oppress the people there can be no reasonable doubt in the mind of any fair and impartial man.

The Democratic Party should have a fair chance with reference to this legislation. You can not correct in a day the trust evils that have been steadily growing and gathering strength for the past 30 years. These evils in this country have become deep rooted, widespread, and are guarded by combinations of wealth and power unequaled on the face of the globe. They have not only controlled the business of the country, but its politics as well. Their giant forms have stalked into the legislatures of the States and even into the Congress of the Nation, compelling their will to be done. The executives of the States and Nation have not been free from their attacks, and it is even feared by the people that their sinister influence has made itself felt in the courts of the country. To right such wrongs, to correct such evils, is no holiday task.

I have said that the Democratic Party should have a fair chance with reference to this legislation. I believe the people of the country have confidence in President Wilson and his administration. That they will not only be fair and reasonable with the administration in the face of this stupendous task, but that they will be patient, knowing that efforts are being made in the best of good faith to bring back to the people that which was theirs but which they have lost. It would be easy, indeed, to draw a radical antitrust bill, regardless of its consequences. It would be equally easy to draw a neutral, meaningless measure that hurt nobody and accomplished nothing. But this was not the purpose of your Judiciary Committee nor the spirit in which they approached the task. To draw a bill that would be at once rational and practical, that would right the wrongs and correct the evils aimed at, and not injure or destroy any legitimate business in the country is our purpose. We believe it is safer to take one step less than to go one step too far.

It is easy to criticize but difficult to construct legislation. It certainly does not lie in the mouths of our Republican friends to criticize our legislation when for 16 years they had full power themselves to give the country relief by way of amendment to the Sherman law and never lifted a finger to do it. They not only failed to amend the law, but they failed to enforce it.

For 16 years prior to the inauguration of President Wilson's administration the Republican Party controlled the House, the Senate, and the Presidency. It could enact into law any legislation it saw fit. Yet during all that time it never added a single line of antitrust legislation to the statues of the country. The best possible proof that the Republican Party would do nothing to eradicate trust evils in this country is that it did not and would not do it when it had the chance.

Yet in that 16 years of uninterrupted and complete power there was a perfect saturnalia of trust expansion and development in the country, such as was never heard of in all its previous history.

GROWTH OF THE TRUSTS.

The climax of trust conditions and evils in this country was reached between the years 1897 and 1904. Previous to 1897 there were not more than 60 concerns in this entire country that

dominated the industries in which they were engaged. In the next three years following 1897 there were 183 gigantic combinations formed in this country under Republican administration, every one of them dominating the industry under which they were formed. In the one year of 1899 alone there were 79 of these combinations formed, with a capitalization of more than $4,000,000,000. It is estimated that these combinations comprised one-seventh of the entire manufacturing industry in our country and one-twentieth of all the wealth that existed in our country at that time, nearly twice the amount of money in circulation in the country, and more than four times the capitalization of all the manufacturing corporations that were organized from 1860 down to 1893.

This was the period in which the holding company was developed, an organization and scheme that trust attorneys conceived would absolutely defy the law. Now, I say that when that condition of things existed, one of two things ought to have been done—either the Sherman law, if it was adequate, as you now claim, should have been enforced and these gigantic trusts put out of existence, or, if it was found not to be sufficient, then it ought to have been amended so that it would be.

If you had enforced it and it was found not sufficient to prevent interlocking directors, holding companies, overcapitalization, discrimination, and control of prices, and other trust evils, it was within your power to amend it so that it would. If you had done either of these things, corporations and trusts in this country would have gotten down to a competitive basis, or else would have gone out of business as trusts, and free, natural competition would have been restored in the country.

FAILURE TO ENFORCE ANTITRUST LAWS.

As to the enforcement of the antitrust laws by Republican officials for the past 16 years, it is putting it mildly to say that they were at least indifferent. At times the Sherman antitrust law was deliberately ignored and practically considered a dead letter. Why this indifference on the part of public officials during this 16 years of trust development to the enforcement of this most important antitrust statute? It was because public officials whose sworn duty it was to enforce these laws were not selected from circles that were interested in antitrust enforcement. They were men not accustomed to breathe the ozone of an antitrust atmosphere.

Men are very largely influenced by their environments. With this fact in view, it is interesting to see from what circles men have been drawn to enforce the antitrust laws for the past 16 years. Under the present law the Attorney General practically has full control of the prosecutions of trusts. Hence it is a matter of the greatest concern not only to the trusts but to the public as to who fills this important office.

In the summer and fall of 1900 negotiations were under way between J. Pierpont Morgan and his group on the one hand and Andrew Carnegie and his associates on the other, for the formation of the great United States Steel Corporation. By all means the most powerful and important constituent company in the proposed United States Steel Trust was the Carnegie Steel Co., of which Mr. Carnegie was the controlling owner. For years the attorneys of the great Carnegie Steel Co. were Knox & Reed, distinguished and able attorneys, of Pittsburgh, Pa.

During that same summer and fall of 1900 William McKinley was the Republican candidate for President. Mr. McKinley was elected in November and inaugurated March 4, 1901. Philander C. Knox, of the firm of Knox & Reed, was made Attorney General in Mr. McKinley's cabinet, after receiving a very warm letter of recommendation for that position from Mr. Andrew Carnegie. Within 30 days after Mr. Knox was made Attorney General the great United States Steel Corporation, probably the most powerful trust in the world, was organized. Mr. Knox, under the provisions of the antitrust laws of that time, had complete control of antitrust prosecutions. At practically the same time Mr. Knox went into the Cabinet as Attorney General his partner, Judge Reed, was elected a director in the newly formed United States Steel Corporation.

Does anybody think it likely there would be any overwhelming zeal on the part of Attorney General Knox to prosecute the newly formed trust, composed in large and important part of his old client, the Carnegie Steel Co., or to prosecute his old partner, Mr. Reed, who was sitting on the newly formed board of directors of that corporation? If any such zeal ever seized him it was most successfully restrained.

During his entire term as Attorney General no prosecution was ever instituted against the Steel Trust, nor was any such prosecution instituted by his Republican successors until the year 1911, when this House became Democratic as the result of the elections of 1910. One of the first acts of that Democratic Congress of 1911 was to appoint a committee known as the Stanley Committee to investigate the organization, methods, and affairs of the Steel Trust. Within three months after that committee began its investigation and turned the light of publicity upon the organization, methods, and affairs of this company, the then Attorney General commenced prosecution of the Steel Trust under the provisions of the Sherman antitrust law. The Steel Trust was doing nothing in 1911 that it had not done continuously for the 10 preceding years.

Why was prosecution delayed until a Democratic House aroused the public sentiment of the country by the disclosures of the Stanley Committee?

What is true of the Steel Trust in this regard is only typical of what is true all down the line with reference to trust prosecutions.

PROVISIONS OF THE BILL—DISCRIMINATION IN PRICES.

I now want to take up some of the provisions of the bill before the House.

The great ultimate purpose of a trust is to control prices. If it could not control prices, there would be very little object in forming a trust. Experience has shown to every student of the trust problem that one of the most vicious evils of trust domination is the practice of discrimination in prices. The power to discriminate in prices demonstrates the power to control prices.

The practice of discriminating in prices, making prices lower in one community than in another, is, of course, for the purpose of destroying competition. The trusts do not lower prices for the benefit of the public, but to destroy their competitors. As soon as competition is destroyed prices are immediately raised to the old level, or often higher, and thus the people themselves are made to pay the expense of killing competition, and competition is the very thing which under normal conditions would be for the people's benefit. It is a fact that to kill competition trusts have often reduced prices below the cost of production.

Under the bill which we propose this unfair system of price discrimination will be abolished.

Section 2 of the bill provides that any person who shall directly or indirectly discriminate in price between different purchasers of commodities in the same or different sections or communities in the United States, or any place under its jurisdiction, for the purpose of destroying or wrongfully injuring the business of a competitor, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or both, in the discretion of the court. With this rigid provision, no trust would ever dare to resort to the old practice of discriminating in prices in violation of this statute. Especially not when the guilt is made personal and those authorizing the discrimination are subject to the penalties of this bill. When you take the power to discriminate in prices out of the hands of the trusts you take from them one of the most powerful weapons to destroy competition, and consequently to control production and prices.

MINE PRODUCTS.

The next section of the bill, to wit, section 3, I regard as one of the most important in the whole program of antitrust legislation. All of the great trusts in this country, and especially those whose products form the great prime necessaries of life, foresaw the absolute necessity of controlling the raw material from which such products are made. For this reason they seized, in turn, upon the great natural resources of the country. They knew perfectly well whoever controlled these great natural resources controlled, of course, the products for use in daily life made therefrom.

This is particularly true of the great natural resources in the form of mines in the country. For instance, one of the first acts of the Steel Corporation was to get control of the iron ore in the ground, by purchase of the land. With that in its control it bid absolute defiance to competition. The same is true of copper, coal, and nearly all other great mine products. Having control of the mines, under the law as it now stands, they are absolute masters of the situation. They can sell the raw material from their mines to whomsoever they please, and refuse to sell when they please. For instance, if you or I, under the law, to-day go to the mine owners or operators controlling the hard coal in Pennsylvania, with the cash in our hands to purchase coal, the owner or operator can arbitrarily and without any reason absolutely refuse to let us have that great necessary of life. He coldly refers us back to our respective communities, with the information that he is selling coal to certain customers of his there, and we must buy our coal from them, and pay them, of course, the trust-regulated price.

If the bill now before the House becomes law, such practice can no longer be carried out. Under the terms of section 3 it is in substance provided that it shall be unlawful for the

owner or operator of any mine, or for any person controlling the product of any mine engaged in selling its product in commerce, to refuse arbitrarily to sell such product to a responsible firm or corporation that may apply for the purchase of the product for use, consumption, or resale within the United States or places under its jurisdiction, and any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction be punished by a fine of $5,000 or by imprisonment not exceeding one year, or both, in the discretion of the court.

This provision of the bill is founded upon natural justice. Under it if you or I go to some mine owner or operator in Pennsylvania with the cash, or being financially responsible, we can demand that the mine owner sell and deliver to us coal, and he can not arbitrarily refuse to do so. He can no longer turn us back to our local coal dealer and his trust prices as at present. Furthermore, he must sell us coal at the same price he sells it to his other customers without favor or discrimination of any kind. This particular provision of this section will be of inestimable value to the people of my own State. Under the laws of the State of Maine, now held to be constitutional by our Supreme Court, municipalities are authorized, upon the vote of the people, to establish coal and wood yards and furnish fuel to the people at cost. Under the present conditions this law is of little value to our people. If the purchasing agent of such municipality now goes to the mine owner or operator of Pennsylvania he is refused coal and turned over to his local coal dealer for the purchase. Under this bill the purchasing agent of the municipality can go to the mine owner or operator and demand the sale of coal to him; the mine owner can not arbitrarily refuse to do it, and the result is that our municipalities under this bill will get their coal and get it at the same prices coal operators sell to their other customers. It will be readily seen that this operation will result in great and direct benefit to the people of the affected municipalities.

HOLDING COMPANIES.

Another trust evil with which the present bill deals is what is known as the holding company. Under modern trust development this so-called holding company, in the words of the report, is an "abomination." The holding company serves no good purpose. It employs no labor, neither does it produce anything. It adds nothing to the wealth or the welfare of the country. Its sole purpose is to hold the stock of subsidiary corporations in order that it may control the acts of those corporations, and is particularly for the purpose of dividing production among them and controlling and limiting competition. It is, in fact, an ingenious device for a combination of the combines, the product of the shrewdest and ablest trust lawyers to technically comply with the letter of the law while deliberately and flagrantly violating its spirit and intent.

Section 8 of the proposed bill limits the evil of the holding company, so far as it is possible to do so. Present business conditions and experience render it necessary to make certain exceptions; but the bill limits the holding company in its most objectionable feature, namely, its tendency to promote monopoly and restrict or destroy competition.

INTERLOCKING DIRECTORATES.

The next great trust evil to which I wish to refer is that of interlocking directorates.

By means of this vicious practice the business of the country has been practically absorbed by a select and limited coterie of powerful financial magnates. They absolutely control the transportation of the country through control of the railroads; they control the banking institutions of the country, and consequently its credits; and they have very largely succeeded in taking unto themselves the great industrial institutions of the country. They have manipulated stocks and securities, made themselves at once buyers and sellers, borrowers and lenders, between great corporations which they absolutely control. It is needless to elaborate the evil consequences of their deeds. It is particularly needless to us in New England, who are now in the midst of the disasters shown by the pitiable and far-reaching consequences in recent developments in connection with the management of the New Haven and other New England railroads. Interlocking directorates, with all the evil consequences of the system, will become things of the past when this measure becomes law. The shackles will be stricken from transportation, banking, and industrial developments, and an era of free development will follow. The President well stated the benefits of this provision when, in his message, he said the adoption of it will bring new men, new energies, new spirit of initiative, and new blood into the management of our business enterprises. It will open the field of industrial development and origination to scores of men who have been obliged to serve when their abilities entitled them to direct. It will immensely hearten the young men coming on, and will greatly enrich the business activities of the whole country. The President never spoke words more pregnant with true prophecy.

PERSONAL GUILT.

Section 12 of the bill deals with one of the most important of trust conditions, and provides one of the most necessary and important remedies in the whole measure. I refer to the personal-guilt provision of the bill. Under it directors, officers, agents of corporations who have authorized, ordered, or done anything prohibited by the antitrust laws shall be deemed personally guilty of a misdemeanor, and upon conviction shall be fined not exceeding $5,000 or by imprisonment not exceeding one year, or both, in the discretion of the court. This practically transfers the pains and penalties for violations of antitrust laws from the corporation to the individuals responsible for the acts, as it should be.

Fines upon corporations for violations of law are often borne by innocent stockholders, who had no hand or part in the violations; if not upon the stockholders, the amount of the fines is practically taken out of the purchasing public by raising prices to the extent of meeting the fines imposed. In this way the innocent stockholder, or the yet more innocent public, were made to bear the burden of the wrongful acts of the officials of the corporation. Under this bill not the corporation nor the innocent stockholder nor the innocent public are to suffer, but the pain will fall upon the guilty perpetrator where in justice it ought. With the doors of the penitentiary open before them, trust magnates will have a care as to what they do in violation of the antitrust laws.

INJUNCTIVE RELIEF AGAINST THREATENED DAMAGE.

Under the present law any person injured in his business or property by acts in violation of the Sherman antitrust law may recover his damage. In fact, under the provisions of the law he is entitled to recover threefold damage whenever he is able to prove his case. There is no provision under the present law, however, to prevent threatened loss or damage even though it be irreparable. The practical effect of this is that a man would have to sit by and see his business ruined before he could take advantage of his remedy. In what condition is such a man to take up a long and costly lawsuit to defend his rights?

The proposed bill solves this problem for the person, firm, or corporation threatened with loss or damage to property by providing injunctive relief against the threatened act that will cause such loss or damage. Under this most excellent provision a man does not have to wait until he is ruined in his business before he has his remedy. Thus the bill not only protects the individual from loss or damage, but it relieves him of the tremendous burden of long and expensive litigation, often intolerable.

LABOR AND FARMERS' ORGANIZATIONS.

The rights of labor and agricultural organizations are protected under the provisions of this bill as never before by any statute in the history of our country. At the time of the enactment of the Sherman antitrust law nobody dreamed that labor organizations, organized not for profit but solely for bettering conditions for laboring people, were included within its prohibitive provisions. By section 7 of this bill the status of labor organizations is made clear. The dangers of legal dissolution of labor organizations, which by reason of recent court decisions were threatened, cease to exist when this bill becomes law. The bill has been truly called "Labor's bill of rights."

The labor provisions of this bill have been severely criticized in certain quarters. It is my belief that these criticisms have been hasty, ill-considered, and unwarranted. Let us look at the provisions of the bill and see just what it does for labor and labor organizations.

First, it provides that in cases of indirect contempt where the acts complained of would constitute criminal offenses under the law, the defendant on demand may have the right to trial by jury to determine questions of fact.

How long is it since any fair-minded and impartial American citizen would object to a trial by jury on questions of fact? What is there radical or new about that provision? Trial by jury is one of the most sacred of American institutions. It is one of the highest safeguards of the rights and liberties of American citizenship. The right to punish for contempt is at best something of an arbitrary right, and in its exercise may be tyrannical.

In cases of indirect contempt the act or acts complained of take place outside of the presence of the court—it may be a hundred miles away. The judge has no personal knowledge of the conditions or facts. What harm can possibly result either to the citizen or to society by having a jury intervene in determining the questions of fact, and the actual guilt of the offender be established by a jury before he is deprived of his liberty.

This provision of the bill is in absolute accord with every spirit of Americanism and American institutions.

INJUNCTIONS.

Next, there is the provision with reference to issuing injunctions. The power to issue injunctions is a great one. It is far-reaching in its effect. The evidence unquestionably shows that it has frequently, in certain parts of the country, been abused. At times its abuse has verged upon scandal.

Under the provisions of this bill the injunctive power is simply limited in cases where experience has shown that it ought to be. Let us carefully examine the provisions of the bill in this regard and see just what they are.

First, the bill provides that no preliminary injunction shall be issued without notice to the opposite party. Is not this a reasonable and just provision?

Next, that no temporary restraining order shall be granted without notice to the opposite party, unless it shall clearly appear from specific facts shown by affidavit or by the verified bill that immediate and irreparable injury, loss, or damage will result to the property or property right of the applicant before notice could be served or hearing had thereon. Surely no reasonable or fair-minded man can object to this provision of the bill.

Next, except as provided in section 14, no restraining or interlocutory order of injunction shall issue, except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby. The requiring of security under such conditions for the payment of costs and damages is one of the ordinary courses of procedure, and is in every way in accord with American ideas of justice and legal procedure.

Next, that every order of injunction or restraining order shall set forth the reasons for the issuance of the same, and shall be specific in terms; shall describe in reasonable detail the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise receive actual notice of the same.

What is there wrong, unfair, or unjust about this provision? Certainly orders of injunction should give the reasons for the issuance thereof, and should be specific in terms, so that the defendant may know exactly what he has to meet. This is in absolute accordance with legal principles and procedure. That the order should be binding only upon the parties to the suit, their agents, servants, employees, attorneys, and those in active concert with them, and who have received actual notice, is a most reasonable and just provision. To include in a blanket injunction other persons outside of the parties to the suit who have had no notice of the same or knowledge thereof is a most unjust proceeding, absolutely antagonistic to ordinary legal procedure, and almost certain to work great wrong and damage to absolutely innocent parties who have no connection with the matter in dispute.

It further provides that the Federal courts are prohibited from issuing injunctions against persons because of their ceasing to perform labor. It would seem almost unthinkable that under the power to issue injunctions Federal courts under this process would undertake to prevent a person from ceasing labor at his will. Yet it has been done, but can never be repeated if this bill passes.

It further prevents issuing injunctions to restrain laborers from recommending, advising, or persuading others to cease labor. Why should not laborers be unmolested in their right to advise with one another and to persuade one another when it is all done in a perfectly peaceful manner?

It further forbids the issuing of injunctions enjoining laboring men from attending meetings at or near places where persons reside or work or carry on business or happen to be for the purpose of peacefully obtaining or communicating information or peacefully persuading persons to work or to abstain from work.

Why should laboring men in cases of disputes between employer and employees be restrained by injunction from conferring together, advising with one another, informing and peacefully persuading their associates in regard to matters of vital importance to them? Do not employers of labor under such conditions and during such disputes meet together at their houses, offices, and places of business for the purpose of conferring together and communicating information to one another and reasoning with their associate employers, and even with employers who are not associated with them, and persuading them to join with them as employers of labor during the pendency of strikes or labor disputes? Why should laborers be denied the same rights under such conditions that are freely accorded to and exercised by employers?

The bill further forbids the issuance of injunctions restraining paying, or giving to or withholding from any person engaged in such disputes, any strike benefits, money, or things of value.

Again, I say, it would seem unthinkable to a free-born American citizen that when laboring people contribute together sums of money to be used for mutual benefit purposes in case of a labor dispute or strike, that the court should have the power by injunction process to prevent those laborers from distributing these benefits among their needy associates, who perhaps have been brought to actual want by the tyranny and injustice of their employers.

It further prevents the issuance of injunctions against any persons assembling at any place in a lawful manner and for lawful purposes.

The right to peacefully assemble in lawful manner and for lawful purposes was thundered from the cradle of liberty, old Fanuel Hall, in Boston, and was sealed by the blood of Revolutionary patriots. Their sculptured forms would move in shame from their pedestals if that right was to be denied by their descendants.

These are the provisions of the bill with respect to injunctions. They simply place the laboring man upon the same equality with every other citizen so long as he obeys the law.

It is simply an application of the old and sacred Democratic doctrine of equal rights to all. This is the bedrock of Democratic principles. The Democratic Party is the party of equal rights. It is not a rich man's party nor a poor man's party, not the party of big business or of little business, not the party of capital or of labor, not the party of employer or employee, but the party of the whole people pledged by its history, its traditions, and its eminent statesmen, living and dead, to the everlasting observation of the great principles of equal rights. To promote the "general welfare" was one of the first reasons set forth in the preamble to the Constitution. Mark you, the "general welfare" and not the special interests, or welfare of the favored or privileged few. In the mad race for wealth the general welfare has been fogotten, not only in business but in legislation. The Democratic Party intends to remove the dollar mark from legislation in this country and place in its stead the symbol of manhood. The days of privilege and plunder have gone, let us hope forever.

Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay.

It is no exaggeration to say that the pending bills have to do with the most important economic and industrial problems in the history of the country. The questions involved not only essentially affect the business interests of the country, big and little, but vitally reach the welfare, comfort, and happiness of every man and family in the land. Aye, more, they reach the very groundwork of American free institutions and affect the stability of our governmental system as established by the fathers of this Republic.

In passing this antitrust legislation the Democratic Party is keeping absolutely good faith with the people. The Republican Party having utterly failed in the discharge of its mission, so far as antitrust legislation is concerned, the people of the country have turned to the Democratic Party for relief. If you pass these antitrust bills now before the House you will do much to inspire the people with confidence and hope in the assurance that "a government of the people, by the people, and for the people" is still with us. [Applause.]

Mr. WEBB. Mr. Chairman, I will ask the gentleman from Minnesota to use some of his time now.

Mr. VOLSTEAD. May I ask the gentleman whether he intends to conclude in one speech?

Mr. WEBB. Yes. We propose to conclude in one speech.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. METZ].

Mr. METZ. Mr. Chairman, I do not want to take up the time of the committee to make a speech, but only to point out some of the special features of the bill that appeal to me and to reply to a question asked while the gentleman from Pennsylvania [Mr. GRAHAM] was speaking. I was asked why it was that a great many of the textile and other mills were running without profit or at a loss while apparently being busy. I want to answer that question to begin with. Those of you who know how business is done in the textile industry, and, for that matter, in other industries also, will realize that when a mill starts on a season's goods—and everything depends upon seasons with us—they, or their selling agents, send out their salesmen or their stocks are open to buyers who come to look at them, either way, and the mill's production is sold up for that season as quickly as possible, and that means that they can lay out their

plans and run their looms on certain patterns, finish them up, and can then start new ones, and arrange to run for the season, according to the capacity of the mill, and the business for that season is arranged and the goods made up and shipped. To-day, and it has been so since the agitation of the tariff question began—and I want to say that the tariff is fair, and I think that it is the first scientific one we have had, and that it will work out all right if left alone and we are not bothered with other conditions; I am not afraid of the tariff even in the textile industry—but to-day no mill can sell and no buyer is buying ahead, and I refer to the big dry-goods stores, the department stores, and other large buyers. Salesmen in certain lines go out in two seasons—in May and June and November and December—and usually sell out the entire capacity of the mill for the season's output in those months. For the last year or so they have not sold their capacity in that time. The salesmen come home having sold, say, only one-third their quota.

The mill, therefore, only buys raw material in small lots, and pays more money, but the mill is running and labor is working, because they are making some goods, and during the balance of the season their orders may have come in just the same, so the total volume of business may not have decreased and we are not coming to a panic or failures; but the mill has been running in such an uncertain way because you could not foresee what was coming. Take, for instance, in the carpet business alone. A carpet is the last thing that a man is going to buy. He will put it off another year if he needs something else more and money is scarce. But even the carpet mills have run to full capacity, even if they had to run on dribs and drabs, by putting a pattern on the loom and then taking it off, and putting another pattern on and taking that off, and then changing back again, instead of running each one out. That means that the overhead expense has gone ahead and increased and that the mill has not made or has even lost money, while the help has been on the job right along, however, getting full pay, and have not suffered, and the fact that they have not suffered is the reason that makes business as good as it is to-day. The manufacturer, the stockholder, and the owner are the men who have suffered. The manufacturer does not dare go ahead, because he does not know when we are going to stop interfering or whether we are going to keep on interfering with him. That is the real situation in the manufacturing industries. I said that the stockholders in many mills have not received a dollar's worth of dividends in years, while the help has been working. The mill did not dare to shut down. In a small mill town you and I know what stopping means. The mill town is entirely helpless without the mill. It depends on the mill running. If it shuts down or there is a fire, the next day the mill help are scattered all over the country, and it is a hard thing to get back an organization. The manufacturer keeps on running to hold his organization and his market. The pay of the help has not been cut down; it has gone up. Rents have not gone up in those mill towns to any extent, and there have been no big revenues from the tenements to the owners. The help has gone on working, but the stockholders have not had any dividends, and I think the income tax is a good thing, if it simply shows these very people what they have not been making for some time past.

My friend from Georgia [Mr. HOWARD] talks about the cotton mills in the South. Mr. Chairman, I have seen more mill men from the South in the last four weeks who are engaged in the cotton-manufacturing business than he has in a year. They were up in New York at the cotton manufacturers' convention. They are not crowing about prosperity. They are in the same condition as manufacturers in other sections, even if they are Democrats; and they admit they have got to be Democrats in the South; but business men and manufacturers have not got to be Democrats in the North, and they are not going to be if you do not let them alone. The gentleman's statements about the cotton mills in the South are not based on facts. I know that. I am in close business touch with them, and the gentleman is not. So much for conditions and the reasons therefor.

As to the provisions of the bill, I first want to refer to section 2, in respect to discrimination. The bill says you have to show intent to injure or destroy a competitor. It may be true that that may eventually be held to be the case, but suppose I am doing business with A and B in the same town. A is a big buyer, has experts employed, and he sends his buyer to New York and will not have me come near his plant at all. I am speaking now of consumers of mill supplies. B has a small plant, and he has not any expert chemist or expert of any kind, and I have to show him what to do. I have to send a trained man into his shop and show him how to use a product. It costs me more to sell to B than it does to sell to A.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield the gentleman five minutes more.

Mr. METZ. I thank the gentleman. The result is that though A comes to my place and makes his own terms, because he is better posted on competing products, and I have got to meet them, no matter how close my margin, or lose the order, under this section I have got to sell B at the same price as A, because the law says that I must not discriminate in price for same commodity. I am not injuring B's business, mind you, when I sell cheaper to A, but B finds out that I sell to A at a certain price, and then he refuses to pay his bills and sets up a defense that I have injured him by charging a higher price. I have got to go to court and defend his action, because he has not paid my bill. That is where you will hurt small business, because some large trusts may have held out on somebody else by refusing to sell or underselling to some one else for specific reasons of their own.

Section 4 refers to sale agents. The big concerns are the only ones who can afford to maintain agencies in every town and city. In many lines it is absolutely impossible. Take the machinery business. Nearly every machinery manufacturer does business in this way: He will appoint an agent for his machine, and that agent must bind himself to sell nothing in competition with that particular machine. There is not business enough to warrant his selling no other line of machines or similar products, so he makes similar contracts for exclusive sales of various kinds of machines, but only one of each type, and none competing with any of the others he carries. He sells products of various makers and he sells other machines, but he should not sell any competing with the manufacturer who supplies him with catalogues, supplies him with information, supplies him with facts, without which he would lack the experience to sell that or any other machine, and in supplying this the manufacturer uses the local exclusive agent instead of his own salesman, whom it would not pay to send out. This covers many other lines besides machinery, and if you wipe out the exclusive contracts and selling agencies you wipe out the business of a large percentage of the manufacturers in this country by checking their distribution, and that injures the working people and consumers of this country instead of helping them as you intend.

Mr. MADDEN. Seventy-five per cent?

Mr. METZ. Yes; 90 per cent; and you might say all, practically. The propositions are ridiculous. They are not fair, they are not right, and that is why the business and manufacturing interests of the country are praying and hoping that we will adjourn, go home, and let them alone. [Applause.]

Mr. VOLSTEAD. Does the gentleman yield back his time?

Mr. METZ. Certainly.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. WEBB. I will state to the gentleman from Minnesota that we have only one speaker on our side, and I will ask the gentleman to use what time he cares to consume before the concluding speech is made.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, the gentleman from Illinois [Mr. WILLIAMS] pursued a rather peculiar course in his speech in the numerous challenges which he submitted for answer to his supposed invulnerable argument as to prices and their causes, in order to convince this House that the change of administration and its resultant legislation had been beneficial to the farmer. He submitted a set of figures as to prices for 1913 and also for corresponding dates in 1914. I submit that it is not a fair basis of comparison A fairer basis of comparison is where we have a set of figures based upon a time and a set of circumstances when the people of this country did not know that the blight of Democracy was to fall upon it. That was in May of that period in 1912, two years ago instead of one. One year ago the present administration was in power. One year ago the tariff policy of this country had been announced and a change determined upon.

The Underwood tariff bill, prior to the date given by the gentleman from Illinois, had passed this House. We knew what it was, and the business men of the country could readily predict and reason what it would do. It was the express purpose of the Underwood bill to lower the price of farm products and incidentally to injure the producers, and if this was not accomplished then it would be a confession of failure in its purpose.

Now, then, I shall submit for the RECORD a list of prices taken from a paper which did not oppose the present tariff law. I will read some of these figures and submit the rest in the RECORD under the rule. Wheat, average price in 1912 on May 1, was $1.22; in 1914 it was $1.03½. If the gentleman's rule is to be applied it would indicate a loss of 18½ cents in the period

influenced by the present administration, because it was not long after the 1st of May, 1912, when it became apparent to the people of this country that there was to be a change of policy in this country, and the legislation which we have was clearly foreshadowed in the tariff legislation of the Sixty-second Congress. Corn in 1914 was 75 cents; in 1912 it was 86½ cents, a difference of 11½ cents. Oats in 1912 were 63 cents, and in 1914; 43½ cents. Flour in 1914 was $4.25, and in 1912, $5.10.

Mr. Chairman, I do not care to take up the time of this committee. I had not expected to discuss this question, but when any gentleman coming from an agricultural State, like the State of Illinois, pretends to tell the farmers of this country that following or caused by the tariff legislation of this administration there has been improvement in any respect in price in the products of the farm, he merits contradiction. A careful figuring and investigation of the subject must convince him, as it has already convinced 30,000,000 people of the United States interested in farming, that the tariff legislation of this administration is directed against their interests and they are feeling its effect every time they go to market. [Applause on the Republican side.]

The figures are as follows:

	May 1, 1914.	May 1, 1912.	Change.
Wheat, bushel	$1.03½	$1.22	$0.18½
Corn, bushel	.75	.86½	.11½
Oats, bushel	.43½	.63	.19½
Barley, bushel	.67	1.36	.69
Rye, bushel	.68½	1.02	.33½
Flour, barrel	4.25	5.10	.95
Beeves, live	9.40	9.00	.40
Sheep, live	5.85	8.25	2.40
Hogs, live	8.35	7.75	.60
Muttons, carcasses, pound	.12½	.15	.02½
Hogs, carcasses, pound	.11½	.11	.00½
Mutton, carcasses, pound	.12½	.15	.02½
Milk, quart	.04½	.04⅛	.00¼
Eggs, dozen	.22	.20	.02
Beef, barrel	19.00	16.50	2.50
Pork, barrel	22.25	20.75	1.50
Bacon, pound	.11¾	.11¼	.00½
Hams, pound	.16	.13½	.02½
Rice, pound	.06½	.05½	.01
Butter, pound	.25½	.36	.10½
Cheese, pound	.14	.15⅜	.01⅜
Coffee, pound	.08¾	.14⅜	.05⅝
Hides, pound	.17	.15½	.01½
Oak leather, pound	.45	.40	.05
Cotton, pound	.13	.11⅜	.01⅜
Wool, O. & P., pound	.24½	.26	.01½
Wool, Australian, pound	.67	.85	.18
Flax, pound	.05½	.05	.00½
Print cloths, yard	.03⅜	.03⅞	.00⅜
Ginghams, yard	.06¼	.06¼	.....

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, I did not expect to have anything to say on this bill, but it seems to me perhaps there are one or two facts that ought to be set forth in some form. One is that anyone who has studied the events that led up to the passage of the act of July 2, 1890, the Sherman antitrust law, knows that the agitation which led to that legislation was not started in the interest of consumers, it was not started by consumers, and the antitrust agitation never has been in the interest of consumers, nor have the laws worked in the interest of consumers. The consumers have always been the goats, and in this bill they are made more than ever the goats.

This bill will create a lot of contention. It is a bill—omitting the part cut out by the committee in writing one amendment—of some 21 pages. The Sherman law is only about 2 pages—a very short act. It has taken some 24 years even to construe with something approaching definiteness what it means. How long will it take to find out what this bill means? It is unwise to pass it, because of the uncertainty it will create and because it is bound to cause disappointment among the people, since it will not do what the people expect. They expect it to lower prices, and it is not going to lower prices. In some respects it is distinctly against lower prices for the people.

In one of its sections—section 2—this bill is exactly and diametrically opposite to the purposes of a bill we have passed in this House at this session. We passed a bill not long ago known as the river and harbor bill, for the express purpose, in large part, of making the railroads discriminate in prices between localities. Section 2 of this bill apparently applies to railroads.

Yet gentlemen on that side of the House who have spoken in favor of this bill, and also in favor of the river and harbor bill, said that the reason for improving certain rivers was to make the railroads come down in their rates in certain neighborhoods. The majority report on this bill says:

> Every concern that engages in this evil practice must of necessity recoup its losses in the particular communities or sections where their commodities are sold below cost or without a fair profit by raising the price of this same class of commodities above their fair market value in other sections or communities.

Now, if that is true, it must be true, also, of the railroads. If they have to lower their prices to meet water competition in places where we have provided the water competition, at public expense, they must recoup their losses by making them up in other localities.

Mr. HULINGS. Mr. Chairman——

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. PLATT. I will; with pleasure.

Mr. HULINGS. This bill permits discriminations to be made on account of the quantity of goods sold?

Mr. PLATT. It does.

Mr. HULINGS. Do you believe that is right and proper?

Mr. PLATT. I do not see why that is not right and proper. What you mean to say is that wholesale prices may be lower than retail prices?

Mr. HULINGS. It does not say wholesale or retail, but it says that on account of quantity discrimination can be made. Is that right?

Mr. PLATT. It is in accordance with the universal trade practice, and I would not want to say that it is wrong.

Mr. HULINGS. Now, if that kind of discrimination is permitted, do you not simply permit the big concern to grow great by what it feeds upon, because continually it would be handling larger and larger quantities?

Mr. PLATT. I think that is to some extent true.

Mr. HULINGS. Now, do you think the bill provides any remedy or prohibition of that sort of thing, and, if it does not, do you not think it should?

Mr. PLATT. Well, I doubt whether it should. I do not think it does. It leaves undone several things which might well be done and tries to do several things which should not be done. I think the chief thing the bill does is to raise a whole lot of new trouble and uncertainty, which will have to be settled by the courts in the end, and which, it seems to me, are unwise and unnecessary. As I have said, the bill is not in the interests of the consumers, and I can not see what its supporters expect it to accomplish of real value.

Mr. MOORE. Will the gentleman yield?

Mr. PLATT. I will.

Mr. MOORE. If this new antitrust law goes into effect, will it not give employment to a great many more lawyers?

Mr. PLATT. I think that perhaps is one of the purposes of it.

Mr. MOORE. And that is a very important matter so far as consumption is concerned?

Mr. PLATT. So far as the lawyers are consumers, do you mean?

Mr. MOORE. Yes. It will create business for antagonists at law?

Mr. PLATT. I am strongly of the opinion that it will.

Mr. MOORE. And for almost an indefinite period; that is, a man who goes into business with a capital of $50,000 will have to take a lawyer in with him whom he will have to keep for 20 years until the courts decide the case.

Mr. PLATT. I think perhaps that will be true. If it takes 20 years to find out what a 2-page law means, how long will it take to find out what a 20-page law means?

Mr. MOORE. Well, it means employment for somebody, anyhow?

Mr. PLATT. Yes; I admit that much cheerfully; but it does not mean benefit to the general public.

THE RURAL-CREDIT BILL.

Now, I want to speak on another and an entirely different subject. Throughout the whole of the past winter and spring a subcommittee of the Committee on Banking and Currency has been preparing a farm-credit bill. Although the country has been promised such legislation, that bill, as has been publicly announced in the House, has been sidetracked because of a difference between the committee and the President of the United States, who desires to have certain features of the bill eliminated. Now, I hold no brief for President Wilson. I am a Republican and I have voted against the President's recommendations whenever I could with reason, but in this case, Mr. Chairman, the President is clearly right, and I can not understand why Democrats want to disagree with their President and leader when he is right, why they want to postpone legislation that ought to be passed simply because they will not make it as sound as he wants to make it.

The farm-credit bill contains a section which provides that bonds shall be issued on the security of farm mortgages, certified from local associations, by what are called land banks, one in each of the Federal reserve districts, and it provides that not to exceed $50,000,000 worth of those bonds may be purchased by the United States Government every year. The President objects to that, and very properly. It is unnecessary and unwise. It implies that our American agricultural population is on a par with Russian peasantry, recently emancipated from serfdom. Our farmers would or should resent such an implication. Without this Governments' aid we have produced a good bill, a bill which will not work miracles, but will give the farmers a certain chance which they have not now got for obtaining credit, and will give considerable relief, especially in sections where interest rates are highest. The greatest trouble with some politicians is that they want to perform miracles. They tell the people that they are going to do something that is to make them all rich. That is impossible. It is possible, however, to create an institution that will have a healthy growth and will do a great deal of good, and that, I believe is what we have done. I can not see why the wishes of the Secretary of Agriculture, who is one of the best men in the President's Cabinet, and why the wishes of the President himself in this case should not prevail with the Committee on Banking and Currency and with the Congress. Men who have studied the subject of farm credits more than anyone else, such men as the gentleman from Indiana [Mr. Moss], agree absolutely with the President, and I hope that the Democratic Party, however much it may want to split apart on other matters, will conclude in this case to amend that bill as he desires, and that we may pass it at this session.

I yield back the balance of my time.

[Mr. CALDER addressed the committee. See Appendix.]

Mr. VOLSTEAD. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. MORGAN].

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] is recognized for 30 minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman, in closing the general debate for the minority, while I shall criticize the provisions of this bill, I shall at the same time sound a note of progress.

I believe that any Member of the minority, for a number of good and sufficient reasons, might vote against this bill. Certainly there are good reasons why any minority member of the Judiciary Committee or any Republican might vote against this bill. I have been asked whether I will vote for the bill. I have said that it was my intention to do so; not that I think many of the provisions are wise or will be beneficial or helpful to the country, but because in a way I believe the bill represents progress.

The Republican Party for nearly a quarter of a century in its platforms has declared that the Sherman antitrust law should be supplemented by other legislation. The Republican Party has at almost every national convention declared in favor of further regulation of the large industrial concerns, and in favor of a stricter control of their practices and business methods. My conception is that the Republican Party is not only not opposed to so-called antitrust legislation, but is positively in favor of such legislation. And I feel sure, Mr. Chairman, that if the majority party in this House that had control of this bill, that molded it and fashioned it and brought it into this House in its present shape, had presented a bill that really met the situation, that presented a wise, positive, constructive policy for the proper regulation and control of the great industrial corporations, the Republicans, as well as the Progressives, would have lined up solidly for the bill. But unless the bill shall be materially amended, certainly a Republican may vote against it consistently and perhaps wisely.

Mr. Chairman, I think that in all antitrust legislation we should follow a few general rules and principles. We should have these in mind in preparing the various provisions and sections of the bill: First, we should have in mind the fact that the one thing we wish to destroy is monopoly; the one thing that we wish to properly control and regulate and bring under proper subjection is the great industrial corporation that really has power—the power to arbitrarily control prices and thus exact unjust profits from the people.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. MORGAN of Oklahoma. Certainly.

Mr. FESS. I wanted to know whether, in the gentleman's opinion, this bill does destroy monopoly or affects it injuriously in any way—that is, in the gentleman's opinion?

Mr. MORGAN of Oklahoma. In my opinion it does not, and that is what I propose to show. Second, we should have in mind this important fact, that the one thing we wish to maintain, and retain and sustain, is competition. We want to destroy monopoly and restore and maintain competition.

Third, in preparing this legislation, we should make the provisions in the bill comprehensive in the number of abuses which they prohibit, but restrict and narrow its scope in so far as the actual number of business concerns brought under its control. That is to say, we should not interfere with private business any more than is necessary for the protection of the public interests; and the Federal Government should not interfere with the control of private business within the States any more than is necessary to protect the public interests from a national viewpoint.

Small concerns, so far as is compatible with national interests, should be left to the control of the States. Through Federal laws we should seek to control only corporations which have such capital, such wealth, such business organizations, such control over natural resources that make their regulation and control necessary for the protection of the people of the entire Nation. We are entering a new field of legislation. We went along for a hundred years before we enacted the Sherman law. That was the first attempt of the National Government to control what we usually term private business. The pure-food law may be regarded another instance. That was to protect the health of the people of the Nation. Excepting the Sherman law and the pure-food law, the National Government has gone 125 years without controlling private business. Shall the Federal Government now, in one act, assume control of every business concern in the Nation? Certainly not. The National Government has a plenty to do, has a sufficient problem to solve, if it will give its entire attention and all its great power to properly solving the problems that grow out of big business. The smaller concerns may be taken care of later. Let us first control the big concerns before we waste our thought and energy upon the ninety and nine that have not gone astray and need no control. Section 2 of the bill brings within its provisions not only all corporations, but it brings all persons and individuals engaged in interstate business.

To illustrate, the second congressional district of Oklahoma, in which I live, is situated along the northern part of the State. It extends for a distance of 400 miles along the Kansas border. There are four or five railroads crossing the Kansas line from my district. There are small cities all through that section of the country. Those people do more or less interstate business. There are no great monopolies there, yet under this bill every corporation, every concern, every person that does business across that line will come under section 2 of this act, and the prices at which they dispose of their products will be under the provision of the National Government. If a farmer takes eggs and butter and garden products across the line to a neighboring city and for some reason wants to cut the price thereon in order to get rid of his goods, he will be liable to be investigated by the Federal Government.

Section 2 is not comprehensive in the number of unfair discriminations which it prohibits, because it prohibits only one thing. It prohibits only discrimination in price, with the intent to destroy or wrongfully injure a competitor. That is very narrow. I would broaden the language by making it include all discrimination by saying "to discriminate in price, terms, or otherwise." Then, under section 2 of this act, no discrimination is unlawful unless done with the intent "to destroy or wrongfully injure a competitor." Why should not we prohibit discrimination done with the intent to establish a monopoly or to destroy or lessen competition?

Remember, it is monopoly that we want to destroy. Remember, it is competition we wish to maintain. Then, why did you make it an offense to discriminate in price with the intention of injuring a competitor, and leave it so that a man may have as his object in discrimination the establishment of a monopoly or the destruction of competition and be free from prohibitions of the law? To make this section broader and more comprehensive I suggest the following substitute:

SEC. 2. That any person engaged in commerce who shall discriminate in price, terms, or otherwise, as between persons, sections, or communities, with intent thereby to destroy or wrongfully injure a competitor or to establish a monopoly or to destroy or lessen competition in the production, manufacture, distribution, or sale of any such article, product, or commodity, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or imprisonment not exceeding one year, or both.

Mr. FESS. Will the gentleman yield there?

Mr. MORGAN of Oklahoma. Certainly.

Mr. FESS. The large monopoly that we are trying to hit by this bill might be affected. What about the hundred small industries in the same business, like the shoe business, for example? What effect will this provision have upon them?

Mr. MORGAN of Oklahoma. The effect upon them will be to annoy them, to restrict and limit their business, and in that way injure, retard, and restrict trade, commerce, and industry. We ought to leave business free, so far as we can, so long as it is unnecessary to restrict it in the interest of the public.

Now, I think the gentleman from Arkansas [Mr. FLOYD] read a list of States that he said had statutes practically similar to the provisions of section 2 of this act. There are a number of States—15 or 18 of them—that have a somewhat similar statute. Apparently they have been copied one from another. Well, it does not follow that the problem we have to solve is the same problem that the States have to solve, and the mere fact that some of the States have similar statutes does not necessarily mean that we should copy those statutes into our national law.

I have here copies of 14 of those State statutes. Here is New Jersey, which has a similar statute. The laws of New Jersey ought to have weight with the other side of the House. The New Jersey statute makes it a crime to discriminate in price, not for the purpose or intent of injuring a competitor, but makes it a crime to discriminate in price "if the effect or intent thereof is to establish and maintain a virtual monopoly, hinder competition, or restrict trade."

That is the language of the New Jersey statute. The California statute makes discrimination in price a crime, if it is done "with the intent to destroy the competition of any regularly established dealer in such commodity, product, or service, or prevent competition." The language used in these various State statutes is as follows:

ARKANSAS—DISCRIMINATION IN PRICE.

With the intent and purpose of driving out competition or for the purpose of financially injuring competitors.

CALIFORNIA—DISCRIMINATION IN PRICE.

With the intent to destroy the competition of any regularly established dealer in such commodity, product, or service, or to prevent the competition of any person, firm, private corporation, or municipal or other public corporation.

LOUISIANA—DISCRIMINATION IN PRICE.

Intentionally for the purpose of injuring or destroying the business of a competitor in any locality.

NEBRASKA—DISCRIMINATION IN PRICE.

Intentionally for the purpose of destroying the business of a competitor in any locality.

NEW JERSEY—DISCRIMINATION IN PRICE.

If the effect or intent thereof is to establish or maintain a virtual monopoly, hindering competition, or restricting trade.

NORTH DAKOTA—DISCRIMINATION IN PRICE.

Intentially for the purpose of destroying or preventing competition.

OKLAHOMA—DISCRIMINATION IN PRICE.

Intentionally for the purpose of destroying the competition of any regularly established dealer in such commodity or to prevent the competition of any person who in good faith intends and attempts to become such dealer.

SOUTH DAKOTA—DISCRIMINATION IN PRICE.

With intent and for the purpose of destroying competition by any regular established dealer in any such commodity or product.

UTAH—DISCRIMINATION IN PRICE.

Intentionally for the purpose of destroying the competition of any regular established dealer in such commodity or to prevent the competition of any person who in good faith intends and attempts to become such dealer.

WISCONSIN—DISCRIMINATION IN PRICE.

Intentionally for the purpose of destroying the competition of any regular established dealer in such commodity or to prevent competition of any person who in good faith intends or attempts to become such dealer.

IDAHO—DISCRIMINATION IN PRICE.

For the purpose of driving out of business any other person engaged therein.

MICHIGAN (APPLIES ONLY TO PETROLEUM PRODUCTS)—DISCRIMINATION IN PRICE.

Intentionally for the purpose of destroying the business of a competitor.

MISSOURI—DISCRIMINATION IN PRICE.

Intentionally for the purpose of destroying the competitor of any regular established dealer.

NORTH CAROLINA—DISCRIMINATION IN PRICE.

To willfully injure or destroy or undertake to injure or destroy the business of any rival or opponent.

Now, Mr. Chairman, out of all these 14 statutes which I have collected there is not one that exactly agrees with this bill, but the Nebraska and the Louisiana statutes use practically the same language used in this bill. Most of these State statutes make discriminations in price unlawful when done to establish monopoly or to destroy competition; and if we are to use the State statutes, we should follow the majority, unless there is some good reason why we should not do so.

It has been said here in this general debate that the minority Members criticize, but do not make any suggestions. But I shall do more than criticize. I shall present substitutes for the provisions which you have in this bill for a number of sections, as I have already presented a substitute for section 2.

In this bill there are but three or four things prohibited. First, it prohibits discrimination in price; second, it prohibits mine owners from arbitrarily refusing to sell the products of the mine; third, it prohibits a dealer from making any contract so as to prevent a purchaser from dealing in the goods, wares, and merchandise of others; fourth, it prohibits in a way holding companies; fifth, it prevents to a certain extent interlocking directors. Those are the only things prohibited. Do you believe that these include all the unfair practices? Do you believe that the enactment of this law prohibiting these four or five things will destroy a single trust, will obliterate a single monopoly, will bring any great business concern under the control of the Government or into effective competition so that it will not have arbitrary power to control the prices of its products? Certainly you do not.

Here is what I would suggest as a substitute for section 3:

SEC. 3. That it shall be unlawful for the owner or operator of any mine or for any person controlling the sale or distribution of the product of any mine engaged in commerce to discriminate in the sale or distribution of such product as between persons, corporations, or communities in the matter of price, terms, or otherwise, so as to give any undue or unreasonable preference or advantage to any particular person, firm, corporation, or community in any respect whatsoever, or so as to subject any particular person, firm, corporation, or community to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

There is a provision that would make that section workable. It would be fair, because it would only prohibit those acts of a mine owner which will enable him to give any undue or unreasonable preference or advantage to any person, or to cause undue or unreasonable prejudice or disadvantage to any person or corporation.

Mr. PLATT. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will.

Mr. PLATT. The gentleman is a member of the committee and has given a great deal of study to this question. Can the gentleman say what the word "mine" means in section 3?

Mr. MORGAN of Oklahoma. No; I can not.

Mr. PLATT. Is a stone quarry or a sand bank a mine? I think the statistics of mining includes quarries.

Mr. MORGAN of Oklahoma. I went to the dictionary to reach a conclusion for myself, but I think the matter as it stands here will be of doubtful meaning.

Mr. SLOAN. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will.

Mr. SLOAN. What was the particular purpose in drafting this bill that special attention was given to mines rather than to other industries; for instance, forestry or other products of the soil?

Mr. MORGAN of Oklahoma. I do not think any Member can explain it, and I do not think that any gentleman on the floor in debate has explained the purpose of simply placing the mine owners under that provision.

Mr. SLOAN. Is there any explanation known to any member of the committee?

Mr. MORGAN of Oklahoma. Not to me; and I can not answer as to the others.

Now, I believe I have prepared a section which will include all that is in sections 2, 3, and 4; absolutely includes every unfair practice or discrimination in those three sections and many others, too. I will read it:

SEC. —. That any person engaged in commerce who shall by the price or charge for any article, product, or commodity sold or leased, or by the terms granted or given to the purchaser or lessor of any article, product, or commodity, or by the contract, arrangement, or condition upon which any such article, product, or commodity shall be sold or leased, or by any other means discriminate as between persons, localities, or communities so as to give any undue or unreasonable preference or advantage to any particular person, firm, corporation, locality, or community in any respect whatsoever, or so as to subject any particular person, firm, corporation, community, or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both.

When the Federal Government enacted the act known as the interstate-commerce act, February 4, 1887, it placed in it a section which was intended to include all unfair practices by railway companies or common carriers. I have adopted the language largely used in the above draft, and the provision in the interstate-commerce act was taken from the English traffic act enacted in 1854.

I think, gentlemen, that in our enactment for the control of great industrial corporations and in providing our procedure we ought to follow as near as we can, so far as applicable, the legislation to control common carriers and public-utility companies. There are many reasons for that. In the first place, large business concerns in the greater part are similar to trans-

portation companies, not only in the extent of business but in the effect upon the public in those practices that injure the general public or injure localities or injure individuals. Then we have a precedent to follow. Now, the language used in this amendment which I would suggest has been construed over and over again by the Interstate Commerce Commission, and it has been construed time and again by the Supreme Court of the United States.

There is much in the suggestion by my colleague from Pennsylvania that when we multiply our statutes here we introduce uncertainties, because every statute has to be construed and will be construed, and it will take years and years to determine just what a statute means. So that it is wisdom on our part to follow the language so far as we can of statutes which have been construed, and the meaning of which has been determined time and time again. Here you are introducing a large number of new statutory provisions to be construed by the courts, and as the Sherman law was written, it took the courts of our land 25 years for us to get any real conception of what it meant. So there would be wisdom in drafting a statute that is to cover unfair practices, that is to cover unfair discriminations, because that is what it means, by taking language that has been already construed. If a man varies his prices to injure another, that is unfair discrimination. If he establishes a monopoly by making the purchaser agree not to deal in goods of other dealers, that is an unfair practice.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. VOLSTEAD. I yield to the gentleman 10 minutes more.

Mr. MORGAN of Oklahoma. So here in this amendment I have placed it in the language of the interstate-commerce act that has been construed. If we adopt that, we would have some conception of what it meant, business interests would have some conception of what it meant, and it would not injure any business by new provisions which you have introduced.

Now, my greatest objection to this bill, so far as it represents proposed antitrust legislation, is that under it we will get no results.

If the real purpose and aim is to control the great business concerns, then we ought to provide some practical way, and I have prepared here a section, which I hope to offer as a new section, which I think would provide a practical way of actually controlling big corporations with power to dictate prices. It is as follows:

That whenever any United States attorney shall have reliable information that any corporation engaged in commerce in the manufacture, sale, or distribution of any necessity of life, or of any article, product, or commodity in common use, by reason of the nature, character, or extent of its business, the absence of effective competition, or for any other cause, possesses the power to control arbitrarily the price or prices of any necessity of life, or of any article, product, or commodity in common use, it shall be the duty of said United States attorney, under the direction of the Attorney General, to file a petition in the United States court against said corporation, alleging the aforesaid facts and praying that the said corporation shall be adjudged to be a quasi public corporation and subject to the control of the Commissioner of Corporations, or subject to the control of any commission that may at the passage of this act or thereafter be the successor of the Commissioner of Corporations, in all its practices, prices, and charges, in like manner and to the same extent that common carriers are now subject to the control of the Interstate Commerce Commission; and if the court shall find that the material facts alleged in the petition are true, it shall render a decree adjudging the said corporation to be a quasi public corporation, subject in all its practices, prices, and charges to the control of the Commissioner of Corporations, or the commission, as the case may be, as prayed for in the petition: *Provided*, That thereafter the practices of said corporation in conducting its business and the prices at which it shall sell its products shall be just, fair, and reasonable.

I propose a practical method. Of course, if we are not in earnest in this matter, if we expect these large corporations that do have monopolistic power to go on and on indefinitely, without any real control, without any real regulation, then the provisions which you have here are well enough, but I say here, and I have become thoroughly convinced of that, that a few prohibitions making three or four things unlawful will absolutely not change the condition that we have before us. If there exists monopoly in this country, if we have corporations that have the power to control the prices of the necessities of life, or of commodities in common use among the people, while we are trying to destroy them, let us at least control them, so as to save the people from harm.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. SLOAN. Did the gentleman submit his amendments to the committee on mediation with the administration in the construction of this bill, so that they had the benefit of his suggestions?

Mr. MORGAN of Oklahoma. Not this particular one, but some of them I did, and they do not appear to be incorporated in the bill. As I say, I believe the Republican Party stands for additional legislation. I believe the Republican Party, if placed in power, would enact additional legislation. I believe there are great concerns in this country that should be brought under stricter regulation and control. There may be large concerns that can not be dissolved under the Sherman antitrust law. Take, for instance, the Standard Oil Co.

I listened to testimony before the Committee on Interstate and Foreign Commerce, telling how one of the companies into which the Standard Oil Co. had been dissolved had, down in my State, absolute control of a great business interest of that country in the production, distribution, and sale of oil, and yet no law on the statute books to control it—an institution that had been dissolved under the Sherman antitrust law! Yet that corporation is in absolute power to control the price of the product and the distribution and the sale. Is this thing to go on? Will we act like schoolboys at play, or will we prepare some measure that will be effective, that will secure results? I have sometimes criticized some of the provisions of the constitution of my own State, and yet to-day there is not a State in the Union that has better laws for controlling business concerns with monopolistic power than Oklahoma, and if the majority in this House will model the legislation on the legislation of that State it would give to the interstate trade commission such power as our corporation commission holds, such jurisdiction as our commission has, and enact such laws as I suggest; then it will be progress; but the legislation which you propose here will be disappointing to the people; it will not bring results, and, in my judgment, you will have made no real progress in settling the great industrial problems which confront us, and the people will be disappointed in your works and place the Government in the hands of those who will solve these great problems correctly.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOWARD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators.

ANTITRUST LEGISLATION.

The committee resumed its session.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I do not know that I shall need all of the five minutes. I simply want to call the attention of the committee to one of the objections which is being made to this legislation. I have two or three times called the attention of Members who were speaking in favor of this bill to what seems to be a serious objection in section 4. I have no doubt the framers of the bill intended this measure should operate in the interest of the public and in the interest of the small producer, but as I understand this section, as the small producers that have written me understand the section, it will militate very severely against their interest. My attention has been called to this fact, and I am presenting it in order that it may be explained, if it can be explained. They called my attention to the fact that under the present arrangement the only way in which they can secure opportunity to sell their goods in the great trade centers is by making exclusive sale agreements. For example, my attention is called to this matter by one of my constituents, a small independent concern that has been fighting the trust independently all of these years, and fighting it rather successfully. This small concern employs 40 or 50 men. It has only very limited capital.

The only way in which it is able to sell its products, which in this particular case consists of shapers and planers, is to go into the industrial centers and make a contract with some man that he shall have the exclusive agency of their products, and that in turn he shall agree not to sell the products of any competitor. Under that arrangement there is an encouragement to the dealer to push this particular brand of goods. If we enact this section 4 into law in its present form, what will be the result? There will be no incentive whatever to the dealer in the various industrial centers to push this or that particular kind of goods. In other words, it will not be possible for the little fellow to maintain his selling agency. If he can not do so, his market is taken from him, and he is compelled to suffer great financial loss, his mill will be closed for lack of market for his product, and the workmen who have heretofore been busy at work manufacturing this product will be thrown out of employment or compelled to suffer great reductions in wages. Now, that will not affect the trusts. The big concern can do, under the terms of this bill, as it is doing now. It can main-

tain its own selling agency, because it has the money with which to do it; but the small concern can not maintain the selling agency; and by taking away the right which it is now enjoying of making these contracts with dealers it does seem to me that the law will operate, certainly not as it was intended by the committee, but it will nevertheless operate, not in favor of the small dealer, not in favor of the public, but in the long run this section, I believe, will play into the hands of the big producer who now has a practical monopoly of the market. Now, it may be that there can be an answer to that objection.

I have listened to a number of speeches which have been made and I have asked a number of questions, but I have not heard any answer given to that objection, and I present the matter here now in order that any gentleman who may discuss the bill will give seme attention to this phase of the proposed legislation. We want legislation here that will operate in the interest of the public and will not operate to crush out of existence the small producer. So far as I am concerned, I believe in the principle of competition. I believe we ought to undertake here to legislate so as to encourage competition and to make it possible for the small producer to sell his wares in the markets. I am afraid if we pass this bill in its present form that we are so legislating, not purposely, I am sure, but we are nevertheless so legislating as to make it impossible for the small concern to carry on its business—the small concern employing 25, 30, 40, or 50 men, with a limited capital of $50,000, $80,000, or $100,000. I much fear this legislation, if enacted without amendment, would make it impossible for that sort of a concern to continue to do business, and therefore we would be playing unwittingly into the hands of the big corporations which have the wealth and the power to maintain their own selling agencies. I am sure gentlemen do not wish to do that. I shall ask consent to extend my remarks by printing one of the letters to which I have referred.

The letter is as follows:

KENTON, OHIO, *May 15, 1914.*

Hon. FRANK B. WILLIS,
Washington, D. C.

DEAR SIR: We call your attention as our Representative in Congress to section 3 of House bill 15657, amending the Sherman law so as to make the practice of exclusive selling agreements between the manufacturer and middleman a misdemeanor. This section as it stands is in the interest of large combines and monopolies. These large companies do not need the middleman the same as the smaller competitors, because they can afford to establish their own selling organizations in the various market centers; in fact, most of them have their own selling organizations, and this section, prohibiting exclusive selling agreements, takes away the only means by which smaller competitors of these big combines are able to compete with them in selling.

This company, the Ohio Machine Tool Co., manufactures planers and shapers, which are classed as machine tools. We can not afford in any sense of the word to have our own selling organization in each trade center, and there are not enough of our machines sold, even in the larger cities, to warrant having an office at these points. This company employs about 50 men, and we depend entirely upon our dealers absolutely to sell our product. We have one dealer in each industrial center, who represents us exclusively. In other words, he has agreed to sell no other planers or shapers manufactured by our competitors, and we have agreed not to sell through any of his competitors in the same territory; he, having the exclusive agency thus created, offers our machines whenever he receives an inquiry, and he knows that all the work he puts in in trying to make a sale will not be lost, because if his customer purchases one of our machines he will receive the commission.

Kindly appreciate the state of affairs that would exist if we were obliged to sell our machines through any dealer who wishes to make the sale. If one of our dealers had worked up the business by talking our tools for maybe a year or more, then another dealer would come in, and perhaps because he was the man on the ground at the time would obtain the order. That is not a fair proposition to any dealer, because all his work in advertising his product is lost when he lost his sale, and under these conditions we very shortly would have nobody pushing our tools, and this company would be obliged, in all probability, to shut down.

Our large competitors, who manufacture not only one or two different kinds of machine tools, but many different kinds, who happen to have their own offices in the different parts of the country, with their own salesmen, and by plugging uninterrupted on their own product, it wouldn't take long to drive the little fellow to the wall.

It seems to us that if our Congressmen have a clear idea of what this really means, that they will use their efforts to protect the smaller concerns, and hence our desire of writing you in detail. Under the present method of exclusive arrangement there is ample competition between the various dealers for the benefit of the customers; each dealer is fighting every other dealer in the interest of his exclusive line. If the exclusive agency agreement is abolished and the manufacturer must sell all dealers, who in turn must sell all competitive makes of the same article, then economic and efficient selling is destroyed and selling expenses greatly increased, due to the larger stocks, larger warehouses, and more salesmen required, it goes without saying that the increased expenses must ultimately be paid by the consumer.

We have explained the above matters to the foremen in our shop, advising them what this bill means to us and to other shops of similar character, with the idea of having them explain to the workmen what such a law would accomplish if passed by Congress.

We would be glad to receive a letter from you, stating that you will oppose this section of the bill.

Yours, very truly,

THE OHIO MACHINE TOOL CO.,
C. C. SWIFT, *Secretary.*

Mr. WEBB. Mr. Chairman, I yield the remainder of the time which I have at my disposal—2 hours and 18 minutes—to the gentleman from Virginia [Mr. CARLIN], a member of the committee, or so much of that time as he may care to use.

Mr. DONOVAN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Connecticut makes the point of order there is no quorum present. The Chair will count. [After counting.] Sixty-two Members are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Ainey	Farr	Kreider	Porter
Ansberry	Fields	Lafferty	Post
Anthony	Finley	Langham	Pou
Ashbrook	Flood, Va.	Langley	Prouty
Austin	Fordney	Lazaro	Ransdale
Barchfeld	Fowler	Lee, Ga.	Rayburn
Barnhart	Frear	L'Engle	Reilly, Conn.
Bartholdt	Gallivan	Lenroot	Riordan
Bartlett	Gard	Lesher	Rogers
Borland	Gardner	Lever	Rothermel
Broussard	Garrett, Tenn.	Levy	Rouse
Brown, W. Va.	George	Lewis, Md.	Sabath
Browne, Wis.	Gittins	Lewis, Pa.	Saunders
Browning	Godwin, N. C.	Lindbergh	Scully
Bruckner	Goldfogle	Lindquist	Seldomridge
Burke, Pa.	Goulden	Linthicum	Sells
Burke, S. Dak.	Graham, Ill.	Lloyd	Sharp
Butler	Green, Iowa	Loft	Sherley
Byrnes, S. C.	Greene, Vt.	Logue	Shreve
Callaway	Griest	McClellan	Sinnott
Campbell	Griffin	McCoy	Sisson
Cantor	Gudger	McDermott	Slayden
Cantrill	Guernsey	McGuire, Okla.	Slemp
Caraway	Hamill	McKellar	Smith, J. M. C.
Carter	Hamilton, Mich.	McLaughlin	Smith, Md.
Cary	Hamilton, N. Y.	MacDonald	Smith, Tex.
Clancy	Hardwick	Mahan	Sparkman
Clark, Fla.	Harris	Maher	Stafford
Coady	Harrison	Manahan	Stanley
Collier	Hay	Martin	Stephens, Miss.
Connelly, Kans.	Hayes	Merritt	Stephens, Nebr.
Connolly, Iowa	Helgesen	Miller	Switzer
Cooper	Helm	Mitchell	Taylor, Ala.
Copley	Hill	Mondell	Temple
Covington	Hinebaugh	Morgan, La.	Ten Eyck
Cramton	Howard	Morin	Thomson, Ill.
Crisp	Hoxworth	Morrison	Townsend
Cullop	Hughes, W. Va.	Moss, Ind.	Treadway
Curry	Hulings	Moss, W. Va.	Tuttle
Dale	Hull	Murdock	Underhill
Danforth	Humphreys, Miss.	Neeley, Kans.	Underwood
Davis	Johnson, Ky.	Neely, W. Va.	Vare
Dies	Johnson, S. C.	O'Brien	Vaughan
Difenderfer	Johnson, Wash.	Oglesby	Vollmer
Dixon	Jones	O'Hair	Walker
Dooling	Kahn	O'Leary	Wallin
Driscoll	Kelley, Mich.	Padgett	Watson
Dunn	Kent	Page, N. C.	Whaley
Dyer	Key	Paige, Mass.	Whitacre
Edwards	Kirkpatrick	Parker	Wilson, N. Y.
Elder	Kitchin	Patten, N. Y.	Winslow
Estopinal	Knowland, J. R.	Patton, Pa.	Woodruff.
Fairchild	Konop	Payne	
Faison	Korbly	Peters, Mass.	

The committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15657, and, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 219 Members responded to their names, and he presented therewith the list of absentees to be entered upon the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee having under consideration the bill H. R. 15657, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 219 Members—a quorum—responded to their names, and he reports the list of absentees to be entered upon the Journal. The committee will resume its sitting.

The CHAIRMAN. The gentleman from Virginia is recognized for 2 hours and 18 minutes.

Mr. CARLIN. Mr. Chairman, for nearly six months I have been intimately and closely associated with the bill which is now before this House for consideration and it is my purpose to-day to explain it in detail, from the standpoint of the majority membership; but before doing so I want to make reference to some irrelevant matter which has found its way into the RECORD. I say "irrelevant." Perhaps from a partisan political standpoint it may be considered, by those who gave utterance to the expressions to which I intend to refer, to be relevant, but I was surprised and almost astounded to hear the two gentlemen representing the minority, Mr. VOLSTEAD and Mr. NELSON, complain in this House, in the presence of the country, of secrecy and of partisanship in the preparation of this bill. Neither charge has any foundation in fact.

Never has legislation been proposed more in the open or considered more in the open, in every line and in every section, than the bill which is now before this House. This committee did an unusual and, so far as I know, unprecedented thing. Before entering into the consideration of this important subject it gave to this House and the country tentative bills, and when they were offered we invited the country to be heard upon the subject, giving them something about which to think and about which we might have earnest, honest, and intelligent discussion. The committee sat for over three months in hearing everyone who applied to be heard. Volumes of testimony have been taken. At every one of those hearings the minority Members were present and consumed, in my judgment, more time than the majority Members. It so happens that the record will bear me out in this statement. The first name which appears in the record is that of Mr. MORGAN, a minority member of the committee, and the very last name which appears in the record is that of the same gentleman. Mr. VOLSTEAD himself occupied, in my judgment, more time in interrogating witnesses than any other member of the committee. Mr. NELSON occupied as much time as he pleased, and was always present at the hearings. There was no partisanship that crept into this matter until the time arrived for a vote upon the bill, when the Republican minority absented itself from the committee, in my judgment and belief, for the purpose of breaking a quorum and to delay final consideration. [Applause on the Democratic side.] That is the first act of partisanship that made its appearance in connection with these bills, until now, when we come to the House for consideration, then what do we find?

We find that the Republican Party, a once harmonious body for forceful, efficient work and service, and capable of honest thought, has divided itself into fragments by disputes among its leaders that are impossible of being reconciled. The only cry made upon which they do unite, the only thing upon which they seem to be united, is the cry of "do nothing." The party that once boasted of its power of constructing legislation, the party that once prided itself upon its performances, now only in chorus can unite in asking and recommending that nothing be done. The old Know Nothing Party seems to have given away had been supplanted by the "Do-Nothing" Party.

Now, Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] injected himself into this debate and read quite a lengthy argument against the bill, upholding the contention, as the gentleman from Pennsylvania [Mr. GRAHAM] has done, that the bills are too drastic. We find Mr. NELSON, who has given some consideration to the subject, stating with seeming seriousness to the country that the bills are worthless because they do not accomplish anything. And we find Mr. VOLSTEAD, the minority leader of the committee, telling the country that the only thing accomplished by the bill is practically to repeal the Sherman law, so far as holding companies are concerned. We have a unique enemy confronting us, going in three different directions. The speeches of Messrs. GRAHAM and MADDEN will be circulated in manufacturing sections of the country, thickly populated, with the intention of scaring business interests by telling them that we are destroying business; while the soft, milder, and sweeter tones of Brother NELSON'S speech will be circulated in the less thickly settled sections of the country, in the rural and agricultural districts, and will say to those people that we are doing nothing whatever. So their speeches have been carefully prepared to catch all sections of the country and all classes of the people in the next campaign, though upon conflicting statements. As delivered here in the House, from every viewpoint and every standpoint, as I said, they are irreconcilable, but, nevertheless, may make campaign material. But I want to point out, above all things, to the country that not a single member of the minority, not even Mr. MADDEN, the great statesman, who says that we are not engineers and we are not a great many things that we perhaps ought to be, has proposed a substitute bill. Not one man or a dozen men on that side of the House have taken the time or had the good conscience to tell the country in what respect and detail a better bill could be prepared and offered. [Applause on the Democratic side.]

If this proposed legislation is wrong, why not point it out? The gentleman from Pennsylvania [Mr. GRAHAM], a great lawyer and a good man, spent an hour this morning in railing against the Democratic Party and its attitude as reflected in this bill. He says that it ought to be amended. I ask him why he has never offered an amendment in committee to any section of the bill? If the bill needs amendment, why has he not pointed it out? [Applause on the Democratic side.] In his lengthy speech this morning he reminded me of a gentleman who sent his son out into the country some months ago to shoot a turkey. He said, "Son, when that turkey lights, you fire both barrels." The boy came back two hours afterwards without the turkey. The father said, "Why did you not kill that turkey?" The son replied, "Father, he never lit." And so with Mr. GRAHAM'S speech; he never "lit," and discussed but one section of the 23 sections that this bill contains. He has neither told the House nor the country wherein this bill is destructive [applause on the Democratic side]; and, what is more, he can not. He has used every adjective in the English language to denounce it, but has not, with all of his great ability, pointed out one single desirable amendment which this House ought to adopt. But in his report he places himself where the Republican Party has been for the last 24 years, squarely upon the Sherman law, and says that it is good enough, and that we should let it alone. He takes exactly the position that has been taken on the stump in the last five months by former Attorney General Wickersham, namely, that the Sherman law is a sacred instrument and we ought not to disturb it. We have in part followed that policy. We have adopted the policy not of disturbing it but supplementing it with such legislation as is within the common knowledge of all people necessary now for the protection of the people. [Applause on the Democratic side.]

They criticize the President of the United States for his course on this bill. My countrymen, I do not belong to the "cuckoo" class. I was not a Baltimore general or even one of the privates. I preferred either of the two associates of mine in this House for the Presidency, and, if I could have accomplished it, one or the other would have been nominated. But since he has come to be President I have come to know the man, and I want to say to my fellow Democrats in this House to-day that if we follow his leadership in the future as we have within the past 12 months we will remain in power for the next quarter of a century. [Applause on the Democratic side.]

The gentleman from Pennsylvania says he resents Executive interference. Now, let me tell this House in frankness what Executive interference has consisted of in the preparation of this bill. First, the Executive came before the American Congress and surprised the country by his frankness in laying down a specific program. He said we should amend the antitrust laws, and he stated in what respects they should be amended. After that utterance your committee prepared the tentative bills. We discussed them with him, and I want to say that from that day to this, in the many conferences that it has been my privilege to enjoy with him, I never have observed a freer, franker, or more open mind than his has been in the discussion of this important matter. [Applause on the Democratic side.] And he has been not only willing and anxious to listen to gentlemen charged with the responsibility of the preparation of these bills, but has given us of his valuable time the greatest abundance. In spite of the fact that the country has been facing war with Mexico, with every kind of a public question that can be imposed on the human intellect bearing heavily upon his, there never has been a moment when he has not been willing to give counsel and advice to the gentlemen who have had charge of this bill. And when we came to bring it to the House in final shape, though it does reflect the best judgment of the committee and the judgment of the President, we have been willing to lay it before the Congress of the American people in order that in its last analysis it may reflect their judgment by amendment. Now it is thrown open for amendment in every direction. And I invite gentlemen on the other side of this House who rail against this bill to let the country know their views on trust legislation by offering them in the shape of amendment or another bill. But this will not be done. They will content themselves with finding fault with what the majority has done and think that they have escaped their responsibility to the country in crying against us. [Applause on the Democratic side.]

We have proven that we are not afraid of big business. We have, in the preparation of this bill, undertaken to say to the country that this is a big country and we want big business, but we want little business to have an opportunity to grow big. [Applause on the Democratic side.]

Gentlemen have railed on the other side, charging that we were injuring little business. My good friend from Pennsylvania [Mr. GRAHAM] was one of those who took that position. Everybody knows that from his very environment in that great manufacturing city of Philadelphia he is tender and solicitous about little business. O champions of little business on the other side of the House, are you afraid now to mention big business? Have you really got little business in your speeches while big business is in your mind? The truth is what this country wants; it is what this country is entitled to; and the Democratic Party speaks it as an encouragement to business, big and little alike. [Applause on the Democratic side.]

There is not a line in this bill that has been drawn with any idea of injuring or destroying American enterprise or American capital. It has been drawn for the purpose of encouraging investment, encouraging intelligent action and opportunity, but with the old Democratic principle underlying it all—"Equal rights to all and special privileges to none." [Applause on the Democratic side.]

It has been complained of here that we have done nothing to destroy the "rule of reason." My countrymen, let me express the hope that the time will never come in this country when any party that wants to destroy any rule of reason will be large enough to impress itself upon our people. There is in the minds of everyone a little lamp that illuminates and points the way to intelligent action. That lamp is reason, and when reason ceases, all rules must fall.

We have not changed the "rule of reason" because we found upon investigation of every decision of the Supreme Court that the men who railed against reason had lost their bearings in the forest and were groping in the dark; because that court, in applying the "rule of reason," has applied it in the interest of the people, and there has never been a combination sought to be dissolved up to this moment that has not been dissolved by the application of the "rule of reason." When you have an active force acting along that line in behalf of the people it would be a crime to destroy it.

The Sherman law is not a new statute. It has been on our books for 24 years, and the party that now says, "Let it alone" is somewhat consistent, because it let it strictly alone for 20 years. No effort was made to enforce it; no effort was made to bring under its provisions the men who had been monopolizing and restraining the commerce of our country. It was not until by the lash of public sentiment you were whipped into active prosecution of the law that the real force of it was known and felt.

I believe Mr. Roosevelt claims the credit for the Northern Securities case. He certainly claims the credit for every other thing. Since I have mentioned his name, permit me to say I have heard that the gentlemen whom he led out of the party a year or two ago are soon to be led back again. He has marched them up the hill, and he has marched them down again; and when they are up they are up, and when they are down they are down, but they are only happy when in the middle, neither up nor down. [Laughter and applause.]

Mr. BRYAN. The gentleman claims to inform the House. Who gave him that information? We Progressives have not heard of it.

Mr. CARLIN. Mr. Chairman, if I should undertake to tell this House the number of things the Progressives have never heard of, I would be here until doomsday. [Laughter and applause on the Democratic side.]

Mr. BRYAN. When the gentleman attempts to tell that little story that he just told, he told something that the Progressives never will hear of, even if they live until doomsday. [Applause.]

Mr. CARLIN. Mr. Chairman, I am not finding fault with the Progressives. You Progressives have done us a great service. [Laughter on the Democratic side.] You have done the country a great service, because I believe you have done as much to bring the Democratic Party into power as our own good works have done, and I hope you will continue to do so, though I am inclined to think you are getting ready to break back into the old fold——

Mr. BRYAN. You are wrong——

Mr. CARLIN. Provided they will let you break. But if they think of you next year as they thought of you last year, there will be trouble in that household when you get back into it again.

Now, Mr. Chairman, to the bill itself. There is more, thank God, in our country than politics. Patriotism still lives in our land, and when we come now facing, as we do, the relationship of the Federal Government to industrial corporations and combinations which touch the very life blood, the arteries of life itself, we ought to be able to deal with these questions from a patriotic standpoint, at least from an economical standpoint.

Now, when we come to examine the political economies of the situation, what do we find? We find there are two schools of thought in the country, one school advocating the regulation and control of industrial combinations, the school to which I belong advocating dissolution of industrial combinations in order and to the end that the natural laws of competition may control in trade. [Applause on the Democratic side.] Upon one side much has been said in favor of regulation and control. They desire the same rule applied to industrial combinations that the country has applied to common carriers—regulation and control. But I think it is a dangerous school of thought, because in the last analysis it means Government monopoly or Government-sanctioned monopoly.

When we come to price fixing through a commission, or regulating by commission private trading between man and man, you have stepped into a socialistic atmosphere that has no place under the Stars and Stripes. Individuals will find themselves—the small business man, the business man that seems now to be the special care of my Republican friends, the little fellows—will find themselves in this shape: The Government could and would fix the price of the commodities produced by large manufacturers, the price of their articles, upon the basis of a reasonable profit. What little man can live in business upon the basis of an interest-bearing percentage profit? And as a consequence when the Government had once fixed the reasonable price at which those articles should be sold, the little fellow would disappear from business, and the big one alone could live. But, oh, what a short life his would be!

It has been a surprising fact that a great many of the large manufacturers of the country sought the aid of this committee and asked that it recommend a price-fixing commission. The answer to them is this: Gentlemen, while you may be able to stand it and desire the Government to fix your prices now, thinking that you would get a high price for your commodities, or a better price, the demand from the consumers would be greater in the last analysis than anything the manufacturer could hope to withstand, and his price would be reduced and reduced and reduced until finally business would be on crutches. [Applause on the Democratic side.]

Now, then, to the problem before us of "unscrambling the eggs." What have we done to carry out this economical theory? Mr. NELSON has said we have done nothing. Let us see what we have done in the way of new legislation, in the way of doing new things that had behind them the shadow of old and well-known vices that need correcting.

Let us see what we have done for the individual, who is, after all, the unit of American citizenship. When you have taken care of the individual you have builded a solid rock foundation upon which to erect your superstructure. So we have started with the individual, by giving him rights that he has never possessed under the law—not for the injury of another, but for the protection of himself.

First, we found that the Sherman law did not permit an injunction on petition of an individual. The Government could enjoin a combination or trust; and though an individual was standing face to face with destruction, though the monster of monopoly was knocking at his door, he would have to wait until destruction came, and then pursue his remedy at law for treble damages. So the Democratic Party, through its membership on the committee, proposed to place in this bill a law which allows the individual to sue for equitable relief and to enjoin monopoly when he is threatened with irreparable loss or damage. Is there anything in the Sherman law which gives that relief? I ask the gentleman from Pennsylvania [Mr. GRAHAM] to point to anything in the Sherman law which gives that relief.

But we did not stop there. We went further in our effort to help the individual. We said "When you have been damaged in your business by a combination operating in restraint of trade we are going to put you no longer to the expense of gathering the testimony and of combating the wealth of the world in order to recover your damages." When the Government has procured a decree against the combination, we say now by the proposed statute that that decree shall be used by the individual and shall be conclusive evidence for all that it purports to be. So the individual who had what was considered relief under the Sherman law by way of treble damages, but who, in reality, never could recover them because of his inability to prove his case, now has the benefit of the proof of the Government placed at his disposal and made conclusive evidence in his behalf. Is there anything in the Sherman law which gives this relief? If there is, I challenge you to point it out.

But yet we were fair. We saw that it would be unfair to allow the decree to be conclusive evidence as to one party unless it were conclusive as to the other; and so in a spirit of fairness, even to big business, we made that decree applicable to both.

In addition to this, what have we done? We have said that while suit is pending on behalf of the Government the statute of limitations shall be suspended for the benefit of individuals until suit is concluded. Was there anything in the Sherman law that does that? Then why do you say we do nothing? Why does the great lawyer from Pennsylvania [Mr. GRAHAM] say that the Sherman law covers everything that could possibly be done?

Let us see what else, my friends. Section 8 of the bill deals with a recognized evil of trust organization, "holding com-

panies." We have had many speeches about the evils of holding companies, but we have never had anyone who was thoughtful enough to draw a bill on the subject, or kind enough even to furnish us with a form; speeches galore, but no bill. So the bill as drawn is original, and has that merit if no other.

But what does it do or attempt to do? At common law one corporation could not own the stock of another corporation, whether it was a competitor or not. They were confined to the ownership of their own stock. But under our statutes of various States corporations have sprung into existence empowered to own stock of other corporations. But it remained until within a quarter of a century for the real abuse of the system to be pointed out, and that came through the holding company, where gentlemen would organize one company and then put into that company 5 or 6 or 10 or 12 other companies, until the holding company had absorbed the stock of these other companies and issued its own stock in lieu thereof and become the real operating force of the half dozen corporations that had been combined into the one holding company. And so the Northern Securities case was brought. Now, my friend, the gentleman from Minnesota [Mr. VOLSTEAD], tells us that we would not have won a decision in that case if this proposed holding-company provision of ours had been written into the law. I am inclined to think that my friend falls under the rule of Blackstone, who says no man ought to attempt to write a new law unless he is familiar with the old one; and my friend ought not to have attempted to discuss this proposed statute with regard to the Northern Securities case until he had first familiarized himself with that case.

Now, what was that case? It was the case of one New Jersey corporation, formed as a holding company pure and simple, into which by purchase was poured the stock of the three railroad companies which were natural competitors, and when that case was decided the Supreme Court held that it had not only lessened competition but had eliminated competition, and thus restrained trade.

We have supplemented the language of the statute and taken a forward step. We have gone forward, not backward. The Sherman law in its operation is limited to three things: First, a contract or combination in the form of a trust or otherwise; second, a conspiracy in restraint of trade; third, an attempt to monopolize. There is nothing about competition in the Sherman law. There must be actual restraint of trade under the Sherman law to bring anyone under either its civil or criminal process.

Under this bill there has to be only a lessening of competition. Competition may be lessened without restraint of trade. Competition may be lessened without attempt to monopolize. Competition may be lessened without conspiracy. It may be the natural effect of the putting together in close relationship through a holding company of two corporations that are natural competitors, or ought to be. Yet there would not be restraint. So, instead of subtracting from the Sherman law, as the gentleman has told the country, we have added to the Sherman law a most effective rule, by which the actions of these combinations in the future may be determined; but still, with due regard to the gentlemen who have come to love the Sherman law, we have left it intact, and have said by an express provision of our bill that nothing in our bill shall be construed to alter, amend, or repeal the Sherman law. It is as effective now as it has ever been.

Mr. VOLSTEAD. Will the gentleman yield?

Mr. CARLIN. Yes.

Mr. VOLSTEAD. Does the gentleman refer to paragraph 4 of section 15?

Mr. CARLIN. I refer to the paragraph which contains the language I have just recited.

Mr. VOLSTEAD. I will read it, it is very short. Does the gentleman mean to say that that leaves the Sherman Anti-trust Act in force?

Mr. CARLIN. I not only mean to say so, but every other man who understands the subject will say the same thing.

Mr. VOLSTEAD. It says "Nothing in this section contained shall be deemed to alter, repeal, or amend section 266 of an act entitled 'An act to codify, revise,'" and so forth, approved March 3, 1911.

Mr. CARLIN. The gentleman has spoken on this matter for two hours. Now will he let me have a little time?

Mr. VOLSTEAD. The gentleman is mistaken; I only spoke about half an hour.

Mr. CARLIN. The gentleman from Pennsylvania [Mr. GRAHAM] says that this—the Sherman law—is a Republican law and has been a good, wholesome thing for the country, and that we owe it to the Republican Party. My friend, who is usually accurate in his statements, always beautiful in what he says, overlooked the history of the Sherman law, because if he will examine the record he will find that that law had its birth and origin in the State of Texas, that Senator Reagan, a Democrat, was the first man who ever undertook or attempted to control monopoly by statute in this country. [Applause on the Democratic side.]

He says furthermore—and I am paying a great deal of attention to what the gentleman said, not only because I want to pay him that compliment, but because he has frequently said—that we need nothing more than the Sherman law, claims credit for the Republican Party, and in the next breath rails against sections 2 and 4 of the bill, not realizing that he is criticizing his own party, because of the 21 States that have found it necessary to adopt that character of progressive legislation 14 are Republican States and 7 Democratic.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit an interrogation?

Mr. CARLIN. Certainly.

Mr. GRAHAM of Pennsylvania. Does not the gentleman know that the basis or standard of these State laws is totally different from the standard you have introduced into this law? Here it is the lessening of competition and there it is restraining of trade and monopoly.

Mr. CARLIN. I know just the reverse. I was speaking with reference to discriminatory statutes, or statutes against discrimination, and the principle is the same. Every one of these States has tried to compel uniform prices within the borders of the State. The penalty and methods have been different, but the statutes have been aimed at that.

Now, to go back to holding companies. A holding company has been the device, as I have said, by which every trust combination has ever organized in our land, and yet we are told that we should leave the Sherman law alone. When we know that destruction of competition is now the goal sought, we ought to apply the rule of reason. We are engaged in an effort to bring about competition; that is the economics of this bill. [Applause on the Democratic side.] Unless you have taken the trouble to understand what we are driving at, of course you can not tell the direction in which we are going.

Now, let us see what else we do. As to interlocking directorates, the gentleman from Pennsylvania said there was nothing proposed in this bill that could not be prosecuted under the Sherman law. Can he point to a single prosecution of any individual because he has been a director in more than one competing company?

Mr. GRAHAM of Pennsylvania. Will the gentleman yield?

Mr. CARLIN. I will.

Mr. GRAHAM of Pennsylvania. To be a director in more than one corporation was not a crime, but if a man was a director in more than one competing company creating a monopoly or a restraint of trade, it could be introduced in evidence that he was destroying that competition.

Mr. CARLIN. It was one of the things allowed to be introduced in evidence as a link in the chain, but not of itself was it ever considered an offense until it was proposed in this bill.

Let us see why it is proposed and what this bill means. After all, gentlemen, this is the provision in the bill that self-constituted champions of little business seem to be railing against. The fact is, when we analyze it, little business, if railing at the bill at all, is doing it at the bid of big business, because we do not strike at little business, but, on the contrary, specifically exclude it and exempt it from the bill.

Now, interlocking directorates has come to be an evil so well known that the men who have given that character of business an impetus by the loan of their names have come to see it. Mr. Morgan resigned at one time 47 directorships, and stated that he did it in response to public sentiment. He will do it in the future in response to a public statute. [Laughter and applause.]

There are two evils in interlocking directorates. My friend from Illinois [Mr. MADDEN] complained of the bill in that respect. He would not have done it if he had read the last bill, because his speech showed that he had read the tentative bill and not the bill as now proposed. Let us see the reasons for this statute. One man representing a great financial concern becomes a director in a great railroad. Then he becomes a director in a corporation that furnishes the railroad with supplies—oil, steel, coal—and by virtue of his trusteeship in the railroad directorship, what does he accomplish? If the railroad wants to borrow any money or sell its securities, he stays there, votes first that they need the extra money; secondly, that it shall be raised by the issue of bonds, and votes for that; third, he fixes the price at which these bonds shall be sold; fourth, he fixes the commission that the selling agent shall receive; and

then, last but not least, he elects himself both selling agent and purchaser, at his own price. [Applause.]

Mr. MADDEN. Will the gentleman yield?

Mr. CARLIN. Yes.

Mr. MADDEN. Will the gentleman be kind enough to tell the House why it is that the committee, in writing this bill, thought it was necessary to exempt railroad companies from the provisions of the Sherman antitrust law?

Mr. CARLIN. That is exactly what we have not done. I said, and I said it kindly, that my friend had not read this bill. I challenge him to point out any such provision.

Mr. MADDEN. The second paragraph of section 7 gives them authority to enter into all sorts of traffic associations, operating and accounting associations, and the subject matters of contract which are authorized under this section to be entered into, subject only to the supervision of the Interstate Commerce Commission. And the contracts themselves are only necessary to be filed with the Interstate Commerce Commission, and over these contracts the Interstate Commerce Commission has no jurisdiction whatever.

Mr. CARLIN. Mr. Chairman, the gentleman makes a good speech, but he has made that speech once already.

Mr. MADDEN. I am making it again so that the gentleman will understand it.

Mr. CARLIN. But he ought not to inflict it on the House in my time.

Mr. MADDEN. Oh, the gentleman challenged me to tell him the location of it in the bill, and I have done it.

Mr. CARLIN. Yes; and I am going to answer the gentleman. That provision in the bill, like every other provision which affects common carriers, was drawn to prevent interference with the Interstate Commerce Commission, because, as I have said, this country has reached the economical doctrine, so far as common carriers are concerned, of regulation and control, and we propose to do nothing that will change that system for the present. The Interstate Commerce Commission recommended to us that we place that provision in the bill. [Applause on the Democratic side.] That is there with their consent, with their advice, and in assistance of the doctrine of regulation and control.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. CARLIN. For a question.

Mr. MADDEN. I simply wanted to say that the mere fact that the Interstate Commerce Commission recommended this proposition does not answer the question that I asked the gentleman.

Mr. CARLIN. Oh, but it answers this. To read that provision simply means that we have allowed them to meet, which they might not now have the right to do, and to enter into lawful agreements, and the word "lawful" is used, and they are subject to the supervision of the Interstate Commerce Commission, and before that provision was put in the bill we sent it to the Interstate Commerce Commission, and they sent it back with their approval. [Applause on the Democratic side.]

Mr. MADDEN. Does the gentleman contend that the Interstate Commerce Commission has any jurisdiction whatever over the agreements into which these railroads are authorized to enter?

Mr. CARLIN. I think they have, absolutely.

Mr. MADDEN. Absolutely they have not.

Mr. CARLIN. If they have not, then I suggest to the gentleman that he submit a plan and propose an amendment that will make it plain.

Mr. MADDEN. That is what I propose to do.

Mr. CARLIN. I hope the gentleman will, but I hope he will take time enough to read the section before he undertakes to amend it.

As to interlocking directorates, I have pointed out one evil that comes from them. That is not all. The director sits on the great railroad corporation directorate and buys supplies from himself. He is a fiduciary, for that is what a director is. He sits on the one board and buys supplies for himself from the other corporation upon whose board he sits, until we find him buying and selling to himself, and we are big enough not to object to that, if it were not for the fact that he is doing it with other people's money, and so we put a provision covering that evil into the bill. We divided this interlocking directorate bill into three subdivisions—first, the railroads and the common carriers, over which Congress has undisputed jurisdiction; second, national banks, over which we have undisputed jurisdiction; and, third, industrial corporations and combinations. We have exempted the little fellow, the mutual savings bank, and we have gone to the limit of two and a half million dollars in other banks. When a bank gets to be the size of two and a half million dollars it is pretty well grown, and, when you get them into a combination, the opportunity for evil is very great.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CARLIN. Yes.

Mr. GRAHAM of Pennsylvania. The gentleman does not mean that the two million and a half exemption has any application to the industrial corporations?

Mr. CARLIN. Oh, no; we apply an entirely different rule to the industrial corporations. A man can be a director in as many industrial corporations as he pleases under our bill, unless those corporations would of themselves constitute by combination a violation of the Sherman law.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit a question on that point?

Mr. CARLIN. Yes.

Mr. GRAHAM of Pennsylvania. If the language in the bill were plain that it must constitute a violation of the Sherman law, I might have no objection to it, but you have introduced a new standard, to lessen competition, and you say wherever an agreement between two companies will lessen competition it shall be declared to be illegal. You can not get two corporations pursuing the same business having interlocking directorates without violating that principle.

Mr. CARLIN. My friend, it is true that you and I are not as young as we used to be, but I hope that we have not yet gotten too old to be willing to do a new thing once in a while. I have been contending that we are doing a new thing. It is the purpose of this bill to do new things, but we are doing them in supplement to existing law, and not by way of disturbing existing law.

What else have we done that is new? For 20 years organized labor has knocked at the doors of American Congresses, asking relief from certain things of which it complained. There was no response until the Democratic House undertook to give relief, and so we passed a bill called the Clayton injunction bill, and another called the Clayton contempt bill, through the Democratic House, and sent these bills to a Republican Senate. I mean no disrespect to the Senate when I say that there was, while its membership was Republican, a morgue concealed somewhere around the premises, and that it seemed that whenever legislation that had the merit of being new was attempted it found its way to that morgue, and these two bills went there, and so it has remained until now for a Democratic Congress, in both of its branches, to let labor understand whether we propose to carry out our platform pledges or whether we do not. As an evidence of what our intentions are, we have written them into this bill. I want to say that I yield to no one in my regard for the man who earns his living by the sweat of his brow. I have known what it means to labor. I have known what it means to be poor. I have worn the badge of poverty, and I have suffered the distresses which come from need, and every fiber of my nature responds to the demand of the wage earner whenever it is possible under our form of constitutional government to yield to his rightful demand.

For years the courts of our country have thrown out dragnet injunctions, issued them in blank, the marshal having the right to fill in a multitude of names, and the names were filled in from time to time as he passed them on the street, peaceful or violent, it mattered not, if they were in line of his march. They were brought into court and fined for contempt of court, for violating an injunction they had never seen and of which they had never heard, a system and a practice that is most pernicious, everyone will so admit. This bill proposes that in contempts committed without the presence of the court to require a rule to be issued and a process to be served and the individual brought into court, and then when brought there not to be subjected to the whim or caprice of the court but to be tried by 12 of his countrymen to determine whether he had been guilty of a crime or not. [Applause on the Democratic side.] We were told this was an attack upon the courts. My friends, if you commit murder, arson, or any other crime you are entitled to a trial by jury, but if you commit the crime of being ignorant of an injunction that was issued by a Federal judge you are not entitled to a trial by a jury, but only by the judge himself. And we have concluded in this great country of ours, where every man is equal before the law, that he shall have an opportunity to be heard and tried by his countrymen when his life and liberty are at stake. [Applause on the Democratic side.] But in our desire to do right by the citizen we have done no wrong to the court, because we have carefully reserved the right of the court to maintain its dignity and its power for contempts that are committed in its presence. So

again we have adhered to part of the old, which was right, and had the courage to take a step forward to the new, which is likewise right. [Applause on the Democratic side.] Now, my friends, to reply finally to the demagogue who is present everywhere, and whom we know find in chorus saying, "Do not disturb the business of the country by any more legislation; stop where you are, you have done well enough," and so say the letters which were read from New York to-day, "go no further, you will disturb the business interests of the country," and the press in certain sections of the country have taken up the siren song.

I will tell you now, my colleagues, why we do not stop. I will tell you why we are going forward with this legislation; and if we must commercialize it I will tell you why from the standpoint of business. First, the business world has a right to know what we are going to do, and if it is disturbed at all it is disturbed by reason of uncertainty, and the sooner we pass this bill and let them know under what rule business is to be controlled the sooner business prosperity will be accentuated. [Applause on the Democratic side.] We say to business not to stop, but to go on. Secondly, we promised this legislation to the country in our platform. Should we stop now, what would be said? I can imagine my friend from Illinois and my friend from Pennsylvania saying, with burning eloquence, "If we would only stop; oh, if we would only do it," and turning to the country and saying, "They were afraid to go on." [Laughter and applause on the Democratic side.] "They have sold out to the trusts." [Applause on the Democratic side.] "They dare not go forward." But, no; the membership of this House is going to battle in November with the enemy. Do not go in with cold feet; and we must not go in with cold feet; and so now we are doing the thing which appeals to business. We are going to settle the question that for 20 years the Republican Party has been afraid to approach. [Applause on the Democratic side.] The same men who cry out now, "Do not go any further; these bills will ruin the country," told us the same thing about the currency bill. Now they say it is a splendid bill, and they were mistaken. [Applause.] And when this bill comes into operation, what will you find, not that we have destroyed the game of business, if it may be so designated, but we have simply changed the rules by which it is to be played. We have broken up the brutal center rush, the wedge play, and substituted in its stead the "forward pass." [Laughter and applause.] So that the game has become open and fair, and more people can play it with peace and with profit. [Applause on the Democratic side.]

Mr. PLATT. If the gentleman is a football player, he will admit that the forward pass is not so much easier.

Mr. CARLIN. But it is much fairer and less brutal [applause on the Democratic side], and so many more people can play it. And so it is, gentlemen of the House, that your committee has finished its labors; it has brought to you a bill which embodies the best intellect and thought of the country, political and economical. [Applause on the Democratic side.]

It has brought to you a bill that was born and has lived in the open, a bill that was drafted by the hands of your own colleagues. Not a line of that bill came from anybody's pocket or anybody's office, departmental or otherwise. [Applause on the Democratic side.] If we have made mistakes, we have made them in the effort to do the right thing by our party and by our country. [Applause on the Democratic side.] We have had before us the inspiration of a matchless leader [applause on the Democratic side], a man willing to do the right and the courage with which to do it. And so we confidently believe that this House will give its approval, and when you have done so and written it upon the statute books it is my confident belief that posterity will rise up and call you blessed. [Loud applause.]

Mr. WEBB. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has one hour and five minutes remaining.

Mr. WEBB. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. FITZHENRY], a member of the committee.

[Mr. FITZHENRY addressed the committee. See Appendix.]

Mr. WEBB. Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin [Mr. REILLY].

[Mr. REILLY of Wisconsin addressed the committee. See Appendix.]

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Washington [Mr. BRYAN].

[Mr. BRYAN addressed the committee. See Appendix.]

Mr. MADDEN. Mr. Chairman, I would like to ask, before the gentleman proceeds, whether it is the intention to go on with the consideration of the bill under the five-minute rule now until half past 5.

Mr. WEBB. It is my intention to have the first section of the bill read under the five-minute rule.

Mr. MADDEN. With the understanding that it is open to amendment when we meet again?

Mr. WEBB. You mean section 1?

Mr. MADDEN. Section 1.

Mr. WEBB. I have no objection to that.

The CHAIRMAN. The Chair will state to the gentleman that under the rule the bill originally introduced would have to be read, of course. Does the gentleman intend to read that or the amendment?

Mr. WEBB. I think the rule dispenses with the reading of the bill.

The CHAIRMAN. The gentleman did not understand the Chair. The amendment submitted by the committee proposes to strike out all the sections of the bill. Unless there is some agreement by unanimous consent, the original bill will have to be read first.

Mr. WEBB. I ask unanimous consent that the reading of the original bill, which was stricken out by amendment, be omitted, and that we begin to read the amendment.

Mr. MADDEN. I think the rule provides for it.

The CHAIRMAN. The Chair has not the rule before him.

Mr. WEBB. If there are any amendments, of course I do not wish to cut off any right to offer them.

The CHAIRMAN. The rule says that the substitute shall be read instead of the bill. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That "antitrust laws," as used herein, includes the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," of August 27, 1894; an act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913; and also this act.

"Commerce," as used herein, means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possesion or other place under the jurisdiction of the United States.

The word "person" or "persons" wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

Mr. WEBB. Mr. Chairman——

Mr. MADDEN. Mr. Chairman, I would like to ask a question before the gentleman moves to rise. I have no amendment to any of these definitions, but I want to ask that this paragraph be not considered as closed to amendment, so if any person wants to offer an amendment at the next session of the committee I would like it be understood that such permission will be granted.

Mr. WEBB. I will ask the gentleman from Minnesota [Mr. VOLSTEAD] if he has an amendment to offer.

Mr. MADDEN. There may be some person that would like to offer an amendment.

Mr. VOLSTEAD. I have not, but I would like very much to have it deferred.

Mr. WEBB. Very well, Mr. Chairman, I will agree that it remain open for amendment when we next meet.

The CHAIRMAN. Under the agreement it will be left open for amendment.

Mr. WEBB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and had come to no resolution thereon.

SIXTH INTERNATIONAL DENTAL CONGRESS AT LONDON (H. DOC. NO. 998).

The SPEAKER laid before the House the following message from the President of the United States, which was read and,

with accompanying documents, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

In view of a provision contained in the deficiency act approved March 4, 1913, that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law," I transmit herewith for the consideration of the Congress and for its determination whether it will authorize the acceptance of the invitation a report from the Secretary of State, with accompanying papers, being an invitation from the British Government to that of the United States to send delegates to the Sixth International Dental Congress, to be held at London, from August 3 to 8, 1914, and a letter from the Department of the Interior showing the favor with which that department views the proposed gathering.

WOODROW WILSON.

THE WHITE HOUSE, *May 26, 1914.*

INTERNATIONAL CONGRESS OF NEUROLOGY, PSYCHIATRY, AND PSYCHOLOGY, AT BERNE (H. DOC. NO. 997).

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying documents, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

In view of a provision contained in the deficiency act of March 4, 1913, that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law," I transmit herewith, for the consideration of the Congress and for its determination whether it will authorize the acceptance of the invitation and the appropriation necessary to defray the expenses incident thereto, a report from the Secretary of State, with accompanying papers, being an invitation from the Government of Switzerland to that of the United States to send delegates to an international congress on neurology, psychiatry, and psychology, to be held at Berne, Switzerland, from September 7 to September 12, 1914, and a letter from the Department of the Interior showing the views of that department with regard to the proposed congress and recommending an appropriation of not to exceed $500 to defray the expenses of participation by the Government of the United States.

WOODROW WILSON.

THE WHITE HOUSE, *May 26, 1914.*

PORTRAIT OF HON. JOHN SHARP WILLIAMS.

The SPEAKER. The Chair asks unanimous consent to lay before the House a letter from Mrs. John Sharp Williams, concerning a matter that will interest a great many Members. Without objection, the Clerk will read it.

There was no objection.

The Clerk read as follows:

MAY 26, 1914.

Members of the Sixtieth Congress who are still Members of the House of Representatives.

GENTLEMEN: I wish to express to you my thanks for the gift of the splendid portrait of my husband. The best years of his life were spent as a fellow member of your body. This token of your friendship and appreciation is most gratifying to him, and will always be one of my chief treasures.

Most sincerely, BETTY D. WILLIAMS.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HELVERING, for 15 days, on account of important business.

To Mr. BORLAND, for 5 days, in order to attend the International Arbitration Conference at Lake Mohonk, N. Y.

To Mr. RAGSDALE, indefinitely, on account of death in his family.

ADJOURNMENT OVER SATURDAY, MEMORIAL DAY.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to the proposition that when the House adjourns on Friday it stand adjourned until Monday following.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent that when the House adjourns on Friday it stand adjourned until Monday. Is there objection?

Mr. VOLSTEAD. I shall object to that.

The SPEAKER. Who made the objection?

Mr. VOLSTEAD. I did. I withdraw it.

Mr. WEBB. Reserving the right to object. Mr. Speaker, I ask the gentleman from Ohio if he will not withhold that request until Friday. We can then tell better with regard to the prospects of legislation.

Mr. SHERWOOD. Saturday is Memorial Day, and I think it is the usual practice to adjourn over that day.

Mr. WEBB. That is true; but then we did not have a special rule on the subject. If the gentleman will wait until Friday, we can then see what can be done. I withdraw the objection, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MINING STRIKE IN COLORADO.

Mr. KINDEL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. KINDEL. I would like to have unanimous consent to publish the report from the State mine inspector as to conditions in Colorado, how they are improving materially, together with resolutions by the Scottish Rite Masons on the labor strike.

The SPEAKER. What was the first paper?

Mr. KINDEL. A report of the State coal-mine inspector.

The SPEAKER. The gentleman from Colorado [Mr. KINDEL] asks unanimous consent to print in the RECORD a statement from the State mine inspector of Colorado and also certain resolutions passed by the Scottish Rite Masons of Colorado on the subject of the strike or disturbance in Colorado. Is there objection?

Mr. BUCHANAN of Illinois. I reserve the right to object, Mr. Speaker. What is the necessity of inserting this report of the State mine inspector in the RECORD? What is the purpose?

Mr. KINDEL. The purpose is to notify you and others, and show you what has been done.

Mr. BUCHANAN of Illinois. Has it any bearing on the strike conditions out there?

Mr. KINDEL. Not at all, excepting to show what is being done.

Mr. FOSTER. What does this show? It shows certain documents with reference to the strike, does it?

Mr. KINDEL. Yes.

Mr. FOSTER. I object to that.

The SPEAKER. The gentleman from Illinois, Mr. FOSTER, objects, and likewise the gentleman from Illinois, Mr. BUCHANAN.

Mr. WEBB. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEBB. When the House adjourns this afternoon, under the rule do we adjourn until to-morrow at 11 o'clock, or at 12 o'clock?

The SPEAKER. Until 12 o'clock.

Mr. DONOVAN. How about a night session to-night?

ADJOURNMENT.

Mr. WEBB. I move, Mr. Speaker, that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 27, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, submitting resolution relative to the acquirement of land and premises along Rock Creek for the purpose of connecting Potomac Park with the Zoological Park and Rock Creek Park, as authorized by act of Congress approved March 4, 1914 (H. Doc. No. 999), was taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DILLON, from the Committee on Claims, to which was referred the bill (H. R. 13) for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909, reported the same with an amendment, accompanied by a report (No. 714), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 4630) for the relief of Fred A. Emerson, reported the same with an amendment, accompanied by a report (No. 715), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 1513) for the relief of Robert T. Legge, reported the same without amendment, accompanied by a report (No. 716), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7176) granting a pension to Mary Colby; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14787) granting a pension to John Murphy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16143) to correct the military record of T. Abram Hetrick; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16400) granting an increase of pension to Walter Haldeman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIFFIN: A bill (H. R. 16826) for erecting a suitable memorial to Timothy O'Meara; to the Committee on the Library.

By Mr. LINTHICUM: A bill (H. R. 16827) providing for the appropriation of a sum of money for the erection at Fort McHenry, Baltimore, Md., of a monument to Francis Scott Key and the soldiers and sailors who participated in the Battle of North Point and the defense of Fort McHenry in the War of 1812; to the Committee on Appropriations.

By Mr. METZ: A bill (H. R. 16828) for the issuance of a coin commemorative of the opening of the Panama Canal and of the centenary of peace; to the Committee on Coinage, Weights, and Measures.

By Mr. THACHER: A bill (H. R. 16829) to provide for enlarging the site for the United States building at Plymouth, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 16830) to authorize the Secretary of the Interior to lease allotments and tribal lands in the Lac du Flambeau Indian Reservation, Wis., for residence and business purposes; to the Committee on Indian Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 16831) authorizing the Secretary of War to donate to the city of Elsberry, in the county of Lincoln and State of Missouri, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

By Mr. BULKLEY: A bill (H. R. 16832) to provide for the sale of a portion of the United States Marine Hospital Reservation at Cleveland, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. STAFFORD: A bill (H. R. 16833) to authorize the erection of a building for life-saving purposes at Milwaukee, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 16834) to reimburse certain lobstermen for destruction of lobster traps and the estimated loss of each season's catch, by United States naval vessels off Block Island, R. I., during the naval maneuvers of 1912 and 1913; to the Committee on Claims.

By Mr. HELVERING: A bill (H. R. 16835) authorizing the Secretary of War to donate to the city of Blue Rapids, Kans., two cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. HOBSON: A bill (H. R. 16836) to promote the efficiency of the United States Marine Band; to the Committee on Naval Affairs.

By Mr. ESCH: Joint resolution (H. J. Res. 271) authorizing the President to appoint delegates to attend the Ninth International Congress of the World's Purity Federation to be held in the city of San Francisco, State of California, July 18 to 24, 1915; to the Committee on Foreign Affairs.

By Mr. GERRY: Memorial of the General Assembly of Rhode Island, favoring Senate bill 2337, Sixty-third Congress, to create a coast guard; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMSON (by request): A bill (H. R. 16837) for the relief of James J. Coalson; to the Committee on Military Affairs.

By Mr. ALLEN: A bill (H. R. 16838) granting a pension to Lawrence H. Chard; to the Committee on Pensions.

Also, a bill (H. R. 16839) granting an increase of pension to Lydia Hawkins; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16840) granting a pension to William Welsh; to the Committee on Pensions.

By Mr. BAILEY: A bill (H. R. 16841) for the relief of the widow of Samuel Walter; to the Committee on Military Affairs.

By Mr. BAKER: A bill (H. R. 16842) granting a pension to Sarah E. Jauss; to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 16843) for the relief of Robert H. Lee; to the Committee on Claims.

Also, a bill (H. R. 16844) for the relief of J. Nelson Nevius; to the Committee on Claims.

By Mr. BOOHER: A bill (H. R. 16845) granting an increase of pension to Catherine Lambelin; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 16846) granting an increase of pension to Mary Storrs; to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 16847) for the relief of Charles W. Hosman; to the Committee on Military Affairs.

By Mr. DONOVAN: A bill (H. R. 16848) granting an increase of pension to Rhuamah Vincent; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 16849) for the relief of John Reinhart; to the Committee on Claims.

Also, a bill (H. R. 16850) to remove the charge of desertion against Charles A. Lester; to the Committee on Military Affairs.

By Mr. FITZHENRY: A bill (H. R. 16851) granting an increase of pension to Michael Morris; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 16852) for the relief of George E. O'Neal; to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 16853) for the relief of Abner M. and R. A. Darling; to the Committee on War Claims.

By Mr. FRANCIS: A bill (H. R. 16854) granting a pension to Martha H. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16855) granting an increase of pension to Alfred T. Johnson; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 16856) granting a pension to Richard R. Bailey; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 16857) granting a pension to Mary J. Torney; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 16858) for the relief of John A. Odell; to the Committee on Military Affairs.

By Mr. NEELY of West Virginia: A bill (H. R. 16859) for the relief of William P. McKinley; to the Committee on Military Affairs.

Also, a bill (H. R. 16860) for the relief of the heirs of Benjamin F. Shuttleworth and Notley A. Shuttleworth; to the Committee on War Claims.

By Mr. O'HAIR: A bill (H. R. 16861) granting a pension to Michael E. McGrath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16862) granting a pension to Richard I. Welch; to the Committee on Invalid Pensions.

By Mr. PETERS of Maine: A bill (H. R. 16863) granting a pension to Theodore J. McNally; to the Committee on Pensions.

By Mr. RUCKER: A bill (H. R. 16864) for the relief of Nathan McDaneld; to the Committee on Military Affairs.

Also, a bill (H. R. 16865) granting an increase of pension to Julius F. Rodgers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16866) granting an increase of pension to Marion MacDonald; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 16867) granting an increase of pension to Alfred Foreman; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16868) granting an increase of pension to Samuel L. Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16869) granting an increase of pension to Jane Larnay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16870) granting an increase of pension to Maria H. Redfield; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 16871) granting a pension to Abby L. Simpson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16872) for the relief of Paul Weidman; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 16873) granting an increase of pension to Hezekiah Turner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Women's General Missionary Society of the United Presbyterian Church of North America, favoring national prohibition; to the Committee on Rules.

Also (by request), resolutions from certain citizens of McGrawville, N. Y.; Germantown, Pa.; New London, Pa.; Clearfield, Pa.; Ambler, Pa.; St. Petersburg, Pa.; Parkersburg, W. Va.; Uniontown, Pa.; Haines, Oreg.; and Belle Vernon, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), 31 protests against national prohibition from certain citizens of Audrain and Warren Counties, of the State of Missouri; to the Committee on Rules.

By Mr. AINEY: Protest of Local No. 355, Cigar Makers' International Union of America, Honesdale, Pa., against national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of 25 citizens of Preston, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. AVIS: Petition of the Efficiency League of Cabin Creek, W. Va., favoring Federal intervention in Colorado strike situation; to the Committee on Ways and Means.

By Mr. BAILEY (by request): Petitions of various churches, representing 2,701 citizens of Tyrone, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of the Pennsylvania Retail Jewelers' Association, favoring Owen-Goeke bill, to eliminate time guaranty in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER: Petition of various business men of New Jersey, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of sundry citizens of Atlantic City, N. J., against national prohibition; to the Committee on Rules.

By Mr. BELL of California: Petition of the Convention of the Diocese of Los Angeles (Cal.) Protestant Episcopal Church, favoring an increase of Army and Navy chaplains; to the Committee on Military Affairs.

Also, petition of Mrs. A. G. Rice and 350 other members of the North Pasadena (Cal.) Methodist Church, favoring national prohibition; to the Committee on Rules.

Also, petition of August F. Lang and 4 other citizens of Los Angeles, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Glendora, Cal., protesting against the passage of the Sunday-observance bill; to the Committee on the District of Columbia.

Also, memorial of the City Council of Richmond, Cal., favoring the construction of a suspension bridge across San Francisco Bay; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of New York: Petition of sundry citizens of the first congressional district of New York, against national prohibition; to the Committee on Rules.

By Mr. CALDER: Petitions of 377 citizens of the sixth New York congressional district, against national prohibition; to the Committee on Rules.

Also, petition of the American Thread Co., of New York, against bill to prohibit importation of Egyptian cotton; to the Committee on Ways and Means.

By Mr. COOPER: Petitions of sundry citizens of Racine, Kenosha, Burlington, and Monches, all in the State of Wisconsin, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Beloit, Wis., favoring House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the Catholic Woman's Club, of Racine, Wis., favoring woman's suffrage; to the Committee on the Judiciary.

Also, petition of sundry citizens of Beloit, Wis., against Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of Cigar Makers' Union No. 304, of Racine, Wis., and Kenosha County Liberty League, of Wisconsin, against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petitions of 9 drug companies of the third California district, in favor of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Stockton Printing Pressmen's Union, No. 132, of Stockton, Cal., in favor of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

By Mr. DALE: Petition of the New York State Society of San Diego, Cal., favoring passage of the Kettner bill (H. R. 15732), relative to participation of the United States in the Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petitions of Philip King and others, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DAVENPORT: Petition of Charles L. Fildes and others, of Tulsa, Okla., protesting against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petitions of sundry citizens of Connecticut, against national prohibition; to the Committee on Rules.

By Mr. DYER: Petition of Anselmo Beffa; John G. Canepa, Anton Mascazinni, William Pelkus, Charles H. Whitley, William B. Huggins, Festus J. Wade, E. Dunn, M. Lacey, Fred Boettler, Walter Tirre, Fritz Zahrada, the St. Louis Stewards' Club, Henry Stuhlman, William Peche, M. Steffan, Julius Petersen, Gus. F. S. Moeller, Charles L. Hogan, George T. Matthews, Charles McGarvey, Charles Kuchan, Pizzardy Bros., Steve Radisone, and Louis Guyot, against prohibition; to the Committee on Rules.

By Mr. FESS: Petition of Ohio Congress of Mothers, of Cleveland, Ohio, favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of various business men of Hillsboro, Ohio, favoring bill to tax mail-order houses; to the Committee on Ways and Means.

By Mr. FRENCH: Petitions of sundry citizens of Bonners Ferry, Copeland, and Lenia, all in the State of Idaho, favoring the passage of House bill 7826, the Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Lenia, Idaho, favoring House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Idaho, protesting against the Sunday-observance law; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Idaho, favoring the passage of House bill 12928, to amend the postal and civil-service laws; to the Committee on the Post Office and Post Roads.

By Mr. GERRY: Petitions of the National American Woman Suffrage Association, Bradford, R. I., urging the passage of legislation providing for equal suffrage; to the Committee on the Judiciary.

Also, petitions of Daniel McCarthy, of Pawtucket, R. I.; George Mack, Charles J. Kramer, Rudolf Reininger, Adam Molter, Franz Balletshofer, Max Hirsch, Dan Myers, George W. Chamberlain, Thomas W. Shaw, George S. Hanlin, Patrick Hanrahan, John Mullaney, E. E. Gardiner, Patrick J. McNulty, James Egan, Michael Boske, J. J. Killian, J. A. Davidson, John Schmidt, Richard H. Fenner, George A. Woelfel, J. L. Linn, William G. Bertsch, Melshior Buck, Gotthard Wemmer, Christof Hurm, Andrew Goeckel, Luke J. Killian, Michael J. Kelly, J. J. Killian, Flavel Patterson, Edmund Burckel, William Scheilien, Henry Christmann, and John E. Crothers, all of Cranston, R. I.; A. F. Lutz, Thomas O'Brien, Jacob Cordier, Mieczyslaw Luczkiewicz, Emil R. Schmidt, Paul F. Schmidt, Louis Wetzstein, John Schmidt, Ludwig W. Wolpert, A. J. Marz, August Kosching, J. T. Boylan, F. H. Bartles, Patrick O'Shea, William Coburn, Patrick O'Rourke, Patrick J. Murtagh, P. J. Skeffington, James Marr, Richard J. Walsh, Michael Lawton, Patrick Gannon, John Finneran, Peter McMahon, Michael O'Connell, John Hanley, John McKenna, John Rogers, John Shannon, Peter Farrell, Timothy Sullivan, Frank R. Whiteley, Granville S. Standish, Cigar Makers' Union No. 10, United Brewery Workmen No. 166, Jacob Wirth & Co. (Inc.), Thomas Collins, F. J. Farrell, Gustave H. Keehn, William Gilhooly, Charles A. Oppermann, M. J. Ryan, Albert Roberts, Michael J. Ward, Fred Burke, John English, John McGetrick, Peter Connell, Louis McGowan, Edw. J. McBride, Patrick J. O'Neill, Thomas Kane, Owen Kelley, H. H. Logan, Peter J. Mulvey, J. J. Connelly, Thomas Leyden, Aime Christen, Lester Campbell, R. Hammerschmidt, Michael Fallon, Edw. Donnelly, Joseph F. Hawkins, John Reynolds, Arthur R. Robarge, Mathew J. McCormick, Peter Burns, F. E. Mullins, Nelson F. Robarge, J. F. Waag, Paul Kaleen, P. J. Mattimbe, James Senehan, Luke Nerney, Edw. J. Koone, Edw. Flynn, Patrick Donigan, Julius Kinski, Edw. J. Reynolds, T. F. Dalley, Daniel J. Tracey, Daniel O'Neil, Thomas O'Donnell, James McHoyt, Thomas Lang, Edw. Gilbride, John Malone, Thomas Gilmartin, George H. Frazier, Thomas E. Millett, George Sykes, Eugene M. Gauch, Ignatz Sharke, A. E. Petrold, William Eck, Leo Mitschke, Joseph Lovett, William Fineran, Frank Bogart, Dennis Wrenn, John Mynes, Patrick J. Reilly,

Charles M. Ward, Thomas Mullaney, Mace Sahnarzenberg, Henry A. Burger, George J. Gracie, Charles H. Drane, Michael Mulligan, John J. McGee, William Knowles, Patrick J. Brennan, John F. Dovey, Thomas Hinneran, Edw. Maguire, Patrick Brennan, Fred B. Withey, H. H. Hawkins, William J. Skeffington, Thomas S. Robarge, W. N. Leary, Martin Croke, William Rickert, Patrick H. Broderick, James F. Feeney, Domenich Fallon, Farrell O'Rourke, James McMangus, John I. Maguire, Timothy Murphy, Michael Fogarty, John Tuttle, Dan F. Lovett, Michael G. Parker, George E. Callahan, James P. Else, William F. Collins, Thomas F. Conway, J. J. Collins, James J. O'Neil, John Cavanaugh, J. E. Carney, Michael W. Hawkins, T. P. Conway, William S. Conway, T. E. Conway, Thomas P. Conway, Peter Dolan, James J. Caffrey, George Davidson, Timothy Sullivan, Thomas J. Dwyer, William H. Kolin, Owen P. Kelley, and Andrew J. Schultheiss, all of Providence, R. I., protesting against the passage of legislation providing for national prohibition; also petitions of 10 residents of Foster, 4 residents of Coventry, 22 residents of Scituate, and D. Alva Crandall, of Westerly, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia Board of Trade, protesting against passage of House bill 15657, relative to discrimination in prices; to the Committee on the Judiciary.

Also, petition of the Pennsylvania Manufacturers' Association, favoring passage of House bill 1933, the convict-labor bill; to the Committee on Labor.

By Mr. GREGG: Petitions of sundry citizens of the seventh Texas congressional district, against national prohibition; to the Committee on Rules.

By Mr. GRIEST: Protests of Scott W. Applebach, T. R. Lynch, Theo. F. Sheaffer, Norman Taylor, William B. Troast, William F. Troast, all of Lancaster, Pa., against the adoption of a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of the Philadelphia Yearly Meeting of Friends, favoring national prohibition; to the Committee on Rules.

Also, memorial of Dr. Baer, Mrs. Theresa W. Hilsman, Mrs. L. M. B. Mitchell, Dr. Anna Sharpless, Mrs. Harry Lowenberg, chairmen of meetings held in Philadelphia, Pa., urging the passage of the Bristow-Mondell resolution relative to enfranchising women; to the Committee on Rules.

By Mr. HART: Petition of sundry citizens of the sixth New Jersey congressional district, against national prohibition; to the Committee on Rules.

By Mr. HELVERING: Petition of sundry citizens of Clay County, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of the Socialist Party of Tooele, Utah, suggesting certain legislation in regard to labor organizations; to the Committee on the Judiciary.

By Mr. IGOE: Protest of Mr. Festus J. Wade, president of the Mercantile Trust Co., of St. Louis, Mo., against pending prohibition and all similar measures; to the Committee on Rules.

Also, protests of H. Y. Schapir, William E. Schewe, E. B. Friel, Charles Biehl, John A. Boardman, B. H. Rubbelke, Peter Mitchell, Andrew Mosconi, Otto G. Grahl, Charles Kammermeyer, Robert D. Barsalaux, William Wahlbrink, Fred Baer, Michael Cunningham, John William Popp, Fred Peck, and Charles Thompson, all of the eleventh congressional district of Missouri, protesting against pending prohibition resolutions and all similar measures; to the Committee on Rules.

Also, resolutions adopted by the St. Louis Stewards' Club, against pending prohibition and all similar measures; to the Committee on Rules.

By Mr. KELLY of Pennsylvania: Petition of 207 citizens of McKeesport, Pa., and 2,100 citizens of Wilkinsburg, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petitions of John Duffy, of Pawtucket, R. I., and John and Daniel Sullivan, of Providence, R. I., protesting against national prohibition; to the Committee on Rules.

By Mr. KINDEL: Petitions of sundry citizens of Colorado, against national prohibition; to the Committee on Rules.

By Mr. KONOP: Petitions of sundry citizens of Luxemburg, Oconto Falls, Green Bay, and Casco, all in the State of Wisconsin, against national prohibition; to the Committee on Rules.

Also, petitions of 35 citizens and the official board of the Methodist Episcopal Church, Kaukauna, Wis., favoring national prohibition; to the Committee on Rules.

Also, petition of the Brokaw Methodist Episcopal Church, of Kaukauna, Wis., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. LANGHAM: Memorial of Branch No. 120, Glass Blowers' Association of the United States, of Clarion, Pa., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Knox, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of the Pennsylvania Manufacturers' Association, favoring passage of House bill 1933, the convict-labor bill; to the Committee on Labor.

Also, petition of the Pennsylvania Retail Jewelers' Association, favoring the passage of the Owen-Goeke bill, relative to guaranty on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Mahanoy City, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LEVY: Petitions of the Davenport (Iowa) Malt & Grain Co.; of the Hotel Association of New York City; of the Manufacturers and Dealers' League of New York; of the Cresta Blanca Wine Co., of New York City; of the Sonoma Wine & Brandy Co., of Brooklyn, N. Y.; and sundry citizens of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petition of Barber, Watson & Gibbony, of New York City, asking that the public-utility holding companies be excepted from the holding-company provision of the Clayton bill; to the Committee on the Judiciary.

Also, petition of the Philadelphia Board of Trade, protesting against House bill 15657, relative to discrimination in prices; to the Committee on Interstate and Foreign Commerce.

Also, petition of the tariff reform committee of the Reform Club, favoring repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Forty-second Street Association of New York City, protesting against passage of Senate bill 4941, relative to moving-picture films; to the Committee on Education.

Also, memorial of a mass meeting of independent retail merchants of New York City, favoring passage of House bill 13305, the standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Vicksburg Veterans, relative to reunion of Confederate and Civil War veterans at Vicksburg, Miss.; to the Committee on Military Affairs.

By Mr. LEWIS of Pennsylvania: Petition of Pennsylvania Retail Jewelers' Association, of Pittsburgh, Pa., favoring passage of the Owen-Goeke bill to eliminate time guaranty on gold-filled cases; to the Committee on Interstate and Foreign Commerce.

By Mr. LIEB: Petitions of A. J. Haney, Clarence Blancet, Oscar Korff, A. T. Kaiser, T. C. Summers, Raymond Summers, John Howe, Leslie Bell, Louie Kollinsky, A. J. Williamson, J. H. Baker, James Wilson, W. Ash, C. L. Heck, Eugene Kelley, John B. Ma Mill, S. Gillick, Al Brust, D. Oliver, R. L. Gambill, Tom Wright, John Heisman, Alonzo Rooney, J. F. Loebs, J. F. Rimhard, L. R. Capps, E. L. Crowder, Elva Miller, and Simon Forler, all of Evansville, Boonville, and Newburg, in the State of Indiana, protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of Frank Thomas, of New Britain, Conn., and others, protesting against national prohibition; to the Committee on Rules.

By Mr. McANDREWS: Memorial of executive committee of the United Societies for Local Self-Government of Chicago, Ill., protesting against national prohibition; to the Committee on Rules.

Also, petition of various business men of La Grange, Ill., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of the Board of Commissioners of Cook County, Ill., favoring passage of House bill 1573, relative to funds for half-century anniversary of negro freedom; to the Committee on Appropriations.

By Mr. MAHER: Petitions of Andrew Koller and others of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules

By Mr. MARTIN: Petitions of sundry citizens of South Dakota, the Congregational Churches of South Dakota, and the Zion Evangelical Church, of Aberdeen, S. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. MOORE: Memorial of the Board of Trade of Philadelphia, Pa., favoring acquisition by the United States Govern-

ment of the Chesapeake & Delaware Canal; to the Committee on Rivers and Harbors.

Also, petition of the Pennsylvania Retail Jewelers' Association, favoring Owen-Goeke bill to eliminate time guaranty on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pennsylvania Manufacturers' Association, favoring House bill 1933, providing for branding of convict-made goods; to the Committee on Labor.

By Mr. NEELY of West Virginia: Petition of the Methodist Episcopal Church of Mannington, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. NELSON: Petitions of 29 citizens of Fennimore, 25 citizens of Yuba, 10 citizens of Boscobel and Cassville, and 39 citizens of Dane County, all in the State of Wisconsin, against national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petitions of Mrs. Alice M. Martinsen and 33 other women voters, William J. Gallagher and 22 other citizens, Lewis O'Connor and 46 other citizens, E. J. Dunn and 28 other citizens, D. J. Fitzgerald and 316 other citizens, C. D. Dickey and 49 other citizens, Edward J. Warnecke and 30 other citizens, and Frank E. Plate and 40 other citizens, all of San Francisco, Cal., against the passage of the Hobson Nation-wide prohibition resolution; to the Committee on Rules.

By Mr. O'LEARY: Petition of the Manufacturers and Dealers' League and sundry citizens of New York City, the Retail Liquor Dealers' Association of the Borough of Queens, Flushing, N. Y., and 241 voters of the second New York congressional district, and the Driscoll Hotel, of Washington, D. C., protesting against national prohibition; to the Committee on Rules.

Also, petitions of various voters of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules

Also, petition of Manhem Lodge, No. 110, Independent Order of Odd Fellows, favoring passage of bill for memorial to John Ericsson; to the Committee on the Library.

Also, petition of sundry citizens of Long Island, N. Y., and the Queens and Nassau Sunday School Association, of the State of New York, represented by 1,000 delegates at Flushing, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of sundry citizens of Providence, R. I., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Providence, R. I., favoring national prohibition; to the Committee on Rules.

Also, petition of the Scandinavian Independent Progressive League of Greater New York, favoring memorial to John Ericsson; to the Committee on the Library.

By Mr. PETERS of Maine: Petition of 18 citizens of Maine, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Belfast, Me., favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of 400 voters of the twenty-sixth New York congressional district, against passage of Hobson-Sheppard-Works resolutions; to the Committee on Rules.

Also, petition of sundry citizens of Poughkeepsie, N. Y., favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. RAKER: Resolutions of the San Francisco Retail Cigar Dealers' Association, of San Francisco, Cal., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, letter from Coffin, Redington Co., of San Francisco, Cal., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of Red Bluff, Cal., favoring the Newlands river-regulation bill; to the Committee on Rivers and Harbors.

Also, resolutions of the city council of Richmond, Cal., favoring Senate bill 3677, providing for the granting of right-of-way privileges to Allen C. Rush to construct a suspension bridge across San Francisco Bay; to the Committee on Rivers and Harbors.

By Mr. REED: Petitions of John J. Coyne, secretary of the New Hampshire Federation of Labor; Joseph Sacco, of Portsmouth; Honore Girard, of Strafford; W. A. MacLean, of Center Harbor, all of New Hampshire; and Louis N. Hammerling, president American Association of Foreign Language Newspapers (Inc.), of New York City, opposing national prohibition of the liquor traffic; to the Committee on Rules.

Also, petitions of Elmer B. Osgood and 75 others, of the town of Boscawen; G. C. Waterman and 24 others, of Laconia; Charles Follett and 6 others, of Laconia; Mrs. Henry B. Copp, of Derry; and Rev. Henry B. Copp, of Londonderry, all in the State of New Hampshire, favoring national prohibition of the liquor traffic; to the Committee on Rules.

By Mr. SLOAN: Petition of various voters of Fillmore County, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of New York: Petition of the Buffalo (N. Y.) District Epworth League, favoring national prohibition; to the Committee on Rules.

By Mr. STEENERSON: Petitions of Ole Nyphus and 25 other citizens of Thief River Falls and sundry citizens of Littlefork and Roosevelt, all in the State of Minnesota, favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petition of the Santa Monica Bay Chamber of Commerce, of Ocean Park, Cal., and sundry citizens of Los Angeles, Cal., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Common Council of the city of Riverside, Cal., favoring the passage of the Hamill bill, relative to retirement of Government employees; to the Committee on Reform in the Civil Service.

Also, petition of Mrs. Anna Shaw Yates, of Hollywood, Cal., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, memorial of the San Francisco Chamber of Commerce, protesting against passage of the Newlands bill, relating to flood control; to the Committee on Rivers and Harbors.

By Mr. TALCOTT of New York: Petitions of 1,015 voters of the thirty-third congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petitions signed by 5,500 constituents of the twenty-eighth congressional district of New York, protesting against the passage of the act for prohibition of the manufacture and sale of alcoholic beverages in the United States; to the Committee on Rules.

By Mr. TOWNER: Petitions of citizens of Moulton, Exline, and Mystic, all in the State of Iowa, favoring the enactment of national constitutional prohibition amendment; to the Committee on Rules.

By Mr. WINGO: Petition of sundry citizens of the State of Arkansas, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of the State of Arkansas, favoring passage of bill to amend the postal and civil-service laws; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *May 27, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we look to Thee to inspire and to answer our prayer. We come to Thee with a heart-hunger that has never been satisfied in all the gifts of Providence in this life. We come to Thee amid the unrest of life that hath found no abiding city. One by one we pass out into the great beyond, into the unseen which we believe to be eternal. Shadows lie athwart our pathway. We lift our hearts to Thee, the source of light and life and power. We thank Thee for the light that gleams along the pathway. We pray that Thou, amidst the encircling gloom, will lead us on, and when the shadows break may our eyes open to the light of an eternal day. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
Washington, May 27, 1914.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day.

The Journal of yesterday's proceedings was read and approved.

CALLING OF THE ROLL.

Mr. BRYAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Ashurst	Burton	Clark, Wyo.	Johnson
Brady	Catron	Crawford	Jones
Brandegee	Chamberlain	Culberson	Kenyon
Bristow	Chilton	Gallinger	Kern
Bryan	Clapp	Hitchcock	La Follette

Lane	Perkins	Shively	Tillman
Lodge	Pittman	Simmons	Vardaman
McCumber	Pomerene	Smith, Md.	Weeks
McLean	Ransdell	Smith, S. C.	White
Martin, Va.	Robinson	Sterling	Williams
Myers	Root	Sutherland	Works
Nelson	Saulsbury	Swanson	
O'Gorman	Shafroth	Thompson	
Page	Sheppard	Thornton	

Mr. GALLINGER. I beg to announce that the senior Senator from Utah [Mr. SMOOT] is absent from the city on public business.

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is absent on official business of the Senate.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. KERN. I desire to announce the absence of the Senator from Kentucky [Mr. JAMES], the senior Senator from New Jersey [Mr. MARTINE], the senior Senator from North Carolina [Mr. OVERMAN], and the junior Senator from Arizona [Mr. SMITH], who are attending the funeral of the late Senator Bradley. I desire also to announce the unavoidable absence of the Senator from Georgia [Mr. SMITH]. These announcements may stand for the day.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on business of the Senate, and also that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent from the Senate.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 264) authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations, in which it requested the concurrence of the Senate.

INTERNATIONAL CONGRESS OF CHAMBERS OF COMMERCE.

Mr. LODGE. I ask that the joint resolution just received from the House be laid before the Senate and read at length.

The joint resolution (H. J. Res. 264) authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and he is hereby, authorized to accept an invitation extended by the Government of the French Republic to the Government of the United States to participate by delegates in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held at Paris from the 8th to the 10th of June, 1914: *Provided*, That no appropriation shall be granted for expenses of delegates or for other expenses incurred in connection with the said conference.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Foreign Relations.

Mr. LODGE. I am authorized by the Committee on Foreign Relations to report back favorably the joint resolution.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask for its immediate consideration?

Mr. LODGE. I ask for its immediate consideration. The congress meets the 10th of June, and action must be taken at once.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Harrisburg, Whitehaven, Jamestown, Greenville, Natrona, Belle Vernon, St. Petersburg, Uniontown, Ambler, New London, Clearfield, Germantown, and Beaver Falls, all in the State of Pennsylvania; of Dinuba, Willows, Gridley, Clearwater, Oakland, Fort Bragg, and Los Angeles, all in the State of California; of Newton, Clay Center, Frankfort, and La Crosse, all in the State of Kansas; of Penrose, Colo.; of Washington, Morning Sun, and Reasnor, all in the State of Iowa; of Mabel and Owatonna, in the State of Minnesota; of Brooklyn and McGrawville, in the State of New York; of Marceline, Kansas City, and Savannah, all in the State of Missouri; of Windsor, Griggsville, Pesotum, East St. Louis, Peoria, Good Hope, and Libertyville, all in the State of Illinois; of Parkersburg and Wheeling, in the State of West Virginia; of Haines and Portland, in the State of Oregon; of Overpeck, Toledo, and Cincinnati, all in the State of Ohio; of Stewart, Wyo.; of Boston, Mass.; of Washington, D. C.; of Winterhaven, Fla.; of Winona Lake, Ind.; of Irrington, N. J.; of Fargo, N. Dak.; of Mount Vernon, S. Dak.; of Stevens Point, Wis.; and of Sterling, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Wellsville, Kans., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Haviland Quarterly Meeting of Friends, at Coldwater, Kans., praying for the enactment of legislation to provide national censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. WORKS presented memorials of sundry citizens of California, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Napa, Boulder Creek, Watsonville, and of Orange County; of the congregation of the North Pasadena Methodist Church, of Pasadena, all in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the pupils and teachers of the West Riverside School, of Riverside, Cal., praying for the enactment of legislation looking to the preservation of the national forests, which was referred to the Committee on Agriculture and Forestry.

Mr. CATRON presented memorials of sundry citizens of New Mexico, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Silver City, N. Mex., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Motley, St. Paul, Winnebago, Minneapolis, Madison, Northome, Duluth, Long Lake, Grand Rapids, Fairfax, and Ogilvie, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of St. Paul, Minneapolis, Shakopee, and Duluth, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Suffrage Association of Duluth, Minn., praying for the adoption of an amendment to the Constitution to grant the right of suffrage to women, which was referred to the Committee on the Judiciary.

He also presented a petition of the German-American Central Alliance, of St. Paul, Minn., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. MYERS presented petitions of the Christian Endeavor Society of the Presbyterian Church of Belgrade, of the Christian Endeavor Society of the Presbyterian Church of Spring Hill, of the Christian Endeavor Society of the Christian Church of Butte, of the Christian Endeavor Society of the Presbyterian Church of Cut Bank, of the Christian Endeavor Society of the Presbyterian Church of Polson, of the Christian Endeavor Society of the Congregational Church of Anita, of the Christian Endeavor Society of the Christian Church of Chance, of the Christian Endeavor Society of the Christian Church of Anaconda, of the Christian Endeavor Society of the Christian Church of Kalispell, and of the Christian Endeavor Society of the Christian Church of Eureka, all in the State of Montana, and of the Christian Endeavor Society of the Union Presbyterian Church, of Powell, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Dillon and Deer Lodge, in the State of Montana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of Milan, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the congregation of the Protestant Episcopal Church of the diocese of Los Angeles, Cal., praying for the enactment of legislation providing for an increase in the number of chaplains in the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented a petition of the congregation of the Methodist Church of North Pasadena, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufac-

ture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of San Francisco and Los Angeles, in the State of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CUMMINS presented telegrams in the nature of memorials from sundry citizens of Clinton and Dubuque, and memorials of sundry citizens of Davenport, Sioux City, Dubuque, Arlington, and Oelwein, all in the State of Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Cedar Falls, Doon, Bedford, Council Bluffs, Oskaloosa, Cheriton, Gravity, Fort Madison, Brooklyn, Burlington, Garwin, Oelwein, and Sac City, all in the State of Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of James H. Bowker & Co., of Meriden, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the State executive committee of the Young Men's Christian Association Auxiliaries of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Pastors' Association of Bridgeport, Conn., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. OLIVER presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to provide for the acquisition by the United States Government of the Chesapeake & Delaware Canal, which was referred to the Committee on Appropriations.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," which was referred to the Committee on Commerce.

He also presented a petition of the Pennsylvania Manufacturers' Association, of Philadelphia, Pa., praying for the enactment of legislation for the purpose of enabling the various States to enforce any laws they may have providing for the branding of convict-made goods without affecting the States which have no law, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry local unions of the United Mine Workers of Pennsylvania, praying for an investigation into the conditions existing in the mining districts of Colorado, which were referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the Thames River Lodge, No. 496, Brotherhood of Railroad Trainmen, of New London, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Court of Common Council, of Norwich, Conn., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. DU PONT presented a petition of the Central Bureau of Philadelphia Yearly Meeting of Friends of Pennsylvania, praying for national prohibition, which was referred to the Committee on the Judiciary.

DEPARTMENT OF JUSTICE BUILDING.

Mr. WORKS. Mr. President, I have here a memorial from the Southern California Chapter of the American Institute of Architects relating to the architectural work on the proposed building for the Department of Justice. It contains some very interesting facts and data. I ask that it may be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

There being no objection, the memorial was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

AMERICAN INSTITUTE OF ARCHITECTS,
OFFICE OF THE SECRETARY,
Los Angeles, Cal., May 21, 1914.

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

DEAR SIR: The Southern California Chapter of the American Institute of Architects herewith begs to inclose a statement prepared by the institute's committee on Government architecture, relating to the matter of the building for the Department of Justice in Washington, D. C., and also a detailed account of the competition, the subsequent developments, and the legislation referred to in the statement.

As the institute has been unable to secure assurances from the United States Treasury Department that the Government will abide by the results of the competition, this chapter earnestly requests of you to use all your influence in order that the matter of the bill now under consideration in the House and the parallel legislation that is to be introduced in the Senate may receive serious consideration.

Yours, respectfully,

FERNAND PARMENTIER, *Secretary.*

STATEMENNT IN THE MATTER OF THE DEPARTMENT OF JUSTICE BUILDING.

In May, 1908, an appropriation of $2,500,000 was made to purchase land for a group of Government buildings for the Departments of State, of Justice, and of Commerce and Labor.

This project was looked upon as so important that the Secretary of the Treasury decided to institute a competition to select an architect for each of these three buildings. To assure the widest opportunity of choice 60 of the leading architects in the United States received and accepted an invitation to compete, 20 being invited for each building.

The program was perfectly definite in its statements that the competition was for the selection of three architects to whom the erection of these buildings would be awarded, stating that "the selection of one of the designs by the Secretary of the Treasury and its subsequent approval by the President, the Secretary of the Treasury, and the head of the department to occupy the building would be final and conclusive," and, further, "that the successful competitor would be designated to prepare drawings and specifications and locally supervise the construction of the building."

The competition was judged by three separate juries, composed of five architects each. The award was made January 6, 1911. The 60 competitors and 15 judges acted throughout in the belief that the Government, in good faith, had committed itself to the award and to the execution of these three buildings by the architects selected.

The three winners were called upon to develop and harmonize their plans, and a contract for the architectural services in connection with the building for the Department of Justice was signed August 28, 1911. It constituted a definite contract for preliminary services as far as the appropriation enabled the department to act at that time, and stated that the supplementary contract would be made when the building was authorized.

The first payment was made to the winner of the building for the Department of Justice on September 11, 1911, in amount of $19,431.85. This was a partial payment on account of the preliminary contract, and represented not only what was due at that time for the competition drawings, but also eight months' work in revising and completing the preliminary drawings.

Work was continued on the plans by the winner until the spring of 1913, when he was advised by the Supervising Architect of the Treasury not to do any further work. Subsequent to this he was notified in January, 1914, to go to Washington to discuss changes in the position of the building and to prepare another estimate of cost, thereby receiving assurance that the administration proposed to carry on its agreement with him.

H. R. 12801, a bill for an appropriation for the Department of Justice, followed along the same lines and provided that the architect selected in the competition should execute this building. The Attorney General gave evidence on this bill at a hearing on February 6, 1914, and the Secretary of the Treasury gave evidence at a hearing on February 25, 1914, opposing this bill and proposing in its place H. R. 13870, the bill now under consideration, which gives authority to a commission to appoint an architect, either by competition or selection, to render partial services in the preparation of the plans under the control of the Supervising Architect. While it is true that this bill does not definitely state that the architect already selected by the competition would not be appointed as the architect of the building, yet inasmuch as this bill, which specifically puts it in the power of the commission to appoint an architect other than the architect already selected, takes the place of a prior bill introduced in the House, which gave definite assurance that the building would be built according to the designs of the architect originally selected, the assumption is plain that if it was the intention of the Government to proceed along the original lines no change would have been made in the bill first introduced.

The details of the case, which in the statement given above have chiefly to do with the building for the Department of Justice, because that building is the only one now under consideration, do not affect the great question involved, namely, that of national fair play. The Government, through its authorized agents, made a promise which was accepted in good faith. No reason has been advanced for breaking that promise, and the subsequent change of method in the administration of governmental architecture as now advocated by the Government should not affect the fulfillment of a promise previously made.

NEW YORK, *May 9, 1914.*

DETAILED STATEMENT.

The Government competition held in the latter part of 1910 for the three buildings for the Department of State, Department of Justice, and Department of Commerce and Labor was, taken as a whole, the

largest and in some respects the most important that has ever been instituted in this country. Sixty of the leading architects of the country were invited by the Government to compete, and accepted. Twenty architects competed for each of the three buildings. The competition was carefully conducted by the Department of the Treasury, judged by expert jurors, the decision of the jury confirmed, and the award finally made to three architects.

The following is the list of competitors and jury for each of the three buildings:

DEPARTMENT OF STATE.

1. Arnold W. Brunner, New York City.
2. James Gamble Rogers, New York City.
3. Warren & Wetmore, New York City.
4. H. Van Buren Magonigle, New York City.
McKim, Mead & White, New York City.
D'Oench & Yost, New York City.
Nathan C. Wyeth, Washington, D. C.
Hornblower & Marshall, Washington, D. C.
George Cary, Washington, D. C.
John Galen Howard, San Francisco, Cal.
Pond & Pond, Chicago, Ill.
Frank Miles Day & Bro., Philadelphia, Pa.
Rankin, Kellogg & Crane, Philadelphia, Pa.
Kelsey & Cret, Philadelphia, Pa.
Shepley, Rutan & Coolidge, Boston, Mass.
Allen & Collens, Boston, Mass.
Parker, Rice & Thomas, Boston, Mass.
F. M. Andrews & Co., Boston, Mass.
Hubert G. Ripley, Boston, Mass.
Wyatt & Nolting, Baltimore, Md.

JURY.

E. V. Seeler, of Philadelphia, who was invited to compete, but could not do so.
John V. Van Pelt, J. R. Pope, and Raymond F. Almirall, of New York.
Herbert Langford Warren, of Boston.

DEPARTMENT OF JUSTICE.

1. Donn Barber, New York City.
2. Cass Gilbert, New York City.
3. Percy Griffin, New York City.
4. Parker & Thomas, Baltimore, Md.
Trowbridge & Livingston, New York City.
Carrere & Hastings, New York City.
Howells & Stokes, New York City.
Bannister & Schell, New York City.
Butler & Rodman, New York City.
Edward P. Casey, New York City.
Albert E. Ross, New York City.
Lord & Hewlett, New York City.
Palmer & Hornbostel New York City.
Delano & Aldrich, New York City.
C. L. W. Eidlitz, New York City.
Frost & Granger, Chicago, Ill.
Bliss & Faville, San Francisco, Cal.
C. H. Blackall, Boston, Mass.
Andrew, Jacques & Rantoul, Boston, Mass.
Wheelwright & Haven, Boston, Mass.

JURY.

J. M. Carrere, of Carrere & Hastings, who was invited to compete, but was unable to do so.
J. Milton Dyer, of Cleveland.
Russell Clipston Sturgis, of Boston.
N. C. Ricker, head of the school of architecture in the University of Illinois.
Alexander B. Trowbridge, head of the architectural school in Cornell University.

DEPARTMENT OF COMMERCE AND LABOR.

1. York & Sawyer, New York City.
2. Tracy, Swartout & Litchfield, New York City.
3. H. Friedlander, New York City.
4. George B. Post & Sons, New York City.
Babb, Cook & Welch, New York City.
Lafarge & Morris, New York City.
Francis H. Kimball, New York City.
Kenneth M. Murchison, New York City.
Wood, Donn & Deming, Washington, D. C.
Peabody & Stearns, Boston, Mass.
Bigelow & Wadsworth, Boston, Mass.
Eames & Young, St. Louis, Mo.
T. C. Link & Son, St Louis, Mo.
Mauran & Russell, St. Louis, Mo.
Donaldson & Meier, Detroit, Mich.
Holabird & Roche, Chicago, Ill.
Abram Garfield, Omaha, Nebr.
Green & Wicks, Buffalo, N. Y.
Richards, McCarty & Bulford, Columbus, Ohio.

JURY.

Pierce Anderson, of Chicago.
Henry Bacon, of Philadelphia.
Glenn Brown, secretary of the American Institute of Architects.
John B. Pine and D. Everett Waid, of New York City.

The program for this competition, which was issued in September, 1910, stated that "This competition is one of three which will be instituted simultaneously for the selection of three architects, to whom the erection of the three buildings for the Department of State, Justice, and Commerce and Labor will be awarded."

It was therefore a competition for the selection of an architect, not necessarily for the selection of a design, and the architect was to be intrusted with the erection of the building. The program further stated that "The selection of one of the designs by the Secretary of the Treasury, and its subsequent approval by the President, the Secretary of the Treasury, and the head of the executive department to occupy the building shall be final and conclusive."

The program further stated that "The architect to whom the commission is awarded shall revise his competitive drawings to meet the further requirements of the Secretary of the Treasury and the officials of the department to occupy the building, and upon the basis of these revised preliminary drawings shall prepare full detailed working drawings and specifications for said building, and shall thereafter from time to time make such changes in the drawings and specifications as may be directed by the Secretary of the Treasury, for which just compensation shall be allowed; but no changes in the drawings and specifications shall be made without written authority from the Secretary of the Treasury.

"The architect (or architects) to whom said commission shall be awarded will receive in compensation for full professional services, including local supervision of the building, a fee computed at the rate of 6 per cent upon the cost of the work executed from his drawings and specifications and under his superintendence. The sum upon which the architect's commission is to be computed shall be the actual construction cost of the building as ascertained from the net amount of contracts awarded and proposals accepted for additions or deductions."

The conditions of the competition and the interest expressed in the program were accepted not only by the 60 architects competing but by the American Institute of Architects, the profession at large, by the President and Cabinet, by Congress, by the press, and the public at large.

The competition drawings were finally delivered as required at the Office of the Supervising Architect of the Treasury in Washington, on December 30, 1910. The competitions were judged and notifications were received from Secretary of the Treasury MacVeagh as to the awards on January 6, 1911, and the successful architects found to be for the Department of State, Arnold W. Brunner; Department of Justice, Donn Barber; and Department of Commerce and Labor, York & Sawyer.

A public exhibition of all of the competitive drawings was held in Washington, and the entire matter received very wide publicity in the press and aroused throughout the country general approbation and enthusiasm.

Shortly after the competitions were won Messrs. Brunner, Barber, and York & Sawyer were called together by the then Secretary of the Treasury, Hon. Franklin MacVeagh, and were instructed by him to develop their individual buildings with the heads of the departments for which they were intended, having constantly in view at the same time the reconciliation of the designs to each other and the architectural harmony of the group as a whole.

They were asked to harmonize the façades, which was not a serious matter, as it happened, and to present as soon as possible all three buildings in group form, both in plan and elevation, for the consideration of the Commission of Fine Arts. Soon after this a meeting was held with the Commission of Fine Arts, when certain further instructions were received. The work then proceeded, including the study of a more detailed plan arrangement for each building. All this represented considerable effort and expense, took several months, and lasted well into the summer.

On June 16, 1911, the three architects again appeared before the Commission of Fine Arts in Washington, with the required block plans and elevations, bird's-eye views, and perspective sketches of the group. At this meeting the approval of the general preliminary plans was received, which approval is on record, and was transmitted in writing to Hon. Charles D. Hillis, then Secretary to the President. A day or two later the three architects were called to a meeting with the President and his Cabinet, in the White House, and there this same series of drawings was carefully examined, passed on, and approved in general by them.

The plans of the buildings were then taken up separately with the respective departments, and the drawings for the Department of Justice were finally approved and received the signature of the President, Secretary of the Treasury, Attorney General, and the Supervising Architect, all on August 22, 1911. In the meantime there had been filed with the Supervising Architect of the Treasury estimates for this building, in the form required by him, which estimates were accepted, placed on file, and a contract was prepared under date of July 24, 1911. This contract was finally executed on August 28, 1911, after the drawings had been signed and approved, and a first payment was then made to Donn Barber on September 11, 1911, in the sum of $19,431.85. This completed the conditions required by the program of competition, and then a more detailed study of the drawings was begun with a view to the making of final working drawings. The contract awarded was in the nature of a preliminary contract and called for certain mentioned services to be rendered, for all of which the Government was to pay $48,579.64.

The reason the contract was drawn in this form was that, of the $200,000 called for to be used for designs and estimates for the three buildings, only $160,000 had been actually appropriated. The net balance available from this appropriation was $158,203.36, $1,786.64 having been expended for the compensation of the judges, expense of the competition, etc. This balance added to the $40,000 left to be appropriated made a total of $198,203.36, which amount was then divided proportionately among the three architects of the three buildings—Mr. Brunner, $56,269.94; Donn Barber, $48,579.64; and York & Sawyer, $93,353.78. The contracts were made, therefore, to the full extent of the moneys held available, and the services required under these contracts were proportioned to these amounts.

It was then further agreed in the contracts that in the event that Congress should hereafter grant the necessary authority therefor the Government would enter into supplemental contracts for the further architectural services required in connection with the erection and completion of the buildings and pay a total of 6 per cent for the full services to be rendered.

The preliminary contract was a contract distinctly showing the intent and willingness on the part of the Government to proceed in the usual way should Congress finally decide to go ahead with the work.

Nothing further was done by the Department of the Treasury until just before the last administration went out on March 4, 1913. Secretary MacVeagh, under date of February 28, 1913, wrote a letter to Congress recommending that authority be given the Secretary of the Treasury to enter into contracts to provide sufficient accommodations for the several departments, and that the appropriation known as "Architectural competitions" be made available for the payment of fees to the architects, and accompanying this was a draft of a bill, in which is stated in the last paragraph "That the Secretary of the Treasury be, and he is hereby, further authorized and empowered to enter into supplemental contracts with each of the architects whose designs have been accepted for the department buildings hereinabove authorized," etc.

This bill of Secretary MacVeagh's, of course, coming so late, was never passed, but the intent plainly expressed all the way through all of the negotiations, letters, and in the contract is that the successful architect of the competition had the approval and support of the administration and was surely promised the execution of the building. In other words, as far as the competitors were concerned, they were plainly invited to compete for the building and not merely for sketches and

estimates for the building. It seems that herein lies the real moral obligation willingly incurred by the Government.

When the present administration came in the needs for the building for the Department of Justice were found to be pressing. Attorney General McReynolds therefore introduced a bill asking for an appropriation for $3,000,000 for the building and contemplating the employment of the architect to whom this work had been awarded in competition, namely, Mr. Donn Barber. The Secretary of the Treasury in perfecting plans for a more complete organization of the Office of the Supervising Architect of the Treasury, believing that all Government work should be executed under the supervision of this department, and in pursuance of this policy, believing that the supervision of this building should not be intrusted to the architect and that his compensation should be based not on full service but on partial service, put in a substitute bill referred to below. Whether or not his policy in regard to the Office of the Supervising Architect is a wise one or not, it seems hardly applicable to this case, where the Government has already committed itself, as far as possible, to another course.

The bill drawn by Attorney General McReynolds, H. R. 12801, was drawn during the absence of the Secretary of the Treasury in the West. On hearing of it and finding that it did not conform to his policy, he had a bill drawn and presented to Congress, H. R. 13870, which gives the commission in charge of this building the authority to disregard the previous obligation entered into by the Government and distinctly directs that the architect appointed to carry out this work shall not supervise the erection of the building.

The rest of the history is shown by these two bills, H. R. 12801 and H. R. 13870, appended hereto, and by the No. 10 hearing before the Committee on Public Buildings and Grounds, House of Representatives, on H. R. 12801, buildings for the Department of Justice, February 6, 1914, which is the hearing of Mr. McReynolds before the committee; and No. 14 hearing before the Committee on Public Buildings and Grounds, House of Representatives, on H. R. 12801, building for the Department of Justice, February 25, 1914, which is the hearing of Mr. McAdoo before the same committee; and the report, No. 368, of the same committee accompanying H. R. 13870, March 11, 1914, which reports the bill favorably to the House of Representatives.

NEW YORK, *May 9, 1914.*

REPORTS OF COMMITTEES.

Mr. JOHNSON. I am directed by the Committee on Claims, to which was referred the bill (H. R. 1005) to reimburse William Van Derveer, of Millboro, Va., for excess revenue taxes assessed against and collected from him, to submit an adverse report (No. 559) thereon. I ask that the bill may be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. GRONNA, from the Committee on Indian Affairs, to which was referred the bill (H. R. 4988) to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak., reported it with amendments and submitted a report (No. 561) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 647) to amend an act entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of March 3, 1909 (35 Stat. L., p. 796), reported it without amendment and submitted a report (No. 560) thereon.

Mr. NORRIS. I am directed by the Committee on Claims, to which was referred the bill (S. 1125) for the relief of the heirs of Ann Gregory, deceased, to submit an adverse report (No. 562) thereon. I ask that the bill be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. NORRIS. I am directed by the Committee on Claims, to which was referred the bill (S. 1289) for the relief of Lemuel E. Cook, to submit an adverse report (No. 563) thereon. I ask that the bill be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

INTERNATIONAL DENTAL CONGRESS.

Mr. SAULSBURY. From the Committee on Foreign Relations I report back favorably with an amendment in the nature of a substitute the joint resolution (S. J. Res. 105) authorizing the President to appoint delegates to the International Dental Congress to be held in London, England, August 3 to 8, 1914, and I submit a report (No. 558) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the resolving clause and to insert:

That the President be, and is hereby, authorized to accept an invitation extended by the Government of Great Britain to that of the United States to be represented by delegates in the Sixth International Dental Congress, to be held at London, August 3 to 8, 1914, and is authorized to appoint 15 delegates to such Congress: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress."

ENFORCEMENT OF ALASKAN LAWS.

Mr. PITTMAN. From the Committee on Territories I report back favorably, without amendment, the bill (H. R. 11740) to amend an act entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912, and I ask unanimous consent for its present consideration. I will state that the bill has passed the other House as an emergency measure. It has been approved by the members of the Committee on Territories of the Senate. The passage of the bill is essential to prevent the necessity of calling a special session of the Territorial Legislature of the District of Alaska. By some defect in the legislation, the district courts and the district officers have no jurisdiction over the matter of the collection and enforcement of the payment of taxes and other dues.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That nothing in that act of Congress entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912, shall be so construed as to prevent the courts now existing or that may be hereafter created in said Territory from enforcing within their respective jurisdictions all laws passed by the legislature within the power conferred upon it, the same as if such laws were passed by Congress, nor to prevent the legislature passing laws imposing additional duties, not inconsistent with the present duties of their respective offices, upon the governor, marshals, deputy marshals, clerks of the district courts, and United States commissioners acting as justices of the peace, judges of probate courts, recorders, and coroners, and providing the necessary expenses of performing such duties, and in the prosecuting of all crimes denounced by Territorial laws the costs shall be paid the same as is now or may hereafter be provided by act of Congress providing for the prosecution of criminal offenses in said Territory, except that in prosecutions growing out of any revenue law passed by the legislature the costs shall be paid as in civil actions, and such prosecutions shall be in the name of the Territory.

Mr. CLARK of Wyoming. Mr. President, it is not my purpose to object to this proposed legislation, because I do not like to object to legislation pertaining to the Territory of Alaska, but if I may be allowed to make the statement, I will say that, in my judgment, this bill proposes to confer upon the proposed Legislature of the Territory of Alaska powers equal to the powers of Congress and far in excess of any powers ever granted to any legislature in the history of the Government. It proposes to give unlimited power to the Legislature of the Territory of Alaska to impose upon the officers appointed, from justices of the peace up to the Federal judges, marshals, and United States attorneys, any duties that it chooses to place upon such officers that are not inconsistent with some law of Congress. Of course, there is no law of Congress inconsistent with it; but it seems to me it is giving pretty sweeping powers. The bill ought to be very carefully guarded. I suppose the committee has fully considered the matter.

Mr. LA FOLLETTE. I object to the present consideration of the bill. I wish to have an opportunity to examine it with some care.

The PRESIDING OFFICER. Objection is made, and the bill will be placed on the calendar.

Mr. PITTMAN subsequently said: In behalf of the Committee on Territories, I ask leave to withdraw the report on House bill 11740.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

INTERNATIONAL EXPOSITION OF SEA FISHERY INDUSTRIES.

Mr. LODGE. For the senior Senator from New York [Mr. ROOT], who is obliged to be absent from the city, I report from the Committee on Foreign Relations a joint resolution for which I ask present consideration.

The joint resolution (S. J. Res. 151) authorizing the President to accept an invitation to participate in an international exposition of sea fishery industries was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and is hereby, authorized to accept an invitation extended by the Government of France to that of the United States to be represented by a delegate at an International Exposition of Sea Fisheries, to be held at Boulogne-sur-mer, June 15 to October 1, 1914: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL CONGRESS OF OCCUPATIONAL DISEASES.

Mr. SUTHERLAND. I report from the Committee on Foreign Relations a joint resolution authorizing the President to accept an invitation to participate in the International Congress of Occupational Diseases, for which I ask present consideration.

The joint resolution (S. J. Res. 152) authorizing the President to accept an invitation to participate in the International Congress on Occupational Diseases was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and is hereby, authorized to accept an invitation extended by the Government of Austria-Hungary to that of the United States to be represented by delegates in an International Congress on Occupational Diseases, to be held at Vienna, September, 1914; and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of participation by the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL CONGRESS OF NEUROLOGY, ETC.

Mr. O'GORMAN. From the Committee on Foreign Relations I report a joint resolution authorizing the President to accept an invitation to participate in the International Congress on Neurology, Psychiatry, and Psychology, and I ask for its present consideration.

The joint resolution (S. J. Res. 153) authorizing the President to accept an invitation to participate in the International Congress on Neurology, Psychiatry, and Psychology was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President be, and is hereby, authorized to accept an invitation extended by the Government of Switzerland to the Government of the United States to be represented by delegates in an International Congress on Neurology, Psychiatry, and Psychology, to be held in Berne, Switzerland, from September 7 to September 12, 1914; and the sum of $500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of participation by the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 5675) donating a bronze or brass condemned cannon to Crocker Post, Grand Army of the Republic, at Des Moines, Iowa, for cemetery purposes; to the Committee on Military Affairs.

A bill (S. 5676) granting an increase of pension to William H. Sperry (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5677) to amend the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912; to the Committee on Interoceanic Canals.

A bill (S. 5678) authorizing the Secretary of War to donate to the Blue Post, No. 250, Grand Army of the Republic, Topeka, Kans., three cannon or fieldpieces, to be placed in Rochester Cemetery; and

A bill (S. 5679) to remove the charge of desertion against Adam R. Hartzell (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5680) granting a pension to Lyman E. Tibbits (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5681) to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands"; to the Committee on Public Lands.

By Mr. BRYAN (for Mr. FLETCHER):

A bill (S. 5682) granting an increase of pension to Catherine E. Prine; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 5683) to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, all reservations that are not needed for naval purposes; to the Committee on Naval Affairs.

By Mr. SHIVELY:

A bill (S. 5684) to correct the military record of Oliver C. Rice and to grant him an honorable discharge; to the Committee on Military Affairs.

A bill (S. 5685) granting a pension to Martha E. Reynolds (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 5686) granting a pension to Nancy Matsel; to the Committee on Pensions.

PANAMA CANAL TOLLS.

Mr. CUMMINS submitted an amendment intended to be proposed by him to the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912, which was ordered to lie on the table and be printed.

DONATION OF CANNON.

Mr. McLEAN submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

Mr. DU PONT submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $50,000 for defraying the expenses incident to the Fifteenth International Congress against Alcoholism, to be held in the United States in 1915, etc., intended to be proposed by him to the Diplomatic and Consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ROOT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $200,000 for building slip and equipment at the navy yard, Puget Sound, Wash., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

Mr. JAMES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

EMELIE SMITH.

Mr. NELSON submitted the following resolution (S. Res. 378), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Emelie Smith, mother of Eli Smith, late a messenger to the Committee on the Five Civilized Tribes of Indians a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ADMINISTRATION OF THE GENERAL LAND OFFICE.

Mr. MYERS. I have received the manuscript of an extremely interesting pamphlet on the history and administration of the General Land Office, by Francis H. White, professor of history in Pomona College, Claremont, Cal. I desire to have the manuscript printed as a Senate document, and I ask that it be referred to the Committee on Printing with the view to having it published as such.

The PRESIDING OFFICER. The matter will be referred to the Committee on Printing for action.

CRIMINAL PROCEDURE IN ENGLAND.

Mr. GORE. I desire to have printed as a public document a report of the special committee representing the American Bar Association appointed to investigate the English criminal law procedure and to recommend important reforms in American criminal law procedure. I ask that the report may be referred to the Committee on Printing with a view to having it printed as a public document.

The PRESIDING OFFICER. The report will be referred to the Committee on Printing for action.

BANKING AND CURRENCY.

The PRESIDING OFFICER. Morning business is closed.

Mr. SHAFROTH. Mr. President, some time ago, in criticism of the administration of President Wilson, a Senator, in referring to the banking and currency bill passed during this Congress, said:

The passage of it was an abject surrender to Wall Street and the banking interest.

If that statement were true it would indeed be a serious accusation. It is therefore important to inquire as to the verity of the statement. Mr. A. B. Hepburn, chairman of the board of directors of the Chase National Bank, of New York City, perhaps more nearly than any other man in the United States, represents the sentiment of the bankers of Wall Street. His contentions, therefore, may be considered as voicing the sentiment of the New York bankers.

BANKERS WANTED 1 CENTRAL BANK, BUT 12 WERE ESTABLISHED.

Mr. Hepburn was also chairman of the conference of the American Bankers' Association, which met in Chicago on August 22 and 23, 1913, and in his opening address contended for one central bank, saying:

Why should not the law create one central bank, which should have branches wherever there is commercial need for them? Such a plan would be acceptable, less cumbersome, more certain in operation, and far more efficient.

The American Bankers' Association was in favor of a central bank, but contended for not more than five Federal reserve banks if it was impossible to restrict the number to one. At the Chicago conference this was the resolution unanimously adopted:

It is the sense of this conference that one Federal reserve bank, with as many branches as the commerce of the country may require, would be most effective; but if this be not obtainable, we recommend that as few Federal reserve banks be established as possible and not more than a total number of five.

Was it "an abject surrender to Wall Street and the banking interest" when the Congress determined, over their protest, that not less than 8 nor more than 12 Federal reserve banks should be established?

Why did Wall Street want one central reserve bank? It knew that as New York was the financial center of the United States, in all likelihood the one bank would be established in that city. It knew from past experience that the concentration of such enormous wealth in one city would perpetuate in Wall Street not only the control of the banking interests of the United States but also the power to control nearly every large new railway, commercial, and industrial enterprise to be undertaken in this country.

The hearings before the Pujo committee demonstrated that the large banking concerns of New York City are so connected by interlocking directorates, by ownership of stock, and by gentlemen's agreements that it is almost impossible for new, legitimate enterprises of any magnitude to be floated without the consent of the great New York bankers. The men owning the stock of the big banks of New York have large holdings in the great transportation, commercial, and industrial corporations of the United States. Any application for the financing of a competing enterprise, however meritorious, is often turned down by the bankers of New York because of the competition which will be created with the corporations in which they are interested, and thereby these great banks prevent the development which is so necessary to the upbuilding of our country. So long as there would be one central bank, this immense financial power could be wielded, as it heretofore has been, in the interest of those banks whose directors and stockholders are interested in or control the great transportation and industrial corporations.

The Wilson administration objected to the continuation of this power in Wall Street. It insisted that this concentration of wealth should be divided, so that there could be competing centers in the matter of banking and of the financing of new enterprises throughout the United States; that the hundreds of millions of reserves of national banks of the country should no longer be concentrated in New York. It therefore determined that there should be 12 Federal reserve banks; that the jurisdiction of the Federal reserve bank at New York should be limited, so that in that section at least three Federal reserve banks should be the centers of the great financial wealth of that portion of the country. A Federal reserve bank at Boston, with jurisdiction covering New England, and at Philadelphia, with jurisdiction covering Pennsylvania and New Jersey, should so divide this immense power which Wall Street has had that the banking centers of Boston and Philadelphia could compete with New York in the financing of new enterprises in the United States. It determined that the reserves in each of the 12 districts should be kept at the Federal reserve bank of that district; in other words, that the moneys should be kept where they belong—at home.

Was that action the Wilson administration "an abject surrender to Wall Street and the banking interest"? If doing directly contrary to the expressed desires of Wall Street and the banking interest would indicate anything, it would be that the Wilson administration was determined to curb this power in Wall Street, which has strangled so many new, meritorious enterprises.

THE BANKERS OBJECTED TO THE COMPULSORY REQUIREMENT OF THE BILL, BUT FAILED TO GET MODIFICATION.

Mr. Hepburn and the bankers objected strenuously to what they termed the coercive feature of the bill, which provides that if any national banking association shall "fail within one year after its passage to become a member bank, or fail to comply with any of its provisions applicable thereto, all of the rights, privileges, and franchises of such association granted to it under the national-bank act shall be thereby forfeited." If there was one provision of the bill above another which met the united opposition of both Wall Street and the banking interest it was this compulsory feature.

Mr. Festus Wade, one of the delegates from the American Bankers' Association, who appeared before the Committee on Banking and Currency of the Senate, used this language:

Again, to many of us, and I admit I am one, this bill is repulsive; it is a forced measure, a forced bill, the like of which was never put upon the statute books of any nation, where you say to men in the national banking system at this late day, "You must subscribe to this doctrine; take this stock; give up 10 per cent of your capital and 50 per cent of your reserve money, or you must go out of business or out of the national banking system." Gentlemen, that does not appear to me to be the spirit of the American people; it does not appear to me to be in accord with Democratic principles.

Nearly every banker who appeared before that committee protested against what they termed the compulsory requirement to surrender their charter or join the system created by the act. In the resolution prepared by Mr. A. B. Hepburn the following represents his view, and no doubt the view of Wall Street:

Resolved, That, considering these provisions collectively, we regard the measure as an attempt to force the national banks to contribute the capital and deposits in the Federal reserve banks, and we believe that the directors of the national banks, appreciating their responsibility in a fiduciary capacity to their stockholders and depositors, will not be so coerced until they have tested in the Supreme Court of the United States whether or not such coercion is a violation of the fifth amendment of the Constitution of the United States prohibiting the taking of property for public use without just compensation; and we further believe that even if it should be decided by the Supreme Court that it is not a constitutional violation the national banks of the country could not become parties to a banking system that proposes such revolutionary interference with the established credits now existing between the public and the national banks by the practical appropriation of one-third of all the actual money now in their possession, which is to be placed entirely beyond their control, both as regards its management and its use as valid reserves against their deposits, except in so far as the advice of the Federal advisory council might influence the action of the Federal Reserve Board, which, under the conditions and restrictions surrounding it, could not be made effective.

The bill as passed provided that the national banks surrender their charters unless they enter the system within one year. Was that "an abject surrender to Wall Street and the banking interest"?

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. SHAFROTH. I would rather finish this, and then I shall be glad to yield to the Senator from Massachusetts.

This compulsory feature, though apparently harsh, was absolutely essential to the accomplishment of the beneficent purposes of the bill. To have permitted the national banks to join or retire from the system at will would have seriously impaired, if not destroyed, the success of the measure. It would have created two classes of national banks, one acting independently of and the other under the Federal reserve system, yet each bearing the name national bank. It would have been confusing, if not deceiving, to depositors who might intend to deal with the bank having the advantages of the Federal reserve system. It was not a breach of good faith, because the national-bank act under which all national banks were incorporated provided that the right to amend, alter, or repeal the act is expressly reserved.

THE BANKERS INSISTED THEY SHOULD HAVE THREE MEMBERS OF THE FEDERAL RESERVE BOARD; THEY SECURED NONE.

The delegation representing the American Bankers' Association insisted that they should have three members on the Federal Reserve Board. Mr. Festus Wade, in his presentation of the claims of that association, used this language:

Gentlemen, the duty assigned to me is to try to explain to you why there should be no compulsion in requiring the national banks to join

reserve associations in a year and why we think we should have representation on the Federal board of control. * * *

But we can not conceive that it can be right that we should be called upon to put up this vast sum of money without representation.

In the testimony of Mr. James B. Forgan, president of the First National Bank of Chicago, Ill., the following colloquy took place:

Senator SHAFROTH. Mr. Forgan, the representation on the Federal Reserve Board which your convention has recommended—does it mean that the persons representing that interest shall be engaged in banking?

Mr. FORGAN. Yes, sir; that it be left to the banks to appoint them, and, of course, they would be likely to appoint bankers from among themselves.

Senator SHAFROTH. And you ask for three members upon the board?

Mr. FORGAN. Three; yes, sir.

When the bill was passed it contained a provision that the members of the Federal Reserve Board should be appointed by the President, and that no person engaged in the banking business should be eligible to serve. Was that "an abject surrender to Wall Street and the banking interest"?

The reason members of the Federal Reserve Board should not be permitted to be interested in banks, either as officers or stockholders, is because it places them in incompatible positions. The Federal Reserve Board is vested with the power to determine the rate of discount of commercial paper. High rates of interest would be favorable to the banks but not to the people. Thus they would have a direct financial interest in the very orders they would make as members of the Federal Reserve Board. When rates of discount rise or fall stocks and bonds are immediately affected. The knowledge on the part of the members of the Federal Reserve Board that the rate of discount will be increased or diminished would give their banks immense advantage on the exchange in buying or selling bonds and stocks.

THE BANKERS OBJECTED TO THE FEDERAL RESERVE BOARD HAVING THE POWER TO REMOVE CLASS B DIRECTORS OF THE FEDERAL RESERVE BANKS, BUT WITHOUT AVAIL.

Of course, the bankers who appeared before the Senate Committee on Banking and Currency objected to the Federal Reserve Board having the power to remove directors of class B of the Federal reserve banks. Mr. Wexler, vice president of the Whitney Central National Bank, of New Orleans, La., expressed that objection in these words:

We next come to the provision of the bill, as drawn, that provides that the directors of class B, namely, those elected to represent the agricultural and commercial interests of the country, may be removed by the Federal Reserve Board if it is found that they do not properly represent the agricultural and commercial interests. This provision is, in our opinion, fraught with considerable future embarrassment, if not possible danger. These particular directors, known as directors of class B, will be in constant fear of removal, and upon every loan upon which they will be called to vote they will naturally be influenced as to how the Federal Reserve Board will look upon their action, instead of being governed entirely by their sound judgment as to whether or not they should pass favorably or adversely upon the particular proposition, as it is presumed that they will want to hold their positions. * * *

We take the position that as the directors of class A and of class B have been elected by the shareholders of the Federal reserve banks they should only be removed by these shareholders.

When the bill was enacted it provided that the Federal Reserve Board should have the right to remove directors of class B of the Federal reserve banks. Was that "an abject surrender to Wall Street and the banking interest"?

THE BANKS OBJECTED IN VAIN TO THE POWER BEING VESTED IN THE FEDERAL RESERVE BOARD TO REQUIRE ONE FEDERAL RESERVE BANK TO DISCOUNT THE PAPER OF ANOTHER.

The bankers objected strenuously to giving power to the Federal Reserve Board to require Federal reserve banks of one district to rediscount the paper of other Federal reserve banks. They contended that a board appointed by the President and composed of men who are not engaged in banking might by its orders cripple and injure the Federal reserve bank of one district to the advantage and benefit of that of another district. Yet, notwithstanding their opposition, when the bill was passed the provision objected to was incorporated in the act. Was that "an abject surrender to Wall Street and the banking interest"?

There were good reasons for the vesting of this power in the Federal Reserve Board. If one Federal reserve bank should have a large surplus of cash, and another, though possessed of a great quantity of prime commercial paper, be short of cash, why should not an impartial board have the power to compel the locked-up money to be sent to where it is needed as long as there is no objection to the securities offered? It would relieve a stringency in the money market in one district and prevent a redundancy of the currency in the other. It would accelerate commerce, and thereby be of vast benefit to the people.

THE BANKERS DESIRED A PROVISION THAT INTEREST SHOULD BE PAID ON THEIR RESERVES, BUT THEIR REQUEST WAS DENIED.

The committee from the convention of the American Bankers' Association wanted a clause in the bill which would provide that interest should be paid on their reserves. The resolution, prepared by Mr. Hepburn, was as follows:

The provision that no interest is to be paid by the Federal reserve banks upon any deposits, except those of the United States and except such as the national banks may receive under the provision in connection with the division of earnings, whereby 40 per cent of the earnings in excess of 5 per cent to be paid them on their capital-stock investment, is to be paid to the member banks in proportion to their annual average balances with such Federal reserve banks, is most objectionable.

Of course it was objectionable to the bankers that the money which they were required to deposit with the Federal reserve bank should draw no interest when they had been getting 2 per cent interest from the banks of New York for such deposits. It was quite natural that they should object most strenuously; but when the bill was passed there was no provision that interest should be paid to banks on the deposit of their reserves with the Federal reserve bank. Was that "an abject surrender to Wall Street and the banking interest"?

The Congress further determined that instead of allowing national banks 40 per cent of the earnings in excess of 5 per cent on their capital-stock investment the Federal reserve bank should not be made a profit-making concern; that a profit-making bank would of necessity pursue a policy of high rates of interest, in order to swell its dividends, to the detriment of the borrowing public. The Wilson administration, knowing that the national banks in the United States made on the average a profit of over 11 per cent per annum on their capital, and that the Bank of England and the Bank of France each made even greater profits, it was determined to increase the amount to be paid on the capital-stock investment to 6 per cent and to cut out entirely as dividends the 40 per cent of the earnings referred to in the bill. As the bill was enacted there can be no such thing as enormous profits accruing from the establishing of high rates of interest.

The salaries of the officers and employees of the Federal Reserve Board and Federal reserve banks, as well as the other expenses of the system, are not paid by the Government, but are paid from the receipts of the Federal reserve banks.

THE BANKERS WANTED THE CURRENCY TO BE ISSUED BY THE BANKS; THE ACT PROVIDES IT SHALL BE ISSUED BY THE GOVERNMENT.

Wall Street and the banking interest desired the currency to be issued by the banks and not by the Government. Nearly every banker who appeared before the Banking and Currency Committee tried to show that it was detrimental to the Government to issue currency, unless it was covered dollar for dollar by gold, and that it would be better for the Government to have the currency issued by the banks. The issuance of currency is the exercise of a governmental function; the quantity issued determines to a large extent the price of everything that money will buy. To vest that power exclusively in the hands of one or of a few banks would, therefore, subject the people of this country to an inflation or a contraction of the currency, dependent upon the will of the large moneyed interests. A bank currency can not, in the nature of things, be as sound and as safe from depreciation as currency issued by the Government, which has the taxable property of the entire Nation to uphold it.

The people want a currency concerning which there can be no question. The currency provided in this act has so many safeguards that it has been calculated the chances of loss to the Government in the issuance of each dollar do not exceed one in one quintillion times, and to the holder no chance whatever. No bank currency can possibly be so secured. The administration determined, therefore, that the currency issued should be the direct obligation of the Government, secured by prime commercial paper bearing the indorsement of a solvent maker, of a solvent acceptor, of a solvent member bank, and of a solvent Federal reserve bank. The contingency of the failure of each of these obligors within the same 90 days—the life of the commercial paper hypothecated—is so remote as to make it infinitesimal. When Congress refused the request of the bankers to make this a bank currency, was that "an abject surrender to Wall Street and the banking interest"?

WALL STREET CONTENDED FOR THE ABSOLUTE RETIREMENT OF THE NATIONAL-BANK NOTES AND THE SUBSTITUTION OF THEIR 2 PER CENT BONDS BY 3 PER CENT BONDS, BUT WITHOUT AVAIL.

The bankers of Wall Street and the banking interest insisted upon an absolute retirement of the national-bank notes, and wanted the Government to issue 3 per cent bonds to take up the 2 per cent obligations securing bank circulation. To be sure, it would be to the interest of national banks to substitute their 2 per cent bonds now securing paper circulation with 3 per cent bonds of the United States. It would be equivalent to making a present of $7,000,000 a year to the banks, and if the 3 per cent bonds ran for 20 years, it would be equivalent to making a present to the banks of $140,000,000. The bankers wanted this

retirement of the national-bank notes to take place within 20 years, an equal amount to be withdrawn each year. The effect of such retirement would be a contraction of currency to the extent of thirty-five to forty millions of dollars every year, unless the currency issued on the 90-day paper hypothecated would be perpetually renewed and remain in circulation. Of course such retirement would have a tendency to make money dearer, but it would be reflected in increased rates of interest upon all of the people in the country. Whenever money becomes scarce interest gets high. The act as passed gave to the discretion of the Federal Reserve Board the retiring of any of the national-bank notes, prohibiting, however, the retirement under any circumstances of more than $25,000,000 a year; it also provided that Federal reserve bank notes might be issued in lieu of the retired national-bank notes. The bankers were violently opposed to this provision. Was that "an abject surrender to Wall Street and the banking interest"?

THE BANKERS URGED A HIGH MINIMUM GOLD RESERVE, BUT FAILED TO GET IT.

Wall Street and the banking interest wanted a gold reserve of 40 per cent of all notes issued under this system by the Government, and insisted that this reserve should never, in any event, be reduced below 33⅓ per cent. The requirement of a large minimum gold reserve has the effect of making a greater strain upon the gold of the world. The banks of the nations have a system of replenishing their gold reserves by increasing the rate of discount, that is, the rate of interest. Such action is exceedingly serious, because it controls the interest rate to all the borrowing public. The Bank of England, in order to get gold, raises the rate of discount, which produces a movement of credits to England, and thereby a flow of international money—gold—to settle balances. It is drawn from France, Germany, and other countries, and sometimes from the United States. France, to readjust the balance—to get back the gold which she has lost by reason of the Bank of England increasing the discount rate—must raise her rate a little higher, in order to attract money from England and other countries. Germany, finding her gold is being depleted by the increased rate of interest in France and England, must raise her rate of discount still higher, to recover the gold which she has lost. Thus this competitive bidding for the purpose of attracting gold results in enormous increases in the interest rates in all the countries of the world. Whatever raises the rate of interest in a country is directly to the advantage of the banks. Therefore it was not surprising that Wall Street wanted to have established as large a minimum gold reserve as possible, that the strain on the gold of the world would be increased, that the bidding for gold would not be checked, and that the rate of interest would continue to rise.

The act as passed provided for a maximum 40 per cent gold reserve, but with the power to reduce that reserve from 40 to 32½ per cent, simply upon the payment of not to exceed 1 per cent per annum additional interest by one desiring gold. Then, instead of having a 33⅓ per cent rigid minimum gold reserve, the act provides that it may be decreased below that point by the payment of a penalty of 1½ per cent increase of interest per annum upon every 2½ per cent decrease in the gold reserve. Thus, so long as the gold is in the Treasury of the United States, no man needing gold can be deprived of it, if he is willing to comply with the terms of the act as to security and as to the payment of the increased rate of interest. Was that "an abject surrender to Wall Street and the banking interest"?

WALL STREET OBJECTED TO THE CURRENCY BEING REDEEMABLE AT THE FEDERAL RESERVE BANKS IN ANYTHING BUT GOLD.

Wall Street and the banking interest wanted the notes of the Government redeemable in gold alone, not only at the Treasury of the United States, but also at each of the Federal reserve banks. The direct effect of such requirement would have been to create the necessity for much larger redemption funds than if the notes had been redeemable in gold only at the Treasury. Redemption in gold alone at each Federal reserve bank would have created against the Government's needs 12 distinct competing points for the acquisition of gold, and much more gold than the minimum requirement would naturally have been held by each bank. The result of such a policy would have been to increase the strain upon gold with all the effects which I have just described. The banks were not successful, and no gold reserve is required to be kept in the banks for the purpose of redeeming the currency. But the banks are required to furnish the gold to the Treasury with which to meet all of the notes issued by the Government under this act. Under the law heretofore it was necessary for the National Government to maintain the gold reserve with which to redeem the greenbacks, and when such gold was acquired and it was drawn out by the banks the Government had to replenish the same by buying more gold; thus there was created what in 1893 was called an endless-chain demand upon the gold of the Treasury. There is no longer any danger of such an endless chain being worked on the Treasury, because the greenbacks are now of such small denominations and so scattered as to make it impracticable to gather them for redemption. There can be no endless chain against the Treasury as to the notes authorized by this act, because the Government would immediately notify the banks to make good any depletion of the gold reserve, and thus under this act we now have an endless chain against the banks instead of the banks having an endless chain against the Government. Was that "an abject surrender to Wall Street and the banking interest"? These instances of the refusal of their demands show conclusively that the passage of the banking and currency act was not a surrender to them, but was meant to be a curb upon Wall Street. The act was intended to create a sound banking system, to keep reserves near home, to stimulate commerce, to facilitate the means of financing new enterprises, to make the moneys of depositors safe, and to decrease the rates of interest to the people, with all the blessings that would flow therefrom.

Three great benefits will result from the passage of the banking and currency act:

First. The concentration and mobilization of reserves, which can be utilized when there is a stringency in the money market or when a panic is imminent, and thereby the money of the depositors made more secure.

Previous to the passage of this act most of the reserves of country banks were required to be kept in the 315 national banks of the 47 reserve cities of the Union. There are three central reserve cities, namely, New York, Chicago, and St. Louis, containing 52 national banks. The banks in the reserve cities were required to keep most of their reserves in the banks of these three central reserve cities. Under this act there is a concentration of these reserves from 367 banks in reserve and central reserve cities to 12 Federal reserve banks, situate in 12 different parts of the country, each of the Federal reserve banks having a prescribed territory for its business and each being required to look after the interests of and prevent runs upon the banks of its own district. These reserves, even if no other banks than the national banks come into the system, will amount to $450,000,000. The capital subscribed to the Federal reserve banks will be more than $100,000,000. The deposits by the United States Treasury in the Federal reserve banks will amount to $250,000,000. Thus there will be concentrated in these 12 Federal reserve banks about $800,000,000. With such a large fund from which to advance money to banks there will be a confidence instilled in their stability which will discourage withdrawals of deposits from the same and prevent runs upon all solvent banks, and with the strict inspection required by the provisions of this act there should hereafter be no such thing as a disastrous panic.

Second. The establishment of a discount market for commercial paper.

Heretofore there has been no market for such paper except that which could be established by applying to a bank with which a person might be accustomed to deal. But the difficulty of that situation has been that when there was a stringency in the money market it affected not only the country banks, where drafts would be discounted, but affected the very banks in the reserve cities and central reserve cities, which held the reserves of the country banks. The locking up of the money with which to redeem deposits in the country banks produced the same result in the reserve city banks and in the three central reserve city banks. Under this act a customer of a national bank can get his drafts discounted, because the national bank can, whenever it wants the money upon those drafts, guarantee the payment of the same and cash them at the Federal reserve bank. If in time of stress the Federal reserve bank pays out all the reserves, it can still get money with which to cash such drafts by depositing with the agent of the Federal Government the very drafts drawn by the customer of the national bank, which have been discounted by the Federal reserve bank, and by depositing the gold reserve required.

Thus a perfect discount market is created, and no bank need close its doors as long as it has good paper within its vaults, which it can discount at the Federal reserve bank. The creation of a discount market, therefore, will be of inestimable advantage to prevent runs upon banks and the disasters that result from panics, which not only affect the banks and the depositors of the banks, but also the value of all personal and real property in the country.

Third. The issuance of an elastic currency by the Government to meet the demands of commerce, as long as prime commercial paper, bearing the indorsement of the maker, the ac-

ceptor, the national bank, and the Federal reserve bank, together with the gold reserve, can be presented to the National Government.

Whenever there is a stringency in the money market the banks will forego the interest on their drafts in order to get money with which to meet the demands of their depositors, but whenever money is abundant the banks will no longer discount paper with the Federal reserve bank and thereby lose the interest which they gain by holding the paper of their customers. This produces an automatic regulation of the supply of the money of the country. It provides for the expansion and contraction of the currency according to the needs of commerce.

It is said that the losses to the people of the United States caused by the panic of 1907 were equal in amount to that which would result from the destruction of everything upon a strip of land 100 miles wide extending from the Atlantic to the Pacific Oceans. This panic was due to want of confidence, of unreasonable fear as to the stability of the banks, when they were perfectly solvent; and yet people had to sacrifice stocks, bonds, and other property in order to obtain money with which to meet their obligations. This legislation will prevent runs upon solvent banks, make the money of depositors secure, reduce the rates of interest to the people, and create an upward movement in commerce and industry.

The effect of the banking and currency act was felt in financial circles from the very day of its passage. It surely averted a panic which was then imminent. For a number of months the banks had been curtailing their loans and increasing their reserves so as to weather the threatening storm. Such action, instead of allaying the feeling of distrust, increased it. In fact, runs upon some banks in a number of cities had already begun. When the act was passed, which gave assurance of the policy to be pursued as to cashing commercial paper and supplying a currency to meet the needs of trade, almost instantly confidence in the banks to meet the demands of depositors was restored and money became easy. In a few weeks all appearance of panic disappeared, banks began increasing their loans instead of locking up their money, and thus the panic was averted. The relieving of the tight money market has been felt in lower rates of interest, which have affected the price of stocks and bonds. Of the stocks of 63 corporations quoted in the list of Henry Clews & Co., of New York City, all but those of 10 companies show an increase over their low prices of 1913. If, by reason of the anticipation of what will be accomplished by the banking act, such great results have been accomplished, how much greater will be the achievement when the $800,000,000 becomes available for the discount of commercial paper.

With, first, the centralization and mobilization of these great reserves; second, the establishment of a discount market for the cashing of all prime commercial paper; and, third, the creation of an elastic currency which automatically expands and contracts with the demands of commerce, this act will establish a financial policy which will produce innumerable benefits to the people and be recognized as one of the greatest constructive measures ever enacted by the Congress of the United States.

I now would be pleased to yield to the Senator from Massachusetts [Mr. WEEKS].

Mr. WEEKS. The Senator has taken a casual remark made by some Senator more than five months ago, when we were sitting here from 10 o'clock in the morning until 11 o'clock at night, because it was said to be absolutely necessary to pass a bank bill at once, as a medium for his remarks.

I am quite in agreement with the Senator that the passage of this bill was not a surrender to Wall Street or State Street or any other street or to any other interest. Therefore, as far as that is concerned, there need be no controversy.

But I want to call the Senator's attention to the fact that he suggests in beginning his remarks that it was the purpose of those who favored a single bank that that bank should be located in Wall Street or in New York City.

Mr. SHAFROTH. No; I said that the bankers of New York expected it to be located there.

Mr. WEEKS. I do not think any banker expected it to be located in New York. It was not the purpose of the Monetary Commission that it should be located in New York, but in Washington, and I have never heard a word of testimony from anyone that a central bank should be located anywhere else than at the National Capital.

Mr. SHAFROTH. Of course, there was no reason for the discussion of that question, because the committee and also the Congress had before it a bill which provided for not less than 8 nor more than 12 banks; but they wanted 1 bank, and, that being the financial center, it would be the natural place to locate the 1 bank. It seems to me that that must have been in the mind of every banker of the United States.

Mr. WEEKS. Mr. President, it was not in the mind of any banker in the United States or anybody connected with banking legislation.

Mr. SHAFROTH. New York did get one and Washington did not get any.

Mr. WEEKS. The Senator also reflects on bankers because they were opposed to the compulsory features of the bill, especially to Wall Street bankers, as he terms them. As a matter of fact, there were three New York City bankers who appeared before the Banking and Currency Committee. One of them, Mr. Vanderlip, president of the National City Bank, testified in favor of the compulsory feature and distinctly said that if we were going to adopt a bill similar to the one under consideration there was nothing else for us to do.

Another of the bankers who appeared from New York was Mr. Cannon, president of the Fourth National Bank, who distinctly testified in favor of the compulsory features of the bill. I do not remember Mr. Gilbert's testimony on that subject, if he offered any; but it can not be charged that Wall Street bankers or those located in the neighborhood of Wall Street opposed the compulsory feature, because they did not.

Mr. SHAFROTH. I presume that the authoritative statement on the subject would be what the committee representing the American Bankers' Association presented to the Banking and Currency Committee as their idea and as their claim. They vociferated most strenuously against being forced into a system, and one person stated that they would contest it in the Supreme Court of the United States, and that even if the court held that it was not a violation of the fifth amendment of the Constitution, they would not enter the system under those circumstances. That represented the sentiment of this great American Bankers' Association. Individual banks, such as the Senator refers to, may have had a different idea. They may have had their views thereon modified after knowing the committee was going to report against the proposition which they had been contending for.

Mr. WEEKS. What the Senator says is true to this extent: The committee representing the American Bankers' Association appeared before the Banking and Currency Committee of the Senate in the early days of the hearing. The bill had in the meantime been very greatly modified and changed, so that those who testified in the early days were considering a different proposition from the one finally before the committee. There was ample reason for taking the position which the bankers later in the hearing did take, and among them Mr. Vanderlip and Mr. Cannon.

Furthermore, I want to say that Mr. Vanderlip was one of those who advocated the rediscounting of paper by other reserve banks. He said that it would be necessary, if we were going to have more than one bank to compel a rediscounting for one bank by another in case of an emergency.

Mr. SHAFROTH. That is likely true in the case of Mr. Vanderlip, but I am sure that a majority of the bankers protested against that.

Mr. WEEKS. They did in the earlier days of the hearing, but not in the later days of the hearing, when the bill had been so modified through the efforts of the Senator from Colorado and others that it looked as if we were really going to get a workable bill.

I simply inject these comments, because I know, as everybody knows, that Wall Street is a good term to conjure with when we want to appeal to the unthinking. As a matter of fact, Wall Street is not a loaner of money. Wall Street is a borrower of money. The Senator has suggested that Wall Street wanted to keep the rates up, because they could make more money by doing it.

Mr. SHAFROTH. They pay 2 per cent interest on it and then lend it out at 6 per cent.

Mr. WEEKS. They borrow the money and want to keep the rate down. I simply call attention to the fact that the Senator mixes up the banks of New York and large centers with what is really Wall Street. He may condemn one in his mind, but he is condemning the other by his voice. He should discriminate between Wall Street as an exchange center and the banks represented by Mr. Vanderlip, Mr. Cannon, and others, who came here and materially assisted us in framing the bill which is now on the statute books.

Mr. SHAFROTH. To say that Wall Street is not a lender of money seems to me ridiculous. We know from the capitalization which they have in those banks, the amount of deposits that are made, and the amount of loans made there that they are the greatest lending institutions in the entire world.

It is true they borrow money, as every bank does; but they have a system by which they borrow at such a low rate and lend it out at such a good rate—I will not say high, because it

is controlled by the supply and demand—that to say they are not lenders of money seems to me to be absurd.

Now, the Senator says that Wall Street is a good word to conjure with. I must say, Mr. President, that it was not my words that formed the subject of the discussion of this matter. The statement was made by a Senator on the floor of this Chamber, and in it he used the exact language I have quoted. It was my purpose and my object to show that from the proceedings which occurred before the Banking and Currency Committee it was not a surrender to Wall Street, and I hardly believe that any member of the committee so believes.

The Senator says that this was a casual remark of somebody made five months ago during the heated discussion of the banking and currency bill. That is a mistake. The fact is that it was delivered here upon the anniversary of the first year of the Wilson administration, three months after the banking and currency bill had been passed, and not only so, but it was a written speech, a speech made after due deliberation. Consequently it can not be said that it was the word of some person who in the heat of discussion uttered something which he really did not intend to say.

It seems to me these facts demonstrate—and I do not believe there is a member of the Banking and Currency Committee who will say otherwise—that this is a measure that has infinite good in it, and its passage was not a surrender under any circumstances to Wall Street or the banking interests. We believe that great good will result from its enactment.

Mr. BRISTOW. Mr. President, I have listened with interest to the remarkable address which has just been delivered by the Senator from Colorado in a frantic effort apparently to convince himself that the currency bill was not a surrender to Wall Street, and in order to controvert that proposition he has quoted from the testimony criticisms that were made of a bill that was not passed.

Mr. SHAFROTH. Oh, no.

Mr. BRISTOW. He has quoted the criticism of provisions in a bill that were cut out of it before it was passed.

Mr. SHAFROTH. No, Mr. President; I must say——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Colorado?

Mr. BRISTOW. I do.

Mr. SHAFROTH. It was delivered in March of this year, three months after the passage of the bill, and referred directly to the act, and not to the bill before its passage.

Mr. BRISTOW. The Senator misunderstands me. I said the Senator was quoting testimony that was given in criticism of the provisions of a bill, and that those provisions were not finally passed or incorporated in the law.

He refers to 10 per cent of the capital and 50 per cent of the reserve being impounded in this Federal reserve bank system, when the law makes no such provision. That is a criticism which the bankers made against the bill. The criticism which they made against these provisions of the bill do not apply to the law, because the provisions of the bill were changed so that 10 per cent of the capital is not required.

Mr. SHAFROTH. Does not the Senator concede that 10 per cent of the capital of the national banks is almost exactly the same as 6 per cent of the capital and surplus?—and that is the provision of the act. So there is hardly a variation of $1,000,000 in the amount which will be raised under the act as contrasted with the amount which was required by the 10 per cent provision.

Mr. BRISTOW. Then the Senator from Colorado refers with a great deal of approval to the fact that the law does not require bankers to be upon the board; but while the Senator praises the law because it does not provide that bankers shall be on the board, he neglects to refer to the fact that the board that has been selected, according to press dispatches, does contain bankers, and Wall Street bankers at that.

Mr. SHAFROTH. No; the provision of the law prescribes that no person shall be on the board while he is engaged in banking; in other words, that no person shall have a financial interest in a bank while he is acting as a member of the board. To deny the right to avail ourselves of his experience after a banker has withdrawn from a bank would be, it seems to me, unwise, and in the law the President has no qualification of that kind to restrict him in his selections.

Mr. BRISTOW. The Senator certainly does not contend that any banker ever appeared before the committee and advocated that a member of the board should be permitted to engage in the banking business at the same time he was a member of the board?

Mr. SHAFROTH. Oh, yes, Mr. President. I not only do that, but I will quote the language of Mr. James B. Forgan, of Chicago, the president of the First National Bank of that city. He appeared before the committee and contended that the banking interests should have the privilege of themselves naming three of the Federal Reserve Board. I asked him the question in order to make it more definite as to whether or not the members of the board should be persons engaged in banking. Here is what I asked him:

Senator SHAFROTH. Mr. Forgan, the representation on the Federal Reserve Board which your convention has recommended, does it mean that persons representing that interest shall be engaged in banking?

Mr. FORGAN. Yes, sir; that it be left to the banks to appoint them; and, of course, they would be likely to appoint bankers from among themselves.

Mr. SHAFROTH. And you ask for three members upon the board?

Mr. FORGAN. Three; yes, sir.

That was the contention.

Mr. BRISTOW. The Senator from Colorado has put a construction upon that language that is not justified. What Mr. Forgan said was that the bankers, in his opinion, should be permitted to select members of this board, and that those members should be experienced bankers. Of course, to be "experienced bankers" they would have to be engaged in the banking business; but I make the statement now—I make it from memory, and there is a possibility that I may be mistaken, but I do not think I am—that you can not find in the testimony any statement from anyone claiming that any member of this board, while serving as a member of the board, should be engaged at the same time in the banking business.

Mr. SHAFROTH. Mr. President, I wish to assert that the proceedings before the committee were all voiced upon a representation of that kind, until it was shown by the presentation of authorities that no banker was permitted to act as a member of the governing board of the Bank of England or of the Bank of France. Then it was that the bankers receded to some extent in their contention in favor of having a person directly engaged in the banking business as a member of the board; but the statement of Mr. Wade and the testimony of Mr. Forgan show conclusively that they wanted the appointment of bankers, and wanted bankers upon the reserve board. It was only the reading of those statements showing what was the practice of the Bank of England and of the Bank of France that made some of those who testified say that they did not think that any person at the time connected with a bank should be a member of the Federal Reserve Board.

Mr. BRISTOW. I still make the assertion, basing it upon my memory of the testimony—and I challenge anyone to find any evidence in the testimony that will contradict it—that no one appeared before the committee who contended, and no member of the committee ever contended, that any member of that board ought to be actively engaged in the banking business while a member of the board.

Mr. SHAFROTH. I will state that I do not think any member of the committee so contended. I think that no member of the committee took that position, but the bankers insisted that they should have representation, and they used the very language which I have quoted from Mr. Forgan. In reply to the direct question I addressed to him, with the books containing the declaration as to the practice of the Bank of England and of the Bank of France before me; notwithstanding that, he said that the bankers wanted three members on that board, and when asked whether they should be engaged in banking he said "yes"; that such men should be appointed.

Mr. BRISTOW. The banks contended that there should be experienced bankers on the board and that they ought to have a right to appoint them. The Senator's argument has been against the policy of placing bankers or men engaged in the banking business upon the board. That has been his contention in the address he has delivered here this morning, yet the very board whose names are to be presented to the Senate, if the press reports are true, contains bankers, men who are now in the banking business. What great merit does the Senator claim for this inhibition in the law when it has had no effect so far as the personnel of the board is concerned?

Mr. SHAFROTH. It has never been contended by anybody on the committee, so far as I know, that because one was a banker he could not act as a member of the Federal Reserve Board, provided he severed all connection either direct or indirect with the banking business. The incompatibility arises from the fact that he may have certain duties to perform as a member of the Federal Reserve Board which might become antagonistic to the position which he holds as a banker; for instance, the raising of the rate of interest. Of course it would be to the interest of the banker that an order should be made by the Federal Reserve Board increasing the rate of interest, as it would affect directly the revenues that would come to him in his bank; but it does not affect his revenues; it does not affect his interest if he is a member of the board and has severed his connection with the bank as a stockholder or as a

director or as connected in any way with a bank. For that reason it never was intended to exclude people by reason of the fact that they had had banking experience.

Mr. BRISTOW. That is all the bankers are claiming. The bankers have, in the appointment of this board, secured all that they ever asked for; but the Senator from Colorado took the astounding position of praising the law because it did not permit bankers to select bankers for the board, and then commending the appointment of bankers upon the board, and probably at least one of the same bankers that the bankers themselves would have selected.

As to 6 per cent of the capital and surplus being equivalent to 10 per cent of the capital, if the bank does not happen to have a surplus it is not equivalent to 10 per cent.

Another very interesting observation of the Senator was that the gold reserve was required to be high in the bill which the Wall Street bankers proposed, and that it was reduced in the law. If I remember, the bankers who appeared before the committee thought there ought to be 40 per cent reserve, while 32½ per cent was the amount provided, was it not?

Mr. SHAFROTH. No; the bill as it passed provides for 40 per cent reserve under normal conditions, but permits the drawing down of that reserve to 32½ per cent simply upon the payment of a nominal interest, not more than 1 per cent per annum additional; it may be one-tenth of 1 per cent. Consequently, it is practically a 32½ per cent reserve in times of stress. Not only that, but the law provides that that can be reduced, as it should be and as the experience of the banks of Europe shows is advisable—that is, upon the payment of 1½ per cent per annum additional interest for every 2½ per cent decrease in reserve, the decrease can go to any amount. But when the reserve gets very low, instead of paying only 1 or 2 per cent the banker will have to pay 15 or 16 per cent interest, which he can not afford to do. Consequently, it makes the reserve act automatically, and the provisions of the law are in the interest of letting the gold out when it is needed by the public and of conserving it when it is not needed.

Mr. BRISTOW. Let me ask the Senator if that very provision which was incorporated into the bill was not suggested by a banker at the committee hearings?

Mr. SHAFROTH. I do not remember that it was; but in any event the bill as it came from the House provided for a rigid reserve of 33⅓ per cent.

Mr. BRISTOW. Yes.

Mr. SHAFROTH. And the bill as modified by the Senate is much better and more flexible, because it does provide for a reduction of the amount of the reserve upon the payment of a penalty, relying upon the self-interest of the banker not to draw gold unless he needs it in extreme cases, and, if he does need it, he ought to have it.

Mr. BRISTOW. That provision which I commend, and which the Senator commends, and which was certainly a very great improvement over the House provision, was suggested to the committee by the very bankers who appeared before it and whom the Senator has so ruthlessly criticized here this morning.

Mr. SHAFROTH. I do not know by whom it was suggested; I do not remember; but I remember that the first draft of the matter was presented to me by the Senator from Oklahoma [Mr. OWEN].

Mr. BRISTOW. If the Senator will refresh his memory of the hearings, he will find that my statement is true.

Then, the Senator stated that he thought that the passing of this law had averted a panic. That is something new to me. Why should the passing of this law not have prevented the exportation of gold also?

Mr. SHAFROTH. Oh, the exportation of gold depends upon the rates of interest which are established. Any country can draw money away from America if it bids for it at a higher price, and that is unquestionably the cause at the present time and the reason for the exportation of gold.

Mr. BRISTOW. Now, let me ask the Senator, does not the exportation of gold depend very largely upon the balance of trade?

Mr. SHAFROTH. To some extent.

Mr. BRISTOW. Do we not have to settle with Europe in gold when we pay our debts, and do they not settle with us in gold when they pay theirs?

Mr. SHAFROTH. Not necessarily; payment does not have to be in gold, but it may be in the sale of securities and in the increased sale of other things.

Mr. BRISTOW. Well, it is in gold or commodities that are the equivalent of gold.

Mr. SHAFROTH. Certainly; of course, the balances of trade have got to be settled.

Mr. BRISTOW. Yes; they have got to be settled, and the money that settles the differences in the balance of trade is gold.

Mr. SHAFROTH. Not necessarily, because it affects the price of things as well. For instance, if there is a demand for gold in Europe and they need it, of necessity the result is that it affects the prices on the market there, and you will ship more cotton at a little less price, and that will supply the place of the gold that would be shipped, but there are certain times when there has to be gold shipped, when conditions are such that they do not need any more commodities.

Mr. BRISTOW. Then, the exchange of commodities is not a settlement?

Mr. SHAFROTH. Certainly it is; but it all has relation to gold, to the quantity of gold, and to the bidding for gold.

Mr. BRISTOW. But the balance of trade is the difference between the amount which we send to Europe and the amount which Europe sends to us.

Mr. SHAFROTH. Yes.

Mr. BRISTOW. We exchange commodities, of course, but the settling of the balances when they are settled, is in gold, is it not?

Mr. SHAFROTH. Not necessarily.

Mr. BRISTOW. How would the Senator balance it if it is not settled in gold?

Mr. SHAFROTH. By selling commodities at a lower rate.

Mr. BRISTOW. That is an exportation——

Mr. SHAFROTH. That may be.

Mr. BRISTOW. That is not a balance; that is the selling of goods.

Mr. SHAFROTH. Take the amount of the balance of trade in favor of the United States up to the 30th day of June, and it will be at least $550,000,000. Does Europe send us $550,000,000? No; she does not. We nearly always have a balance of trade in our favor. We have a large balance of trade right now in our favor.

Mr. BRISTOW. We have? I have not been so advised.

Mr. SHAFROTH. I mean from year to year, from the 30th of June to the 30th of June.

Mr. BRISTOW. But at the present time the Senator is not claiming that we have any balance of trade in our favor, is he?

Mr. SHAFROTH. Oh, yes; every month will show it, although it may not be as great a balance of trade as it was for the corresponding month of the previous year; but that we have a large balance of trade in our favor there is no question. I saw a statement the other day that the balance of trade to June 30, 1914, would be over $600,000,000. The fiscal year is nearly completed now, and it can be estimated almost exactly; the Treasury has figures now for 10 months, and it is easy to estimate what the other two months will be.

Mr. BRISTOW. How does the Senator account for the shipment of gold to Europe going on now?

Mr. SHAFROTH. There are a number of things that enter into the question of trade. Of course, we have the sale of commodities, and we take cognizance of that; but we do not take cognizance of the number of securities which are sold to Europe; we do not take cognizance of the amount of money that is spent by Americans who go to Europe, and counteract that balance of trade to a large extent. There are so many factors that enter into it that it is very difficult to separate them and give to each its proper effect; but when the bankers of Europe want gold the principal method which they employ is to increase the rate of interest; and as they increase the rate of interest, the effect is simply this: Securities can be bought over there at a higher price; in other words, a man who has got money in other countries will naturally go to the market that pays the best interest and the rate of interest which they establish causes credits to flow to that country. Sometimes, for a while, they will be set off one against the other in credits; but sooner or later the end will come when there must be a settlement, and that settlement must be made in gold. The shipment of gold, I think, for the last 30 days has been about $11,000,000.

Mr. BRISTOW. It is an interesting observation of the Senator that when they raise the bank rate they raise the price of securities. I thought that decreased prices.

Mr. SHAFROTH. They do decrease prices when they raise the rate; and consequently persons who have money buy the securities cheaper. That is the reason they send the money over to Europe for that purpose.

Mr. BRISTOW. The Senator evidently, then, made a mistake in stating that raising the interest rate increased prices.

Mr. SHAFROTH. I misspoke if I said that the raising of the rate increased prices of stocks and bonds.

Mr. BRISTOW. But the Senator has not yet stated why there is an exportation of gold going on from this country now.

Mr. SHAFROTH. The bank rate of England has been raised. That is the reason; the bank rate is higher, and consequently investors are willing to send their money to buy stocks and bonds which fall as interest rates increase, or to lend their money over there.

Mr. BRISTOW. How much was the bank rate of England raised, and when?

Mr. SHAFROTH. I do not know; but there was a table which I had at the time of the passage of the act which showed——

Mr. BRISTOW. Has it been raised recently?

Mr. SHAFROTH. Which showed that in 1898 the bank rate of England was 2 and 2½ per cent, while at the time we were engaged in a discussion in this body of the banking and currency bill, in November, 1913, it was 5 and 5½ per cent, caused by the Bank of England, the Bank of France, and the Bank of Germany raising the rate of discount in order to get a flow of gold to them, and then each one raising against the other the rate in order to draw back the gold which they had lost.

Mr. BRISTOW. Has the Bank of France or the Bank of Germany or the Bank of England increased the rate on gold recently; and if so, to what amount?

Mr. SHAFROTH. I do not know. I have not looked at the bank quotations.

Mr. BRISTOW. Then the Senator does not know that the increased rate that the banks of Europe will pay for gold is attracting our gold to Europe?

Mr. SHAFROTH. I know that is the natural way of doing it.

Mr. BRISTOW. Yes; but I was trying to find out the Senator's view as to why we were shipping and exporting practically every day now large quantities of gold to Europe.

Mr. SHAFROTH. Well, I think that there must be a better demand over there for money than there is here.

Mr. BRISTOW. Is it not a matter of fact that it may be that the rate has gone down here instead of the rate over there increasing? That would attract it in the same way. Is it not also a fact that in the month of April there was a very large balance of trade against us?

Mr. SHAFROTH. I do not think there was a balance against us. There was a less balance in our favor than there had been for the corresponding month of the year before, but not a balance against us.

Mr. LODGE. The Senator is mistaken about that. There was a large balance against us in the month of April. That is why the gold is going out now; it is perfectly simple.

Mr. SHAFROTH. It is possible that that may be so; but at the same time my impression is that there is not a balance against us. I think that if you will look at the figures you will find that, while there has been a decrease in the balance of trade in our favor with the corresponding month of a year ago, yet there is not a balance of trade against us at the present time.

Mr. BRISTOW. The Senator has not yet explained how the passage of this bill averted the panic to which he was referring.

Mr. SHAFROTH. I will try to explain that to the Senator. It made money easy. It established confidence immediately. The banks knew that the policy of the United States was to have lower reserves, and that would permit the banks to lend out money and relieve the demands which were made upon them for money, which they had been declining to supply. They had been hoarding money for the purpose of weathering the storm; and when they found that the policy of the Government was going to be in favor of lower reserves, it had a tendency to make them let go, to let their money out. That relieved the demand which was made upon them for money, and that very thing prevented runs.

We know, as a matter of fact, that banks in various portions of the United States had runs upon them. That was the condition, and the fear of the people was getting so that it was predicted that we would have a panic. You do not hear any such statements now. We do not hear of any conditions of that kind. There is a certain amount of relief in confidence. If depositors know that their money is going to be forthcoming; if they know that a liberal policy is to be pursued, that a bank policy is to be inaugurated in the United States by which banks can cash their commercial paper to any extent, of course the demand by depositors for their money is not going to be so persistent. It is not going to be prompted by fear that the depositors might lose it, because if a bank has commercial paper—and it nearly always has; every solvent bank has enough commercial paper to supply the demand of the depositors—you can readily see that the demand growing out of fear would immediately cease. That element has been removed; and for that reason the confidence which has been brought about by the passage of this bill has instilled in the people a knowledge of the fact that they can get relief. That being the case, it has stopped runs.

Mr. BRISTOW. Of course, it is very interesting to me, and somewhat amusing, for the Senator to argue that a law which has not yet become effective, under which no banks have been organized, under the provisions of which not a dollar of currency has been issued and will not be for months, has averted a panic that would have occurred months ago. That, to me, seems amusing instead of convincing.

Mr. SHAFROTH. Does not the Senator recognize that in almost all instances stocks and bonds have gone up on the New York market?

Mr. BRISTOW. I think the Senator had better read the quotations before he speaks of the advance in stocks and bonds.

Mr. SHAFROTH. No, sir; I have a price list of the New York Stock Exchange which shows that in the case of all but 10 companies there has been an increase in the price of the stocks as contrasted with the low price of the year 1913. Why is that? It is due to the same cause; to the fact that whenever money is easy, as they term it, there comes a lower price. People begin to bid for lower rates of interest, and that, of course, has an influence in the direction of increasing the price of stocks and increasing the price of bonds. That is what the effect has been upon the New York market. It is not so pronounced as it will be when we get the $800,000,000 in the reserves and ready to lend out to the banks whenever they feel that they need it. Under those circumstances you will find that the upward tendency will be much stronger.

Mr. BRISTOW. What about Government bonds? Does the Senator think the price of Government bonds has been increased by the passage of this bill?

Mr. SHAFROTH. It has not been decreased, and I think there has been a little increase in the price of Government bonds.

Mr. BRISTOW. Since when?

Mr. SHAFROTH. Since the passage of the banking and currency act.

Mr. BRISTOW. Oh, I will admit that when the country was threatened with the abortion that came over here from the House it had a very disastrous effect upon the credit of the United States.

Mr. SHAFROTH. I thought the Senator said it was impossible for an act which had not been passed to have any disastrous effect or to have any beneficial effect.

Mr. BRISTOW. Why, no; I never said that.

Mr. SHAFROTH. Yes; the Senator said he could not conceive that the contention I made was true, that the mere passage of the act before the reserve banks came into operation would have any effect in the direction of averting a panic; yet he is reciting something that is in line with my statement.

Mr. BRISTOW. No; the Senator probably misunderstood my position. Before this legislation was threatened the country was in a very normal and prosperous condition, and United States 2 per cent bonds were selling at a premium. After it was announced that there would be currency legislation, and the character of the legislation that was proposed was demonstrated by the passage of the bill by the House, it had a very disastrous effect upon the credit of the United States, and our 2 per cent bonds went down to 96, as I remember.

Mr. SHAFROTH. I think that is right. They are more than 96 now, however.

Mr. BRISTOW. They are 97 now.

Mr. SHAFROTH. Probably 97½ or 98.

Mr. BRISTOW. They are not above par, as they were before the enactment of the legislation which the Senator is praising.

Mr. SHAFROTH. They have not been at par for a considerable number of months.

Mr. BRISTOW. Not since this administration determined to write a new currency law have the United States 2 per cent bonds been at par.

Mr. SHAFROTH. No, sir; even before that they went down below par; but, of course, to a certain extent, that is determined by the demand for money and the demand for securities. For some time, and I do not know but that it had been for two years, the 2 per cent bonds had been below par; but since the passage of the act there is no question but that there has been an upward tendency in all the bonds of the United States.

Mr. BRISTOW. I should like to have the Senator, if he will, take the time to investigate and put in the RECORD the dates when United States bonds were below par prior to a year ago, the 4th of March.

Mr. SHAFROTH. I shall be glad to do it.

Mr. BRISTOW. The Senator will find, if I remember correctly, that for more than 20 years they had not been below

par. I do not think they had been below par since a former Democratic administration, although I may be mistaken as to that; and they have gone up one-half of 1 per cent, I believe, since the law was finally passed. I am speaking of the 2 per cent bonds, of course.

Mr. SHAFROTH. They are more than 96½ now. The Senator surely can not contend that that is not true.

Mr. BRISTOW. No; they are 97 now.

Mr. SHAFROTH. They went down to 96.

The PRESIDING OFFICER. The Chair will have to insist that hereafter Senators shall address the Chair before interrupting.

Mr. BRISTOW. There has been handed to me a financial statement from which I will read in regard to the balance of trade:

> Gold exports have been renewed on a liberal scale, and seem likely to continue for some time to come. The April statement of foreign commerce was anything but satisfactory, and showed a striking change of tendency. Our exports were $162,000,000, or $37,500,000 less than a year ago——

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. Just a moment, until I get through.

Mr. REED. I only ask the Senator to yield for a question.

Mr. BRISTOW. Just a moment, until I get through reading this:

> While imports in the same month were $27,000,000 higher than the previous year. This turned an excess of exports in April, 1913, of $53,600,000 into an excess of imports in April, 1914, of $10,200,000. There was thus a violent shift of $63,800,000 in our trade balance within a single month. Usually we have an excess of exports, and it will be of interest to watch how long this change continues.

Now I yield to the Senator from Missouri.

Mr. REED. I merely wanted to ask the Senator what he was reading from.

Mr. BRISTOW. I am reading from a statement that was handed to me, issued by the banking house of Henry Clews & Co.

Mr. REED. Of No. 16 Wall Street?

Mr. BRISTOW. I do not know what the number is; but I desire to say that Wall Street seems to be very happy over this banking bill.

Mr. LIPPITT. Those are the Government statistics.

Mr. LODGE. Those are the Government figures. There is no doubt about that.

Mr. REED. Henry Clews is rather good authority, but I am surprised that the Senator from Kansas would defile his tongue by quoting from anybody who had ever been on Wall Street.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Massachusetts?

Mr. BRISTOW. I do.

Mr. LODGE. Those are the Government figures, taken from the Government reports. They were all put in here by the Senator from Utah [Mr. SMOOT] the other day.

Mr. BRISTOW. The Senator from Missouri seems to be shocked that I should quote somebody from Wall Street. I have not any objection to quoting anybody from Wall Street. I think the Senator is probably quite as friendly to Wall Street as I am, because he supported a currency bill which is very satisfactory to Wall Stret, while I had the pleasure of voting against it.

Mr. REED. Yes, Mr. President; I supported a bill which was opposed by about 90 per cent of the Wall Street people, and which has been generally accepted by the country, while the Senator from Kansas floundered around for some months and never lit anywhere.

Mr. BRISTOW. I do not think the Senator from Kansas has floundered on any proposition any more than the Senator from Missouri did on the Currency Committee.

Mr. REED. Mr. President, that is a horrible indictment to bring against a man, because it is only a few months since we were specifically interrogating the Senator from Kansas as to what party he belonged to, and he could not tell us whether he was a Republican, a Progressive, or whether he was just off in a flock by himself. He absolutely stood mum. He invoked his constitutional rights and refused to incriminate himself.

Mr. BRISTOW. The Senator from Kansas always answers questions when he desires to do so. He has never been at sea as to where he stood on anything. He reserves to himself the right to answer or to refuse to answer any question that may be asked him.

Mr. REED. I understand the Senator is always ready to answer when it is fortunate for him to answer; but being in that unhappy condition when he wanted the votes of both the Republicans and the Progressives, and was uncertain in which camp to alight in order to get the most votes, he invoked his privilege of refusing to answer at all.

Mr. BRISTOW. I would not want the parallel to be drawn, because it would not be pertinent; but if the Senator from Kansas should be as successful in this alleged hesitation as to his political alliances as the Senator from Missouri was when he got two regional banks for his State out of the law which he finally supported after much tribulation and travail, the Senator from Kansas would be eminently successful.

Mr. REED. Why, Mr. President, if the Senator from Kansas will follow my course diligently he will be able to achieve success once in a while in the State of Kansas.

Mr. BRISTOW. That may be true. I do not care to take any more of the time of the Senate on these personal matters while we are considering the tolls bill.

Mr. HUGHES. Mr. President, will the Senator permit me to ask him a question?

Mr. BRISTOW. Yes.

Mr. HUGHES. Is it not true that during the first year of the operation of the Payne-Aldrich law similar situations existed in separate months with reference to a change in the amount of exports and imports?

Mr. BRISTOW. That is a matter with which I am not familiar. I have not looked it up.

Mr. SHAFROTH. Before the Senator yields the floor I should like to call his attention to this very tabulation which is made by Henry Clews & Co.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Colorado?

Mr. BRISTOW. I do.

Mr. SHAFROTH. I should like to call the Senator's attention, on the line of the increased price of stocks at present over the low price of 1913, to the following:

Amalgamated Copper: Present price, 72⅜; low price of 1913, 61⅝; an increase of 11 per cent.

American Car & Foundry, common: Present price, 50⅛; low price of 1913, 36½; an increase of nearly 14 per cent.

American Car & Foundry, preferred: Present price, 118; low price of 1913, 108; an increase of 10 per cent.

The next is American Locomotive, common: Present price, 33; low price of 1913, 27; an increase of 6 per cent.

American Locomotive, preferred: Present price, 98⅝; low price of 1913, 94; an increase of 4⅝ per cent.

Take the price of the common stock of the American Smelting & Refining Co.: Present price, 64; low price of 1913, 58½; an increase of 5½ per cent.

American Smelting & Refining, preferred: Present price, 100⅝; low price of 1913, 97; an increase of 3⅝ per cent.

Mr. BRISTOW. Has the Senator there the quotations for 1912, also?

Mr. SHAFROTH. No. Nearly all of these figures run that way.

Mr. BRISTOW. Those are the low prices?

Mr. SHAFROTH. Yes, sir; those are the low prices.

Mr. BRISTOW. The high prices are not quoted; but a proper comparison would be with the quotations of 1912 instead of those of 1913, as the Senator must admit. The comparison he makes is against himself when he compares 1913 and 1914.

Mr. SHAFROTH. It shows that more money has been let loose; consequently, interest is lower, and consequently stocks and bonds are rising a little, though not very much; but when this law gets into operation the rise will be very great.

Mr. BRISTOW. But a comparison between 1914 or 1913 and 1912 would be a better comparison, so far as comparing the two systems is concerned.

Mr. SHAFROTH. No; because the bill was passed on the 23d day of December, 1913, and therefore it is fair to take the quotations for the year 1913 and compare them with the quotations for 1914.

Mr. BRISTOW. That was in prospect of the new system, and not the established condition under the old system.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. I ask that the canal tolls bill be laid before the Senate.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 14385.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an

act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. STERLING. Mr. President, I had once thought to content myself with no further expression on this issue than such as would be found in my vote for the repeal of that clause of the Panama Canal act which exempts our coastwise vessels from the payment of tolls.

But as I have listened to the debate and have observed the force and apparent earnestness of the opponents of repeal as well as the ability and the skill with which they have marshaled facts and arguments, I have felt more and more impelled to avail myself of the opportunity before the vote is taken to state my own humble views as to the meaning of the Hay-Pauncefote treaty—views held from the first, but confirmed and strengthened by such thought and study as I have been able to give the subject since it has been under discussion here.

It is worthy of note that the President of the United States some weeks prior to March 5, 1914, had determined to recommend to Congress the repeal of the clause in controversy, and that on that date he appeared before the joint assembly of the House and Senate, and in perhaps the shortest message ever delivered to Congress, barring, of course, the message used for the transmittal of some report or document, said among other things:

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

Contrasting the message with others, he informed us that no communication he had theretofore addressed to the Congress "carried with it graver or more far-reaching implications as to the interest of the country."

In that message the President pleaded only the ultimate facts; he did not "anticipate the defense" and did not seek to confess and avoid the clear declaration of the platform of his party upon the subject—a declaration, it would seem, more or less potent in determining the attitude of leading members of the President's party in both the House and Senate. Nay, more, the message vouchsafed no word of explanation of the President's changed attitude in regard to that plank of the platform which favored "the exemption from toll of American ships engaged in the coastwise trade passing through the canal," and which the President himself had emphasized and indorsed during the campaign.

We can not, however, ignore the importance, not to say seriousness, of the President's message. To these his disregard of the platform declaration and his own previous personal view but give new emphasis. They serve, moreover, to convince me that whether the President and those who agree with him are right or not, the motives which influence him in urging this repeal are patriotic and can not be impugned.

One ground of repeal urged by the President was that the law is in violation of the Hay-Pauncefote treaty. Most of what I have to say will be confined to that phase of the subject.

In considering the effect of the language of an international treaty, may we not turn to the courts for a guide? They have laid down rules for the construction of statutes and constitutions. It can not be irrelevant to refer to some of them, for I assume that the rule for the construction of the language of a statute must in the main be the rule for the construction of a treaty, which is the supreme law of the land.

In construing the terms of this treaty we may consider, first, the import of the words themselves; second, the object sought to be accomplished by the treaty; third, if yet there be doubt, then resort may be had to historical investigation for the purpose of clearing away the obscurity created by the language of the treaty.

I invoke a rule laid down many years ago in a great case by a great Chief Justice. It is a rule applicable whether the construction of the language of a constitution, a treaty, or a statute is sought to be made narrow and restricted on the one hand, or liberal and enlarged on the other. It is the rule which would neither extend nor limit words "beyond their natural and obvious import." In exemplifying this rule Chief Justice Marshall, in Gibbons against Ogden, says:

As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they have said. If, from the imperfection of human language, there should be serious doubts respecting the extent of any given power, it is a well-settled rule that the objects for which it was given, especially when those objects are expressed in the instrument itself, should have great influence in the construction. We know of no reason for excluding this rule from the present case—

And, further—

we know of no rule for construing the extent of such powers other than is given by the language of the instrument which confers them, taken in connection with the purposes for which they were conferred.

There is the rule, a rule of reason and of common sense. It is the touchstone before which every effort to construe the words to fit some particular theory or exigency must give way. No diplomatic legerdemain, no casuistry will prevail against it. The enforcement of this rule of construction of statutes and constitutions has brought punishment to the guilty, has protected the weak against the unscrupulous strong, and has held the individual and the corporation to the fulfillment of obligations they would have evaded. It is the cardinal rule of construction which, applied by the courts to statutes, both State and Federal, has set at naught the play upon words and the technical and overrefined distinctions which would have avoided their true intent and force. The words used by the high contracting parties in the Hay-Pauncefote treaty seem on their face plain enough.

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Is not the United States one of "all nations"? Is it not one of "all nations observing these rules"? What is the natural and obvious import of the words? Of course we are not limited to the words of a sentence or paragraph for an understanding of its meaning, but to ascertain such meaning may consider the words of the entire treaty. But taking the words of this first rule, their perusal hardly suggests a necessity for resort to extraneous facts, nor a further study of the object sought to be accomplished by the treaty; nor that we must seek the interpretation of diplomats or international lawyers; nor in fact resort to any of the aids which the law permits when the terms of a statute are of doubtful meaning.

Whatever the suggestions or influences which may lead to more critical study or to perhaps a different judgment, I submit that to the impartial and reasonably intelligent mind, knowing the United States to be a party to that agreement, the words are not ambiguous; their fair import is that the United States is included among the nations observing the rules and is bound by them.

To such a mind it will be far from 'evident' that the language of article 3, relating to the adoption of rules for the neutralization of the canal, relieves the United States from their observance, for by this language the United States does not undertake to prescribe rules for the neutralization of the canal. In the language of the article, she "adopts" them—accepts, receives, makes them her own. Moreover, the adoption of the rules is not by her own original declaration or on her own initiative. It is her solemn engagement with Great Britain. Considering the end to be reached as it appears on the face of the treaty, it would not have been an unreasonable construction to say that if the United States had agreed to "prescribe" the six rules set forth in the treaty instead of to "adopt" them the fair intendment would have been that she did in fact adopt them for the purpose of observing them herself and requiring their observance by every other nation using the canal for its vessels of commerce and of war.

Now, what is the object sought to be accomplished by article 3 as appears upon the face of the instrument from the words employed? The purpose of this article is the great feature of the treaty. It has given rise to all this controversy. Aside from article 3 there is the simple agreement that the treaty shall supersede the Clayton-Bulwer treaty and that the canal may be constructed under the auspices of the United States in either one of three mentioned ways. And that is all; for it must be remembered that the "rights incident to such construction" and "the exclusive right of providing for the regulation and management of the canal," conferred by article 2, are made "subject to the provisions of the present treaty." That is, they are made subject to the provisions of article 3, which contains these much-debated rules, the expressed object of which is the neutralization of the canal.

Mr. President, what must have been the mutual understanding, for there were two parties to this agreement superseding the 50-year-old Clayton-Bulwer convention, just as there were two parties to that? Did the minds of the parties meet and agree upon a proposition which would exempt the United States from the observance of the rules framed for the evident purpose of securing the peace and safety of this canal in time of war and the free and equal treatment of the ships and commerce of all the nations using it? Did Great Britain knowingly consent to such exemption?

Mr. President, there is a strange inconsistency in some of the arguments opposed to repeal—rather, perhaps, an inconsistency of attitude than of argument. For, according to the views of some Senators as expressed in this debate, the course of Great Britain, especially in her dealings with the United States, has been one of perfidy and cunning; it has even been declared that she never made an important treaty with the United States but that she afterwards violated it; that she invariably seeks her own advantage and the advantage of her citizens and subjects to the detriment of other nations. And yet, according to the interpretation put upon the Hay-Pauncefote treaty by these selfsame Senators in asserting our rights under it, we find Great Britain in making it was so lavish of good will toward the United States and had such a burning desire to further our ambitions and our commercial welfare that while pretending to secure the neutralization of the canal and free and equal terms for all, she meant that the United States should have for her commerce the advantage over all, including, of course, Great Britain herself.

Which horn of this dilemma will you take? That she actually did get the treaty she intended, with stipulations to our disadvantage as usual, or that departing from her customary tortuous methods and selfish purposes she generously conceded everything to the Nation against which it is her habit to commit wrong.

If the former theory is to prevail, it still is a treaty, and though its provisions may be burdensome, national honor would dictate that we abide by it until it is honorably modified or abrogated.

If, however, you hold to the view that Great Britain intended this great advantage should accrue to the United States at the time the treaty was signed by the plenipotentiaries, you assume a mighty burden in the attempt to prove her faithlessness, and that her present construction is a repudiation of her then voluntary act to the contrary. There is positively no evidence to convict Great Britain of duplicity in this regard. She declares now she never consented to the exemption of American coastwise trade from toll payments. She promptly declared it through her chargé de affaires, Mr. Innes, in July, 1912, while the proposed exemption was under discussion in the Congress, in his note to our Secretary of State. She declared it through her Secretary of State for Foreign Affairs, Sir Edward Grey, in his lengthy note to Ambassador Bryce, presented, as it was, to Mr. Knox, our Secretary of State. And England's claim is more than corroborated; it is established out of the mouths of our own witnesses, the negotiators of the treaty themselves. Mr. White, secretary of the embassy, in his testimony before the Senate Committee on Interoceanic Canals, found on page 131 of the hearings, wherein he narrates his interview with Lord Salisbury, describes Lord Salisbury as saying:

> I think that in due course of time we shall consent to the abrogation of such parts of the Clayton-Bulwer treaty as stand in the way of your building the canal, subject, however, to one condition on which we lay great stress, namely, that the ships of all nations shall use the canal or go through the canal—

I think he said—

> on equal terms.

This conversation was in December, 1898.

It is inconceivable that Lord Salisbury at that time could have entertained the view that the United States was not to be one of the "all nations," subject to the provisions of any treaty which might be made.

Again, Mr. White says on page 132 of the hearings:

> During the entire period of those negotiations and in all my conversations with Lord Salisbury or with anyone else on either side of the Atlantic, I never heard the subject of our coastwise traffic mentioned. It was always assumed by those carrying on the negotiations—it certainly was by me in my interview with Lord Salisbury—that he meant that our ships should be considered, or, rather, that the United States should be considered as included in the term "all nations."

Mr. White further testifies that never, from beginning to end, had he any suggestions from any direction that our coastwise ships should be treated differently from other ships; that it was considered by him—and that he knew it was by Mr. Choate and by Lord Salisbury, because that seemed to be the point made by him—that all ships were to be treated in the same way.

Ambassador Choate himself in his letter of April 13 last, transmitting to the Senator from New York [Mr. O'GORMAN] the diplomatic correspondence, has this to say:

> These, if carefully perused, will, I think, be found to confirm my view that the clause in the Panama Canal act exempting our coastwise shipping from tolls is a clear violation of the treaty.

I said that the expressed object of the six rules was the neutralization of the canal. It has been argued here with great force and skill that since "neutralization" applies to a condition of war with its belligerents on the one hand and with the places, persons, or things which by treaty or rules of international law are "neutralized" or rendered immune from hostilities, on the other hand, that therefore the first paragraph of article 3 following the introductory clause, and which provides that—

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination—

and so forth, has nothing whatever to do with "neutralization." But that is not what the treaty says. I am considering the natural and obvious import of the words. It is a bold leap to the conclusion that the negotiators of this treaty, after two years of study upon this introductory clause and the rules following, did not mean what they said when among the specific rules to be adopted as a basis for the neutralization of the canal they framed the one providing for the free and equal use of the canal on terms of entire equality, and named it rule 1. Whatever, then, may have been the use and meaning of "neutralization" in international law or other international treaties, or granting that always theretofore it had applied to a state of war, it was here in the Hay-Pauncefote treaty in terms given a more extended meaning, and made to apply to and embrace equality of treatment. This conclusion would seem to flow irresistibly from the words, the phraseology, and the arrangement and numbering of the rules. But we are not limited to the text. There are other sources of enlightenment.

The six rules adopted are substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal. I turn to that convention. I find several references for the free use of the canal. But article 12 is more than that. It may be called the counterpart of our rule 1 in the Hay-Pauncefote treaty, and is as follows:

> The high contracting parties, by application of the principle of equality as regards the free use of the canal, a principle which forms one of the bases of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial power are reserved.

But this is not quite all. Considering the international interest in and knowledge of the subject, Sir Edward Grey would hardly have dared assert equality of treatment as the basis of the Suez Canal convention unless it had been so understood by the high contracting powers. In his note of November 14, 1912, to Ambassador Bryce, he says:

> His Majesty's Government regard equality of all nations as the fundamental principle underlying the treaty of 1901 in the same way that it was the basis of the Suez Canal of 1888.

Further in that same note he says:

> It certainly was not the intention of His Majesty's Government that any responsibility for the protection of the canal should attach to them in the future. Neutralization must therefore refer to the system of equal rights.

There is, of course, the other evidence furnished by the reference in the preamble of the Hay-Pauncefote treaty to the principle of neutralization contained in article 8 of the Clayton-Bulwer treaty, and such principle is not to be impaired by the present treaty; but article 8 of the Clayton-Bulwer treaty contains no reference whatever to the rights or obligations of the parties in case of war or hostilities. It is understood by the United States and Great Britain that in granting the joint protection to any canals or railways specified in the article—

> that the parties constructing the same shall impose no other charges or conditions of traffic than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

So it is evident that equality of treatment is the general principle of neutralization referred to in the Clayton-Bulwer treaty.

And, according to Sir Edward Grey, "it was upon that footing and upon that footing alone that the Clayton-Bulwer treaty was superseded."

I desire to call special attention to this: Undoubtedly Mr. John Bassett Moore, who is among the greatest if not at the head of the authorities on international law, had the Suez Canal convention and the Clayton-Bulwer treaty, if not others, in mind when he said in his article, reprinted from the New York Times, March 4, 1900, that—

> Equality of tolls has also been treated as a feature, or, perhaps, rather as a condition, of neutralization. Little need be said on this subject, since a discriminative policy, even if it did not lead to the immediate building of another canal, would merely provoke retaliation in some other form and prove in the end to be impracticable.

So, Mr. President, it is not 'evident' that the first paragraph is not one of the rules contemplated by the introductory clause of article 3. The law and the evidence are all the other way. The words of the treaty, the object sought, history, and author-

ity on international law lead inevitably to the conclusion that "neutralization" as used and understood in the Hay-Pauncefote treaty included as its prime feature and object the equality of tolls as provided in rule 1.

In seeking an interpretation of this treaty consistent with the right to exempt our coastwise vessels resort has been had to words spoken in debate; to the opinions or testimony of individual Senators expressed at the time or afterwards. It is urged that when the first Hay-Pauncefote treaty was under discussion in December, 1900, the views expressed by some Senators when the Bard amendment was offered should have weight in determining the meaning of the treaty finally adopted.

That amendment reserving to the United States "the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade," was defeated by a vote of 47 to 23. For what was said we are dependent on the recollections of Senators who were present. To what extent Senators were influenced by the argument or explanation of any Senator is altogether uncertain. The admission of such evidence in court for the purpose of determining the disputed meaning of a statute, State or Federal, would not be tolerated. A treaty is a law, the supreme law of the land. I know of no rule which will admit the interpretation of the meaning of a treaty by the statement of a Senator as to what was said in debate upon the treaty and not admit his statement as to what was said by himself or a fellow Member in the discussion upon any bill which later became a law. As applicable to a statute the Supreme Court of the United States in the Trans-Missouri Freight Association case (166 U. S., 290) uses this language:

> There is, too, a general acquiescence in the doctrine that the debates in Congress are not appropriate sources of information from which to discover the meaning of the language of a statute passed by that body. The reason is that it is impossible to determine with certainty what construction was put upon an act by the members of a legislative body that passed it by resorting to the speeches of individual members thereof. Those who did not speak may not have agreed with those who did; and those who spoke might differ from each other; the result being that the only proper way to construe a legislative act is from the language used in the act, and, upon occasion, by a resort to the history of the times when it was passed.

As the words spoken in debate are not admissible in a court of justice for the purpose of showing what was intended or meant by an act, so the testimony or opinions of individual Members are not admissible for such purpose.

There can be no better statement of the principle and the reason for it, all in one, than that by the court in the case of Richmond *v.* Supervisors (83 Va., 204):

> The intention of the draftsman of the act or of the individual members who voted for and passed it, if not properly expressed in the act, it is admitted has nothing to do with the construction. The only just rule of construction, especially among a free people, is the meaning of the law as expressed to those to whom it is prescribed and who are to be governed by it.

And so here; although Senators may in all sincerity bring forward for what weight they may have the opinions of Members to show intention other than the words of the treaty import, we must inevitably come back to that just rule of construction, namely, the meaning of the law as expressed to those to whom it is prescribed. The treaty was between the United States and Great Britain, but the canal will be used by every nation having foreign commerce. It is not improper to say the treaty is prescribed to the nations of the world, and the world is against our construction of the treaty as expressed in the exemption clause of the Panama Canal act.

The reason other nations have not made formal protest may be found in the fact that they are not parties to the treaty. And I may misjudge sentiment, I may not understand it, but let me pause to observe that so far as the treaty is a law prescribed to a free American people I feel satisfied the meaning of the law as expressed to the overwhelming majority is just as the high contracting powers declared:

> The canal shall be free and open to the vessels of commerce and war of all nations * * * on terms of entire equality.

They who framed the treaty and all for whom it was framed must, in the language of Marshall—

> be understood to have employed words in their natural sense and to have intended what they have said.

There is for the Bard amendment incident a proper and legitimate use.

The amendment declared for a policy—the very policy enacted into law in 1912, the policy of discrimination in favor of the coastwise trade. The amendment was clear and specific in its terms. The fact that it was offered is proof of the author's interpretation of the treaty without the amendment or proof, at least, of his fear of it without the amendment. It was rejected, and from its rejection comes the presumption that the Senate was not then in favor of a policy of discrimination. This is the legitimate use of the circumstances attending the Bard amendment, and for this purpose and this legitimate conclusion we may consult the only record which the removal of the injunction of secrecy upon the Senate proceedings will give us. In any event, whatever may have been the understanding of some, I know of no evidence which shows that the treaty did not express the understanding of the requisite majority of the Senators at that time, namely, that all nations should, without discrimination, have the right to the free and equal use of the canal.

Mr. President, in view of the meaning and purpose of this treaty as disclosed by its terms and by the circumstances attending its execution it seems hardly necessary to seek further confirmation for the views here advanced. But there is the evidence of history, showing our attitude and purposes concerning this great enterprise. The evidence is cumulative; it gathers force as it goes. When Mr. Clay in 1826 instructed the American delegates to the Panama Congress—

> that the benefits of it [the canal] ought not to be exclusively appropriated by any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls—

it was not quite as much as to say that the canal should be open on terms of entire equality to the vessels of all nations and that there should be no discrimination. But the subject, from a national standpoint, was new, and this was the first authoritative declaration of the attitude of the United States concerning it. Mr. Clay, considering the time and the circumstances, could hardly have been more specific, and yet, broad-visioned statesman that he was, he used the language indicating the purpose to adopt a broad and liberal policy respecting the use and control of the canal toward the other nations of the world. It was a declaration which foreshadowed every subsequent official or diplomatic act or treaty of the United States in regard to the enterprise, whether consummated or only proposed, and every act or resolution of Congress down to and excepting only the act of 1912.

It may be granted that we were sometimes impelled by other motives than mere generosity in these earlier manifestations of our policy in regard to the canal. We knew the advantages and the attractiveness of such an enterprise to the other commercial nations of the world, some of them more powerful than we ourselves, perhaps. We knew our inability to then build it alone, and that it would be most difficult to find in all America the capital necessary for so vast an undertaking; and when a Dutch company, under the patronage of the King of Holland, in 1830 had secured the necessary concessions and was apparently about to begin the work of construction, our fears were aroused, and we then, at that early day, were vigorous in the assertion of our right—not to control, but merely to enjoy equal privileges in the use of the canal. To this end the demand was made that American citizens and even the Government itself should be permitted to subscribe to the stock of the canal company. The enterprise of the Dutch company was a failure, but it proceeded far enough to arouse apprehension that some foreign power might monopolize this great water highway, and thus from claiming a right to an equal privilege for ourselves when we were without the power to do more, we unreservedly adopted the policy of favoring equal privileges to all and have again and again proclaimed it to the world.

Have we not passed the day when might makes right in the intercourse of nations? Is it to be left to the United States to first claim an equal privilege, then proclaim it, then deny it because she has the power?

The Senate of the United States in 1835 was more specific in its declaration of the purpose of this Government toward an interoceanic canal than was Mr. Clay nine years before. By resolution passed March 3 of that year, the President was requested to open negotiations with other nations, particularly with the Governments of Central America and New Granada, for the purpose of protecting such individuals or companies as might undertake to open communication between the two oceans by the construction of a ship canal, "and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work."

We note the words "the free and equal right of navigating such canal," and are impelled to ask, What is their natural and obvious import? Did the Senate of the United States in the adoption of that resolution employ words in their natural sense and intend what they said?

That we should now desire to compensate the great capitalist who has undertaken and completed the work by the collection of such reasonable tolls as would at least pay interest and for maintenance is but proper and natural.

The resolution passed by the House of Representatives four years later is even more clear in its expression of a purpose that the free and equal right to the use of the canal should be universal. That resolution requested the President—

To consider the expediency of opening or continuing negotiations with the governments of other nations, and particularly with those the territorial jurisdiction of which comprehends the Isthmus of Panama, and to which the United States have accredited ministers or agents, for the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus, and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal by all nations.

Then came the treaty of 1846 with New Granada. Then the interpretation of that treaty by President Polk, in his message transmitting it to the Senate. Referring to the Senate resolution of 1835, he said the ultimate object as presented by that resolution was "to secure to all nations the free and equal right of passage over the Isthmus." How was it to be secured? The treaty with New Granada provided for neutralization of the canal. The President, recognizing that by such means only could the ultimate object be secured, said:

There does not appear to be any other effectual means of securing to all nations the advantages of this important passage, but the guaranty of great commercial powers that the Isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

Time will hardly justify, nor is it necessary, I think, the further citation from many high authorities, all expressing the same high purpose in regard to an interoceanic canal and the earnest hope for its fulfillment.

The view of President Cleveland, however, is of special significance in the light of altered conditions. In his message of December 8, 1885, he said:

Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition.

Further:

The lapse of years has abundantly confirmed the wisdom and foresight of those earlier administrations which, long before the conditions of maritime intercourse were changed and enlarged by the progress of the age, proclaimed the vital need of interoceanic transit across the American isthmus and consecrated it in advance to the common use of mankind by their positive declarations and through the formal obligation of treaties.

Further, President Cleveland continues:

These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

"For the world's benefit," a trust for mankind, consecrated in advance to the common use of mankind by positive declaration and by treaties, a route open to all nations and subject to the ambitions and warlike necessities of none!

Mr. President, conditions have changed since Mr. Cleveland wrote and sent to the Senate that message withdrawing the unratified treaty with Nicaragua at that time and objecting to the attempt upon the part of the United States to acquire the right to build a canal through Nicaraguan territory. In acquiring the territory on which the canal is built, in securing the right to regulate and control it, subject to the rules we have adopted for its neutralization, we have in part diverged from Mr. Cleveland's policy of opposition to the "acquisition of new and distant territory," and yet it must be that something of the trust declared by all those earlier administrations and then wrought into subsequent treaties still exists. Our ownership, our control, but add to our responsibility. Instead of using them for the special advantage of any American interest, we should welcome them as the media whereby we shall graciously perform our obligation to promote that "entire equality" which the treaty demands.

I know that it is contended in certain quarters that since we have bought, built, and own, the doctrine of rebus sic stantibus applies; that under these materially altered conditions not contemplated at the time of the treaty the treaty is in fact abrogated. That Mr. Hannis Taylor is in error in his view to this effect, I think can be easily shown. He quotes the fourth article of the treaty, which provides—

That no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligations of the high contracting parties to the present treaty;

and concludes that no serious person will ever attempt so to distort—that is the word—these plain and explicit terms as to make it appear that they were intended to cover the then entirely unforeseen acquisition of the territory now known as the Canal Zone by the United States. It may be. But recurring again to a principle of construction with which we started, what do the words import to any person, whether especially serious or not?

The expression "no change of territorial sovereignty" is very broad and would include without "distortion" the acquisition of territory by the United States on which to build the canal.

And this was the precise thing contemplated by the negotiators of the treaty. It was in view of a contingency of this kind that the provision was made, or, at least, such a contingency was the controlling consideration, as appears from the evidence, in producing that provision.

There was much discussion over article 4, originally article 3a, as prepared by Lord Lansdowne. Different modifications were suggested. The British authorities were not willing to give up article 3a altogether, and Mr. Choate, under date of September 21, 1901, writing to Mr. Hay, in his narration of the statements of Lord Lansdowne, says:

But he said they could not give up article 3a altogether; that it was quite obvious that we might in the future acquire all the territory on both sides of the canal; that we might then claim that a treaty providing for the neutrality of a canal running through a neutral country could no longer apply to a canal that ran through American territory only; and he again insisted, as Lord Lansdowne had insisted, that they must have something to satisfy Parliament and the British public that in giving up the Clayton-Bulwer treaty they had retained and reasserted the "general principle" of it; that the canal should be technically neutral and should be free to all nations on terms of equality, and especially that in the contingency supposed—of the territory on both sides of the canal becoming ours—the canal, its neutrality, its being free and open to all nations on equal terms, should not be thereby affected; that without securing this they could not justify the treaty, either to Parliament or the public; that the preamble which had already passed the Senate was not enough, although he recognized the full importance of the circumstance of its having so passed.

He undoubtedly referred there to the statement in regard to neutralization found in the preamble of the treaty. These are trenchant words of Mr. Choate giving the view of Lord Lansdowne substantially in his own language less than 60 days before the treaty was signed. They not only effectually destroy the theory of Mr. Taylor, but that of Mr. Olney, based on the same ground, and most emphatically support the contention of the British Government and of our own diplomats on the point in controversy.

Why, Mr. President, it would not be a forced or constrained view to say that, in view of our historic attitude toward this canal, in view of our assurances of equality of benefits it would confer upon the nations of the world, given through diplomatic correspondence, resolutions of Congress, and messages of Presidents, that the acquisition of the territory, the ownership of the canal, with all the rights incident thereto, was merely casual or adventitious to the one great purpose of a canal open on equal terms to all, and that under whatsoever conditions it might be constructed, whether as a result of treaty or not, it would when constructed be free and equal to all who would treat it as neutral ground.

I know there are others on my side of this Chamber, for whose learning and judgment as lawyers and students I have profound respect, with whom I am happy to be in agreement in most things, who differ from me here; but as I apply all the tests at my command—the words of the treaty, the history leading up to it, the indisputable understanding of the negotiators, and, not least of all, the internal evidence, the unreasonableness of Great Britain agreeing to anything else but equal tolls—I am thoroughly persuaded that the provision in the act of 1912, the repeal of which is asked, is an infraction of the Hay-Pauncefote treaty.

That the exemption of our coastwise traffic from the payment of tolls would be a discrimination prohibited by rule 1 has been, I think, abundantly shown.

Are we prejudiced by the treaty? Have we made a bad bargain, granting that the construction I have contended for is right, that ours is one of the "all nations," that "neutralization" involves equal tolls as well as protection against the chances and dangers of war?

Are our physical dangers enhanced? Do the people suffer from any commercial disadvantages sustained under this treaty?

Rules 2 to 6, inclusive, of article 3 all relate to a state of war or disorder, and are for the protection of the canal and the safety of the commerce passing through it.

The United States may be either a neutral or belligerent Nation. If the former, she would independently of the treaty, as owner of the zone through which the canal is built and under the law of nations, be bound to protect the neutrality of the canal.

Dr. Holland in his work on international law, in commenting on certain provisions proposed by Lord Granville to be incorporated in the Suez Canal convention, says that the provisions fixing a limitation of time as to ships of war, and prohibiting the disembarking of troops or munitions of war in the canal, and the provision that Egypt shall take all measures within its power to enforce the conditions imposed on the transit of belligerent vessels, are simply declaratory of the ordinary rules or usages of international law applicable to the territorial

waters of Egypt when its sovereign is neutral. And so with all like provisions in the Hay-Pauncefote treaty, they are but a codification, as it were, by treaty, of the law of nations affecting the use of the territory of a neutral by a belligerent nation. These are rules we are bound to observe, whether we adopt them or not.

Some fear has been expressed of the consequences that might flow from the prohibition against blockade, but an understanding of the meaning of the term will at once dispel the fear.

The provision that the canal shall never be blockaded is unnecessary, so far as any prohibition of this kind against the United States is concerned. The territory on which built, the canal itself, the ports at either end of the canal belong to the United States. A blockade by the United States would involve the absurdity of a nation blockading its own waters and ports. The term is never so used in international law. It is an enemy coast or port that is "blockaded." Moreover, a blockade exists when the vessels of all nations are prevented from entry or departure. If the United States as a belligerent nation were to prevent the men-of-war of an enemy nation from entering the canal, it would not be a blockade, and hence not within the prohibition of the rules. If the prevention by the United States of all vessels, vessels of war as well as vessels of commerce, vessels of an enemy nation as well as a neutral nation, could be termed a blockade, then I submit that the provisions of the treaty in regard to blockade should govern and the United States in the interests of peace and the commerce of the world should come within the rule. But such a proceeding on the part of the United States is not blockade, and happily it is a rule which no nation will ever invoke against the United States.

Being a neutral nation, the United States is bound to prevent any act of hostility within the canal. Being a belligerent nation, is she prevented by the rules from committing any act of hostility within the canal?

Plainly not, if that act of hostility is necessary for the preservation of the canal or the approaches to the canal, or to enforce the peace and order of the canal against an enemy, and I see no reason for supposing that international law would not give her the right as a belligerent nation to prevent by force the passage of any hostile vessel bent on attacking the fortifications at the canal or any port or place on either coast of the United States.

These provisions of the treaty must be construed in connection with that fundamental principle recognized in the law of nations as in the law governing individual conduct—the right of self-preservation. The rules of the treaty, instead of being inconsistent with these fundamental principles, are to be construed in the light of them. Nobody need be apprehensive of our safety or our rights under the war rules of the treaty.

I think I am safe in saying that prior to 1903, when by a fortunate coup de etat we acquired the Canal Zone, there was no sense of fear that we might suffer at the hands of our enemies through the use of the canal. Had it been built under the Clayton-Bulwer treaty, or a treaty made with any South or Central American Republic, it would have been under the stipulations guaranteeing its neutrality and making it open on terms of entire equality to the commerce of the world. The fear, contradictory as it may seem, is born of the very power we have, or else the possession of the power has given us a vision of the opportunity for great material and commercial advantage, stimulated a subtle genius for treaty interpretations, as it were, but blinded us somewhat to the value of the sense of fairness, the worth of national friendships, the sacredness of treaty obligations.

Mr. President, I have been most interested in examining the terms of the treaty itself and have given little attention to the economic side of the question. But it occurs to me that without any attempt to favor any interest we are going to reap great benefit from this canal. By reason of our proximity and the vastness of our coastwise trade, stimulated as it will be, too, by this means of quick transit, the trade itself will profit, the cities of either coast will profit, the people of the States bordering the Atlantic and Pacific will profit, and finally some modicum of benefit might filter down to the ultimate consumer in the interior of the country. We were glad to get rid of the Clayton-Bulwer treaty in order that we might build this canal for the general good. We had again and again estopped ourselves from denying its force, and were in the interest of peace and good will, if not in honor, bound to get rid of it before we could ourselves build and own the canal. We knew the enterprise would be to our great advantage and our great renown without a thought of greater advantage resulting from discrimination in favor of any American interest. I would rather not imperil the renown by seeking such greater advantage.

One feature of the situation is the two classes of special interests involved—the transcontinental railroad lines; the companies engaged in coastwise shipping trade. In opposing this repeal we frankly avow that the American Congress should so legislate as to "play off" one interest against the other, the alleged end in view being the public welfare and to conserve the public interests.

It does not appeal to me as an attractive spectacle; it is rather a confession of weakness, of inefficiency in government, of inability to employ the administrative means the law has already provided for the control of interstate rates and traffic. The railroads now spanning the continent have had their splendid share in the development of the resources of the Nation. They have annihilated distance. It is not fanciful to say they have peopled the forests and the plains stretching between the Alleghanies and Rockies and beyond. It is impossible to estimate the extent to which they have accelerated the advance of civilization into and throughout the wilderness of America, making it blossom as the rose. A century without their aid would show less of achievement in the settlement and development of our country than a brief dozen years with them. They have earned and proved their right to live. I think we have the means at hand in the powers given the Interstate Commerce Commission to let them live and under honest administration produce fair returns to their owning stockholders, yet subject always to the interests of the great public whom they serve. If we are without such means to regulate and control, to prevent extortion, let us with diligence find the means. It will be a thousand times more dignified, more in keeping with the idea of wholesome, efficient government than like a nation of hucksters and jockeys to say we will bring one great transportation interest "to time," or perhaps embarrass it by giving a gratuity or a subsidy to another transportation interest already specially favored.

For subsidy it would be. In his note of reply to Sir Edward Grey, the British secretary for foreign affairs, Mr. Knox, our then Secretary of State, lays great stress on the admission of His Majesty's Government that we would have the right to subsidize our vessels engaged in the coastwise trade, and without in terms anywhere claiming the right to discriminate by exempting such vessels from the payment of tolls he does say that such exemption would be a subsidy. It is so admitted by the opponents of repeal. I have but one question to ask. Say what we may about the wisdom of such a policy, what Senator here, Democrat or Republican, not living in a State bordered by the ocean or the Gulf, but in a State without its "bays and broad-armed ports where laughing at the storm rich navies ride," will declare his readiness now to support a bill for subsidy direct to vessels engaged in the coastwise trade, the property and the business not of the Nation, but of individuals and corporations who are not only already exempt from the tonnage duties which craft in foreign trade must pay, but have a monopoly of the coastwise trade as against the rest of the world? Yet tolls exemption is a subsidy. There is the widespread belief that a subsidy is wrong in principle. Without questioning whether it is or not I am opposed to any attempt to accomplish by indirection, and yet in this case to accomplish most effectually, what we would not attempt to accomplish by direct means, knowing the great public would disapprove and condemn.

Mr. President, an enterprise like the Panama Canal, of such tremendous advantage as it is likely to be to all our commerce, without discrimination in favor of any, should not be sullied or be the means now of laying us open to the charge of national selfishness by an attempt to secure for ourselves yet greater advantage. There is the treaty; to abide by it is not to surrender. Should its terms ever prove burdensome we may with profit recur to the words of Mr. Olney, on the Clayton-Bulwer treaty—

> If changed conditions now make stipulations which were once deemed advantageous either inapplicable or injurious, the true remedy is not in ingenious attempts to deny the existence of the treaty or explain away its provisions, but in a direct and straightforward application to Great Britain for a reconsideration of the whole matter.

But I am satisfied that as time goes on we will never as a people regret that interpretation which appeals to the noblest impulses of men, which is free from selfishness, which involves a national magnanimity as great as the enterprise itself is vast. What we have wrought by our might, our wealth, our genius for engineering and physical achievement shall find a parallel worthy of the work in the free and equal use by the world to which we now devote it.

Mr. WALSH. Mr. President, in the course of the very remarkable and able address made by the distinguished senior Senator from New York [Mr. ROOT] a few days since, he said:

> No real coastwise trade will go through that canal. It is a thousand miles and more away from our coast. The trade that goes through it

will be real over-seas trade, carried on by great ships, making long voyages—in its nature the exact antithesis to real coastwise trade.

Mr. President, heretofore in this discussion it has been assumed that all vessels proceeding from one port of the United States to another port of the United States are engaged in the coastwise trade. The announcement of the contrary doctrine by the distinguished Senator makes it necessary to pause to inquire how much there is in the suggestion that this is not coastwise trade.

I am going to content myself, Mr. President, with submitting, for the information of the Senate, the adjudication of the courts, including the Supreme Court of the United States, upon that question. In the seventh volume of Cyclopedia, at page 268, will be found the following:

Coastwise trade: Coasting trade, trade, or intercourse carried on by sea between two ports or places belonging to the same country. (7 Cyc., 268.)

The question as to what is or is not coastwise trade or coasting trade received the attention of many of the courts in the earlier history of our country. I find that the Supreme Court of the State of California gave at one time a very succinct and terse definition in the case of San Francisco against the California Steam Navigation Co., reported in the tenth volume of the California Reports at page 505. The opinion is by Judge Baldwin, Judge Field, afterwards associate justice of the Supreme Court of the United States, concurring. The opinion is brief, and I read:

The acts relied on by respondent impose these dues on all vessels plying coastwise and entering the harbor of San Francisco; and the only question raised on the record is whether the defendants' vessels are embraced by this definition.

The terms "plying coastwise," in this connection, and the "coasting trade" have a settled meaning. They were intended to indicate vessels engaged in the domestic trade, or plying between port and port in the United States, as contradistinguished from those vessels engaged in the foreign trade or plying between a port of the United States and a port of a foreign country. This is evident from the various regulations of commerce made by acts of Congress and otherwise, and the numerous decisions of the Supreme Courts of the Union and of the several States. (See Benedict's Admiralty, 131, 123, 28, 35; 1 U. S. Stat. L., 55; Id., 94; Id., 305; 3 Id., 492; 5 Id., 304; see also 1 Wend., 557; Walker *v.* Blackwell, 1 Wend., 557; Gibbons *v.* Ogden, 9 Wheat., 1.)

In Steamboat Co. *v.* Livingston (3 Cowen, 713), the court, giving a definition of the words "coasting trade," says: "According to the coasting trade, it means commercial intercourse carried on between different districts in the same State and between different places in the same district on the seacoast or on a navigable river."

* * * * * * *

These authorities, and many more cited by the respondent's counsel, are conclusive of the legal meaning attached to the language criticized when used in revenue and navigation laws, and they are decisive of this case.

The Supreme Court of the United States said in the case of Belden against Chase, reported in One hundred and fiftieth United States, at page 696:

Ordinarily the terms "coaster" and "coasting vessel" are applied to vessels plying exclusively between domestic ports, and usually to those engaged in domestic trade as distinguished from vessels engaged in the foreign trade or plying between a port of the United States and a port of a foreign country. (Gibbons *v.* Ogden, 9 Wheat., 1.)

The very question that is here presented came before the Supreme Court of the United States in the case of Huss *v.* New York & Porto Rico Steamship Co. (182 U. S., 392), in which the question was presented as to whether a vessel engaged in trade between Porto Rico and New York was engaged in the coastwise trade. The court says with reference to it—I read from the syllabus:

Vessels engaged in trade between Porto Rican ports and ports of the United States are engaged in the coasting trade in the sense in which those words are used in the New York pilotage statutes, and steam vessels engaged in such trade are coastwise steam vessels under Revised Statutes, section 4444.

I read from the body of the opinion as follows:

Under the commercial and navigation laws of the United States merchant vessels are divisible into two classes: First, vessels registered pursuant to Revised Statutes, section 4131. These must be wholly owned, commanded, and officered by citizens of the United States, and are alone entitled to engage in foreign trade. And, second, vessels enrolled and licensed for the coasting trade or fisheries. (Rev. Stat., sec. 4311.) These may not engage in foreign trade, under penalty of forfeiture. (Sec. 4337.) This class of vessels is also engaged in navigation upon the Great Lakes and the interior waters of the country; in other words, they are engaged in domestic instead of foreign trade.

The words "coasting trade," as distinguishing this class of vessels, seem to have been selected because at that time all the domestic commerce of the country was either interior commerce or coastwise, between ports upon the Atlantic or Pacific coasts or upon islands so near thereto and belonging to the several States as properly to constitute a part of the coast. Strictly speaking, Porto Rico is not such an island, as it is not only situated some hundreds of miles from the nearest port on the Atlantic coast, but had never belonged to the United States or any of the States composing the Union. At the same time trade with that island is properly a part of the domestic trade of the country since the treaty of annexation, and is so recognized by the Porto Rican or Foraker Act. By section 9 the Commissioner of Navigation is required to "make such regulations * * * as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Porto Rico on April 11, 1899, * * * and for the admission of the same to all the benefits of the coasting trade of the United States; and the coasting trade between Porto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States." By this act it was evidently intended not only to nationalize all Porto Rican vessels as vessels of the United States, and to admit them to the benefits of their coasting trade, but to place Porto Rico substantially upon the coast of the United States and vessels engaged in trade between that island and the continent as engaged in the coasting trade. This was the view taken by the executive officers of the Government in issuing an enrollment and license to the *Ponce*, to be employed in carrying on the coasting trade, instead of treating her as a vessel engaged in foreign trade.

Not only that, Mr. President, but long ago Congress declared that commerce between Alaska and any port of the United States, of course the vessels engaged in that commerce, passing through the waters adjacent to foreign countries is coasting trade, and that commerce is entitled to the same exemption and subject to the same restrictions as the coasting trade generally. With reference to that the Supreme Court says, in the opinion from which I am reading:

That the words "coasting trade" are not intended to be strictly limited to trade between ports in adjoining districts is also evident from Revised Statutes, section 4358, wherein it is enacted that "the coasting trade between the territory ceded to the United States by the Emperor of Russia, and any other portion of the United States, shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts." These great districts were, for the more convenient regulation of the coasting trade, divided by the act of March 2, 1819 (3 Stat., 492, ch. 48), as amended by the act of May 7, 1822 (3 Stat., 684; Rev. Stat., sec. 4348), as follows: "The first to include all the collection districts on the seacoast and navigable rivers between the eastern limits of the United States and the southern limits of Georgia; the second to include all the collection districts on the seacoast and navigable rivers between the River Perdido and the Rio Grande; and the third to include all the collection districts on the seacoast and navigable rivers between the southern limits of Georgia and the River Perdido." A provision similar to that for the admission of the Territory of Alaska was also adopted in the act to provide a government for the Territory of Hawaii (31 Stat., 141, sec. 98), which provides that all vessels carrying Hawaiian registers on August 12, 1888, and owned by citizens of the United States or citizens of Hawaii, "shall be entitled to be registered as American vessels, * * * and the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts."

This use of the words "coasting trade" indicates very clearly that the words were intended to include the domestic trade of the United States upon other than interior waters. The district court was correct in holding that the *Ponce* was engaged in the coasting trade, and that the New York pilotage laws did not apply to her.

That case as it was considered in the lower court is reported in One hundred and fifth volume Federal Reporter, at page 78, from which I read, as follows:

Upon the acquisition of Alaska the same terms were used and in the same manner for the extension of the "coasting trade" between the United States and that Territory far beyond any contiguous coast line of the United States (act July 27, 1868; Rev. Stat., sec. 4358), and in the act of April 30, 1900, to provide a government for the Territory of Hawaii (31 Stat., 141, 161, ch. 339, par. 98), there is also provision for the "coasting trade between the Hawaiian Islands and any other portion of the United States," in the same language that is employed in the last clause of section 9. This extended use of the words "coasting trade" was already familiar. Numerous decisions of the Commissioner of Navigation as respects trade and navigation by American vessels between these Territories and the United States have, moreover, held such trade to be a part of the coasting trade of the United States, entitling the vessels to sail under enrollments and licenses with the privileges and exemptions attaching thereto (Dec. 6,106, Jan. 8, 1884; also Decs. 5,618, 18,859, 19,364, 22,201, May 3, 1900); and the same has been ruled by the commissioner with regard to trade with Porto Rico since the act of April 12, 1900, by Treasury decision 22,232, May 16, 1900. It was under these rulings that the registers of these vessels were surrendered and coasting licenses taken out.

Mr. President, significance is given to this language not only in this country but as well as in England, for by their general customs-consolidation act of 1876 the coasting trade is defined as follows:

All trade by sea from one part of the United Kingdom to any other part thereof shall be deemed to be a coasting trade, and all ships employed therein shall be deemed coasting ships, and no part of the United Kingdom, however situated with regard to any other part, shall be deemed in law, with reference to each other, to be parts beyond seas.

Accordingly, Mr. President, it occurs to me that in the further consideration of this matter we shall be obliged to consider that our own vessels passing through the Panama Canal from one port of the United States to another port of the United States are in law engaged in the coasting trade.

Mr. THORNTON. Mr. President, if no Senator desires to address the Senate at this time on the subject of the unfinished business, I ask that it may be temporarily laid aside.

The PRESIDING OFFICER (Mr. HITCHCOCK). Without objection, it is so ordered.

NAVAL APPROPRIATIONS.

Mr. THORNTON. I now ask unanimous consent to have taken up for consideration House bill 14034, being the naval appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. THORNTON. Mr. President, as Senators will see by the report on the bill, the estimates of the department for the naval appropriation bill for this year were something in excess of $144,000,000. The House cut that down by over $4,000,000, leaving the amount reported something over $139,000,000, nearly $140,000,000, and the bill was passed by the House substantially for that amount. The amount as reported by the Senate committee is not quite $141,000,000, being an increase over the House bill of slightly over $1,000,000.

The principal items of increase in the Senate bill over the House bill are for the Indianhead powder factory, the increase in the appropriation for the various navy yards, for fuel-oil storage at San Francisco, and the naval disciplinary barracks, the largest single item being half a million dollars for the Indianhead powder factory.

It has been the object of the committee to avoid all useless expenditures in this bill, while at the same time giving all that was considered absolutely necessary for the use of the department—not for the sacrifice of human life, as was said on this floor by a Senator last week; not for the purpose of men killing each other, as was said by another Senator during the same afternoon; but in order to maintain the efficiency of that great arm of the national defense which lately has so splendidly demonstrated its ability to move swiftly and act strongly in the matter of the protection of the national honor.

I now ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendments, the committee amendments to be first considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none. The Secretary will read the bill.

Mr. BRISTOW. Mr. President, a great many Senators are absent who probably do not know that the naval bill is now being taken up. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McLean	Sheppard
Brady	Hitchcock	Martin, Va.	Shively
Bristow	Hollis	Nelson	Stephenson
Bryan	Jones	Norris	Sterling
Burton	Kenyon	O'Gorman	Sutherland
Catron	Kern	Oliver	Swanson
Chamberlain	La Follette	Page	Thornton
Clapp	Lippitt	Perkins	Tillman
Cummins	Lodge	Pomerene	Vardaman
du Pont	McCumber	Saulsbury	Walsh

The PRESIDING OFFICER. Forty Senators have answered to their names. There is not a quorum present.

Mr. KERN. Let the names of the absentees be called.

The PRESIDING OFFICER. The names of the absentees will be called.

The Secretary called the names of the absent Senators, and Mr. CRAWFORD, Mr. GALLINGER, Mr. JOHNSON, Mr. LANE, Mr. MYERS, Mr. PITTMAN, Mr. RANSDELL, Mr. SHAFROTH, Mr. SMITH of South Carolina, Mr. STONE, Mr. THOMPSON, Mr. WILLIAMS, and Mr. WORKS answered to their names when called.

Mr. HUGHES, Mr. CLARK of Wyoming, Mr. REED, Mr. GORE, Mr. BRANDEGEE, Mr. ROBINSON, Mr. SMITH of Maryland, and Mr. WHITE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present. The Secretary will read the bill for action on the amendments of the committee.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Naval Affairs was, under the subhead "Pay, miscellaneous," on page 3, line 24, after the word "proper," to strike out "$46,000" and insert "$150,000," and, on page 4, line 6, after the date "1915," to insert "*Provided further*, That the sum of $104,000, or so much thereof as may be necessary, be expended, on the approval and authority of the Secretary of the Navy, for entertaining the officers and crews of foreign fleets which may be sent to attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority contained in the joint resolution of Congress approved February 15, 1911, and of the authority contained in the act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, approved March 4, 1911, and for defraying such other expenses incident to the visit of the said foreign fleets as the Secretary of the Navy may deem proper, and the said sum shall be available until November 15, 1915," so as to make the clause read:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, $150,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1915: *Provided further*, That the sum of $104,000, or so much thereof as may be necessary, be expended, etc.

The amendment was agreed to.

The next amendment was, at the top of page 5, to insert:

That the tolls that have been or may be prescribed by the President, in pursuance of the authority contained in the Panama Canal act, approved August 24, 1912, to be levied by the Government of the United States for the use of the Panama Canal shall not be assessed against nor collected from any war vessel of any foreign nation which may pass through the Panama Canal en route to or in returning from the Panama-Pacific International Exposition: *Provided*, That such vessel has been sent by its Government to attend and participate in the said exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority contained in the joint resolution of Congress approved February 15, 1911, and of the authority contained in the act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, approved March 4, 1911.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

The Secretary of the Navy is hereby authorized and empowered to define and establish suitable anchorage grounds in Hampton Roads, Va., and the adjacent waters for the combined fleets of the United States and foreign Governments which may rendezvous there prior to proceeding to the Panama-Pacific International Exposition, to be held at the city and county of San Francisco, Cal., in the year 1915, as well as to define and establish suitable anchorage grounds in the Bay of San Francisco and the approaches and waters adjacent thereto during the continuance of the said Panama-Pacific International Exposition, and the Secretary of the Navy is hereby further authorized to make such rules and regulations regarding the movements of all vessels in all of the waters named as may be necessary in order to insure the proper and orderly conduct of such features as may be planned for the combined fleets and to provide for the safety of the vessels participating therein; and such rules and regulations when so issued and published shall have the force and effect of law.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 7, line 12, after the words "recruiting parties," to strike out "$130,000" and insert "$150,000," so as to read:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $150,000.

The amendment was agreed to.

The next amendment was, on page 9, line 23, after the word "ranges," to strike out "$100,000" and insert "$115,000," so as to make the clause read:

Gunnery exercises: Prizes, trophies, and badges for excellence in gunnery exercises and target practice; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transportation of civilian assistants and equipment to and from ranges, $115,000.

The amendment was agreed to.

The next amendment was, on page 11, line 17, after "$90,000," to insert: "*Provided*, That as much of this appropriation as practicable shall be used in producing and preparing, by survey or otherwise, American charts and sailing directions to replace those of foreign production which now have to be purchased abroad; and for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office," so as to make the clause read:

Ocean and lake surveys.—Hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen and recorders, and for the purchase of nautical books, charts, and sailing directions, $90,000: *Provided*, That as much of this appropriation as practicable shall be used in producing and preparing, by survey or otherwise, American charts and sailing directions to replace those of foreign production which now have to be purchased abroad; and for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office.

The amendment was agreed to.

The next amendment was, on page 17, line 2, after the word "consideration," to insert: "*And provided further*, That the pensions of beneficiaries of the Naval Home shall be disposed of in the same manner as prescribed for inmates of the Soldiers' Home, as provided for in section 4 of the act approved March 3, 1883, under such regulations as the Secretary of the Navy may prescribe, except that in the case of death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall, subject to the foregoing provisions, escheat to the naval pension fund," so as to read:

That the governor of the Naval Home is hereby authorized and directed, under such regulations as may be prescribed by the Secretary of the Navy, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his heirs or next of kin: *And provided further*, That claims may be presented hereunder at any time within five years after moneys have been so deposited in the Treasury, and, when supported by competent proof in any case after such deposit in the Treasury, shall be certified to Congress for consideration: *And provided further*, That the pensions of beneficiaries of the Naval Home shall be disposed of in the same manner as prescribed for inmates of the Soldiers' Home, as provided for in section 4 of the act approved March 3, 1883, under such regulations as the Sec-

retary of the Navy may prescribe, except that in the case of death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall, subject to the foregoing provisions, escheat to the naval pension fund.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 19, line 6, after the word "until," to strike out "June 30, 1916," and insert "expended," so as to make the clause read:

For modifying or renewing breech mechanisms of 3-inch, 4-inch, 5-inch, and 6-inch guns, to be available until expended, $75,000.

The amendment was agreed to.

The next amendment was, on page 19, line 10, after the word "until," to strike out "June 30, 1916," and insert "expended," so as to make the clause read:

For replacing Mark VI 6-inch guns with Mark VIII guns and repairing and modernizing the Mark VI guns for issue, to be available until expended, $150,000.

The amendment was agreed to.

The next amendment was, on page 19, line 12, after the word "until," to strike out "June 30, 1916," and insert "expended," so as to make the clause read:

For liners for eroded guns, to be available until expended, $100,000.

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the word "until," to strike out "June 30, 1916," and insert "expended," so as to make the clause read:

Torpedoes and appliances: For the purchase and manufacture of torpedoes and appliances, to be available until expended, $1,000,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Yards and Docks," on page 22, line 2, after "$425,000," to insert:

Provided further, That the Secretary of the Navy is hereby authorized in his discretion to exceed the amount appropriated under "maintenance, yards and docks," in an amount equal to the total of such expenditures in navy yards heretofore charged to other appropriations as properly constitute a part of yard maintenance: *Provided*, That no expenditures shall be thus transferred from any other appropriations to the appropriation "maintenance, yards and docks," except as may be necessary to compute more accurately the cost of work at navy yards, including all direct and indirect charges incident thereto: *Provided further*, That the Secretary of the Navy is hereby directed to report the sum or sums transferred and the necessity therefor: *And provided further*, That nothing herein contained shall operate to increase the total amount appropriated for the naval service.

Mr. MARTIN of Virginia. I make the point of order against that amendment that it is general legislation on an appropriation bill.

Mr. THORNTON. Mr. President, I wish to say to the Senator from Virginia that, though he is the proper judge of his own action in the matter, the department consider that this amendment is necessary. They gave two reasons for it. One was economy in the administration of the yards, and the other was to be able to show by the system of bookkeeping exactly the cost of the maintenance of those yards.

The PRESIDING OFFICER. Will the Senator from Virginia state his ground for making the point of order against the amendment?

Mr. MARTIN of Virginia. It is general legislation, Mr. President; it lays down rules and regulations, and authorizes money to be used for one purpose which is appropriated for another purpose. It seems to me that it is plainly a matter of legislation, and not a matter of appropriation, that is referred to in the amendment.

It is true the amendment is so vague and indefinite as to be difficult of comprehension; I am not clear as to what is aimed at in the amendment; but it seems to contain nothing but a legislative provision. I hardly supposed that the committee would insist that it was in order; indeed, I understand from a member of the committee that he has no question whatever that it is general legislation.

The PRESIDING OFFICER. The Chair is in some doubt. It seems to be rather a vague provision, but it apparently gives a latitude or discretionary authority to the Secretary of the Navy to transfer an amount of money appropriated to one fund to another fund. Is that a correct statement of the amendment?

Mr. MARTIN of Virginia. It gives the Secretary of the Navy the right to use an indefinite sum of money; it makes various appropriations, and then authorizes the Secretary of the Navy to use the money so appropriated for other purposes, which could not be done except by legislative enactment. The Secretary of the Navy could not possibly have the right to take money appropriated for specific purposes and use that money for other purposes without such authority. It is a legislative provision of a general nature; it is not giving a specific direction to an appropriation. If it were simply that, the amendment would be in order, but it is a general authority, a legislative provision governing the disposition of moneys appropriated by this bill. It is not a limitation or direction as to a particular appropriation for a particular purpose, limiting it or making it conditional on any specific fact or in the discretion of the Secretary; but it is a general legislative provision relating to appropriations contained in the bill. It seems to me it is something that the Secretary could not possibly do except when authorized by legislation. I repeat, this is a legislative provision authorizing him to do those things. It seems to me to be plainly in violation of the rule.

Mr. THORNTON. Mr. President, I do not, of course, propose to debate the question, knowing that I can not do so under the rules, but inasmuch as the Chair has expressed some doubt as to the meaning of the amendment, I should like to read a letter from the Navy Department, addressed to myself, expressing the ideas of the department as to what was meant by the provision, if that would throw any light on the situation.

The PRESIDING OFFICER. The Chair will be glad to have the Senator read the letter.

Mr. THORNTON. The letter is as follows:

THE SECRETARY OF THE NAVY,
Washington, May 18, 1914.

The Hon. J. R. THORNTON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I take pleasure in complying with your request for further information as to the reason for and effect of the amendment incorporated by the Senate Committee on Naval Affairs into the pending appropriation bill—on lines 2 to 17 of printed page 22—with respect to computing the cost of navy-yard work.

The said amendment carries no additional appropriation.

It is aimed to facilitate the revision of existing regulations in such manner as to separate cost of upkeep from cost of output.

Since the act of June 24, 1910, provides that the cost of navy-yard work shall include all charges incident thereto, the whole question of Navy cost keeping depends upon the proper interpretation of the word "incident." If too broad an interpretation be used and upkeep expenses at navy yards be consequently spread over the cost of output without proper discrimination, then costs of navy-yard construction will appear to be greater than they are in fact. Such seems to have occurred under present conditions, which conditions the amendment will aid in improving.

The necessity for maintaining navy yards is not open to question. They must be kept in working order as a part of the national defense; and as the expense of maintenance will go on whether any ships are built there or not, the legitimate charge to construction includes only the additional expense over and above what would have been incurred if such construction had been done elsewhere. Hence, when Congress asks for a statement of building costs, it is misleading to be obliged to answer with a total which includes pure upkeep.

The passage of the amendment referred to will materially assist this department in correctly separating the said charges and more nearly effectuating the intent of the law.

Sincerely, yours,

JOSEPHUS DANIELS.

The PRESIDING OFFICER. The Chair is disposed to rule that the amendment is general legislation, and will sustain the point of order.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, at the top of page 23, to strike out:

That to carry out the purpose of so much of the act of March 4, 1913, as authorizes the President to have constructed one supply ship, to cost, exclusive of armor and armament, not to exceed $1,425,000, there is hereby appropriated for the improvement of building slips and equipment $148,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 6, to strike out:

The unexpended balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year ending June 30, 1914, is hereby covered back into the Treasury.

And in lieu thereof to insert:

That the unobligated balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year ending June 30, 1914, not exceeding $148,000, is hereby made available for building slip and equipment.

The amendment was agreed to.

The next amendment was, on page 23, line 18, after the words "Pier D," to strike out "$12,000" and insert "$25,000"; in line 19, after the word "exceed," to strike out "$130,000" and insert "$150,000"; in line 21, after "$15,000," to insert "extend second-floor mold loft, $8,500"; and in line 23, after the name "New York," where it occurs the second time, to strike out "$122,000" and insert "$143,500," so as to make the clause read:

Navy yard, New York, N. Y.: Paving and grading, to continue, $15,000; yard railroad, extension and equipment, $15,000; to complete Pier D, $25,000; toward construction of Pier C (cost not to exceed $150,000), $65,000; distributing system, extensions, to continue, including separator receivers, $15,000; extend second-floor mold loft, $8,500; in all, navy yard, New York, N. Y., $143,500.

The amendment was agreed to.

The next amendment was, on page 24, line 1, after "$15,000," to insert "building slips and equipment, $200,000," and in line 2, after the name "Philadelphia," to strike out "$65,000" and to insert "$265,000," so as to make the clause read:

Navy yard, Philadelphia, Pa.: Quay walls and piers, $50,000; power-plant improvement (to install rotary converters), $15,000; building slips and equipment, $200,000; in all, navy yard, Philadelphia, $265,000.

Mr. THORNTON. On page 24, line 1, after the word "building," the word should be "slip" instead of "slips," so as to read "building slip." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 24, after line 3, to insert:

Navy yard, Washington, D. C.: Fireproof general storehouse (cost not to exceed $225,000), $100,000.

The amendment was agreed to.

The next amendment was, on page 24, line 7, after the name "Virginia," to strike out "Repairs" and insert "New dry dock (to cost $3,000,000), $200,000; repairs," and in line 12, after "$450,000," to insert "in all, navy yard, Norfolk, Va., $225,000," so as to make the clause read:

Navy yard, Norfolk, Va.: New dry dock (to cost $3,000,000), $200,000; repairs, buildings, St. Helena, $25,000; the 150-ton crane authorized by the act of March 4, 1913, shall be of the floating revolving type, and the limit of cost is hereby increased to $450,000; in all, navy yard, Norfolk, Va., $225,000.

Mr. THORNTON. On page 24, line 8, after the word "cost," I know that the bill which was reported to the Senate contained the words "not to exceed," but those words are not in the printed bill on Senators' desks. I suggest that amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment suggested by the Senator from Louisiana will be stated.

The SECRETARY. On page 24, line 8, after the word "cost," it is proposed to insert "not to exceed," so as to read: "to cost not to exceed $3,000,000."

Mr. KENYON. Mr. President, I should like to ask the Senator having charge of this bill just what this item means as to this new dry dock. Does the making of the appropriation of $200,000, "to cost $3,000,000," mean that the provision is giving the status that $3,000,000 is to be expended?

Mr. THORNTON. Yes, sir; not to exceed that much. In other words, it is estimated that the entire work will cost $3,000,000, of which $200,000 is now given for immediate purposes.

Mr. KENYON. Is there anything in any report of a committee or in hearings showing the necessity of this expenditure of $3,000,000?

Mr. THORNTON. Yes, sir. I will read a statement to the Senator. What I shall read is a letter from the Navy Department. It is as follows:

NAVY DEPARTMENT,
Washington, May 9, 1914.

CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

MY DEAR SENATOR: I deem it of the utmost importance that there be restored to the naval bill the authorization and initial appropriation requested by the department in its original estimates for a new dry dock at the Norfolk Navy Yard.

The necessity for this additional dock has been strongly represented to me by the General Board of the Navy and the experts and authorities of the Navy Department.

We have three docks at Norfolk at this time, but owing to the greater size and draft of our newer vessels they are only available for ships of less recent design. As a matter of fact, there are no docks under construction or contract on the Atlantic coast which can take a battleship of 30,000 tons, and only one dock—No. 4 at New York—when completed which can dock the *Wyoming* class. This is obviously a very serious state of affairs and one which should be remedied without delay.

The department and the General Board have long recognized the need for increased docking facilities, inadequacy of which in time of war might lead to serious consequences, for if several of our battleships of the first line were seriously damaged with only one dock available to receive them it would result in embarrassing delays, and moreover if the injuries were sustained while in action on the South Atlantic coast the absence of a suitable dry dock nearer than New York might result in the total loss of a ship through its unseaworthiness for a long voyage. Such a circumstance would also deprive the fleet of one or more vessels, which would have to be withdrawn to convoy the injured vessel or vessels up the coast.

Norfolk is the most logical point for another big dock. It has coaling and repair facilities right at hand, of quick and easy access by the same entrance channel, and it is at Hampton Roads more frequently than elsewhere where we have the fleet rendezvous.

I respectfully urge that the following be inserted on page 22 of the naval bill as reported to the House, following "$25,000," in line 21, viz, "new dry dock, to cost $3,000,000, $200,000."

Very sincerely,

FRANKLIN D. ROOSEVELT,
Acting Secretary of the Navy.

Mr. KENYON. I should like to ask the Senator from Louisiana if there was an estimate before the committee of the cost of this dry dock? Was the letter the Senator has just read the only estimate before the committee? How did $3,000,000 happen to be agreed upon?

Mr. THORNTON. It was estimated that the work would cost $3,000,000.

Mr. KENYON. That was an estimate by whom?

Mr. THORNTON. By the department.

Mr. KENYON. By the Navy Department?

Mr. THORNTON. Yes, sir.

Mr. KENYON. Were there any hearings before the committee as to Norfolk being the best place for a dry dock?

Mr. THORNTON. I shall have to ask the Senator from Virginia [Mr. SWANSON] to answer that, he perhaps being more familiar with it than I.

Mr. KENYON. It is an innocent looking item, but it involves the expenditure of $3,000,000.

Mr. SWANSON. Mr. President, I will suggest to the Senator from Iowa that we are building a dry dock of this character at Pearl Harbor, in the Hawaiian Islands, for the Pacific coast. The department has for years and years, through the General Board, consisting of Admirals Dewey, Wainwright, and others, recommended continuously the construction of such a dock at Norfolk. Nearly one-half of all the ships that are docked on the Atlantic coast are docked at Norfolk; to be accurate, about 50 per cent. The statistics will show that; and it is impossible on the Atlantic coast, with the present inadequate docking facilities, for docking to be made with sufficient rapidity. If an injury happens to a battleship, there is only one dock where it can be docked at present, and that is in New York. When the *Arkansas* was injured it took nearly three months before she could be released from the dock, and consequently if anything should happen to a number of ships, or if any emergency should arise, unless there was another dock to repair ships we would be almost helpless.

The department has made an estimate as to what the new dry dock will cost, the ultimate cost to be some $3,000,000, the items being given in the hearings. This matter has been before Congress and has been urged from year to year, and the Navy Department says that there is no matter more important to the Navy than the construction of this dry dock.

Mr. KENYON. I should like to ask the Senator how long it will require to construct this dry dock?

Mr. SWANSON. It will take two years or more, possibly.

Mr. KENYON. Then, the balance of this money will be carried in the appropriation bill of next year?

Mr. SWANSON. It will be carried in the succeeding appropriation bills as needed, when the $200,000 now proposed to be appropriated has been expended. Next year they will make an estimate, and appropriations will be made as needed.

Mr. KENYON. This $200,000 will not carry the project forward for a year, will it?

Mr. SWANSON. It will carry it forward until Congress meets in December, when additional appropriations can be made as they are needed. That is the usual way such appropriations are made.

Mr. JONES. Mr President, I should like to ask the Senator a question. As I understand, the department can proceed to let contracts for the construction of this dry dock under this provision?

Mr. SWANSON. The department can let contracts for the construction of the dry dock under this provision not to exceed the sum of $3,000,000.

Mr. JONES. How many dry docks are there on the Atlantic coast?

Mr. SWANSON. There are three dry docks at Norfolk——

Mr. JONES. There are three at Norfolk now?

Mr. SWANSON. There are three now at Norfolk, but only one that is sufficient to accommodate our present modern battleships. There is one at Brooklyn, and I think there are dry docks of different sizes at all of the naval stations.

Mr. JONES. What I should like to know is how many dry docks there are on the Atlantic coast in which can be docked a modern battleship?

Mr. SWANSON. Only one for the very largest, latest ships, and that is at Brooklyn.

Mr. JONES. Just one?

Mr. SWANSON. And I think that is not completed.

Mr. LODGE. The one at Brooklyn is in process of construction.

Mr. JONES. Is there not any dry dock on the Atlantic coast in which modern battleships may be docked?

Mr. LODGE. Not battleships of the largest size.

Mr. JONES. I mean a dock that would accommodate one of the ships which has been provided for in the last few years.

Mr. LODGE. Not the largest sized battleships.

Mr. JONES. Where are they docked when they need to be docked?

Mr. LODGE. The very large battleships have only been built in the last few years.

Mr. JONES. Have we not had any of the large battleships completed in the last five years?

Mr. SWANSON. Battleship 39, now building, will have a displacement of 31,000 tons, and consequently will require a larger dock than a battleship of 20,000 tons; and the object of this amendment is to provide for a dock that will take care of such ships.

Mr. JONES. We have, then, as I understand, no dock on the Atlantic coast in which battleships that we have authorized during the last six or seven years can be docked?

Mr. SWANSON. There has been a great increase in the size of battleships in the last few years.

Mr. JONES. How many docks have we on the Atlantic that will dock the largest vessels authorized within the last six years?

Mr. LODGE. There is one at Portsmouth, one at Boston, one at New York, they are building a larger one at Brooklyn, and there is one at Charleston and one at Norfolk.

Mr. JONES. That makes five, and one under way.

Mr. SWANSON. If the Senator will allow me, at page 844 of the Navy Yearbook, he will find a description of each dock in the United States, including their size and other data. If there is no objection, I will insert the table from the Yearbook bearing on the subject as a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The table referred to is as follows:

United States naval docks.

[Revised by Bureau of Yards and Docks, October, 1913.]

Yard or station.	Dock No.	Kind.	Material of which dock is constructed.	Class of maximum ship capable of being docked.	General dimensions. Body of dock. Length coping head to side of caison.	Length on floor head to outer sill.	Width at coping.	Width top of keel blocks.	Depth mean high water to keel blocks.	Entrance. Width at coping.	Governing width 6 feet above sill.	Depth mean high water to sill.
					Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.
Portsmouth	2	Dry dock	Granite and concrete.	Utah	740 10½	718 10½	130 0⅜	[1] 96 8⅜ [2] 72 8⅜	30 2⅜	101 9	91 2	30 2⅜
Boston	1	do	Granite	Raleigh	373 11¾	357 1	86 1½	[1] 56 2⅜ [2] 48 2⅜	22 0⅜ 19 6¼	60 3	46 10¾	25 1½
Do	2	do	Granite and concrete.	Utah	738 1	729 0	114 0	[1] 86 0 [2] 82 0	30 0	101 8⅜	91 4½	30 0
New York	1	do	Granite	Monterey	349 1½	326 3¾	98 1 3/16	[1] 56 1 3/16 [2] 48 1 3/16	22 1⅞ 20 11¼	67 1 3/16	47 6	25 4¾
Do	2	do	Concrete	Missouri	462 0⅜	451 3½	112 10⅜	74 6	25 3	90 6⅞	75 6	26 6½
Do	3	do	Wood	Mississippi	656 4½	624 9 3/16	150 10 1/16	72 2	27 5½	105 4 3/16	77 0 1/16	29 8¾
Do	4	do	Granite and concrete.	Largest contemplated.	694 6	694 9	139 6	112 0	32 11½	120 3½	112 0	35 5½
Philadelphia	1	do	Wood	Minneapolis	491 7½	459 10½	131 8½	58 7⅞	22 11½	86 0	57 9⅝	25 1½
Do	2	do	Granite and concrete.	North Dakota	744 6⅞	731 10½	140 2¾	97 0⅜	27 10¾	102 7¼	91 10	29 10¾
Norfolk	1	do	Granite	Cheyenne	324 0½	303 0	86 3½			60 0½		25 1⅜
Do	2	do	Wood	Minneapolis	490 4½	459 8	130 4	57 0	24 10½	85 0	58 8	25 6¾
Do	3	do	Granite and concrete.	Largest contemplated.	722 11	732 0	136 0	98 1¾	31 0¾	112 4 3/16	101 0	34 0¾
Charleston	1	do	do	Utah	566 0	548 0	134 0	96 2	31 1⅛	113 0⅞	101 11⅞	34 1⅛
Mare Island	1	do	Granite	Charleston	507 11⅜	459 1⅜	122 0	45 0	[1] 27 0⅜ [2] 25 9½	80 6⅞	61 0	26 3
Do	2	do	Granite and concrete.	North Dakota	740 4⅝	729 10⅜	120 0	88 0	28 9⅜	101 11⅛	92 3½	30 3⅜
Puget Sound	1	do	Wood body, masonry entrance.	Mississippi	636 11⅜	618 7¾	130 1½	76 3½	28 0½	92 8½	74 0	29 10½
Do	2	do	Granite and concrete.	Largest contemplated.	827 6	801 8	145 0	113 0	35 6	123 9½	114 4	38 0
Pearl Harbor	1	do	do	do	999 6	1,008 0	138 0	114 0	32 2⅜	123 0	114 4	34 8⅜
Pollok, P. I.[3]	1	do	Stone	Tug	110 0					30 0		7 3⅜
Pensacola	1	Floating dry dock.	Steel	Chicago	450 0½		85 8⅜	78 0	20 0			
New Orleans	1	do	do	Vermont	525 0		100 0		28 0			
Olongapo	1	do	do	Connecticut	500 0⅜		99 10½		30 0			
Port Royal[3]	1	Dry dock	Wood	Olympia	485 0		126 0	59 0	26 0	97 0	70 0	26 0

Yard or station.	Dock No.	History of construction. Date of commencement.	Date completed.	Cost to date of completion.	Channel from dockyard to sea. Mean rise and fall of tide.[4]	Controlling depth yard to sea mean low water.[4]	Controlling width yard to sea.	Maximum draft ship for channel at mean low water.[5]	Maximum draft ship for channel at mean high water.[5]
					Feet.	Feet.	Feet.		
Portsmouth	2	1899	1906	$1,122,805.59	7.8	40.0	500	Largest contemplated	Largest contemplated.
Boston	1	1827	1833	972,717.29	9.6	35.0	540	do	Do.
Do	2	1899	1905	1,100,000.00	9.6	35.0	540	do	Do.
New York	1	1841	1851	2,003,498.05	4.2	31.0	450	do	Do.
Do	2	1887	1901	1,191,821.76	4.2	31.0	450	do	Do.
Do	3	1893	1897	554,707.08	4.2	31.0	450	do	Do.
Do	4	1905	1913	2,500,000.00	4.2	31.0	450	do	Do.
Philadelphia	1	1889	1891	548,700.00	5.9	25.5	600	West Virginia	Do.
Do	2	1899	1908	1,471,550.67	5.9	25.5	600	do	Do.
Norfolk	1	1827	1834	943,676.00	2.8	27.0	450	Idaho	Do.
Do	2	1887	1889	504,980.76	2.8	27.0	450	do	Do.
Do	3	1903	1911	[6] 1,728,965.93	2.8	27.0	450	do	Do.
Charleston	1	1902	1908	1,250,000.00	5.2	22.0	300	Baltimore	Mississippi.
Mare Island	1	1872	1891	2,772,332.08	4.8	20.0	300	Newark	Georgia.
Do	2	1899	1910	1,679,655.80	4.8	20.0	300	do	Do.
Puget Sound	1	1892	1896	632,636.33	7.8	42.0	984	Largest contemplated	Largest contemplated.
Do	2	1908	1913	2,300,000.00	7.8	42.0	984	do	Do.
Pearl Harbor	1	1909	(7)		1.2	35.0	600	do	Do.
Polloc, P. I.[7]	1				4.8	100.0	18,000	do	Do.
Pensacola	1		1897	195,000.00	1.1	30.0	300	do	Do.
New Orleans	1	1899	1902	809,712.52		28.0	200	Delaware	Delaware.
Olongapo	1	1903	1905	1,170,792.68	4.0	70.0	2,500	Largest contemplated	Largest contemplated.
Port Royal[7]	1		1895	521,599.89	7.0	21.0	200		

[1] Maximum.
[2] Minimum.
[3] Out of commission or abandoned.
[4] Data for these columns based upon hydrographic letter 45005–16248 of Nov. 28, 1910, with recent corrections. (Furnished by Bureau of Yards and Docks.)
[5] 12-inch clearance under keel.
[6] Contract price dock complete.
[7] Under construction.

Mr. JONES. That would not give me the information I want, because I would not know from it the size dock necessary to accommodate our battleships; and I want some member of the committee to give me that information.

Mr. SWANSON. The Panama Canal, when completed, will accommodate a vessel 1,000 feet long and 110 feet broad; and they are now constructing a dry dock in Brooklyn of those dimensions. The one at Norfolk is to be of a similar size, as it is estimated that that will be the ultimate size of battleships in the future.

Mr. JONES. How many dry docks have we on the Atlantic coast under way, if any, in which could be docked the battleship provided in the last naval appropriation bill?

Mr. SWANSON. None.

Mr. THORNTON. It was stated in the letter from which I have already quoted that—

there are no docks under construction or contract on the Atlantic coast which can take a battleship of 30,000 tons.

Mr. LODGE. There is no dry dock sufficient to accommodate that battleship at the present time.

Mr. SWANSON. The construction of the dry dock at Norfolk has been urged from year to year.

Mr. KENYON. If we build larger battleships next year or the following year, the proposed dry dock at Norfolk will not be sufficient to accommodate them.

Mr. SWANSON. The Senator is mistaken. The capacity of the locks of the Panama Canal is presumed to measure the limit of size of the battleships which we will build. The dock in the Hawaiian Islands and the one proposed at Norfolk are designed to accommodate the largest vessels that can go through the Panama Canal.

Mr. KENYON. We shall build as large battleships as any other nation in the world, that is certain; and we had better have a dry dock that will be sufficient to last a few years if the size of the battleships shall be increased.

Mr. SWANSON. We are now building as large battleships as any other nation, and the proposed dock at Norfolk is intended to be able to dock a ship a thousand feet long and 110 feet broad. That is what the Navy Department desires.

Mr. KENYON. These dry docks are used sometimes, are they?

Mr. SWANSON. They are used continuously. If the Senator will look into the matter, he will find that Dock No. 1, at Norfolk, was used 234 days during the past year, Dock No. 2 was used 266 days, and Dock No. 3 was used 278 days. This indicates great use of these docks and evinces the vast importance of the Norfolk Navy Yard.

Mr. WEEKS. Mr. President, the Senator from Virginia made an interesting statement a few moments ago, to the effect that one-half of the repairs to the battleship fleet were made at Norfolk. Who determines that policy?

Mr. SWANSON. I referred to the number of days in which ships were docked, or, rather, to the number of vessels—of days in a year docked at Norfolk. During the past year 331 vessels were docked on the Atlantic, of which 144 were docked at Norfolk—about 40 per cent.

Mr. WEEKS. Why should that be so? Why should one-half of the repairs for the battleships be done at Norfolk when we have four or five other yards where there are dry docks?

Mr. SWANSON. That is due to the fact that the battleship fleet are at Hampton Roads more than anywhere else. That is where they rendezvous—where they have their practice. I did not mean to say that one-half of the repairs were made at Norfolk, but nearly one-half of the ships that are docked are sent to be docked at the dry dock there.

Mr. WEEKS. That amounts to the same thing.

Mr. SWANSON. The Senator misunderstood me, if he understood me to say that one-half of the repairs are made at Norfolk. I do not suppose they do one-fourth of the repairing; but, on account of the nearness of the ships to the yard at Norfolk and on account of the rapidity with which it is desirable that the ships be placed in the dock, the records show that the figures I have given in regard to Norfolk are approximately accurate. It is because of this that the necessity arises for selecting Norfolk for this new dry dock.

Mr. THORNTON. Mr. President, in that connection perhaps it might facilitate matters and might give some additional information to the Senator from Massachusetts if I should read again that one paragraph of the letter of Mr. Franklin D. Roosevelt, Acting Secretary of the Navy, to the committee, showing why Norfolk is the proper place for this dry dock, about which there seems to be some difference of opinion. Mr. Roosevelt says:

Norfolk is the most logical point for another big dock. It has coaling and repair facilities right at hand, of quick and easy access by the same entrance channel, and it is at Hampton Roads more frequently than elsewhere where we have the fleet rendezvous.

Those are some of the general reasons which he gives.

Mr. WEEKS. I should like to ask the Senator from Louisiana if that is Mr. Roosevelt's opinion or the opinion of the General Board?

Mr. SWANSON. If the Senator from Louisiana will allow me, the General Board has recommended the construction of the new dry dock at Norfolk.

Mr. WEEKS. Has the General Board, in recommending a new dry dock, recommended that it be located at Norfolk?

Mr. SWANSON. I understand that it has.

Mr. WEEKS. Has it made that specific recommendation?

Mr. THORNTON. I will say that Mr. Roosevelt, Acting Secretary of the Navy, adds in his letter:

The necessity for this additional dock has been strongly represented to me by the General Board of the Navy and the experts and authorities of the Navy Department.

Mr. WEEKS. Of course, it goes without saying that so long as we continue to build battleships of large type every two or three years we will have to provide dry docks for them, but I could not quite understand from the statement which I understood the Senator from Virginia to make why one-half of the repairs or one-half of the docking was done at Norfolk, and it is almost certain that if this dock is built there an additional proportion of repairs and of docking will be done there in the future.

Mr. SWANSON. According to my understanding, of the number of days in which the dry docks of the Navy are used, those at Norfolk show about twice the use of any others. There are dry docks at other stations, but the fact that the dry docks at Norfolk are used so much more than the dry docks at other places was one of the reasons why the General Board recommended the construction of the new dry dock at Norfolk. Admiral Watts—and the unanimous sentiment of nearly all those connected with the Navy is that Norfolk is the proper place to locate the new dry dock.

Mr. WEEKS. Admiral Watts is not on the General Board, Mr. President. Admiral Watts is Chief of Construction.

Mr. SWANSON. Here is the report of the General Board on page 808 of the hearings:

The General Board is of opinion that this yard—

Referring to Norfolk—

should be steadily developed and efforts made to deepen the channels leading to it in the course of the next few years, and that it should be made one of our chief naval bases.

Mr. JONES. Mr. President, a moment ago, in answer to a question of the Senator from Iowa [Mr. KENYON], the Senator from Virginia said that he thought it would take a year or two years to complete this dry dock. Does the Senator know when the battleship provided in the last naval appropriation bill will be completed?

Mr. SWANSON. I think one or two of our largest battleships have already been launched; and there is at present no place to dock it.

Mr. JONES. So that it can not be placed in dry dock until we construct this new dock?

Mr. SWANSON. No; except at the Brooklyn Navy Yard, where it might be docked.

Mr. JONES. I want to state to the Senator how long it has taken us heretofore to build these docks. The last dock at Norfolk was in course of construction from 1903 to 1911, or eight years.

Mr. SWANSON. It would depend upon how fast the money is appropriated.

Mr. JONES. That certainly was not the cause of the delay in the construction of the last dock in Norfolk. The appropriation for that dock was $1,728,000.

I am making these suggestions merely to show the urgency of the dry dock in which the Senator is interested. If the battleships which are now building and which it is proposed to authorize in this bill can not now be accommodated in any of the existing dry docks, we ought to hurry this new dock along as fast as possible.

Take the navy yard at Puget Sound. We have just completed a dry dock there that will take the largest battleship, and yet that dock was from 1908 to 1913 in process of construction, or five years, so that if there is any doubt about the money provided in this bill for the Norfolk dry dock being sufficient to carry on this work, we ought to resolve that doubt by seeing that an abundance of money is provided, because the first thing we know we will have two battleships and no place where they can be docked.

Mr. SWANSON. It was estimated that all they can spend now is $200,000 to begin the work.

Mr. JONES. I am merely calling the Senator's attention to the delay which we have experienced in building dry docks, ranging from five to eight years.

Mr. SWANSON. If an appropriation is made without delay, I am satisfied they can construct it in two years, or three certainly.

Mr. JONES. I am satisfied that the delay of eight years in the construction of the present dock at Norfolk was not because Congress did not provide the money. It must have been because the department failed to prepare the plans or let the contract, or something of that kind. That instance shows the time likely to be consumed in the construction of such dry docks.

Mr. THORNTON. It is very plain from the letter of the department that they appreciate the importance of the matter alluded to by the Senator from Washington [Mr. JONES], and they certainly will lose no time in getting the dry dock in a situation to handle the business that now can not be handled and to provide facilities which may be so much needed at any time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 25, line 21, after "$207,000," to insert "to be immediately available, dredging and diking, to continue, $20,000," and in line 23, after the words "in all," to strike out "$237,000" and insert "$257,000," so as to make the clause read:

Navy yard, Mare Island, Cal.: To complete quay wall, $20,000; modernizing electric-power and light-distributing systems, $10,000; improvement of hydraulics, Mare Island Straits, in accordance with report submitted in House Document No. 1103, Sixtieth Congress, second session, and such modifications as may be made therein in pursuance of the authority contained in the act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1913, and for other purposes, approved October 22, 1913 (limit of cost $507,000), to complete, $207,000, to be immediately available; dredging and diking, to continue, $20,000; in all, $257,000.

The amendment was agreed to.

Mr. JONES. Mr. President, as I understand, we are considering the bill simply for committee amendments now?

The PRESIDING OFFICER. Those are the only ones now being considered.

Mr. JONES. I send to the desk an amendment which I desire to have read and considered as pending.

The PRESIDING OFFICER. It will be read for information.

The SECRETARY. After "$155,000," on page 25, line 26, it is proposed to insert:

Building slip and equipment, $200,000.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 26, after line 2, to insert:

Naval station, Key West, Fla.: Toward construction of breakwater (limit of contract, $600,000), $100,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 11, to insert:

The limit of cost of the dry dock at the naval station, Pearl Harbor, Hawaii, is hereby increased to $4,986,500.

Mr. VARDAMAN. Mr. President, I should like to ask the acting chairman of the committee or the Senator in charge of the bill to explain this item. I understand that no estimate has been made for this amount.

Mr. THORNTON. Yes; it has.

Mr. VARDAMAN. What is the estimate?

Mr. THORNTON. Just what is provided for here. I will read it to the Senator. I will say to the Senator that I also have here a letter, which I will read.

Mr. KENYON. I should like to inquire whether the Senator is asking as to Key West or as to Hawaii?

Mr. VARDAMAN. Pearl Harbor, Hawaii, on page 26, line 13.

Mr. KENYON. Is there any estimate as to Key West? I observe that the amendment relating to Key West has gone by without any explanation. I was anxious to have some explanation as to that. It seems to be quite a substantial sum, $600,000, though, of course, it is not much in comparison with Hawaii.

Mr. THORNTON. The explanation of it is that it was offered in the committee as an amendment to the House bill and accepted for the reason that it had been previously recommended—in last year's estimate—by the Navy Department.

Mr. KENYON. Was there not an appropriation last year for this purpose?

Mr. THORNTON. I understand there was not.

Mr. KENYON. This is a new project, then?

Mr. THORNTON. Yes, sir.

The PRESIDING OFFICER. The Chair understands the Pearl Harbor increase is estimated for.

Mr. THORNTON. We were on the Pearl Harbor item, but the Senator from Iowa has gone back now to Key West, Fla.

Mr. KENYON. I beg pardon. I thought the Senator from Mississippi [Mr. VARDAMAN] was referring to Key West.

Mr. VARDAMAN. No; I was not.

Mr. THORNTON. The Senator from Mississippi simply asked for an explanation about that; and I should like to read now the letter of the department which contains the information asked for by the Senator from Mississippi:

NAVY DEPARTMENT,
Washington, May 9, 1914.

MY DEAR SENATOR: I respectfully recommend the restoration to the naval bill of the provision appearing on page 24, lines 4 and 5, of the naval bill as reported to the House, increasing the limit of cost of the dry dock at the naval station, Pearl Harbor, Hawaii, to $4,986,500.

The act approved May 13, 1908, authorized the construction of "one graving dock, capable of receiving the largest war vessels of the Navy, at a cost not to exceed $2,000,000," and appropriated therefor the sum of $300,000. Plans were prepared and proposals were received on February 13, 1909, after public advertisement, for the construction of a dry dock 1,195 feet long, separated into two parts by an intermediate caisson. Bids received, being in excess of the amount authorized for the work, were necessarily rejected. Bids were again invited on May 22, 1909, and on July 22, 1909, formal contract was entered into with the San Francisco Bridge Co. for the construction of a dock having length of 589 feet between the inside of coping at head of the dock and outer sill. Contract was modified June 27, 1910, after obtaining increase in authorized limit of cost, to provide a dock having the following dimensions:

	Ft.	In.
Length inside of coping at head to outer sill	800	
Length over all	831	
Width over all	148	
Width at entrance, top of keel blocks	110	1½
Width of entrance at coping level	123	

By agreement, dated January 2, 1913, after obtaining a still further increase in authorized cost, the length was increased to 1,003 feet between inside of coping at head and outer sill, the other dimensions remaining unchanged.

Borings and examinations which were made before the award of the original contract indicated that the structure could be built in open excavation, and the work was started upon this assumption. During the month of May, 1911, after practically completing the excavation, the contractor began pumping a portion of the work which had been surrounded by a cofferdam; when a depth of about 20 feet had been obtained it was observed that there was a disturbance in the bottom strata, whereupon pumping was discontinued; after making certain examinations, including the driving of test piles, it was arranged by supplemental agreement, executed August 5, 1911, that the dock should be supported upon piling and that a certain amount of concrete in the bottom of the dock should be placed by the underwater method. Work was continued, and in January, 1912, the contractor again began pumping out a section of the work; after unwatering and exposing the concrete in the bottom it was found that on account of unusual physical conditions, in combination with difficulties involved in the placing of concrete under water, the concrete was not of satisfactory quality. Further elaborate investigations and experiments were then made, and in August, 1912, work was proceeded with, using a much richer mixture for the underwater concrete. On February 6, 1913, the contractor began unwatering the second section, and on February 17, following, while still unwatering, an upheaval of the bottom took place, which wrecked the cofferdam and the construction of this section.

After this failure, on receiving advice as to the seriousness of it, the department directed the Chief of the Bureau of Yards and Docks and Civil Engineer F. R. Harris to go out there and examine the work and advise as to the steps necessary to carry it out to a successful completion, and at a later date arranged with Mr. Alfred Noble, an eminent consulting civil engineer of New York to visit Pearl Harbor and report on conditions and suggest remedies. The gist of all of these reports were that the department's plans for this dry dock could probably be carried out, but would involve great delay and serious hazard and gave no great assurance of the successful completion of the work or of its entire satisfaction after completion.

Following this the department learned from the Attorney General that the contractors were required to bring the dry dock contracted for to completion if it were physically possible to do so, but that they were not required to guarantee that the dock would endure and discharge its duty successfully after completion. In view of this opinion and of the failure to induce the contractors to open up any negotiations looking to a change of plan or method of construction, the department, in January, 1914, directed them to proceed with the work under the old plan and specifications. Later, however, in February, 1914, the contractors communicated their willingness to the department to take up the question of changes in their contract to secure a dock that would be perfectly satisfactory and durable. Pursuantly a conference was held at the department between Mr. Noble, the Chief of the Bureau of Yards and Docks, and Civil Engineer Harris, which was attended by the chairman of the House Committee on Naval Affairs, when all expressed the opinion that the construction of the dock under the old plans and specifications was not alone fraught with the greatest hazard and probable delay in eventual completion, if completed at all, but was inadvisable as an engineering work and was not based on satisfactory assurance and factors of safety, which are usually required in good engineering practice. In short, that it was impracticable.

These three engineers agreed that a different design, depending upon the use of floating caissons or boats, gave every assurance of the successful and early completion of this work, but that it would involve an increase in the authorization for this work of approximately, but not over, $1,500,000.

The contract obligation for the dry dock now stands at $3,168,461.61, of which the sum of $1,036,330.01 has been paid the contractor on monthly vouchers on account of work done.

There are sufficient funds remaining under the appropriation to defray the cost of proceeding with this dry dock on the new plans indicated during the next fiscal year, but to enable the department to enter

into an agreement with the contractors to proceed on the new plans it will be necessary to increase the limit of authorized cost for this structure.

Very sincerely,

FRANKLIN D. ROOSEVELT,
Acting Secretary of the Navy.

Hon. B. R. TILLMAN,
Chairman Committee on Naval Affairs,
United States Senate, Washington.

Mr. VARDAMAN. Is that the only estimate that has been made?

Mr. LODGE. If the Senator from Louisiana will permit me, this amendment makes no appropriation.

Mr. THORNTON. No; there is no specific appropriation made.

Mr. LODGE. There is no appropriation made. This is simply an increase of the limit of cost. It requires no estimate.

Mr. VARDAMAN. I will ask the Senator from Massachusetts if the original contract for this work was executed by the man who had it?

Mr. LODGE. No; it was not, because the Navy Department kept increasing the size of the dock, and also because when they began to sink the foundations they found a condition which obliged them to change the whole structure of the dock from the original system to one of piling and concrete.

Mr. VARDAMAN. This increase of cost, then, is not due to any default on the part of the contractors?

Mr. LODGE. None whatever. This is the limit of cost recommended by the department as the closest estimate of cost they can make.

Mr. VARDAMAN. I notice that in 1908 the limit was $2,000,000, and it has been increased several times since that time.

Mr. LODGE. I think the limit of cost has been increased three or four times.

Mr. VARDAMAN. In 1908 it was $2,000,000; in 1910, $2,700,000; in 1912 it was further increased to $3,486,500; and now it is sought to increase it to $4,986,500. It seems that somebody is doing some very inaccurate calculating on this work.

Mr. SWANSON. If the Senator will permit me, the trouble arose in this way: The department ascertained that there were some difficulties in connection with the construction. They had agreed with this construction company to have the work done according to certain plans and specifications. When the difficulties arose in connection with the foundations and other matters the Navy Department sent its best engineering expert, Mr. Harris, there to ascertain what the trouble was with the dry dock, and what should be done. After going there he recommended these new plans as the best and most available that could be made for a dry dock there. We are compelled to have one there, as it is our Pacific outpost.

Mr. VARDAMAN. I understand the necessity for a dry dock there; but it has occurred to me that every time we send a man there he changes the plans.

Mr. SWANSON. If the Senator will permit me, then the question was submitted to the Attorney General whether the contract with the builders required that the dock should be such that it would be available for the use desired by the Navy. After discussing and looking into the contract that had been made the Attorney General said that we could compel them to complete the dry dock according to the original plans and specifications, but that there was no liability on their part to see that the dock was capable of use by the department as they desired. After that, as I understand, the contractors and the Navy Department decided that they would adopt the plans recommended by Engineer Harris, who is the finest expert that the Navy Department has.

All this amendment does is to authorize the department to change the plans, to compromise with the people who were building the dock according to the other plans, which will not be of much use to us, on account of the condition of the foundation and otherwise, and to complete it so that it will be of use when completed.

Mr. VARDAMAN. How much money has been squandered on it?

Mr. SWANSON. None has been squandered. As our battleships increase in size, it necessitates an increase in the size of the docks.

Mr. VARDAMAN. But it seems to me the Navy Department should have taken into consideration the probability of enlarging the battleships, and should not have constructed a dock that would be worthless before it was finished.

Mr. SWANSON. The Senator must recollect that, while it is very difficult to get a good dry dock there, it is of the utmost importance that we should have one.

Mr. VARDAMAN. Oh, I appreciate that very fully.

Mr. SWANSON. As you do your work, you are disappointed in the foundation, you are disappointed in the physical conditions, and consequently you have to change your plans and specifications to some extent.

Mr. VARDAMAN. But it seems that every man we have sent there has submitted a different plan. First it was $2,000,000, then $2,700,000, then three million and something, and now it is $4,900,000. It seems to me to indicate the most glaring incompetency or carelessness.

Mr. SWANSON. If the Senator will read the hearings, in which the matter was thoroughly investigated by the House Committee on Naval Affairs, and the correspondence between the different officials, he will be convinced that the Government has acted wisely and economically, and that the difficulties surrounding them have been very well met, and as economically as it could have done. They had to stop very frequently on account of difficulties that were encountered. Everybody knows that Hawaii is the most important place of all in the Pacific for a dock. It is our outpost in the Pacific.

Mr. VARDAMAN. I appreciate that; but it seems that every expert, every man we have sent there, has changed the plans and has increased the figures—first $2,000,000, and then on up to nearly $5,000,000.

Mr. LODGE. Mr. President, if the Senator will allow me, there has been no money squandered or lost there. The money that has been spent has all been well spent. The department stopped further expenditure because the conditions the contractors found in their excavations were such that they were unable to go on without wasting what had been done, and that was what led to a resurvey and a new report on the subject. The department has neither squandered nor wasted money; but the excavations made in the region turned out differently from what their test piling had shown, and they were obliged to adopt some new and more expensive plans, in addition to enlarging the size of the dock.

Mr. VARDAMAN. Has the committee been given any assurance that this $4,900,000 will be sufficient? The department may change it again before the next session.

Mr. THORNTON. The head of the department says he has every assurance from the most competent engineers that this plan will work out right. That is all we can do.

Mr. JONES. I wish to ask the Senator in charge of the bill how much money is now available to carry on the construction of this dock?

Mr. LODGE. Enough to go on with, the Secretary says.

Mr. THORNTON. The sum of $3,168,461.61 was provided for originally for the first contract. Of that, the sum of $1,036,330.01 has been paid, and the difference will be available.

Mr. JONES. That has been actually appropriated by Congress, has it?

Mr. THORNTON. That has been appropriated for doing this work. Now they wish to increase the estimate so that it will amount to $4,986,500, for the reasons stated.

Mr. LODGE. If the Senator will allow me, they do not increase the estimate; they ask for an increase in the limit of cost. The money already appropriated is enough to go on without further appropriation.

Mr. JONES. Are they sure that is enough money to carry on the work expeditiously?

Mr. LODGE. That is the statement of the department.

Mr. JONES. This dock has been under way now since 1908 or 1909, for five or six years. If the delay has been caused by what the Senator from Virginia suggested a while ago with reference to Norfolk, we ought to make an appropriation so that the work can be carried on rapidly, because, as everybody concedes, this is a very important yard and a very important and necessary dock. I note that there is no appropriation in the bill to carry on the work; and unless there is an abundance of money to carry it on expeditiously, there ought to be some appropriation in the bill. By this amendment we increase the limit of cost, but we do not appropriate any additional money to carry on the work rapidly, which ought to be done, unless we have enough money on hand.

Mr. THORNTON. There are nearly two and a half million dollars on hand now and available to go on with the work.

Mr. VARDAMAN. I should like to ask the Senator from Louisiana, in charge of the bill, how much money has been expended on this dock up to date?

Mr. THORNTON. One million thirty-six thousand three hundred and thirty dollars and one cent.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 26, after line 13, to insert:

Naval proving ground, Indianhead, Md.: Toward extension of powder factory, $500,000.

Mr. HUGHES. Mr. President, I should like to have that amendment go over. I propose to make a point of order against it, which I wish to argue later. I do not care to do it now unless the committee prefers that it shall be done.

Mr. THORNTON. Do I understand that the Senator wishes to make a point of order or to reserve a point of order?

Mr. HUGHES. I propose to make a point of order against the amendment; and inasmuch as the Senate is now considering committee amendments only, I thought I would like to have it go over and revert to it later.

Mr. THORNTON. So far as the committee is concerned, it is quite as willing to have the point of order made now as at any other time.

Mr. HUGHES. I prefer not to make it now. I wish to investigate the hearings a little more thoroughly. There is no particular reason why it should not go over, is there?

Mr. THORNTON. Will the Senator be ready, by the time we finish the other amendments, to take up this one and make his point of order?

Mr. HUGHES. I think so.

Mr. THORNTON. Then I will ask that the amendment be passed over temporarily.

The PRESIDING OFFICER. It will be so ordered.

Mr. JONES. Mr. President, I desire to refer to this breakwater at Key West and to ask the Senator whether it is purely a naval necessity or whether there are any commercial facilities to be served by it. I am asking simply for information.

Mr. BRYAN rose.

Mr. THORNTON. The Senator from Florida will answer that question.

Mr. BRYAN. In the hearings of last year, Mr. President, there is found a letter from Secretary Meyer, who undertook to explain the necessity for a breakwater at Key West. In his letter he said:

The basin proposed will provide a perfectly safe anchorage under all possible conditions of winds or sea for small vessels, not only of the Navy but of the Army, Lighthouse, Customs, Marine-Hospital, and Revenue Cutter Services. Without a breakwater and the inclosed basin the water front occupied by the several executive departments can not be developed to provide a safe anchorage or berthing space for torpedo craft or light-draft vessels.

The various executive departments of the Government located at Key West are the naval station, the customhouse, and post-office building, located within the naval station; the United States Marine Hospital, the station ship of the Revenue-Cutter Service, and the Weather Bureau.

It is the purpose of the department to build a breakwater for the protection of torpedo boats, which remain in and around Key West almost continually, and for other smaller vessels of the Navy. The man-of-war harbor already accommodates the large battleships; but sometimes they have winds of 80 miles an hour or more, and it is thought that a provision of this character is necessary to protect small craft, otherwise they would be driven ashore. The revenue cutters, it is stated there, are at the mercy of a storm or a hard wind whenever it comes, and it comes quite frequently.

Mr. JONES. Have any of these vessels been driven ashore heretofore?

Mr. BRYAN. Which vessels?

Mr. JONES. These small vessels—revenue cutters, torpedo boats, etc.?

Mr. BRYAN. I do not know, Mr. President, whether any have been driven ashore or not.

Mr. JONES. We have had them there before, have we not?

Mr. BRYAN. I do not know whether any have ever been there during storms or not.

Mr. JONES. Was any special necessity shown for this breakwater, other than what the Senator has read?

Mr. BRYAN. In addition to what Secretary Meyer said, Admiral Stanford appeared before the House committee and said:

The breakwater is absolutely necessary if permanent depth of water is to be obtained—

And for the protection of the craft I have described.

Mr. JONES. It would seem that he bases it largely on the idea of getting a greater depth of water for the larger ships.

Mr. BRYAN. The testimony given by Admiral Stanford was to the effect that, in addition to saving ships from foundering because of the winds that beat upon the island of Key West, the present harbor is so filled up by the washing of the waves that the depth of water in the docks they now have is very much lessened; and the Navy Department has come to the conclusion that there is no way to meet the situation except to provide a breakwater. The breakwater has been partially provided, I think, heretofore; and this is to complete it in order to have a harbor of refuge for these ships, and also to prevent the filling up of the channel immediately adjacent to the Government's property.

Mr. JONES. Is this harbor used to any extent by commercial vessels?

Mr. BRYAN. Oh, certainly—Key West Harbor.

Mr. JONES. Of course I do not know the location of the naval station, whether it is near the commercial docks or not, and whether the harbor that is used in connection with the naval station is really used in a commercial way or not.

Mr. BRYAN. No; the breakwater is not where the commercial vessels land. It is at a different point on the island.

Mr. JONES. So it is purely in connection with the naval station?

Mr. BRYAN. Entirely.

Mr. LODGE. Mr. President, if the Senator will allow me, commercially it would be used only as a harbor of refuge. There is no trade there. It is entirely a naval and military provision.

Mr. JONES. Would it be used by other vessels in case of storms as a harbor of refuge? Would it be available for that purpose?

Mr. LODGE. Yes; I have no doubt it would be.

Mr. JONES. Has any strong pressure been brought to bear for a harbor of refuge down there for commercial purposes?

Mr. BRYAN. No; I think not.

Mr. LODGE. It would be only incidental.

Mr. BRYAN. For the Senator's information, I will read from a report of the Navy Department, as follows:

The entire water front of the naval station, including the naval piers already constructed, the Lighthouse Establishment pier, and the Army wharf at Fort Taylor are entirely unprotected from heavy seas from a southerly direction. In fact, these berths are dangerous during heavy weather, except when the wind is blowing from the north to the southeast. During 1909 and 1910 there were two hurricanes when the velocity of the wind reached for a brief time 80 to 100 miles an hour from directions producing the most dangerous conditions to vessels moored or berthed in this locality.

The board believes that further development of the naval station and its adjacent water front should not be undertaken unless a breakwater is constructed to provide a semi-inclosed basin, not only as a protection against heavy seas and hurricane winds but to make it possible to retain the dredge depths at piers along the water front. Under existing conditions storms from a southerly direction carry sand around Fort Taylor, thus rapidly filling in such areas as have already been dredged. Without such a breakwater and inclosed basin the water front occupied by the Navy and by the several executive departments adjacent thereto can not be developed to provide a safe anchorage or berthing space for torpedo craft or light-draft vessels.

The board believes that provision for a breakwater along the lines recommended by the Bureau of Yards and Docks in its letter No. 8587 of November 27, 1912, will meet the needs of the naval service and will provide a safe anchorage under all conditions of wind or sea for small vessels not only for the Navy, but for the Army, Lighthouse, Customs, Marine-Hospital, and Revenue-Cutter Services.

Mr. JONES. Does the committee contemplate further development of this station?

Mr. BRYAN. It is estimated that $600,000 will provide the breakwater.

Mr. JONES. Yes; but I notice that they base that upon the contingency whether or not we will carry on further development of this naval station. That is, they say that if the further development of this naval station is contemplated, then the breakwater is necessary. I desire to know whether the committee contemplates any very great further development of this naval station.

Mr. BRYAN. Of course, I can not say as to that. The committee does not always remain the same and I do not know of course what the department may say hereafter.

Mr. JONES. Does not the Senator think——

Mr. BRYAN. This much is true: No department has ever yet contemplated anything else but the constant improvement and the keeping up of the naval station at Key West. I doubt if any Secretary of the Navy or any general naval board will ever decide to give up the naval station at Key West. Even Secretary Meyer, who advocated the closing of all the other southern navy yards, was very positive in his conviction that it would be necessary to maintain and improve the naval station at Key West.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Secretary continued the reading of the bill.

The next amendment was, on page 26, line 23, after "$105,000," to insert "fuel-oil storage, San Francisco Bay, Cal., $100,000"; and, in line 25, after the words "in all," to strike

out "$400,000" and insert "$500,000, to be available until expended," so as to make the clause read:

Depots for coal and other fuel: For additional fuel-oil storage at Melville, R. I., $20,000; additional fuel-oil storage at Norfolk, Va., $150,000; fuel-oil storage at San Diego, Cal., $50,000; steel coaling tower at San Diego, Cal., $45,000; fuel-oil storage at Puget Sound, Wash., $105,000; fuel-oil storage, San Francisco Bay, Cal., $100,000; contingent, $30,000; in all, $500,000, to be available until expended.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

Naval disciplinary barracks: For the extension and development of the detention system of reforming and disciplining enlisted men of the Navy and Marine Corps convicted by general courts-martial to be used as the Secretary of the Navy may direct at naval disciplinary barracks, Port Royal, S. C., and naval disciplinary barracks, navy yard, Puget Sound, Wash., $150,000.

The amendment was agreed to.

The reading of the bill was continued to line 13, on page 27.

Mr. WEEKS. I should like the attention of the Senator in charge of the bill to the paragraph for repairs and preservation at navy yards and stations. I have been informed, and I supposed the committee would insert——

Mr. THORNTON. Will the Senator please indicate the particular item?

Mr. WEEKS. It is on line 11, page 27. I supposed the committee was going to insert the words "the Naval Observatory" after the word "yards," in line 12. I was so informed. I am told that the accounting officers will not approve bills incurred in repairing roads and for other purposes at the Naval Observatory unless those words are used.

Mr. THORNTON. The suggestion made by the Senator has been looked after by the committee and will come later in the bill.

Mr. WEEKS. The words will be inserted, then, later in the bill?

Mr. THORNTON. That will be done.

The next amendment was, on page 27, line 16, after the words "Marine Corps," to strike out "$2,897,000" and insert "$4,140,500," so as to make the clause read:

Total public works, navy yards, naval stations, naval proving grounds, depots for coal and other fuel, Naval Academy, Naval Observatory, and Marine Corps, $4,140,500, and the amounts herein appropriated for public works, except for the Naval Observatory and for repairs and preservation at navy yards and stations, shall be available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 29, line 10, after the word "until," to strike out "June 30, 1916," and insert "expended," so as to make the clause read:

Transportation of remains: To enable the Secretary of the Navy, in his discretion, to cause to be transferred to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action ashore or afloat, and also to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of civilian employees who die outside of the continental limits of the United States, $15,000: *Provided*, That the sum herein appropriated shall be available for payment for transportation of the remains of officers and men who have died while on duty at any time since April 21, 1898, and shall be available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Supplies and Accounts," in the item for pay of the Navy, on page 30, line 13, after the word "with," to strike out "Naval Militia, and for," so as to read:

Pay of enlisted men on the retired list, $359,127; extra pay to men reenlisting under honorable discharge, $964,812; interest on deposits by men, $34,568; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with the Fish Commission, 48,000 men, $23,027,777.40.

The amendment was agreed to.

The next amendment was, in the item for Pay of the Navy, on page 31, line 3, after the word "fund," to insert the following proviso:

Provided, That hereafter the number of enlisted men provided for shall be construed to mean the daily average number of enlisted men in the naval service during the fiscal year.

The amendment was agreed to.

The next amendment was, on page 31, after line 6, to insert:

The grade of acting chaplain in the Navy is hereby authorized and created, and hereafter original appointments shall be made by the Secretary of the Navy, not to exceed the number hereinafter provided, in the grade of acting chaplains in the Navy after such examination as may be prescribed by the Secretary of the Navy, and while so serving acting chaplains shall have the rank, pay, and allowances of lieutenant, junior grade, in the Navy. After three years' sea service on board ship each acting chaplain before receiving a commission in the Navy shall establish to the satisfaction of the Secretary of the Navy by examination by a board of chaplains and medical officers of the Navy his physical, mental, moral, and professional fitness to perform the duties of chaplain in the Navy, and if found so qualified shall be commissioned a chaplain in the Navy with the rank of lieutenant, junior grade. If any acting chaplain shall fail on the examinations herein prescribed, he shall be honorably discharged from the naval service, and the appointment of any acting chaplain may be revoked at any time in the discretion of the Secretary of the Navy.

Hereafter the total number of chaplains and acting chaplains in the Navy shall be 1 to each 1,250 of the total personnel of the Navy and Marine Corps as fixed by law, including midshipmen, apprentice seamen, and naval prisoners, and of the total number of chaplains and acting chaplains herein authorized 10 per cent thereof shall have the rank of captain in the Navy, 20 per cent the rank of commander, 20 per cent the rank of lieutenant commander, and the remainder to have the rank of lieutenants and lieutenants, junior grade.

Naval chaplains hereafter commissioned from acting chaplains shall have the rank, pay, and allowances of lieutenant, junior grade, in the Navy until they shall have completed four years' service in that grade, when, subject to examination as above prescribed, they shall have the rank, pay, and allowances of lieutenant in the Navy, and chaplains with the rank of lieutenant shall have at least four years' service in that grade before promotion to the grade of lieutenant commander, after which service chaplains shall be promoted as vacancies occur to the grades of lieutenant commander, commander, and captain: *Provided*, That not more than seven acting chaplains shall be commissioned chaplains in any one year: *And provided further*, That no provision of this section shall operate to reduce the rank, pay, or allowances that would have been received by any person in the Navy except for the passage of this section, and that all laws or parts of laws inconsistent with the provisions of this section be, and the same are hereby, repealed.

The amendment was agreed to.

The reading was continued to line 5 on page 34.

Mr. LODGE. I desire to offer an amendment which I was requested to offer by the chairman of the committee in behalf of the committee. At the end of line 5, on page 34, under the head "Provisions, Navy," I move to insert what I send to the Chair.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 5, on page 34, insert as a separate paragraph:

Provisions, Navy: The accounting officers of the Treasury are hereby authorized and directed to allow members of the Navy Nurse Corps the amounts which as commutation of subsistence have been at any time checked against their accounts or withheld from them as the result of the decisions of the comptroller dated December 21, 1912, and April 29, 1913, and to pay said sums out of any appropriation for provisions, Navy

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 36, line 9, after the word "credited," to insert "until expended," so as to make the clause read:

Those portions of the acts of June 25, 1910, and March 4, 1911, which create the "Naval supply account" under the Bureau of Supplies and Accounts, are hereby so modified and amended that hereafter the appraised value of all stores, equipage, and supplies turned in from ships, and ships' equipage turned in from yards or stations (except salvage), shall be credited to the current appropriations concerned, and the amounts so credited shall be available for expenditures for the same purposes as the appropriations credited until expended; and all acts or parts of acts in so far as they conflict with this provision are hereby repealed.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair," in the item of appropriation for the construction and repair of vessels, on page 38, line 17, after "$958,100," to insert the following proviso:

Provided further, That the Secretary of the Navy is hereby authorized to enter into contract for the use by the Government of dry docks at Hunters Point, San Francisco, Cal., one of which docks shall be capable of docking the largest vessel that can be passed through the locks of the Panama Canal, for a period not to exceed six years from completion of such dock, at a compensation of $50,000 per annum during said period of six years, the right of the Government to the use of said docks in time of war to be prior and paramount: *Provided*, That the construction of the large dock shall be undertaken immediately upon entering into this contract and shall be completed within 24 months thereafter: *And provided further*, That said contract shall provide for docking rates not in excess of commercial rates, and for such other conditions as may be prescribed by the Secretary of the Navy, prior to entering into such contract: *And provided further*, That in the event, during the said contract period of six years, the necessities of the fleet require the docking of vessels which will necessitate a charge greater than $50,000 per annum, the Secretary of the Navy is authorized to have said vessel docked at a rate of charge not greater than price stipulated in said contract.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Steam Engineering," on page 42, line 10, after the word "until," to strike out "June 30, 1916" and insert "expended," so as to make the clause read:

The unobligated and unexpended balances of appropriation "Steam machinery" for the fiscal years 1912 and 1913, not exceeding in amount $250,000, which were made available by the act of March 4, 1913, for the development of a heavy-oil engine for one of the fuel ships provided by that act, shall be considered available for that purpose until expended.

The amendment was agreed to.

The next amendment was to insert, from line 18, on page 47, to line 6, on page 48, an item relative to the appointment of midshipmen by the Secretary of the Navy.

Mr. JONES. The junior Senator from Massachusetts [Mr. WEEKS] asked me to request that this amendment be passed

over. He was called out of the Chamber temporarily, and I ask that it may go over until he returns.

Mr. THORNTON. Very well; let it go over.

The PRESIDING OFFICER. The amendment will be passed over temporarily.

The reading of the bill was continued to the bottom of page 49.

Mr. THORNTON. The Senator from Massachusetts having returned, I ask the Secretary to read the amendment on page 47.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 47, after line 17, the committee report to insert:

Hereafter, in addition to the appointments of midshipmen to the United States Naval Academy as now prescribed by law, the Secretary of the Navy is allowed 25 appointments annually from the enlisted men of the Navy who are citizens of the United States and not more than 22 years of age on the date of entrance to the Naval Academy, and who shall have served not less than two years as enlisted men on the date of entrance: *Provided*, That such appointments shall be made in the order of merit from candidates who have passed such physical and such competitive mental examinations as the Secretary of the Navy shall prescribe; and candidates so selected shall then be required to pass the physical and mental examinations now required by law for entrance to the Naval Academy.

Mr. WEEKS. Mr. President, I reserve a point of order against the amendment to ask the Senator from Louisiana what reasons have been advanced for taking this course.

Mr. THORNTON. I send up two letters to the desk, and I ask that they may be read by the Secretary.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, February 17, 1914.

Hon. LEMUEL P. PADGETT, M. C.,
Chairman House Committee on Naval Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. PADGETT: I transmit herewith a proposed bill covering the subject of the appointment of young enlisted men to the Naval Academy. In order to open the appointments up to as many of them as possible, I have deemed it advisable to raise the age of entrance for them to 22 years. Many of them are not much under 20 when enlisted, and a requirement that they should have at least two years' service before appointment is considered advisable. If they were required to serve but a few months or a short period before becoming eligible for appointment to the Naval Academy, many would doubtless enlist with the appointment in view as the main object, and failing to get it would remain in the service dissatisfied or would be insistent upon being discharged.

If this bill should become a law, it is believed that it would have a good influence from every point of view, and would attract a great many young men into the service for one enlistment, during which they would render valuable service and be so trained and educated as to become very valuable as a reserve in case they should not reenlist.

Very respectfully,

JOSEPHUS DANIELS.

Mr. THORNTON. There is another letter sent to the desk, which I ask may be read.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, May 9, 1914.

Hon. B. R. TILLMAN,
Chairman Committee on Naval Affairs,
United States Senate.

MY DEAR SENATOR: The Navy bill, as introduced in the House, contained, on pages 44 and 45, lines 15 to 25 and 1 to 3, respectively, a paragraph authorizing the appointment annually of 25 enlisted men as midshipmen in the Navy. This paragraph was struck out on the floor of the House by a point of order.

I am particularly interested in this matter, and am convinced that it would be to the best interests of the service to have these appointments made. In order to open the appointments up to as many of the enlisted men as possible, I have deemed it advisable to raise the age of entrance to 22 years. Many of them are not much under 20 when enlisted; and a requirement that they should have at least two years' service before appointment is considered advisable. If they were required to serve but a few months, or a short period, before becoming eligible for appointment to the Naval Academy, many would doubtless enlist with the appointment in view as the main object, and, failing to get it, would remain in the service dissatisfied, or would be insistent upon being discharged.

If this bill should become law, it is believed that it would have a good influence from every point of view, and would attract a great many young men into the service for one enlistment, during which they would render valuable service and be so trained and educated as to become very valuable as a reserve in case they should not reenlist.

I find that this is a proposition that is very generally favored by all of the line officers of the Navy with whom I have come in contact.

Very respectfully,

VICTOR BLUE,
Acting Secretary of the Navy.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts make a point of order against the amendment?

Mr. WEEKS. I am going to make a point of order against it, but I should like to make a comment or two before making the point of order.

Mr. President, this is a radical departure in the method of selecting appointees to the Naval Academy for officers in the Navy. It seems to me the method which has been followed in the past has amply answered the purposes of the Government. Appointments are made by the President, Senators, and Representatives either as the result of a competitive examination or from young men who are known to the appointing power and who naturally are selected from the best fitted young men in the community from which they are appointed.

I do not know any objection to continuing the methods which have obtained. If it would increase the effectiveness of the enlisted force I could see some reason why there should be some selections from noncommissioned officers in the service. Indeed, that is the law now. There are young men appointed from warrant grades in the Navy who, after passing an examination, are commissioned as ensigns. So the doors are not entirely closed to enlisted men under present conditions.

It is true that in the Army many men are selected from the ranks for commissions in that service, but I believe it is agreed that on the whole they do not measure up to the graduates from West Point? If that is not a fact, why should we maintain a military academy and a naval academy? And if, on the other hand, those institutions produce better equipped officers than would come from some other source, then why not make the fullest use of them rather than commission officers selected in some other way? If we do not get better officers from our military institutions, then we should not be put to the great expense which we incur in maintaining them, but should abolish the Military and Naval Academies.

I want to have time to investigate this matter further and to have additional testimony to that which has been submitted before I am willing that this shall become a part of the law. I therefore make the point of order that it is new legislation.

Mr. PAGE. Mr. President——

Mr. THORNTON. Mr. President, I object to debating this question. I do not believe that a point of order can be debated in this way. I yielded when the Senator from Massachusetts [Mr. WEEKS] rose, because I thought he wished simply to present the reasons why he considered the amendment subject to a point of order, but I should regret to see any extended debate on this question. We want to go on with this bill, and I object to any debate on the question.

The PRESIDING OFFICER. Does the Chair understand the Senator from Massachusetts to make a point of order against the item?

Mr. WEEKS. I make a point of order against it.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PAGE. I should like to ask the Senator a question, if he will permit me.

Mr. WEEKS. I am quite willing to answer questions, but I think the Senator in charge of the bill has cut off the possibility of any further comment on this provision.

Mr. PAGE. May I ask a question of the Senator from Massachusetts at this time? I shall be very brief; I shall take only a minute.

Mr. THORNTON. Very well, Mr. President—one question, and very brief.

Mr. PAGE. Mr. President, my experience as one who has dealt with the employment and promotion of men has led me to think favorably of this proposal. I believe to-day all of the large concerns that promote men are more inclined than they formerly were to promote from the bottom up, rather than to go outside for new men.

Mr. THORNTON. I do not understand that the Senator from Vermont is asking a question; he is debating and arguing. I beg him to please ask his question.

Mr. PAGE. I will ask the Senator from Massachusetts if he does not believe that that principle carried into the Navy would be as effectual and would be as much an improvement upon naval affairs as it is upon business affairs?

Mr. WEEKS. Mr. President, I doubt whether it would be. We commence at the Naval Academy, which is the ground floor of the education of an officer of the Navy, and it does not make much difference whether the boy comes from the farm or comes from the forecastle of a ship, he commences his training as an officer there.

Mr. PAGE. I should like to ask one question more, with the permission of the Senator from Louisiana, and I will take just a moment.

Mr. THORNTON. Well, Mr. President, I yield once more, though the Senator said he only wanted me to yield once. I will yield to another question, but I shall not yield to still another one.

Mr. GALLINGER. I presume the Senator from Vermont may debate this bill, if he wishes to debate it. The Senator from Louisiana has not the control of the debate on the bill.

The PRESIDING OFFICER. The Chair has ruled the amendment in question to be out of order; and it is now in order to read the next committee amendment.

Mr. LODGE. Mr. President, if I may be heard a moment, I wish to say that it is a great and unalterable privilege of the Senate to debate at great length matters which have been entirely disposed of, and I trust that that immemorial privilege will not be interfered with. [Laughter.]

Mr. PAGE. Mr. President, I confess that I asked the privilege of the Senator from Louisiana because I did not wish to be discourteous. I wish to assure him that I only desire to ask a question that will take but a moment, unless the reply of the Senator from Massachusetts shall suggest another, in which case I will omit further questions until the proper time to debate.

Mr. THORNTON. I beg the Senator from Vermont to please ask his question. I wish to say to him that the only object I have in this matter is to get along with this bill.

Mr. PAGE. I appreciate that.

Mr. THORNTON. Otherwise, of course, I would be perfectly willing to have Senators debate the bill ad libitum; but we have to stay here while they are debating.

Mr. PAGE. I should like to ask the Senator from Massachusetts, as a general principle, if he does not believe that the men of the Navy or the general personnel will be improved if it be understood that men who prove exceptionally faithful and capable will have an opportunity for promotion?

Mr. WEEKS. Mr. President, as I have already said, there is now an opportunity whereby if a man in the service attains a warrant rank he may take an examination, and if he passes that examination he may be commissioned; but, in my judgment, the age limit of this provision is entirely out of reason. A man should be graduated from the Naval Academy at 22 instead of entering at 22. That makes him 4 years too old when he receives his first commission. There are other features of this proposition on which I wish to have further light before I will allow it to become a law.

Mr. THORNTON. I ask that the reading of the bill be proceeded with.

Mr. VARDAMAN. Mr. President, as I understand, the Senate is now considering only committee amendments.

Mr. THORNTON. We are now considering committee amendments, I will say to the Senator from Mississippi.

Mr. VARDAMAN. Is it the purpose of the Senator from Louisiana to undertake to finish this entire bill this afternoon?

Mr. THORNTON. I should be very glad, indeed, to do so; and in that I think I speak the sentiments of the committee. Of course, it may not be practicable to do so; but we hope that it may be.

Mr. VARDAMAN. Then at this time an amendment to the original bill would not be in order?

The PRESIDING OFFICER. It would not. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Naval Affairs was, under the head of "Increase of the Navy," on page 56, line 20, after the word "each," to strike out—

One of the battleships hereby authorized shall be built and constructed at a Government navy yard; and the Secretary the Navy is hereby authorized to equip such navy yard as he may designate in which the battleship herein authorized is to be built with the necessary building slips and equipment; and the sum of $200,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy in which the battleship is to be constructed.

So as to make the clause read:

That for the purpose of further increasing the Naval Establishment of the United States, the President is hereby authorized to have constructed two first-class battleships carrying as heavy armor and as powerful armament as any vessel of their class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,800,000 each.

Mr. O'GORMAN. Mr. President, I offer an amendment modifying the committee amendment just stated by the Secretary.

Mr. NORRIS. Will the Senator from New York yield for a question?

Mr. O'GORMAN. Yes.

Mr. NORRIS. I do not happen to have a copy of the bill before me, but I wish to inquire if the amendment which the Secretary read was not to strike out the provision of the bill which would provide that these battleships shall be built in a Government navy yard?

Mr. O'GORMAN. Yes; and it is with reference to that amendment that I am offering my amendment.

Mr. NORRIS. There are several Senators who wish to debate that question who are opposed to the amendment, and some of them are not now in the Chamber.

Mr. O'GORMAN. I have no objection, with the permission of the chairman of the committee, to letting the amendment go over.

The PRESIDING OFFICER. Without objection, the amendment will go over.

Mr. NORRIS. I do not ask that, Mr. President. Those Senators are not out of the city, and I will suggest the absence of a quorum, so that they may come into the Chamber.

Mr. SWANSON. We will let that matter go over. There is no particular dispute about it, and we can dispose of it.

Mr. NORRIS. I withdraw the suggestion.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 57, after line 7, to strike out:

One seagoing submarine torpedo boat, to cost not to exceed $1,100,000; and the sum of $500,000 is hereby appropriated for said purpose.

The amendment was agreed to.

The next amendment was, on page 57, after line 10, to strike out:

Three coast-defense submarine torpedo boats, in an amount not exceeding in the aggregate $1,860,000, and the sum of $525,000 is hereby appropriated for said purpose, and the appropriation made in the naval act approved March 4, 1913, "Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $300,000," is hereby made available for the construction of said submarine boats.

The amendment was agreed to.

The next amendment was, on page 57, after line 19, to strike out:

Four submarine boats, in an amount not exceeding in the aggregate $1,500,000, and the sum of $800,000 is hereby appropriated for said purpose.

The amendment was agreed to.

The next amendment was, on page 57, after line 22, to insert:

Eight or more submarines, one to be of seagoing type, seven or more to be of coast and harbor defense type, to cost not exceeding in the aggregate $4,460,000, and the sum of $1,825,000 is hereby appropriated for said purpose, to be available until expended, and the appropriation made in the naval act approved March 4, 1913, "Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $300,000," is hereby made available until expended for the construction of said submarine boats.

Mr. BRISTOW. Mr. President, I should like to inquire of some member of the committee who is familiar with the subject of seagoing torpedo boats and submarine boats why it is that the majority of such boats are for coast defense? Are the seagoing submarine boats an unquestioned success or are they not? Are they largely experimental so far as their usefulness is concerned?

Mr. THORNTON. Mr. President, I do not think the particular matter referred to by the Senator from Kansas was discussed in the committee. In this matter we were guided by the recommendations of the department.

Mr. BRISTOW. I notice that there is but one seagoing submarine provided for, while there are seven of the coast and harbor defense type, and I was simply asking for information as to what experience has demonstrated, whether the seagoing submarine boat is regarded as a success or whether it is largely experimental?

Mr. SWANSON. Other nations have them; they have been proving a success, and I think they have been a success here. One is all that the department desires at the present time of the seagoing type. The others provided for are for coast and harbor defense. Our coasts and harbors are very improperly defended by submarines. I think submarine boats have passed the experimental stage, including the seagoing type. That is the impression I have derived.

Mr. BRISTOW. It occurs to me that if they are a success we ought to have more than one of them in the Navy.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Massachusetts?

Mr. BRISTOW. I do.

Mr. LODGE. In the very nature of things, a submarine must be chiefly used in defense and on the coast. The mere fact that the words "harbor defense" are used does not mean that such a boat can not proceed from one point to another, but the very nature of the submarine, of course, requires that it should not be far from land. You can not undertake to go into the open ocean and do much with a submarine; it is not constructed for that purpose. The radius of a seagoing submarine, I think, is

not more than two or three hundred miles; I may be wrong about that, but that is the impression I have. I have not asked the department regarding the matter, but I think they do not yet feel that they need a great increase of what are called "sea-going submarines," which are larger and more expensive boats than the ordinary submarines.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 58, line 9, before the words "coast-defense," to strike out "The three" and insert "Three of the," so as to make the clause read:

Three of the coast-defense submarine torpedo boats herein authorized shall be built on the Pacific coast: *Provided*, That the cost of construction on the Pacific coast does not exceed the cost of construction on the Atlantic coast, plus the cost of transportation from the Atlantic to the Pacific; and the Secretary of the Navy is requested to consider the advisability of stationing the four small submarine torpedo boats herein authorized on the coast of the United States in the Gulf of Mexico as a proper naval defense thereof.

The amendment was agreed to.

The next amendment was, on page 59, line 1, after the words "account of," to strike out "building slips and equipment," so as to make the clause read:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, to be available until expended, $17,647,617.

Mr. GALLINGER. I wish to ask the Senator having the bill in charge why the words "building slips and equipment" were stricken from the bill, in line 1, page 59? Doubtless there is some good reason for it.

Mr. THORNTON. I will state to the Senator from New Hampshire that it is because the item is taken care of in another place.

Mr. GALLINGER. That is an entirely satisfactory reply.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 59, line 6, after the word "authorized," to insert "to be available until expended," so as to make the clause read:

Increase of the Navy; torpedo boats: On account of submarine torpedo boats heretofore authorized, to be available until expended, $1,685,617.

The amendment was agreed to.

The next amendment was, on page 59, line 10, after the word "authorized," to insert "to be available until expended," so as to make the clause read:

Increase of the Navy; equipment: Toward the completion of equipment outfit of the vessels heretofore and herein authorized, to be available until expended, $421,000.

The amendment was agreed to.

The next amendment was, on page 59, line 13, after the word "authorized," to insert "to be available until expended," so as to make the clause read:

Increase of the Navy; armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, $14,877,500.

The amendment was agreed to.

The SECRETARY. The next amendment is, on page 59, after line 13, to insert——

Mr. ASHURST. Mr. President, as I understand the present parliamentary situation, an original amendment would not now be in order, but an amendment to the committee amendment would be in order. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ASHURST. I move——

Mr. GALLINGER. Let the amendment first be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 59, after line 13, it is proposed to insert:

The Secretary of the Navy is hereby authorized and directed to investigate and report at the next regular session of Congress upon the selection of a suitable site for the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel capable of standing all ballistic and other necessary tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant, such as the availability of labor, material, and fuel, and transportation facilities to and from said plant. Said report shall contain the cost of a site sufficient to accommodate a plant having an annual output capacity of 20,000 tons and a site for an output of 10,000 tons, and also an itemized statement of the cost of the necessary buildings, machinery, and accessories for each, and the annual cost and maintenance of each, and the estimated cost of the finished product.

Mr. ASHURST. Mr. President, I move that, commencing with——

Mr. THORNTON. I will ask the Senator from Arizona to speak a little louder. He is speaking rather low, and there is a good deal of confusion around.

Mr. ASHURST. I simply say that my amendment, which was offered some two weeks ago and has been printed, purposes to strike out all of lines 14 to 25, inclusive, on page 50, and all of lines 1 to 6, inclusive, on page 60, and insert the following:

Provided, That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for, provided such contracts can be made at a price which, in his judgment, is reasonable and equitable; but in case he is unable to make contracts for armor under the above conditions, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings, and the sum of $4,000,000 is hereby appropriated toward the erection of said factory and the purchase of a site therefor.

Mr. President, the large sum of money named in the amendment might be somewhat alarming at the first blush, but Senators who have been here from the year 1900 will recall that the amendment which I propose is simply, solely, and wholly a rescript of the amendment which was contained in the naval appropriation bill for the year 1900, and which will be found on page 355 of the Navy Yearbook for 1913.

One virtue of my amendment is this: The moral effect of such a statute will cause the armor-plate companies to reduce their prices. Mr. President, it will be remembered that in 1900, when this provision was incorporated into the statute books, the moral effect of the same caused the armor-plate companies to reduce their prices very materially.

This amendment was offered in the House of Representatives when this now pending bill was there. It was offered by Representative TAVENNER, of the State of Illinois, but went out on a point of order. To the amendment which I now propose I wish to address myself for just a few moments.

Mr. President, the Democratic national platform—and I trust Senators will observe that I do not put the soft pedal on "national platform"——

Mr. GALLINGER. Mr. President, if the Senator will permit me, is he going to discuss the free-tolls provision? [Laughter.]

Mr. ASHURST. Oh, no; I am just going to speak for a moment on this amendment.

Mr. GALLINGER. Oh, yes.

Mr. ASHURST. The Democratic national platform of 1912 declares, inter alia, in favor of the following reforms——

Mr. BRYAN. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. ASHURST. I decline to be interrupted.

Mr. BRYAN. I am not asking the Senator to permit me to interrupt him. I am raising a point of order.

Mr. ASHURST. I decline to be interrupted.

Mr. LODGE. A point of order can always be made.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. BRYAN. The point of order is that the amendment of the Senator from Arizona is out of order, because it is general legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair understands that the Senator has not yet offered his amendment.

Mr. BRYAN. I thought he had offered it.

Mr. ASHURST. Not yet.

Mr. BRYAN. Mr. President, I understood the Senator to move to strike out all on page 59, beginning with line 14.

Mr. LODGE. The Senator moved to strike out and substitute.

Mr. ASHURST. I said that I would do so.

The PRESIDING OFFICER. The Chair understood the Senator to state that he was about to offer an amendment which he had not yet offered. It has not yet been sent up to the desk.

Mr. ASHURST. No; and it will not be sent to the desk until I shall have concluded what I have to say.

Mr. LODGE. Mr. President, I should like to have the Reporter's notes read.

Mr. ASHURST. The Democratic platform provides for the following reforms——

Mr. LODGE. One moment.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. I decline to yield.

Mr. LODGE. I wish to have the notes read, to find out whether or not this matter is in order.

Mr. ASHURST. I decline to yield, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona is entitled to the floor.

Mr. ASHURST. The Democratic platform provides for the following reforms:

Honesty and rigid economy in the expenditure of public funds and a demand that we return to simplicity and economy.

The platform further declares for—

the maintenance of an adequate and well-proportioned Navy, sufficient to defend American policies, protect our citizens, and uphold the integrity and honor of the Nation.

These two declarations are not in conflict with each other. The declarations of the Democratic platform of 1912 and the promises of the Democratic newspapers, magazines, and candidates, that the Democratic Party, if intrusted with power, would economically administer the affairs of government, must be scrupulously kept.

If asked to write a platform and limit it to two words, I should write down the following two: "Lower taxes."

The problem of an adequate Navy is a vast problem and involves the expenditure of large sums of money.

Mr. VARDAMAN. Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ASHURST. The American people as a whole desire that we should be in a position to protect our country in the event of a conflict with a foreign power, if such should unfortunately arise; but it does not follow that the American people desire, therefore, to pay extortionate sums of money to an Armor Plate Trust to secure such protection; and the people especially object to paying further tribute to these men, the Armor Plate Trust, whose strong boxes are now plethoric and filled to the bursting point with profits secured from war scares.

On Friday, February 28, 1913, when the Senate had under consideration the bill (H. R. 28812) making appropriations——

Mr. BRYAN. Mr. President——

Mr. ASHURST. I decline to yield.

Mr. BRYAN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. BRYAN. It is that the Senator from Arizona did offer an amendment. Since the statement by the Chair that the Chair understood the Senator simply to give notice of his intention to offer an amendment, I have ascertained from the Reporter that the Senator from Arizona did offer an amendment.

Mr. LODGE. I ask for the reading of the Reporter's notes to settle the matter.

The PRESIDING OFFICER. The Reporter will read his notes.

The Reporter read as follows:

Mr. ASHURST. Mr. President, as I understand the present parliamentary situation, an original amendment would not now be in order, but an amendment to the committee amendment would be in order. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ASHURST. I move to strike out——

Mr. GALLINGER. Let the amendment first be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary stated the amendment.

Mr. ASHURST. Mr. President, I move that, commencing with line 14, page 59, all of lines 14, 15, 16——

Mr. THORNTON. I will ask the Senator from Arizona to speak a little louder; he speaks rather low, and there is a good deal of confusion around.

Mr. ASHURST. I simply say that my amendment—it was offered some two weeks ago, and has been printed—purposes to strike out all of lines 14 to 25, inclusive, on page 59, and all of line 1 to line 6, on page 60. I think I shall read the amendment. Strike out all I have indicated and insert the following.

Mr. LODGE. The Senator twice stated that he moved the amendment, and then said: "I think I shall read the amendment."

Mr. BRYAN. The Senator from Arizona has offered an amendment proposing to strike out and insert. Upon that I raise the point of order that it is general legislation upon an appropriation bill. The point of order is not subject to debate.

The PRESIDING OFFICER. The Chair thinks, upon having the notes read, that the point of order is well taken. The Chair will state that he had the impression that the Senator was simply reading in advance what he proposed to offer; but, according to the reading of the Reporter's notes, the amendment is now pending and is subject to a point of order.

Mr. ASHURST. I withdraw the amendment, Mr. President.

Mr. BRYAN. I object.

The PRESIDING OFFICER. The amendment is ruled out on a point of order.

Mr. OLIVER. I make the same point of order against the committee amendment.

Mr. ASHURST. Mr. President, it may be parliamentarily proper for my friend from the State of Florida to try to take me off the floor, but I will say that I am a man of more resolution than to be swept off the floor in this way. He is not going to deprive me of the right to be heard on this question, and I regret——

Mr. BRYAN. Mr. President——

Mr. ASHURST. I decline to yield. I shall make this speech, and if the Senator does not see fit to listen to it, he can flee precipitately to the cloakroom.

The PRESIDING OFFICER. The Chair will state that the Senator has his rights. He can appeal from the decision of the Chair, and then take the floor.

Mr. ASHURST. I do not care to appeal. The amendment is obnoxious to a point of order.

Mr. NORRIS. Mr. President, the Chair has not decided, has he, that the committee amendment is out of order? It is just the amendment of the Senator from Arizona, as I understand.

The PRESIDING OFFICER. That is correct.

Mr. LODGE. The Chair has not decided any of them to be out of order.

Mr. NORRIS. I understand that the Chair has decided that the amendment of the Senator from Arizona is out of order, but he has not decided the point made by the Senator from Pennsylvania [Mr. OLIVER], that the committee amendment is out of order. The Senator from Arizona would have a right to discuss the amendment of the committee unless it was held out of order, would he not?

Mr. ASHURST. Yes, Mr. President. I desire to address myself to the committee amendment.

Mr. OLIVER. I should like a ruling on my point of order.

The PRESIDING OFFICER. The Chair will be compelled to rule that the committee amendment is also out of order.

Mr. ASHURST. Mr. President, I desire to address myself to the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. ASHURST. Mr. President, the interruptions to which I have been subjected require that I restate a part of what I said in the commencement of my remarks.

It was my intention to propose an amendment to this bill which would provide that the Secretary of the Navy should have the power to make contracts for the purchase of armor plate, and that if the contracts were exorbitant, or the price paid too high, then and in such event the Secretary of the Navy would be authorized and empowered to construct an armor-plate factory. In other words, I purposed introducing an amendment which was an exact rescript of the paragraph found in the naval appropriation bill of 1900, to wit, on page 355 of the Navy Yearbook, known as Senate Document 247, Sixty-third Congress, second session.

I find no particular fault with the amendment proposed by the committee. It provides, however, for an investigation, and we have had a sufficient number of investigations already.

The amendment is better than nothing, but I am not much given to compromises. If you compromise, you run the risk of losing that to which you are entitled; and if we compromise away the right of the people and fail to stop the Armor Plate Trust from picking the people's pockets, their pockets will be picked all the more the longer we compromise.

The amendment proposed by the committee is salutary, it is wise; but it is not so good as the amendment which I propose. I will say that I had no more expectation of my amendment becoming a part of this law than I have of reaching up and drawing down part of the revolving fan above me, for reasons obvious at least to me, if not to others, the reasons being that many Senators abler than I, of more experience than I, and just as patriotic as I, take the view that it is not wise, expedient, just, nor proper for the Government to enter into the business of manufacturing armor plate or anything else.

With those Senators I have no quarrel. They have the moral and legal right to make their arguments, and I have the right, and shall exercise it, to make my argument in favor of my proposition.

I see that the distinguished senior Senator from Wisconsin [Mr. LA FOLLETTE] has entered the Chamber. Having read of the great struggle that he carried on some seven or eight years ago to have a hearing in this Chamber in behalf of principles he believed to be wise, I emulate his example, and shall continue to speak in behalf of what I think is right; and the puny efforts of Senators to sweep me off the floor will be disregarded as idle wind that passes by and that I regard not.

As I was about to say, the Democratic national platform of 1912 declares, inter alia, in favor of the following reforms——

Mr. VARDAMAN. Mr. President, I ask for order in the Chamber.

The PRESIDING OFFICER rapped with his gavel.

Mr. ASHURST (reading)—

Honesty and rigid economy in the expenditure of public funds and a demand that we return to simplicity and economy.

The platform further declares for—

The maintenance of an adequate and well-proportioned Navy, sufficient to defend American policies, protect our citizens, and uphold the integrity and honor of the Nation.

These two declarations are not in conflict with each other. The declarations of the Democratic platform of 1912 and the promises of the Democratic newspapers, magazines, and candidates, that the Democratic Party, if intrusted with power, would economically administer the affairs of Government, must be scrupulously kept.

If asked to write a platform and limit it to two words, I should write down the following two: "Lower taxes."

The problem of an adequate Navy is a vast problem and involves the expenditure of large sums of money. The American people, as a whole, desire that we should be in a position to protect our country in the event a conflict with a foreign power unfortunately should arise; but it does not follow that the American people desire, therefore, to pay extortionate sums of money to an armor-plate trust to secure such protection; and the people especially object to paying further tribute to those men whose strong boxes are plethoric and filled to the bursting point with profits secured from war scares.

On Friday, February 28, 1913, when the Senate had under consideration the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, the following proceedings were had:

The Secretary continued the reading of the bill, and read as follows:

"Increase of the Navy: armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, $11,508,300."

Mr. ASHURST. Mr. President, I desire to propose an amendment at that particular point, which I now send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 59, line 7, after the numerals, it is proposed to insert the following proviso:

"*Provided*, That the Secretary of the Navy shall forward to Congress at the earliest practicable date a full report of all bids received by him relating to the purchase of armor, ship plates, and structural steel for the battleship or dreadnaught purported to be named, when completed, the *Pennsylvania*, and that the Secretary of the Navy be, and he is hereby, directed not to award any contract for the purchase of steel, armament, armor, or ship plates until further directed by Congress."

Mr. President, at that time I spoke in support of my amendment as follows:

Mr. ASHURST. I purpose that the amendment shall be retroactive in character and that it shall relate to the bids which were opened about 10 days ago by the Secretary of the Navy. * * *

I might say that the amendment I proposed there went out on a point of order made by the distinguished senior Senator from Massachusetts [Mr. LODGE].

I further said:

The Armor Plate Trust is composed of the Carnegie Steel Co., of Homestead, Pa., subsidiary of the United States Steel Co.; the Bethlehem Iron & Steel Co., of Bethlehem, Pa.; and the Midvale Steel Co., of Philadelphia, Pa.

Bids were opened about 10 days ago—

Mark you, I was speaking then on the 28th day of February, 1913—

by the Secretary of the Navy for approximately 8,000 tons of armor plate for the dreadnaught *Pennsylvania*. These companies mentioned above were represented here by President Dinkey, of the Carnegie Co.; Vice President Johnston, of the Bethlehem Co.; and Vice President Petrie, of the Midvale Co. These gentlemen were frequently in conference. As a consequence, when the bids were opened it occasioned no surprise to find that the bids did not vary a dollar a ton between the three companies and that the bids were, in fact, $25 a ton more than the price received by these companies on the last previous contract. In view of this apparent collusion of these three companies, comprising the Armor Plate Trust, it is inadvisable that the contract should be awarded without investigation.

The point of order made by the distinguished Senator from Massachusetts prevented an investigation, of course.

As it requires about three years to build a battleship, armor plate will not be needed for at least a year, and therefore no harm can come from a delay of a few weeks until this matter can be investigated.

Mr. President, I repeat, the amendment went out on a point of order.

I introduced this amendment in view of the apparent collusion of these companies, which companies, I might add, comprise the Armor Plate Trust, as it certainly seemed inadvisable that the contract should be awarded without some investigation, especially in view of the fact that it requires about three or four years to construct a battleship, and the armor plate for these ships would not be required for nearly a year. It seemed obvious that no harm could come by a delay of a few weeks until the matter could be investigated. But a point of order was made against the amendment I proposed, which point of order was sustained by the then presiding officer.

I do not especially complain about the ruling of the Chair, as I have some doubt as to whether the amendment was cognizable under the rules at that time, and I find no fault with the rule, although in that particular case it happened to defeat a wholesale modification in the proposed law. Notwithstanding the intimation made on the floor of the Senate that there was apparent collusion among the three pretending competitors, and notwithstanding the complaint that the bids were about $34 per ton higher than the price received for armor plate on the last previous contract, the then Secretary of the Navy, in the expiring hours of a defeated, not to say discredited, administration, accepted the bids, and on the 3d day of March, 1913, let the contract by dividing, for all practical purposes, the 8,000 tons of armor plate among the three companies pretending to be competitors. Without further emphasizing the unexplained and peculiar haste on the part of the retiring Secretary of the Navy to facilitate these companies comprising the Steel Trust——

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Missouri?

Mr. ASHURST. I yield.

Mr. REED. Could the Senator state what was the aggregate amount the Government was mulcted by that?

Mr. ASHURST. Exactly $1,600,000.

Mr. REED. Who was Secretary of the Navy at that time?

Mr. ASHURST. The Secretary whose term of office expired March 3, 1913.

Mr. LA FOLLETTE. Von Meyer.

Mr. ASHURST. Von Meyer was the Secretary, the predecessor of the present Secretary. The result of letting such contracts was and is that this Government, if the contract shall be enforced, will be required to pay $454 per ton for class A armor plate when heretofore this Government has never paid a higher price than $420 per ton for class A armor plate.

But, Mr. President, the apparent collusion among the pretended competitors and the additional $34 per ton to be paid by this Government for the armor plate are not the only facts relating to that transaction which should be exhibited to the Senate and the country.

On March 17, 1913, I introduced the following resolution in the Senate:

Whereas bids were opened by the Secretary of the Navy in February, 1913, for furnishing armor plate of the dreadnaught *Pennsylvania;* and

Whereas the representatives of three firms manufacturing armor plate in the State of Pennsylvania, while pretending to bid as competitors, after a conference submitted bids which did not vary more than $1 per ton; and

Whereas the then Secretary of the Navy, notwithstanding an intimation made on the floor of the Senate of the United States that it was alleged there existed collusion among different manufacturers to advance the price of armor plate and divide the profits of the contract, awarded the contract on March 3, 1913, by dividing, for all practical purposes, the award of 8,000 tons of armor plate among the three companies; and

Whereas it is alleged that this action of the said firms reveals that they comprise an Armor Plate Trust, and that the price named in the contract awarded by the Secretary of the Navy is in the neighborhood of about $25 per ton higher than the previous awards by the Department of the Navy for armor plate: Therefore be it

Resolved, That the Secretary of the Navy be, and he is hereby, directed to forward to the Senate at as early a date as practicable a report on the amount of armor plate ordered by the Department of the Navy during the past 25 years, the prices paid in each award, and the names of the firms or corporations to whom the contracts were awarded.

On May 22, 1913, I introduced S. 2308, to provide for the erection of an armor-plate factory, and in support thereof spoke in part as follows:

Mr. ASHURST. * * * By introducing this bill I am not pioneering any new movement or attempting to bring to the notice of Congress a subject with which Congress is unfamiliar, but I am simply endeavoring to put into law the concrete result of the valuable public services respecting this subject that were performed by a Senate committee in the Fifty-fourth Congress.

It has been a pleasant task for me to read the tomes that make up the Senate reports and to find that in the early part of January, 1896, the Senate Committee on Naval Affairs had before it and considered a bill of which the one I have just introduced is almost a rescript. It is with peculiar pleasure I find that the distinguished senior Senator from Georgia [Mr. Bacon] and the distinguished senior Senator from South Carolina [Mr. TILLMAN]—

I was speaking then on May 22, 1913—

were then, as now, engaged in rendering patriotic and valuable services to their country. I find that the committee which then considered the subject of the erection of an armor-plate factory was comprised of Senators Cameron (chairman), Hale, Perkins, McMillan, Chandler, Bacon, and Tillman. That committee, in addition to considering the bill for the erection of an armor-plate factory, had before it a resolution, agreed to on December 31, 1895, which, among other things, directed the Committee on Naval Affairs to inquire whether prices paid or agreed to be paid for armor for vessels of the Navy were fair and reasonable.

On January 18, 1896, the committee began investigation by receiving a statement made in person by the then Secretary of the Navy, Hon. Hilary A. Herbert. Testimony was also taken from various sources, and hearings were granted to the Bethlehem Iron Co. and the Carnegie Steel Co. Owing to the rapid progress of Congress in dispatching its business it was found impossible to conclude the inquiry and make a written report at the close of the session. During the recess of Congress the Secretary of the Navy proceeded to obtain information upon

which to make conclusions necessary to enable him to form an opinion upon the question as to what was a fair price for armor. The committee made its report on February 11, 1897, and the testimony adduced and the statements made at the hearings were printed. No one may read the report of that committee and the testimony adduced at the hearings and fail to reach the conclusion that it is wise and salutary, indeed necessary, to establish a Government armor-plate factory.

Indeed, Mr. President, the fifth recommendation of the committee reads as follows:

"That a Government armor-plate factory could be erected for the sum of $1,500,000, and that it is expedient to establish such a factory in case the armor manufacturers decline to accept such prices for armor as may be fixed by law."

At the hearings before the committee naval officers made statements to the effect that armor plate could be furnished for $250 per ton. Among others, Lieut. Commander John A. Rogers stated:

"I am of the opinion that the average cost of labor and materials will not be more than $250 per ton of armor."

Therefore, Mr. President, it seems to me that the Government of the United States should proceed to erect a factory for the manufacture of armor plate, and in so doing it could free itself from the graspings and extortions of the Steel Trust, and I repeat that in these hearings that were had before the Naval Committee in 1896 it was demonstrated that this Government could manufacture armor plate at about one-half of the price charged by these companies that pretend to compete but in truth are in collusion and are not competitors at all.

* * * * * * *

[Senate Reports, vol. 2, 54th Cong., 2d sess., 1896–97].

"Conclusion of Secretary Herbert in his report of January 5, 1897, says: The Secretary called together a board composed of Lieuts. Karl Rohver, Kossuth Niles, and A. A. Ackerman, two of whom had been inspectors of armor at the Bethlehem Co.'s Iron Works; the other, Lieut. Ackerman, had been connected with the manufacture and use of steel in its different forms for a number of years, during which time he had spent several months at both the Bethlehem and Carnegie Works. These gentlemen made an exhaustive report upon the cost of labor and material entering into a ton of armor, showing in detail every little item, beginning with the cost of the several ingredients charged in the furnace for casting the ingot preparatory to the forging process and ending with the work on the finished plate. The result of their calculations was that the cost of the labor and material in a ton of single-forged Harveyed nickel steel armor, the Government supplying the nickel (nickel at $20 per ton), was $167.30.

* * * * * * *

"Lieut. Commander Rodgers, who had been an inspector at Bethlehem Iron Works, was called upon to make an estimate of the cost of manufacturing armor, and his report, based upon observation in the manufacture of armor, makes the cost of labor and material in a ton of single-forged Harveyed nickel steel armor $178.59.

* * * * * * *

"The inspector of ordnance at the Carnegie Steel Co., Ensign C. B. McVay, was also called upon for an estimate, and his report, though made separately without consultation with the other officers, is that the labor and material in a ton of single-forged Harveyized nickel steel armor is $161.54.

* * * * * * *

"Average for single forged of above estimate is $185.38, and $197.78 for reforged armor."

Mr. President, on July 12, 1913, the honorable Secretary of the Navy transmitted to the Senate a letter, in response to a resolution of the Senate adopted on May 27, 1913, requesting information with reference to the cost of armor plate and its manufacture. The letter of the honorable Secretary was a very comprehensive report and evidenced the fact that the Navy Department was fully aware of the injustice to our Government being committed by the Armor Plate Trust.

I shall now read the Secretary's report made on this subject. This report is not the shouting of a wild demagogue.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Florida?

Mr. BRYAN. The Senator appears to apply his remarks to me, and the Senator will not allow me to interrupt him.

Mr. ASHURST. I will yield to the Senator.

Mr. BRYAN. I wish to say that the Senator is very badly mistaken. I did not raise a point of order that would prevent the erection by the Government of an armor-plate factory. The Senator from Arizona himself introduced here a resolution calling upon the Secretary of the Navy to give information as to what an armor-plate factory would cost. The Secretary of the Navy is unable so far to give the information asked for in that resolution, and it had been asked for on previous occasions.

It is for that reason that the Secretary himself suggested the amendment, which appears in italics on pages 59 and 60, which the Senator from Arizona himself moved to strike out. I undertake to say that the Committee on Naval Affairs is not subject to the charge the Senator from Arizona seems to have in mind, that we are trying to further the interests of any manufacturers of armor plate.

Mr. President, the Secretary of the Navy himself says that the amount of money provided by the amendment which the Senator from Arizona offered this afternoon, $4,000,000, would be insufficient to furnish armor plate for half of one battleship, and that in order to have a two-battleship program to manufacture our own armor plate we would have to build a plant costing $17,000,000, or approximately that. The Secretary is unable yet to state whether it ought to be done or not, but he wants this committee amendment so that he may investigate further and inform the Senate.

I say, when the Senate committee, in pursuance of the Senator's own resolution and at the request of the Secretary of the Navy, incorporates an amendment into the bill, and then the Senator who introduced the resolution which originated that information and that amendment by the Senate committee moves to strike it out, I do not know how he can attack the committee. The committee is proposing to do the very thing the Secretary asked to have done in order that he may make an investigation before we build an armor-plate factory instead of investigating whether it could be done after the money has been appropriated.

Mr. ASHURST. I have not charged that the Senate committee or any Senator has done anything for the specific purpose of encouraging the Armor Plate Trust or enlarging its profits. I have simply made the observation that the striking out of my amendment on the point of order raised by the Senator would have that effect, innocently, however, of course.

Mr. BRYAN. Does not the Senator realize that the Secretary of the Navy states from the best information he can obtain that in order to erect an armor-plate factory to build two battleships a year would require an appropriation of about $17,000,000 in addition to the site? The Senator in his amendment provides for only $4,000,000. Can the Senator criticize the committee for reporting an amendment giving to the Secretary of the Navy the right and the full power to make an investigation, to look into the books of the companies, in order to ascertain the facts?

Mr. ASHURST. The amendment I propose carries that power. Let me read it again.

Mr. BRYAN. But the Senator's amendment does not appropriate enough money to furnish armor for one battleship.

Mr. ASHURST. That is the Senator's opinion.

Mr. BRYAN. That is the opinion of the Secretary of the Navy. I have no opinion about it.

Mr. ASHURST. My opinion is that the sum of $4,000,000 is sufficient.

Mr. BRYAN. Let me ask the Senator what he thinks of this statement which I read from the report of the Secretary of the Navy:

> The cost of a plant capable of turning out 10,000 tons a year, which is about half of the armor needed on a two-battleship program, is estimated by the Chief of the Bureau of Ordnance at $8,466,000, and the cost of the armor at $314 a ton.

Skipping some, I read further:

> On 10,000 tons the Government would save $1,400,000 per annum.

Now, he says further:

> In the case of the 20,000-ton plant, which it is estimated can produce armor at $279 a ton, the net saving is $3,048,462.24.

If you erect a plant costing $17,000,000, the Secretary estimates that you can save $3,000,000 a year, but the Secretary is of the opinion that in order to provide enough armor plate to construct one ship a year we would need to expend for the factory alone $8,500,000. That is the best information we have been able to get. Yet the Secretary is not willing to act upon the information so far obtained by him, and he asked the committee to authorize him by an amendment to proceed to get that information, and that is what the committee did.

The Senator from Arizona says that anyone who raises the point of order upon an amendment which proposes to spend $4,000,000, which is claimed by the department to be a useless expenditure, is acting in behalf of the armor-plate factories. The Senator knows the point of order that will be raised. He knows that it has been raised all the time. If the Senator from Arizona has information sufficient to lead him to believe that we can build an armor-plate factory for $4,000,000, and that the information of the Navy Department that it will cost $17,000,000 is wrong, why does not the Senator introduce a bill which is not subject to a point of order and prove to the Senate and save $3,000,000 by the expenditure of $4,000,000?

Mr. ASHURST. I have introduced a bill which is sleeping now in your committee, which proposes to appropriate the sum of $1,600,000 to begin the construction of an armor-plate factory.

Mr. BRYAN. Does the Senator think that will be sufficient?

Mr. ASHURST. My dear Senator, do I think that will be sufficient with which to begin? Did you hear what I said a moment ago? In 1896 the Senate committee investigated, and paragraph 5 of its findings was as follows:

> That a Government armor-plate factory can be erected for the sum of $1,500,000.

Mr. BRYAN. On what date was that report?

Mr. ASHURST. 1897. Assuming that it is double that amount and that it will cost $3,000,000 to build a factory——

Mr. BRYAN. Why does the Senator make that contention when the Secretary advised Congress in reply to his own resolution that to build and turn out 10,000 tons a year would cost $8,466,000? Surely the Secretary had that information.

Mr. ASHURST. I will now read from the annual report of the Secretary of the Navy for the fiscal year 1913, in which he recommends the construction of an armor-plate factory. I will begin on page 8 of the report; this is the report for the fiscal year 1913, submitted to the Senate and printed under the order of the Senate:

IMPORTANCE OF ARMOR-PLATE FACTORY.

I desire to recommend the passage at the earliest moment of a sufficient appropriation to begin the construction of a Government armor plant to relieve a situation which, in my estimation, is intolerable and at total variance with the principle of economy in spending Government money. It is not my intention to enlarge here upon the economic reasons that prompt me to make this recommendation, as I have already gone into them at length in a letter to the Senate in response to a request for information and which I add to this report as an appendix. It is sufficient to mention here that only three firms in this country can manufacture armor plate, and that these firms have put in bids for armor plate seldom varying over a few dollars, and in many instances being identical to a cent. Asked for reasons as to the uniformity of these bids, two of the firms replied frankly that as the contract would be divided amongst them anyway, the only effect of competitive bids would be to reduce the profits made by all of the three firms.

The department has made every effort to secure real competition and reasonable prices, even to the extent of withholding awards until the necessity of building battleship *No. 39*, since called the *Pennsylvania*, I believe, made it imperative that action be taken. After long negotiations the best efforts of the department resulted in securing a saving of $111,875, by new "competitive" bids, a purely nominal competition, inasmuch as the successful bidder proposes to divide up the work with his rivals.

I merely wish to interpolate long enough to say, and I said it in the beginning of my remarks, that the amendment proposed by the committee was salutary—in fact, a good amendment; but we have had enough investigation; we have spent thousands upon thousands of dollars in investigating—I simply propose to change the amendment, because we had all the facts that we can procure, anyway, and provide an appropriation for the commencement, at least, if not for the entire construction, of the plant.

I wish again to emphasize the fact that what I have said must not be construed as a reflection upon the capability or the integrity of the committee. Senators have a right to argue facts without having their remarks construed as reflections upon the capabilities or the patriotism of other Senators.

This saving, while well worth the time it took to secure it, is after all very small as compared with the total cost of the armor. Prices charged by these firms for armor have been investigated by Congress a number of times and by special boards of experts, and in every case the investigators have reported that the prices charged are greatly in excess of the cost of manufacture. With the desire to be just, the Secretary offered to transmit to Congress any figures these companies cared to submit to show that their prices were reasonable, but they have refused to present the absolutely necessary data to the Secretary unless he would agree to accept it as confidential, which, of course, means that he would not allow Congress to analyze the figures.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Missouri?

Mr. ASHURST. I yield to the Senator from Missouri.

Mr. REED. Does the Senator from Arizona know why, when we are engaged in investigating almost everything on earth, somebody has not proposed to empower a committee of Congress to investigate and find out what it does cost to make armor plate?

Mr. BRYAN. Mr. President, that is the very purpose of the committee amendment; but the Senator from Arizona [Mr. ASHURST] assumes that he already knows what it will take to make armor plate, and what ought to be spent he wants to appropriate in this bill. That is the difference. The Secretary of the Navy says he does not know and that his department does not know.

Mr. REED. What is it that it is proposed to investigate?

Mr. BRYAN. The proposition is to have the Secretary of the Navy make a complete investigation.

Mr. REED. But if the armor-plate concerns refuse to furnish the information?

Mr. BRYAN. But they have not refused.

Mr. REED. I understood the Senator from Arizona to say that they refused to furnish the information unless it was considered confidential.

Mr. ASHURST. Exactly.

Mr. BRYAN. If the report presented to the House is confidential, I am surprised to know that we have this complete statement from the Secretary of the Navy, dated June 28, 1911, in which he states that the estimated cost of an armor plant, with a capacity of 20,000 tons annually, is $11,288,431, and that would build two battleships.

Mr. REED. The Senator from Florida misapprehends me.

Mr. BRYAN. A plant with a capacity of 10,000 tons of armor would cost $8,466,000, and that would build one battleship. The Senator from Arizona says we could buy a site and build a factory for $4,000,000.

Mr. REED. Mr. President, I am obliged to the Senator from Florida; but that was not the inquiry I was pursuing.

Mr. BRYAN. I understand the Senator's inquiry. Then, the Secretary of the Navy proceeds to say that, from the best information the department has, it costs $279 a ton on 20,000 tons. In an armor plant with a capacity of 10,000 tons the armor will cost $314 a ton; in a plant with 5,000 tons capacity the armor would cost $354 per ton.

It is also stated:

(d) The estimated cost of manufacturing the best armor plate per ton (Senate resolution) is $269. This is the estimated cost at a well-equipped private plant and includes all elements of cost except interest on investment. If the latter is considered to be a legitimate charge on the cost of armor plate, the sum of $49 should be added to the foregoing, making a total cost of $318 per ton.

The Secretary says that is his best information; but he is not yet satisfied, and he has asked for authority to investigate, to go into these armor-plate factories and to examine the books of the companies to see what it costs to manufacture armor plate, so that he can come back to Congress and tell us at the next session. That is the amendment which the committee recommends. The Senator from Arizona moves to strike that out and to appropriate $4,000,000 to buy a site, to erect a factory, and to proceed to the manufacture of armor plate.

Mr. REED. That throws some light upon the matter about which I was inquiring. Of course, as to these armor-plate factories, if they refused to furnish the information to the Secretary of the Navy and he was without authority to compel the information, it would appear that Congress or somebody having authority ought to direct an investigation. That was the matter about which I was inquiring. I now understand from the Senator from Florida [Mr. BRYAN] that the committee has undertaken to reach that result by the passage of a law giving the Secretary of the Navy the right to make the investigation.

Mr. BRYAN. I want the Senator from Missouri to know that the committee has adopted the amendment sent to them by the Navy Department.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Mississippi?

Mr. ASHURST. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I think a part of the mutual misunderstanding of Senators grows out of their failure to remember what I think happened in this case. What the Senator from Arizona [Mr. ASHURST] was reading from a few moments ago was as far back as 1896. Subsequently to that date there was a congressional investigation of this very question by a Senate committee. That was at a time when prices were different from what they now are. So the answer to the question of the Senator from Missouri [Mr. REED], as to why somebody has not introduced a resolution to investigate the matter, is that somebody did introduce such a resolution, that it was passed, and that such an investigation was had.

Mr. ASHURST. Will the Senator permit me to interrupt him there?

Mr. WILLIAMS. Yes.

Mr. ASHURST. I will say that in my investigation of this question—I put in some months on it—I found a very illuminating speech made some years ago by the distinguished Senator from Mississippi [Mr. WILLIAMS], in which he pointed out the injustice that these manufacturers had perpetrated upon this Government and their extortionate charges. I was led to conclude that we have had four or five investigations; we have had at least three; and while I do not now object to an investigation, for it would be salutary, but not as salutary as the erection of an armor-plate factory by the Government itself——

Mr. WILLIAMS. Mr. President, there is one point there which I ask the Senator from Arizona to remember. The provision of the Senate committee, which a moment ago went out on a point of order——

Mr. ASHURST. I am very sorry it did.

Mr. WILLIAMS. Involved not only an investigation as to the price of making the armor plate, but the selection and purchase of a site that shall be convenient for its manufacture.

While upon this question, if the Senator from Arizona will pardon me a moment longer, in pursuance of what he has just said, I will repeat that this is no new question at all, as the Senator himself has said. I, myself, at the other end of the

Capitol, and a great many others dealt with it 10 or 12 or 14 years ago—I do not remember how long ago—first, I believe, in the Fifty-fourth Congress, when Mr. Herbert was Secretary of the Navy—and at succeeding intervals very many times. There is no doubt about the fact of robbery; there has never been any doubt about it; the Government has been cruelly robbed in the prices, which it has been forced by conspiracy to pay; and there is equally no doubt about the right remedy; and that right remedy is that the Government of the United States should manufacture armor.

The general principle which leads good Democrats to believe that governments should not go into private business as competitors with citizens in industrial enterprises does not apply in a case like this. The Government as much as anybody else has a right to make a thing for its own use, especially when by the very nature of the case, as in this instance, real competition among those who alone make and sell to it can not exist; that is not competing with private industry in any illegitimate manner at all. It is an inherent right of the consumer just as my weaving the cloth and cutting out of it a suit of clothes for myself would be. So much for that.

While about it I want to express the hope that the Committee on Naval Affairs will report a separate bill on this subject, and that that bill will go further than this committee amendment, though the amendment is in itself excellent; that the bill will contain the language of this amendment, and also carry an appropriation of not to exceed, say, $9,000,000, placed at the behest of the Secretary of the Navy to use in the purchase of a site, the erection of a factory, and the construction of armor plate as the construction of battleships goes on and as the work may demand.

I want to add that there is a reason outside of preventing glaring and accustomed robbery for it; there is a reason greater than the robbery, which is a mere money reason after all. Armor-plate makers and makers of munitions of war all the world over are a part of that great, invisible empire of influences which make for war and against peace. They are the stirrers up of the constant reports and rumors spread broadcast just prior to appropriations by legislatures in every nation of this world of "approaching warfare." An instance was brought out in Germany in the case of the Krupps, the greatest manufacturers in the world of armor plate and of guns and munitions of war of every description. It was proven that out of their secret funds they had employed men in Paris to excite the French people with a fear of a war with Germany, so that the amount of appropriations of the Corps du Legislatif for the purchase of munitions of war of every description might be increased, and at Berlin they had also men upon their list "accelerating public opinion," as some fellow in New York once called it, to excite the German people about the "hostile intentions" of France. Although we have not had the proof of the existence of the same sort of thing in Washington which has been proven and admitted to have existed in Paris and in Berlin, I myself do not doubt for one moment that it has existed here and that the "war scares" that come up every time a Naval or Army appropriation bill is pending is attributable to such sources.

We have missed it this year because they did not need it; we have trouble enough in Mexico to answer their purposes, but on all previous occasions these war scares have come up just prior to the passage of the Army and the naval appropriation bills. Mysterious rumors about the evil intentions of foreign Governments have been circulated. Japan has been the chief power exploited in this country. Of course, in Germany France was, in Austria Russia was, and in France Germany was, and then, the old French and German material having given out, they started a new war scare, when, by vague rumors, all Great Britain was on the verge of hysterics about a possible war with Germany, owing to the mean, bad, conspiring "militaristic" army and navy and Government of Germany, which was getting ready to sweep her trade by force from the seas.

I do not mind the money so much, but I would like to deprive the war influences of this world of one of their greatest and most influential allies. This would be done just in proportion as the hopes for private and pecuniary profit from war was extinguished. Of course the Chair ruled perfectly proper; the Chair could do nothing else—but I hope that the committee will bring in, and that we will pass at the first opportunity, a separate bill which will not be subject to a point of order, and which will contain language similar to that contained in the amendment providing for all necessary investigation as to site and cost, and so forth, and go further and say that if the Secretary of the Navy concludes that it is an advisable thing to do, then, "there is hereby appropriated a sum not to exceed $10,000,000." That will provide for at least one factory, which will be capable of turning out enough armor for one battleship, and will leave us at the mercy of these people for only another battleship, or an armor plant might be constructed on such a plan as could, at the very first, make the armor for one battleship, and by extensions of the plan from year to year its product could be gradually increased to the amount necessary for two or for three battleships.

I beg pardon of the Senator from Arizona. I did not intend, when I got on my feet, to go into all that, but the Senator referred to what happened in the House and my part in it. I thought of pursuing the line suggested by him as much further as I have pursued it.

Mr. ASHURST. So far from asking my pardon, I want to thank the Senator from Mississippi for the valuable contribution he has made to my poor speech.

Mr. President, I shall proceed as rapidly as possible and shall conclude in a very few moments. I was reading, it will be remembered, from the report of the Secretary of the Navy, who says:

> Confidential information about public expenditures was not desired and was not accepted. It is evident that without an armor plant of its own the Government in time of war or impending war would be entirely at the mercy of these three manufacturers and obliged to pay practically whatever price they asked. History does not warrant an assumption that the patriotism of these companies would prove superior to their desire for profits, inasmuch as during the time that war with Spain was imminent, these companies refused to accept the price fixed by Congress, after investigation, as a just rate, and declined to manufacture any armor until they got their own price of $100 a ton more than that which Congress had determined on. In this connection it is well to note that the love of country possessed by these companies did not prevent them from furnishing armor to Russia, as reported to Congress, in 1894 at $249 a ton, while they were charging the United States $616.14 a ton upon purchases under the contract of March, 1893, nor did it hinder them from furnishing armor to Italy in 1911 at $395.03 a ton, while they were charging their own Government $420 a ton, and that even at the present day, according to information that seems reliable, they are furnishing the armor for the *Haruna*, now being built by the Kawasaki Co. at Kobe for Japan, at $406.35 a ton, as against the price, ranging from $504 to $440 a ton, which they are now charging us for the armor of battleship *No. 39*.

The honorable Secretary proceeds:

> I am convinced from the reports made to me by experts who have gone carefully over the subject that we can make armor much cheaper than we now buy it, and that, from an economic point of view alone, the erection of a Government plant is amply justified. By manufacturing armor plate in its own plant the Government will be able to keep for its own use any improvements in the manufacture or composition of its armor that may be developed. The last word has not been said in armor, and past history shows that great improvements in the manufacture and design of armor plate have been made. The greater part of these improvements were suggested by actual experience gained by naval officers. Under our present system of obtaining our armor plate from private companies such improvements become the property of all the world, and can be obtained by anybody who cares to buy them. Even now the improvements in armor and the designs worked out by the Navy have been embodied in the warship of another nation recently finished by the Bethlehem Steel Co. and put into commission.
>
> This is not an argument lightly to be disregarded in favor of a Government armor plant, nor has it been overlooked, for instance, by Japan, which has erected its own armor-making plant and surrounded it with such secrecy that none of the other nations are able to tell whether or not at this minute the Japanese armor may not be superior to any other in existence. In addition to Japan, the French Government, after experimenting with a factory capable of producing only the lighter weights of armor, is enlarging its Government plant so as to permit of the production of thick plates, and Russia has had its own armor-plate factory for some time. In England the extortions of what is described in the English papers as the "armor ring," for there is every reason to believe that the agreement to maintain high prices among manufacturers is international, has resulted in agitation for a Government plant for that country which will probably be brought about in the next few years.
>
> As mentioned in my letter to the Senate, taking the highest estimate which has been submitted to me by the experts of the Bureau of Ordnance as the probable total cost price of Government-made armor, the Government can achieve a saving by the erection of a 10,000-ton-a-year plant of $1,061,360 per annum—

A saving each year of $1,061,360—

> after deducting 4 per cent as interest on the money used in erection and installation of plant, and $3,048,462 a year on the basis of a Government plant capable of producing 20,000 tons a year. If these figures are correct, as I believe them to be, and as Congress can easily ascertain for itself, I do not see how it is possible for Congress to justify to the people a refusal to erect a Government plant, nor how it can answer the charge that will invariably be brought up—that the same mysterious providence which saved this profitable business to the steel companies three times in the past, even after money for a Government plant had actually been appropriated, is not still at work exercising its beneficent protection over those lusty specimens of infant industries, who are even now under Government investigation as violators of the antitrust law.

Mr. President, it would seem unnecessary to say anything further on this matter. All the evidence upon the subject shows the overwhelming necessity for the erection of an armor-plate factory, and not a valid reason nor sound argument has been advanced against a Government factory. It has been demonstrated that the construction of such a factory would save the people of the United States at least $1,000,000 annually on the item of armor plate alone, to say nothing of the large sums

of money that might be saved annually on other materials and other articles of arms and armament, supplies, and equipment required in our Navy.

The history of the extortionate sums of money exacted of this Government for armor plate is almost incredible. It is admitted even by the manufacturers of armor plate that there is no competition among them. Repeated investigations have fully confirmed and established the truth of the assertions that our Government is paying extortionate prices for armor plate.

I therefore indulge the hope that the Naval Affairs Committee, composed as it is of some of the ablest, most resolute, and patriotic Members of the Senate, will bring out a bill authorizing the construction of an armor-plate factory in lieu of a further investigation.

Mr. President, I have detained the Senate longer than I should have done; but I felt that these things should not be left unsaid, and especially that they should not be left unsaid by me, because in April, May, June, and July I wearied the Senate, I might say, by repeated discussions of this question. How, then, could I permit the naval appropriation bill, carrying these large sums, and properly so, to pass by without a word of explanation, without a word of argument on the subject?

Mr. President, I ask unanimous consent that I may include in the RECORD as a part of my remarks appendices as follows: Two editorials regarding armor plate; an article by Charles Edward Russell in Pearson's Magazine, entitled "Patriotism for Profit"; a letter from the Secretary of the Treasury showing the sums of money, aggregating in all over $6,000,000,000, that have been spent by our Government in the past 15 years for war purposes; also a letter from the honorable Secretary of the Navy showing expenditures for armor plate since 1887.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

APPENDIX A.

[From Los Angeles Tribune, May 13, 1913.]

Senator ASHURST charges that this Government has paid to the Armor Trust, which is composed of the Carnegie, Bethlehem, and Midvale companies, not less than $45,000,000 in profits for the armor plate that went into the thirty-odd armored steel vessels and the armored cruisers. The charge is probable on its face, because the makers of armor are perhaps as tight a trust as exists. There is plenty of evidence that trusts which Carnegie, Morgan, Schwab, and their kind dominate get all they can for their wares.

It has always been a mystery to the layman why a first-class battleship or cruiser should cost eight to ten millions and upward, when there are few buildings on land—largely similar in construction, only set on end—of the most magnificent size and equipment that approach such a figure. The answer is to be found in the armor graft—we call it graft because it represents unfair profits—which typifies the excessive charges on the hundred kinds of supplies that go into a warship.

One of the most disgraceful chapters in American life is that detailing the methods of the harpy hosts that preyed on the necessities of our Government in the days when civil strife combined with foreign hostility to threaten its very existence. It is no less disgraceful in our days of prosperity that the trust capitalists who owe their fortunes to the protection of the Government are bleeding it without conscience.

The Government should make its own armor plate, as it makes its rifles at arsenals. * * *

APPENDIX B.

[From Telegram, Portland, Oreg., June 3, 1913.]

WRESTLING WITH THE ARMOR PLATE TRUST.

Senator ASHURST, of Arizona, has introduced a bill in the Senate by the terms of which $1,600,000 is to be appropriated for the construction of an armor-plate plant, to be owned and operated by the National Government. The purpose of the construction of this plant is to "bust" the Armor Plate Trust, and the method is to leave the conduct of the enterprise to a board of naval officers, who shall be selected as competent to manage the plant with efficiency and economy.

Naturally, the proposition will be denounced in certain quarters as socialistic and as an interference with private enterprise. It also will be argued that the Government will not be able to manufacture armor plate so cheaply as it is done by the private manufacturer, and there will be other various and usual objections to the Government going into business for itself when private enterprise is already engaged with profit in that very business.

But the fact appears that the Government is systematically held up in the purchase of armor plate; and the present Secretary of the Navy confesses that under the present system the holdup is unavoidable. In the first place, armor-plate plants must depend on the business which the Government gives them. Unless they can get this business year by year, they can not hope to operate, so the custom has been to invite bids and apportion the business among the various manufacturers, with the understanding that they accept the lowest figures submitted. One does not have to be blessed with a lively imagination to understand the outcome of this arrangement. It is only human nature, as expressed in business terms, that the manufacturers should bid with a knowledge of what the lowest figure was going to be. Genuine competition is eliminated by the very nature of the arrangement. The Government must really pay a monopoly price or make its own armor plate. In the monopoly price there is the element of profit which the Government would forego, and in addition to that the business would be rid of all scandal and free from all extortion.

APPENDIX C.

[From Pearson's Magazine, November, 1913, by Charles Edward Russell.]

PATRIOTISM FOR PROFIT.

WAR AND RUMORS OF WAR ARE SOMETIMES INSPIRED AND ALWAYS HELPED ALONG BY HIGHLY RESPECTABLE MEN WHO THUS ARE ENABLED TO TAKE MILLIONS OF DOLLARS YEARLY OUT OF THE PUBLIC POCKET—YOUR POCKET—MEN WHO, BY AGREEMENT AMONG THEMSELVES, CHARGE YOUR GOVERNMENT FOR ARMAMENT DOUBLE WHAT IT WOULD COST YOUR GOVERNMENT TO MAKE THE ARMAMENT. JUST HOW THIS SENSELESS WASTE OF YOUR MONEY IS PROMPTED AND JUST HOW IT IS GATHERED IS TOLD IN THE FOLLOWING VERY PLAIN NARRATIVE, WHICH TELLS THE SIMPLE TRUTH BY NAMING THE MEN'S NAMES AND EXPLAINING THE MEN'S METHODS.

When we are bombarded with thundering arguments for a big and a bigger navy; when in thrilling words the need of more battleships is brought home to us; when our broad, fair land is pictured without defense and about to be invaded by the ravening foe—how much of all this is the fervent outcry of patriotism upon the watch tower and how much is sheer thrift and good heed to profits and dividends?

Here is a plain, practical question for the times, but we in this country have never thought much about it. In Europe the case is different; in Europe, where, strange to say, every nation (according to the scare mongers) is in a state as defenseless and alarming as our own, the great public is beginning to think very seriously about this and similar questions. It has mighty good reasons for such unwonted exercise, because it pays for all the battleships and big guns, and now it is obliged to wonder what for. Certain investigations have revealed the money value in francs, marks, and pounds of a good, lively war scare; also the relations between a howling Chauvinist and the dividends of the armor makers. Now, this patient, long-enduring, always-paying public is beginning to inquire whether there is anything but dividend considerations in any of these alarms and tarentelles.

One man started all this row over there. On April 18 of this year Dr. William Liebknecht blew up his bomb of ugly facts in the German Reichstag, of which he is a distinguished member, and the European armor-plate grafters have hardly known an easy hour since. Dr. Liebknecht showed to the world the close connection between war news and big business; between the circulating of war rumors and the making and selling of guns and ammunition. The initiated had long known or suspected the outlines of this sordid and disgusting story; Dr. Liebknecht, with workmanlike thoroughness, supplied the details.

An important part of the management of the great armament factories abroad is to foster international disputes, to exaggerate international ill will, and to finance and encourage navy leagues, patriotic societies, and the screaming defense societies that perennially fill the air with clamor for more battleships and more lunacy. Dr. Liebknecht showed this. The great armament houses, allied with the great financial interests, exert upon cabinets, Governments, legislators, and newspapers a covert, abnormal and apparently irresistible power to keep up the supply of friction and thereby the market for great guns. Dr. Liebknecht showed this also.

The echoes of these things are still rolling around the Continent, and in spite of the government lid they take on a more and more sinister sound.

I have read in the reactionary press of America many superior comments on these painful facts, showing conclusively that in our own happy land nothing of the kind could occur. We have no Krupp scandals here, we are assured, and could have none. Here those that cheer for the Old Flag and an appropriation, or with bulging eyes of terror describe our defenseless state, are moved by only a pure and disinterested patriotism.

It is to those that may be minded to accept this placid view of the case that the following plain narrative is especially dedicated. It ought to be instructive to all of us that pay rent or eat food or buy anything, because it tells of a bill that we annually pay, but its spiritual significance is, first of all, for those that believe the situation in America is different from the situation in other countries where high finance has gone into the armament business.

About February 1, 1913, there appeared in a back advertising page of a Philadelphia newspaper called the Daily Item an advertisement 1 inch long and 1 column wide and set in small type, inviting bids for the furnishing of 8,000 tons of armor plate for the dreadnaught battleship *Pennsylvania*, now being built for the United States Navy. Bids were to be opened in Washington February 18.

It was a shrinking, modest little advertisement that seemed to be trying to hide itself in the crowd of big, bawling announcements all around it, but, small as it was, it had potent effect. In a few days appeared at the same hotel in Washington the president of the Carnegie Steel Co., the vice president of the Bethlehem Steel Co., and the vice president of the Midvale Steel Co., all large and well-favored institutions and familiar in the history of armor-plate profits in America. These gentlemen conferred, and on February 16 they submitted bids, each for his own company, to furnish the 8,000 tons of armor plate required for the *Pennsylvania*.

This is called competitive bidding for Government contracts, according to law.

When the bids were opened they were found not to vary by so much as $1 a ton, and by another coincidence not less remarkable the prices named were about $25 a ton greater than the Government had ever before paid for armor plate of this kind.

There were no other bids. There never are any other bids.

We in this country are an easy-going people. Ordinarily details of our Government are not for us; in the sublime presence of our private balance sheets, golf clubs, and automobiles we decline to be bothered with mere affairs of state. But a conjunction of facts so remarkable as these seems to have jarred even our unapproachable complacency, or some of it, and unadmiring comment was heard, culminating in a protest on the floor of the Senate.

Nevertheless, on March 3, 1913, only a few hours before he left office, Mr. George von L. Meyer, then Secretary of the Navy, and an eminent financier of whom you may have heard, signed up the contracts for the armor plate to be furnished by these three companies, bidding in this remarkable way and at these abnormal prices.

The armor would not be needed for a year, but Mr. Meyer signed for it anyway, about the last thing before he left his job.

Senator ASHURST, of Arizona, rose in his place and offered a resolution that embodied a protest against this remarkable proceeding. May 18 Senator ASHURST, undismayed, came back with his resolution again, and was once more gagged with the good old objection, but on May 22 he managed to get the floor for a few minutes and jammed into the

RECORD some vital facts that in another country would have caused a parliamentary investigation.

That was as far as he was allowed to go. Meantime the contracts stand and the companies are making the armor (and the profits) in these peculiar circumstances and at these huge profits, although the present Secretary of the Navy has not tried to conceal his belief that bidding of this kind is beyond defense.

It certainly is, for the reason that it merely represents gouge—gouge that in this case amounts to at least $1,600,000, shared among these three concerns. Respectable, legitimate, high-class, eminent, business-man gouge, I mean; not the common, low-browed variety that lands vulgar offenders in the penitentiary, but the fine old patriotic kind that can be practiced with impunity and is conveniently overlooked by the biographers when a captain of industry goes to his account.

Because the Government can very easily get this same armor plate for $254 a ton; which is $200 a ton less than these three companies are getting for it, and everybody in the Navy Department that knows a capstan from a marlin spike must know this fact perfectly well.

Eight thousand tons at $200 a ton of gouge is $1,600,000 of gouge in this one contract.

There is no particular mystery in Washington about this thing. Everybody on the inside knows about the armor-plate graft, and has known it (if he be old enough) for 25 years. In that time the United States Government has not made one reasonable contract for armor plate.

Here are the facts about this truly astonishing matter:

In 1883 we started in to build a modern Navy, having wearied of one whose chief function seemed to be to encourage superfluous humor. Having entered upon the international contest in augmenting the junk heap, we quickly showed that we could be as crazy as the best of them, bar none, and have a naval scrap pile before which no jingo American need feel the blush of shame. By 1887 we had reached a point in the race for the Bedlam stakes at which it was deemed necessary that we should send our ships on their way to the discard adorned with armor plate. Armor plate was all the rage in the world's most famous asylums, and should we confess our inferiority to the despicable foreigner?

But, alas, there wasn't a pound of armor plate in the country! Such was the lamentable fact. We had statesmen whose cheek would turn a 12-inch shell, and money-grabbers with impenetrable consciences, and national mutts and skulls that could not be pierced with diamond drills; but we didn't have enough armor plate to cover the back of your hand.

The emergency was grave. What should we do? Here were all the maniacs of the world shouting at us and inviting us to come inside with some armor plate. Of course, we just had to get some. Anybody can see that.

So Congress, that bright gathering of potent intellects, devised a way out of the perilous situation and saved the Nation. Some folks might say that if the United States needed armor plate the United States ought to make it. We were making some of the ships on which the armor plate was to be fitted, and the guns that would be poked through it, and why not also then this armor? But such persons were, of course, low demagogues and muckrakers and representatives of the riffraff, and Congress properly gave to them no heed. Instead it fixed up a deal with the Bethlehem Steel Co. by which the company put in a plant to make the armor plate, and then to repay it for the cost of installing this plant was allowed to overcharge more than 100 per cent for all the armor it made.

That is to say, the substance of this astounding deal was that the United States was to build the plant and make a present of it to the company and then the company was to charge the United States more than double price for all the armor produced by this plant.

Which is what it is doing to-day, after the United States has paid for the plant twenty-two times. You will find it difficult to beat this in the way of good, nervy grafting.

Mr. Andrew Carnegie was then actively engaged in conducting the Carnegie Steel Co., and, being then as now an eminent philanthropist, with an eye to the main chance, perceived at once that the Bethlehem people had a good thing, and rung himself in on it with a similar deal.

Whereupon contracts were let for armor plate for the monitors *Amphitrite*, *Monadnock*, *Puritan*, and *Terror*, the battleships *Texas* and *Maine*, and the coast-defense vessel *Monterey* at $574 and $604 a ton, the actual cost of producing this armor being about $200 a ton.

Out of these contracts alone the Bethlehem Co. received $1,554,000 in extra pay to compensate it for its plant, and the Carnegie Co. $914,252, which paid for each plant about twice.

The next time the Government wanted armor plate the price, from the plants for which it had already paid, rose to $646 a ton, and continued at or near those figures until an odd event brought it down, after we had paid for the plants nine times.

Some workingmen in the employ of the philanthropist made known the fact that the Carnegie Co. was swindling the Government it had already gouged. It was furnishing to that Government fraudulent armor—armor so badly made, so soft and spongy in spots that if a shell ever hit one of those spots it would slip through like a knife cutting cheese.

At this charge a chorus of most indignant denials filled the air. What! Would a company composed of our very best citizens and pillars of society and commerce stoop to such detestable things? No, indeed; and then, again, certainly not. But the wicked slanders persisted nevertheless, and low demagogues in Congress and elsewhere made an unseemly clamor, whereupon the Navy Department, just to show how baseless were these stories, ordered reports from the naval officers stationed as inspectors at the various armor-plate mills. These usually found the stories about defective armor to be baseless. But even this distinguished indorsement failed to silence the calumniators of true philanthropy. Therefore investigation was undertaken by a competent commission, which found that the charges were perfectly true. On 11 counts the commission found the Carnegie Co. guilty of repeatedly swindling the Government by palming off worthless armor for good.

It found, for instance, that worthless plate had been accepted, paid for, and placed on war vessels as follows:

On the *Amphitrite*, 4 plates.
On the *Terror*, 3 plates.
On the *Oregon*, 3 plates.
On the *Monterey*, 4 plates.
On the *Monadnock*, 6 plates.
On the *New York*, 8 plates.
On the *Olympia*, 3 plates.
On the *Indiana*, 6 plates.
On the *Massachusetts*, 4 plates.

Against the discovery and publication of these facts was exerted a great and secret influence. But for the persistence of a few newspapers, the most active of which was the New York World, the inquiry would have failed.

When the truth could be no longer concealed Mr. Carnegie's company was hauled up and fined $500,000 for frauds.

Then the same subtle and tremendous power that has so often appeared in these matters was exerted and President Cleveland, a short time before he went out of office, reduced the fine to $120 000.

Meantime the Government continued none the less to buy its armor plate of this convicted swindler, which had already made $5,000,000 of illegitimate profits on its armor-plate deals.

Quite a number of libraries would be required to balance this account.

To the investigation of these gigantic frauds the New York World had assigned a wise, skillful reporter named Montgomery Cutler. He secured the assistance of workingmen in the factory and gathered unassailable evidence that worthless armor was being palmed off upon the Government, notwithstanding that a high naval officer was stationed at the works and supposed to inspect rigidly every piece of armor sent out. This officer gave to the armor-plate company a clean acquittal. Nothing, according to his report, was wrong with that factory. Mr. Cutler found that this officer was a great social favorite in the city and particularly popular in the leading club, which was chiefly maintained by eminent gentlemen in the iron and steel way. If you are interested in the matter of power, you may care to note that when the Spanish War came on this officer, never much distinguished in the service, was, to the amazement of most observers, suddenly jumped to high command over the heads of many older men of greater experience, and throughout the war and afterwards an extraordinary influence seemed to support and sustain him.

But when the facts about the perilous armor frauds were proved and made public an unwonted clamor arose in the country. In those days we were even more indifferent than we are now to our national affairs. Nevertheless, even in those days the idea that we were paying an eminent philanthropist huge sums for armor plate that might ruin our costly new Navy finally did work itself into our minds and produced rather remarkable results there and elsewhere. The representatives of our best citizenship that were in charge of these looting armor-plate factories seemed for a long time to sing very small and in the fear of God, and the price of armor plate dropped overnight from $646 to $411 a ton, and at that figure for many months it remained.

But even at that figure it was a swindle and a fraud, and from time to time mutterings of discontent were heard in Congress—which is surprising, for in those days Congress was so well trained that ordinarily it would come right up and eat out of Mr. Carnegie's hand. Finally the Secretary of the Navy was requested in a gentlemanly way to look about him and see if he could devise any good reason why armor plate should cost $411 a ton. The job seems to have strained his intellect, but he finally turned in the following showing, which may be deemed one of the most amazing documents in the American collection:

TO MAKE 1 TON OF ARMOR PLATE.

Cost of labor and material	$196
Maintenance of plant (unexplained)	50
To bring this to a round number	4
Fifty per cent profit on this	125
Nickel	20
To bring this to a round number	5
Total	400
Swindle, therefore, only	11

Nickel is an indispensable factor in making armor plate.

The Naval Committee of the Senate does not seem to have been much impressed with this startling calculation, for it began an inquiry and made some figures of its own, thus:

Cost of labor and material	$168
Add for reforging	12
Maintenance of plant	30
Thirty-three and one-third per cent profit on this	70
Nickel	20
Total	300
Swindle	111
Price to the Government	411

Just why an armor-plate factory must make even 33⅓ per cent profit when the average man in business is glad to make 8 was a mystery that caused some inquiry in the Senate, probably among those that did not foresee the necessities of the philanthropic library. And then in the debate Mr. Carnegie's company had been called "robber rascals," "monopolists," "thieves," "pets of the Senate," and other terms that must have caused much pain to leading citizens and admired captains of industry, and the huge profit may have been regarded in the light of a necessary balm to hurt minds. Anyway, it stayed in the report.

The Naval Committee now proposed to fix the price of armor plate at $300 a ton, on the basis of this liberal estimate and allowing the manufacturers 33⅓ per cent profit. Did it succeed? Indeed it did not. The subtle influence was there again, and so were Matt Quay and a few other patriots of that kind, and the proposal was dropped.

So the price remained at $411 until the scare began to wear away. Then it was pushed up to $453 for some kinds of armor; then to $480; then to $508; and now for turret armor it is in the neighborhood of $700.

We are still paying every year for that old plant.

Since 1887, under conditions like these, the United States Government has purchased $83,000,000 worth of armor plate, about one-half representing pure graft.

I have been at pains to figure the lowest possible amount of gouge in each contract made since the Naval Committee's investigation, taking as a basis the committee's extravagant price of $300 a ton, and the table on the next page is the result for the three companies that get all this work. I have taken in each case the lowest figure paid for any armor on any vessel and calculated all the armor at that price, so that my totals, although they will seem astounding, are far under the truth.

The Carnegie Co. is openly a part of the United States Steel Corporation, the greatest possession of the great Morgan group, the center around which revolves the most powerful and indomitable influence in our affairs. The Bethlehem Co., it is well understood, is financed by Mr. Carnegie, the chief holder of the bonds of the United States Steel Corporation. The Midvale Co. came into the merry game in 1903, under the guise of competition at lower prices, until it was well under way, when it joined the combination and got its share of the gouge, as will be seen from the table in the next column.

The Bethlehem and Midvale companies maintained more or less the convenient supposition of an existence independent of the United States Steel, an arrangement of great practical use, particularly before congressional investigations. As a matter of fact, all of these companies are parts of the great steel interests that work together harmoniously

to control the entire iron and steel industry of the country. On trials and at public hearings much is made of the fact that they have different organizations, and, strange as it may seem, men are still to be found that are dull enough to be imposed upon by this device. However these organizations may be juggled and manipulated, every well-informed observer knows that the final control of all comes home and must come home to the same center where gather the reins of so many industries and the streams of so much capital, where already is owned or controlled more than one-fourth of all the wealth in the United States.

That is to say, to the Morgan group.

In 1897 the Senate found that the real ownership of the Bethlehem-Carnegie companies was practically the same although they made a feeble pretense of competing. So they do now. The Senate also found that these companies worked in collusion and divided the gouge. So they do now.

The amount of gouge or excessive profit secured by the three companies on each contract since 1897, when the Senate first investigated this subject.

THE BETHLEHEM CO.

Ship.	Year.	Tons furnished.	Price.	Gouge (lowest figures).
Alabama	1898	2,559	$411	$281,729
Maine (new)	1899	2,419	411	267,509
Ohio	1899	1,213	411	134,643
Florida	1899	514	411	57,954
Cheyenne	1899	514	411	57,054
Virginia	1899	1,948	411	216,228
West Virginia	1899	954	411	105,894
Nebraska	1899	3,332	411	369,852
Georgia	1899	3,332	411	369,852
Pittsburgh	1899	1,908	411	211,788
Colorado	1900	1,908	411	211,788
Maryland	1900	954	411	105,894
St. Louis	1900	365	411	40,515
Milwaukee	1900	731	411	81,141
Louisiana	1902	3,542	411	393,273
Washington	1902	2,190	411	243,090
Minnesota	1903	3,542	411	393,273
Kansas	1903	1,772	411	196,692
New Hampshire	1904	3,038	411	337,218
North Carolina	1904	1,921	411	213,231
South Carolina	1905	1,794	345	81,730
Delaware	1907	2,198	417	258,166
North Dakota	1907	1,382	416	168,312
Florida	1908	1,988	422	214,926
Utah	1908	1,154	421	184,571
Arkansas	1909	3,946	424	488,904
Wyoming	1909	648	440	90,720
Texas	1910	2,257	432	298,188
New York	1910	2,212	430	287,560
Oklahoma	1911	1,899	420	217,880
Nevada	1911	3,124	460	499,840

THE CARNEGIE CO.

Illinois	1898	1,153	$411	$127,983
Wisconsin	1899	2,559	411	284,049
Ohio	1899	1,214	411	134,754
Missouri	1899	2,409	411	267,399
Arkansas	1899	538	411	59,718
Virginia	1899	1,384	411	153,624
West Virginia	1899	954	411	105,894
Nevada	1899	538	411	59,718
California	1899	1,899	411	211,788
New Jersey	1900	3,332	411	369,852
Maryland	1900	954	411	105,894
Rhode Island	1900	3,332	411	369,852
South Dakota	1900	1,908	411	211,788
St. Louis	1900	365	411	40,515
Charleston	1900	731	411	81,141
Connecticut	1902	3,542	411	393,162
Tennessee	1902	2,190	411	233,090
Vermont	1903	3,543	411	393,273
Kansas	1903	1,772	411	196,692
Montana	1904	1,921	411	213,231
South Carolina	1905	1,865	345	83,925
Delaware	1907	2,491	416	291,956
North Dakota	1907	1,047	418	123,546
Florida	1907	977	422	119,194
Utah	1908	2,154	423	267,648
Arkansas	1098	1,998	420	131,760
Wyoming	1909	3,506	420	427,720
Texas	1909	2,207	431	289,117
New York	1910	2,323	426	292,498
Oklahoma	1910	591	460	36,560
Nevada	1911	4,540	420	544,800

THE MIDVALE CO.

Idaho	1903	3,090	$385	$262,650
Mississippi	1904	3,090	385	262,650
New Hampshire	1904	504	385	42,840
North Carolina	1904	269	385	22,865
Montana	1905	269	385	22,865
Michigan	1907	3,660	345	174,700
North Dakota	1908	2,259	416	262,034
Florida	1908	1,748	420	209,760
Utah	1909	1,380	418	162,840
Arkansas	1909	1,445	422	175,290
Wyoming	1910	2,341	421	285,285
Texas	1910	2,274	426	286,524
New York	1911	2,202	435	297,270
Oklahoma	1911	5,189	420	621,680

In 1897 the Senate found that all over the world the makers of armor plate were in one combination and charged all Governments the like extortionate prices. So they do now. "We found," says the CONGRESSIONAL RECORD of March 1, 1897, "that all the armor manufacturers in the world are in the same combination that these two American concerns are in—the Creusot people in France, the German manufacturers, and the English are all together, each robbing their own Government." So little does all this seem to have changed that the Navy Department prints in defense of our extravagant payments the fact that the European end of the combination is as rapacious as the American, and on August 8, 1913, before a committee of the English House of Commons, testimony was given about the English armor-plate combination that seemed a replica of our own bitter experience.

In England, as in Germany, it appeared that back of the armament combination was a financial combination, huge, international, and unassailable.

As it is with the making of our armor, so it is with the building of our ships. We have Government navy yards, maintained at great expense, to build and repair the Nation's vessels, and but for the periodical clamor of Congressmen whose districts include these yards we should never build anything in any of them. Because of the clamor a battleship or cruiser sometimes occupies the stocks in one of these yards. All the rest, by the overt connivance of the Navy Department, are built by private companies.

On the Atlantic the great contracts go to the Fore River Shipbuilding Co., at Quincy, Mass.; to William Cramp & Sons, Philadelphia; to the New York Shipbuilding Co., at Camden, N. J.; or to the Newport News Shipbuilding Co., at Newport News. Small vessels may be built by several minor concerns, including the Harlan & Hollingsworth Co., at Wilmington, Del., and Samuel L. Moore & Sons, Elizabethport, N. J.

On the Pacific the great contracts have gone chiefly to the Union Iron Works, San Francisco.

To show how true this is, I have here a list of battleships and armored cruisers built in recent years by these firms and the prices they received for the work. It is printed to show merely the division of contracts for the most important and profitable vessels of the Navy. Room is lacking for similar details about the smaller vessels:

William Cramp & Sons.

Ships.	Year authorized.	Contract price for hull, machinery, and armor.
BATTLESHIPS.		
Indiana	1890	$5,533,708
Massachusetts	1890	5,401,844
Iowa	1892	5,162,587
Alabama	1896	4,077,010
Maine	1898	4,567,464
Idaho	1903	4,797,675
Mississippi	1903	4,740,800
South Carolina	1905	5,669,186
Wyoming	1909	7,647,902
ARMORED CRUISERS.		
Brooklyn	1892	3,944,820
Saratoga	1888	3,897,840
Colorado	1900	4,831,941
Pittsburgh	1899	4,857,086
Tennessee	1902	5,203,701

This company is now building one gunboat, one submarine, and four torpedo boat destroyers.

New York Shipbuilding Co.

Ships.	Year authorized.	Contract price for hull, machinery, and armor.
BATTLESHIPS.		
Kansas	1903	$6,200,929
New Hampshire	1904	5,976,236
Michigan	1905	5,693,609
Utah	1908	6,832,392
Arkansas	1911	7,785,602
ARMORED CRUISER.		
Washington	1902	5,190,782

This company is now building two torpedo-boat destroyers and a first-class battleship.

Newport News Shipbuilding Co.

Ships.	Year authorized.	Contract price for hull, machinery, and armor.
BATTLESHIPS.		
Kearsarge	1895	$4,429,890
Kentucky	1895	4,418,094
Illinois	1896	4,073,429
Missouri	1898	4,438,925
Louisiana	1902	6,065,531
Minnesota	1903	6,149,874
Virginia	1899	5,491,036
Delaware	1906	6,821,015
Texas	1910	.....
ARMORED CRUISERS.		
Maryland	1900	4,874,874
West Virginia	1899	4,885,216
North Carolina	1904	4,779,380
Montana	1904	4,781,089

This company is now building, with other ships, one first-class battleship, two colliers, and one submarine.

The Fore River Shipbuilding Co.

Ships.	Year authorized.	Contract price for hull, machinery, and armor.
BATTLESHIPS.		
Vermont	1903	$6,166,267
New Jersey	1900	5,385,805
Rhode Island	1900	5,360,125
North Dakota	1907	7,244,549
Nevada	1911	.....

This company is now building, with other ships, two torpedo-boat destroyers and four submarines. It has built 15 of the submarines.

Union Iron Works.

Ships.	Year authorized.	Contract price for hull, machinery, and armor.
BATTLESHIPS.		
Oregon	1890	$5,914,021
Wisconsin	1896	4,162,617
Ohio	1898	4,475,375
ARMORED CRUISERS.		
California	1899	4,713,274
South Dakota	1908	4,735,160

This company is building or has lately completed five more submarines.

As before, who owns these companies that rake off all these good things?

Well, the Bethlehem Steel Co. owns the Union Iron Works outright, also the Harlan & Hollingsworth Co. and Samuel L. Moore & Sons.

William Cramp & Sons is a Morgan concern, pure and simple. It is controlled by a Morgan voting trust composed of E. T. Stotesbury, who is the leading member of the Morgan firm in Philadelphia, and George F. Baer, who is the Morgan factotum in the peculiar operation of the Philadelphia & Reading.

The Fore River Co. is classed as a United States Steel concern, the two companies having an interlocking directorate through Mr. Robert Winsor, who is a director in both. The most influential owners of Fore River are also active in financial and other enterprises that represent the New England interests of the Morgan group. But, obviously, all these companies must in practice be allied, if not actually and frankly affiliated. To conduct a great shipbuilding plant requires a great capital, and great capital for an enterprise unfriendly to the central controlling groups could not be obtained in these days. This fits again with the fact that the whole iron and steel business of the country is a Morgan gronp enterprise. Shipbuilding is a branch of the steel business; and a company independent of the dominant forces could not possibly operate in iron and steel. Hence the beautiful harmony. As for instance:

When a battleship contract is to be let on the Atlantic coast, the shipbuilding companies seem to be endowed with such clairvoyant powers as we have remarked in the cases of the armor-plate concerns that are also members of the same agreeable family. The bids always manage to fall out that the good things are apportioned neatly among the companies, and all are kept in the goodly way of profits. In the interest of steady dividends, it is desirable that the United States shall authorize two battleships and two armored cruisers (or the equivalent thereof) each year. A simple device in adjusting the bids keeps these distributed and all the yards busy. If one yard bids $5,830,082 for the first battleship and $5,930,082 for the second, while the next yard bids $5,930,082 for the first battleship and $5,830,082 for the second, it is apparent that each will get a contract and be happy. Keep the contracts in the family and save money is the motto of the group; and by some amusing trick of speech the legerdemain that is performed on these contracts is called competitive bidding.

The worst troubles that befall this happy family come when some one arises in Congress and points out that all the battleships are unnecessary and foolish, being doomed in 10 years to the junk heap. Then Congress tries to authorize but one of these colossal toys instead of two. Upon the head of such a rude disturber of the family peace all the Morganized press and the newspapers friendly to our best citizenship pour endless ridicule and abuse, the Navy League volleys and thunders, and a large, efficient, and discreet lobby works industriously at the back door.

Generally these powerful and patriotic influences succeed in saving the Nation by restoring that other battleship—for the glory of the flag and the profits of the poor but undeserving financiers.

The country's defenseless condition is at all times the favorite theme of many of these newspaper guardians of the commonweal. Even when the extra battleship has been secured and you might think that all was well with us these sentinels upon the watchtower refuse to take a cheerful view of life. True, we are to have another battleship or two; but what if we are? Just look at our coast defenses. Not a big gun there worth talking about, not a fortification worthy of the name; Absequam unprotected and Egg Harbor without a gun. At any moment the Japanese are likely to descend upon Lumtiloo Creek, and then where shall we be? Scanning the horizon, the editors see daily fresh fleets of hostile nations in the offing, and the whole country at their mercy—an imminent peril from which we have no chance of rescue unless Congress will make haste to pass some more appropriations and order yet more vessels, to be built as above indicated.

Current events, or what purport so to be, lend to these journals the ready instances wherewith to point the moral of their appeals. Every week with them produces its fresh scare. Now it is Magdalena Bay, upon which the devilish Japanese are declared to have some depraved designs that will bring ruin upon us all. Nobody knows where or what is Magdalena Bay, but with the assistance of an inquiry in Congress and some ardent editorials the thing can be made to look of overwhelming importance, and the machinations of the devilish Japanese to be of the deadliest. Therefore we must have more battleships. When this bugaboo has been worked to the limit, the designs of Germany on South America are disclosed as the intolerable menace to our peace and prosperity. Remedy—more battleships. After this the European Governments are found to be meditating the mischief and all in Mexico. Ergo, more battleships. At the subsidence of this nightmare Great Britain mounts a new gun at Bermuda and the whole blessed Monroe doctrine is in peril. Nothing can save us but more battlesnips.

The inspiration for many of these utterances about the battleship and armament situation is a curious and active institution in Washington called the Navy League. I have once before referred to it in these annals, and with good reason, for its functions seem to be persistent and important. It occupies a corner suite in the handsome Southern Building, whence it pours forth a stream of literature and appeals calling upon the Nation to rise and arm itself with a great big Navy ere it shall be too late and the heel of the hated foe shall be upon our prostrate necks, or thereabouts. The avowed purposes of this organization are of the purest patriotism, but it seems to have more money and less difficulty in financing itself than any other patriotic society of which we have record. The annual dues are $2, which, according to human experience, will not go very far in hiring expensive rooms, employing staffs of clerks, and publishing beautiful pamphlets, unless the membership happens to be very large, which certainly is not the case here. But a difficulty that has swamped many another organization has no apparent terrors for the prosperous Navy League.

Occasionally this concern gives elaborate banquets and invites thereto the Secretary of the Navy, the Secretary of War, Senators, Representatives, and many other eminent and influential persons, to whom skilled orators picture our defenseless condition in a way that would strike terror to the hearts of the bravest. At these feasts the fact is always made perfectly clear that nothing can save us but battleships and a big appropriation. Since with dues of $2 a year the ordinary society can not give much of a banquet to speak of, the origin of the funds to provide these chaste affairs has long been a subject of speculation in Washington, but not, I may say, among those that have studied the list of the league's officers.

Among the literature distributed freely by this organization is a reprint of a magazine article written by an English cave man named Harold F. Wyatt and bearing the pleasant title "God's Test War." The theme of this surviving savage is that war is divinely ordained, and therefore a pious undertaking, not to be opposed or questioned except by atheists and the totally depraved. It is, in fact, the means by which God corrects His own mistakes, sifting out the efficient from the inefficient among the human beings He has created, and putting the inefficient out of the way; wherefore the true business of His children, as you can readily see, is to kill one another. This line of argument seems to be held very convincing for more battleships and a big appropriation—to be distributed, of course, according to the table to be found on a foregoing page

The mission of the league, according to its own announcement, is to further the ends of patriotism. Mr. J. Pierpont Morgan was, until his death, one of the directors and intensely interested in the league's work, to which he was a liberal contributor. This is all the more interesting, because in the course of a long career it happens to be the only manifestation of patriotism Mr. Morgan ever made, and suggests that the appeal of the league must be indeed of a very moving kind.

Mr. Morgan was not only intensely interested in the league himself, but he seems to have been able to arouse a similarly keen and vivid interest in gentlemen associated with him.

Mr. Herbert L. Satterlee, for instance, is general counsel for the league. Mr. Satterlee is a son-in-law and an heir of Mr. Morgan.

Gen. Horace Porter is the president of the league. He was for many years an officer of the Pullman Co., which is a Morgan corporation.

Mr. Charles C. Glover is treasurer of the league. He is president of the Riggs National Bank, which is closer to Wall Street than any other bank in Washington.

Col. Robert M. Thompson is chairman of the executive committee of the league. He is an eminent financier of New York, whose great interests generally coincide with the colossal undertakings of the Morgan group. He is also the head (being chairman of the board) of the International Nickel Co., and holds the honorable post of president of the New York Metal Exchange.

Mr. J. Frederick Tams is a director of the league. He is a New York society and yachting man, a friend of Mr. Morgan and a member of Mr. Morgan's yacht club.

Mr. George von L. Meyer is a director of the league. Mr. Meyer, as already noted, was Secretary of the Navy in the Taft administration, and on March 3 signed the remarkable contract for the *Pennsylvania's* armor that has been the subject of unpleasant comment in Congress and elsewhere. About these Mr. Meyer has seemed not to be disturbed—possibly because he has so many other things on his mind. Mr. Meyer is a gentleman of large and varied interests, most of them financial, and well known in our highest business circles. He is a considerable stockholder in the New Haven Railroad, which is a Morgan concern, and he is interested in financial institutions in Boston and elsewhere that were understood to be sympathetic with Mr. Morgan's aims when he was alive. Mr. Meyer is also a director in the Amoskeag Manufacturing Co. at Manchester, N. H. Another associate of his on the board of the Amoskeag is Mr. F. C. Dumaine, who helped Mr. Morgan to incorporate the Boston Railroad Holding Co. by which the New Haven was enabled to hold the Boston & Maine in spite of certain provisions of the Massachusetts law. Mr. Dumaine is also a director of the Fore River Shipbuilding Co., which is on friendly terms with the Morgan group and affiliated with the United States Steel.

With a board of directors containing all these wise and experienced men that are on terms of friendship with our greatest captains of industry, our defenseless condition may be believed to be in safe hands and the activities of the Navy League to be unremitting.

Senator ASHURST is now trying to get a Government armor-plate factory established so that the Treasury may be spared further payment of such toll to the three armor-plate companies as appears in the startling table printed on a foregoing page. Speaking of patriotism, this would seem to be about as patriotic as anything going. Also, speaking of battleships, it would seem to be exceedingly pertinent since for the amounts gouged by the three companies the United States could build eight first-class vessels of this kind But, strange to say, Senator ASHURST'S project has received not one word of encouragement from that eminent champion of patriotism and battleships, the Navy League.

The patriotic Morgan group has been silent, the eagle eyes that perceive our defenseless condition have turned upon the Senator's project only the frigid stare of disapproval. Not a word of help comes from the watchtower, not an approving editorial from the fervent press.

For this amazing silence there may be reasons the world knows not of. Meantime we may at least fix our gaze upon the undeniable fact that since 1887 the United States Government has expended $83,000,000 for armor plate, of which at least one-half has been pure gouge. Which, to some minds, will be reason enough.

No; we have no Krupps in this country. That is perfectly true. And one may say that so long as our blessed groups retain their health and vigor we shall need none. Also we have no Liebknechts in Congress; but that we need none will probably appear far from certain to anyone that will read this plain story.

APPENDIX D.

TREASURY DEPARTMENT,
Washington, February 19, 1914.

Hon. HENRY F. ASHURST,
United States Senate.

DEAR SIR: I am in receipt of your communication of the 13th instant, requesting information as to the appropriations made for Army and Navy purposes, fortifications, pensions, etc., during the fiscal years 1899 to 1914, inclusive.

In reply thereto I inclose a statement covering your inquiries compiled from the records of the Treasury Department.

Very truly, yours,

C. S. HAMLIN, *Assistant Secretary.*

APPENDIX E.

Statement of appropriations made for Army purposes, fortifications, rivers and harbors, Navy purposes, and pensions, during the several sessions of Congress providing appropriations therefor, and covering the fiscal years 1899 to 1914, inclusive.

Fiscal year.	Military establishment proper.	Fortifications.	Other Army purposes.	Rivers and harbors.	Naval establishment.	Pensions.
1899	$241,515,830.02	$14,500,600.00	$8,941,860.55	$15,966,818.71	$107,341,537.03	$141,498,503.27
1900	82,781,409.54	4,852,502.00	8,978,478.10	25,278,737.41	51,076,682.34	145,233,830.00
1901	116,290,335.19	7,302,782.79	12,123,281.25	17,296,177.99	66,169,132.96	145,245,554.35
1902	118,476,605.69	7,242,944.00	9,937,623.95	8,428,256.42	84,649,732.22	145,260,350.00
1903	93,839,347.50	6,987,762.06	20,542,217.07	34,081,258.00	87,047,910.72	140,053,467.00
1904	83,038,651,63	7,067,473.22	19,792,573.43	21,611,474.29	87,480,239.85	139,931,325.00
1905	79,696,416.38	7,264,473.97	14,954,442.87	12,236,759.25	106,049,189.96	142,520,881.00
1906	73,576,742.99	6,648,952.97	13,156,269.26	28,105,473.31	118,027,675.42	142,750,307.00
1907	74,364,857.14	4,938,550.00	18,518,536.80	19,495,887.53	107,759,366.03	143,746,106.15
1908	86,820,759.04	6,824,045.79	17,594,101.59	45,271,661.24	100,281,294.87	147,143,063.00
1909	106,623,120.10	9,265,896.78	15,682,260.46	20,248,626.51	131,804,217.86	173,053,298.58
1910	111,862,968.53	8,095,211.00	17,699,750.29	31,478,959.32	141,924,215.87	160,908,587.00
1911	103,754,887.91	5,617,200.00	14,877,489.24	51,660,609.72	135,593,375.49	155,758,374.00
1912	99,648,840.29	5,473,707.00	11,748,030.10	33,604,404.89	131,809,215.27	156,186,584.00
1913	98,326,379.85	4,036,235.00	12,579,007.59	46,265,236.52	128,182,294.63	165,146,470.24
1914	103,320,019.75	5,218,250.00	11,264,450.39	53,632,396.89	145,993,751.89	195,400,279.00
Total	1,673,337,171.55	111,396,678.58	228,327,372.94	464,602,737.91	1,731,199,832.41	2,439,836,979.59

Grand total, $6,648,700,772.98.

APPENDIX F.

DEPARTMENT OF THE NAVY,
Washington, June 13, 1913.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your telephone inquiry of yesterday morning as to the amount of money expended by the Navy Department for armor plate, the following is a statement showing the amounts expended to date:

Since 1887, to Carnegie Steel Co., Pittsburgh, Pa	$30,844,153.56
Since 1887, to Bethlehem Steel Co., South Bethlehem, Pa	34,215,112.58
Since 1903, to Midvale Steel Co., Philadelphia, Pa	12,044,217.41
Total	77,103,483.55

Sincerely, yours,

JOSEPHUS DANIELS.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 60, line 7, after the word "authorized," to insert "to be available until expended," and in line 8, after the word "expended," to strike out "$36,656,734" and insert "$36,456,734," so as to make the clause read:

Total increase of the Navy heretofore and herein authorized, to be available until expended, $36,456,734.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. THORNTON. I now ask that the naval appropriation bill may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 264) authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations, and it was thereupon signed by the Presiding Officer as Acting President pro tempore of the Senate.

EXECUTIVE SESSION.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 28, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 27, 1914.

POSTMASTERS.

KENTUCKY.

Albert Doom, Kuttawa.
J. Ray Graham, Fulton.
John A. Hines, Wickliffe.
John G. Roberts, Bardwell.
George W. Snyder, Warsaw.

MASSACHUSETTS.

James H. Creedon, Middleboro.
John M. Hayes, North Abington.

PENNSYLVANIA.

Stanley Diopreski, Nanticoke.
Martin Klingler, Allentown.

VERMONT.

Ector P. Gobie, Woodstock.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 27, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou God and Father of us all, whose boundless love searcheth the hearts of Thy children and purgeth them from sin and iniquity, fill our hearts completely, that we may be free from guile, from self-seeking; that we may rise to the dignity Thou hast bestowed upon us, and work the works of righteousness; growing wise and strong and pure, that the peace that passeth understanding may be ours; in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

COLLECTOR OF CUSTOMS, OMAHA—CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. FITZGERALD, the Committee on Appropriations was discharged from the further consideration of the bill (H. R. 6867) to increase and fix the compensation of the collector of customs for the customs collection district of Omaha, and the same was referred to the Committee on Ways and Means.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary.

Mr. WINGO. Mr. Speaker, I move to dispense with the proceedings under Calendar Wednesday for to-day.

The SPEAKER. The gentleman from Arkansas moves that the House dispense with the proceedings under Calendar Wednesday for this day.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 7, noes 45.

Mr. WINGO. Mr. Speaker, I make the point of order that there is no quorum voting or present.

The SPEAKER. The gentleman makes the point of order that no quorum is present. Evidently there is not. The Doorkeeper will lock the doors, and the Clerk will call the roll.

Mr. GARDNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. If the motion of the gentleman prevails, what is the regular order?

The SPEAKER. The call of committees.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. If we dispense with Calendar Wednesday for the day, then the special rule under which the House is operating, which excludes everything except Calendar Wednesday, will be in force, will it not?

The SPEAKER. The Chair thinks not. It is some time since the Chair read that rule, but the Chair thinks it excepts Calendar Wednesday and everything connected with it. The Chair ruled that way last night as to adjournment. The Clerk will call the roll.

Mr. BRYAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. I understand that the carrying of the gentleman's motion would really give us the call of committees, which is the thing we have Calendar Wednesday for.

The SPEAKER. No; it would not give the Calendar Wednesday call, but the ordinary House call.

Mr. MANN. Mr. Speaker, I ask for the regular order.

Mr. WINGO. I withdraw the point of order.

Mr. MANN. It is too late to withdraw the point of order.

The SPEAKER. The Chair will look at the special order to see exactly what it provides——

Mr. MANN. That is a matter that will come up afterwards. I ask for the regular order.

The SPEAKER. The Clerk will call the roll. Those in favor of dispensing with Calendar Wednesday for to-day will answer "aye," those opposed "no."

The question was taken; and there were—yeas 13, nays 257, answered "present" 6, not voting 157, as follows:

YEAS—13.

Bathrick	Kindel	Talcott, N. Y.	Wingo
Burke, Wis.	Mapes	Taylor, Ark.	
Doolittle	Patton, Pa.	Thomas	
Hart	Stevens, N. H.	Underhill	

NAYS—257.

Abercrombie	Carr	French	Johnson, Utah
Adair	Cary	Gallagher	Keating
Adamson	Casey	Gard	Kelly, Pa.
Aiken	Chandler, N. Y.	Gardner	Kennedy, Iowa
Alexander	Church	Garner	Kennedy, R. I.
Allen	Cline	Garrett, Tex.	Kent
Anderson	Coady	Gerry	Key, Ohio
Ashbrook	Collier	Gillett	Kinkaid, Nebr.
Aswell	Connelly, Kans.	Gilmore	Kinkead, N. J.
Avis	Conry	Good	Kitchin
Bailey	Cooper	Goodwin, Ark.	Korbly
Baker	Cox	Gordon	Kreider
Baltz	Crosser	Graham, Ill.	La Follette
Barkley	Cullop	Graham, Pa.	Lazaro
Barnhart	Curry	Gray	Lee, Ga.
Bartlett	Danforth	Green, Iowa	Lee, Pa.
Barton	Davis	Greene, Mass.	Lesher
Beakes	Decker	Greene, Vt.	Lever
Beall, Tex.	Deitrick	Gregg	Lewis, Pa.
Bell, Cal.	Dent	Hamlin	Lieb
Blackmon	Dershem	Hammond	Lloyd
Booher	Dickinson	Hardy	Lobeck
Borchers	Dillon	Harris	Lonergan
Bowdle	Dixon	Harrison	McAndrews
Britten	Donohoe	Haugen	McClellan
Brockson	Donovan	Hawley	McDermott
Brodbeck	Doughton	Hay	McGillicuddy
Brown, N. Y.	Drukker	Hayden	MacDonald
Brown, W. Va.	Dupré	Hayes	Maguire, Nebr.
Browne, Wis.	Eagan	Heflin	Mitchell
Bryan	Eagle	Helgesen	Mondell
Buchanan, Ill.	Edmonds	Henry	Montague
Buchanan, Tex.	Esch	Hensley	Moon
Bulkley	Falconer	Hinds	Moore
Burgess	Fergusson	Hinebaugh	Morgan, La.
Burke, S. Dak.	Ferris	Holland	Morgan, Okla.
Burnett	Fess	Houston	Moss, W. Va.
Butler	Fitzgerald	Howard	Murdock
Byrnes, S. C.	FitzHenry	Howell	Murray, Okla.
Byrns, Tenn.	Foster	Hughes, Ga.	Neeley, Kans.
Candler, Miss.	Fowler	Hulings	Nolan, J. I.
Caraway	Francis	Humphrey, Wash.	Norton
Carew	Frear	Igoe	O'Brien
Oglesby	Reed	Stedman	Vaughan
Oldfield	Reilly, Wis.	Steenerson	Vollmer
O'Shaunessy	Roberts, Mass.	Stephens, Cal.	Volstead
Page, N. C.	Roberts, Nev.	Stephens, Tex.	Walker
Park	Rothermel	Stevens, Minn.	Walsh
Patten, N. Y.	Rubey	Stone	Walters
Payne	Rucker	Stout	Watkins
Peters, Mass.	Rupley	Stringer	Weaver
Peters, Me.	Russell	Sumners	Webb
Peterson	Sabath	Sutherland	Whaley
Phelan	Scott	Talbott, Md.	White
Plumley	Seldomridge	Tavenner	Williams
Post	Shackleford	Taylor, Colo.	Wilson, Fla.
Pou	Sherwood	Taylor, N. Y.	Winslow
Powers	Sims	Thacher	Witherspoon
Prouty	Sinnott	Thompson, Okla.	Woodruff
Quin	Sisson	Thomson, Ill.	Woods
Ragsdale	Small	Towner	Young, N. Dak.
Rainey	Smith, Idaho	Townsend	Young, Tex.
Raker	Smith, Md.	Treadway	
Rauch	Smith, Saml. W.	Tribble	
Rayburn	Stafford	Tuttle	

ANSWERED "PRESENT"—6.

Cantor	McKenzie	Mann	Metz
Guernsey	Madden		

NOT VOTING—157.

Ainey	Fairchild	Kelley, Mich.	Palmer
Ansberry	Falson	Kennedy, Conn.	Parker
Anthony	Farr	Kettner	Platt
Austin	Fields	Kiess, Pa.	Porter
Barchfeld	Finley	Kirkpatrick	Reilly, Conn.
Bartholdt	Flood, Va.	Knowland, J. R.	Riordan
Bell, Ga.	Floyd, Ark.	Konop	Rogers
Borland	Fordney	Lafferty	Rouse
Broussard	Gallivan	Langham	Saunders
Browning	Garrett, Tenn.	Langley	Scully
Bruckner	George	L'Engle	Sells
Brumbaugh	Gittins	Lenroot	Sharp
Burke, Pa.	Glass	Levy	Sherley
Calder	Godwin, N. C.	Lewis, Md.	Shreve
Callaway	Goeke	Lindbergh	Slayden
Campbell	Goldfogle	Liudquist	Slemp
Cantrill	Gorman	Linthicum	Sloan
Carlin	Goulden	Loft	Smith, J. M. C.
Carter	Griest	Logue	Smith, Minn.
Clancy	Griffin	McCoy	Smith, N. Y.
Clark, Fla.	Gudger	McGuire, Okla.	Smith, Tex.
Claypool	Hamill	McKellar	Sparkman
Connolly, Iowa	Hamilton, Mich.	McLaughlin	Stanley
Copley	Hamilton, N. Y.	Mahan	Stephens, Miss.
Covington	Hardwick	Maher	Stephehns, Nebr.
Cramton	Helm	Manahan	Switzer
Crisp	Helvering	Martin	Taggart
Dale	Hill	Merritt	Taylor, Ala.
Davenport	Hobson	Miller	Temple
Dies	Hoxworth	Morin	Ten Eyck
Difenderfer	Hughes, W. Va.	Morrison	Underwood
Dooling	Hull	Moss, Ind.	Vare
Doremus	Humphreys, Miss.	Mott	Wallin
Driscoll	Jacoway	Murray, Mass.	Watson
Dunn	Johnson, Ky.	Neely, W. Va.	Whitacre
Dyer	Johnson, S. C.	Nelson	Willis
Edwards	Johnson, Wash.	O'Hair	Wilson, N. Y.
Elder	Jones	O'Leary	
Estopinal	Kahn	Padgett	
Evans	Keister	Paige, Mass.	

So the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. UNDERWOOD with Mr. MANN.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. GLASS with Mr. SLEMP.

Mr. CALLAWAY with Mr. MERRITT.

Mr. GUDGER with Mr. GUERNSEY.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GARRETT of Tennessee with Mr. FORDNEY.

Mr. MCKENZIE with Mr. HELM.

Mr. REILLY of Connecticut with Mr. AUSTIN.

Mr. FIELDS with Mr. LANGLEY.

Mr. JOHNSON of Kentucky with Mr. MADDEN.

Mr. ROUSE with Mr. J. M. C. SMITH.

Mr. CANTRILL with Mr. SWITZER.

Mr. SMITH of Texas with Mr. BARCHFELD.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SPARKMAN with Mr. SLOAN.

Mr. SHERLEY with Mr. WILLIS.

Mr. WATSON with Mr. SMITH of Minnesota.

Mr. BELL of Georgia with Mr. AINEY.

Mr. BORLAND with Mr. BARTHOLDT.

Mr. CARLIN with Mr. ANTHONY.

Mr. CARTER with Mr. CALDER.

Mr. CLARK of Florida with Mr. CAMPBELL.

Mr. CLAYPOOL with Mr. CRAMTON.

Mr. COVINGTON with Mr. DUNN.

Mr. DAVENPORT with Mr. DYER.

Mr. DIES with Mr. GRIEST.

Mr. DIFENDERFER with Mr. FARR.
Mr. DOREMUS with Mr. HAMILTON of Michigan.
Mr. DRISCOLL with Mr. JOHNSON of Washington.
Mr. EDWARDS with Mr. KAHN.
Mr. ESTOPINAL with Mr. KEISTER.
Mr. FINLEY with Mr. KELLEY of Michigan.
Mr. FLOOD of Virginia with Mr. KIESS of Pennsylvania.
Mr. GEORGE with Mr. J. R. KNOWLAND.
Mr. GODWIN of North Carolina with Mr. LANGHAM.
Mr. GOEKE with Mr. LINDQUIST.
Mr. GOLDFOGLE with Mr. MCGUIRE of Oklahoma.
Mr. HARDWICK with Mr. MCLAUGHLIN.
Mr. HELVERING with Mr. MANAHAN.
Mr. HULL with Mr. MILLER.
Mr. HUMPHREYS of Mississippi with Mr. MONDELL.
Mr. JACOWAY with Mr. MORIN.
Mr. JOHNSON of South Carolina with Mr. NELSON.
Mr. L'ENGLE with Mr. MOTT.
Mr. LEVY with Mr. PAIGE of Massachusetts.
Mr. MCCOY with Mr. PARKER.
Mr. MCKELLAR with Mr. PLATT.
Mr. MORRISON with Mr. PORTER.
Mr. MURRAY of Massachusetts with Mr. ROGERS.
Mr. O'HAIR with Mr. SELLS.
Mr. PALMER with Mr. VARE.
Mr. PADGETT with Mr. SHREVE.
Mr. RIORDAN with Mr. TEMPLE.
For 10 days:
Mr. HILL with Mr. COPLEY.

Mr. MANN. Mr. Speaker, I voted "no," but I have a pair with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw that vote and to answer "present."

The result of the vote was then announced as above recorded.

The Doorkeeper was directed to open the doors.

The SPEAKER. The Chair wishes to state that in answer to the parliamentary inquiry by the gentleman from Arkansas [Mr. WINGO], and also the parliamentary inquiry of the gentleman from Washington [Mr. BRYAN], not having read the rule for some time, the Chair made an incorrect ruling as to what would happen if the affirmative of this vote had prevailed. Here is the language of the rule:

> The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday—

And so forth.

Of course, that question will not arise very often under that rule, although it may arise next Wednesday.

REVISION OF THE LAWS—JUDICIARY TITLE.

The SPEAKER. This is Calendar Wednesday. The unfinished business is H. R. 15578, and the House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Missouri [Mr. RUSSELL] in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary.

Mr. WATKINS. Mr. Chairman, on last Wednesday unanimous consent was given to return to sections 67, 68, and 69, for the purpose of making a motion to strike out the three sections and substitute three sections in lieu thereof. In making the entry the clerk inadvertently, on page 8905 of the RECORD, states that the amendment is offered to page 35, line 8, when it should be page 36, line 8. For the purpose of getting the RECORD straight and letting the membership of the House understand the situation I will move now, after having returned to these sections, to strike out those sections and substitute therefor the new sections. Section 67 will be found on page 8903 of the RECORD. Section 68 on page 8905 of the RECORD and section 69 on page 8906 of the RECORD. I ask that those three sections which are to be offered for the original sections be now read.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Are these amendments offered and to be considered separately, or all together?

Mr. WATKINS. Upon the suggestion of the gentleman from Illinois I have offered them all together, because they are all on the same subject matter.

Mr. MANN. I have no objection, but the gentleman must have unanimous consent to have them considered together.

Mr. WATKINS. I do not think that is necessary, because I asked unanimous consent last Wednesday, and it was granted.

Mr. MANN. The request of last Wednesday was that the gentleman might offer the amendments and have them pending.

Mr. WATKINS. There was no objection last Wednesday, although there may be to-day.

Mr. MANN. I do not care how they are considered, but I make this parliamentary inquiry of the Chair: Are these offered as one amendment or three separate and distinct amendments?

The CHAIRMAN. The Chair understands that they are offered by unanimous consent as one amendment.

Mr. MANN. The Chair considers it as one amendment.

The CHAIRMAN. Yes; by unanimous consent. The Clerk will read the amendments.

The Clerk read as follows:

Page 35, line 23, strike out the section and insert in lieu thereof the following:

"SEC. 67. That all fees and emoluments authorized by law to be paid to clerks of United States district courts shall be charged as heretofore, and shall be collected by said clerks and covered into the Treasury of the United States; that it shall be the duty of all clerks of United States district courts to require payment in advance for services to be rendered by them otherwise than for the United States, except where the person requiring the services is relieved by law from prepayment of fees and costs; and that, subject to this limitation, the clerk shall account quarterly for all fees and emoluments earned within the quarter last preceding such accounting, and for all fees and emoluments received within the quarter which had been earned prior thereto: *Provided*, That the portion of the fees which the naturalization law allows clerks of the United States district courts to retain shall be accounted for to the United States, and be included in the quarterly accounting for naturalization fees required by law to be made, except that upon the approval of the Secretary of Labor a clerk of any United States court collecting naturalization fees in excess of $6,000 in the fiscal year 1914, or in any fiscal year thereafter, may retain so much of $3,000 of naturalization fees in the following fiscal year as may be necessary to pay for the clerical assistants, for naturalization purposes only, which clerks of courts are required to employ by section 13 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596); and said clerks shall be paid for their official services salaries and compensation hereinafter provided, and not otherwise: *Provided further*, That this section shall not be construed to require or authorize fees to be charged against or collected from the United States, except in case of mileage allowance and per diem compensation when clerks are attending court at places other than their official residence, as provided in section 66 of this act."

Page 36, line 8, strike out the section, and insert in lieu thereof the following:

"SEC. 68. That the clerk of the United States district court for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per cents, and other compensations now allowed by law, an annual salary, as follows:

"For the northern district of the State of Alabama, $4,500.
"For the southern district of the State of Alabama, $3,500.
"For the middle district of the State of Alabama, $3,500.
"For the district of the State of Arizona, $3,000.
"For the eastern district of the State of Arkansas, $4,000.
"For the western district of the State of Arkansas, $3,000.
"For the northern district of the State of California, $4,500.
"For the southern district of the State of California, $4,500.
"For the district of the State of Colorado, $4,500.
"For the district of the State of Connecticut, $3,000.
"For the district of the State of Delaware, $2,500.
"For the northern district of the State of Florida, $3,000.
"For the southern district of the State of Florida, $4,000.
"For the northern district of the State of Georgia, $4,500.
"For the southern district of the State of Georgia, $4,000.
"For the district of the State of Idaho, $3,000.
"For the northern district of the State of Illinois, $4,500.
"For the southern district of the State of Illinois, $4,000.
"For the eastern district of the State of Illinois, $4,000.
"For the district of the State of Indiana, $4,500.
"For the northern district of the State of Iowa, $3,000.
"For the southern district of the State of Iowa, $4,500.
"For the district of the State of Kansas, $4,500.
"For the eastern district of the State of Kentucky, $4,500.
"For the western district of the State of Kentucky, $4,500.
"For the eastern district of the State of Louisiana, $4,500.
"For the western district of the State of Louisiana, $4,000.
"For the district of the State of Maine, $4,500.
"For the district of the State of Maryland, $3,500.
"For the district of the State of Massachusetts, $4,500.
"For the eastern district of the State of Michigan, $3,500.
"For the western district of the State of Michigan, $3,500.
"For the district of the State of Minnesota, $4,500.
"For the northern district of the State of Mississippi, $3,500.
"For the southern district of the State of Mississippi, $4,000.
"For the eastern district of the State of Missouri, $4,500.
"For the western district of the State of Missouri, $4,500.
"For the district of the State of Montana, $3,500.
"For the district of the State of Nebraska, $4,500.
"For the district of the State of Nevada, $2,500.
"For the district of the State of New Hampshire, $2,500.
"For the district of the State of New Jersey, $4,500.
"For the district of the State of New Mexico, $3,000.
"For the northern district of the State of New York, $4,500.
"For the southern district of the State of New York, $4,500.
"For the eastern district of the State of New York, $4,500.
"For the western district of the State of New York, $4,500.
"For the eastern district of the State of North Carolina, $3,500.
"For the western district of the State of North Carolina, $4,500.
"For the district of the State of North Dakota, $3,000.
"For the northern district of the State of Ohio, $4,500.
"For the southern district of the State of Ohio, $4,500.
"For the eastern district of the State of Oklahoma, $3,500.
"For the western district of the State of Oklahoma, $4,000.
"For the district of the State of Oregon, $4,500.
"For the eastern district of the State of Pennsylvania, $4,500.
"For the middle district of the State of Pennsylvania, $4,000.
"For the western district of the State of Pennsylvania, $4,500.
"For the district of the State of Rhode Island, $2,500.
"For the district of the State of South Carolina, $4,000.
"For the district of the State of South Dakota, $4,000.
"For the eastern district of the State of Tennessee, $3,500.
"For the middle district of the State of Tennessee, $3,500.

"For the western district of the State of Tennessee, $3,500.
"For the northern district of the State of Texas, $4,000.
"For the southern district of the State of Texas, $3,500.
"For the eastern district of the State of Texas, $3,500.
"For the western district of the State of Texas, $3,500.
"For the district of the State of Utah, $3,000.
"For the district of the State of Vermont, $2,500.
"For the eastern district of the State of Virginia, $4,500.
"For the western district of the State of Virginia, $4,500.
"For the eastern district of the State of Washington, $3,000.
"For the western district of the State of Washington, $4,500.
"For the northern district of the State of West Virginia, $4,500.
"For the southern district of the State of West Virginia, $4,500.
"For the eastern district of the State of Wisconsin, $3,500.
"For the western district of the State of Wisconsin, $3,500.
"For the district of the State of Wyoming, $3,000."

Page 36, line 12, strike out the section and insert in lieu thereof the following:

"SEC. 69. That the necessary office expenses of the clerks of the United States district courts shall be allowed when authorized by the Attorney General. And when in the opinion of the Attorney General the public interest requires it, he may, on the recommendation of the clerk, which recommendation shall state the facts as distinguished from conclusions showing necessity for the same, allow the clerk to employ necessary deputies and clerical assistants, upon salaries to be fixed by the Attorney General from time to time and paid as hereinafter provided. When any such deputy or clerical assistant is necessarily absent from the place of his regular employment on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day. And he shall make and render accounts thereof quarterly, in accordance with such rules and regulations as may be prescribed by the Attorney General, and shall be verified on oath before any officer authorized to administer oaths: *Provided*, That said accounts for expenses shall have attached thereto the certificate of the clerk that the expenses charged were incurred by the deputy or clerical assistant when necessarily absent from the place of his regular employment on official business. The expense accounts of the deputies or clerical assistants, when made out and certified in accordance with this act, shall be paid by the marshal, who shall make such return thereof as may be prescribed by the Attorney General."

Mr. WATKINS. Mr. Chairman, this bill as originally presented provided for a uniform salary of $5,000 for all clerks, but there was an amendment offered to the first of these sections by the gentleman from Iowa, which amendment incorporated the facts expressed in the bill which had been reported favorably from the Committee on the Judiciary. As the Judiciary Committee had had lengthy hearings and was supposed to have carefully investigated the question, and as reports had been received from the Department of Justice as well as from the Department of Commerce and Labor and also from the Department of Labor in reference to the matter, I was persuaded, after a thorough investigation of the question myself, to offer these three several amendments. This proposition as to clerks' salary is in lieu of the former law which fixed the salary at $3,500. After the abolition of the circuit courts the fees of the clerks of the district courts ought to be more than they were prior to that, and these provisions are for the purpose of, as far as possible, putting the salary on an equitable basis. The fees enumerated in the various sections of this statute go into the United States Treasury, and the salaries fixed for the various clerks of the United States seem to be in conformity with the facts as detailed in the hearings before the Judiciary Committee. That is the explanation I have to make with reference to these salaries which are stated here in the various districts.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. WATKINS. I will.

Mr. STEPHENS of Texas. I desire to state that the proposed salary in the western district of Texas is $3,500, while in the northern district of Texas it is $4,000. I would like to know why there is this difference. I believe the salaries throughout the bill run from $3,500 up.

Mr. WATKINS. Two thousand five hundred dollars to four thousand five hundred dollars.

Mr. STEPHENS of Texas. What was the method by which the committee arrived at the amount that the clerks should receive in the different districts of the United States?

Mr. WATKINS. If the gentleman will examine the report of the Judiciary Committee on the bill which formed the basis of the amendment introduced by the gentleman from Iowa, he will see that under the hearings on that bill was shown the difference between the fees which were received in the northern districts and the southern districts or in the eastern and western districts of the various States.

Mr. STEPHENS of Texas. Mr. Chairman, I will state to the gentleman that I formerly represented El Paso, and that there is a great deal of work there on Chinese, Japanese, and Mexican immigrants coming into this country.

Mr. WATKINS. They are allowed for that work extra compensation of $3,000, if they earn that much to pay for the clerical work of that character.

Mr. STEPHENS of Texas. That was the reason I asked that question. I know that these clerks were very insistent on having some additional pay for this additional work that was forced upon them. The northern district of Texas has none of that work.

Mr. WATKINS. If he takes in $6,000 in work of that kind, he gets $3,000 extra. Understand, that does not go directly to the clerk, but it goes to pay his clerical help.

Mr. STEPHENS of Texas. I understand.

Mr. MOORE. Mr. Chairman, I would like to inquire of the gentleman from Louisiana whether these amendments will have the effect of abolishing the fee system, so far as personal compensation to the clerks is concerned?

Mr. WATKINS. It does not abolish the fee system at all.

Mr. MOORE. I mean the clerk's compensation.

Mr. WATKINS. Yes; the clerk himself does not receive the fees of the office. He charges them up, and they are paid into the Treasury, and he receives his salary in lieu of the fees.

Mr. MOORE. Then, there are to be no fees hereafter for the personal use of the clerk?

Mr. WATKINS. No; except in naturalization cases; and then if he takes in $6,000 in naturalization fees he gets $3,000 for clerical help in connection with that work.

Mr. MOORE. That simply means that he would be paid out of the naturalization fees to the extent of $3,000 a year if the fees amount to $6,000 a year?

Mr. WATKINS. Yes.

Mr. STAFFORD. Mr. Chairman, if I may be permitted, I would like to ask the gentleman from Pennsylvania while on his feet a question. Will the gentleman from Pennsylvania please inform the House why the common pleas courts in his own city and in the city of Pittsburgh absolutely refuse to perform naturalization service in qualifying aliens for citizenship?

Mr. MOORE. I know that to a certain extent they do refuse to do that.

Mr. STAFFORD. I am informed authoritatively that they absolutely refuse to take jurisdiction in any case and throw the entire work on the Federal courts.

Mr. MOORE. The common pleas courts do because they do not consider it their business; they have plenty to do and regard naturalization as the business of the Federal courts.

Mr. STAFFORD. They have concurrent jurisdiction under the naturalization act to naturalize citizens.

Mr. MOORE. I can only say that they regard it as business of which they should not take cognizance and that to a certain extent it has resulted in clogging the business in the Federal courts.

Mr. TRIBBLE. Mr. Chairman, if the gentleman from Pennsylvania will permit, I think I can offer an explanation. I had a good deal of experience in regard to the superior courts of my State. The department here refuses to send out the necessary books to the courts, and there is a provision in the law that they must have——

Mr. STAFFORD. Oh, I know that so far as my State is concerned the department does not refuse to send them out. They are as considerate of the State courts as they are of the Federal courts.

Mr. TRIBBLE. It is a great convenience to allow the State courts to do it, but they now require the district courts to perform that service.

Mr. MOORE. Mr. Chairman, I will say for the courts of Philadelphia—and I am not a lawyer and constantly in the courts as is the gentleman from Wisconsin when he is at home—they have an abundance of work that arises in the usual way, legal work which must be attended to, and they are far behind on that. There is a constant demand on the part of litigants for early determination of cases, and the naturalization business is very large. They simply feel that it is not their province and they do not worry themselves with it.

I wanted to ask the gentleman from Louisiana another question. The clerks are still bonded, of course?

Mr. WATKINS. Oh, yes.

Mr. MOORE. What money actually passes through their hands?

Mr. WATKINS. They are expected to collect these fees and to turn them over into the Treasury.

Mr. MOORE. Until these amendments were presented, there were some perquisites, were there not, that the clerks were entitled to?

Mr. WATKINS. Yes; in certain cases they received one-half of the amount of the fees. There was a maximum fixed.

Mr. MOORE. I have knowledge of one suit which involved the right of the clerk to retain certain fees, and that suit went through the Court of Claims. It arose in the State of Massachusetts.

Mr. WATKINS. I suppose that perhaps the gentleman is referring to the special law which was enacted giving them a part of the naturalization fees also, and now they are being

placed on a salary basis, and they are allowed that up to the extent of $3,000 for clerical help.

Mr. MOORE. This Massachusetts case involved the enforcement by the Government of a bond given by the clerk, and I believe that case has not yet been determined. I would like to know just how these amendments will relieve the clerk of a court from keeping in his own possession or being personally responsible for fees that may or may not have been earned.

Suppose a lawyer in Pittsburgh asks for a transcript of a decision rendered by the court in the eastern district of Pennsylvania. Do I understand this amendment now provides that the lawyer in Pittsburgh must advance the money to the clerk in Philadelphia?

Mr. WATKINS. Unless the clerk is willing to take the responsibility of trusting him; and if he does, he will have to account for the amount.

Mr. MOORE. Well, I have in mind a case where the clerk involved himself by being accommodating; he is not now the clerk——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Mr. Chairman, I ask for three minutes more to pursue this inquiry.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Is there any way by which the clerk could be relieved of giving credit to some one he knew and respected, but who might not finally make good?

Mr. WATKINS. I think the very fact that he has respected him would cause him to trust him, and in that way he would become involved, if the man whom he trusted proved unworthy of his trust, and there is no way to relieve the responsibility of his failing to make collections.

Mr. MOORE. The Solicitor of the Treasury Department has recently settled a case in which he held the bondsmen for a clerk who trusted certain people for transcripts, and so forth, involving the payment of fees.

Mr. WATKINS. That would be entirely too uncertain a way of doing business. The law requires him to make the collection in advance.

Mr. MOORE. I grant it is an uncertain way of doing business and reprehensible; but the point I desire to know is whether the amendment, which was rather long, corrects that abuse?

Mr. WATKINS. Yes; it corrects it in this way, that it requires him to make collection in advance and requires an accounting for the fees earned.

Mr. MOORE. We are to have the payment in advance.

Mr. WATKINS. The principle is not new, but the language is a little different. The principle has been the same all the time.

Mr. MOORE. Does the gentleman think the amendment will reach and improve that condition?

Mr. WATKINS. Not in that particular respect—I do not think it would.

Mr. MOORE. Then the practice will be left very largely to the judgment and integrity of the clerk.

Mr. WATKINS. I do not think so at all; I think it absolutely requires him to make collections and account for them.

Mr. MOORE. I would think it better if he had no discretion in the matter at all——

Mr. WATKINS. He has none at all.

Mr. MOORE. I am satisfied to call the attention of the gentleman to at least two cases of which I have knowledge where the question arose, in one of which the good nature of the clerk in trusting those who ordered documents from him subsequently involved him.

Mr. POWERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD.

Mr. BARTLETT. Upon this amendment, upon this bill?

The CHAIRMAN. The gentleman from Georgia inquires upon what subject.

Mr. BARTLETT. Upon this bill?

Mr. POWERS. I want to say something about this bill and something about other matters.

Mr. BARTLETT. Generally, I have no objection to such requests, but it seems to me that the ordinary procedure is for gentlemen to state upon what subject they desire to extend their remarks.

The CHAIRMAN. Does the gentleman from Georgia object?

Mr. MOORE. I want to ask the gentleman from Georgia if the gentleman from Kentucky states that he will put what he desires to extend in the back of the RECORD, would the gentleman object?

Mr. BARTLETT. It is very rare I make any suggestion at all about extension of remarks, but I think the request is somewhat irregular, and the House ought to be informed upon what subject the gentleman desires to extend his remarks.

Mr. MOORE. I understand the gentleman from Kentucky desires to put in the back of the RECORD what he desires to insert, so as not to burden this proceeding at all.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. TOWNER. Mr. Chairman, the provisions of this bill were to fix and limit the clerk's salary at $5,000 and allow the fee system to be continued. On the calendar of the House, however, there was a bill reported from the Judiciary Committee, unanimously reported favorably, to take the clerks of the United States courts out from the fee system entirely, as had already been taken the United States marshals and United States district attorneys, and put them upon a graduated salary. I think that meets with practically the unanimous approval of the bar. It has been several times approved by the American Bar Association. It meets with the approval of all jurists, because the fee system as an adjunct or part of the judiciary system is universally considered to be wrong. Now, for that purpose I introduced an amendment to this bill, which is in substance that Clayton bill, and which is now pending.

This amendment has the approval of the chairman of the committee, who now makes it in effect a committee amendment. There is no question, I think, but what this system will approve itself to the people if adopted, as I hope it will be. The showing made in the testimony before the committee is that the amount of fees now received in United States courts amounted in the year 1911 to $1,123,790. The total amount of clerks' salaries, as fixed in this amendment, will be $337,000. The total amount paid the deputies and other assistants in the clerks' offices will amount to $447,000, a total of cost in the clerks' offices of $784,000.

This will leave a surplus, Mr. Chairman, of fees received in the clerks' offices every year of $339,790 that will be conveyed into the Treasury of the United States under the system which we are now asked to adopt by this amendment. It is stated in the testimony by those experts of the Attorney General's office who made the examination that the amount received from fees under the fee system as we now have it will very soon pay all the costs of the United States court, even including the salaries of the United States district judges.

The salaries as fixed in this schedule extend from $2,500 to $4,500. The basis on which these salaries have been so fixed was given by the committee as follows. They took into consideration:

1. The number of places of holding court and the number of offices maintained by each clerk. There are 391 separate offices in the several districts in charge of clerks. The marshals and district attorneys maintain one office in each district of the United States, or 79 in all.
2. The volume of business in each district, both civil and criminal, as shown by the official reports of the Attorney General.
3. The salaries now paid to United States attorneys and marshals in the several districts.
4. The net amount each clerk has been paid for his services annually under the fee system.
5. The population, progress, and development of the several districts and their future possibilities.
6. The fact that many clerks are lawyers and under section 273 of the judicial code are prohibited from practicing in the courts.
7. The revenue-producing qualities of the several districts. The reports of the Attorney General show that the clerks will collect and pay into the Treasury of the United States annually, after deducting the total amount to be paid in salaries under this bill, the sum of $415,346.16, which is an average based upon the receipts for the past three years and increasing steadily. This amount represents the collections exclusively from individuals and corporations and the United States will receive the services of the clerks gratis.
8. The various duties of the clerks and the economy incident to capable executive ability in the clerk's office.

Under this basis the salaries of the clerks have been fixed. Of course, I recognize the fact that there will be objections made in individual cases, and these may be taken care of by amendments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. And these changes may be made either here by amendment or in the Senate when the bill shall be considered there. The great advantage of this bill is that it does away with the fee system. I need not say to Members of the House that that is a great advantage from every possible stand-

point. The clerks themselves will certainly approve of the salary system, because the former system has involved them in very many embarrassments. There have been pending in the United States courts suits brought by the Attorney General against clerks on their bonds for fees which he has claimed have been illegally collected, but which the clerks claimed was theirs by right. Under the old system, where they have both the United States circuit and the United States district courts, the maximum allowed to the clerks from the fees collected was $7,000 a year, and the amount paid for the salaries of the clerks was much larger than it will be under the new system when the maximum salary is $4,500. The salary system will be much more satisfactory, and while these salaries are not large, it is supposed that under the circumstances it will be fair and reasonable remuneration for the service which is rendered.

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. TOWNER. I yield to the gentleman from Pennsylvania.

Mr. MOORE. The fees will be charged for services performed by the clerk, as usual?

Mr. TOWNER. The fees will be all charged and conveyed into the Treasury of the United States.

Mr. MOORE. And the clerk will have personal control of those fees until they are delivered to the United States Treasury?

Mr. TOWNER. Certainly.

Mr. MOORE. And there will be just that little element of risk as between those who pay the fees and the Treasury? That is to say, they will be in the personal custody of the clerk for a time?

Mr. TOWNER. Yes; or of his deputies, principally.

Mr. MOORE. He will collect them, but he is directed under the amendment, as I understand, if it should pass, to immediately turn those fees into the Treasury?

Mr. TOWNER. Well, they are all accounted for under the rules which the Attorney General has prescribed, and, of course are turned into the Treasury of the United States; I can not say immediately, but under the rules which the Attorney General prescribed.

Mr. MOORE. Does not the gentleman think it would be well to have a time limit?

Mr. TOWNER. I think not, for the reason that there is so much variation in conditions, and for the reason that the same time limit on a clerk of a court in California or in the State of Washington and one who is compelled to account for fees in the city of Washington certainly would not be within reason.

Mr. MOORE. The fees in the city of Philadelphia—I am speaking of the city government—are collected during the day and turned into the treasury at the close of business of that day.

Mr. TOWNER. They are all subject to the regulations that the Attorney General will prescribe in these cases, and, of course, they will be reasonable and applicable to each particular locality and court.

Mr. MOORE. Yes; but there is no longer any personal interest of the clerk in the fees collected.

Mr. TOWNER. The intention of the amendment is to prevent that.

Mr. MOORE. I would like to see the amendment provide that at the expiration of a week or a month all fees should be turned in. I think perhaps a month would be a reasonable period. Perhaps the law ought to fix that.

Mr. STAFFORD. If my colleague will permit, as the gentleman is aware, the amendment provides for the accounting every quarter for all fees that are collected during that quarter.

Mr. MOORE. Well, I have known of instances where fees have been put in a bank or trust company that has dissolved, thus involving the clerk.

Mr. STAFFORD. The risk will be upon the clerk to select his own depository.

Mr. MOORE. The responsibility is on the clerk, because he has given a bond to protect this fund which is in his hands.

Mr. MANN. He will still have to deposit in a national depository.

Mr. MOORE. I know; but I happen to have knowledge of several cases where funds are being made good under bonds by reason of the fact that there was discretion left to the clerk in holding over these moneys. The clerk, as well as the Government, ought to be relieved, so far as possible, from the risk of loss due to the holding of these fees for any great length of time. I am not saying that any clerk would do this. No self-respecting clerk, of course, would. But there have been instances where that has been done, and if the law compelled a clerk—and the clerks will be satisfied with this, I am sure—to turn that money over within a given period the temptation to misuse it or to lose it would be gone.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more. I want to ask some questions of my colleague.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent that his colleague [Mr. TOWNER] proceed for five minutes more. Is there objection?

There was no objection.

Mr. HAUGEN. Do I understand you to say you approve the salaries that are fixed here by this report?

Mr. TOWNER. I would not say as to any individual salary.

Mr. HAUGEN. I wish to call the gentleman's attention to page 21 of the report. I find that in the northern district of Iowa there are 345 cases pending, while in the southern district there are only 332 cases, and the salary for the clerk of the northern district is $3,000, while the salary of the clerk in the southern district is $4,500. I am thoroughly in accord with the idea of fixing salaries instead of fees, but I would like to see a better adjustment of salaries.

Mr. TOWNER. I will say to the gentleman, as I said a little while ago, that these salaries are subject to revision in any individual instance. In this case, as I understand it, a change has been made since the original fixing of salaries in this bill by the Clayton bill.

Mr. HAUGEN. In the northern district the salary is $3,000, while in the southern district it is $4,500.

Mr. TOWNER. The northern district of Iowa is now extended so that it has more work to do than before.

Mr. HAUGEN. This county has been transferred from the southern district to the northern district, so that the northern district has more work.

Mr. TOWNER. I am not sure but that the gentleman is right about that.

Mr. MANN. Mr. Chairman, at the beginning of the last Congress the Committee on the Judiciary was elected, with the distinguished gentleman from Alabama, Mr. Clayton, as chairman. He has recently been appointed and has assumed the duties of office as Federal judge in Alabama, and I beg to say, as an introduction to what I wish to say about this proposition, that in my experience in this House I think the Committee on the Judiciary never had a better chairman than Mr. Clayton. [Applause.]

Personally I appreciate the fact that in a new country it is often necessary to pay upon a fee system, where the business is sporadic or spasmodic, and no one can tell what the salary ought to be. But as time goes on and the country becomes more thickly settled and business becomes more steady in offices I think the fee system ought to be abolished wherever it can be and a salary system put in its place.

There was some bill introduced in the last Congress which was referred to the Committee on the Judiciary—I do not recall now just what it was or whether it was reported—but at any rate it led to a conference or conversation between the chairman of that committee, Mr. Clayton, and myself, and I urged—and the urging was not necessary—that he proceed with a bill which would put the United States clerks of district courts upon a salary basis instead of upon a fee system. There was a bill reported from his committee—or possibly not reported; I am not sure; if not, he introduced such a bill—leaving the salaries without any amounts in them, and afterwards, or maybe before, he took the matter up with the Attorney General's office and obtained a large amount of information and fixed a schedule of salaries in a bill which was reported to the House in the last Congress.

I assured Mr. Clayton at that time that I would do everything within my power to help him pass through the House a bill which would adopt the salary system instead of the fee system in these clerks' offices and that I thought the minority side of the House would all practically stand together upon that proposition. It would seem that everybody was in favor of it, and the bill has been introduced and reported by Mr. Clayton in this House.

I hope that we may some day reach that bill and pass it. But meanwhile I am very glad indeed that the gentleman from Iowa [Mr. TOWNER] called the attention of the House to the matter in this bill, and that the distinguished chairman of the Committee on the Revision of the Laws, who has charge of the pending bill under consideration, has agreed to the proposition and offered an amendment covering the salary system. I think it is a distinct step in advance wherever we can abolish the

payment of officials upon a fee basis and put them upon a salary basis. There may be some controversy as to the amounts of salary to be paid to these clerks. I think the bill in the last Congress was sent to every clerk in the United States, and so far as I know there was no general objection to it. There may have been one or two cases or more where clerks thought they ought to have higher salaries. I suppose it is inevitable that some clerk would like to have his salary raised as high as the salary of some other clerk. We do not pay very high salaries at the best. So I congratulate the gentleman from Louisiana [Mr. WATKINS] on doing what he has done, and I have made these remarks because I thought the gentleman from Alabama, Mr. Clayton, was entitled to receive credit for this reform, which is a distinct and valuable reform.

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, after section 68: After the words "clerk for the northern district of the State of Iowa," strike out "$3,000" and insert "$3,500."

Mr. SCOTT. Mr. Chairman, the effect of this amendment would be to raise the salary of the clerk of the northern district of Iowa from $3,000, as embodied in the committee amendment, to $3,500.

The reason I have for offering this amendment is that in the northern district of Iowa the business is growing very rapidly. The northern half of the State is the new half of the State, and while a considerable discrepancy between the two districts years ago would have been equitable, it no longer is so.

Again, one quite populous county has recently been transferred from the southern to the northern district, which includes one of the small cities in the State, which also lessens the work in the southern district and increases it in the northern district.

The salary of the clerk of the northern district as it stands now in my amendment, at $3,500, when compared with the amount of busines done, would still be below the number of other districts in the country, notably in Tennessee and Mississippi and Wisconsin, where the business is much less, but where the compensation in the committee bill is more. I have only asked for an increase of $500, raising the salary to $3,500. I really feel that it ought to be at least $4,000, because it undoubtedly will be entitled to that increase within the next two or three years.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. SCOTT. Yes.

Mr. CULLOP. What does the clerk of your State get per annum, in the same county where the district court is held?

Mr. SCOTT. Oh, he gets more than that amount.

Mr. CULLOP. How is he paid—by fees or salary?

Mr. SCOTT. Fees and a limited salary. Fees up to a limit.

Mr. CULLOP. What is the limit?

Mr. SCOTT. I think it is $4,500 in the county.

Mr. CULLOP. Is there not more than twice the amount of business done in that district court than there is in the United States court held in the same county?

Mr. SCOTT. But we have four different divisions in my district.

Mr. CULLOP. Yes; but is there not a deputy at each one of the other points where court is held, and does not that deputy transact the business of the clerk at that point?

Mr. SCOTT. Oh, that is true all over the whole country.

Mr. CULLOP. Then it does not cause the clerk any additional labor to have different places where the court is held?

Mr. SCOTT. Oh, yes; he must attend all the sessions of the court in all the four divisions, and must supervise them all and be responsible for them all.

But I am basing my amendment entirely upon the matter of comparison of that district with the southern district and with the other districts of the country. As the bill is offered it is out of proportion when you come to compare the amount of business that has been done in the past, when you contemplate the business of the future, and, further, in view of this transfer of territory recently from the southern to the northern district.

Mr. COX. Mr. Chairman, I want to heartily indorse the amendment. I do not know anything about the details of it, but I wish to indorse the policy of it. In my judgment, the States are away ahead of the Federal Government in abandoning the old fee system. For years and years the fee system was an eyesore in my State. It was abused practically by every man who was elected to an office, regardless of politics, until some 20 years ago such an outcry was raised against it that both parties agreed to revise it, and to put all officers upon a straight salary basis.

While it is outside of the subject which we are discussing, I want to take this opportunity to call the attention of the committee to a piece of constructive work done by Mr. Taft that is probably overlooked, and yet I regard it as a piece of real, genuine constructive work. That was the reorganization of the customs districts in the United States. If I remember correctly, the proof before my committee disclosed that there were 37 different ways of paying collectors of customs in the United States—some on the fee system, some on the commission system, and some on the salary system, and I do not know what not. We began an investigation of that matter, and had the earnest, loyal support of Mr. MacVeagh and of Mr. Curtis. In my candid judgment, that entire work was due to the courage and brain power of Mr. Curtis, then Assistant Secretary of the Treasury of the United States. If I remember correctly, the reorganization as finally put through reduced the collection districts from 149 to something like 47. But an amusing fact to me was this: I had the earnest, loyal support of my committee while we were working on it, but after the election of 1912, when it was perfectly apparent that if the reorganization went through there would be something like 100 jobs abolished that were paying good salaries, many of them absolute sinecures, many of them paying $3,000 a year where they did not take in one dollar's worth of revenue, and in addition to the salary of $3,000 paid to the collector they carried a clerkship or two—immediately before Mr. Taft's term of office expired a fight began to keep him from issuing his Executive order carrying out the directions contained in the sundry civil bill of 1912. From almost every conceivable point of the compass and from every conceivable angle pressure was brought to bear on the President to get him to refuse to issue his Executive order. Under the law, he had to get it to Congress by the 4th of March, 1913.

I desire to state that in that work I had the earnest, loyal, active support of Mr. Hill, of Connecticut. I recollect we had two public hearings at the White House on the subject. At both those hearings Mr. Hill and myself appeared. But the real trouble came in the abolition of the jobs and useless positions; and be it said to Mr. Taft's everlasting credit that on the morning of March 4, 1913, his order reached the House. Now, his rearrangement of the customs districts may not have been perfect. There was some criticism of it, and naturally in the reorganization of such a tremendous piece of political machinery as that every joint could not possibly be shaped and fashioned to fit exactly as it ought to fit. There were some of the most notoriously outrageous things connected with that service that I ever dreamed of in my life. I recollect that at some of those frontier ports on the Canadian border the collectors got from $15,000 to $20,000 a year out of the fee system, selling manifests, and so on. I received a great many letters from that section of the country appealing to me to stand back and out from under the reorganization, and not insist upon the President putting it into force. But through the Executive order issued by President Taft that condition of affairs up there was cleaned up. Everything is upon a fair, square, salary basis, and every collector in the United States is upon a fair, square salary. There were two ports in my State, and there was no use on earth for both. One of them was at Evansville, Ind., where the collector drew a salary of $4,500 a year, the other was at Indianapolis. It was but right and natural that one of those ports should be abolished and make a subport of Indianapolis, which was done. I want simply to take this opportunity of saying that as to this fee system many of the States are far in advance of the Federal Government, and I shall rejoice to see the day come when every man working for the Federal Government will have a fixed and determined salary, knowing just exactly what he is to get when he is either elected or appointed to the position, and I hope the amendment offered by the gentleman from Iowa [Mr. SCOTT] will carry, provided the amount is right and not too high.

Mr. WATKINS rose.

Mr. HOWELL. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. WATKINS] desire recognition?

Mr. WATKINS. I want to understand the parliamentary status.

Mr. MANN. There is an amendment pending.

Mr. WATKINS. Yes; there is an amendment pending; but the question in my mind is whether an amendment in the third degree is in order now. I do not desire to be unreasonable——

The CHAIRMAN. There is an amendment pending offered by the gentleman from Louisiana [Mr. WATKINS]. Now there

is an amendment to that amendment, and those are the only amendments pending, as the Chair understands.

Mr. WATKINS. I thought the gentleman from Utah offered an amendment.

Mr. MANN. He is withholding his amendment. He is waiting.

Mr. WATKINS. If the gentleman from Utah is going to wait, I will speak to the pending amendment.

The CHAIRMAN. Of course no further amendment to the amendment would be in order at this time.

Mr. WATKINS. Mr. Chairman, I wish to state that as far as we can possibly do so I would like to stand by the report of the Judiciary Committee, on account of the very careful research which they have made in the hearings had before that committee as the basis of the report which they made on the bill pending to fix the salaries of the clerks throughout the country. I am sure that nearly every clerk will have some little suggestion here and there which he would like to have incorporated as an amendment to the bill, believing that he is not placed exactly on an equality with other clerks. But if we balance it up, taking the average, we will find, as shown by the report of the committee, that as a rule they are placed nearly on an equal level, on a basis of equality so far as it is practicable to put them there.

Mr. MANN. Will the gentleman yield for a question?

Mr. WATKINS. Certainly.

Mr. MANN. This amendment as now offered is the bill reported in this House in this Congress?

Mr. WATKINS. Yes.

Mr. MANN. I notice that there are a number of discrepancies between the bill as reported in this Congress and the bill reported in the last Congress.

Mr. WATKINS. I have noticed that.

Mr. MANN. Will the gentleman explain those discrepancies?

Mr. WATKINS. I was going to explain the bill reported favorably to this Congress. There is no use going back to discrepancies in the old report.

Mr. MANN. I mean discrepancies between the two; the amendment now pending, for instance, gives the clerk of the northern district of Iowa a salary of $3,000, while in the last Congress the salary was fixed at $3,500.

Mr. WATKINS. Yes.

Mr. MANN. Does the gentleman know the reason for cutting it down?

Mr. WATKINS. I was going to state that in this report there are two separate recommendations. One reports in favor of the amount stated in the bill, in the Towner amendment which is now pending, and the other part of the report makes a difference of $500, making it $3,500. One is on page 25 of the report and the other on page 35 of the same report. These are discrepancies. I intended to call attention to it and leave it to the House to say what it would do in allowing this amendment to go through.

Mr. MANN. What I was seeking to get information about—I know the gentleman is not a member of the Judiciary Committee—but what was the reason given, if any, for reducing the amount of the salaries of some of the clerks in the bill reported in this Congress from the salaries fixed in the bill reported in the last Congress?

Mr. WATKINS. It was largely as the result of hearings had before that committee, and also from the report received by the departments, and particularly the report from the Department of Justice.

Mr. MANN. As I understand, the Department of Justice reported in favor of $3,500 for the northern district of Iowa.

Mr. WATKINS. That former report was based on the law which allowed the clerks to receive fees in the district court and also in the circuit court. The circuits were abolished January 1, 1912, when the act of March 3, 1911, went into effect.

Mr. MANN. I beg the gentleman's pardon, the bill reported to the last Congress was for the salary of the clerks of the district courts, and was not based at all on the circuit-court salaries.

Mr. WATKINS. The report may have been made after that, but they constantly refer to the amount the clerk was paid in 1911, when fees were being received both for the district and the circuit courts.

Mr. MANN. I understand that part of it, but the district court does all the work of the circuit court and the district court combined now, so that that makes no particular difference. I call attention to the fact that in this report, page 59—I think that was the basis of the bill in the last Congress—the net earnings of the clerk in the northern district of Iowa in 1911 was $4,800.

Mr. WATKINS. Forty-eight hundred and eighty-three dollars and fifty-one cents.

Mr. MANN. And the salary proposed was $3,500.

Mr. WATKINS. I think they intended to report in favor of $3,500 in this bill, but they did not do it.

Mr. MANN. I wondered if it was not more of an inadvertence than anything else.

Mr. WATKINS. In the report on page 34 the gentleman will see that they say they reduced the salary from $4,000 to $3,500, showing that it must have been a clerical error in putting the amount at $3,000.

Mr. MANN. They intended to make the same report in this Congress that they made in the previous Congress in that respect?

Mr. WATKINS. I will not say, but, as far as I have been able to ascertain, that is the only place where an error has occurred, and I propose from this time on to oppose any other amendment changing the amount of salaries fixed by this report. In this particular instance I do not propose to antagonize the amendment, because I think it was a clerical mistake.

Mr. MANN. I think there is one other case where the same condition prevails.

Mr. HAUGEN. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. HAUGEN. I would like to call attention to the fact that by an act of Congress of March 3, 1913, Carroll County was transferred from the southern district of Iowa to the northern district, which makes 52 counties, and the duties of the clerk have been increased.

Mr. WATKINS. Now, Mr. Chairman, I want to be fair and just all the way through, and I shall oppose any other change whether it comes by way of amendment or otherwise.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment to the amendment was agreed to.

Mr. HOWELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the words "State of Utah" strike out the figures "$3,000" and insert "$3,500."

Mr. HOWELL. Mr. Chairman, this amendment is offered under precisely the same circumstances as the one just adopted. The report on the bill and the hearings on it show that the clerk of the district court of Utah was regarded as being entitled to $3,500. I have been unable to find upon what basis the report of the committee in the Sixty-second Congress has been changed. It seems that the hearings on that bill are submitted as a basis for the present bill. In these hearings I find on page 31 that Utah has a population of 373,351. The clerk was paid $4,895 in 1911. The salary of the attorney is $4,000. The salary of the marshal is $3,000. And these are the conditions which the committee took into consideration in fixing the present salary of the clerk of the district court of Utah. After a full hearing in the last Congress, the Clayton bill fixed the salary for the district of Utah at $3,500. I ask the chairman of the committee having charge of this bill if he will not consent to this amendment upon the same ground that he accepted the amendment of the gentleman from Iowa?

Mr. WATKINS. Mr. Chairman, I do not find any similarity in the reports, so far as I have examined them.

Mr. HOWELL. The report on the Clayton bill——

Mr. WATKINS. I am not going by the former report, but I am going by the report on this bill, which is the basis for the Towner amendment.

Mr. HOWELL. I am standing with the chairman on that report. The report to which I refer is the basis on which the bill is formulated, and the schedule of salaries is fixed in accordance with the hearings before the committee. There is not a word that I can find to explain the changes that have been made in House bill 867? now reported and offered as an amendment from the bill reported in the Sixty-second Congress. In fact, the report on House bill 8673 sets out the same set of facts upon which the committee recommended the adoption of House bill 21226 in the Sixty-second Congress.

Mr. WATKINS. There are many changes in the bill presented in this Congress from the bill presented in the former by the Judiciary Committee for the reason I gave when the other amendment was pending. They had hearings, and as a result of those hearings they ascertained the amounts in many instances were not the correct amounts to be fixed, and the report from the department shows that the work done in the various districts does not justify the amount fixed in the former report on the bill.

Mr. HOWELL. Mr. Chairman, I wish to call the gentleman's attention to this statement in regard to Utah, which is found in the hearings.

Mr. WATKINS. To which report does the gentleman refer?

Mr. HOWELL. In the report on the bill H. R. 8673.

Mr. WATKINS. The report at this session of Congress?

Mr. HOWELL. Yes; in the report at this session of Congress.

Mr. WATKINS. Very well.

Mr. HOWELL. I read from the report:

Utah: There are two places of holding court and two offices maintained by the clerk, the total annual collections being about $5,100. There were pending July 1, 1911, 390 civil and criminal cases, and the business is increasing steadily. Population, 373,351. Clerk was paid $4,895.76 in 1911; attorney's salary, $4,000; marshal's salary, $3,500.

Mr. WATKINS. Mr. Chairman, in the amendment which is pending, to which the gentleman refers as the basis for this amendment, the amount of salary earned was nearly twice that amount and the district attorney's salary was much larger. Besides, there were five places of holding court as against two in this instance. There is no similarity, and there is no clerical error that I can see.

Mr. HOWELL. Of course, there is nothing in the report to show why these changes have been made, and I am convinced that the change is a mere inadvertence and ought to be corrected. The clerkship of the Utah district is a position of such importance and responsibility that the salary provided by my amendment is even inadequate.

Mr. MANN. Mr. Chairman, if I can get the attention of the gentleman from Louisiana, in the bill in the last House the salary was fixed at $3,500. The fees that were collected by the clerk and kept by him out of the fees collected in 1911 were $4,895.76. In the statement made by the department to the committee in this Congress there is no reference to any reduction from $3,500 to $3,000 or any suggestion of a reduction from the amount carried in the bill of the last Congress, although I think that in every other case where there was a reduction from the former bill, that is set out in a statement made by the department.

Mr. WATKINS. If the gentleman will allow me a suggestion, I will state that the facts there show that the places of holding court are only two, and the amount of fees earned and the work done in the court would not justify that additional compensation.

Mr. MANN. On the facts, compared with other cases, here is a case where I think there is an error. There is nothing in the hearings before the committee on this subject, and no discussion in the committee on the subject. In the appendix furnished by the department to the committee, which was the basis of any change made in the salaries, a statement which is quite complete, there is no reference to any proposed change or reduction in this bill introduced in this Congress from the bill introduced in the last Congress. It seems to me there is a fair amount of business in that court.

Mr. WATKINS. Mr. Chairman, in whose time is this discussion being carried on?

Mr. MANN. In my time; and the gentleman will not object to that, I am sure. All we want to do is to have this proper. It is a wonder to me that there is not more trouble about it.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. MANN. Just one moment. The average gross receipts for 1909, 1910, and 1911 in this district was $5,100, and the department states that this is a district which is rapidly increasing in business. I yield now to the gentleman from Indiana.

Mr. CULLOP. I was going to suggest that the report here shows that in the northern district of Iowa there is a population of more than a million.

Mr. MANN. But we are not talking about that.

Mr. CULLOP. No; but, as I understand, the gentleman is comparing the fees of the clerk of the court in Utah with the fees of the clerk of the court for the northern district of Iowa.

Mr. MANN. I was not, but I am perfectly willing to.

Mr. CULLOP. If the gentleman will notice, there is not only a larger amount of business, but there are five different places of holding court, while there are only two in Utah, and the population is nearly four times as great in that district. That ought to make some difference in the amount of fees.

Mr. MANN. Utah is a large State, and there is a considerable amount and a very rapidly increasing amount of business. I do not seek to have these fees put up over what the committee recommended, but here is a case where the Judiciary Committee after consideration recommended $3,500 and so reported. In all of the other cases where they have made any change they have given a reason for it.

In this case they have given no reason for proposing a reduction, and I think it was an inadvertence on the part of somebody who prepared the figures. It may have been an inadvertence in the Printing Office or an inadvertence of the clerk or an inadvertence of a Member of the House, but plainly it was an inadvertance, because it did not make any recommendation to that effect.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the amendment offered by the gentleman from Utah.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Louisiana as amended.

The question was taken, and the amendment as amended was agreed to.

The CHAIRMAN. The Chair will call the attention of the gentleman from Louisiana that there is an amendment offered to page 54. Does he desire to dispose of that now?

Mr. WATKINS. If these others have been disposed of, it would necessarily follow; yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 2, after the word "sixty-one," insert the word "sixty-eight."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 106. The competency of a witness to testify in any civil action, suit, or proceeding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held.

Mr. MAPES. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, line 3, after the word "civil," insert the words "or criminal."

Mr. WATKINS. Mr. Chairman, before we discuss this amendment there are some provisions in this very codification here, some in conflict with the idea, and I would ask the gentleman if he could modify it in such way as to incorporate this view, that where it does not conflict with the other provisions of this law? Now, take the next page and you will find there the case of bigamy and other cases, and the husband can not be a witness for or against the wife and the wife can not be a witness for or against the husband except on certain conditions. This is something we expect to pass. If that provision is allowed to stand and this provision is allowed to stand we will have two separate and distinct provisions conflicting with each other. Then there are States where the husband and wife would be allowed to testify, and there are some States, like the State of Louisiana, where they are not allowed to testify, and if the case should go to the United States court in Louisiana they would not be allowed to testify under the gentleman's amendment, and under the other provisions of this law they would not be allowed to testify. There is a conflict, and if the gentleman will qualify his amendment in such a way as to say where it does not conflict with other provisions of this statute it will be all right, but unless there is some qualification made it will bring about confusion.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman——

Mr. MAPES. Mr. Chairman, I would like an opportunity to explain my amendment before my time is all taken up.

Mr. CULLOP. The question I was going to ask was an explanation of the amendment and therefore I will not interrupt the gentleman.

Mr. MAPES. The purpose of this amendment, Mr. Chairman, is to make the laws of the State, where the Federal court is held, determine the competency of witnesses in criminal cases as well as in civil cases. My attention was called to the need for this amendment by one of the prominent lawyers at home, who has an extensive practice in the Federal and State courts. It appears that in the Federal court in criminal cases the old common-law rule prevails, so that a husband or wife can not testify in favor of the other, and the purpose of this amendment is to allow the husband or wife to testify in Federal courts in favor of the other provided the State law, where such court is held, gives that right.

Mr. MANN. Does the gentleman say the Federal courts hold they can not testify?

Mr. MAPES. That is my understanding of the law.

Mr. MANN. Or can not be compelled to testify, which?

Mr. MAPES. The district judge of the western district of Michigan is a very competent and able judge and lawyer, and has held that they can not so testify, I am told.

Mr. MANN. Well, the present law reads this way.

Mr. MAPES. I would like in further answer to the question of the gentleman from Illinois to read an extract from a letter which I received from a lawyer at home.

Mr. MANN. I will read the law later, although I thought perhaps the gentleman would not want to read the letter after the law was read.

Mr. MAPES (reading)—

In our State courts you understand the rule to be that the husband and wife are competent to testify for each other in all actions, both civil and criminal. The Federal courts follow the common-law rule in criminal cases, and therefore the wife or husband is not a competent witness for the other. At this day and age there is no reason for following the common-law rule, as it very often works a very grave injustice.

And he goes on to state—

We recently had an occasion to defend a lady charged with embezzling from the mails. Her husband was a very material witness in her behalf, but we were unable to call him because of the holdings of the Federal court.

And I will say further for the benefit of the gentleman from Illinois that a very prominent criminal case was tried since this letter was written in our Federal courts at home, and according to the newspaper dispatches the wife in that case was not allowed to testify in favor of the defendant, her husband.

Mr. SCOTT. But the gentleman's amendment goes entirely beyond that and makes the similarity general; in other words, that the State rule shall cover all cases.

Mr. MAPES. I can see no objection to incorporating the provision suggested by the chairman of the committee, that such rule should prevail unless there is some Federal statute to the contrary. In fact, I think it would be advisable to add a proviso of that kind.

Mr. GARNER. May I interrupt the gentleman by asking what objection can there be to a wife or a husband testifying in any case that is being tried before the court when the jury is to determine the weight to be given to the testimony?

Mr. SCOTT. Of course the reason has been elemental for a great length of time that the wife or husband should not be permitted to testify against each other.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. I would like to say to the gentleman from Iowa [Mr. SCOTT] that I am not asking that the husband or wife be allowed to testify against each other, but in favor of each other, or that one be allowed to testify in favor of the other provided the State law allows them to do so in the State courts in the State where the Federal court is held.

Mr. SCOTT. I understood that your amendment simply makes the State law prevail as to the competency of witnesses generally, and not merely husband and wife, on all questions.

Mr. MAPES. Yes; on all questions.

Mr. TOWNER. I will say to the gentleman from Michigan [Mr. MAPES] that I considered the matter as an amendment to that section of the statute, but found it would be inapplicable for the purpose which I think the gentleman has in mind, and I think an amendment which I will offer to the next section will reach the difficulty which the gentleman has in mind, and which I believe ought to appeal to the committee to support.

Mr. MANN. If the gentleman will permit, I overstated the case a while ago. The limitation in the present law is as to testifying in cases of bigamy, polygamy, and unlawful cohabitation. If that language were stricken out, then that permits the husband or wife to testify except as to confidential communications between each other.

Mr. MAPES. I want to say further, Mr. Chairman, that I have introduced a special bill which provides for an amendment to this particular section. It was referred to the Committee on the Judiciary, but, as we all know, they have been working on the trust legislation, and the chairman of the subcommittee to which this bill was referred said he would take it up just as soon as they disposed of the trust legislation. Without attempting to bind or speak for any member of the Judiciary Committee, I will say that the one or two members of that committee with whom I have talked thought that this ought to be the law, and I think the chairman of this committee has no objection to it.

Mr. WATKINS. I think if you put in the amendment the language "except as herein provided," I would have no objection to it. If we incorporated that in the amendment, it would be better.

Mr. MAPES. I am perfectly willing to agree to that suggestion.

The CHAIRMAN. Does the gentleman from Michigan [Mr. MAPES] ask to change his amendment to meet that suggestion?

Mr. WATKINS. Just add to it "except as herein provided."

The CHAIRMAN. The Clerk will report the amendment as modified.

Mr. MAPES. Would it not be better to put that after the paragraph?

Mr. GARNER. Let it follow the paragraph.

The Clerk read as follows:

Page 65, line 5, after the word "held," insert the words "except as herein otherwise provided."

Mr. BRYAN. Mr. Chairman, does it not include the word "criminal" farther up now? Let us hear the whole amendment reported.

Mr. MAPES. The first amendment was to insert the words "or criminal" after the word "civil."

Mr. WATKINS. Let the Clerk read the section as amended and we will understand it.

The CHAIRMAN. The Clerk will report the section as it is proposed to be amended.

The Clerk read as follows:

SEC. 106. The competency of a witness to testify in any civil or criminal action, suit, or proceeding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held, except as herein otherwise provided.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BRYAN. Mr. Chairman, I desire to speak on that amendment. The exception "except as herein otherwise provided" is designed to protect and make effective the provision, among others, in section 108 on the next page——

Mr. WATKINS. Yes.

Mr. BRYAN. Which provides that in these cases of bigamy, polygamy, and unlawful cohabitation the wife or the husband may be called to testify against the other——

Mr. BARTLETT. Lawful wife.

Mr. BRYAN. Well, we are not talking about unlawful wives, surely. It says they shall be called to testify the one against the other.

Mr. BARTLETT. That is the language of the statute.

Mr. BRYAN. She will testify or he will testify as he or she chooses to testify, but in no case can he or she be compelled to testify. Now, I do not like that proposition myself. I believe that if there are any cases wherein a wife or a husband ought to be required to tell the truth as he or she knows it, it is in this very kind of cases. There has been quite a discussion of that proposition. Of course, it has been discussed from time immemorial, but the English law has been amended so as to include a whole string of cases in which this kind of testimony is permitted. Where a woman, for instance, is not required to testify against her husband, if her husband objects, you put a restriction on her testimony that is not fair; or if you put her in the position before the court that she is not a compellable witness, and if she testify, she does it at her own choice, then you put her in an awkward position.

The gentleman referred to the law of Louisiana. I heard a distinguished daughter of Louisiana speak on one occasion about a case of incest in the State of Louisiana, where the mother, or, at least, the wife, who was the aunt of the victim, was anxious to testify, but her testimony was no good in court because of these restrictions, because she was the wife of the criminal who committed the crime.

Now, I think there ought to be no restriction on the testimony of a woman against her husband or on the testimony of a man against his wife in cases of crime unless we save this proposition of privileged communications, not permitting one to testify against the other as to a privileged communication.

Mr. MANN. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MANN. As I understood the gentleman, he wanted to make it so that a wife or husband could be required to testify?

Mr. BRYAN. Could be required to testify as to anything in a civil or criminal action except a privileged communication received from the other spouse.

Mr. MANN. Take a case where a man is accused of some crime, and he is not required to testify.

Mr. BRYAN. I know that.

Mr. MANN. And you are not permitted to comment on the fact that he is not permitted to testify.

Mr. BRYAN. That is good law.

Mr. MANN. And would you still compel it to be drawn out of his wife by compelling her to testify?

Mr. BRYAN. If her husband has made communication that is privileged in common law to the wife, he ought to be pro-

tected; but if the wife of John Jones knows that he stole a shoat from his neighbor, and he is arrested for stealing that shoat, she ought to be a competent witness.

Mr. MANN. Why should the wife of a man be compelled to testify where the man himself could not be required to do so?

Mr. BRYAN. For the simple reason that they are two entirely independent individuals.

Mr. MANN. That is the gentleman's mistake. We have not come to the free-love system yet. They are equal under the law in many respects.

Mr. BRYAN. The gentleman says we have not come to the free-love period. I suppose the gentleman abhors the idea of coming to the free-love period?

Mr. MANN. I do.

Mr. BRYAN. And I think all decent men do. I suggest to the gentleman that if he thinks permitting a woman to testify against her husband or a husband against his wife would induce a free-love period he is simply wide of the mark. There is no connection and no reason in any such argument.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BRYAN. I ask, Mr. Chairman, that I may proceed for five minutes more.

Mr. BUTLER. Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BUTLER. In the State where the gentleman lives is the husband permitted to testify against his wife, or is the wife permitted to testify against her husband?

Mr. BRYAN. There is a restriction or limitation placed similar to these other restrictions.

Mr. BUTLER. You have the common-law rule in your State?

Mr. BRYAN. No; we have a statutory rule.

Mr. BUTLER. By that statute they are not enabled to testify against each other?

Mr. BRYAN. The law reads as follows:

The husband shall not be examined for or against his wife without the consent of the wife, and the wife shall not be examined for or against her husband without the consent of the husband, nor during marriage without the consent of either as to any communications made by one to the other during marriage, but this exception shall not apply to a civil action or proceedings by one against the other nor to a criminal action or proceedings for crime committed by one against the other.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman ffom Washington yield to the gentleman from Texas?

Mr. BRYAN. Yes.

Mr. GARNER. That statute specifically specifies that the wife shall not be compelled to testify against the husband or the husband against the wife under any circumstances, except by the permission of the party defendant. Now, the gentleman wants to enlarge that by Federal statute and take it further than any statute of any State in the Union.

Mr. BRYAN. Yes. I want to take it further than the State statute.

Mr. GARNER. It is to be hoped that an action in the gentleman's State or in any other State will never go to that extent.

Mr. BRYAN. There were recently quoted in an article in the Washington Post, under the head "Cite feminist words—Suffrage foes would prove 'free-love' advocacy," the purported opinions of several persons. The article begins:

Do you know what a "feminist" is? Many persons have admitted their ignorance regarding this, and, as a result of numerous queries received, it is said, by the National Association Opposed to Woman Suffrage, that organization, through its press agents, issued yesterday a statement on the subject. It is sought by them to prove that feminism is about equivalent to "free love."

Then follows a statement of the opinions quoted.

Now, then, I will say to the gentleman from Illinois [Mr. MANN] that in the great State of Illinois the right of women to participate in the making of the laws of the State has been established firmly, and that right can never be taken away from them there, and so elsewhere over this country to a great extent that right has been established. But I want to call your attention to the fact that in every State where women do have the right to vote the very first thing they try to do is to take away from the statutes these special protections that are given to men in the commission of crimes of this kind. It is all nice enough to say that a man can not testify against a woman and a woman can not testify against a man, but the party that is up for trial is nine hundred and ninety-nine times out of one thousand the man. It is very seldom that a woman is accused of a crime like that, and I say that the law ought to be so framed that a woman, when she knows her husband has committed a crime, especially one of that kind, should not only be permitted to testify, but compelled to testify, saving alone as to confidential communications made during the intimacy of the marriage relation.

Mr. GARNER. The gentleman is trying to make the distinction or impression here that in States where women have the right to vote they are undertaking to make a difference or distinction between the man and the woman about testifying. They are on an equality now under the law in this particular.

Mr. BRYAN. Oh, yes.

Mr. GARNER. Do you want to make them unequal?

Mr. BRYAN. They are on an equality on the face of the papers, but, as a matter of fact, there is the grossest inequality.

Mr. MANN. Of course the man is always the inferior.

Mr. BRYAN. He is not inferior when they get into court. I think the only thing that should be advanced here is an opportunity for a fair trial and conviction of crime when guilty and acquittal when innocent; and why in the world a crime like that of incest should be protected from the testimony of the woman who knows about it, and the husband allowed to go scot free, I can not understand, or why his wife, who desires to testify against him in a crime of that kind, shall have any restrictions imposed upon her being heard and the jury informed that if she testifies she simply does it from her own choice, I can not see. There should not be any such restriction. They should be removed. That is what I favor and that is what the women in the suffrage States insist on. But I understood that the Democratic Party is not a party of protection anyhow. But here we will have, when we consider section 108, an effort to reenact a law designed almost solely to protect the lowest class of criminals. Will the Democratic Party stand for that?

Mr. WATKINS. The only question is whether the words "or criminal" should be added after the word "civil." I ask for a vote, Mr. Chairman, on that proposition.

Mr. BARTLETT. Mr. Chairman, I just want to say a word. I call the attention of the gentleman from Washington [Mr. BRYAN] to what he is discussing there, section 108, concerning the testimony of the wife, and I suggested to him the "lawful wife" or "lawful husband," and he expressed great ignorance of the fact that that section did contain the words "lawful wife" or "lawful husband." I desire to call the attention of the committee to section 108 to show that I was correct and knew what I was talking about. In that section the language appears "the lawful husband or wife of the person accused shall be a competent witness," and in using the words "lawful husband or wife" I was absolutely correct, even if the gentleman was surprised that the words should be used in the section.

Mr. BRYAN. After all, what is accomplished by it? We were only talking about lawful wives. I told the gentleman it was immaterial.

Mr. BARTLETT. What the gentleman thinks or says is absolutely immaterial to me. I simply read it for the purpose of showing that when I used the words "lawful husband or wife" I was using the language of the present law, of this bill. I was accurate.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 107. In the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses, and misdemeanors in the United States courts, Territorial courts, and courts-martial and courts of inquiry, in any State or Territory, including the District of Columbia, the person so charged shall, at his own request, but not otherwise, be a competent witness; but his failure to make such request shall not create any presumption against him.

Mr. WATKINS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WATKINS:

Page 66, line 8, after the word "witness," insert: "but for or against himself and for or against any codefendant, and the giving of testimony without objection from the witness himself shall be deemed equivalent to a request by him to testify."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WINGO. Mr. Chairman, I would like to have the amendment explained.

Mr. STAFFORD. This is a very important amendment, and I think the purpose of it should be explained.

Mr. BARTLETT. Mr. Chairman, I would like to have it read again. I was trying to listen to it, but I could not hear.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. WATKINS. Mr. Chairman, the reason for offering this amendment is this: In the case of Frank M. Ryan against The United States several questions arose, one as to the effect of evidence from the standpoint of immunity. As a result of the decision in that case, because of statements made by codefendants, the Department of Justice thought that the latitude ought to be a little broader than it is in the original law, which is the section we are now considering. It is in response to the suggestion of the Department of Justice that the amendment is to be inserted at this place. As a general proposition the immunity granted to defendants who testify is entirely too broad under the law as it now exists. In cases where a man voluntarily makes statements which affect him, he should be granted immunity from prosecution. He should not be forced to testify. The Department of Justice does not give any very extensive reason why it suggests that this amendment be inserted, but the Ryan case is cited as a precedent and a reason why the amendment should be inserted.

The CHAIRMAN. The question is on agreeing to the amendment.

The question being taken, on a division, demanded by Mr. WATKINS, there were—ayes 28, noes 5.

Accordingly the amendment was agreed to.

Mr. CULLOP. Mr. Chairman, I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 66, line 9, after the word "him," insert the following:
"*Provided*, That in any case where the defendant fails to testify in his own behalf, the court shall instruct the jury that no inference shall be drawn in considering the case against the defendant."

Mr. BUTLER. That is the law everywhere.

Mr. CULLOP. Mr. Chairman, in the trial of criminal cases in many instances the defendant does not take the stand and testify in his own behalf. The provision of law now is that no inference shall be drawn against the defendant for his failure to testify in his own behalf; but if the court does not instruct the jury that such is the law, in a great many instances the jury will not know that such is the law, and therefore they will take that as a circumstance against him, because he did not testify; and in very many instances that might be the controlling factor which would lead the jury to render a verdict against him. In many of the States where a statute like this prevails, there is a provision exactly like the one I have offered.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. CULLOP. Yes; I yield.

Mr. HUMPHREY of Washington. I wanted to ask the gentleman if he ever knew of a court failing to give that instruction?

Mr. CULLOP. Yes; I have.

Mr. HUMPHREY of Washington. That is something new to me.

Mr. CULLOP. In the State from which the gentleman migrated to the State where he now lives there is a statute precisely like this. I have known courts to refuse to give that instruction. In one particular case, a homicide case, the court being orally requested to give that instruction, refused to give it, and when the case was appealed and that fact was alleged as reversible error, the Supreme Court held that the request was not made before the argument began, and therefore it came too late, and the case was affirmed on that kind of a technicality.

Mr. BARTLETT. That was the fault of the lawyer.

Mr. CULLOP. No; it was not the fault of the lawyer, because the lawyer had a right to suppose that the court would give the jury the instruction the statute required him to give, and he had no way of knowing, until after the court had instructed the jury, that the court would not follow the mandate of the statute.

Mr. WINGO. In what State was that?

Mr. CULLOP. The case I refer to is one of the adjudicated cases in the State of Indiana some 25 or 30 years ago. There the statute requires the request for instructions to the jury to be in writing, and that the request must be made in writing before the argument begins. Therefore the court affirmed that case on the technicality that the request was not made in seasonable time.

Mr. BUTLER. Do I understand the gentleman to say that the statute of Indiana requires the judge to instruct the jury as he has stated?

Mr. CULLOP. Yes.

Mr. BUTLER. And yet, the judge having failed to do what the law directed him to do, the Supreme Court held that he could not be reversed because the lawyer had failed to ask him to do what the law compelled to do?

Mr. CULLOP. Precisely.

Mr. BUTLER. That is a strange decision.

Mr. CULLOP. That is exactly the proposition.

Mr. BUTLER. And yet the lawyer had a right to anticipate that the judge would do what the law directed him to do.

Mr. CULLOP. Yes; but the statute left the censure, if any there was to be given, upon the trial judge, because the plain mandate of the statute was that a request for instructions must be in writing, and must be made before a certain stage in the trial was reached.

Mr. BUTLER. Yes; but as I understand the gentleman to state, the statute specifically directed that the court must on his own instance so charge the jury.

Mr. CULLOP. Yes; it certainly did; but the failure of the court to do so did not abrogate the other provision of the statute that the request must be made in writing before the argument.

Mr. BUTLER. But how could the lawyer know that the court would not do his duty?

Mr. CULLOP. He could not, and therefore the censure should not have fallen upon the court. The trial judge who tried this case afterwards became a celebrated lawyer in the State of the gentleman from Washington. The Indiana statute requires a fixed time within which the request must be made. It requires the request to be made in writing before the argument is begun. The request for this specific instruction was not made, and for this reason the failure of the court to give it was not reversible error. Unless the jury is advised of the law on this proposition inferences by the jury may be drawn against the defendant, and may be the cause of his conviction. Prudence, I insist, requires the adoption of this amendment.

Mr. HUMPHREY of Washington. I want to see if I understood the gentleman correctly. As I understood him, the Supreme Court of Indiana held that where the statute required the judge to instruct the jury, and the counsel for the defendant did not make that request, the supreme court held that therefore the judge was not compelled to comply with the statute.

Mr. CULLOP. No; the gentleman does not understand the proposition exactly right. The supreme court held that while it was the duty of the trial court to give that instruction under the statute, yet having failed to do it, and the request of counsel to have it done not having been made in seasonable time as required by the statute, it was not reversible error. Now, the adoption of this amendment will avoid difficulties of that kind and will require the court to give that instruction to the jury whenever a case arises.

And if the defendant in any case failed to take the witness stand and testify in his own behalf, it would be the imperative duty of the court to inform the jury that because of that failure no inference of guilt or innocence shall be drawn against the defendant, nor shall the matter be discussed by the jury.

The law surrounds a defendant with the presumption of innocence. That is a wise and humane provision, and all legislation necessary to uphold and enforce it should be adopted and constantly carried into effect. This amendment will assist in carrying out this policy of the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. CULLOP) there were 7 ayes and 8 noes.

So the amendment was lost.

Mr. MOORE. Mr. Chairman, would it be proper to inquire how the gentleman from Connecticut [Mr. DONOVAN] voted on this question? [Laughter.]

The CHAIRMAN. No. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TRIBBLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3112. An act to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 264. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

REVISION OF THE LAWS—JUDICIARY TITLE.

The committee resumed its session.

The Clerk read as follows:

SEC. 108. In any proceeding or examination before a grand jury, judge, justice, court, or United States commissioner, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the perso accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution with-

out the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

Mr. BRYAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 66, line 12, after the word "prosecution," strike out remainder of the paragraph and insert the following: "or in any action or trial under any statute of the United States the husband shall be a competent and compellable witness against the wife, and the wife shall be a competent and compellable witness against the husband without restraint or limitation on account of the marriage relation existing between them, except that neither spouse in any criminal proceeding can be compelled to testify as to any statement or communication made by either spouse to the other during the existence of the marriage relation deemed confidential at common law."

Mr. LLOYD. Mr. Chairman, I want to ask unanimous consent that debate on this amendment may conclude in five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on the amendment be concluded in five minutes. Is there objection?

Mr. BRYAN. I object to that for the present.

Mr. LLOYD. But I will give the gentleman from Washington all the time.

Mr. BRYAN. I rather doubted the real purpose of the gentleman's request.

Mr. LLOYD. I ask unanimous consent that debate may be closed in 10 minutes.

Mr. BRYAN. Oh, if the gentleman insists on limiting debate, I will withdraw my objection.

Mr. WINGO. Mr. Chairman, will the gentleman from Missouri give me two minutes?

Mr. LLOYD. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in seven minutes.

Mr. STAFFORD. I do not see why any limitation should be put upon debate now.

Mr. LLOYD. Mr. Chairman, I move that all debate on this amendment be closed in seven minutes.

Mr. BRYAN. I make the point of order that that is out of order at this stage.

Mr. LLOYD. Very well, I will wait until the gentleman gets through.

Mr. BRYAN. Mr. Chairman, this leaves the law, if my amendment is adopted, as to confidential communications between husband and wife as it is now. It takes out the provision in the criminal action that the wife can testify against the husband if she wants to, and strikes out the question of consent of the husband. I believe there ought to be no restriction on the right or duty of a wife to testify against a husband or a husband to testify against a wife as to the facts which constitute evidence in a criminal proceeding. I do not believe that there ought to be any protection thrown around them in any case where a man is brought before the court accused of bigamy. It is seldom that a woman is ever accused of bigamy. A man is being tried and his wife is a competent witness, it says in this act, but shall not be required to testify in such a proceeding without the consent of her husband. That is absolutely silly, it seems to me; it is ridiculous, it is absurd, it is abhorrent to any idea of justice to say that a man being tried for bigamy before a court, if his wife is brought in to tell what she really knows to prove the act of bigamy, that she can not testify unless her husband says, "Now, Mandy; you go and tell the truth." In other words, at any time when the man is guilty his wife can not testify unless she will agree to swear falsely; but if he is innocent, or if she will perjure herself for him, she can testify.

Mr. WATKINS. Has the gentleman noticed the provision in line 15, "but shall not be compelled to testify in such proceeding"?

Mr. BRYAN. Yes; I may have stated the case a little strong; but it brings the woman into court and says to her, "You do not have to testify; you are not compelled to, and if you do testify you will do it voluntarily," and it puts a restriction on proving a case against the criminal, a privilege that he ought not to have. I do not see why a bigamist or a rapist should have any privileges other than to have justice and a fair trial under fair rules of evidence, and if a wife knows that he has committed bigamy or the other awful crime, why not let her testify without any legal reservations? Why inform her that she does not have to testify, although all other witnesses must testify? The State wants the truth and the whole truth, but this act would shield the criminal.

Mr. MOORE. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MOORE. What would happen in the event the wife, seeking a divorce, should take advantage of an opportunity to testify against her husband so that it would involve his imprisonment, which in certain States would serve as a cause for divorce?

Mr. BRYAN. Does the gentleman mean to say that a wife could not testify against a husband in any civilized country in that regard? A divorce proceeding is a civil case and is not in point here.

Mr. MOORE. I do not see why the gentleman wants to force a wife to testify against her husband. It would be easy, if the wife wanted to get rid of her husband, to thus establish grounds for a divorce.

Mr. BRYAN. Would it not be easy for a son who wanted to get rid of his father to testify against him, or a friend who wanted to get rid of another friend? It would seem that the marriage relation itself is much more protection than should exist in fact. The natural love of the wife for a husband protects him.

Mr. BUTLER. But the friends are not married.

Mr. MOORE. The gentleman makes an exception in his own amendment in the relations——

Mr. BRYAN. I make an exception as to confidential communications.

Mr. MOORE. What does the gentleman mean by confidential communications between husband and wife?

Mr. BRYAN. I do not believe that a court ought to call a husband or a wife and say, "Did your wife tell you thus and so on a certain day," or to the wife, "Did your husband tell you this," and thereby search the proceedings in the home in an inquisitorial proceeding. But I believe when a woman knows a series of facts that are material, that ought to be told to the court, from other parties, or from things she has seen or heard, concerning the matters involved, or where the man knows facts, if the woman is on trial—and it is very few instances where the woman is on trial—that those facts ought to come out, and there ought not to be any restriction in cases of bigamy and incest and such crimes.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. WINGO. Mr. Chairman, I would like to ask the chairman of the committee his interpretation of the present statute as set out in lines 15 to 17, inclusive. It says there that the husband or the wife shall not be compelled to testify without the consent of the husband or the wife, as the case may be. Does that mean this, that if a man is on trial and his wife is willing to testify she can not testify without his consent?

Mr. WATKINS. No. It means that she can not be compelled to testify without his consent. The word "compelled" is controlling there.

Mr. WINGO. Suppose she is willing to testify?

Mr. WATKINS. If she is willing to testify, all right.

Mr. WINGO. Then, can the court compel her to testify over the objection of the husband?

Mr. WATKINS. No; I do not think so.

Mr. STAFFORD. That is the effect of the present provision.

Mr. WINGO. In other words, is not the present law this, that where a man is on trial for any of the offenses mentioned in this section and his wife is willing to testify and the husband objects, then the court can not compel her to testify over the objection of the husband? In other words, does not the word "compelled" practically read "permission"? In other words, she can not testify if the husband objects. Is that true?

Mr. WATKINS. Yes.

Mr. WINGO. And is it not true in a great many of the States that the rule is this, that where the wife or the husband is the injured party then he or she is a competent witness in these matters? Is the gentleman prepared to state in how many States that is the rule?

Mr. BRYAN. It is the rule in most of the States.

Mr. WATKINS. I am not prepared to state.

Mr. WINGO. In all of the States in which I have practiced that is the rule. The Federal statute is just to the contrary.

Mr. WATKINS. Mr. Chairman, the word "compel" there in connection with the evidence of the husband or wife and the consent of the husband or wife, qualifies the language. The language "as the case may be," in connection with the word "compelled," means, if it is a husband who wants to testify, or if it be the wife who wants to testify, and it does not mean that if the wife wants to testify she can not be forced to testify without the consent of the husband, or the husband without the consent of the wife, but could not be compelled, if it were the husband or the wife, as the case may be, meaning that the husband, if he did not want to testify against the wife, could not be forced to do it, or if the wife did not want to testify against the husband, she could not be forced to do it.

Mr. WINGO. Let me see if I understand the gentleman. If a man is on trial for one of these offenses, and his wife is

willing to testify but the husband objects, then can the court compel the witness to testify?

Mr. WATKINS. I think so.

Mr. WINGO. Over the objection of the husband?

Mr. WATKINS. Yes; because, if you read the language there, "as the case may be," it means if the wife is willing to testify she may testify, but she can not be compelled to testify

Mr. WINGO. In other words, it is not left to the defendant, but entirely with the witness?

Mr. WATKINS. I think so.

Mr. WINGO. Is that the gentleman's contention of what the law is in the Federal courts?

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. TOWNER. I could not quite understand the gentleman, but as I understand the distinction made, the wife could testify now under the United States rule in favor of the husband?

Mr. WINGO. I have stated no proposition at all. I was asking for information to see what the gentleman's interpretation of the present law is.

Mr. TOWNER. The fact is that under the decision of the Supreme Court of the United States, which is followed in most of the United States courts in the Union, the husband or the wife can not testify in favor of the spouse.

Mr. WINGO. Can the wife testify against the husband?

Mr. TOWNER. No; of course she can not testify against him, but she can not testify either for or against except in this class of cases specified in the section.

Mr. WINGO. I am not talking about the general rule, but I am talking about these specific cases. Take bigamy, for instance. Does the gentleman say that where a man is on trial for bigamy, the wife could not testify against the husband without the consent of the husband?

Mr. TOWNER. Why, certainly. That would be the effect of the statute.

Mr. WINGO. That is all of the information I wanted to get.

The CHAIRMAN (Mr. HENSLEY). The question is on the amendment offered by the gentleman from Washington.

The question was taken.

Mr. BRYAN. Mr. Chairman, I demand a division. I want to see who are for protection in this matter. I do not stand for bigamy.

Mr. WINGO. I will stand with the gentleman this time.

The committee divided; and there were—ayes 2, noes 12.

So the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 66, line 10, after the word "any," insert the word "case."

Mr. TOWNER. Mr. Chairman, I think there should be no question but that the amendment should be adopted. I call the attention of the chairman of the committee to the fact that this refers to a proceeding or examination. Of course the most important thing is the trial of a case. The word "case" should be inserted following the word "any."

Mr. WATKINS. Yes; if the question were asked me as to whether there is an objection, I would state that there is; but even from the gentleman's standpoint it would make no material difference in the use of the language. The word "proceeding" would be a broader word than the word "case," and particularly when it refers to a proceeding before a grand jury. The word "proceeding" is more appropriate than the word "case," because there is not always a case before a grand jury.

Is that the question the gentleman desires answered?

Mr. TOWNER. No; I am adding that word, not striking out the word "proceeding."

Mr. WATKINS. I thought the gentleman was striking out the word "proceeding."

Mr. TOWNER. Oh, no; certainly not. I am just simply adding the word "case," so it will read, "in any case, proceeding," and so forth.

Mr. WATKINS. Does the gentleman insert a comma after the word "any"?

Mr. TOWNER. No; it will not be necessary. Yes; that is all right.

Mr. WATKINS. If a comma is placed there, I do not see any particular objection.

Mr. BRYAN. I would like to ask the gentleman, if you put the word "case" and make it "any case or prosecution," will not you extend it to a civil matter and probably complicate the civil proceedings? If you say, "in any proceeding or in any case" and do not say any criminal case, then you do not know where you get to. I think it is bad enough to have it all mixed up with divorce cases and everything else.

Mr. TOWNER. There is nothing, of course, in that objection at all, because it specifically says to what it applies.

Mr. STAFFORD. Mr. Chairman, I desire to be recognized in opposition to the amendment. The purpose of my rising is to obtain information from the chairman as to the need of this provision at all. Since the chairman has applied the law of evidence as to the competency of witnesses to criminal proceedings as well as civil, when this section was intended to cover the law of evidence so far as husband and wife are concerned, and certain limited criminal proceedings, I direct the inquiry, What is the need now of having this provision in order to apply the laws of the State to all criminal proceedings?

Mr. WATKINS. To begin with, I will state the gentleman is mistaken in reference to the chairman of the committee inserting the language "criminal" in the preceding section.

Mr. STAFFORD. I was absent from the Chamber for a few moments at luncheon and find out it has been accepted, and I desired some information.

Mr. WATKINS. I was very particular about qualifying the language that it did not interfere with the other provision of the statute and the qualification was not particularly opposed by the members of the committee in reporting this bill, but I certainly would have been opposed to it if it had not been qualified, for this reason: This section upon which we are now is a statute of the United States which regulates the character of testimony in reference to husband and wife which shall be given in a case designated. This particular class of evidence in this section was provided for, and if the preceding section had not been amended by putting the word "criminal" in there and leaving in there the qualified form of language, then, when it comes to trying this class of cases by the State court, the evidence would be governed by the laws of the State court, and we want this language to remain in here to protect this particular class of cases, because we want the statute as it is now standing to remain intact in reference to the character of cases described by this particular section.

The CHAIRMAN (Mr. HENSLEY). The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken, and the Chairman announced the noes appeared to have it.

Mr. TOWNER. Division, Mr. Chairman.

Mr. WATKINS. Mr. Chairman, I think before we have a vote there should be a comma after the word "case," and then it would be all right.

Mr. TOWNER. If the gentleman will permit, I will ask unanimous consent that the comma may be inserted.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. What was the decision of the Chair on the vote?

The CHAIRMAN. The ayes have it.

Mr. WINGO. What became of the request for a division?

The CHAIRMAN. The Chair did not recognize anybody to call for a division.

Mr. WINGO. Another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. Does a gentleman have to be recognized in order to ask for a division?

The CHAIRMAN. Some one has to ask for a division.

Mr. WINGO. There was one called for, and I rose and would have asked for it if the other gentleman had not.

The CHAIRMAN. The question is on the amendment as modified.

The amendment as modified was agreed to.

The Clerk read as follows:

SEC. 108. In any proceeding or examination before a grand jury, judge, justice, court, or United States commissioner, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 66, line 19, after the word "cohabitation," insert "or violation of the white slave traffic act, being the act of June 25, 1910, chapter 395, page 825, volume 36, United States Statutes at Large."

Mr. STAFFORD. Mr. Chairman, may we have that amendment reported again?

The amendment was again reported.

Mr. TOWNER. Mr. Chairman, the object of that amendment is simply to add to the list in which this privilege may be granted. The list given consists of "bigamy, polygamy, or unlawful cohabitation" and the amendment adds to that the fur-

ther provision that the provisions of this section may apply also to prosecutions under the white-slave traffic.

Mr. WINGO. Take a concrete proposition. If the gentleman's amendment is carried, would it mean that where a man is tried charged with a violation of the white-slave act and his wife was willing to testify and he objected, then the court could compel her to testify?

Mr. TOWNER. I think not. I will say to the gentleman, however, that that is not altogether clear, because the language is "shall not be compelled to testify." The court could not compel her to testify. I think it would be necessary for her to claim the privilege, and I do not believe in such a case as that, and under the provisions of this section the husband's protest could have any force or avail at all.

Mr. WINGO. I do not think the gentleman gets the point. A man is on trial and his wife is willing to testify, but the man objects; then under this law the court could not compel the wife, over the objection of the husband, to testify.

Mr. TOWNER. Certainly not. That is a diversion from the explanation I desire to make in regard to this necessity for this section of the statute.

I want to call attention, Mr. Chairman, to a statement made by a United States district judge from his experience as to the necessity for this character of legislation. He says in the recent letter to me:

> Section 108 of your proposed new code provides that the wife of an accused may be called but not compelled to testify against the husband in cases of bigamy, polygamy, or unlawful cohabitation. It seems to me that that clause which provides that she shall not be compelled to testify largely nullifies that which precedes. But that is of no special interest to me, because those cases of bigamy and polygamy, I suppose, seldom arise outside of the Pacific Coast States, like Utah, Nevada, and Idaho.

Mr. BRYAN. Will the gentleman yield there?

Mr. TOWNER. No; I will not.

Mr. BRYAN. That is an insult to the Pacific coast, an outrage.

Mr. TOWNER. He says further:

> But there is a matter of very great interest to me, namely, whether the wife shall be allowed to testify against the husband in white-slave prosecutions where the wife is the "white slave." The number of such cases is large. I presume that the past three years I have had an average of four to six per year, and I have been allowing the wife to testify over the objection of the defendant. It is astounding as to the frequency that the wife is compelled to enter into this life of shame and earn money for her degraded husband. Then we have cases where they are not married, but, with the hope of avoiding a prosecution, they get married. A case is now pending in the United States circuit court of appeals for this circuit to review my holding that the wife can testify. Should there be a reversal such announcement will represent an end to the prosecution of the worst class of these cases. Why Congress does not correct this I do not know; perhaps because its attention has not been called thereto.

I will say in this connection, Mr. Chairman, that some of the United States judges are now holding—in fact, most of them are now holding—that in such cases the wife can not be compelled to testify against her husband even when she so desires to do.

Mr. BOOHER. Will the gentleman yield just there?

Mr. TOWNER. I will.

Mr. BOOHER. Now, as I understand the gentleman, he thinks that under section 108 as it is now the wife or husband may be called as a witness, but if the wife is called and the husband is on trial she can not be compelled to testify if her husband objects?

Mr. TOWNER. She can not be compelled in any event, whether she raises the objection herself or whether her husband induces her to raise it.

Mr. BOOHER. I am talking about this section. If it is as the chairman of the committee explained to the gentleman from Arkansas [Mr. WINGO], then I am opposed to your amendment. But if the law means that the wife, being the injured party in a white-slave act, can be called to testify, then I am for your amendment.

Mr. TOWNER. I do not think there is any question about it; at least there is not in my mind.

Mr. BOOHER. There is in my mind a very serious question about it. The rule is different in the United States courts than in the State courts. In the State of Missouri the rule is that the wife being the injured party is always a competent witness. Why not put it in here now, so that there may be no mistake about it, where in a white-slave case or a bigamy case she is the injured party? Why not permit her to testify whether with his consent or the consent of anybody else?

Mr. TOWNER. I am discussing the question only of adding the white-slave prosecution to this list that is already given.

Mr. BOOHER. But I want to know whether he construes this to mean what the chairman of the committee construes it to mean?

Mr. TOWNER. I do not, if the gentleman has stated it as I understand it.

Mr. BOOHER. Why not make it so that there can be no question about it?

Mr. TOWNER. I have no objection to that. Let the gentleman offer the amendment.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TOWNER] has expired.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. I also desire to call the attention of the committee to a letter which I received from a United States prosecuting attorney in regard to this matter. He says:

> There is one very important matter I want to call your attention to. In my judgment, section 108 should be made specific on the proposition of allowing the wife to testify against the husband in cases under the so-called white-slave act.
>
> We now have pending in the circuit court of appeals an appeal from a case tried in this district, most revolting in its nature, wherein conviction depended absolutely on Judge McPherson's permitting the wife to testify against the husband.
>
> I am sure, in this district, over half of the cases are those where a man is peddling his own wife. If the circuit court of appeals shall hold as is contended for by the appellant I have in mind, it will nullify the prosecution of the most important cases under the law. It is a very close question as the law now is, because, in order to make it admissible, the courts have to hold that it is on the theory that it is a personal act as against the wife that has been committed.

Mr. Chairman, I think there can be no question about the necessity of adding this class of prosecutions to those already contained in the provisions of the statute as presented by the committee. And I want to make this further statement with regard to the question. I think that in order to bring the United States statutes up to the standard that has been adopted by at least a majority of the States of the Union, we ought in all cases to allow the wife to testify for her husband. That is, so far as I know, the law in every State of the Union.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman a question.

Mr. TOWNER. Just let me finish this, if you will. And we also ought to add a provision in section 108 which will allow in these particular cases, where the offense is at least in part an offense committed against the wife herself, giving the wife the privilege in such cases to testify against the husband.

Now I yield to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I am not so much interested, I will say to the gentleman from Iowa, in his amendment as I would have been if the amendment had not been made to the first section under this subdivision, and that was that the rules of evidence of the different States, the jurisdiction in which the Federal case was tried, should apply in the competency of witnesses and the admission. In my State the wife or husband is a competent witness for or against the other, except as to confidential communications during the time of their marriage.

Now, can the gentleman give any reason why, if a wife is a competent witness for her husband with or without his consent, she should not be permitted or compelled to testify against him in a criminal prosecution with or without his consent?

Mr. TOWNER. I will not go into that question, I will say to the gentleman. I am not sure but I can go even as far as he does, but the gentleman will understand that this first section under this title was changed. I opposed it in the belief that it is an unwise provision, because I think we ought to put the United States laws on the standard we think justifiable, regardless of the action of the States.

Mr. CULLOP. But will the gentleman yield there? We have made, I will say to the gentleman, some progress in that line, where the rules of evidence by statute, in some of the States at least, are liberal and fair and humane, by the insertion of the gentleman's amendment.

Mr. TOWNER. I think the law of most of the States is much more liberal and humane on those subjects than that of the United States at present. And what we ought to do now, I will say to the gentleman, is to put the United States law, independent of what may be the law of the States, on the standard that it should occupy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. Mr. Chairman, I think I can agree with the suggestions made in the letters which the gentleman has just read, but I fear that he has misinterpreted the request that has been made of him. I agree with the statement of those letters that this section 108 is vague and is susceptible of the three different constructions that have been placed on it by three different Members this afternoon. I think it ought to be cleared up. My view on this question is this: That in any of these cases the wife or the husband ought to be a competent witness against the husband or the wife, especially in these cases where they are injured parties.

Now, what does the gentleman propose to do by his amendment? As I am informed, in these white-slave cases the court has been permitting the wife to testify, on the theory that she is the injured party, following the rules that most of the States have, that where the wife is the injured party she could testify. But it is owing to the ambiguity of the statute that the gentleman wrote to the gentleman from Iowa concerning the case on appeal.

If you put that in here, as I understand the interpretation of the statute, you will have this: Although the wife may be willing to testify in white-slave cases, if the husband objects they can not compel her to testify. I do not want to see closed the mouths of these women, because on the testimony of the wives in these cases the Government must rest its chances of convicting the defendants.

My idea about it is this: We can follow out the suggestions made in the letters read by the gentleman; we can make the law clear, as suggested by the gentleman from Missouri [Mr. BOOHER] a moment ago, by cutting out the lines 15 and 16, "but shall not be compelled to testify in such proceedings, examination, or prosecution." Then the statute would read this way: "The lawful husband or wife of the person accused shall be a competent witness, and may be called without the consent of the husband or wife, as the case may be." That would make it clear and make the law speak what the law wants to speak; that is, where the wife or the husband is the injured party, they can be compelled to testify without the consent of the other, except as to confidential communications during the existence of the marriage relation.

Mr. ANDERSON. Would not that same result be accomplished by striking out line 17?

Mr. WINGO. No; I think not; because you would have the line, "but shall not be compelled to testify in such proceeding, examination, or prosecution." That is what you would have, and that would be unwise and worse than it is now.

Mr. ANDERSON. She could testify, but could not be compelled to testify.

Mr. WINGO. In these white-slave cases I do not think the burden should be placed on the women. In such cases those women are in fear of their husbands, and that is why they have submitted. But I believe the Government's hand ought not to be stayed by these women who are in fear of their lives, and so they ought to be allowed to testify against their husbands. I would favor any amendment that would clear up the statute and place them right where there would not be any question of doubt about it.

Mr. CULLOP. Mr. Chairman, I should think that there ought to be stricken out the provision, "but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife."

Now, if gentlemen can give any good reason why the husband or wife should not be a competent witness against each other, except where confidential communications are involved, I am unable to understand. In many of the States of the Union there are statutes enacted to the effect that they are competent witnesses and may be compelled to testify. There are many crimes that can not be apprehended, where convictions can not be had by any other testimony than the testimony of one or the other. The defendant is a competent witness to go on the stand in a criminal case in his own behalf. He is surrounded by the presumption of innocence until he is proven guilty, and the court must so tell the jury, and that presumption must be overcome by evidence of guilt beyond a reasonable doubt; and yet the interest of society, they say, would be invaded if you were to compel the wife by statute to testify as to what she knows about the facts in the case, whether for or against the husband.

Now, one of two things must necessarily follow: Either that it is believed that the wife would not be a truthful witness, but would always give testimony in behalf of her husband, and would refuse to disclose the facts, or else that the interests of society need no such protection from violations of law. Now, why prevent the wife, in the interest of enforcing the criminal law, in the interest of protecting society, in the interest of upholding law and decency, from being brought into court and compelled to testify to the fact in a prosecution against her husband? Such is the law in many of the States of the Union to-day, and it has not worked any such troubles in married households as some gentlemen here have thought it as a law would do.

It has not been productive of divorce cases or family disruption or family disorder, but it has been a salutary law, and has tended to the keeping of the criminal laws of the State, to the enforcement of the laws, and sustained prosecutions in which there was merit, and there are many instances where they could not have been made out in any other way whatever.

Now, this amendment offered to section 1 of this subdivision, so far as the law is concerned in my State, makes the rules of evidence conform in the Federal court to the rules of evidence in the State court, and the wife there may be called to testify if the prosecution desires it. She may be compelled to testify, as she ought to. Society is interested in apprehending what the truth is, in ascertaining the facts; and the Government or State ought to be permitted to use every available means at its command, and not be prevented by statute from using any of them that are fair, upright, and honest for the purpose of ferreting out and convicting violators of the criminal laws.

Now, we all admit that the procedure in the Federal courts of this country is an antiquated procedure. It is as old as the Government. No progress has ever been made in it. The same rules apply to instructions to the jury, to taking cases from the jury, to the introduction of evidence, that were brought about in the early stages of the Government. There ought to be a change in this respect, and the Government should keep pace with the States of the Union in this respect.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BRYAN. Mr. Chairman, the gentleman from Iowa [Mr. TOWNER] spoke by the card when he spoke of this section and used the term "privilege." The section does embody privileges, and the privileges are privileges in favor of bigamists and in favor of polygamists and those who are accused of unlawful cohabitation and the perpetrators of incest and matters of that kind. His amendment, if adopted, will extend the privilege to the violators of the white-slave act.

It is true enough that the gentleman does not mean to extend the privilege, but this section does extend the privilege. The only excuse for the section is that brought out by the gentleman from Arkansas [Mr. WINGO] and others, that polygamy is supposed to be a crime against the woman, for instance, or against the husband, whichever the case may be, and that therefore it does not come within this inhibition.

The gentleman from Missouri [Mr. BOOHER] brought that out. But that is not the case at all. Bigamy is held by the man judges of this country not to be a crime against the woman at all any more than murder of the husband would be or assault upon the husband. It is not a crime against the woman, and therefore it is not subject to the protection that the gentleman thought. In the case of Bassett *v.* The United States (137 U. S., 506), which is a widely cited case, where the question of bigamy is involved——

Mr. BOOHER. Does that case hold that a wife is not the injured party in the case where the husband is guilty of bigamy?

Mr. BRYAN. Yes.

Mr. BOOHER. I should like to know what State it is from.

Mr. BRYAN. It is from the United States of America, and was decided by Mr. Justice Brewer.

Mr. BOOHER. Where was the crime committed?

Mr. BRYAN. The crime was committed down near Missouri, in the State of Illinois, I believe. [Laughter.] No; it was a Utah case, but they cite an Illinois case:

> We conclude, therefore, that the section quoted from the Code of Civil Procedure, if applicable to a criminal case, should not be adjudged as working a departure from the old and established rule unless its language imperatively demands such construction. Does it? The clause in the Civil Code is negative and declares that the exception of the incompetency of wife or husband as a witness against the other does not apply to a criminal action or proceeding for a crime committed by one against the other. Is polygamy such a crime against the wife? That it is no wrong upon her person is conceded; and the common law exception to the silence upon the lips of husband and wife was only broken, as we have noticed, in cases of assault of one upon the other. That it is a humiliation and outrage to her is evident. If that is the test, what limit is imposed? Is the wife not humiliated, is not her respect and love for her husband outraged and betrayed, when he forgets his integrity as a man and violates any human or divine enactment? Is she less sensitive, is she less humiliated, when he commits murder, or robbery, or forgery, than when he commits polygamy or adultery? A true wife feels keenly any wrong of her husband, and her loyalty and reverance are wounded and humiliated by such conduct.

The law of the United States, as cited in the various State courts, holds that bigamy is not an offense against the woman at all. It is an offense against the public, and so it does not come under this protection.

Mr. BOOHER. Will the gentleman permit another question?

Mr. BRYAN. Yes.

Mr. BOOHER. Does the gentleman know of any State which holds that a woman is not an injured party in a bigamy case?

Mr. BRYAN. The United States holds it, and that extends everywhere throughout this country, and we are only enacting Federal law now.

Mr. BOOHER. The Federal law does not control in the courts of your State or mine.

Mr. BRYAN. Your State took this decision, and the judge there said he was bound by it, and any State court will follow the United States court.

Mr. BOOHER. Oh, no; not against their own statutes or decisions.

Mr. BRYAN. I am talking about these statutes. We provide that the State law shall control, except cases coming under this section 108, and we are thus making a law that will control in this country, above State statutes, where the crime is committed under Federal jurisdiction, and it is attempted now to include violations of the white-slave law, in this specially privileged class; and it is proposed that a woman shall be called as a competent witness in a white-slave case, but shall not be compelled to testify unless her husband consents. In other words, if the husband is innocent he can say, "Wife, testify"; but if he is guilty he will say no. Or if the woman will agree to perjure herself he will say testify; otherwise she is to stay at home. Such a law is an outrage and should be a stench in the nostrils of decent people.

Mr. STAFFORD. Mr. Chairman, I quite agree with the gentleman from Arkansas [Mr. WINGO] that the effect of the amendment of the gentleman from Iowa would be just the contrary to what he intends, and that if we include violations of the antiwhite-slave-traffic act in this provision, as suggested by his amendment, we will throw the protecting arm of the statute around the husband so as to prevent the wife from testifying. Now, I think a close reading of this section shows that the husband and wife are only qualified to testify in three cases, namely, bigamy, polygamy, and unlawful cohabitation. I have here a decision of the Supreme Court of the United States—Gross v. United States, One hundred and fiftieth United States—in which the Supreme Court positively lays down the rule that a wife is not a competent witness either for or against her husband in a murder trial. The district judges throughout the country have been criticizing this very section. When we were last considering this bill the distinguished gentleman from New York [Mr. CALDER] read some correspondence from a Federal judge in his district, in which he protested against this limitation of the competency of wife and husband in criminal actions; and it was suggested by his letter that an amendment be proposed so as to enable wives and husbands to become witnesses in all criminal proceedings except these three cases of bigamy, polygamy, and unlawful cohabitation; and he suggested this amendment. I wish gentlemen having the bill before them would follow me, because I intend to offer it as soon as the pending amendment is voted upon.

Strike out, in line 12, the words "for bigamy, polygamy, or unlawful cohabitation" and insert those same words after the word "but" in line 15.

The effect of that transposition will be to make husbands and wives competent witnesses in criminal actions; but there will be this limitation, that in any prosecution for bigamy, polygamy, or unlawful cohabitation, they shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be. They will be competent witnesses, but it must be with the consent of the witnesses themselves before they will be competent.

Mr. WINGO. As I understand, your proposition is to make husband and wife competent in every class of criminal cases, with the consent of either party, except in these three classes of crimes.

Mr. STAFFORD. It is.

Mr. WINGO. Why does the gentleman make a distinction there?

Mr. STAFFORD. They will be competent in these cases, but they must have, first, the consent of the witnesses themselves, the husband or wife.

Mr. WINGO. Now, why do you make that distinction?

Mr. STAFFORD. In this correspondence which I had the pleasure of reading last week this distinguished judge made that recommendation. I have not given it thorough consideration in the midst of other work connected with the business of Congress during the last week, but I can see where in the peculiar domestic relation cases of bigamy, polygamy, and unlawful cohabitation the wife should not be compelled to testify without her consent. I think generally the husband and wife should be competent witnesses in all criminal cases, and that is the purpose of the amendment that I shall offer as soon as this is disposed of.

Mr. BARTLETT. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BARTLETT. Is it not a fact that this language in reference to bigamy and unlawful cohabitation found its origin in what is known as the Edmunds Act in reference to polygamy in Utah and western territory?

Mr. STAFFORD. That may be the historical source of it.

Mr. BARTLETT. And if the gentleman's amendment succeeds he will in a great measure weaken the enforcement of the law known as the Edmunds Act against these crimes in Utah and other States where Mormonism has existed.

Mr. STAFFORD. The gentleman probably is in accord with my idea, and that is that the husband and wife shall become witnesses in a criminal action.

Mr. BARTLETT. I think the husband and wife ought not to be permitted to testify for or against one another except for offenses or crimes committed against the person of the other.

Mr. STAFFORD. Then the gentleman, as far as his position is concerned, is not in accord with the policy in most of the States.

Mr. BRYAN. Does the gentleman restrict that to cases against the person, cases where an attack is made? What kind of cases does the gentleman restrict it to?

Mr. BARTLETT. In my State a husband or a wife can not in a criminal case testify for or against each other except for offenses committed against one another.

Mr. BRYAN. Would that include bigamy?

Mr. BARTLETT. No; it would not.

Mr. BRYAN. You would not want to hear the testimony of a wife against her husband in such a case; you might convict him.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Is an amendment pending?

The CHAIRMAN. There is.

Mr. STAFFORD. There is an amendment pending, offered by the gentleman from Iowa [Mr. TOWNER]. I would like to submit this inquiry or proposition to the gentleman from Louisiana: The gentleman from Louisiana has made one statement as to the law in regard to the competency of husband and wife prevailing in the United States courts. The gentleman from Iowa, Judge TOWNER, has made a different statement. There is confusion as to that proposition. Here is an important provision relating to testimony in courts to be given by the husband and wife, and I want to know if the gentleman from Louisiana would have any objection to passing over this section so that he and other members of the committee can give consideration to the amendments that have been suggested.

Mr. WATKINS. Mr. Chairman, I have been very indulgent in that matter of passing over sections and then going back, and I find that it consumes too much time and breaks into the succeeding day.

Mr. STAFFORD. Very well.

Mr. BOOHER. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Iowa under one construction and opposed to it under another. If this amendment is adopted, and then the balance of the section should remain as it is, I do not believe under proper construction of this statute a wife could testify against her husband in a white-slave case. I think everybody agrees in a case of that kind that the wife ought to be a competent witness. I do not know how the crime can be proven without it. Now, if we adopt the amendment of the gentleman from Iowa, leaving the balance of the section as it is, as I construe the section, the wife could not testify in a case of that character. The courts have held that she can testify, putting it under the common-law rule. I suppose, that she is the injured party and a competent witness. They could not do it under this section of the statute, and there is no statute governing it. If I could be assured that the amendment I shall offer would be adopted, I would vote for the amendment of the gentleman from Iowa. Without that assurance I am going to vote against it, because I do not want to deprive the Government of the right to use the wife in cases of this character. After the amendment of the gentleman from Iowa is voted upon I will offer another amendment.

Mr. COX. Mr. Chairman, may we have the amendment offered by the gentleman from Iowa again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were—ayes 2, noes 6.

So the amendment was lost.

Mr. BOOHER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 66, line 15, strike out all after the word "called," in line 15, page 66, down to and including the word "testify," in line 16.

Mr. BOOHER. So that it will read:

The lawful husband or wife of the person accused shall be a competent witness, and may be called in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be.

Mr. BRYAN. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. BRYAN. I think I agree with the gentleman in his purpose, but if he does that he will interfere with the confidential-relation provision.

Mr. BOOHER. No; that is still in.

Mr. BRYAN. Would it not be better to strike out all after the word "witness," in line 15, down to the word "and," in line 18, so that it would read:

The lawful husband or wife of the person accused shall be a competent witness, and such witness shall not be permitted to testify—

And so forth?

That makes a competent witness of either without the consent of the other.

Mr. STAFFORD. If the gentleman's amendment is adopted, how are you going to provide for the competency of the wife in the prosecution under the white-slave act?

Mr. BOOHER. Well, that amendment ought to have been delayed until after this one has been passed upon.

Mr. STAFFORD. I suppose the gentleman would have no objection to returning to it afterwards to incorporate it.

Mr. WATKINS. Mr. Chairman, I want to state that I am thoroughly satisfied that these words "unlawful cohabitation" would cover the white-slave cases.

Mr. BRYAN. Not necessarily.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BOOHER].

The question was taken, and the amendment was agreed to.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. The amendment just adopted offered by the gentleman from Missouri strikes out these words in lines 15 and 16, "but shall not be compelled to testify"?

Mr. WATKINS. Yes.

Mr. WINGO. Mr. Chairman, I offer an amendment to strike out these words in lines 12 and 13, "for bigamy, polygamy, or unlawful cohabitation."

The CHAIRMAN (Mr. RUSSELL). The Clerk will report the amendment.

The Clerk read as follows:

Page 66, lines 12 and 13, strike out the words "for bigamy, polygamy, or unlawful cohabitation."

Mr. WINGO. Mr. Chairman, if this amendment is adopted the statute will then read:

SEC. 108. In any proceeding or examination before a grand jury, judge, justice, court, or United States commissioner in any prosecution under any statute of the United States the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other during the existence of the marriage relation deemed confidential at common law.

In other words, you would not have any exceptions in the law. As the statute now stands you make an exception in favor of three classes of crime—polygamy, bigamy, and unlawful cohabitation. If you adopt my amendment, it would be simply this, that in any case under any statutes of the United States bigamy, polygamy, the white slave, or illegal cohabitation or anything else, the wife shall be a competent witness against the husband and may be called without the consent of the husband. I can not understand why there should be one rule of evidence with reference to one class of these crimes and another rule of evidence with reference to another class of the crimes that may be of the same generic class but of different statutory expression or denomination.

Mr. BRYAN. Mr. Chairman, I desire to speak on this amendment.

The CHAIRMAN. Does the gentleman desire to speak against the amendment? The Chair will recognize the gentleman.

Mr. BRYAN. Mr. Chairman, I am in favor of this amendment, and I want to take advantage of the opportunity to say that that is exactly the amendment which I proposed originally, except in somewhat different language, to which the gentleman from Missouri [Mr. LLOYD] suggested that there should be only five minutes of debate, and the matter then be forgotten immediately, by inference. That is exactly the amendment that provides for open testimony as to wife or husband, makes each of them competent in any case to testify to all facts except as to privilege communications.

Just one thing more. A while ago when my friend the gentleman from Iowa [Mr. TOWNER] was reading he read that certain mentioned crimes were committed almost exclusively out on the Pacific coast, and I said that that was a reflection upon the coast. I want to call attention while on this subject to the fact that the Pacific coast—the State of California—furnished the case that was known all over this country and that awakened the conscience of the people all over this country to the necessity of the enforcement of the white-slave act; that the same kind of crime had been committed in other States and had been talked about tremendously, and in other States of the Union, but out there there was opposition, and there was a trial. Such a force of public opinion was felt that the President took the matter in hand and forced a trial of the Diggs-Caminetti cases. Gentlemen on this side of the House said that the prosecuting attorney out there was guilty of demagoguery; that he was playing to public opinion, and that means that public opinion in California decreed that those cases must be prosecuted; that those individuals must be brought to trial. There was a different kind of sentiment in California than existed elsewhere. There was some reason for this different kind of sentiment, and that was this thing that some please to call "feminism." It was a case of the women in California asserting themselves. If you say that that Federal district attorney was a demagogue, you say that public opinion was back of him, for demagogues play to public opinion. If he was honest and faithful and patriotic, and I would say that he was, that he is entitled to all credit, then you again recognize a public sentiment that accorded support to the official. A man can not discharge his duties in this country when public opinion does not back him up. We can not enforce laws that public opinion does not want us to enforce. The truth is the women of California demanded law enforcement—their love of home, of the highest possible conception of home, got into action and put nerve and backbone into the Government official. When you come to the Pacific coast you will find that we are knocking out all of these laws about extraordinary corroboration in crimes against sex morality. We raise the age of consent and enact laws to punish that kind of criminals instead of protecting them, as this bill proposes to do. From the medieval ages all the way down the laws have been designed especially by men to protect them in the commission of this kind of crime. The women are not the guilty ones, and the men who say so are guilty and filthy in their thoughts. The women who gave out a little statement here the other day that I have already mentioned, which was published in the Washington Post and referred to free love and suggested that equal suffrage was complicated with the doctrine of free love, were speaking from filthy minds, and the evil was with them. I wish the authors of that low-down suggestion had been men, so I could go after them. It was contemptible for them to give out any such statement as that, and I have heard that repeated, and we who represent States where women vote are not going to stand for it. The women of our States out there are causing purer laws to be made and are protecting purity in enactments. They are procuring better environments for their boys and are laboring for the establishment of safeguards about their boys.

They are not tending to free love, and any such reference as that is abominable and could only be the product of perverted minds. I am very glad to see that we have finally won this fight on this floor and that this bill is going to be amended as suggested unless the Democratic donkey kicks some Democrats into line that are perhaps now out of the Chamber, and that all these delicious legal privileges for bigamists and rapists and men who violate womanhood will be taken away from them and that they will not be able to hide behind the protection that the wife can not testify unless they allow it; that the wife can not speak against them unless they let her speak; and I am glad to see there is a much better sentiment now on this proposition.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask unanimous consent to restore the words "to testify" to the amendment offered by the gentleman from Missouri [Mr. BOOHER].

Mr. WATKINS. Mr. Chairman, that can be attended to in a minute. This amendment seeks to throw down the bars and allow the husband or the wife to testify in any proceeding in court, be it civil or criminal. From the foundation of the world up to the present time the sacred relations between a man and a wife have been recognized and protected. They have been recognized in the marriage ceremony for all time as one—their thoughts, their impulses, their loves, and their affections. There have been safeguards thrown around this marriage tie through the instrumentality of the law from the inception of the law, from the time that civil law was first known, up to the present time. The object of this amendment is to break down that principle of law, which is to establish and maintain the sacredness between the husband and the wife and to perpetuate the sacred relationship in the household. The object is to allow the hus-

band to testify in all instances where the wife is interested and the wife to be called in where the husband is interested, that they may be mutual witnesses one for the other or one against the other.

It will go further toward breaking down the marital relations and disrupt the home than anything that might possibly be conceived of. It is perfectly permissible for the wife to testify or the husband to testify in the cases enumerated in this section which we now have under consideration, because in this section it is the acts denominated there committed, either by the husband or the wife, that are a disruption of the home, a violation of the marriage vows, and a disregard of the sacred relations which exist between husband and wife; but when you go beyond that, when you go out into the wide domain, it may go out into investigations of crime which has been committed and in suits which have been brought, and in allowing the husband and the wife to mutually testify, one for the other or one against the other, you are simply accumulating evidence, because the husband is not expected, except in this section, where the marital relation has been disrupted and the marriage vows have been violated, and there is friction in the family—it is not expected that the husband testify against the interest of the wife, and no true wife would be expected to be placed upon the witness stand to testify against the interest of her husband except in these cases, and the general law has gone far enough, in my opinion, in the section which we have now under consideration. In this connection I wish to say that so far as the amendment which was voted down in reference to the white-slave traffic a while ago, I do not think it is at all material, because the statute now protects that very class of cases as it is now worded. I did not vote upon it one way or the other, because it was immaterial, in my opinion. But I am strenuously opposed to the amendment——

Mr. BRYAN. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. BRYAN. The gentleman says this amendment would disrupt; but does not the original statute, the words we are trying to strike out, authorize the testimony between husband and wife? In other words, the rule would be one way when he is guilty, and when he is innocent the rule would be otherwise.

Mr. WATKINS. I regret I can not agree with the other Members here as to the interpretation of the language. I think it is sufficiently safeguarded by the expression used. The words in line 17, "as the case may be," seem to have been lost sight of in this discussion. Those words are meaningless unless they mean that when the husband is offered as a witness he can not be compelled to testify for or against the wife, and the wife can not be compelled to testify for or against her husband unless she is willing. That is my interpretation of that language. The word "compelled," construed together with the other words there, "as the case may be," read after the words "husband and wife," I think clearly show that is the intention.

Mr. BARTLETT. Mr. Chairman, just a word. The humanity of the law, the wisdom of the law, and the wisdom of ages sanction the doctrine that, except in certain cases where the offense committed by the husband or the wife is an offense against the wife, the one or the other should not be permitted to testify for or against the other. Since the creation of man and woman in the Garden of Eden they have been regarded as only one, living in the holy state of matrimony; but the humanity of the law, the wisdom of the law, and the experience in the long administration of the law show that it was civilization and the advancement of civilization, and the enforcement of the law, that when an offense such as bigamy, polygamy, or unlawful cohabitation, or assaults upon the wife or the husband by one or the other, it was proper that they should testify one for the other, and therefore I have voted for the amendment of the gentleman from Missouri, which did not leave that matter to be determined either by the consent of the husband or wife, but they were compelled to testify. We all know how this got to be in this statute here. This statute, as I understand it, makes an exception in the case of polygamy, bigamy, or unlawful cohabitation, and in 1882 and 1887 it was the result of an agitation against the offense against morals in Utah and those States where polygamy was practiced under the Mormons, known as the Edmunds Act. That was the first time we had, as I recollect, in the statutes of the United States a provision for those cases.

Why, you take a wife or a husband charged with murder or with an assault upon some one else, or any other crimes known to the criminal law—whether she wants to or not, whether she consents or not, she is compelled to go upon the witness stand at the direction of the prosecuting officer and testify against her husband. We had that sort of thing in the Dark Ages in the administration of the law, and the rack and the torture were administered to the witnesses in order to make them testify, to men in order to make them confess; and women and daughters have been known to be tortured and to go to their death rather than testify against their husbands. Or else you open wide the door of perjury, because when you place either a good wife or a good husband upon the witness stand to testify in a criminal case against the husband or the wife, and you submit a question that will involve guilt, the wife, loving the husband better than anything else, who has served him all her life, devoted to him, is ready to risk her life to protect him, ready to go down into prison, even into the grave, to save him, even if he might be guilty, will not hesitate to commit the crime of perjury to save her husband; and instead of advancing the enforcement of the law, instead of giving the truth, you hold out inducements to the husband and wife either to refuse to testify and accept punishment at the hands of the court, or color that testimony, or really, in fact, not to state the truth and commit perjury.

It is well, Mr. Chairman, that we stay close to the beaten path in this sort of matters that have been marked out for us by wise men, under which the administration of the law in this sort of cases has been fairly satisfactory.

Therefore I shall not vote for the amendment of my friend from Arkansas [Mr. WINGO], which proposes in all cases to open wide the door in every sort of case for the admission of the testimony of the husband and wife.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CULLOP. Mr. Chairman, I have listened with a great deal of interest to the argument of the distinguished gentleman from Georgia [Mr. BARTLETT]——

Mr. WATKINS. Will the gentleman from Indiana permit an interruption there, in order that I may call his attention to a fact that evidently has escaped him? Will you permit me to ask a question?

Mr. CULLOP. Certainly.

Mr. WATKINS. This section 106 has already been amended so as to allow the State laws to apply in all these cases.

Mr. CULLOP. As I said, I am always glad to listen, and I do so with pleasure, to the arguments the gentleman from Georgia makes upon any question.

But now he has only presented one side of the proposition involved here. There is another side to it. The wife can be called as a witness in behalf of her husband under the statute as it is now, and the doorway is as wide open for the commission of perjury now as it would be if the amendment of the gentleman from Arkansas [Mr. WINGO] were adopted.

Mr. BARTLETT. Only in this class of cases, permit me to say.

Mr. CULLOP. Now, let me put this proposition: Suppose a wife has an infant in her arms that she loves dearer than her husband, and the husband kills the infant, and yet the mother can not go into the courthouse and, under a barbarous statute like this, testify against the inhumanity of her own husband and vindicate the outrage.

Suppose the mother has a son, a child by another marriage; the brutal husband may strike him down in cold blood, with no other witness but the wife and mother, and yet under the brutality of such a statute as this justice can not be done and the mother can not testify against the brutal conduct of her inhuman husband, and justice can not be administered. That is the kind of a doctrine that the gentleman from Georgia has just advocated that we here, in the twentieth century, should uphold in the most intelligent nation of all the world. Tell me that a law of that kind is reasonable, that it is fair to society and the best interests of a glorious Nation; that a nation that will tolerate it upon its statute books is moving forward to the high destiny in its administration of justice which the intelligence of its people require and the safety of its social fabric demands? Does not the evolution of the ages appeal to us to write on the pages of the statute books the progress in this respect, the solution of all experience in such matters? Tell me that a statute that would not let that wife testify against the brutal murderer of her infant that was helpless in her arms, which was perpetrated by her husband, should be kept upon the statute books in order to maintain an ancient custom, yea, a custom that would blacken the pages of the court of a Jeffreys when it was in its most ignominious career, in the ostensible administration of justice; a statute which will not let the wife testify without the consent of the husband charged with the heinous crime of striking down her offspring—the mother, because she is the wife—but that she must sit in silence, nurse her sorrow with her lips sealed, because the husband will not consent to her telling the truth? If we do, we commit a wrong against society and the administration of justice. Yea, gentlemen, we ought to break away from such an unpardonable

custom as that. We ought to strike down the shackles from the truth, bare the secrets, turn on the searchlight, and reveal the facts as they exist, and assist society and the advancement of civilization and demonstrate there is progress in the administration of the law in our courts in this enlightened period, as well as in other departments of the world; that the ancient customs and practices of an antiquated system are abolished and a new and better era has dawned to glorify the age in which we live.

But instead of that they say "Keep this antiquated statute of the Dark Ages upon the statute books for fear that we may make some new departure, and that we will make some progress in the courts of our country where progress is needed and where justice demands that it be made." We plead for a better procedure in the interests of society and the good order of our people.

Now, Mr. Chairman, in the interest of the administration of justice, in the interest of progress in the law, in the interest of society, in the interest of a people who are striving to administer justice for the better protection of their lives, persons, and property, for enhancement of the common good, let us adopt the amendment of the gentleman from Arkansas, and the lovers of law and the lovers of order and the lovers of justice will commend the act with more vigor and more enthusiasm than anything else you are writing in this statute here to-day. [Applause.] I know how slow some are in all legislation to depart from customs and habits of the past, but let me remind them that we are not now doing things as our fathers did them, but we are keeping step with the evolution of the times in every other department of life, but here in this, one of the most important, sacred institutions of all, we are behind in the great march of passing events, and following in the footsteps of the ancients, much to the detriment of our reputation for good order and the advancement of society. Woman occupies a different sphere in government to-day from that she occupied when this antiquated provision was first written into the law, and the new conditions require a different treatment of her status in our courts on this important proposition, and to remedy this inequality and rectify this wrong we most earnestly plead for this wholesome correction of the law defining her status for the protection of society and the improvement of social conditions, and the better administration of justice in our courts, which are ever the guardians of our social conditions and the protection of the lives, persons, and property of our citizens. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I would like to be recognized for five minutes, and I move to strike out the last word.

I want to call attention of gentlemen on the other side to this proposition. I am in favor of the amendment of the gentleman from Arkansas [Mr. WINGO]. I think it is indicative of the larger humanity and takes the larger view. I should like to have his attention, if he will give it to me. I favor the amendment because I think that is what we ought to come to; but it occurs to me, gentlemen, that if these words are stricken out, so that it shall apply to all crimes, that we should take back the action which the committee has taken by striking out the words "but shall not be compelled." I think it could hardly be asked now that we could compel the wife to testify against the husband in cases of all crime. If we give her that privilege, is not that taking a great step in advance, and is not that as far as we ought to go? The difficulty is now that we have stricken out these words "but shall not be compelled," and therefore the law as it would stand if we strike out these additional words would be to the effect that a woman will be compelled to testify against her husband or the husband compelled to testify against his wife in any case for any crime. I think that is perhaps going further than we ought to go. If our action can be taken with regard to striking out the words "but shall not be compelled," I shall be very glad, indeed, to support the amendment of the gentleman from Arkansas.

Mr. WINGO. Will the gentleman yield for a question right there?

Mr. TOWNER. Yes, sir.

Mr. WINGO. If the interpretation of some were correct, then your suggestion would be wise; but in view of the interpretation of the chairman of the committee of that statute, would we not then be in the same dilemma we were in when we started trying to amend it?

Mr. TOWNER. I think that is an indication, if the gentleman will pardon me, that the gentleman's interpretation is not right, and I do not believe it is shared by other gentlemen on the floor. I have not heard anybody else but the chairman of the committee take that view as to the interpretation of the statute. Let us do the right thing, and let us send this bill to the Senate as it ought to be. Do not let them have the credit of making these corrections. Do not let it be said it is necessary for the Senate to fix up a bill to correct the mistakes made by the House. Let us put back the words "or shall not be compelled," and strike out these words, "bigamy, polygamy, or unlawful cohabitation," and then we shall have placed ourselves upon defensible and advanced grounds, to which I think the other Chamber will follow.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. WINGO. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 9, noes 12.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BRYAN. Mr. Chairman, I have an amendment there. I move to amend by striking out, beginning with the word "and," in line 15, down to the word "be" in line 18.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Page 66, line 15, strike out after the word "witness" the following language: "and may be called in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be."

Mr. BRYAN. That is the same proposition. I will not take up any time in debating it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BRYAN. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 6, noes 10.

So the amendment was rejected.

Mr. BRYAN. I think, Mr. Chairman, we ought to have a quorum on a matter of this kind.

The CHAIRMAN. Does the gentleman make the point of no quorum?

Mr. STAFFORD. I hope the gentleman will not press that point. We have made no headway to-day. We ought to make headway on this very important business.

Mr. WINGO. I hope the gentleman will withdraw that. We are anxious to expedite business.

Mr. BRYAN. Can I have consent, Mr. Chairman, to leave this open for amendment, as was suggested a while ago, until next Wednesday?

Mr. WATKINS. I can not agree to that, Mr. Chairman. We have taken up enough time on the section to-day.

Mr. STAFFORD. I think the gentleman ought not to press his point. We ought to make some headway on this bill. Although it is a very hot day, we ought to go on for an hour or two.

Mr. BRYAN. Mr. Chairman, I will withdraw the point, but I will bring it up again in another place. There are only 12 Members on a side.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to return to line 16 for the purpose of restoring to the amendment the words "to testify," so that it will read "and may be called to testify in such proceeding." I think the gentleman from Missouri [Mr. BOOHER] struck out inadvertently the words "to testify" when he intended to strike out only the words following.

The CHAIRMAN. That is section 108?

Mr. STEPHENS of Texas. Yes; line 16, section 108; to restore the words "to testify."

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] offers an amendment which the Clerk will report.

The Clerk read as follows:

The amendment already adopted strikes out the words "but shall not be compelled to testify," in lines 15 and 16.

Mr. STEPHENS of Texas. That should be restored.

Mr. STAFFORD. The gentleman from Missouri [Mr. BOOHER] is here, and his opinion on the subject may be had.

Mr. STEPHENS of Texas. I desire to restore the words "to testify," two words that were stricken out. The gentleman from Missouri [Mr. BOOHER] consents to it.

Mr. WINGO. Mr. Chairman, I understand the proposition offered by the gentleman is to restore the words "to testify," stricken out a moment ago on the amendment of the gentleman from Missouri [Mr. BOOHER].

Mr. BRYAN. Mr. Chairman, I ask that the section be read as amended in that way.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. The committee having adopted an amendment, will it not be necessary before it can be changed to ask

unanimous consent to reconsider the vote whereby that amendment was adopted?

The CHAIRMAN. The Chair is of that opinion.

Mr. WATKINS. I suggest, Mr. Chairman, that if we have an amendment inserted, "to testify," after the word "compelled," it would have to be a separate and distinct amendment, and would not have reference to any amendment already passed.

Mr. STEPHENS of Texas. It would merely perfect the language.

Mr. STAFFORD. You are trying to incorporate some words that have heretofore been stricken out. The question is, Can the House go ahead with the proceeding of striking out a portion of a paragraph and then allowing some person to add some language that had been stricken out? In that way we shall never get anywhere. I ask unanimous consent that the vote heretofore taken on the amendment be vacated.

Mr. WINGO. The proposition now is to amend this section as it now stands by inserting the words "to testify" after the word "called."

The CHAIRMAN. The Chair understands that the gentleman from Missouri [Mr. BOOHER] offered to strike out the words, beginning on line 15 and ending on line 16, "but shall not be compelled to testify."

Mr. WINGO. That is correct.

The CHAIRMAN. That was stricken out, as the Chair understands. Now the proposition is to restore the words "to testify," that were stricken out.

Mr. WINGO. That is the practical effect; but the formal motion is an amendment to the section as it now stands by inserting the words "to testify" after the word "called." That would meet the technical objection raised by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. It is a question of procedure, Mr. Chairman. Supposing, then, some person would come around and make a motion to insert the word "compelled," if the Chair holds it in order to amend by adding the words "to testify." Then some person else comes along and inserts the word "be," until each word of that which was stricken out is reinserted. In that case the House would never get anywhere.

The CHAIRMAN. It is permissible to strike out the words in one place and insert them in another place. In this case the words were stricken out, but they are proposed to be put back in another place.

Mr. STAFFORD. No; they remain in the same place, Mr. Chairman. Let me direct the Chair's attention to this fact, that if the original motion of the gentleman from Missouri [Mr. BOOHER] had been to strike out merely the words "but shall not be compelled," leaving the words "to testify," then the purpose of this amendment would be accomplished. I wish to emphasize again the fact that if the Chair holds that it is now in order to do this the committee will never get anywhere. The first thing to do is to ask unanimous consent to return or to have it put in. It can not be offered as an amendment.

Mr. STEPHENS of Texas. I ask that the words "to testify" be inserted, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to restore the words "to testify." Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 111. In the trial of actions at law the courts of the United States may, on motion and due notice thereof, require the parties to produce books or writings in their possession or power which contain evidence pertinent to the issue in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery. If a plaintiff fails to comply with such order, the court may on motion give the like judgment for the defendant as in cases of nonsuit, and if a defendant fails to comply with such order the court may on motion give judgment against him by default.

Mr. TOWNER. Mr. Chairman, I have an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 67, line 7, after the word "in," insert the words "preparation for and at."

Mr. TOWNER. The effect of that amendment will be to make the section read:

In preparation for and at the trial of actions at law the courts of the United States may—

And so forth. I will say to the chairman of the committee that the reason for that is that this class of testimony, consisting of exhibits, books, and so forth, is as necessary before the grand jury and in a preliminary investigation as upon the trial of the case. This was called to my attention by a United States judge for the purpose of meeting that difficulty.

Mr. WATKINS. If there is to be no further discussion on this amendment, I will make no objection to it. If, however, the progress of the bill is to be retarded by discussing the amendment at length, I will have some observations to make on it.

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I have another amendment to offer.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Page 67, line 9, after the word "produce," insert the word "things."

Mr. TOWNER. The object of that amendment is merely to allow the introduction not only of books and writings but of things; for instance, in a prosecution for larceny or any other case where the thing itself or a weapon or something of that kind is necessary to be introduced, so that such "thing" may also be introduced in evidence.

Mr. WATKINS. If a comma is inserted after the word "things," I shall have no objection.

Mr. TOWNER. That may be done, Mr. Chairman.

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I have another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 67, line 10, strike out the word "contain" and insert in lieu thereof the word "furnish."

Mr. TOWNER. The reason for that amendment is that the word "contain" refers only to books and writings. Of course, there are very many other objects of evidence of this character that may be introduced, and the word "furnish" is used so that it may be applicable to all kinds of testimony of this character.

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I have another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 67, line 13, after the word "chancery," insert the words "or when approved by the court having jurisdiction over the action."

Mr. TOWNER. The object of that amendment will be apparent when I read the words as they will be with the amendment inserted:

In cases and under circumstances where they might be compelled to furnish the same by the ordinary rules of proceeding in chancery or when approved by the court having jurisdiction over the action.

In some cases the order of the court can not be effective unless that language is added. It is technical, of course.

Mr. BARTLETT. I move to strike out the last word. I do not quite get the purport of the gentleman's amendment. This refers to the production of books and papers?

Mr. TOWNER. Yes.

Mr. BARTLETT. This is the old law. Does the gentleman think it is wise to say that if a man fails to produce a book or paper, the opposite party shall have judgment, or nonsuit? Of course that is the present law.

Mr. TOWNER. This section has nothing to do with that.

Mr. BARTLETT. But that is the next paragraph.

Mr. TOWNER. This is only to give the court the power to compel the production of this kind of evidence in any case or proceeding where the court thinks it may be necessary for him so to do.

Mr. BARTLETT. Yes; but the next section provides that if the plaintiff fails to comply with the order, the court may give judgment for the defendant, or nonsuit, and if the defendant fails to comply the court may give judgment against him by default for failure to produce the books or papers. That is the law, as I understand.

Mr. TOWNER. That is the law now. The amendment does not change the rule.

Mr. BARTLETT. Your amendment does not change the rule, except to add another instance in which, if he fails to comply with the order, there may be judgment in favor of the other party.

Mr. TOWNER. If the gentleman will see, it does not even do that. It only allows the court to order the production of these things in a case that the court may have jurisdiction of, when he thinks it is necessary.

Mr. BARTLETT. Ordinarily the failure to produce a book or document gives the opposing party the right to produce secondary evidence of it. That is the rule. If the party having evidence within his control fails to produce it, that is a fact that may be considered injuriously to his case, and permits the party who calls for the evidence to adduce secondary evidence of it. This is a broader power, which permits the court, for the failure to produce testimony within the control of the party, to grant a nonsuit or judgment.

Mr. TOWNER. Yes; that will be the effect of a later paragraph.

Mr. BRYAN. The gentleman will note the section provides that these books and papers shall be furnished in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery, and the amendment adds——

Mr. TOWNER. Or when approved by the court having jurisdiction.

Mr. BRYAN. Is not that a mere matter of procedure? It provides that the books are to be brought in under the rules that are provided in courts of chancery, and when you extend it, does it not really make a limitation? If they are brought in under the chancery rules and you add something else, do not you complicate instead of simplify the procedure?

Mr. TOWNER. No; I think not. I can see no reason why it should have that effect.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. TOWNER) there were—ayes 4, noes 6.

So the amendment was lost.

The Clerk read as follows:

SEC. 113. The testimony of any witness may be taken in any civil cause depending in a district court by deposition de bene esse, when the witness lives at a greater distance from the place of trial than 100 miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of the district in which the case is to be tried, and to a greater distance than 100 miles from the place of trial, before the time of trial, or when he is ancient and infirm. The deposition may be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or a superior court, mayor or chief magistrate of a city, judge of a county court or court of common pleas of any of the United States, or any notary public of the several States, Territories, and the District of Columbia, not being of counsel or attorney to either of the parties, nor interested in the event of the cause. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition; and in all cases in rem the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party until a claim shall have been put in; and whenever, by reason of the absence from the district and want of an attorney of record or other reason, the giving of the notice herein required shall be impracticable, it shall be lawful to take such depositions as there shall be urgent necessity for taking, upon such notice as any judge authorized to hold courts in such district shall think reasonable and direct. Any person may be compelled to appear and depose as provided by this section in the same manner as witnesses may be compelled to appear and testify in court.

Mr. WATKINS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 68, line 2, after the word "or," strike out the words "out of the district in which the case is to be tried and."

Mr. WATKINS. Mr. Chairman, that is for the purpose of making it harmonize with other sections similar in character.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

The Clerk read as follows:

SEC. 122. When a commission to take the testimony of any witness, found within the District of Columbia, to be used in a suit depending in any State or Territorial or foreign court, is issued from such court, or a notice to the same effect is given according to its rules of practice, and such commission or notice is produced to a justice of the supreme court of said District, and due proof is made to him that the testimony of such witness is material to the party desiring the same, the said justice shall issue a summons to the witness, requiring him to appear before the commissioners named in the commission or notice, to testify in such suit, at a time and at a place within said District therein specified.

Mr. WATKINS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 73, line 15, after the word "the," strike out the word "commissioners" and insert the word "officer."

Mr. WATKINS. Mr. Chairman, that is to make it harmonize with other provisions and sections.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Louisiana.

The question was taken, and the committee amendment was agreed to.

The Clerk read as follows:

SEC. 126. When any commission or letter rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, is executed by the court or the commissioner to whom it is directed, it shall be returned by such court or commissioner to the minister or consul of the United States nearest the place where it is executed. On receiving the same, the said minister or consul shall indorse thereon a certificate, stating when and where the same was received, and that the said deposition is in the same condition as when he received it; and he shall thereupon transmit the said letter or commission, so executed and certified, by mail, to the clerk of the court from which the same issued, in the manner in which his official dispatches are transmitted to the Government. The testimony of witnesses so taken and returned shall be read as evidence on the trial of the suit in which it was taken, without objection as to the method of returning the same. When letters rogatory are addressed from any court of a foreign country to any district court of the United States, a United States commissioner designated by said court to make the examination of the witnesses mentioned in said letters shall have power to compel the witnesses to appear and depose in the same manner as witnesses may be compelled to appear and testify in courts.

Mr. MADDEN. Mr. Chairman, I think that inasmuch as the weather is excessively warm and we have been here strenuously at work all day, and the further fact that a great many Members have engagements to attend to, a lot of mail to dispose of before they go home to dinner, we ought to rise, and I make the point of no quorum.

Mr. STAFFORD. Will not the gentleman withdraw that until this section can be perfected?

Mr. WATKINS. Mr. Chairman, I have three amendments to be offered to perfect the section. It is not my disposition to quit work at this time of the day. If the gentleman from Illinois had been here as closely as I have—for I have not had time to eat a lunch or go to get a drink of water—I might have acquiesced; but in view of the fact that this is the first time I have seen the gentleman here this afternoon, I do not feel that I can yield to his importunity.

Mr. MADDEN. I make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. The Chair will count. [After counting.] Thirty-one Members are present, not a quorum.

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

Mr. WATKINS. Mr. Chairman, there is a point made of no quorum, and the gentleman can not make the motion without that matter being determined.

The CHAIRMAN. The Chair understands that the Chair can entertain a motion that the committee rise at any time before the roll has begun to be called.

The question was taken on the motion of Mr. FOSTER, and, on a division, there were 17 ayes and 8 noes.

Mr. WATKINS. Mr. Chairman, I ask for tellers.

The question of ordering tellers was taken.

The CHAIRMAN. Seven gentlemen have risen, not a sufficient number, and tellers are refused.

Mr. DONOVAN. Mr. Chairman, the other side.

The CHAIRMAN. There is no other side. The rule requires 20 Members, one-fifth of a quorum, and the committee determines to rise.

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SAMUEL W. SMITH, for 14 days on account of important business.

To Mr. TEN EYCK, indefinitely, on account of illness in his family.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 264. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3112. An act to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.; to the Committee on Irrigation of Arid Lands.

THE MEXICAN SITUATION.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Mexican situation.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. WINGO) there were 18 ayes and 8 noes.

So the motion was agreed to; accordingly (at 4 o'clock and 54 minutes) the House, under the special rule, adjourned until to-morrow, Thursday, May 28, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Wabash River, Ind. and Ill., from its mouth to Terre Haute, with a special report as to improving said river up to Mount Carmel by dredging (H. Doc. No. 1001); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Acting Secretary of the Treasury, submitting items of estimates for public buildings work and requesting that same be incorporated in the sundry civil appropriation bill for the fiscal year ending June 30, 1915 (H. Doc. No. 1000); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BOWDLE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16055) to amend section 4474 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 718), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 1580) for the relief of John R. Norris, reported the same with amendment, accompanied by a report (No. 717), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 11772) for the relief of the P. J. Carlin Construction Co., reported the same with amendment, accompanied by a report (No. 719), which said bill and report were referred to the Private Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 16713) for the relief of Samson Davis, reported the same without amendment, accompanied by a report (No. 720), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLACKMON: A bill (H. R. 16874) to establish a fish-cultural station in the State of Alabama; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEVENS of New Hampshire: A bill (H. R. 16875) to promote the safety of employees and passengers on railroads engaged in interstate or foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: A bill (H. R. 16876) to regulate and control the manufacture, sale, and use of weights and measures and to be known as the "weights and measures act"; to the Committee on Coinage, Weights, and Measures.

By Mr. CARY: Resolution (H. Res. 527) directing the Commissioners of the District of Columbia to report by what legal authority the Washington & Old Dominion Railroad has erected and maintained a permanent building over and across Thirty-sixth and M Streets NW.; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 16877) granting a pension to Rebecca Crofts; to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 16878) granting a pension to Susan C. Ogier; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 16879) granting an increase of pension to Dennis Smith; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16880) for the relief of James Nichols; to the Committee on War Claims.

Also, a bill (H. R. 16881) granting a pension to Lizzie Burnet; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 16882) granting an increase of pension to William Whaley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16883) granting an increase of pension to Hazlet A. Jacobs; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 16884) granting a pension to Joshua W. Jewell; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 16885) granting a pension to Simon Shea; to the Committee on Pensions.

By Mr. GREGG: A bill (H. R. 16886) for the relief of Anthony, Eubanks & Co.; to the Committee on War Claims.

By Mr. GUERNSEY: A bill (H. R. 16887) granting a pension to Frances L. Campbell; to the Committee on Invalid Pensions.

By Mr. J. I. NOLAND: A bill (H. R. 16888) granting a pension to Thomas Henry Cunningham; to the Committee on Pensions.

By Mr. O'LEARY: A bill (H. R. 16889) granting an increase of pension to Emma L. Ackley; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 16890) granting a pension to Martha A. Knapp; to the Committee on Pensions.

Also, a bill (H. R. 16891) to correct the military record of Albion P. Dyer; to the Committee on Military Affairs.

Also, a bill (H. R. 16892) to place upon the muster-in rolls the name of John O. Kinney; to the Committee on Military Affairs.

By Mr. TAVENNER: A bill (H. R. 16893) granting an increase of pension to John W. Sisk; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 16894) granting an increase of pension to Andrew R. Wade; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 16895) granting an increase of pension to William A. Badger; to the Committee on Invalid Pensions.

By Mr. BRYAN: A bill (H. R. 16896) for the relief of Col. Richard H. Wilson, United States Army; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Harrisburg, Pa.; Overpeck, Ohio; Wheeling, W. Va.; Windsor, Ill.; Brooklyn, N. Y.; White Haven, Pa.; Marceline, Mo.; Toledo, Ohio; Pesotum, Ill.; Jamestown, Pa.; Roswell, N. Mex.; Green Bay, Wis.; Bussey, Iowa; Mount Ayr, Iowa; and Khedive, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petitions of the Chamber of Commerce of Porto Rico, the Commercial Association of Porto Rico, and the Guild of Retail Merchants of San Juan, P. R., praying for the annulment of act No. 24, passed by the Legislative Assembly of Porto Rico on March 28, 1914; to the Committee on the Judiciary.

Also (by request), petitions of sundry voters of Maine, Massachusetts, Rhode Island, California, and Connecticut; the Central Union Mission, representing 9 people; the Northminster Presbyterian Church, representing 1,200 people; the Hamline Methodist Episcopal Church, representing 800 people; the Congress Heights Baptist Church, representing 96 people; the Epworth League of the Foundry Methodist Episcopal Church, representing 150 people, all of Washington, D. C., favoring national prohibition; to the Committee on Rules.

By Mr. ADAMSON: Papers to accompany House bill 16837, granting relief to James J. Coalson; to the Committee on Military Affairs.

Also, petition of the Chautauqua Association of Columbus, Ga., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of sundry citizens of Johnstown and of Cambria County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BALTZ: Petitions of 121 citizens of Lebanon, Ill., and sundry citizens of the twenty-second congressional district of Illinois, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Paderborn, Ill., protesting against national prohibition; to the Committee on Rules.

By Mr. BELL of California: Petition of 29 citizens of Burbank, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BRODBECK: Petition of the Cigar Makers' Union of McSherrystown, Pa., against national prohibition; to the Committee on Rules.

Also, petitions of the Calvary Presbyterian Church, the Church of the Brethren, the Duke Street Methodist Episcopal Church, Judge Fah's Mission Church, the Fourth United Brethren Church, and the Grace Lutheran Church, all of York, Pa., against section 6 of House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. CANTOR: Petition of 81 and more voters of the twentieth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. COOPER: Petitions of sundry citizens of Menomonee Falls, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petition of the Presbyterian Sunday School of Tracy, Cal., favoring censorship of moving pictures; to the Committee on Education.

Also, petitions of 102 citizens and residents of the third California district, protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the First Congregational Church of Sacramento, Cal., praying for the favorable consideration of the Sheppard-Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Yolo County, Cal., praying for the favorable consideration of the Hobson-Sheppard national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the First Congregational Church of Woodland, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petitions of five drug companies of Sacramento, Cal., asking for the favorable consideration of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE: Petition of John Wagner and others, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Chamber of Commerce and the Commercial Association of Porto Rico and the Guild of Retail Merchants of San Juan, P. R., praying for the annulment of act No. 24, passed by the Legislative Assembly of Porto Rico on March 22, 1914; to the Committee on the Judiciary.

By Mr. DEITRICK: Petitions of sundry citizens and voters of the State of Massachusetts, protesting against national prohibition; to the Committee on Rules.

By Mr. GEORGE: Petition of 323 voters of the twenty-first congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petition of the Dedham (Mass.) Business Association and Board of Trade, favoring control, ownership, operation, etc., of steamship lines on Long Island Sound by the New York, New Haven & Hartford Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Boot and Shoe Workers' Union of Boston and the Granite Cutters' International Association of America, protesting against national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of the Pennsylvania Retail Jewelers' Association, of Pittsburgh, Pa., favoring passage of Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: Petition of 400 citizens of Stuart, 700 citizens of Stuart, 19 citizens of Orient, 25 citizens of Orient, 13 citizens of Orient, and 11 citizens of Orient, all in the State of Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. HAMMOND: Petitions of 38 citizens of Alpha, Minn., protesting against national prohibition; to the Committee on Rules.

By Mr. IGOE: Protest by the Catholic Workingmen's Welfare Association, section 5, of St. Augustine's Parish, St. Louis, Mo., submitted by William Diemert, secretary, against pending prohibition resolutions and all similar measures; to the Committee on Rules.

Also, petitions of the Hunkius-Willis Lime & Cement Co. and the George T. Mathews Oil & Grease Co., of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the New England Butt Co., protesting against passage of House bill 15657, antitrust bills; to the Committee on the Judiciary.

Also, memorial of the Central Labor Union of Woonsocket, R. I., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Central Falls, R. I., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. LOBECK: Petitions of Local Union No. 82, International Brotherhood of Stationary Firemen, of Omaha, Nebr., and 30 citizens of Douglas County, Nebr., protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of James Hughes and 8 other citizens of Thompsonville, Conn., favoring passage of House bill 5308, the Hinebaugh bill, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of Dominick Bradley and Patrick Felletter, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petition of W. J. Dunlay & Co. and 13 other firms and citizens of New Britain, Conn., favoring passage of House bill 5308, the Hinebaugh bill, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. MORGAN of Oklahoma: Petition of the Harper County Oklahoma Teachers' Association, representing 250 people; the Richison Valley Sunday School, representing 74 people; the Presbyterian Church, representing 100 people, of Amorita; the Pilgrim Congregational Church, representing 100 people, of Oklahoma City; a mass meeting at Oklahoma City, representing 250 people, all in the State of Oklahoma, favoring national prohibition amendment; to the Committee on Rules.

Also, petitions signed by various business men of Waukomis, Perry, Jefferson, Pond Creek, Newkirk, Manchester, and Enid, all in the State of Oklahoma, in support of House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. NELSON: Petition of 16 citizens of Dane County, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of Henry Alpers, president of the Tacoma Bottling Co., of San Francisco, Cal., and 61 other citizens of San Francisco, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

By Mr. NORTON: Petition of the North Dakota Abstracters' Association, protesting against provisions of House bill 12585, a bill for the establishment of land banks; to the Committee on Banking and Currency.

Also, petition of Lars O. Hilde and others, of Wheelock, Schafer, and Wild Rose, all in the State of North Dakota, protesting against the passage of House bill 7826, the Sabbath-observance bill; to the Committee on the District of Columbia.

Also, resolution of the Lisbon Commercial Club, of Lisbon, N. Dak., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. O'LEARY: Petitions of the United Liquor Dealers' Association and Louis Rowland and others, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Scandinavian Independent Progressive League of Greater New York, favoring passage of bill for memorial to John Ericsson; to the Committee on the Library.

By Mr. RAKER: Petition of Rev. Archibald Durrie, of Ione, Cal., favoring national prohibition; to the Committee on Rules.

Also, petition of the San Francisco Chamber of Commerce, San Francisco, Cal., favoring an appropriation for the transfer of the life-saving station at Coos Bay from its present location to a point nearer the entrance of the San Francisco Harbor, Cal.; to the Committee on Rivers and Harbors.

Also, petition from 23 members of the Young People's Christian Endeavor Society, of Angels Camp, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. SELLS: Papers to accompany a bill (H. R. 15751) granting a pension to John V. Everett; to the Committee on Pensions.

By Mr. THACHER: Petition of the Woman's Christian Temperance Union of Middleboro, Mass., favoring censorship of motion pictures; to the Committee on Education.

Also, petitions of the Jesse Lee Brotherhood and citizens of New Bedford, and citizens of Halifax and Wareham, Mass., relative to national prohibition; to the Committee on Rules.

By Mr. THOMAS: Petition of 349 citizens of Scottsville, Ky., favoring national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petition of 45 voters of the thirty-seventh New York congressional district, against passage of Hobson-Sheppard-Works resolutions; to the Committee on Rules.

Also, petitions of the Woman's Christian Temperance Union of Mecklenburg and Horseheads, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of S. C. Faust and 8 other citizens of Ashley, Ohio, protesting against the adoption of House joint resolution No. 168, relating to national prohibition; to the Committee on Rules.

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